MILLCREEK GOVERNMENT STUDY COMMISSION

TYPES OF OPTIONAL PLANS OF GOVERNMENT

COMMITTEE OF THE WHOLE

MARCH 10, 2025

EXECUTIVE (MAYOR) – COUNCIL – PLAN A

The following information describes one of the types of optional plans of government known as Executive (Mayor) – Council Plan A. Its characteristics are as follows:

* Shall be governed by an elected council; by an elected executive who may be called mayor, as determined by the government study commission.
* Known as strong executive (mayor) plan of government.
* Executive (mayor) has the following characteristics:
* Veto power;
* Control over administration including finance and personnel;
* Authority to call council into special session; and,
* Responsibility to enforce laws, including those enacted by council.
* Executive (mayor) appoints members of boards, commissions and committees.
* Executive (mayor) shall be elected by voters at a regular municipal election and shall serve for a term of four years beginning on the first Monday of January next following the election.
* Executive (mayor) and council members may have term limits as determined by the government study commission.
* Council shall consist of 3, 5, 7, or 9 members as determined by the government study commission.
* Members of council shall be elected at-large by the voters unless members shall be elected on a district basis in which each district is as equal in population as is feasible, or on a combination at-large and district basis as determined by the government study commission, at a regular municipal election and shall serve for a term of four years beginning on the first Monday of January following their elections.
* On the first Monday of January following the regular municipal election, members of council shall assemble at the usual place of meeting, organize and elect a president from among its members, who shall preside at its meetings and perform such other duties as council may prescribe, and a vice-president, who shall preside in the absence of the president.
* Legislative power is lodged in an elected council that sets general policy and approves certain actions (e.g., annual budget, contracts, tax rates, ordinances/resolutions).
* Council may investigate the conduct of any department, office or agency of the municipal government.
* A municipal clerk or secretary shall be appointed in the manner set forth in the administrative code (written and adopted in the year after the approval of the referendum).
* Municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions and perform such functions as may be required by law or by local ordinance.
* Municipal clerk or secretary shall, prior to the appointment, have been qualified by training or experience to perform the duties of the office.
* Executive power shall be exercised by the executive (mayor).
* Executive (mayor) shall enforce the adopted optional plan and ordinances of the municipality and all general laws applicable to it.
* Executive (mayor) shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall, from time to time, make these recommendations for action by the council as he/she deems in the public interest.
* Executive (mayor) shall supervise the departments of the municipal government and shall require each department to make annual and other reports of its work as he/she deems desirable.
* Ordinances adopted by council shall be submitted to the executive (mayor) who shall, within ten (10) days after receiving any ordinance, either approve it by signature, or veto the ordinance by delivering it to the municipal clerk together with a statement setting forth his/her objections.
* Municipal clerk shall immediately notify the council of the veto.
* No ordinance shall take effect without the executive’s (mayor) approval, unless the executive (mayor) fails to return an ordinance to the clerk within ten (10) days after it has been presented to him/her, or unless council upon reconsideration of the veto on or after the third day following its return by the executive (mayor) shall override the executive’s (mayor’s) veto by a vote of a majority plus one of the members (plurality).
* Executive (mayor) may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he/she may cast the deciding vote.
* Inability of executive (mayor) to perform duties – Executive (mayor) shall designate any department head to act as executive (mayor) whenever the executive (mayor) shall be prevented, by absence from the municipality, disability or other cause, from attending to the duties of the office.
* During such time the person shall possess all the rights, powers and duties of the executive (mayor).
* Whenever the executive (mayor) has been unable to attend to the duties of his/her office for a period of sixty (60) consecutive days for any reasons stated, a member of council shall be appointed by the council as acting executive (mayor), who shall succeed to all the rights, powers and duties of the executive (mayor) or the then acting executive (mayor), until he/she shall return or his/her disability ceases.
* Under Plan A, the municipality MAY have a department of administration and shall have other departments as council may establish by ordinance. All of the administrative functions, powers and duties of the municipality, other than those vested in the office of clerk, or treasurer, shall be assigned among and within the departments.
* Each department shall be headed by a director who shall be appointed by the executive (mayor) with the advice and consent of the council.
* Each municipality shall also have a solicitor who shall be appointed by the executive (mayor) with the advice and consent of council. Each department head and the solicitor shall serve during the term of office of the executive (mayor) appointing him/her, and until the appointment and qualification of his/her successor. No member of municipal council shall head a department.
* Executive (mayor) may remove any department head after notice and an opportunity to be heard. Prior to removing a department head, the executive (mayor) shall first file written notice of his/her intention with the council. The removal shall become effective twenty (20) days after the filing of the notice.
* Department heads shall appoint subordinate officers and employees within their departments under procedures established based on 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.
* The personnel system shall be governed by personnel rules which shall be prepared by the executive (mayor) and submitted to the council which shall adopt them with or without amendments unless otherwise provided for or arrived at by collective bargaining.
* Municipal budget shall be prepared by the executive (mayor) with the assistance of the department of administration or other officer designated by the executive (mayor).
* Budget shall be in the form required by council and shall have appended to it a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced.
* Council may reduce any item or items in the executive’s (mayor’s) budget by a vote of a majority of the council, but an increase in any item or items shall become effective upon only an affirmative vote of a majority plus one of the members of council.
* Council shall, upon the introduction of the proposed budget, fix a date for adoption be not later than December 31 immediately following.
* During January next following any municipal election, the executive (mayor) may submit an amended budget to council. Council shall give final consideration of the amended budget which shall be completed by February 15 of the same year.
* Council may amend the budget during January next following any municipal election. Final adoption of the amended budget shall be completed by February 15 of the same year.
* See Organizational Chart – Optional Plan of Government – Plan A.

EXECUTIVE (MAYOR) – COUNCIL – PLAN B

The following information describes one of the types of optional plans of government known as Executive (Mayor) – Council – Plan B. Its characteristics are as follows:

* Shall be governed by an elected council; by an elected executive who may be called mayor, as determined by the government study commission.
* Executive (mayor) shall be elected by voters at a regular municipal election and shall serve for a term of four years beginning on the first Monday of January next following the election.
* Known as strong executive (mayor) plan of government.
* Executive (mayor) appoints members of boards, commissions and committees.
* Executive (mayor) and council members may have term limits as determined by the government study commission.
* Council shall consist of 3, 5, 7, or 9 members as determined by the government study commission.
* Members of council shall be elected at-large by the voters unless members shall be elected on a district basis in which each district is as equal in population as is feasible, or on a combination at-large and district basis as determined by the government study commission, at a regular municipal election and shall serve for a term of four years beginning on the first Monday of January following their elections.
* On the first Monday of January following the regular municipal election, members of council shall assemble at the usual place of meeting, organize and elect a president from among its members, who shall preside at its meetings and perform such other duties as council may prescribe, and a vice-president, who shall preside in the absence of the president.
* Legislative power is lodged in an elected council that sets general policy and approves certain actions (e.g., annual budget, contracts, tax rates, ordinances/resolutions).
* Council may investigate the conduct of any department, office or agency of the municipal government.
* A municipal clerk or secretary shall be appointed in the manner set forth in the administrative code (written and adopted in the year after the approval of the referendum).
* Municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions and perform such functions as may be required by law or by local ordinance.
* Municipal clerk or secretary shall, prior to the appointment, have been qualified by training or experience to perform the duties of the office.
* Executive power shall be exercised by the executive (mayor).
* Executive (mayor) shall enforce the adopted optional plan and ordinances of the municipality and all general laws applicable to it.
* Executive (mayor) shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall, from time to time, make these recommendations for action by the council as he/she deems in the public interest.
* Executive (mayor) shall supervise the departments of the municipal government and shall require each department to make annual and other reports of its work as he/she deems desirable.
* Ordinances adopted by council shall be submitted to the executive (mayor) who shall, within ten (10) days after receiving any ordinance, either approve it by signature, or veto the ordinance by delivering it to the municipal clerk together with a statement setting forth his/her objections.
* Municipal clerk shall immediately notify the council of the veto.
* No ordinance or any item shall take effect without the executive’s (mayor’s) approval, unless the executive (mayor) fails to return an ordinance to the clerk within ten (10) days after it has been

presented to him/her, or unless council upon reconsideration of the veto on or after the third day following its return by the executive (mayor) shall override the executive’s (mayor’s) veto by a vote of a majority plus one of the members (plurality).

* Executive (mayor) may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he/she may cast the deciding vote.
* Inability of executive (mayor) to perform duties – Executive (mayor) shall designate any department head to act as executive (mayor) whenever the executive (mayor) shall be prevented, by absence from the municipality, disability or other cause, from attending to the duties of the office.
* During such time the person shall possess all the rights, powers and duties of the executive (mayor).
* Whenever the executive (mayor) has been unable to attend to the duties of his/her office for a period of sixty (60) consecutive days for any reasons stated, a member of council shall be appointed by the council as acting executive (mayor), who shall succeed to all the rights, powers and duties of the executive (mayor) or the then acting executive (mayor), until he/she shall return or his/her disability ceases.
* Executive (Mayor) – Council – Plan B MANDATES that a municipality shall have a department of administration, and shall have such other departments as council may establish by ordinance.
* Department of Administration shall be headed by a director chosen solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or knowledge of, accepted practice in respect to the duties of the office.
* Director of Department of Administration and solicitor shall be appointed by the executive (mayor) and consented to by council.
* At the time of appointment, the director need not be a resident of the municipality or this commonwealth. He/she shall have, exercise and discharge the functions, powers and duties of the department.
* Administrative functions, powers and duties of the municipality shall be allocated and assigned among and within the department.
* Department of Administration under the oversight and supervision of the executive (mayor) shall have the following powers and duties.
* To assist in the preparation of the annual budget.
* To administer a centralized purchasing system.
* To establish and administer a centralized personnel system.
* To establish and maintain a centralized accounting system which shall be so designed as to accurately reflect the assets, liabilities, receipts and expenditures of the municipality.
* To perform any other duties as council may prescribe through the administrative ordinance or as the executive (mayor) may direct.
* Department heads report to Director of Administration who reports to Executive (mayor).
* Executive (mayor) shall have the power to remove department heads including Director of Administration.
* Executive (mayor) must give notice to the department head and an opportunity to be heard. Prior to removing a department head, the executive (mayor) shall first file written notice of his/her intention with council. The removal shall become effective twenty (20) days after the filing of the notice.
* Department heads shall appoint subordinate officers and employees within their departments under procedures established based on 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.
* The personnel system shall be governed by personnel rules which shall be prepared by the Department of Administration under the direction and supervision of the executive (mayor), and submitted to the council which shall adopt them with or without amendments unless otherwise provided for or arrived at by collective bargaining.
* See Organizational Chart – Optional Plan of Government – Plan B.