# BRISTOL TOWNSHIP GOVERNMENT STUDY COMMISSION

# FINAL REPORT

Prepared By
The Bristol Township Government Study Commission
August 4, 2009

**BRISTOL TOWNSHIP**
**GOVERNMENT STUDY COMMISSION**

Jack Baradziej
Helen M. Cini
Janet Keyser
Don Mobley
Cindy Peto
Michael J. Slipp
Anne R. Titus

August 4, 2009

To the Citizens of Bristol Township:

As you are aware, this Commission was instituted by the voters on November 4, 2008 for the purpose of examining Bristol Township's current form of government in order to determine whether a change of the government format would be beneficial for the residents of Bristol Township.

Over the last nine (9) months, the Commission intently studied the Township's current form of government as well as, the other forms of government allowed under Pennsylvania law. The Commission conducted numerous meetings, in many of which citizens of the Township voiced their concerns about the current government and their hopes and expectations for any new government. Additionally, we interviewed elected representatives, township managers and local government experts who were invaluable to the Commission in expressing their views and opinions regarding their experiences with home rule and optional plan governments.

Resulting from the Commission's extensive activities, the enclosed report sets forth its recommendations for a change in government format for the people of Bristol Township.

The Commission intends to provide a copy of this report to each household within Bristol Township. Additionally, copies of the report will be kept at the Bristol Township Municipal Building for viewing by the general public.

The Commission is deeply indebted and expresses its gratitude to all of the individuals who assisted us in the completion of our duties. It is our sincerest hope that the citizens of Bristol Township will wholeheartedly agree with our recommendations and will vote for the new government format and other changes that we have recommended at the election on November 3, 2009

Respectfully Submitted,

Anne R. Titus

Anne R.Titus, Chairperson
Bristol Township Government Study
Commission

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**Summary of Commission's Findings and Recommendation for a Change of Government Format to the Council-Manager Plan**

After careful deliberation, the Bristol Township Government Study Commission has concluded that a change in government plan is appropriate and beneficial for the citizens of Bristol Township. Currently, Bristol Township is governed under the provisions of Optional Plan C, known as the "Mayor-Council Plan C", adopted by the Township in 1986. The Commission believes that this form of government does not allow for proper accountability of its elected officials, fosters an atmosphere of unprofessionalism, and is inefficient.

The current form of government creates and sustains political tension and inhibits the Managing Director from being able to fully perform his/her duties. Under Optional Plan C in Bristol Township, the Managing Director may be terminated by the Mayor without the support of the Bristol Township Council, thereby taking away the Managing Director's independence from the Mayor and placing the Managing Director in a constant political situation for fear of losing his employment. The "Council-Manager" plan will allow the hiring and firing of the Managing Director only by the elected Council.

Under the Home Rule Charter and Optional Plans Law, the Commission recommends the adoption of the "Council-Manager Plan".[2] Under this optional plan, the office of Mayor is hereby abolished and, instead, replaced with one of the council members being appointed as the President of the Council by a majority of its other members.

Further, under the new government plan, the number of council members will be increased from the current five (5) members to seven (7) members. The new seven (7) member Council shall continue to be elected on an at-large basis by the voters of Bristol Township.

[2] The text of the relevant provisions of the Home Rule Charter and Optional Plans Law for the "Council-Manager" Plan D is set forth in Appendix "B".

Whether to have the new Council elected at large or by districts was a hotly contested debate among the Commission members. Ultimately, a majority of the Commission prevailed on their position that creating districts would be a step backwards to the era where the Township was divided into wards and each commission member was, in essence, king of their own little part of kingdom within the Township; each vying for their own constituents, rather than for the entire Township. Establishing councilmatic districts would hinder the Council's ability to do what is best for the Township as a whole.

During its investigation, this Commission heard time and again that one of the goals for any government should be to promote increased representation for all of Bristol Township's citizens. We believe that increasing the number of council members will allow for representatives from more diverse areas within the township to run for and, ultimately, be elected to Council. Having more council members will also allow greater accessibility for our citizens to their elected officials.

The Commission believes and, therefore, recommends that the Managing Director be the keystone of the new government. In order to promote efficiency and greater accountability, the duties of the Managing Director are enhanced under the new optional plan. As such, we believe that Council must allow for a strong, independent and motivated Managing Director, permitting that person to oversee the daily functions of the Township's governance without undue interference from the Council.

Additionally, to further assist in creating greater governmental efficiency, this Commission is recommending that the Office of Treasurer and Tax Collector be abolished. Other departments under the current government should be consolidated as well. The departments of Licenses and Inspection, Public Works, Recreation, the Fire Marshal and

Emergency Management should all be consolidated under the Public Safety Department. Therefore, only one Director would be overseeing the above named government functions instead having five additional Directors.

The Commission is recommending the addition of one department. We believe that a Human Resources Department should be created to take over those appropriate functions from the other departments, thereby, consolidating duties like hiring practices, civil rights enforcement, bargaining unit contract administration and benefits administration, otherwise allowing the department heads to concentrate on the proper administration of their departments.

**Form of Referendum Question and Interpretative Statement**

The form of the Referendum question that will appear on the November 3, 2009 ballot is as follows:

> The Bristol Township Government Study Commission recommends that Bristol Township adopt the Council-Manager Optional Plan of Government, as well as the other recommendations of this Commission, as authorized by the Home Rule Charter and Optional Plan Laws. Based upon these recommendations, a question will be placed on the November 3, 2009 ballot, at which time the voters of the Township of Bristol will vote on the following question:
>
> "Shall the current Optional Plan of Government of the Township of Bristol be repealed, and the form of government and recommendations in the report of the Government Study Commission, dated August 4, 2009 be adopted as authorized by the Home Rule Charter and Optional Plans Law?"
>
> YES_____ NO_____
>
> The following interpretive statement will accompany the question on the ballot:
>
> "A vote of **YES** is a vote to change the current form of government of Bristol Township, adopting the recommendations of the Bristol Township Government Study Commission. The number of Council members will be increased to seven (7), all elected at-large, the Offices of the Mayor, Treasurer and Tax Collector will be abolished, a Human Resources Department will be created, a transition

committee will be established and the government will continue to be subject to the First Class Township Code.

If adopted by the voters, the new plan will become effective on January 2, 2012.

A vote of **NO** is a vote that the existing form of government not be changed.

## Organization of the Commission and an Overview of its Activities

The Bristol Township Council caused a referendum to be placed on the ballot at the November 4, 2008 election which asked the citizens of Bristol Township whether they would approve the creation of a Government Study Commission to "study the existing forms of government or Home Rule Charter; to recommend the adoption of an optional form of government, or to draft and recommend a Home Rule Charter"[3]. The voters responded affirmatively, authorized the commission and voted to elect the following seven (7) members to serve on the Committee: Jack Baradziej, Helen M. Cini, Janet Keyser, Don Mobley, Cindy Peto, Michael J. Slipp and Anne R. Titus.

The Commission held its organizational meeting on December 10, 2008 wherein Anne Titus was voted by the members as the Chairperson and Cindy Peto was voted to be the Commission's Vice-Chairperson. Additionally, the Commission developed its mission statement, "To study the existing form of government and its administrative code, deliberate on its strengths and weaknesses; to decide whether the present form of government is responsible and accountable to its citizens and whether a change in the form of government would be beneficial to the residents of Bristol Township."

[3] The full text of the Government Study Commission Ballot Question can be found in Appendix "A".

Instrumental in assisting the Commission were the staff and professionals that were hired during the course of the last nine (9) months. First, Sharon Ballard, the Commission's secretary was extremely diligent in her duties. We also employed the services of a stenographer to make a transcript of the public meeting held by the Commission on July 11, 2009. Legal services were provided by the law firm of Flager and Yockey, P.C.

In order to accomplish its goals, the Bristol Township Government Study Commission held fifteen (15) meetings where the public was invited to participate and, on most dates, were present and active in relaying to the Commissioners their thoughts regarding Bristol Township's government and changes to it. The Commissioners were most encouraged by the citizens' participation and strived to understand what was being said and utilize those comments when evaluating the government of Bristol Township.

In addition to its own efforts studying the government of Bristol Township and the available alternatives allowed under Commonwealth law, the Commission invited a diverse group of individuals with local government experience and/or expertise to speak at the meetings. State Representative, The Honorable Robert L. Freeman, Chair of the Local Government Committee, spoke at length with the Commission about his experience with the government study commission for the City of Easton. State Representative, the Honorable Anthony J. Melio, addressed the Commission regarding his forty (40) years of public experience and with being on Bristol Township Board of Commissioners

Two of Bucks County's Commissioners, the Honorable Vice Chairman James F. Cawley and the Honorable Diane M. Ellis-Marseglia met with the Commission and had lengthy discussions about minority party representation, at large vs. establishing councilmatic districts and the differences between the current form of government and any alternatives.

Additionally, the Commission extensively interviewed the Honorable Salvatore J. Panto, Jr., Mayor of the City of Easton, regarding his experiences going through a government change in becoming a Home Rule Charter city.

It was important for the Commission to get the views of actual participants in both the current government and in a different format, so the Commission had two township managers come in to speak at meetings. First, the Commission interviewed Bristol Township's manager, Jeff Bartlett, who gave the Commission a frank explanation of the pros and cons of his job in Bristol Township, as well as, several recommendations that he would like to see accomplished if the voters decide for a new government form.

Next, John Burke, the Manager of New Hope Borough spoke to the Commission. He is the type of "strong" manager that the Commission envisions is needed for Bristol Township. Mr. Burke spoke at length from his thirty (30) years of experience about his duties presently and when he was the manager of neighboring Middletown Township.

Lastly, the Commission had two local government policy specialists from the Pennsylvania Department of Community and Economic Development (DCED) speak about the duties of the government study commission under the Home Rule Charter and Optional Plan Laws. Marita Kelly concentrated mostly on the duties of the Commission while her colleague, Harry Krot, presented the Commission with an overview of the Home Rule format and the Optional Plan formats.

## Recommendations for Establishing a Committee to Assist With the Transition to the New Form of Government and Draft an Administrative Code

The Commission realizes that change, however warranted and desired, is never easy. Therefore, should the voters decide to follow the Commission's recommendation for a change in

(e) **Administrative departments, boards and offices.**—The municipal council shall continue or create and determine and define the powers and duties of any executive and administrative departments, boards and offices, in addition to those provided for in this subpart, as it deems necessary for the proper and efficient conduct of the affairs of the municipality, including the office of deputy manager. Any department, board or office so continued or created may be abolished by the municipal council. No member of municipal council shall head an administrative department.

(f) **Additional powers and limitations.**--It is the intention of this subchapter that the municipal council shall act in all matters as a body, and it is contrary to the spirit of this subchapter for any of its members to seek individually to influence the official acts of the municipal manager or any other officer, or for the council or any of its members to direct or request the appointment of any person to or his removal from office, or to interfere in any way with the performance by the officers of their duties. The council and its members shall deal with the administrative service solely through the municipal manager and shall not give orders to any subordinates of the municipal manager, either publicly or privately. This subchapter does not prevent the municipal council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to those committees such powers of inquiry as the municipal council deems necessary.

**§ 3059. Qualifications of municipal manager.**
The municipal manager shall be chosen by the council on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the municipality or this Commonwealth. The municipal manager shall not hold any elective governmental office.

**§ 3060. Removal of municipal manager from office.**
The municipal manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least 30 days before the removal becomes effective, the council shall notify the municipal manager of its decision to remove him from office, by a majority vote of its members, stating the reasons for his removal. The municipal manager may reply in writing and may request a public hearing which shall be held not earlier than 20 days nor later than 30 days after the filing of the request. After the public hearing, if one is requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the municipal manager from duty but may in any case cause to be paid immediately any unpaid balance of his salary and his salary for the next three calendar months.

**§ 3061. Inability of municipal manager to perform duties.**
The municipal manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make a designation or if the absence or disability continues more than 30 days, the council may appoint an officer of the municipality to perform the duties of the manager during the absence or disability until the manager returns or his disability ceases.

**§ 3062. Powers and duties of municipal manager.**
The municipal manager shall have the following powers and duties:

(1) To be the chief executive and administrative official of the municipality.
(2) To execute all laws and ordinances.
(3) To appoint and remove department heads and the deputy manager, if one is authorized by council, and appoint subordinate officers and employees under procedures established in section 3122 (relating to appointment of subordinate officers and employees).
(4) To negotiate contracts for the municipality, subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements and execute municipal improvements as determined by the municipal council.
(5) To assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and, upon knowledge of any violation, to call the same to the attention of the municipal council.
(6) To prepare the agenda for and attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote.
(7) To make such recommendations to the council concerning policy formulation as he deems desirable and keep the council and the public informed as to the conduct of municipal affairs.
(8) To prepare and submit the annual budget to the council together with such explanatory comment as he deems desirable and to administer the municipal budget.
(9) To perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.
(10) To be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the municipality within the jurisdiction of the council.

**§ 3063. Preparation and adoption of budget.**
The municipal manager shall submit to council his recommended budget, together with any explanatory comment or statement he deems desirable. The budget shall be in such form as is required by council for municipal budgets and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced. Council shall upon introduction of the proposed budget fix a date for adoption thereof which shall be not later than December 31 immediately following submission.

**§ 3064. Amended budget.**
During January next following any municipal election, council may request the manager to submit an amended budget to council which shall consider it in the same manner as provided in section 3063 (relating to preparation and adoption of budget), except that final adoption of the amended budget shall not be later than February 15 of the same year.

**SUBCHAPTER F**
**GENERAL PROVISIONS AND LIMITATIONS FOR OPTIONAL PLAN MUNICIPALITIES**
**§ 2971. Law applicable to optional plan.**
Upon the adoption by the electors of any of the optional plans of government as set forth in this subpart, the municipality shall thereafter be governed by the plan adopted and by the provisions of general law applicable to that class or classes of municipality except as otherwise provided in this subpart. Until the municipality adopts another form of government, the plan

adopted and the provisions of general law applicable to that class or classes of municipality shall be law. All statutes affecting the organization, government and powers of the municipality which are not inconsistent or in conflict with this subpart shall remain in full force until modified or repealed.

**§ 2972. Recording and filing of plan.**
The municipal clerk or secretary shall immediately cause the new plan of government as adopted to be recorded in the ordinance book of the municipality and shall also file a certified copy thereof with the Department of State, the Secretary of Community and Economic Development and the county board of elections.

**§ 2973. Scope of powers of optional plan.**
The general grant of municipal power under this subpart is intended to confer the greatest power of self government consistent with the Constitution of Pennsylvania and with the provisions of and the limitations prescribed by this subpart. Any specific enumeration of municipal powers contained in this subpart or in other statutes does not limit the general description of power contained in this subpart. Any specifically enumerated municipal powers are in addition and supplementary to the powers conferred in general terms by this subchapter. All grants of municipal power to municipalities governed by an optional plan under this subpart, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the municipality.

**§ 2974. Limitation on powers of optional plan.**
The optional plan of any municipality adopted in accordance with this subpart shall not give any power or authority to diminish any rights or privileges of any present municipal employee in his pension or retirement system. No municipality shall exercise any powers or authority beyond the municipal limits except those conferred by statute, and no municipality shall engage in any proprietary or private business except as authorized by the General Assembly.

CHAPTER 31
GENERAL PROVISIONS COMMON TO OPTIONAL PLANS
SUBCHAPTER A OFFICERS AND EMPLOYEES

**§ 3101 Adverse interest in contracts for purchase or services**

(a) General rule.--If a municipal officer or official elected or appointed knows or by the exercise of reasonable diligence should know that he is interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any personal property for the use of the municipality or for any services to be rendered for the municipality involving the expenditure of more than $300 in any year, he shall notify council. Any such contract shall not be passed and approved by council except by an affirmative vote of at least three-fourths of the members. If the interested officer is a member of council, he shall refrain from voting upon contract.
(b) Exception.--This section does not apply to cases where the officer or official is an employee of the person, firm or corporation to which money is to be paid in a capacity with no possible influence on the transaction and in which he cannot possibly be benefited either financially or in any other material manner.

(c) Penalties.--Any officer or official who knowingly violates this section shall be liable to the municipality upon his bond, if any, or personally, to the extent of the damage shown to be sustained by the municipality, and to ouster from office and commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not exceeding $500, or imprisonment not exceeding one year, or both.

**§ 3102. Acceptance of services at more favorable terms.**
An officer or employee shall not accept or receive, directly or indirectly, from any person operating within the territorial limits of a municipality any interurban railway, bus line, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service or accept or receive, directly or indirectly, from any person any other service upon terms more favorable than is granted to the public generally, except that the prohibition of free transportation shall not apply to police officers or firefighters in uniform. Free service to the municipal officials provided by any franchise or ordinance shall not be affected by this section.

**§ 3103. Gift or promise of thing of value to influence political support.**
(a) General rule.--A candidate for office, appointment or employment or an officer, appointee or employee in any municipality shall not, directly or indirectly, give or promise to any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person.
(b) Penalty.--Any person who violates subsection (a) shall be disqualified to hold the office or employment to which he may be or may have been elected or appointed.

**§ 3104. Refusal or failure to appear or testify before court.**
Any person elected or appointed to any office or position in a municipality governed under this subpart who, after lawful notice or process, willfully refuses or fails to appear before any court, any legislative committee or the Governor, or having appeared refuses to testify or to answer any question regarding the property, government or affairs of the municipality or regarding his nomination, election, appointment or official conduct on the ground that his answer would tend to incriminate him, or refuses to waive immunity from prosecution on account of any matter in relation to which he may be asked to testify, may be removed from office by the council of the municipality.

SUBCHAPTER B TREASURER

**§ 3111. Selection and duties of municipal treasurer.**
(a) General rule.--Under any of the optional plans as set forth in this subpart, except for the plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), the office of municipal treasurer may be omitted or may be filled by appointment or by election, as provided in the plan.
If the office of municipal treasurer is to be filled by appointment, the appointment shall be made in accordance with the appointment procedures for other department heads.
(b) Powers and duties of elected treasurer.--The municipal treasurer, if elected, shall perform the functions and duties and have the powers relating to the collection, receiving, safekeeping and payment over of public moneys,

including municipal, county, institution district and school district taxes, as provided by law and shall have any other functions, powers and duties assigned to him by the executive of the municipality.

SUBCHAPTER C APPOINTMENT POWER AND PERSONNEL

**§ 3121. Appointment of members of boards and commissions.**
The appointment power of the chief executive of the municipality under any of the plans authorized by this subpart shall include the appointment of members of boards and commissions authorized by this subpart, by law or by action of municipal council. All such appointments shall be with the advice and consent of a majority of municipal council.

**§ 3122. Appointment of subordinate officers and employees.**
**(a) General rule.**--Appointments and promotions of subordinate officers and employees within departments shall be made by the department head on the basis of a personnel system which shall include written procedures for appointment and promotion based on merit and fitness as demonstrated by examination or other evidence of competence for the position.
**(b) Personnel rules.**--The personnel system shall be governed by personnel rules which shall be prepared by the executive (mayor) or manager and submitted to the municipal council which shall adopt them with or without amendments unless otherwise provided for or arrived at by collective bargaining. The personnel rules may provide for:
(1) The classification of all municipal positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances.
(2) A pay plan for all municipal positions.
(3) Methods for determining the merit and fitness of candidates for appointment or promotion.
(4) The policies and procedures regulating reduction in force and disciplinary action, including suspension and removal of employees.
(5) The hours of work and provisions for sick and vacation leave and holidays and overtime compensation.
(6) Grievance procedures, including procedures for the hearing of grievances.
(7) Other practices and procedures necessary to the administration of the municipal personnel system.

SUBCHAPTER D FILLING VACANCIES IN ELECTED OFFICE

**§ 3131. Applicability of subchapter.**
This subchapter shall apply to the filling of vacancies in elected office in all optional plans and options except those set forth in Subchapter F of Chapter 30 (relating to optional county plan).

**§ 3132. Manner of filling vacancies in office.**
**(a) Members of council.**--
(1) If a vacancy exists in the municipal council, the municipal council shall, by a majority of its remaining members, fill the vacancy within 30 days thereafter by electing a qualified person to serve until that first Monday of January when his successor is duly sworn into office for the remainder of the term of the person originally elected to the office. The successor shall be elected at the next municipal election occurring at least 50 days after the vacancy begins.
(2) In case vacancies should exist whereby the offices of a majority or more members of the municipal council become vacant, the remaining members shall

fill the vacancies, one at a time, giving each new appointee reasonable notice of his appointment as will enable him to meet and act with the then qualified member or members of the municipal council in making further appointments until a bare majority of members of municipal council members have been qualified. At that time these members shall appoint persons to fill the remaining vacancies at a meeting attended by the majority members of municipal council, such appointees to receive a majority of the votes of the members present at the meeting. Each person selected to fill the vacancy or vacancies shall hold his office as provided in this subsection.
(3) If, by reason of a tie vote or otherwise, the vacancy shall not have been filled by the remaining members of municipal council within the time as limited in this subsection, the court of common pleas upon the petition of ten or more qualified electors shall fill the vacancy by the appointment of a qualified person for the portion of the unexpired term as provided in this subsection.
**(b) Other officers.--**
(1) If a vacancy occurs in the office of executive (mayor), municipal treasurer, if elected, municipal controller, if elected, county district attorney or county sheriff, if elected, the municipal council shall fill the vacancy within 30 days thereafter by choosing an executive (mayor), a municipal treasurer, a municipal controller, a county district attorney or a county sheriff, as the case may be, to serve until his successor is elected by the qualified
electors at the next municipal election occurring at least 50 days after the vacancy occurs and is duly sworn into office. The person so elected shall serve from the first Monday of January next succeeding his election for the remainder of the term of the person originally elected to the office.
(2) If, by reason of a tie vote or otherwise, a vacancy in the office of executive (mayor), treasurer, controller, county district attorney or county sheriff has not been filled by council within the time as limited in this subsection, the court of common pleas, upon petition of ten or more qualified electors, shall fill the vacancy by the appointment of a qualified person for the portion of the unexpired term as provided in this subsection.

## SUBCHAPTER E LEGISLATION BY COUNCIL

**§ 3141. Regular and special meetings of council.**
The council shall, by ordinance or resolution, designate the time of holding regular meetings which shall be at least monthly. The executive (mayor) or the president of council may and, upon written request of a majority of the members of the council, shall call a special meeting of the council. In the call, he shall designate the purpose of the special meeting and no other business shall be considered. All meetings of the council shall be open to the public. The municipal clerk or secretary shall keep a journal of its proceedings and record the minutes of every meeting.

**§ 3142. Procedure and functions of council.**
**(a) Rules of procedure.--**Council shall determine its own rules of procedure, not inconsistent with ordinance or statute.
A majority of the whole number of members of the council shall constitute a quorum, and no ordinance shall be adopted by the council without the affirmative vote of a majority of all the members of the council.
**(b) Adoption of ordinances and resolutions.--**Each ordinance or resolution shall be presented and considered as determined by council rules of procedure. The vote upon every motion, resolution or ordinance shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The

minutes of each meeting shall be signed by the officer presiding at the meeting and by the municipal clerk or secretary.

**(c) Administrative ordinance.**--Council shall adopt by ordinance an administrative ordinance which shall provide for the establishment and filling of additional administrative offices which it deems necessary and shall provide for administrative procedures not otherwise provided for in this subpart or by general law.

**(d) Compensation of controller and treasurer.**--The compensation of the controller and treasurer shall be fixed by the council.

**§ 3143. Adoption of ordinances.**

**(a) General rule.**--Except as may otherwise be provided in this subpart, all ordinances shall be adopted and published as provided by law. Any ordinance may incorporate by reference any standard technical regulation or code, official or unofficial, which need not be so published whenever ten copies of the regulations or code have been placed on file in the office of the municipal clerk or secretary and in the office of the body or department charged with the enforcement of the ordinance.

**(b) Effective date.**--No ordinance, other than the local budget ordinance, shall take effect less than ten days after its final passage by council and approval by the executive (mayor) where that approval is required, unless the council adopts a resolution declaring an emergency and at least a majority plus one of all the members of the council vote in favor of the resolution.

**§ 3144. Recording and compilation of ordinances and resolutions.**

The municipal clerk or secretary shall record all ordinances and resolutions adopted by council and, at the close of each year, with the advice and assistance of the municipal solicitor, shall bind, compile or codify all the ordinances and resolutions or true copies thereof which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

**§ 3145. Filing and publication of rules and regulations.**

No rule or regulation made by any department, officer, agency or authority of the municipality, except as it relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed either with the municipal clerk or secretary or in any other manner provided by ordinance. The council shall provide for the prompt publication of such rules and regulations.

**§ 3146. Passage of administrative ordinance.**

The council shall prepare and pass an administrative ordinance which shall provide for the manner of appointment of a solicitor, clerk or secretary, may create commissions and other bodies with advisory powers and may include additional provisions relating to the internal structure of the municipality as long as the provisions of the administrative ordinance are not in conflict with this subpart.

SUBCHAPTER F AUDIT AND CONTROL

**§ 3151. Exercise of financial management control functions.**

The council shall provide by separate ordinance or in the administrative ordinance for the exercise of a control function in the management of the finances of the municipality by the municipal controller or an independent auditor or, in the case of the optional plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), by the controller or auditors.

§ 3152. Post audits by independent auditor.
The council may provide for annual post audits of all accounts by an independent auditor who shall be a certified public accountant registered in this Commonwealth or a firm of certified public accountants registered in this Commonwealth.

§ 3153. Selection of controller.
Under any of the optional plans as set forth in this subpart, except for the plans set forth in Subchapter F of Chapter 30 (relating to optional county plan), the office of controller may be omitted or it may be filled by election by the electors rather than by appointment when recommended by the government study commission and adopted by the electors. If the office of controller is to be filled by appointment, a controller shall be appointed for an indefinite term by a majority of the members of the governing body.

SUBCHAPTER G TRANSITION TO OPTIONAL PLAN GOVERNMENT

§ 3161. Applicability of plan.
Whenever the electors of a municipality adopt any of the optional plans provided by this subpart at any election for that purpose, the municipality shall be governed under the provisions of that plan, the provisions of law applicable to that class of municipality and this subpart from the first Monday in January following the municipal election occurring after the next succeeding primary election, except as provided in section 2924 (c) (relating to specificity of recommendations).

§ 3162. Status and term of office of officials.
(a) Existing elected official.--Any elected municipal official in office at the time of the adoption of any optional plan provided by this subpart shall continue in office only until the new plan of government goes into effect as provided in section 3161 (relating to applicability of plan), except as otherwise provided in subsections (c) and (d).
(b) Members of council.--At the municipal election next succeeding the adoption of one of the optional plans provided for in this subpart, if four or fewer council members are elected, they shall serve for terms of four years. If five are elected, the four successful candidates receiving the highest percentage of the votes cast for the office to which they are elected shall serve for terms of four years, and the candidate receiving the next highest percentage of votes shall serve for term of two years. If six or more council members are elected, the five candidates receiving the highest percentage of the votes cast for the office to which they are elected shall serve for terms of four years, and the remaining successful candidates receiving the next highest percentage of votes shall serve for terms of two years. Thereafter, all council members shall be elected for terms of four years. Where the term of office for council members under the adopted plan is different from the term of office for council members under an existing form of government, the terms of office for council members so elected shall be established so that, at each subsequent municipal election at which council members are elected, the number ofcouncil members to be elected shall be as nearly equal as possible to the number of council members to be elected at every other regular municipal election at which council members are elected.
(c) Treasurer, controller, district attorney and sheriff.--If an elected municipal treasurer or elected municipal controller, elected county district attorney or elected county sheriff is in office at the time of the adoption of an optional plan under the provisions of this subpart, a treasurer, controller, district attorney or sheriff, as the case may be, shall not be elected or appointed to take office until after

the resignation, death, removal or expiration of the term of the incumbent in the office. At the expiration of the term of the incumbent, a treasurer, controller, district attorney or sheriff, as the case may be, shall be elected or appointed for the full term for the office as provided by the optional plan adopted.

**(d) Continuation of existing members of council in office.**-Any member of a municipal governing body in office at the time of the adoption of an optional plan shall remain in office, continuing as an at-large or district council member, as the case may be, until the expiration of this term in office and shall receive the compensation provided by law at that time:

(1) If that council member was elected on an at-large basis, the newly adopted optional plan provides for a total number of at-large council members equal to or exceeding the total number of at-large council members under the existing form of government.

(2) If that council member was elected on a district basis, the district from which that council member was elected remains unchanged and continues to encompass the exact same geographical area under the newly adopted optional plan as under the existing form of government and the number of council members to be elected from that district under the newly adopted optional plan is equal to or exceeds the number elected from that district under the existing form of government. Any council member may, by writing filed with the municipal treasurer, direct that any portion of his annual compensation for serving in office be returned to the municipal treasury. For the purpose of this section, an executive or mayor who is also a member of the council under an existing plan shall be considered as a member of the council, and, after the new plan goes into effect, his duties shall be only those of a member of council as prescribed by the new plan.

**(e) Number of members of council to be elected.**--At the municipal election next succeeding the adoption of one of the optional plans provided for in this subpart, the number of council members prescribed by the terms in the plan less the number of council members then in office whose terms do not expire on the first Monday of January next following, as may be determined by subsection (d), shall be elected.

**(f) Filling vacancies on council existing prior to election.**--If there are vacancies in council occurring by reason of resignation, death or removal 90 days or more before the election, they shall be filled for the remainder of the term of the person originally elected to that office.

**§ 3163. Compensation of elected officials.**

**(a) Officials elected prior to transition year.**--The annual compensation of the executive (mayor) and council members elected to their offices in the year prior to the transition year under any of the optional plans, except the plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), adopted pursuant to this subpart shall be established by the commission as part of its recommendations or by the initiative petition or ordinance of the governing body authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question).

**(b) Officials elected subsequent to transition.**—The compensation of the executive (mayor), council members, controller and treasurer elected to their offices subsequent to the transition to any of the optional plans set forth in this subpart, except for the plan set forth in Subchapter F of Chapter 30, shall be fixed by ordinance of council adopted at least two days prior to the last day fixed by law for candidates to withdraw their names from nomination previous to the municipal

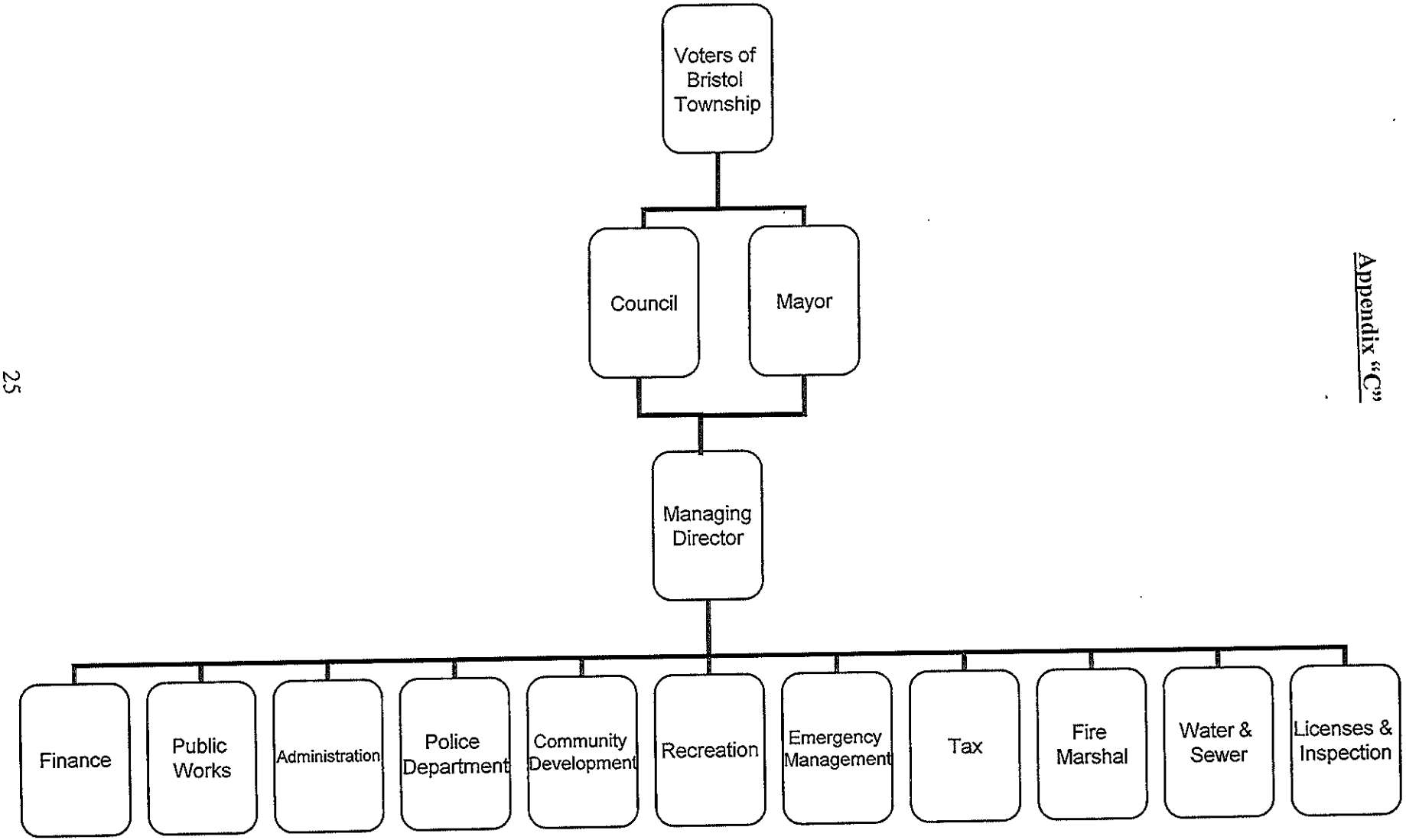
election. After the compensation is fixed by ordinance, only an increase or decrease thereof need be fixed by the ordinance.

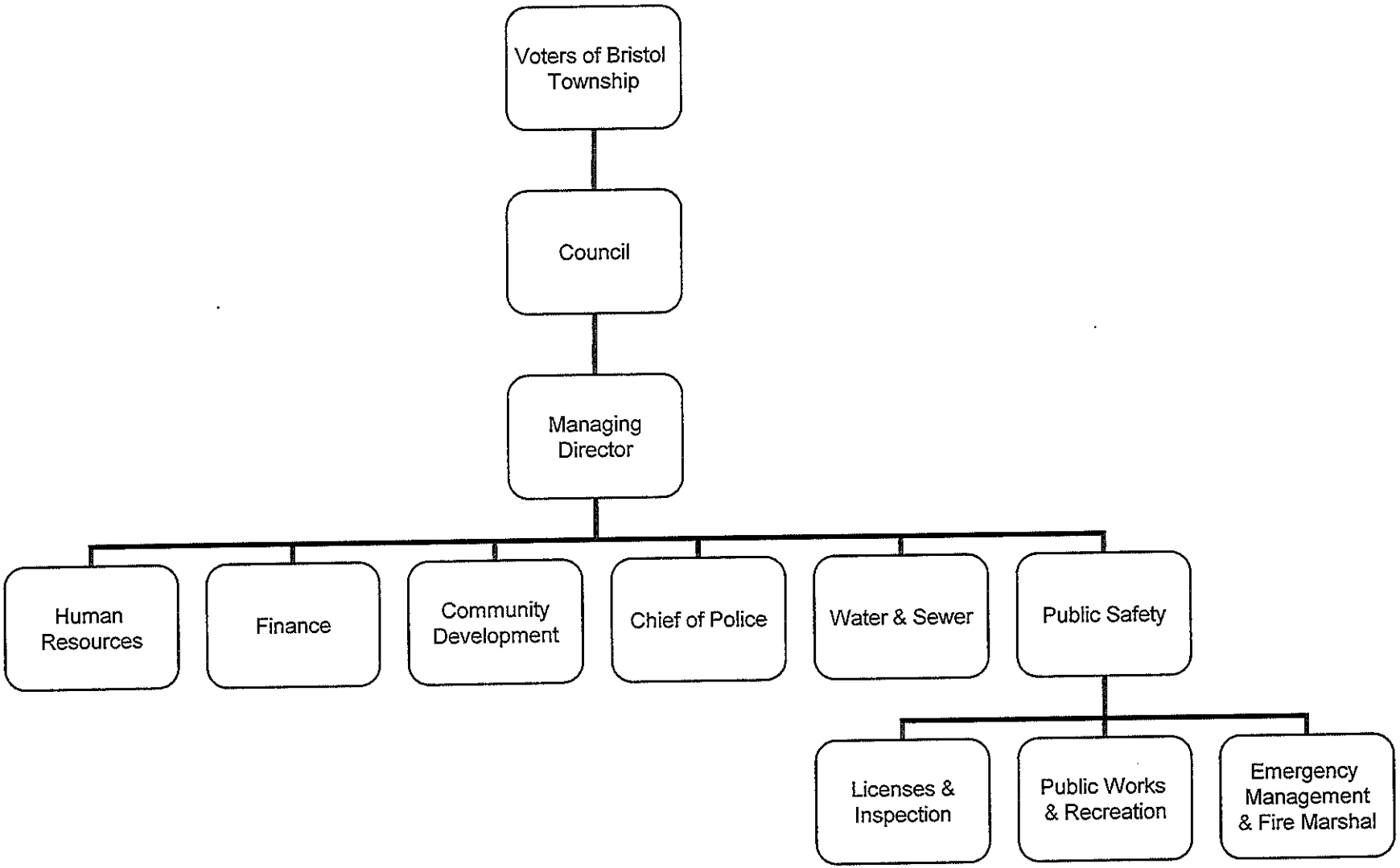
**§ 3164. Status of existing ordinances and resolutions.**
On the effective date of an optional plan adopted pursuant to this subpart, all ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this subpart shall remain in full force and effect.

**§ 3165. Abolishment of existing appointive offices.**
**(a) General rule.**--On the effective date of an optional plan adopted pursuant to this subpart, all appointive offices then existing in such municipality shall be abolished and the terms of all appointed officers shall immediately cease and terminate. This section does not abolish the office or terminate the terms of office of any alderman or constable or of any official or employee now protected by any tenure of office or civil service law or of any police officer or firefighter whether or not protected by a tenure of office law.
**(b) Use of resolution to govern interim proceedings.** Provisions for officers and for the organization and administration of the municipal government under the optional plan may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 60 days after the effective date of the optional plan.

**§ 3166. Pending actions and proceedings.**
All actions and proceedings of a legislative, executive or judicial character, pending upon the effective date of an optional plan, may continue. The appropriate officer or employee under the optional plan shall be substituted for the officer or employee exercising or discharging the function, power or duty involved in the action or proceeding before the effective date.

# Bristol Township Organizational Chart (Existing)




Appendix "C"

# Bristol Township Organizational Chart (Proposed)