AMENDED REPORT
and
RECOMMENDED HOME RULE CHARTER
for
THE COUNTY GOVERNMENT of
LUZERNE COUNTY PENNSYLVANIA

Prepared by
The Luzerne County Government Study Commission

Adopted July 2, 2003

Amended August 27, 2003
Luzerne County Government
Study Commission
P. O. Box 788, Wilkes-Barre, PA  18703-0788

Web Site:  www.studyluzernecounty.homestead.com

August 27, 2003

TO THE CITIZENS OF LUZERNE COUNTY:

The Luzerne County Government Study Commission is pleased to present to you its amended Report and Recommended Home Rule Charter. The amendments to the July 2, 2003, report issued by the Commission primarily involve clarification of the language relating to the organization of the Executive Branch outlined in Article IX, increases in the initial salaries for the County Executive, County Council, and the Clerk of County Council, and the correction of minor typographical errors.

The report is the result of 20 months of thorough study, research, and deliberations during which time the present form of County government was examined, deficiencies identified, alternatives considered, and improvements developed. At its more than 80 weekly meetings and 14 public hearings the Commission heard and benefited from the comments and suggestions of most of Luzerne County’s elected officials, representatives of other Pennsylvania counties, others knowledgeable in the operations of county government, and many citizens of the County.

The Recommended Home Rule Charter provides for a fundamental change in the present form of County government. It will strengthen our County government; provide broader representation; increase citizen participation through initiative and referendum; provide a more clearly defined and public budget process; limit annual tax increases; require a merit-based personnel system; provide a strong accountability, conduct, and ethics code; limit nepotism; make the County more efficient, accountable, and responsible; and provide the flexibility to better respond to future needs of the County and its citizens.

The question of adopting the Recommended Home Rule Charter will be placed on the November 4, 2003, election ballot.

The Luzerne County Commission expresses its appreciation to all who assisted it in successfully fulfilling its responsibilities to the citizens of the County.

Respectfully submitted,

[Signature]

J. Carl Goodwin, Chair
Government Study Commission
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REPORT
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LUZERNE COUNTY, PENNSYLVANIA

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LUZERNE COUNTY
GOVERNMENT STUDY COMMISSION

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Background on Home Rule and History of the Study Commission

The 1968 Constitution of the Commonwealth of Pennsylvania allows all Pennsylvania counties and municipalities to exercise Home Rule powers through the adoption of a Home Rule Charter. Home Rule transfers substantial authority and responsibility to act in local affairs from state law to a local Charter which is adopted by the voters. A County that adopts a Home Rule Charter has the ability to amend its Charter through referendum to suit its changing needs.

Currently, the way Luzerne County operates is determined largely by a set of state laws known as the County Code. Only an Act of the Pennsylvania General Assembly in Harrisburg can change this code. Legislators from all over the state decide on any administrative changes, large or small, in Luzerne County’s operations. Home Rule will give control over the structure and operations of County government to the voters of Luzerne County.

Home Rule does not give the County complete freedom from state laws. Luzerne County will still be subject to restrictions found in the United States and Pennsylvania Constitutions and in certain state laws. But while counties without Home Rule can do only those things specifically authorized by state law, Home Rule counties can do anything not specifically prohibited by state or federal law.

While expanding the authority of the voters of the County to determine how they want the County to operate, Home Rule does not give power to the County to affect local governments. Under Home Rule, just as was the case in the absence of Home Rule, the County’s municipalities are separate and distinct from the County. Their powers and authority are not altered by the County’s adoption of Home Rule. Home Rule affects only the County’s relationship to the Commonwealth, not its relationship to the municipalities and school districts that are located within the County. Further, Home Rule does not take away or reduce the benefits any citizen receives from this or any other government (such as Social Security, Black Lung, etc.), and Home Rule counties are still bound by all labor contracts and other legal and binding agreements in place on the effective date of their Charter.

The mechanism for adopting a Home Rule Charter is provided for in Pennsylvania’s Home Rule Charter and Optional Plans Law (Act 62 of 1972, as amended). In keeping with this law, the Luzerne County Government Study Commission was created by the voters of Luzerne County at the election of November 6, 2001, through their vote on the following ballot question:

“Shall a government study commission of 11 members be elected to study the existing form of government of Luzerne County, to consider the advisability of the adoption of a home rule charter, and if advisable, to draft and to recommend a home rule charter?”

The members of the Commission were elected at the same election on a non-partisan basis and serve without pay.
Act 62 charged the Study Commission to: “study the form of government of the municipality to compare it with other available forms under the laws of this Commonwealth and determine whether or not in (the Study Commission’s) judgment the government could be strengthened or made more clearly responsible or accountable to the people or whether its operation could become more economical or efficient under a changed form of government.”

In order to carry out this very important assignment to the best of its ability, the Commission held more than 80 weekly meetings all of which were open to the public and the media, and it also held 14 public hearings to listen to the advice and suggestions of the citizens of the County. The Commission strived to involve the public at every step of the process.

During its first nine months the Commission studied the existing form of government and the operations of Luzerne and other counties; reviewed various studies, reports, and manuals; interviewed most of Luzerne County’s elected officials; met with officials of other counties; and talked with other individuals knowledgeable on county government organization and operations. In addition, several Commission members volunteered to study, at their own expense, other counties similar in size to Luzerne County.

After extensive study the Commission found that significant deficiencies existed in the present structure and organization of Luzerne County government, and it was determined that most of these shortcomings were caused by the limitations built into the state-mandated form of County government. In July of 2002 the Commission concluded that Luzerne County’s government could be strengthened, made more responsible and accountable to the people, and that it could become more economical and efficient under a different form of government. It then voted unanimously to write a Home Rule Charter.

The Study Commission began the process of drafting a Home Rule Charter to correct the structural and operational deficiencies it identified in its study. Each element of the Charter was thoroughly debated and approved by a vote of the Commission before being included in the Charter draft.

The preliminary outline of the proposed Luzerne County Home Rule Charter was released in the spring of 2003. Four public hearings followed at which comments, criticisms, and suggestions were received. After further discussion and study the Charter was revised and formally adopted by the Commission. Subsequently, the Commission conducted seven additional hearings and on August 27, 2003, issued an amended report and Charter containing further refinements. The Commission then issued its amended report and recommended Home Rule Charter to the citizens of Luzerne County and filed copies with the proper County and State officials.

The proposed Charter will be submitted to the voters of Luzerne County at the municipal election to be held on November 4, 2003, and the effective date of the Charter will be the first Monday in January of 2006.

There will be a transition period of almost 26 months (from November 2003 to January 2006) during which time plans can be made to make the new form of government as efficient
and as economical as possible. In 2005 the voters will have the opportunity to elect their first County Executive and County Council.

Assisting the Commission in fulfilling its responsibilities to the citizens of Luzerne County were: Christine Katsock, Recording Secretary; James Ferry, Esq., Solicitor; and the Pennsylvania Economy League, consultant.

In addition, the Marketing and Planning (MAP) Center at King’s College provided, at no charge, technical services relative to the determination of the designation, location, and description of council districts.

The Commission’s efforts were also aided by Commission members William Hyer and Barry Finn who resigned during the first phase of the Commission’s work.

Major Findings

Some of the most important conclusions of the Luzerne County Government Study Commission which have been incorporated into the Recommended Home Rule Charter are summarized below:

1. The present County government is antiquated and inadequate to meet the current needs of the people of Luzerne County. It consists of several independent, unintegrated elective offices, lacking unified direction and control. The performance of administrative functions by the large number of elected officials results in fragmentation of services, duplication and overlap of tasks and the absence of effective supervision, control, and accountability. To correct these deficiencies a coordinated system of administration is needed with clear-cut lines of authority and fixed responsibility. Also, a professional manager is needed to administer the day-to-day operations of County government.

2. When the principal job of a County was to ensure that there was a place to hold court, maintain records, provide a home for the poor, and oversee the maintenance of county roads and bridges, the present system with three Commissioners acting as both administrators and policy makers was sufficient. There was very little policy to set and almost nothing to administer. That is not the case today; Luzerne County government is now a big business with a yearly budget of over $200 million. Recent events have demonstrated that with the present structure of government it has been too easy for things to go wrong—and when they have, it has been difficult to pinpoint the cause. We need a structure of government that prevents arbitrary decision making, closed-door policy-making, and “buck passing.”

3. Many of the shortcomings of Luzerne County government identified in the Commission’s study are caused by the limitations built into the State-mandated form of County government. This “one-size-fits-all” structure developed by the State has not worked well in Luzerne County. The State laws which provide for the
organization and operation of County government have changed very little in the past 170 years. A Home Rule Charter is the only way to shift the base of power from the State Capitol to Luzerne County, create an improved structure of government, increase the flexibility of the County government, ensure greater public access and citizen participation, provide stronger controls over tax increases, and guarantee professional administration.

4. Three County Commissioners acting as countywide legislators are too few in number to represent the different areas of the County and too many to operate efficiently or accountably as an executive. This situation is compounded by the election of numerous independent row officers.

5. The County government as presently structured is not sufficiently representative of our more than 319,000 citizens spread over almost 900 square miles. There is a need for a representative legislative body, along with reasonable mechanisms and procedures for involving the citizens in the operation of their County government.

6. All policy decisions should require not just the vote of two County Commissioners, as at present, but a majority of a larger County Council representing all parts of the County. And, a County Executive—with veto power—should be a check on the actions of Council.

7. With a single elected County Executive appointing a County Manager on the basis of professional qualifications, all aspects of administrative responsibility would be clearly fixed. No longer could the “buck” be passed among three Commissioners; the “buck” would stop with the County Executive and the County Manager. If the administration of County government programs is handled poorly, the people and County Council would know precisely who to hold accountable.

8. The proven American system of separation of powers with its checks and balances and other protections for citizens are absent in the present County government. The three County Commissioners now act as both legislators and administrators of the County government. There is a definite need for a legislative or policy-making body and a separate executive, each with clearly defined duties and powers and a workable system of checks and balances to provide oversight and control.

9. There should be a clearly defined budget process which is more open and requires at least one public hearing. The budgets should be required to be balanced, and tight controls should exist on how and to whom payment of funds are made. There should be limitations on annual tax increases. In addition, the Charter should limit the amount of taxes that can be levied after a countywide reassessment—not just in the first year after reassessment as provided in state law, but for three years!

10. There should be a strong code of ethics and conflict of interest provisions covering all elected officials, employees, and members of boards and commission. Further, anti-nepotism provisions should also be provided, and there should also be sound and uniform personnel practices.
11. Citizens should have the opportunity to participate in County government by mandating public County Council meetings and special public hearings on major issues, and by providing procedures for citizens to vote on ordinances passed by the County Council (referendum), to propose and to vote on new ordinances (initiative).

Question to be Placed on the Ballot

It is recommended that a referendum be held to submit to the voters of Luzerne County the question of adopting the Home Rule Charter prepared by the Luzerne County Government Study Commission as authorized by the Pennsylvania Home Rule Charter and Optional Plans Law (Act of April 13, 1972, PL 883, as amended).

The following question shall appear on the ballot at the general municipal election to be held on November 4, 2003:


Yes____ No____
Organizational Charts

Current Form of County Government

Voters
  ↓
elect
  ↓
Administrative Departments

Judges
District Magistrates
Register of Wills
Recorder of Deeds
Prothonotary
Sheriff
County Commissioners (3)
District Attorney
Controller
Clerk of Courts
Jury Commissioners
Coroner
Treasurer

Proposed County Home Rule Government

Voters
  ↓
elect
  ↓

Judges of the Court of Common Pleas
District Magistrates
County Council (9)
County Executive
Controller
District Attorney

appoints

County Manager
  ↓
Administrative Departments
SUMMARY OF
MAJOR PROVISIONS OF THE
RECOMMENDED HOME RULE CHARTER FOR LUZERNE COUNTY

ARTICLE I – GENERAL POWERS. Establishes the general powers of the County and authorizes the County government to exercise all powers not denied it by State law or by the Charter. In establishing the basis for the exercise of residual powers, the Article provides that all grants of power to the County government will be broadly construed in favor of the County.

ARTICLE II – LEGISLATIVE BRANCH. Provides that all legislative, policy-making, taxing, and appropriating powers of the County government are to be exercised by a nine-member County Council. Six Council members will be elected from districts throughout the County for terms of four years; three will be elected for terms of four years by the voters of the entire County. Members will serve on a part-time basis, be paid $7,500 per year, and will not be entitled to pensions or other County-paid benefits. All legislative actions of County Council require the adoption of ordinances, and certain legislative actions require a special public hearing.

ARTICLE III – EXECUTIVE BRANCH. Establishes the position of County Executive who will be the County’s Chief Executive Officer. The County Executive will be elected by the voters of the entire County for a term of four years. He/she will be required to serve on a full time basis, be paid $90,000, and will have the overall responsibility for the administration of the County government. The County Executive will be required to appoint a County Manager who along with various department heads will be directly responsible for the day-to-day operations of the County and the enforcement of Council’s ordinances. The County Executive will have the power to veto ordinances passed by the County Council, but the County Council may, in turn, override this veto. The appointment of the County Manager and the department heads must be confirmed by County Council.

ARTICLE IV – COUNTY CONTROLLER. Provides for a County Controller who will be elected by the voters of the entire County for a term of four years. The Controller will serve full time, be paid $50,000, and be the people’s “watchdog” over the expenditure of County funds. He/she will continually monitor the fiscal and management activities of the County including review of all proposed purchases, contracts, and other obligations of the County and all payments to be made by the County. In doing so he/she will be authorized to undertake such studies, investigation, and financial or management audits as he/she deems to be in the best interest of the County. The Controller will be empowered to compel the attendance of witnesses and the production of documents and other evidence deemed necessary for such studies, investigations, and audits.

ARTICLE V – DISTRICT ATTORNEY. Provides that a District Attorney be elected by the voters of the entire County for a term of four years. The District Attorney will serve on a full time basis and exercise all the powers and duties generally conferred upon district attorneys by law.
ARTICLE VI – COUNTY MANAGER. The County Manager will be the Chief Administrative Officer of the County and will be appointed by the County Executive on the basis of administrative abilities and qualifications as demonstrated by professional preparation, training, and/or experience relevant to the duties of the position. The appointment of the County Manager will be subject to confirmation by County Council. The position of County Manager will be full-time and will be primarily responsible for ensuring that the operations of County government are carried out as efficiently and economically as possible.

ARTICLE VII – BUDGET AND FINANCE. Establishes the procedure for the adoption of the annual budget and other fiscal actions. The County Executive will be responsible for preparing a series of balanced budgets and presenting them to County Council for its consideration. Prior to adoption by County Council at least one public hearing must occur. No payment of funds may be made by the County in the absence of a duly enacted budget, and no payment may be made or obligation incurred unless there is a sufficient unencumbered balance available for that purpose. The County’s accounting system must adhere to Generally Accepted Accounting Principles. County Council will hire a certified public accountant with no personal or financial interest in the affairs of the County or any of its officers to conduct an independent and timely audit of all County financial transactions each year. Provisions are also made for emergency appropriations, changes in the adopted budget, and the transfer of funds within and between departments. The County will be required to have a long-range operational, fiscal, and capital plan.

ARTICLE VIII – TAX LIMITATIONS. The Charter will limit the annual increase in County real estate taxes to an amount not to exceed the increase in the Consumer Price Index unless extraordinary action is taken by the County Council. The Charter will also ensure that no windfall results from a countywide reassessment—not just in the first year after reassessment as provided in state law, but for the second and third years as well—and the limitations provided in the Charter are more restrictive than in state law.

ARTICLE IX – ADMINISTRATIVE CODE. Provides for an Administrative Code detailing the organization and structure of the County government. The code will make adequate provision for: a merit personnel system; an accountability, conduct, and ethics code with penalties for violations; budgeting and other financial procedures; purchasing procedures; and other rules, regulations, and procedures necessary and desirable to the efficient administration of County government. The initial Administrative Code must incorporate the departmental structure outlined in the Charter which includes an Office of Law, an Office of Court Administration, and the Departments of Administrative Services; Finance; Human Services; General Services; and Judicial Services and Records. The duties of the Recorder of Deeds, Sheriff, Register of Wills, Clerk of Courts, Prothonotary, Treasurer, Coroner, and Jury Commissioners will be part of this administrative framework and, after the expiration of terms of office, those who carry out these duties and responsibilities will be appointed based on their qualifications rather than elected by the voters. This organization must remain in effect for at least one year after the effective date of the Charter.

ARTICLE X – PERSONNEL SYSTEM. The Charter requires a Personnel Code covering all elected County officials, all County employees, and members and employees of all County boards and commissions. The purpose of the Personnel Code is to establish and maintain the means to recruit, select, develop, and maintain an ethical, effective, efficient, and responsive
workforce in order to best meet the needs of the County. The Personnel Code will be based on the principle that appointments and promotions of employees will be made solely on the basis of merit and fitness as demonstrated by a valid and reliable examination or other evidence of competence, and job discrimination will be prohibited. The Charter will also require that a current and comprehensive policies and procedures manual covering all county employees and elected officials be maintained. The status and rights of existing County officers and employees are preserved.

ARTICLE XI – ACCOUNTABILITY, CONDUCT, AND ETHICS. Provides for an Accountability, Conduct, and Ethics Code covering all elected county officials, all employees of the County, all members and employees of all County boards and commissions, and all members of County authorities. At a minimum, this code will include provisions addressing ethics, political activity, conflicts of interest, gifts, and personal use of County resources; appropriate conduct and behavior in the performance of duties; and penalties and sanctions for discrimination, favoritism, harassment, and oppression. Further, no elected County official, employee of the County, or any member or employee of any County board or commission will be allowed to hire a member of his/her immediate family or the spouse or child of a member of his/her immediate family, or to supervise or be supervised by a member of his/her immediate family or the spouse or child of a member of his/her immediate family. However, this shall not prevent any employee holding a County position at the time this Charter takes effect, who held the same position at the time of its adoption, from continuing in the same position.

ARTICLE XII – AUTHORITIES, BOARDS, AND COMMISSIONS. Provides for the establishment of authorities, boards, and commissions, appointments to boards and commissions, and limitations on who can serve on boards and commissions. This Article also limits the County’s ability to pay salaries and benefits to members of boards and commissions. Further, this Article changes the membership of the Board of Tax Assessment Appeals, the Retirement Board, the Board of Elections and Registration, and the Joint Airport Board, and it eliminates the County Salary Board and the Prison Board.

ARTICLE XIII – INITIATIVE AND REFERENDUM. Provides the voters of Luzerne County with the power to propose and enact ordinances independent of County Council (initiative) and to repeal ordinances adopted by County Council (referendum). The initiative process allows proposed ordinances to be submitted to County Council by the registered voters of the County by gathering signatures on a petition and, if the legislation is not enacted, the voters are given the power to enact it at the next election. The referendum process allows the registered voters of the County to suspend an ordinance adopted by Council by gathering signatures on a petition and, if Council fails to repeal the ordinance, the voters are given the power to approve or disapprove the ordinance at the next election. This Article also limits County Council’s power to change or repeal any ordinance resulting from the initiative process, and it limits County Council’s power to reenact any ordinance repealed as a result of the referendum process.

ARTICLE XIV – GENERAL/MISCELLANEOUS PROVISIONS. Encompasses the legal obligations of the County, Charter amendment procedures, definitions of terms used in the Charter, and the right of citizens to be heard.

ARTICLE XV – TRANSITIONAL PROVISIONS. Establishes the effective date of the Charter as the first Monday in January 2006, indicates which County offices will no longer be elective,
preserves the rights of employees, and provides for a transition committee and other mechanisms designed to ensure continuity and the smooth transition from the current form of government to the one provided for in the Charter.

COUNCIL DISTRICTS – Provides the designation, location, and description of each of the six (6) council districts.
AMENDED
RECOMMENDED
HOME RULE CHARTER
FOR THE COUNTY GOVERNMENT OF
LUZERNE COUNTY, PENNSYLVANIA

Prepared for Submission to the
Voters of Luzerne County
by the
Luzerne County Government Study Commission

Under the Provisions
of the
Home Rule Charter and Optional Plans Law
of the Commonwealth of Pennsylvania

Adopted July 2, 2003
Amended August 27, 2003
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15.07 – Temporary Ordinances
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15.11 – Transitional Procedure

APPENDIX – COUNCIL DISTRICTS
PREAMBLE

We, the people of Luzerne County, Pennsylvania, believe that we deserve a government that represents each area of the County, limits tax increases, provides us with the opportunity for direct involvement in policy-making, is as professional and cost-effective as possible, and spends our tax dollars carefully. Specifically, we believe that:

- A home rule government will allow the voters of Luzerne County to transfer substantial authority over our County government from the Commonwealth of Pennsylvania to the people of Luzerne County;

- A home rule government that separates the legislative and executive functions—currently controlled solely in the Board of County Commissioners—will provide needed checks and balances on the powers of government and its elected officials and better protect the rights, privileges, and powers of the citizens provided in the Constitutions of the United States of America and the Commonwealth of Pennsylvania;

- A home rule government with a County Council of nine members elected by district and at large will better represent the geographic areas of our County, provide better personal access to County government, and ensure that all policy decisions will require a majority vote of this body—not just the vote of two County Commissioners as at present;

- A home rule government with an elected Chief Executive will foster leadership and vision, be more accountable, and serve as a check on the actions of County Council through veto power;

- A home rule government with an appointed County Manager will be more professional and improve the effectiveness and efficiency of County operations;

- A home rule government that does away with outmoded elective row offices and requires professional qualifications for those who will be appointed to carry out these responsibilities and duties will better serve County taxpayers.

- A home rule government that holds its elected officials and employees to high standards of conduct and behavior will earn the trust of its citizens;

- A home rule government that permits initiative and referendum will be more responsive to the concerns and needs of its citizens;
• A home rule government, as embodied in this Charter, will protect the taxpayers of Luzerne County by:
  – being more open in the development of the County budgets;
  – requiring that budgets be balanced, preventing spending without a duly enacted budget, and prohibiting expenditures in the absence of an unencumbered appropriation;
  – limiting annual increases in real estate tax millages;
  – limiting windfall real estate tax revenue resulting from countywide reassessments;
  – ensuring that the County hires and promotes individuals based on their qualifications, not based just on their connections to County government; and
  – limiting nepotism.

• A home rule government will preserve the powers of our cities, boroughs, and townships and will prevent the County from imposing and charging for services (such as, police, fire, etc.) in any cities, boroughs, or townships which provide these services without the approval of the city, borough, or township—this guarantee does not exist in the present form of County government;

• A home rule government will enhance cooperation among governments, businesses, labor unions, educational institutions, and other community and civic organizations in order to encourage the creation of family-sustaining jobs; and

• A home rule government that provides the modern structure, accountability, leadership, representation, effectiveness, and efficiency necessary to improve the delivery of County services will be more capable of supporting increased economic growth and development and fostering a higher quality of life for all County residents.

Therefore, in accordance with the Constitution and laws of the Commonwealth of Pennsylvania, and in order to secure the benefits of home rule and self-government; provide for the health, safety, and well-being of the citizens of Luzerne County; ensure a brighter future for the County and its citizens; promote economy, efficiency, and effectiveness in County government; and assure the rights of each citizen to participate in County government, the Luzerne County Government Study Commission hereby proposes this Charter and recommends its adoption by the voters of Luzerne County.
ARTICLE I – GENERAL POWERS

Section 1.01 – Title. This Charter, together with all subsequent amendments hereto, shall provide for and constitute the form of government for the County of Luzerne. It shall be known and may be cited as the “Luzerne County Charter.”

Section 1.02 – Purpose. Among the purposes of this Charter are: to provide for the health, safety, and well-being of the citizens of Luzerne County and to secure for the citizens of Luzerne County the greatest degree of home rule and residual powers possible.

Section 1.03 – Status, Powers, and Duties. The County of Luzerne shall continue as a municipal corporation and shall have and may exercise and perform any power or function not denied it by the Constitution of the United States, by the Constitution of the Commonwealth of Pennsylvania, by the General Assembly, or by this Charter. This shall include, but shall not be limited to, all the powers and duties now, or hereinafter, conferred or imposed upon it by this Charter or applicable law together with the rights, privileges, functions, and powers necessarily implied or incidental thereto. All possible powers and functions of the County both present and future are to be considered as if specifically set forth in this Charter and are to be broadly construed in favor of the County.

Section 1.04 – Effect on State Laws. The provisions of this Charter shall supersede any state law which is inconsistent with it to the extent of its inconsistency except where supersession by a Home Rule Charter is restricted by state law.
ARTICLE II – LEGISLATIVE BRANCH/COUNTY COUNCIL

Section 2.01 County Council. There shall be a County Council comprised of nine (9) members which shall serve as the legislative body of the County government. Three (3) members of County Council shall be elected at-large from throughout the County, and six (6) members shall be elected by the voters of established Council districts within the County.

Section 2.02 Qualifications. At the time of election or appointment and throughout his/her term of office, each member of the County Council shall be a citizen of the United States, shall be registered as a voter in Luzerne County, and shall have been a resident of the County continuously for at least two (2) years immediately preceding the date of his/her election or appointment. Further, those members of Council representing a Council district shall at the time of election or appointment and throughout his/her term of office reside in that district and shall have been a resident of that district continuously for at least two (2) years immediately preceding his/her election or appointment. However, if reapportionment results in a district Council member being placed out of the district from which he/she was elected, he/she shall be permitted to complete his/her term.

Section 2.03 Election and Term.

a. Members of the County Council shall be elected at the municipal election held in odd-numbered years beginning in 2005. At the first such election just the six (6) Council members elected by district shall be elected. At the subsequent municipal election the three (3) at-large Council members shall be elected.

b. The incumbent County Commissioners who on the effective date of this Charter will have two years remaining on the terms to which they were elected in 2003, shall be entitled to remain in office for the terms to which they were elected and during that time shall serve as the at-large members of County Council. As long as the County Commissioners in office on the effective date of this Charter continue to serve their respective unexpired terms, each shall be compensated at the same rate as in effect at the time of their election and shall have the powers and duties of County Council members as provided for in this Charter. If any of the incumbent County Commissioners vacates office prior to the expiration of his/her term, the vacancy shall be filled as provided for in this Charter. The person selected to fill the vacancy shall fill the remainder of the term, but the compensation paid to the appointee shall be as provided for in Section 2.07 of the Charter.

c. Terms of office of members of County Council shall begin on the first Monday of January in the year following the municipal election, and shall end when his/her successor takes the oath of office. If the first Monday in January is a legal holiday, the term of office shall begin on the next business day. Upon beginning his/her term of office, each member of County Council shall voluntarily execute
an oath or affirmation of office as prescribed in the Administrative Code or state law.

**Section 2.04 Prohibitions.** During their terms of office, members of County Council shall hold no other elective public office; no appointive public office except as specifically allowed by this Charter; or no other Luzerne County office or employment for which salary, compensation, stipend, or emolument is paid or received. In addition, no member of County Council shall serve as a non-elected County employee or as a paid consultant for the County government during his/her term of office and for a period of two (2) years after leaving office.

**Section 2.05 Vacancies.**

a. The office of a member of County Council shall become vacant upon the member’s death, resignation, forfeiture, or removal by impeachment in the General Assembly in accordance with the Pennsylvania Constitution or applicable state law.

b. When a vacancy on County Council occurs, the County Council, at a regularly scheduled or special meeting held within thirty (30) days of the occurrence of that vacancy, shall fill the vacancy by resolution adopted by an affirmative vote of at least a majority of its remaining members. If the County Council fails, for any reason, to fill the vacancy on County Council within thirty (30) days of its occurrence, the Court of Common Pleas of Luzerne County shall by a majority vote of its members appoint a person to fill the vacancy within thirty (30) days. Any person appointed to fill a vacancy on County Council shall possess the qualifications as set forth in this Charter.

c. If the vacancy on Council occurs during the first two (2) years of a term, the appointee shall serve until the next scheduled municipal primary or municipal general election occurring no sooner than the thirteenth (13th) Tuesday after the vacancy is filled, at which time the unexpired term shall be filled by the voters of the County as a whole or the district in which the vacancy occurred. If the vacancy on Council occurs during the last two (2) years of a term, the appointee shall serve the unexpired term of his/her predecessor.

d. The person appointed or elected to fill the vacancy shall take the oath of office at the next regular or special meeting of County Council.

e. Any member of County Council who resigns from office shall not be eligible for reappointment to that office during the remainder of the term for which he/she was elected if reappointment would increase his/her salary.

**Section 2.06 Forfeiture of Office.** A member of County Council shall forfeit office if, during the term of office, County Council determines that he/she lacks any qualification prescribed by applicable state law or by this Charter; he/she has been found to be incapacitated or incompetent by an appropriate court; he/she has been convicted of misbehavior in office, embezzlement of
public moneys, bribery, perjury, or other infamous crime as provided for in the Pennsylvania Constitution or applicable state law; or he/she is disqualified from holding office as provided for in Article XI of this Charter.

Section 2.07 Compensation. The County Council shall have the power to fix the salaries of its members by ordinance, provided no change shall become effective for incumbent Council members until the commencement of their next term of office and provided no change shall be adopted less than twelve (12) months prior to the commencement of a new term. No pensions or other forms of employee benefits shall be provided by virtue of membership on the County Council. However, members are entitled to reimbursement of expenses actually incurred when the performance of their duties requires that they travel outside Luzerne County, provided that such expenses have been previously approved by the County Council and are in keeping with general County policy. Subject to the provisions for change outlined herein, members of County Council shall receive an annual salary of seven thousand five hundred dollars ($7,500). The chair of County Council shall receive an additional one thousand dollars ($1,000) per annum.

Section 2.08 Council Districts. Luzerne County shall be divided into six (6) districts for the purpose of electing those members of County Council to be elected by district.

a. All districts shall be as nearly equal in population as practicable and meet any other requirements as established by applicable state law. Furthermore, districts shall be compact in form, composed of contiguous territory, and, whenever possible, encompass an identifiable community of interest and avoid placing portions of a municipality in different districts.

b. For the purpose of the election of the six (6) members of County Council to be elected by district under the provisions of this Charter, the designation, location, and description of the districts shall be as provided in the Appendix to this Charter, which is attached to this Charter and considered part of it. These shall remain the districts for electing the six (6) members of County Council to be elected by district until modified in accordance with this Charter and applicable state law.

c. Within thirty (30) days after each federal decennial census is officially and finally reported, the Luzerne County Redistricting Commission shall be formed. It shall consist of five members. Two members of the Commission shall be appointed by the County Executive, and two members shall be appointed by County Council. These members shall select the fifth member of the Commission, who shall serve as the Commission’s chair. Members of the Commission shall serve without compensation. The Commission shall cease to exist and the terms of all its members shall expire thirty (30) days after the Commission’s report is submitted to County Council or four months after the appointment of its first member, whichever occurs first.

d. If within thirty (30) days after federal decennial census is officially and finally reported or within fifteen (15) days of the occurrence of a vacancy, the County
Executive fails to fill any of the positions on the Luzerne County Redistricting Commission that he/she is authorized to fill, the County Council shall make the appointment(s) within fifteen (15) days. Similarly, if within thirty (30) days after the federal decennial census is officially and finally reported or within fifteen (15) days of the occurrence of a vacancy, County Council fails to fill any of the positions on the Commission that it is authorized to fill, the County Executive shall make the appointment(s) within fifteen (15) days.

e. At the time of their appointment to the Luzerne County Redistricting Commission and throughout their terms, each member of the Commission shall be a citizen of the United States; shall be registered as a voter in Luzerne County; and shall have been registered as a voter in Luzerne County continuously for at least two (2) years immediately preceding the date of their appointment.

f. During their terms of office members of the Luzerne County Redistricting Commission shall hold no elective public office, no other appointive public office, or no other Luzerne County office or employment for which salary, compensation, stipend, or emolument is paid or received. In addition, no member of the Luzerne County Redistricting Commission shall serve as a County employee or as a paid consultant for the County government during his/her term of office and for a period of two (2) years after leaving office.

g. Within three (3) months after the appointment of its first member, the Luzerne County Redistricting Commission shall examine the six (6) Council districts to determine if they remain in compliance with this Charter and applicable state law and shall prepare and submit a report to County Council containing a proposed plan to redistrict the County in conformance with this Charter and applicable state law.

h. No action may be taken by the Luzerne County Redistricting Commission in the absence of a quorum, and a quorum shall consist of any three (3) members of the Commission. All actions taken by the Commission shall be by an affirmative vote of at least the majority of the members of the Commission.

i. Within thirty (30) days after receiving the report of the Luzerne County Redistricting Commission, County Council shall advertise the proposed plan in at least two (2) daily newspapers of general circulation in the County, conspicuously post the proposed plan for public inspection at the Office of the Clerk of County Council and at public libraries in the County, post the plan on the County’s website and/or other electronic medium, make copies available to the public at a charge not to exceed the cost of reproduction, and hold a public hearing on the proposed plan. County Council may then take action to adopt a plan to redistrict the County in keeping with the provisions of this Charter and applicable state law.

j. If within the time allowed the Luzerne County Redistricting Commission fails to submit a report to County Council, County Council shall examine the six (6)
Council districts to determine if they remain in compliance with this Charter and applicable state law and propose a plan to redistrict the County in conformance with this Charter and applicable state law. Within thirty (30) days of proposing a plan to redistrict the County, County Council shall advertise the proposed plan in at least two (2) daily newspapers of general circulation in the County, conspicuously post the proposed plan for public inspection at the Office of the Clerk of County Council and at public libraries in the County, post the plan on the County’s website and/or other electronic medium, make copies available for public distribution for a charge not to exceed the cost of reproduction, and hold a public hearing on the proposed plan. County Council may then take action to adopt a plan to redistrict the County in keeping with the provisions of this Charter and applicable state law.

k. Within the year following that in which the federal decennial census is officially and finally reported, County Council shall adopt a plan to redistrict Council districts in keeping with the provisions of this Charter and applicable state law by an affirmative vote of at least a majority of its current members.

l. If a redistricting plan has not been adopted by County Council within the year following that in which the federal decennial census is officially and finally reported, a petition signed by one or more registered voters of the County may be submitted to the Court of Common Pleas of Luzerne County which may then redistrict in accordance with this Charter and applicable state law.

m. In redistricting the County, the Luzerne County Redistricting Commission, the County Council, the court, or a court-appointed commission, as the case may be, shall change the geographic areas of the districts only so much as is necessary to ensure that all districts remain as nearly equal in population as practicable and meet any other requirements for apportionment as established by applicable state law. The districts shall continue to be composed of contiguous territory and, whenever possible, encompass an identifiable community of interest and avoid placing portions of a municipality in different districts.

n. Any changes in district boundaries resulting from this process shall become effective January 1, 2013, and every tenth year thereafter.

o. Redistricting shall not be subject to the initiative and referendum process provided for in this Charter.

Section 2.09  Quorum. County Council may take action only at public meetings, and no action may be taken in the absence of a quorum. A quorum shall consist of a majority of the current members of County Council.

Section 2.10  Organization. On the first Monday of January in the even-numbered year following the election of members, County Council shall meet and organize by choosing a chair,
vice chair, and such other officers as needed from among its members. If the first Monday in January is a legal holiday, this meeting shall take place on the next business day.

Section 2.11 Meetings. County Council shall establish the time, place, and conditions for its regular and special meetings not inconsistent with the provisions and spirit of this Charter and applicable state law. Regular meetings shall be held at least twice in each calendar month in separate weeks, and at least one such meeting shall be held in the evening. In keeping with Pennsylvania law, all regular and special meetings of the County Council shall be open to the public, and public notice of all meetings shall be given showing the dates, times, and places at which the meetings are to be held. During a declared state of emergency public notice shall not be required.

Section 2.12 Powers and Duties. The County Council shall have and may exercise such legislative powers and duties as are specifically conferred or imposed upon it by this Charter, such legislative powers as are generally conferred or imposed upon County governments in the Commonwealth of Pennsylvania by applicable state law, and all powers necessarily incidental thereto. The County Council shall have, but shall not be limited to, the following powers and duties:

a. To adopt, repeal, and/or amend ordinances, resolutions, and motions not inconsistent with this Charter or the Constitution and laws of the Commonwealth of Pennsylvania or the United States.

b. To override the veto of the County Executive as provided for in this Charter.

c. To make appropriations, incur indebtedness, and adopt the County’s operating, capital, and other required budgets and the long-range operational, fiscal, and capital plan.

d. To levy taxes, assessments, and service charges except as limited by this Charter and/or applicable state law, and provided that, except as otherwise required by applicable state law or by this Charter, the net costs of all general services rendered or made available by the County to the entire County shall be a charge against the entire County, and provided further that the net cost of all special services rendered or made available by the County to only one or more municipalities or special districts within this County shall be a charge only against such municipalities or special districts or the taxpayers or taxable real property thereof.

e. To establish fees charged by the County in accordance with this Charter and the laws of Pennsylvania and the United States.

f. To appoint a Clerk of County Council and such other personnel as may be deemed necessary for the fulfillment of its duties and which may be authorized from time to time. The Office of Clerk of County Council shall, at a minimum, record and file the proceedings and papers of County Council, attest to all orders
issued by them, and possess the powers relating to legislative functions as prescribed in the County Code for Chief Clerks in counties of Luzerne County’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to counties having populations closest to that of Luzerne County. All appointments to the staff of County Council and all suspensions or removals therefrom shall be made by resolution, and County Council’s staff shall be subject to the terms and conditions of the County’s personnel system, its overall personnel policies, and the annual budget appropriation for this office. County Council, on a case-by-case basis, may contract for professional services within the limitations of its annual budget appropriation. The Clerk of County Council, the Office of the Clerk of County Council, and all employees of the office shall be subject to County’s Accountability, Conduct, and Ethics Code, purchasing procedures, and other provisions of the Administrative Code.

g. To adopt and amend an Administrative Code which shall include, among other things, an identification of departments, offices, agencies, boards, commissions, and other administrative units of the County government and the division of powers among them; the internal procedures for their operations; and the duties of the administrative heads. In addition, the Administrative Code shall make adequate and specific provisions for, but shall not be limited to, the following: budgeting and other financial procedures; purchasing procedures; a personnel system; an accountability, conduct, and ethics code; and any other rules, regulations, and procedures necessary and desirable to the efficient administration of the County government.

h. To create, combine, alter, or abolish any County department, office, agency, other administrative unit, public authority, board, or commission and the functions, powers, and duties thereof in accordance with applicable state law and this Charter, except for departments, offices, agencies, and other administrative units which are not subject to change under the terms of this Charter or applicable state law, and voluntary advisory committees of citizens established by the County Executive as provided for in this Charter.

i. To approve or disapprove collective bargaining agreements between the County and its employees as submitted for approval by the County Executive.

j. To approve or disapprove agreements between the County and all agencies of other governments as submitted for approval by the County Executive.

k. To approve or disapprove agreements to lease, sell, convey, vacate, abandon, or authorize the use of County land, buildings, or other real or personal property as submitted for approval by the County Executive.

l. To make, or cause to be made, such studies, audits, and investigations relating to County government as Council determines are in the best interest of the County
and, in connection therewith, to obtain professional and technical advice and to appoint and dissolve temporary voluntary advisory committees of citizens.

m. To compel the attendance of witnesses and the production of documents and other evidence deemed necessary to such studies, audits, and investigations relating to County government as Council determines are in the best interest of the County and, for these purposes, to administer oaths and issue subpoenas signed by officers of the County Council and served as provided by law. The County Council shall also have the power to define and punish any contempt relating to the enforcement of subpoenas consistent with laws applicable to counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to counties having populations closest to that of Luzerne County.

n. To request the attendance of the County Executive at meetings of County Council.

o. To require, as it deems necessary, the attendance of any other elected official and/or his/her subordinates at no more than two (2) meetings of County Council in each quarter of the calendar year, and to require that they provide periodic and special reports and such reasonable and appropriate information as County Council deems necessary.

p. To require, as it deems necessary, the attendance of the County Manager at any meeting of County Council and to require that the County Manager provide periodic and special reports and such reasonable and appropriate information as County Council deems necessary.

q. To make or confirm appointments as provided for by this Charter or by applicable state law.

r. To modify Council districts in keeping with the provisions of this Charter and applicable state law.

s. To designate a member of County Council to serve on regional and other boards and commissions when a member of the County legislative body is required to serve.

t. To establish, in accordance with the process for the adoption of annual County budgets and other provisions of this Charter, the number of employees in each County department, office, agency, board, commission, or other administrative unit and the salaries, wages, and benefits of elected County officials and employees.

u. To acquire property by eminent domain for any necessary public purposes in keeping with applicable state law.
v. To receive and accept on behalf of the County any gifts or donations of real or personal property or interest therein.

w. To adopt rules necessary for its organization and the orderly conduct of its affairs not inconsistent with the provisions and spirit of this Charter and applicable state law.

x. To have the necessary, implied, and incidental powers to perform and execute the duties and functions specified above or lawfully vested in County Council and to make provisions for any matters of County Government not otherwise provided for, including, but not restricted to, any matter involving health, safety, and welfare of the residents of Luzerne County and any necessary matter involved in the transition to the government structure provided for in this Charter.

Section 2.13 Form of Action by County Council. Actions of the County Council shall be taken by the adoption of ordinances, resolutions, or motions. The vote upon every ordinance, resolution, or motion shall be taken by roll call and the yeas and nays shall be entered into the minutes. Except as otherwise provided for in the Charter, all ordinances shall be adopted by an affirmative vote of at least a majority of the current members of County Council. Except as otherwise provided by state law, resolutions and motions shall be adopted by an affirmative vote of at least a majority of Council members present at the meeting and eligible to vote.

Section 2.14 Ordinance Requirements.

a. A proposed ordinance may be introduced by any member of County Council or by the County Council as a whole. A proposed ordinance shall be submitted in writing and, except as otherwise provided in this Charter, shall be limited to one subject which shall be clearly expressed in the title. Any proposed ordinance may incorporate by reference all or any part of a technical code or act or acts of the General Assembly. No proposed ordinance, except an emergency or temporary ordinance, may be finally adopted at the meeting at which it is introduced. Prior to the adoption of an ordinance, it may be amended, provided that the amendment is submitted in writing. Amendments during the legislative process shall require the same number of votes required for final passage of the ordinance. If the amendment materially changes the ordinance, and if a public hearing is required prior to adoption of the ordinance, a separate public hearing shall be required with respect to the amendment. Adoption of any ordinance or amendment thereto may occur no sooner than the next regular or special meeting of the County Council held at least six (6) days after the proposed ordinance or amendment was introduced.

b. No ordinance or amendment thereto may be adopted without County Council providing reasonable opportunity for the citizens and taxpayers of the County to address County Council on the subject matter of the ordinance before a final vote is taken.
Section 2.15  Actions Requiring an Ordinance.

a. The following actions of County Council shall require an ordinance:
   1. Adopting or amending the Administrative Code or any parts thereof as provided for in this Charter.
   2. Creating, combining, altering, or abolishing any County department, office, agency, board, commission, public authority, or other administrative unit of the County or the functions, powers, and duties thereof.
   3. Fixing and setting salaries, wage levels, and/or benefits of all County employees including the approval of collective bargaining agreements as submitted for approval by the County Executive.
   4. Establishing, altering, or abolishing rates or fees charged for services supplied by the County.
   5. Approving agreements between the County and other governments as submitted for approval by the County Executive.
   6. Authorizing the borrowing of money except emergency loans and the initial tax anticipation note for each budget year.
   7. Leasing, selling, conveying, vacating, abandoning or authorizing use of any County land, buildings, or other real or personal property.
   8. Providing a penalty or establishing a rule or regulation for which a penalty is imposed for violation.
   9. Amending or repealing any ordinance previously adopted.
   10. Any other actions which must be taken by ordinance as required by applicable state law or by this Charter.

b. The following actions of County Council shall also require an ordinance and, in addition, shall require a public hearing thereon held at least seven (7) days prior to final adoption:
   1. Adopting the annual operating, capital, and other budgets including the levying of taxes.
   2. Adopting the comprehensive long-range operational, fiscal and capital plan.
   3. Authorizing any intergovernmental agreement including those that would transfer the exercise of any County power or function to any other governmental body or would transfer to the County the exercise of any power or function of a local municipality or another county.
   4. Adopting or repealing zoning ordinances or zoning maps or amendments thereto.
   5. Adopting or repealing subdivision regulations or land development or land use regulations or amendments thereto.
   6. Fixing the salaries, wage levels, and/or benefits of elected officials.
   7. Exercising eminent domain.
8. Granting, renewing, or extending a franchise.
9. Any other actions which must be taken by ordinance and for which a public hearing is required by applicable state law or by this Charter.

Section 2.16 Emergency Ordinances. The County Council may adopt emergency ordinances necessary for the protection of public well-being whenever there is an immediate threat to the life and/or property of the residents of Luzerne County and a state of emergency has been declared by the County Executive or by an affirmative vote of at least a majority of the members of County Council present at the meeting and eligible to vote. Emergency ordinances may be adopted at the same meeting at which they are introduced and must be adopted by an affirmative vote of at least a majority of the members of County Council present at the meeting and eligible to vote. An emergency ordinance shall not be subject to veto by the County Executive or the referendum process provided for in this Charter. An emergency ordinance shall take effect immediately upon adoption and shall automatically stand repealed on the thirtieth (30th) day following its effective date, but this shall not prevent its re-enactment if the emergency still exists.

Section 2.17 Effective Date and Publication of Ordinances.

a. All ordinances except emergency, temporary, and budgetary ordinances shall become effective thirty (30) days after enactment unless a different effective date is specified in the ordinance, but in no case shall any ordinance other than an emergency, temporary, or budget ordinance take effect sooner than fifteen (15) days after enactment.

b. All ordinances except emergency, temporary, and budgetary ordinances shall be published in summary form in at least two (2) daily newspapers of general circulation in the County prior to the date on which they become effective. Further, prior to the date on which they become effective and for 60 (sixty) days thereafter, copies of all ordinances shall be posted conspicuously for public inspection at the Office of the Clerk of County Council, shall be posted on the County’s website and/or other electronic medium, and shall be made available for public distribution at a charge not to exceed the cost of reproduction. A summary of an emergency, temporary, or budget ordinance shall be published promptly after enactment in at least two (2) daily newspapers of general circulation in the County, shall be posted conspicuously for public inspection at the Office of the Clerk of County Council, shall be posted on the County’s website and/or other electronic medium, and shall be made available for public distribution at a charge not to exceed the cost of reproduction.

Section 2.18 Recording and Codification of Ordinances. The minutes, ordinances, resolutions, and motions of County Council shall be entered as approved in the record books of the County or such electronic or other media as may be designated in the Administrative Code for the permanent keeping of County records. These books or other media shall be in the custody and control of the Clerk of County Council, and all entries made therein shall be at his/her direction. The Clerk of County Council shall cause all County ordinances and any
resolutions or motions having legislative effect to be codified within two (2) years of the effective date of this Charter and at least every (4) years thereafter. The record books shall be open and available for public inspection during the County’s regular business hours. Copies of the codified ordinances and resolutions shall be made available to the public at a charge not to exceed the cost of reproduction.

Section 2.19 Limitations. Neither the County Council nor any member thereof shall give directions to any individual employee of County government except employees of County Council.
ARTICLE III – EXECUTIVE BRANCH/COUNTY EXECUTIVE

Section 3.01 – County Executive. There shall be a County Executive who shall be elected at large by the voters of the County. He/she shall be the Chief Executive of the County and shall exercise the executive and administrative powers of the County government. The County Executive shall devote full-time to his/her office.

Section 3.02 – Qualifications. At the time of his/her election or appointment and throughout his/her term of office, the County Executive shall be a citizen of the United States, shall be registered as a voter in Luzerne County, and shall have been registered as a voter in Luzerne County continuously for at least two (2) years immediately preceding his/her election or appointment. Further, the County Executive shall be at least twenty-five (25) years of age at the time of his/her election or appointment.

Section 3.03 – Election and Term. The County Executive shall be elected for a term of four (4) years at the municipal election held in odd-numbered years beginning in 2005 and at four (4) year intervals thereafter. His/her term of office shall begin on the first Monday of January following the year in which the election is held, and shall end when his/her successor takes the oath of office. If the first Monday in January is a legal holiday, the term of office shall begin on the next business day. Upon beginning his/her term of office, the County Executive shall voluntarily execute an oath or affirmation of office as prescribed in the Administrative Code or the state law.

Section 3.04 – Prohibitions. During his/her term of office the County Executive shall hold no other elective public office; no appointive public office except as specifically allowed by this Charter; no other Luzerne County office or employment for which salary, compensation, stipend, or emolument is paid or received; or no other public employment for which he/she receives compensation; and shall not actively engage in any other business or occupation during normal County business hours. In addition, the County Executive shall not serve as a non-elective County employee or as a paid consultant for the County government during his/her term of office and for a period of two (2) years after leaving office.

Section 3.05 – Vacancies

a. The Office of County Executive shall become vacant upon the County Executive’s death, resignation, forfeiture, or removal by impeachment in the General Assembly in accordance with the Pennsylvania Constitution or applicable state law.

b. When a vacancy in the Office of the County Executive occurs, the County Council, at a regularly scheduled or special meeting held within thirty (30) days of the occurrence of the vacancy, shall fill the vacancy by a resolution adopted by an affirmative vote of at least a majority of its current members. If the County Council fails, for any reason, to fill the vacancy in the Office of the County Executive within thirty (30) days of its occurrence, the Court of Common Pleas of
Luzerne County shall by a majority vote of its members appoint a person to fill the vacancy within thirty (30) days. Any person appointed to fill a vacancy in the Office of the County Executive shall possess the qualifications as set forth in this Charter.

c. If the vacancy in the Office of the County Executive occurs during the first two (2) years of a term, the appointee shall serve until the next scheduled municipal primary or municipal general election occurring no sooner than the thirteenth (13th) Tuesday after the vacancy is filled at which time the unexpired term shall be filled by the voters of the County. If the vacancy occurs during the last two (2) years of a term, the appointee shall serve the unexpired term of his/her predecessor.

d. The person appointed or elected to fill the vacancy shall take the oath of office within five (5) days.

e. Any County Executive who resigns shall not be eligible for reappointment to that office during the remainder of the term for which he/she was elected if reappointment would increase his/her salary.

Section 3.06 – Forfeiture of Office. The County Executive shall forfeit office if, during the term of office, County Council determines that he/she lacks any qualification prescribed by applicable state law or by this Charter; he/she has been found to be incapacitated or incompetent by an appropriate court; he/she has been convicted of misbehavior in office, embezzlement of public moneys, bribery, perjury, or other infamous crime as provided for in the Pennsylvania Constitution or applicable state law; or he/she is disqualified from holding office as provided for in Article XI of this Charter.

Section 3.07 – Compensation. The County Council shall have the power to fix the compensation of the County Executive by ordinance, provided no change in compensation for the incumbent County Executive shall become effective until the commencement of a new term of office and provided no change shall be adopted less than twelve (12) months prior to the commencement of a new term. Subject to the provisions for change outlined herein, the County Executive shall receive an annual salary of ninety thousand dollars ($90,000). As a full time employee, the County Executive shall be entitled to the fringe benefits afforded other full-time County employees and shall also be entitled to reimbursement of expenses incurred in the performance of his/her duties in keeping with general County policy.

Section 3.08 – Powers and Duties. The County Executive shall have and may exercise such executive and administrative powers and duties as are specifically conferred or imposed upon him/her by this Charter, such executive and administrative powers as are generally conferred or imposed upon County government in the Commonwealth of Pennsylvania by applicable state law, and all powers necessarily incidental thereto. The County Executive shall have, but shall not be limited to, the following powers and duties:

a. To execute and enforce the ordinances and resolutions of the County and the provisions of this Charter.
b. To assure that the laws of the United States and the Commonwealth of Pennsylvania pertaining to the government of the County are duly executed and enforced within the County.

c. To supervise and direct the administration and the internal organization of all County departments, offices, agencies, and other administrative units which have not been specifically placed under the jurisdiction of any other elected County official or the Court of Common Pleas of Luzerne County by this Charter or by applicable state law.

d. To appoint the County Manager and various department heads with the consent of County Council by an affirmative vote of at least a majority of its current members as provided for in this Charter.

e. To appoint, discipline, suspend, and remove County employees or to delegate the power to appoint, discipline, suspend, and remove County employees except as otherwise provided in this Charter. All such actions shall be subject to the County’s personnel system and overall personnel policies and the County’s annual budget appropriation. The County Executive and all employees of the Executive Branch shall be subject to County’s Accountability, Conduct, and Ethics Code, purchasing procedures, and other provisions of the Administrative Code.

f. To cause the annual operating, capital, and other required budgets to be prepared and submitted to County Council prior to October 1 of each year and to cause the budgets to be executed in accordance with the provisions of this Charter.

g. To cause a comprehensive long-range operational, fiscal, and capital plan to be prepared and submitted to County Council by June 1 of each year and to cause the plan to be executed in accordance with the provisions of this Charter.

h. To approve or veto ordinances passed by County Council as provided for in this Charter.

i. To make appointments to authorities, boards, and commissions as provided for in this Charter.

j. To recommend to County Council the adoption and amendment of the Administrative Code.

k. To recommend to County Council the creation, combination, alteration, and/or abolition of any County department, office, agency, board, commission, public authority, or other administrative unit and/or changes in the functions, powers, and duties thereof.
l. To represent the County in all meetings and negotiations with the heads of other governmental or quasi-governmental bodies, or to designate a County employee to represent the County in his/her place.

m. To represent the County in all meetings and negotiations relating to economic development, or to designate a County employee to represent the County in his/her place.

n. To serve on all boards and commissions on which a County Commissioner was, prior to the effective date of this Charter, required to serve, except as otherwise provided in this Charter. However, when permitted by law, the County Executive may designate someone else to serve in his/her place subject to the consent of County Council by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote.

o. To negotiate, award, and sign on behalf of the County or to cause to be negotiated, awarded, and signed on behalf of the County all deeds, contracts, agreements, and other instruments, including those which prior to the adoption of this Charter required the signature of the Chair or any member of the Board of Commissioners, except as otherwise provided in this Charter.

p. To appoint and dissolve from time to time voluntary advisory committees of citizens to assist and advise him/her on issues and matters pertaining to his/her office.

q. To propose ordinances, resolutions, and other related actions to County Council for its consideration.

r. To call special meetings of County Council as necessary.

s. To attend and participate in meetings of County Council as he/she deems necessary and appropriate. The County Executive shall not have the right to vote at meetings of County Council.

t. To make an annual “State of the County” report and present it in person at a meeting of County Council within sixty (60) days after the close of the fiscal year, and to report to County Council at such other times as he/she may deem necessary and appropriate on the activities of the departments, offices, agencies, boards, commissions, and other administrative units of the County in such detail as he/she may deem necessary and appropriate.

u. To declare a state of emergency whenever there is an immediate threat to the life and/or property of the residents of Luzerne County and during the state of emergency to take appropriate action to meet the emergency, including taking action of a legislative nature and making emergency appropriations as provided for in this Charter in the absence of a quorum of County Council. A state of
emergency shall not exceed a period of five (5) days unless extended by action of County Council. Any legislative action taken by the County Executive shall cease to be effective on the tenth (10th) day after the action has been taken unless ratified by an affirmative vote of at least a majority of the members of County Council present at the meeting and eligible to vote.

v. To hold at least one town meeting annually for the purpose of providing a reasonable opportunity for the public to offer comments and suggestions directly to the County Executive. Each town meeting shall be held in the evening, and the location shall be rotated annually so that in a six (6) year period one (1) meeting shall be held in each of the six (6) Council districts. The date, time, and place of each town meeting shall be duly advertised and posted on the County’s website and/or other electronic medium.

w. To have the necessary, inherent, and incidental powers to perform and execute the duties and functions specified above or lawfully delegated to him/her.

Section 3.09 – Temporary Absence or Incapacity of the County Executive. The County Executive, within thirty (30) days of taking office, shall designate the County Manager or the head of one of the departments of the Executive Branch who shall serve as Acting County Executive and shall have all the powers and duties of the County Executive during his/her temporary absence from the County or his/her temporary inability to act for any reason. Such designation shall be made in writing and filed with the County Council and may be changed by the County Executive at any time by filing a new designation. In the event that no Acting County Executive has been so designated, or that the designated officer is unable to serve during the temporary absence or inability of the County Executive, County Council shall designate, by resolution, the County Manager or the head of one of the departments of the Executive Branch to serve as Acting County Executive.

Section 3.10 – Executive Appointments.

a. The County Executive, subject to confirmation by an affirmative vote of at least a majority of the current members of Council, shall appoint the County Manager and the heads of all departments under his/her jurisdiction.

b. The County Manager and all heads of departments shall devote full time to their offices and shall be appointed on the basis of administrative abilities and qualifications as demonstrated by professional preparation, training, and/or experience relevant to the duties and responsibilities of the position. These appointees shall serve at the will of the County Executive and may be removed by him/her at any time with or without cause. Any such removal shall not take effect until after the expiration of thirty (30) days from the date of the removal action. During this thirty (30) day period, the County Executive may suspend the County Manager and any department head, and prior to the expiration of the thirty (30) day period the County Manager or the suspended department head may request a public hearing before the County Council. This hearing shall be held before the expiration of the thirty (30) day period.
c. Each appointment subject to the confirmation of County Council shall be made in writing and filed with the County Council within ten (10) days after it is made. An appointee shall take office when confirmed by County Council or, if County Council has failed to act, on the thirtieth (30th) day after the appointment was filed with the Council.

d. The County Executive may designate a qualified person to serve in any of these positions in a temporary capacity for a period not in excess of ninety (90) days in any calendar year.

Section 3.11 – Executive Approval. Except as otherwise provided by this Charter or applicable state law, every ordinance adopted by County Council shall be submitted within five (5) days after passage to the County Executive for his/her approval. Within ten (10) days after the receipt of the original ordinance as adopted by the County Council, he/she shall take action to approve or veto it.

a. Approval. If approved by the County Executive, the original document shall be signed by him/her and returned to the County Council.

b. Veto. Except as otherwise provided in the Charter or by applicable state law the County Executive may veto any non-budgetary ordinance in its entirety and may veto the annual operating, capital, and other required budgets in their entirety or on a line-by-line basis, or may reduce or increase any line item in any budget within the limitations set forth in this Charter. If the County Executive exercises his/her power to veto any ordinance in its entirety, or any budget in its entirety or on a line-by-line basis, or to reduce or increase any line item in any budget within the limitations set forth in this Charter, he/she shall so indicate and set forth his/her reasons in a veto message. The County Executive shall return the original document to County Council with his/her veto message attached within the ten (10) day period defined in this Charter.

c. If the County Executive fails to take action on the ordinance within the ten (10) day period, except as otherwise provided in this Charter, the ordinance shall be considered to have been approved in its entirety and shall take effect in due course without his/her signature.

d. Reconsideration. Whenever the County Executive has exercised his/her veto power or has reduced or increased any budget line item(s), County Council shall enter the veto message into its records at its next regular or special meeting. Except as otherwise provided in this Charter, within thirty (30) days, County Council may override County Executive’s veto by an affirmative vote of at least a majority plus one (1) of its current members. Only one reconsideration may occur on any vetoed ordinance or portion thereof or any increases or decreases in a budget line item.
ARTICLE IV – COUNTY CONTROLLER

Section 4.01 – County Controller. There shall be a County Controller who shall be elected at large by the voters of the County. The Controller shall devote full time to his/her office.

Section 4.02 – Qualifications. At the time of his/her election or appointment and throughout his/her term of office, the Controller shall be a citizen of the United States, shall be registered as a voter in Luzerne County, and shall have been registered as a voter in Luzerne County continuously for at least two (2) years immediately preceding his/her election or appointment. Further, the Controller shall be at least 25 years of age at the time of his/her election or appointment.

Section 4.03 – Election and Term. The Controller shall be elected for a term of four (4) years at the municipal election held in odd-numbered years, beginning in 2005, and at four (4) year intervals thereafter. His/her term of office shall begin on the first Monday of January following the year in which the election is held, and shall end when his/her successor takes the oath of office. If the first Monday in January is a legal holiday, the term of office shall begin on the next business day. Upon beginning his/her term of office, the County Controller shall voluntarily execute an oath or affirmation of office as prescribed in the Administrative Code or state law.

Section 4.04 – Prohibitions. During his/her term of office, the County Controller shall hold no other elective public office; no appointive public office except as specifically allowed by this Charter; no other Luzerne County office or employment for which salary, compensation, stipend, or emolument is paid or received; or no other public employment for which he/she receives compensation; and shall not actively engage in any other business or occupation during normal County business hours. In addition, the County Controller shall not serve as a non-elected County employee or as a paid consultant for the County government during his/her term of office and for a period of two (2) year after leaving office.

Section 4.05 – Vacancies.

a. The Office of County Controller shall become vacant upon the Controller’s death, resignation, forfeiture, or removal by impeachment in the General Assembly in accordance with the Pennsylvania Constitution or applicable state law.

b. When a vacancy in the Office of County Controller occurs, the County Council, at a regularly scheduled or special meeting held within thirty (30) days of the occurrence of the vacancy, shall fill the vacancy by a resolution adopted by an affirmative vote of at least a majority of its current members. If the County Council fails, for any reason, to fill the vacancy in the Office of County Controller within thirty (30) days of its occurrence, the Court of Common Pleas of Luzerne County shall by majority vote of its members appoint a person to fill the vacancy within thirty (30) days. Any person appointed to fill a vacancy in the position of County Controller shall possess the qualifications set forth in this Charter.
c. If the vacancy in the Office of County Controller occurs during the first two (2) years of a term, the appointee shall serve until the next scheduled municipal primary or municipal general election occurring no sooner than the thirteenth (13th) Tuesday after the vacancy is filled, at which time the unexpired term shall be filled by the voters of the County. If the vacancy occurs during the last two (2) years of a term, the appointee shall serve the unexpired term of his/her predecessor.

d. The person appointed or elected to fill the vacancy shall take the oath of office within five (5) days.

e. Any County Controller who resigns from office shall not be eligible for reappointment to that office during the remainder of the term for which he/she was elected if reappointment would increase his/her salary.

Section 4.06 – Forfeiture of Office. The County Controller shall forfeit office if, during the term of office, County Council determines that he/she lacks any qualification prescribed by applicable state law or by this Charter; he/she has been found to be incapacitated or incompetent by an appropriate court; he/she has been convicted of misbehavior in office, embezzlement of public moneys, bribery, perjury, or other infamous crime as provided for in the Pennsylvania Constitution or applicable state law; or he/she is disqualified from holding office as provided for in Article XI of this Charter.

Section 4.07 – Compensation. The County Council shall have the power to fix the compensation of the County Controller by ordinance, provided no change in compensation for the incumbent County Controller shall become effective until the commencement of a new term of office and provided no change shall be adopted less than twelve (12) months prior to the commencement of a new term of the office. Subject to the provisions for change outlined herein, the County Controller shall receive annual salary of fifty thousand dollars ($50,000). As a full time employee, the County Controller shall be entitled to the fringe benefits afforded other full time County employees and shall also be entitled to reimbursement of expenses incurred in the performance of his/her duties in keeping with general County policy.

Section 4.08 – Powers and Duties. The County Controller shall continually monitor the fiscal and management activities of the County government and shall have the power and duty to:

a. Review all proposed purchases, contracts, and other obligations of the County and each of its departments, offices, agencies, administrative units, boards, commissions, and elected officials to determine whether they are in accordance with this Charter, other applicable law, and/or established procedures and whether there is a duly enacted budget appropriation containing a sufficient unencumbered balance to meet the proposed purchase, contract, or obligation. The County Controller shall promptly call to the attention of the County Executive, County Council, and the public any proposed purchases, contracts, and other obligations of the County and any of its departments, offices, agencies, administrative units, boards, commissions, and elected officials which are not in accordance with this
Charter, other applicable law, and/or established procedures or for which there is not a duly enacted budget appropriation containing a sufficient unencumbered balance.

b. Review all payments scheduled to be made by the County and each of its departments, offices, agencies, administrative units, boards, commissions, and elected officials to determine whether they are in accordance with this Charter, other applicable law, purchase orders, contracts, and/or established procedures and whether there is a duly enacted budget appropriation containing a sufficient unencumbered balance to meet the scheduled payments. The County Controller shall promptly call to the attention of the County Executive, County Council, and the public any scheduled payments that are not in accordance with this Charter, other applicable law, purchase orders, contracts, and/or established procedures or for which there is not a duly enacted budget appropriation containing a sufficient unencumbered balance to meet the scheduled payments, as well as any other exceptions, irregularities, or improper procedures. If such findings, exceptions, irregularities, or improper procedures are not corrected or justified within a reasonable period of time, the County Controller shall convey all pertinent information and documentation to the District Attorney for appropriate action, and shall notify the County Council and the County Executive of such at a public meeting.

c. Undertake such studies, investigations, and financial or management audits as he/she deems to be in the best interest of the County. Any such study, investigation, or audit shall be available for public inspection.

d. Submit to the County Council and the County Executive a quarterly report giving the results of the County’s operations in the preceding quarter and the opinion of the County Controller as to whether or not the revenue and expenditure reports of the County Executive and/or Director of Finance fairly represent the financial position of the County.

e. Inspect at any time all records and files pertaining to the receipt and expenditure of County funds by any elected official, department, office, agency, administrative unit, board, commission, or authority. The County Controller shall be empowered to compel the attendance of witnesses and the production of documents and other evidence deemed necessary to such studies, audits, and investigations relating to County government as he/she determines are in the best interest of the County and, for those purposes, may administer oaths and issue subpoenas to be served as provided by law. The County Controller shall be empowered to retain independent legal counsel when he/she deems it necessary for the conduct of a study, audit, or investigation relating to County government that he/she determines is in the best interest of the County.

f. Direct and supervise the Office of the County Controller and to appoint, discipline, suspend, and remove employees of the Office of the County Controller
subject to the terms and conditions of the County’s personnel system and overall personnel policies and the annual budget appropriation for this office. The County Controller, the Office of the County Controller, and all employees of the office shall also be subject to the County’s Accountability, Conduct, and Ethics Code, purchasing procedures, and other provisions of the Administrative Code.

g. Prepare for submission to the County Executive a proposed annual budget for his/her office in such format, and within such time frame, as determined by the County Executive.

h. Annually prepare a report to the people of Luzerne County on the operations and finances of his/her office and present this report in person to County Council at one of its regular meetings during the first quarter of each calendar year.
ARTICLE V – DISTRICT ATTORNEY

Section 5.01 – District Attorney. There shall be a District Attorney who shall be elected at large by the voters of the County. The District Attorney shall devote full-time to his/her office.

Section 5.02 – Qualifications. At the time of his/her election or appointment and throughout his/her term of office, the District Attorney shall be a citizen of the United States and a resident of Luzerne County and shall meet all other requirements set forth in this Charter or applicable state law.

Section 5.03 – Election and Term.

a. The District Attorney shall be elected for a term of four (4) years at the municipal election held in the odd-numbered years, beginning in 2007, and at four (4) year intervals thereafter. His/her term of office shall begin on the first Monday of January following the year in which the election is held, and shall end when his/her successor takes the oath of office. If the first Monday in January is a legal holiday, the term of office shall begin on the next business day. Upon beginning his/her term of office, the District Attorney shall voluntarily execute an oath or affirmation of office as prescribed in the Administrative Code or state law.

b. The incumbent District Attorney, who on the effective date of this Charter will have two years remaining on the term to which he/she was elected in 2003, shall be entitled to remain in office for the term to which he/she was elected. The compensation of the District Attorney shall be as provided for in Section 5.07 of this Charter.

Section 5.04 – Prohibitions. During his/her term of office the District Attorney shall hold no other elective public office; no appointive public office except as specifically allowed by this Charter; no other Luzerne County office or employment for which salary, compensation, stipend, or emolument is paid or received; or no other public employment for which he/she receives compensation; and shall not engage in any other business or occupation during normal County business hours, and shall not actively engage in the private practice of law. In addition, the District Attorney shall not serve as a non-elective County employee or as a paid consultant for the County government during his/her current term of office and for a period of two (2) years after leaving office.

Section 5.05 – Vacancies.

a. The Office of the District Attorney shall become vacant upon the District Attorney’s death, resignation, forfeiture, or removal by impeachment in the General Assembly, in accordance with the Pennsylvania Constitution or applicable state law.
b. When a vacancy occurs in the Office of District Attorney, the Court of Common Pleas of Luzerne County shall appoint a person to fill the vacancy in keeping with applicable state law. Any person appointed to fill a vacancy in the position of District Attorney shall possess the qualifications as set forth in this Charter or applicable state law.

c. The person appointed or elected to fill the vacancy shall take office within five (5) days.

d. Any District Attorney who resigns from office shall not be eligible for reappointment to that office during the remainder of the term for which he/she was elected if reappointment would increase his/her salary.

Section 5.06 – Forfeiture of Office. The District Attorney shall forfeit office if, during the term of office, County Council determines that he/she lacks any qualification prescribed by applicable state law or by this Charter; he/she has been found to be incapacitated or incompetent by an appropriate court; he/she has been convicted of misbehavior in office, embezzlement of public moneys, bribery, perjury, or other infamous crime as provided for in the Pennsylvania Constitution or applicable state law; or he/she is disqualified from holding office as provided for in Article XI of this Charter.

Section 5.07 – Compensation. The District Attorney shall be compensated at one thousand dollars ($1,000) lower than the compensation paid to a judge of the Court of Common Pleas in Luzerne County’s judicial district. As a full time employee, the District Attorney shall be entitled to the fringe benefits afforded other full-time County employees and shall also be entitled to reimbursement of expenses incurred in the performance of his/her duties in keeping with general County policy.

Section 5.08 – Powers and Duties.

a. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon this position by this Charter, by the general laws of the Commonwealth of Pennsylvania, and by the laws pertaining to counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to District Attorneys in counties having populations closest to that of Luzerne County including the prosecuting power of the Commonwealth of Pennsylvania.

b. The District Attorney shall have the power to direct and supervise the Office of District Attorney and to appoint, discipline, suspend, and remove all employees of the Office of the District Attorney subject to the terms and conditions of the County’s personnel system and overall personnel policies and the annual budget appropriation for this office. The District Attorney, the Office of the District Attorney, and all employees of the office shall also be subject to the County Accountability, Conduct, and Ethics Code, purchasing procedures, and other provisions of the Administrative Code.
c. The District Attorney shall prepare for submission to the County Executive a proposed annual budget for his/her office in such format and within such time frame as determined by the County Executive.

d. The District Attorney shall annually prepare a report to the people of Luzerne County on the operations and finances of his/her office and present this report in person to County Council at one of its regular meetings during the first quarter of each calendar year.
ARTICLE VI – COUNTY MANAGER

Section 6.01 – County Manager. There shall be a County Manager who shall be appointed by the County Executive subject to confirmation by County Council by an affirmative vote of at least a majority of its current members. The County Manager shall serve as the Chief Administrative Officer of the County.

Section 6.02 – Qualifications. The County Manager shall be appointed on the basis of administrative abilities and qualifications as demonstrated by professional preparation, training, and/or experience relevant to the duties of the position.

Section 6.03 – Compensation. The compensation of the County Manager shall be fixed by the County Executive and approved by the County Council.

Section 6.04 – Removal. The County Manager shall serve at the will of the County Executive and may be removed by him/her at any time, with or without cause. Any such removal shall not take effect until after the expiration of thirty (30) days from the date of the removal action. During this thirty (30) day period, the County Executive may suspend the County Manager, and prior to the expiration of the thirty (30) day period the County Manager may request a public hearing before the County Council. This hearing shall be held before the expiration of the thirty (30) day period.

Section 6.05 – Acting County Manager. The County Manager, with the approval of the County Executive, shall designate, in writing, one of the County’s department heads or another County employee to serve as Acting County Manager and to exercise the powers and duties of the County Manager during a temporary absence or disability of the County Manager. In the event that the County Manager fails to make such a designation, the County Executive shall appoint an Acting County Manager from among the County’s department heads and employees.

Section 6.06 – Powers and Duties of the County Manager. The County Manager shall be responsible to the County Executive for the administration of all County operations placed in the Manager’s charge by this Charter, by the Administrative Code, by other County ordinance, or by the County Executive. The County Manager shall have, but not be limited, to the following powers and duties:

a. To implement or cause to be implemented the policies established by the County Executive and County Council for the administration of County operations.

b. To supervise and direct on behalf of the County Executive or to delegate the power to supervise and direct the administration and the internal organization of all departments, offices, agencies, and other administrative units of the County government which have not been specifically placed under the jurisdiction of any elected County official other than the County Executive, or under the jurisdiction
of the Court of Common Pleas of Luzerne County by this Charter or by applicable state law.

c. To appoint, discipline, suspend, and remove on behalf of the County Executive or to delegate the power to appoint, discipline, suspend, and remove County employees who have not been specifically placed under the jurisdiction of any other elected County official other than the County Executive, or under the jurisdiction of the Court of Common Please of Luzerne County by this Charter or by applicable state law. All such actions shall be subject to the County’s personnel system and overall personnel policies and the County’s annual budget appropriation. The County Manager and all employees of the Executive Branch shall be subject to the County Accountability, Conduct, and Ethics Code, purchasing procedures, and other provisions of the Administrative Code.

d. To evaluate the structure of and need for each County department, office, board, public authority, commission, or other administrative unit of the County and the functions, powers, and duties thereof, and to recommend to the County Executive the modification, combination, or elimination of any County department, office, board, public authority, commission, or other administrative unit and changes in the functions, powers, and duties thereof.

e. To prepare or cause to be prepared on behalf of the County Executive the annual operating, capital, and other required budgets prior to October 1 of each year and execute them on behalf of the County Executive in accordance with the provisions of this Charter.

f. To prepare or cause to be prepared on behalf of the County Executive a comprehensive long-range operational, fiscal, and capital plan prior to June 1 of each year and to execute the plan in accordance with the provisions of this Charter.

g. To establish and administer on behalf of the County Executive or to cause to be established and administered a personnel system as provided for in this Charter.

h. To establish and administer on behalf of the County Executive or to cause to be established and administered a budgetary and financial management system as provided for in this Charter.

i. To report regularly to the County Executive and County Council on the financial condition of the County and make such other reports as may be required by the County Executive.

j. To make recommendations to the County Executive concerning policy formulation as the County Manager deems appropriate and desirable in advancing the interests of the County.
k. To negotiate or cause to be negotiated labor and other contracts on behalf of the County when directed to do so by the County Executive.

l. To attend and participate in meetings of County Council.

m. To attend and participate in meetings of any County board, commission, or agency of which the County Executive is a member in the absence of the County Executive unless the County Executive designates otherwise.

n. To serve as a temporary County Executive in the event that the Office of County Executive becomes vacant and to exercise those powers provided in this Charter, the Administrative Code, other County ordinance, or applicable state law until the vacancy in the Office of County Executive is filled as provided in the Charter.

o. To perform all other duties required by this Charter, by the Administrative Code, by other County ordinance, by applicable law, or as assigned by the County Executive.
ARTICLE VII – BUDGET AND FINANCE

Section 7.01 – Fiscal Year. The fiscal or budget year and the tax year of Luzerne County shall begin on January 1 and end on December 31.

Section 7.02 – County Budgets. Prior to October 1, the County Executive shall present to the County Council in ordinance form the proposed County budgets for the next fiscal year. In all cases, the County budgets shall form a complete and balanced financial plan for the County and shall consist of an operating (General Fund) budget, a capital budget, and a budget for all appropriate funds of the County government. In addition to the General (Operating) Fund and the Capital Spending Fund, the funds for which there shall be budgets, shall, at a minimum, include all special revenue funds, all proprietary funds, and any other funds deemed to be appropriate by the County Executive or so designated in the Administrative Code or any other County ordinance. Each budget shall be in the form of a separate ordinance; each budget shall include all anticipated expenditures and other uses and all tax levies, other revenues, other sources, and any unreserved fund balance; and the total of all budgeted expenditures and other uses in each budget shall not exceed the total of all budgeted tax levies, other revenues, other sources, and any unreserved fund balance. All rates of taxation provided for in a duly enacted budget shall become law upon the effective date of the budget as provided for in this Charter.

Section 7.03 – Budget Message and Format. The annual budgets submitted by the County Executive shall include a budget message which shall serve as a simple and clear general summary of the detailed contents of the various budgets. Unless and until altered by the Administrative Code, the operating budget and the budgets for other funds, as appropriate, shall be line item budgets structured by department, office, agency, and administrative unit and shall meet current best practices. At a minimum, the operating budget and the budgets of other funds, as appropriate, shall enumerate the number of elected County officials and employees in each County department, office, agency, board, commission, or other administrative unit and the salaries and wages of elected County officials and employees. Additional details as to the format of all budgets and the information to be contained in the budgets shall be provided for in the Administrative Code.

Section 7.04 – Public Inspection. Concurrent with the submission of his/her proposed budgets to County Council, the County Executive shall make copies of the proposed budgets available for public inspection at public libraries within the County and shall post summaries of the budgets on the County’s website and/or other electronic medium. Upon receipt of the County Executive’s proposed budgets, County Council shall publish summaries of them in at least two (2) daily newspapers of general circulation in the County and indicate where full copies of the budgets are available for public inspection. Both County Council and the County Executive shall make full copies of all proposed budgets available for public inspection at their offices during the County’s normal business hours and at public libraries in the County, and shall also make copies available to the public at a charge not to exceed the cost of reproduction.
Section 7.05 – Public Hearing. The County Council shall hold at least one public hearing on the proposed budgets not earlier than fourteen (14) days and not later than twenty-one (21) days following receipt of the proposed budgets from the County Executive.

Section 7.06 – Approval of the Budgets. Except as otherwise provided herein, subsequent to the public hearing(s), but not later than December 1 of the year in which the proposed budgets are submitted, County Council shall adopt the budgets by an affirmative vote of at least a majority of its current members. However, if the budget as voted on contains an increase in the real estate tax rate or tax levy in excess of the limits provided for in Article VIII of this Charter, the budget must be adopted by an affirmative vote of at least a majority plus one (1) of the current members of Council. Council may add to, delete from, increase, or decrease any item in any of the proposed budgets, but no change shall cause the total of all budgeted expenditures and other uses in any budget to exceed the total of all budgeted tax levies, other revenues, other sources, and any unreserved fund balance. Further, no change shall reduce budgeted expenditures required by law or for debt service or for any estimated unpaid obligations. When the budgets have been adopted, the County Council shall establish such fees, service charges, and so forth as will, together with all budgeted tax levies, other revenues, other sources, and any unreserved fund balance, be sufficient to meet all budgeted expenditures and other uses. The budgets as adopted shall become effective on January 1 of the budget year.

Section 7.07 – Failure to Adopt. Except as otherwise provided herein, if the County Council fails to adopt any budget on or before December 1 of the year in which the budgets are submitted, the proposed budgets as originally submitted by the County Executive including the rates of taxation specified in the budget shall stand adopted to the same extent as if favorable action had been taken by the County Council. However, if the proposed budget contains a real estate tax rate in excess of the limits provided for in Article VIII of this Charter, it shall not become law without an affirmative vote of at least a majority plus one (1) of Council’s current members. In the absence of such a vote, the County Executive shall at his/her discretion reduce budgeted expenditures and other uses so that the total of all budgeted expenditures and other uses does not exceed the total of all budgeted tax levies, other revenues, other sources, and any unreserved fund balance based on a real estate tax rate that is not in excess of the limitations provided for in Article VIII of this Charter. No change shall reduce budgeted expenditures required by law or for debt service or for any estimated unpaid obligations. The County Executive shall make these reductions within ten (10) days of Council’s failure to adopt a budget, and he/she shall notify County Council and the County Controller in writing of his/her changes within five (5) days after the changes are made.

Section 7.08 – Veto, Item Veto, Increases, or Reductions.

a. Each of the budgets adopted by County Council shall be delivered within five (5) days after adoption to the County Executive who, within ten (10) days thereafter, may veto any or all of the budgets in their entirety or any line items in any of the budgets or may reduce or increase any items contained in any of the budgets, provided that no change shall cause the total of all budgeted expenditures and other uses in any budget to exceed the total of all budgeted tax levies, other revenues, other sources, and any unreserved fund balance. Further, no change
shall reduce budgeted expenditures required by law or for debt service or for any estimated unpaid obligations. If the County Executive vetoes an entire budget or any line item or reduces or increases any item in any of the budgets, he/she shall promptly return that budget to the County Council stating in writing the reasons for his/her action. Within fifteen (15) days Council may re-approve the budget including the rates of taxation or reinstate any line items vetoed, reduced, or increased by the County Executive by an affirmative vote of at least a majority plus one (1) of its current members.

b. If County Council fails to override the County Executive’s veto of an entire budget or a budget line item, the budget as originally submitted by the County Executive, including the rates of taxation specified in the budget, shall stand adopted to the same extent as if favorable action had been taken by the County Council. If County Council fails to override the County Executive’s reduction or increase in a line item, the budget as reduced or increased by the County Executive, including the rates of taxation specified in the budget, shall stand adopted to the same extent as if favorable action had been taken by the County Council. However, if the budget originally submitted by the County Executive contains a real estate tax rate in excess of the limits provided for in Article VIII of this Charter, it shall not become law without an affirmative vote of at least a majority plus one (1) of Council’s current members. In the absence of such a vote the County Executive shall at his/her discretion reduce budgeted expenditures and other uses if necessary so that the total of all budgeted expenditures and other uses does not exceed the total of all budgeted tax levies, other revenues, other sources, and any unreserved fund balance based on a real estate tax rate that is not in excess of the limitations provided for in Article VIII of this Charter. No reductions shall reduce budgeted expenditures required by law or for debt service or for any estimated unpaid obligations. The County Executive shall make these reductions within ten (10) days of Council’s failure to override the County Executive’s veto of an entire budget or a line item or his/her reduction or increase of a budget line item, and he/she shall notify County Council and the County Controller in writing of his/her changes within five (5) days after the changes are made.

Section 7.09 – Changes in the Budget.

a. During the first 30 days of any fiscal year, County Council may, at the request of the County Executive, amend any of the budgets in order to correct any technical errors or omissions by resolution adopted by an affirmative vote of at least a majority plus one (1) of its current members.

b. Prior to February 15 in the year following a municipal election, the County Council at its own initiative or upon the request of the County Executive may amend any of the budgets and the rates of taxation. After any amendment(s) to any budget is introduced, it shall be made available for public inspection as provided for in Section 7.04 of this Charter. County Council shall hold at least
one (1) public hearing on the proposed amendments, commencing not earlier than seven (7) days following introduction of the proposed amendments. No amendment to any of the budgets shall revise the aggregate upward in excess of ten (10) percent, or an individual line item in excess of twenty-five (25) percent.

c. At any time during the fiscal year, the County Executive may transfer part or all of any unencumbered balance within any department, office, agency, board, commission other administrative unit or budgetary function which is subject to his/her direct control provided that the cumulative total of such transfers during the fiscal year does not exceed ten (10) percent of the total original budget of the department, office, agency, board, commission, other administrative unit, or budgetary function involved and provided that the transfers are not used to increase salaries or create new positions. The County Executive shall notify County Council and the County Controller in writing within five (5) days after the transfer is made. When the cumulative total of transfers of unencumbered balances within a department, office, agency, board, commission, other administrative unit, or budgetary function exceeds ten (10) percent of the amount originally budgeted for the department, office, agency, board, commission, other administrative unit, or budgetary function, the County Executive shall propose such changes to the County Council, which may make such transfers by ordinance approved by an affirmative vote of at least a majority of its current members.

d. At any time during the fiscal year, the County Executive may transfer part or all of any unencumbered balance from one department or budgetary function subject to his/her direct control to another department or budgetary function subject to his/her direct control provided that total cumulative transfers during the fiscal year do not exceed five (5) percent of the original budget for the department or budgetary function from which the transfer is made and provided that the transfers are not used to increase salaries or create new positions. The County Executives shall notify County Council and the County Controller in writing within five (5) days after the transfer is made. When the cumulative total of transfers of unencumbered balances between departments or budgetary functions exceeds five (5) percent of the amount originally budgeted for the transferring department or budgetary function, the County Executive shall propose such changes to the County Council, which may make such transfers by ordinance approved by an affirmative vote of at least a majority of its current members.

e. At any time during the fiscal year County Council at its own initiative or upon the request of the County Executive may amend the budget by ordinance adopted by an affirmative vote of at least a majority plus one (1) of its current members.

f. The County Controller, District Attorney, or Court of Common Pleas of Luzerne County may transfer part or all of any unencumbered balance appropriated for programs services, functions, or other purposes subject to their direct control provided that the cumulative total of transfers during the fiscal year does not exceed ten (10) percent of the total original budget of the office or administrative
unit involved and provided that the transfers are not used to increase salaries or create new positions. The County Controller, District Attorney, or Court of Common Pleas, as the case may be, shall notify the County Executive, County Council, and the County Controller in writing within five (5) days after the transfer is made. When the cumulative total of transfers of unencumbered balances appropriated for the programs, services, functions, or other purposes within the office or administrative unit exceeds ten (10) percent of the amount originally budgeted for that office or administrative unit, the County Controller, District Attorney, or Court of Common Pleas shall propose such changes to the County Council, which may make such transfers by ordinance approved by an affirmative vote of at least a majority plus one (1) of its current members.

g. All budget amendments must be in keeping with the procedures for adopting and amending ordinances as provided for in this Charter and the limitations on real estate tax rates (millages) set forth in this Charter. Further, no amendment or other change shall reduce expenditures required by law or for debt service or for any estimated unpaid obligation, and no amendment or other change shall cause the total of all budgeted expenditures and other uses in any budget to exceed the total of all budgeted tax levies, other revenues, other sources, and any unreserved fund balance.

Section 7.10 – Emergency Appropriations. To meet a state of emergency as declared by the County Executive or by an affirmative vote of at least a majority of the members of County Council present at the meeting and eligible to vote, County Council may by emergency ordinance make emergency appropriations from contingent funds, from revenue received from budgeted sources but in excess of estimates, from revenue received from sources not budgeted, or from revenue from any other source available to the County, or Council may incur indebtedness but not in excess of that permitted by applicable state law. In the absence of a quorum of County Council, the County Executive may make emergency appropriations from contingent funds, from revenue received from budgeted sources but in excess of estimates, from revenue received from sources not budgeted, or from revenue from any other source available to the County.

Section 7.11 – Payment of Funds. No payment shall be made by the County in the absence of a duly enacted budget and no payment shall be made nor obligation incurred unless there is sufficient unencumbered balance appropriated for that purpose. No payment of any funds of the County shall be made except upon approval of the County Executive or his/her designee, and all payments shall be authorized by two individuals. Those who may authorize payments shall be designated in writing by the County Executive.

Section 7.12 – Tax Anticipation Notes. Any tax anticipation note shall be repaid in full no later than 180 days after the proceeds of the borrowing are received or by the end of the fiscal year, which ever comes first.

Section 7.13 – Lapse of Appropriations. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent it has not been
expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was ordained has been accomplished or abandoned. It shall be voided if three (3) years pass from the time of a planned expenditure without any disbursement from or encumbrance of the appropriation.

Section 7.14 – Accounting System. The County’s Accounting System shall be a fund-based system and must adhere to Generally Accepted Accounting Principles (GAAP) which require full accrual or modified accrual accounting depending on the nature of the fund. Further, the accounting system shall utilize modern technology and shall generate Monthly Financial Reports which shall be posted on the County’s website and/or other electronic medium and available for public inspection at the offices of the County Executive, County Council, and the County Controller during the County’s regular business hours. These officials shall also make copies available to the public at a charge not to exceed the cost of reproduction. Additional provisions relating to the County’s accounting system shall be provided for in the Administrative Code.

Section 7.15 – Annual Audit. The County Council shall provide for an annual independent audit of all County financial transactions, and such audit shall be made in accordance with generally accepted professional auditing standards and procedures. This independent audit shall be made by a certified public accountant, or a firm of certified public accountants, who meets the definition of independent as set forth in the most recent version of Government Auditing Standards issued by the Comptroller General of the United States, United States General Accounting Office. The contract with such accountant or firm of accountants shall not exceed a term of three (3) years and no accountant or firm of accountants shall hold two consecutive terms unless no other qualified accountant or firm of accountants competes for the contract. The audit shall be completed within three (3) months after the close of the fiscal year. The County Council may also provide for special audits, as it deems necessary.

Section 7.16 – Long-range Operational, Fiscal, and Capital Plan. Prior to June 1 of each year, the County Executive shall submit to the County Council a comprehensive long-range plan for public operations/services, fiscal policy, and capital improvements covering the three subsequent fiscal years. The long-range plan shall serve as a guide in the development of the County’s annual operating, capital, and other required budgets. The procedure for the adoption of a long-range plan shall be the same as for the adoption of the County budgets and shall be completed not later than September 1. The format of the comprehensive long-range operation, fiscal, and capital plan and the information to be contained in the plan shall be provided for in the Administrative Code.
ARTICLE VIII – TAX LIMITATIONS

Section 8.01 – Tax Limits. There shall be limits on the annual increase in County real estate tax rates (millages) and on real estate tax rates (millages) after a revision of assessments.

Section 8.02 – Limit on Annual Increases in Real Estate Taxes

   a. In any year the sum of all general and special purpose County real estate tax rates (millages), except those dedicated to debt service and the initial real estate tax rate (millage) levied to finance area-wide services in those municipalities where such services are to be provided as authorized under Section 2963 of the Home Rule Charter and Optional Plans Law, shall not exceed the sum of the preceding year’s tax rates (millages) for general and special purposes, exclusive of debt service, by more than the rate of inflation as measured by the percentage increase in the Consumer Price Index as defined in Section 8.05 of this Charter.

   b. Notwithstanding the limitations in Section 8.02 a. of this Charter, the sum of all County general purpose and special purpose real estate tax rates (millages) may be raised by an amount greater than the rate of inflation as measured by the percentage increase in the Consumer Price Index as defined in Section 8.05 of this Charter upon adoption of a budget ordinance containing the proposed tax rate (millage) by an affirmative vote of at least a majority plus one (1) of the current members of County Council, provided the ordinance is not vetoed by the County Executive as provided for in this Charter and Council fails to override that veto.

Section 8.03 – Limit on Increases in Real Estate Tax Rates (Millages) in the First (1st) Year After a Revision of Assessments. When assessment figures resulting from a Countywide revision of assessment of real property or a change in the predetermined assessment ratio are used for the first time for County tax purposes, the limit on the increase in the County tax rates (millages) as described in Section 8.02 a. of this Charter shall be measured against a calculation of the equivalent millage for the sum of all general and special purpose taxes exclusive of those dedicated to debt service and the initial real estate tax rate (millage) levied to finance area-wide services in those municipalities where such services are to be provided as authorized under Section 2963 of the Home Rule Charter and Optional Plans Law, which would have been levied in the preceding year if the reassessment had been implemented at that time. In using the assessment figures resulting from the reassessment to calculate the equivalent sum of the general and special purpose millages levied in the preceding year which would serve as the base for determining the limits on the increase in millage rates, newly-constructed buildings or structures, increased valuations based on new improvements made to existing houses or properties, and properties not previously on the tax roles shall be excluded. Further, in the first year that assessment figures resulting from a Countywide revision of assessment of real property or a change in the predetermined assessment ratio are used for County tax purposes, the County tax rates (millages) shall also be subject to the limitations as provided for in the General County Assessment Law relating to real estate tax rates (millages) in the first year following a Countywide revision of assessment of real property or a change in the predetermined assessment.
ratio. The procedures for exceeding the limit provided for in the General County Assessment Law shall control, but any tax rate (millage) in excess of the limitation must be part of a County budget adopted by an affirmative vote of at least a majority plus one (1) of County Council’s current members as provided for in this Charter.

Section 8.04 – Limit on Total Real Estate Taxes Rates (Millages) in the Second (2nd) and Third (3rd) Years After a Revision of Assessments.

a. Independent of the limitations contained in other sections of this Article, in the second (2nd) and third (3rd) years that assessment figures resulting from a Countywide revision of assessment of real property or a change in the predetermined assessment ratio are used for tax purposes, all millage rates shall be adjusted, if necessary, so that the sum of all real estate taxes levied does not exceed the total amount of real estate taxes levied in the preceding year by the lesser of five (5) percent or the rate of inflation as measured by the percentage increase in the Consumer Price Index as defined in Section 8.05 of this Charter. For the purpose of determining the total amount of taxes to be levied in each of these years, the increase from the preceding year in the amount of real estate taxes to be levied on newly-constructed buildings or structures, on increased valuations based on new improvements made to existing houses or properties, and properties not previously on the tax roles shall be excluded.

b. Notwithstanding the limitations in Section 8.04 a. of this Charter, the sum of all County real estate taxes (millages) levied in the second (2nd) and third (3rd) years that assessment figures resulting from a Countywide revision of assessment of real property or change in the predetermined assessment ratio are used for County tax purposes, including taxes dedicated to debt service and the initial real estate tax rate (millage) levied to finance area-wide services in those municipalities where such services are to be provided as authorized under Section 2963 of the Home Rule Charter and Optional Plans Law, may be raised by an amount greater than the lesser of five (5) percent or the rate of inflation as measured by the percentage increase in the Consumer Price Index as defined in Section 8.05 of this Charter upon adoption of a budget ordinance containing the proposed millage rate by an affirmative vote of at least a majority plus one (1) of the current members of County Council, provided the ordinance is not vetoed by the County Executive as provided for in this Charter and Council fails to override that veto.

Section 8.05 – Measurement of the Rate of Inflation. The rate of inflation shall be measured by the Consumer Price Index for All Urban Consumers (CPI-U), U.S. city average, issued by the U.S. Department of Labor, Bureau of Labor Statistics (BLS) for the twelve-month period from June of the preceding year to June of the year in which the budget is submitted to council. At such time as the CPI-U, U.S. city average ceases to be published by BLS or its successor or substantial changes are made in its calculation rendering it inappropriate in meeting the purpose and spirit of this Article, County Council by ordinance shall substitute an appropriate measure of inflation consistent with the purpose and spirit of this Article.
Section 8.06 – Changes in State Laws. In the event there is a change in state law authorizing or requiring counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to counties having populations closest to that of Luzerne County, to replace all or part of their real estate taxes with some other form(s) of tax, the limit(s) on the rates of such new tax(es) shall be the same as set by state law for counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to counties having populations closest to that of Luzerne County unless this Charter is properly amended to provide some other limitation.
ARTICLE IX – ADMINISTRATIVE CODE

Section 9.01 – Administrative Code. There shall be an Administrative Code which shall set forth the organization and administrative structure and procedures of the County government.

Section 9.02 – Procedure for Adoption. Within three (3) months after the effective date of this Charter, the County Executive shall propose and submit to the County Council an Administrative Code for the County government consistent with the provisions, spirit, and purpose of this Charter. The County Council shall adopt an Administrative Code by ordinance with or without amendments. If the County Council fails to adopt an Administrative Code within two (2) months after its submission by the County Executive, the Administrative Code, as proposed by the County Executive, shall stand adopted and shall become effective immediately. The County Council may at any time amend the Administrative Code by ordinance.

Section 9.03 – Scope of Administrative Code. The Administrative Code shall include, among other things, an enumeration of departments, offices, agencies, boards, commissions, and other administrative units of the County government and the division of powers among them; the internal procedures for their operations; and the duties of the administrative heads. In addition, the Administrative Code shall make adequate and specific provisions for, but shall not be limited to, the following: budgeting and other financial procedures; purchasing procedures; a personnel system; an accountability, conduct, and ethics code; and any other rules, regulations, and procedures necessary and desirable to the efficient administration of the County government.

Section 9.04 – Organization of the Executive Branch. The organization of the executive branch to be included in the Administrative Code shall consist of the Office of Law and the Departments of Administrative Services; Finance; Human Services; General Services; and Judicial Services and Records. This structure shall continue in effect until altered, superseded, or repealed as provided for in this Charter. In no case shall such alteration, supersession, or repeal occur sooner than one (1) year after the effective date of this Charter.

a. The Office of Law shall provide legal advice and service to all departments, offices, boards, agencies, commissions, and other administrative units of the County government and shall serve as legal advisor, attorney, and counsel in all official matters to all departments, offices, agencies, boards, commissions, and other administrative units, except for the County Council and County Controller, in the event that they choose to appoint their own solicitors. Except as specifically authorized by applicable law or by this Charter, no other department, office, agency, board, commission, or other administrative unit shall employ legal counsel without the specific approval of County Council.

1. The Office of Law shall be headed by the County Solicitor who shall be licensed to practice law in the Commonwealth of Pennsylvania and shall be appointed by the County Executive, subject to confirmation by County Council by an affirmative vote of at least a majority of its current members.
The County Solicitor shall be a full-time employee, serve at the pleasure of the County Executive, and be responsible directly to the County Executive.

2. The County Solicitor shall appoint assistant solicitors and other staff in such numbers and at such salaries as shall be fixed in the County budget for the purpose of fulfilling the responsibilities of his/her office under the terms of this Charter. The County Solicitor and each assistant solicitor shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania at the time of appointment and throughout the term of office and shall accept no fees for the performance of their duties other than their salaries as fixed by the budget.

3. The County Solicitor shall have the right to inspect at reasonable times the records of any County department, office, agency, board, commission, or other administrative unit in connection with the performance of his/her duties.

4. With the approval of the County Council the County Solicitor may retain special counsel for a particular proceeding.

b. The Department of Administrative Services shall provide for: the issuance of licenses, permits, and all other necessary and related records; the registration of voters and the conduct of elections; the establishment and maintenance of the County personnel system; the centralized purchasing program; information technology, data processing, and other data management services; and any other related administrative services or functions unless the County is no longer required by the state to provide any of these services or functions or unless the County chooses not to provide any of these services or functions by action taken in keeping with the terms of this Charter.

c. The Department of Finance shall provide for: the financial administration of the County government, including the collection, handling, and disbursement of all County funds; the establishment and maintenance of the budgeting, accounting, and financial management systems; the assessment of real property; and any other related financial services and functions unless the County is no longer required by the state to provide any of these services or functions or unless the County chooses not to provide any of these services or functions by action taken in keeping with the terms of this Charter.

d. The Department of Human Services shall provide for: the operation and maintenance of the County home; adult care and welfare; programs relating to child care and welfare, mental health and mental retardation, and military affairs; and any other related human and health services and functions unless the County is no longer required by the state to provide any of these services or functions or unless the County chooses not to provide any of these services or functions by action taken in keeping with the terms of this Charter.
e. The Department of General Services shall provide for: County parks and recreation; the construction and maintenance of County roads, bridges, and levees; County planning and zoning; emergency management; emergency communications; the care and maintenance of County-owned buildings and grounds; and any other related general services and functions unless the County is no longer required by the state to provide any of these services or functions or unless the County chooses not to provide any of these services or functions by action taken in keeping with the terms of this Charter.

f. The Department of Judicial Services and Records shall provide for: the operation and care of the County prison; the Office of Sheriff; the Office of the Public Defender; the establishment and maintenance of the Office of Medical Examiner; the recording and keeping of deeds, mortgages, related documents, and all necessary court records; the sale of real and personal property to satisfy liens; and any other necessary related judicial and record-keeping services and functions not specifically the responsibility of an independently-elected County official as provided for in this Charter or by applicable state law unless the County is no longer required by the state to provide any of these services or functions or unless the County chooses not to provide any of these services or functions by action taken in keeping with the terms of this Charter.

1. The Office of County Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon it by this Charter, by the Administrative Code, or by other County ordinance and, to the extent which they are not inconsistent with this Charter, the Administrative Code, or other County ordinance, those powers and duties that are now or hereafter conferred or imposed on Sheriffs in counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to counties having populations closest to that of Luzerne County. In addition, unless and until changed by this Charter, by the Administrative Code, or by other County ordinance, the County Sheriff shall be responsible for the security of all County buildings, grounds, and other facilities. The Office of County Sheriff shall be headed by the County Sheriff who shall be appointed by the County Executive, subject to confirmation by County Council by an affirmative vote of at least a majority of its current members. The County Sheriff shall be a full-time employee, serve at the pleasure of the County Executive, and be responsible directly to the County Executive. The County Sheriff shall appoint deputies, assistants, and other staff in such numbers and at such salaries as shall be fixed by the County budget to fulfill responsibilities of his/her office under the terms of this Charter. The County Sheriff shall have the power to direct and supervise the Office of the County Sheriff and to appoint, discipline, suspend, and remove employees of the Office of the County Sheriff subject to the terms and conditions of the County’s personnel system and overall personnel policies and the annual budget appropriation for this office. The County Sheriff, the Office of the County Sheriff, and all employees of the office shall also be subject to the
County’s accountability, conduct, and ethics code, purchasing procedures, and other provisions of the Administrative Code. The County Sheriff shall prepare for submission to the Director of the Department of Judicial Services a proposed annual budget for his/her office in such format and within such time frame, as determined by the Director of the Department of Judicial Services.

2. The Office of Medical Examiner shall have and exercise all powers and duties now or hereafter conferred or imposed upon it by this Charter, by the Administrative Code, or by other County ordinance and, to the extent which they are not inconsistent with this Charter, the Administrative Code, or other County ordinance, those powers and duties that are now or hereafter conferred or imposed on Coroners in counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to counties having populations closest to that of Luzerne County. The Office of Medical Examiner shall be headed by the Medical Examiner who shall be a physician licensed to practice medicine in the Commonwealth of Pennsylvania and shall be appointed by the County Executive, subject to confirmation by County Council by an affirmative vote of at least a majority of its current members. The Medical Examiner shall serve at the pleasure of the County Executive and be responsible directly to the County Executive. The Medical Examiner shall appoint assistants and other staff in such numbers and at such salaries as shall be fixed by the County budget to fulfill responsibilities of his/her office under the terms of this Charter. The Medical Examiner shall have the power to direct and supervise the Office of the Medical Examiner and to appoint, discipline, suspend, and remove employees of the Office of the Medical Examiner subject to the terms and conditions of the County’s personnel system and overall personnel policies and the annual budget appropriation for this office. The Medical Examiner, the Office of the Medical Examiner, and all employees of the office shall also be subject to the County’s accountability, conduct, and ethics code, purchasing procedures, and other provisions of the Administrative Code. The Medical Examiner shall prepare for submission to the Director of the Department of Judicial Services a proposed annual budget for his/her office in such format and within such time frame, as determined by the Director of the Department of Judicial Services.

3. The Office of Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed upon it by this Charter, by the Administrative Code, or by other County ordinance and, to the extent which they are not inconsistent with this Charter, the Administrative Code, or other County ordinance, those powers and duties that are now or hereafter conferred or imposed on Public Defenders in counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to counties having populations closest to that of Luzerne County. The Office of Public Defender shall be headed by the Public Defender who shall be licensed to practice law in the Commonwealth of Pennsylvania and shall be appointed by the County Executive, subject to
confirmation by County Council by an affirmative vote of at least a majority of its current members. The Public Defender shall be a full-time employee, serve at the pleasure of the County Executive, and be responsible directly to the County Executive. The Public Defender shall appoint assistants and other staff in such numbers and at such salaries as shall be fixed by the County budget to fulfill responsibilities of his/her office under the terms of this Charter. The Public Defender shall have the power to direct and supervise the Office of the Public Defender and to appoint, discipline, suspend, and remove employees of the Office of the Public Defender subject to the terms and conditions of the County’s personnel system and overall personnel policies and the annual budget appropriation for this office. The Public Defender, the Office of the Public Defender, and all employees of the office shall also be subject to the County’s accountability, conduct, and ethics code, purchasing procedures, and other provisions of the Administrative Code. The Public Defender shall prepare for submission to the Director of the Department of Judicial Services and Records a proposed annual budget for his/her office in such format and within such time frame, as determined by the Director of the Department of Judicial Services and Records.

Section 9.05 - Court Administration. There shall be an Office of Court Administration, the staff of which shall be appointed by and be under the direction of the Court of Common Pleas of Luzerne County but otherwise subject to the overall personnel policies and budgetary provisions of the County. The Office of Court Administration of the County Court shall include the Court Administrator; court reporters; judicial staff; magisterial operations; jury selection; juvenile detention and probation; domestic relations; and adult probation and parole. This structure shall continue in effect until altered, superseded, or repealed as provided for in this Charter. In no case shall such alteration, supersession, or repeal occur sooner than one (1) year after the effective date of this Charter.

Section 9.06 - Purchasing Procedures. Purchasing procedures to be included in the Administrative Code, shall, among other things, provide that:

a. All contracts shall be executed on behalf of the County by the County Executive or his designee, except as otherwise provided by this Charter or by applicable state law.

b. All contracts for goods and services in excess of ten thousand dollars ($10,000) shall be awarded to the lowest responsible bidder, except as otherwise provided in this Charter. In awarding contracts, the County may take into consideration such factors as availability, cost, and quality of service.

c. Procedures for competitive bidding shall include, but shall not be limited to: definitions, advertising, and publication requirements; deposit and bond requirements; conditions; terms; rules; and regulations, and shall prohibit the technique commonly known as bid-splitting which can be used to avoid competitive bidding requirements. County Council may change the minimum for
competitive bidding by ordinance. Terms of contracts for the purchase of materials and supplies shall not exceed twenty-four (24) months.

d. Competitive bidding shall not be required for: contracts with other governmental entities; contracts for emergency repairs or services involving the health and safety of employees or the public; contracts for professional or unique services except insurance coverage and newspaper advertising which shall be subject to competitive bidding; contracts for the purchase of services, materials, or supplies available from only one vendor; and contracts relating to the acquisition or use of real property.

e. There shall be a system for competitive negotiation of contracts for professional or unique services which shall include advertisement of planned purchases containing an accurate and specific description of the services or items sought together with necessary technical requirements, and a statement of the amount over which such contracts shall not be awarded except after a public hearing held by the County Executive. This information shall also be posted on the County’s website and/or other electronic medium.

Section 9.07 - Bonding. The Administrative Code shall set forth the elected County officials and employees of the County and its departments, offices, agencies, and other administrative units and the members and employees of County boards and commissions who shall be bonded and the conditions and the amount of the bond. Bond premiums shall be paid by the County.
ARTICLE X – PERSONNEL SYSTEM

Section 10.01 – Personnel Code. As part of the County’s Administrative Code, County Council shall establish a Personnel Code covering all elected County officials, all employees of the County, and all members and employees of all County boards and commissions. The Personnel Code shall establish and maintain the means to recruit, select, develop, and maintain an ethical, effective, efficient, and responsive work force in order to best meet the needs of Luzerne County.

Section 10.02 – Procedure for Adoption. Within three (3) months after the effective date of this Charter, the County Executive shall propose and submit to County Council a Personnel Code consistent with the provisions, spirit, and purpose of this Charter. The County Council shall adopt a Personnel Code by ordinance with or without amendments. If County Council fails to adopt a Personnel Code within two (2) months after its submission by the County Executive, the Personnel Code, as proposed by the County Executive, shall stand adopted and shall become effective immediately. County Council may at any time adopt amendments to the Personnel Code by ordinance.

Section 10.03 – Scope of Personnel Code. The personnel system to be included in the Personnel Code shall be based on the principle that appointments and promotions of employees shall be made solely on the basis of merit and fitness demonstrated by a valid, reliable, and objective examination or other evidence of competence. Consistent with all applicable contracts and laws, the personnel system shall provide for, but not be limited to: policies, procedures, rules, and regulations governing employee recruitment, examinations, selection, and advancement; provisional, temporary, and exempt appointments; training, orientation, and career development; job classification; salary and employee benefits administration; discipline, force reduction, and discharge; grievances; working conditions including safety; civil service systems; labor relations; equal employment opportunity; and other related activities, and shall be consistent with the current best practices of personnel management. Further, the Personnel Code shall require that a comprehensive policies and procedures manual covering all elected County officials and employees be maintained on a current basis. The Personnel Code, like all other ordinances, shall be a public document and open to public inspection.

Section 10.04 – Job Discrimination. No person shall be appointed, promoted, demoted, disciplined, dismissed, or in any way discriminated against with respect to County employment because of age, race, color, sex, sexual preference, disability as defined in the Americans With Disabilities Act, religion, national origin, political opinions or affiliations, or lawful activity in any employee organization. Further, the County shall comply with any applicable federal or state laws or regulations relating to equal employment or nondiscrimination which affects public employers.

Section 10.05 – Career Service, Exempt Service, and State Civil Service.

a. Each elected official and employee of Luzerne County shall be a member of the career service, exempt service, or part of the state civil service system.
b. The career service shall consist of all County employees who are not specifically designated as part of the exempt service or the state civil service system. The career service is designed to attract, select, and retain the best-qualified individuals on the basis of a fair and open competitive selection process.

c. The exempt service shall consist of certain policy-making and other positions which shall be filled outside the career service provisions. Those appointed to these positions shall serve at the pleasure of the person authorized to make appointments except for members of authorities, boards, and commissions who serve for fixed terms. The exempt service shall include:

1. all elected officials;
2. the heads of departments and offices immediately under the direction and supervision of the County Executive and the County Manager and the head of the Office of Court Administration
3. the Chief Deputy or first assistant to the County Controller and District Attorney and the Chief Detective to the District Attorney;
4. the Clerk of County Council;
5. the members of authorities, boards, and commissions;
6. all judicial officers and their personal staff; however, members of the personal staff of the judiciary shall be subject to the provisions of Section 10.08 a.1., 2., 5., 7., and 9. of the career service regulations; and
7. employees whose inclusion in the career service would be prohibited by applicable state law.

d. The terms and conditions of state civil service system shall cover those employees required to be included in a state civil service system.

e. The terms of any collective bargaining agreement shall comply with the provisions of the County’s personnel system for employees covered by the agreement except as prohibited by applicable federal or state law.

Section 10.06 – County Merit Personnel System

a. A merit personnel system applicable to all members of the career service is hereby established.

b. Any appointment, promotion, transfer, demotion, suspension, dismissal, or disciplinary action concerning any member of the career service shall be in accordance with career service regulations and the County’s Personnel Code. Any individual who is appointed or promoted to a position in the career service on the basis of the merit personnel system shall retain that position with the career service and shall not be demoted, suspended, disciplined, or dismissed in a manner inconsistent with the provisions of the County’s Personnel Code, applicable state law, or an applicable collective bargaining agreement. Any member of the career service demoted, suspended, disciplined, or dismissed shall
have the right to appeal to the Personnel Appeals Board to determine whether such action was consistent with the provisions of the County’s Personnel Code, applicable state law, or an applicable collective bargaining agreement covering a member of the career service unless the agreement provides a separate appeal procedure.

Section 10.07 – Filling the Vacancies in the Career Services

a. The County Executive, the County Manager, or the administrative unit responsible for the administration of the County’s personnel system, with the advice of the Personnel Commission, shall establish impartial standards for each position in the career service which shall be used to evaluate the qualifications of candidates for the career service. The evaluation of the qualifications of candidates for the career service shall be based on valid, reliable, and objective measures of competence and fitness; such as, written and oral tests, training and experience, physical and psychological examinations, and demonstrations of physical dexterity and physical ability to perform specific tasks.

b. Each vacant and newly created full-time, part-time, and temporary position shall be broadly advertised for a period of at least ten (10) days by posting notice of the vacancy or newly created position on bulletin boards at the various work locations of the County and on the County’s website or other electronic medium, and by advertising the vacancy or newly created position in at least two (2) daily newspapers of general circulation in the County. Candidates shall apply for the position with the administrative unit responsible for administering the County’s personnel system.

c. Candidates shall be tested competitively and graded by utilizing the measures of competence and fitness developed in accordance with Section 10.07 a. of this Charter. To the extent feasible, the identity of individuals being examined shall be shielded from the examiner until after the individual has been rated on that section of the examination. The administrative unit responsible for administering the County’s personnel system shall assign a composite grade to each individual tested. It shall then establish and maintain a list of those eligible for various positions. Individuals shall be retained on the eligibility list for no more than three (3) years.

d. In the case of a vacancy or a newly created position in the career service the administrative unit responsible for administering the County personnel system shall certify to the person authorized to make the appointments a list of the three (3) candidates receiving the highest grades. The person authorized to make appointments may select any of the three (3) top-rated candidates to fill the vacant or newly created position, except as otherwise provided in this Charter. Candidates who have been certified and who have not been appointed shall be recertified for the next vacant or newly created position in that same job classification.
e. The County may appoint provisional employees only in the absence of an appropriate eligibility list and only until an eligibility list is established and candidates are given a reasonable opportunity to qualify for the position. The eligibility list shall be established within six (6) months after such appointment. No provisional employee shall be employed for longer than six (6) months in any twelve (12) month period.

Section 10.08 – Career Service Regulations

a. The County Executive, County Manager, or the head of the administrative unit responsible for administering the County’s personnel system from time to time shall prepare and submit to the Personnel Commission proposed career service regulations for its consideration and recommendation. These shall provide for:

1. the classification and description of all positions of employment based on the duties, authority, and responsibility of each position, with adequate provisions for reclassification of any position whenever warranted by changed circumstances;
2. a pay plan or pay plans covering all County positions based on community standards considering all aspects of compensation including benefits and paid time off;
3. methods for determining the impartial standards and valid, reliable, and objective measures of competence and fitness to be utilized to determine the eligibility of candidates for appointment or promotion within the career service;
4. policies and procedures regarding reduction in force and removal of employees;
5. the hours of work, attendance regulations, and provisions for paid leave from employment;
6. the policies and procedures governing provisional employees and temporary employees;
7. the policies and procedures governing the relationships with employee organizations;
8. policies regarding in-service training programs;
9. policies regarding the preferential treatment of veterans;
10. grievance procedures and procedures for the hearing of any grievance by the Personnel Appeals Board, except where a collective bargaining agreement provides for an alternate grievance procedure; and
11. other practices and procedures reasonably appropriate to the administration of the County’s personnel system.

b. Within thirty (30) days after the date of submission, the Personnel Commission shall consider the proposed career service regulations and shall report its recommendations on them to the official who submitted them and to County Council.
c. No sooner than thirty (30) days after the date of submission to the Personnel Commission, the County Executive, County Manager, or the head of the administrative unit responsible for administering the County personnel system shall submit the proposed career service regulations to County Council for its adoption. County Council shall have the power by ordinance to approve, reject, or amend the proposed career service regulations, but if the County Council fails to approve or reject them within thirty (30) days after the date of submission to the County Council, the proposed career service regulations shall be deemed adopted and shall become effective immediately.

Section 10.09 – Status and Rights of Present Officers and Employees

a. Any employee holding a County position at the time this Charter takes effect, who was serving in the same or comparable position at the time of its adoption, shall not be subject to competitive tests as a condition for continuance in the same position, but in all other respects shall be subject to the personnel system provided for in this Charter.

b. Nothing in this Charter shall diminish the rights or privileges of any former employee entitled to benefits and nothing in this Charter shall diminish the rights or privileges of any former employee or present employee with respect to their pension or retirement benefits.

Section 10.10 – Status and Rights of Collective Bargaining Units. Employees who are members of a collective bargaining unit represented by an employee organization shall be subject to the County’s personnel system except where an existing applicable collective bargaining agreement has specific provisions which are inconsistent with the provisions of the County’s personnel system. In this case, until it expires, the specific terms of the collective bargaining agreement shall supersede the specific provisions of the County’s personnel system.

Section 10.11 – Soliciting of Employment Favors. No individual who seeks promotion or appointment with respect to any position or office shall directly or indirectly give, render, or pay money, service, or other valuable thing to any person for, or in connection with, his/her past appointment, proposed appointment, promotion, or proposed promotion.

Section 10.12 – Political Activity

a. Permitted Political Activity. Each member of the career service may engage in the following activities:

1. register and vote in any election;
2. express an opinion as an individual privately and publicly on political subjects and candidates;
3. Display a political picture, sticker, badge, or button when not on duty and at locations other than the workplace;
4. participate in the nonpartisan activities of a civic, community, social, labor, professional, or similar organization;
5. be a member of a political party or other political organization or club and participate in its activities to the extent consistent with Section 10.12 b. of this Charter;
6. attend a political convention, rally, fund-raising function, or other political gathering;
7. sign a political petition as an individual;
8. make a financial contribution to a political party or organization;
9. be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, initiative or referendum proceeding, approval of a municipal ordinance, or any other question or issue of a similar character; and
10. participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise his/her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of an appointing authority. These activities are not to be engaged in while an employee is on duty, or while in a uniform that identifies him/her as a County employee.

b. Political Activities Prohibited. A career service employee may not use his/her official authority or influence for the purpose of interfering with or affecting the result of an election nor take an active part in the political management or in a political campaign. Specific prohibited activities that an employee may not engage in include, but are not limited to, the following:

1. serve as an officer of a political party, a member of a national, state, or local committee of a political party, an officer or a member of a committee of a partisan political club, or be a candidate for any of these positions;
2. organize or reorganize a political party organization or political club;
3. directly or indirectly solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for a partisan political purpose;
4. organize, sell tickets to, promote, or actively participate in a fund raising activity of a candidate in a partisan election, or of a political party office;
5. take an active part in managing the political campaign of a candidate for public office in a partisan election or political party or political club;
6. become a candidate for, or campaign for, an elective public office in a partisan election;
7. solicit votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;
8. act as recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;
9. drive voters to the polls on behalf of a political party or candidate in a partisan election;
10. endorse or oppose a candidate for public office in a partisan election or a candidate for a political party office in a political advertisement, a broadcast, campaign literature, or similar material;
11. serve as a delegate, alternate, or proxy to a political party convention;
12. address a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office;
13. initiate or circulate a partisan nomination petition;
14. solicit, pay, collect, or receive a contribution at or in the workplace from any employee for any political party, political fund, or other partisan recipient; and
15. pay a contribution at or in the workplace to any employee who is the employer or employing authority of the person making the contribution for any political party, political fund, or other partisan recipient.

Section 10.13 – Personnel Appeals Board.

a. There shall be a Personnel Appeals Board which shall hear appeals:

1. by any member of the career service from any decision resulting in denial of qualification, eligibility, appointment, or promotion, or resulting in transfer, demotion, suspension, dismissal, or disciplinary action, unless a collective bargaining agreement applicable to the member of the career service provides a separate appeal procedure; and
2. by an individual claiming unlawful discrimination as defined in this Charter or applicable state law.

b. The Personnel Appeals Board shall have the power to sustain or dismiss an appeal, to modify a penalty, to award back pay, and to reinstate an employee. Such decisions may be appealed to the Court of Common Pleas by the aggrieved party.

c. The Personnel Appeals Board shall be comprised of five (5) registered voters of the County who shall be appointed by County Council by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote. Members of the Personnel Appeals Board shall be qualified by training, knowledge, experience, and/or expertise in personnel management and/or labor relations. Initially, two (2) members shall be appointed for terms of two (2) years, and three (3) members shall be appointed for terms for four (4) years. Thereafter, the terms of all members shall be four (4) years.

d. If the County Council fails to fill a vacancy on the Personnel Appeals Board within sixty (60) days after the vacancy has occurred, the County Executive shall make the appointment, except as otherwise provided by applicable state law or by this Charter. Confirmation by County Council shall not be required for such appointments.
e. Any three (3) members of the Personnel Appeals Board shall constitute a quorum and shall have the power to perform the functions of the Personnel Appeals Board.

f. The Personnel Appeals Board shall be entitled to compensation if provided for in the County budget. Such compensation shall be at a rate not to exceed that of counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such a classification, counties having populations closest to that of Luzerne County.

Section 10.14 – Personnel Commission.

a. There shall be a Personnel Commission which shall advise the County Executive, the County Manager, and the administrative unit responsible for the administration of the County’s personnel system in accordance with the provisions of this Article.

b. The Personnel Commission shall be comprised of three (3) registered voters of the County who shall be appointed by the County Executive as provided for in this Charter. Members of the Personnel Commission shall be qualified by training, knowledge, experience, and/or expertise in personnel management. Initially, one (1) member of the Personnel Commission shall be appointed for a term of two (2) years, and two (2) members shall be appointed for terms of four (4) years. Thereafter, the terms of all members shall be four (4) years.

c. Any two (2) members of the Personnel Commission shall constitute a quorum and shall have the power to perform the functions of the Personnel Commission.
ARTICLE XI – ACCOUNTABILITY, CONDUCT, AND ETHICS

Section 11.01 – Accountability, Conduct, and Ethics Code. As part of the County’s Administrative Code, County Council shall establish an Accountability, Conduct, and Ethics Code covering all elected County officials, all employees of the County, all members and employees of all County boards and commissions, and all members of a County authority.

Section 11.02 – Procedure for Adoption. Within three (3) months after the effective date of this Charter, the County Executive shall propose and submit to the County Council an Accountability, Conduct, and Ethics Code for the County government consistent with recognized best practices and the provisions, spirit, and purpose of this Charter. The County Council shall adopt an Accountability, Conduct, and Ethics Code by ordinance with or without amendments. If the County Council fails to adopt an Accountability, Conduct, and Ethics Code within two (2) months after its submission by the County Executive, the Accountability, Conduct, and Ethics Code as proposed by the County Executive shall stand adopted and shall become effective immediately. The County Council at any time may by ordinance adopt amendments to the Accountability, Conduct, and Ethics Code.

Section 11.03 – Scope of Accountability, Conduct, and Ethics Code. The Accountability, Conduct, and Ethics Code shall, at a minimum, include provisions addressing: ethics, political activity, conflicts of interest, gifts, and the personal use of County resources; appropriate conduct and behavior in the performance of duties; and penalties and sanctions for discrimination, favoritism, harassment, and oppression. The County’s Accountability, Conduct, and Ethics Code shall incorporate by reference the State Ethics Act. Where the State Ethics Act or other applicable state laws differ from the County’s Accountability, Conduct, and Ethics Code, the more stringent regulations and penalties shall control. The County’s Accountability, Conduct, and Ethics Code shall, at a minimum, provide for the following restricted activities:

a. Conflict of interest. No elected County official, employee of the County, member or employee of any County board or commission, or member of a County authority shall engage in conduct that constitutes a conflict of interest as defined in the State Ethics Act.

b. Seeking improper influence. No person shall offer or give to an elected County official, nominee or candidate for elective County office, employee of the County, member or employee of any County board or commission, member of a County authority, or member of the immediate family or the spouse or child of a member of the immediate family of any of these persons, or a business with which any of these persons or a member of his/her immediate family, or the spouse or child of a member of his/her immediate family is associated, anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on the offeror’s or donor’s understanding that the vote, official action, or judgment of the elected County official, nominee or candidate for elective County office, employee of the County, member or employee of any
County board or commission, or member of a County authority would be influenced thereby.

c. Accepting improper influence. No elected County official, nominee or candidate for elective County office, employee of the County, member or employee of any County board or commission, or member of any County authority shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of the elected County official, nominee or candidate for elective County office, employee of the County, member or employee of any County board or commission, or member of any County authority that his/her vote, official action, or judgment would be influenced thereby.

d. Honorarium. No elected County official, employee of the County, member or employee of any County board or commission, or member of any County authority shall accept an honorarium.

e. Contingent and severance payments. No person shall solicit or accept a payment or anything of monetary value contingent upon the assumption or acceptance of County office or employment. This subsection shall not prohibit: (1) payments received pursuant to an employment agreement in existence prior to the time a person becomes a candidate or is notified by a member of a transition team, a search committee, or a person with appointive power that he/she is under consideration for a County office or makes application for County employment or (2) receipt of a salary, fees, severance payment, or proceeds resulting from the sale of a person’s interest in a corporation, professional corporation, partnership, or other entity resulting from termination or withdrawal therefrom upon the assumption or acceptance of County office or employment. Payments made or received pursuant to the preceding sentence shall not be based on the agreement, written or otherwise, that the vote or official action of the prospective County official or employee would be influenced thereby.

f. Contract. No elected County official, employee of the County, member or employee of any County board or commission, or member of the immediate family of any of these persons or his/her spouse or child, or any business in which any of these persons or a member of his/her immediate family, or the spouse or child of a member of his/her immediate family is associated, shall enter into any contract valued at $500 or more with the County or any subcontract valued at $500 or more with any person who has been awarded a contract with County with which the elected County official, employee of the County, or member or employee of any County board or commission is associated, unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the elected County official, employee of the County, or member or employee of any County board or commission shall not have any supervisory or overall responsibility for the implementation or administration of the contract. Any contract or subcontract made or awarded in violation of this
subsection shall be voidable by a court of competent jurisdiction if the suit is commenced within 90 days of the making or awarding of the contract or subcontract.

g. Misuse of statement of financial interest. No person shall use for any commercial purpose information copied from statements of financial interest required by the State Ethics Act or from lists compiled from such statements.

h. Former office holders and employees. No former elected County official, employee of the County, or member or employee of any of its boards or commissions shall represent a person, with promised or actual compensation, on any matter before the County for two (2) years after he/she leaves office or terminates employment with the County. Further, no former elected County official, employee of the County, or member or employee of any of its boards or commissions may, for a period of two (2) years from the time that he/she leaves office or terminates employment with the County, be employed by, receive compensation from, assist, or act in a representative capacity for a business or corporation that he/she actively participated in recruiting to the County or that he/she actively participated in inducing to open a new plant, facility, or branch in the County or that he/she actively participated in inducing to expand an existent plant or facility within the County, provided that the above prohibition shall be invoked only when the recruitment or inducement is accomplished by a grant of loan or money or a promise of a grant or loan of money from the County to the business or corporation recruited or induced to expand.

i. Voting conflict. Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania, by this Charter, or by any law, rule, regulation, order, or ordinance, the following procedure shall be employed. Any elected County official, employee of the County, or member or employee of any County board or commission who in the discharge of his/her official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever County Council would be unable to take any action on a matter before it because the number of its members required to abstain from voting under the provisions of this article makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein.

j. Gift or promise of thing of value to influence political support. No candidate for elective County office, appointment to a County board or commission, or employment with the County, no elected County official, no employee of the County, nor any member or employee of any County board or commission shall 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. Any person who violates this subsection shall be disqualified to hold County office or employment.

k. No elected County official who is required to devote full time to his/her position nor any employee of the County shall do or perform any private work during the hours he/she is employed by the County. Further, no elected County official, employee of the County, or member or employee of any County board or commission shall use or cause to be used any County-owned property for any unauthorized or prohibited private purpose.

l. The penalty for violation of any of the specific prohibitions of this Article of the Charter shall be as provided for in this Charter and applicable state law as well as other criminal or civil penalties.

Section 11.04 – Accountability, Conduct, and Ethics Commission

a. There shall be a County Accountability, Conduct, and Ethics Commission which shall be empowered to receive complaints and investigate alleged violations of the Accountability, Conduct, and Ethics Code by any elected County official, employee of the County, member or employee of any all County board or commission, or member of a County authority. The Commission shall commence proceedings within 30 days of receipt of a written complaint, and all matters shall be treated confidentially.

b. The Accountability, Conduct, and Ethics Commission shall consist of the County Manager, the District Attorney or his/her designee, the County Controller or his/her designee, one (1) registered voter of Luzerne County appointed by the County Executive, and one (1) registered voter of Luzerne County appointed by County Council.

c. The members of the Accountability, Conduct, and Ethics Commission who are appointed by the County Executive and the County Council shall serve for staggered terms of four (4) years. Initially, the member appointed by the County Executive shall serve for a term of two (2) years, and the member appointed by the County Council shall serve for a term of four (4) years. Thereafter, the terms of these members shall be four (4) years.

d. Except as otherwise provided by applicable state law or by this Charter each member of Accountability, Conduct, and Ethics Commission shall serve until the expiration of his/her term or until his/her successor is appointed. However, if a successor is not nominated within sixty (60) days after the expiration of the term, the position shall be considered vacant. An appointee to fill a vacancy shall serve only the unexpired term.

e. If within sixty (60) days after the vacancy has occurred, the County Executive fails to appoint a person to fill a vacant position on the Accountability, Conduct,
and Ethics Commission that he/she is authorized to fill, the County Council shall make the appointment within thirty (30) days. Similarly, if within sixty (60) days after the vacancy has occurred, County Council fails to appoint a person to fill a vacant position on the Accountability, Conduct, and Ethics Commission that it is authorized to fill, the County Executive shall make the appointment within thirty (30) days.

f. Members of the Accountability, Conduct, and Ethics Commission appointed by the County Executive or County Council shall not be an elected County official or employee or be employed or compensated by any County contractor, and for a period of four (4) years prior to appointment shall not have been an elected official or employee of Luzerne County or have been employed or compensated by any Luzerne County contractor. Further, during their term of office members of the Accountability, Conduct, and Ethics Commission appointed by the County Executive or County Council shall not hold any other Luzerne County office or employment for which salary, compensation, stipend, or emolument is paid or received, any elective public office, any other appointive public office, or any public employment for which they receive compensation. In addition, no member of the Accountability, Conduct, and Ethics Commission appointed by the County Executive or County Council shall serve as a paid consultant for the County government during his/her term of office and for a period of two (2) years after leaving office.

g. The Accountability, Conduct, and Ethics Commission shall have the power of subpoena.

h. The Commission shall report its conclusions and recommendations on all complaints to County Council and the County Executive as well as to the State Ethics Commission.

i. Any three (3) members of the Accountability, Conduct, and Ethics Commission shall constitute a quorum and shall have the power to perform the functions of the Commission.

Section 11.05 – Nepotism. No elected County official, employee of the County, or any member or employee of any County board or commission shall be allowed to hire a member of his/her immediate family or the spouse or child of a member of his/her immediate family. Further, no elected County official, employee of the County, or any member or employee of any County board or commission shall be allowed to supervise a member of his/her immediate family or the spouse or child of a member of his/her immediate family or be allowed to be supervised by a member of his/her immediate family or the spouse or child of a member of his/her immediate family. Any employee holding a County position at the time this Charter takes effect, who held the same position at the time of its adoption, shall not be prevented from continuing in that position by the provisions of this Section of the Charter.
ARTICLE XII – AUTHORITIES, BOARDS, AND COMMISSIONS

Section 12.01 – General. There shall be such authorities, boards, and commissions as shall be established from time to time by applicable state law, by this Charter, by the Administrative Code, or by other County ordinance. If any new authority is created by the County, the Articles of Incorporation shall not be filed with the state until sufficient opportunity has been provided for a referendum proceeding to be initiated as provided for in this Charter.

Section 12.02 – Appointments to Boards and Commissions.

a. Except as otherwise provided by applicable state law or by this Charter all members of boards and commissions shall be appointed by the County Executive as provided for in this Charter with the consent of County Council by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote. The terms and tenure of members of boards and commissions shall be as established by applicable state law, by this Charter, by the Administrative Code, or by other County ordinance for the specific board or commission.

b. Except as otherwise provided by applicable state law or by this Charter each member of a board or commission shall serve until the expiration of his/her term or until his/her successor is chosen. However, if a successor is not nominated within sixty (60) days after the expiration of the term, the position shall be considered vacant.

c. Positions on a board or commission shall also become vacant upon the member’s death or resignation, or when the member lacks any qualification prescribed by applicable state law or by this Charter; has been found to be incapacitated or incompetent by an appropriate court; has been convicted of misbehavior in office, embezzlement of public moneys, bribery, perjury, or other infamous crime, as provided for in the Pennsylvania Constitution and applicable state laws; or he/she is disqualified from holding office as provided for in Article XI of this Charter.

d. Except as otherwise provided by applicable state law or by this Charter, upon failure of the County Executive to nominate a person to fill a vacancy on a board or commission within sixty (60) days after it has occurred, the County Council shall make the appointment within thirty (30) days. An appointee to fill a vacancy shall serve only the unexpired term.

e. Where an applicable state law or a binding agreement in effect on the effective date of this Charter prescribes that one or more County Commissioner serve as a member of a board or commission, the County Executive and/or his designee(s) shall fill such position(s), except as otherwise provided by this Charter. In those cases where the County Executive designates someone to serve in his/her place on any such board or commission, the designee(s) shall require the consent of
County Council by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote.

f. Each appointee to a board or commission shall be a registered voter of Luzerne County and shall remain a registered voter throughout his/her term of office.

g. Except as otherwise provided by applicable state law or by this Charter, not all members of any board or commission may be registered in the same political party.

h. Except to the extent that applicable state law or this Charter requires that an elected County official or employee serve on a specific board or commission, no member of a board or commission shall hold any elective public office, any other appointive public office, or any other Luzerne County office or employment for which salary, compensation, stipend, or emolument is paid or received. In addition, except as provided by applicable state law or by this Charter, no member of a board or commission shall serve as a non-elective Luzerne County employee or as a paid consultant for the County government during his/her term of office and for a period of two (2) years after leaving the board or commission.

i. Unless otherwise provided by applicable state law or by this Charter, members of a board or commission shall not receive any County salary for the performance of their duties as member of a board or commission and shall not receive a County pension or any other form of County benefits by virtue of their position on a board or commission. However, members of boards and commissions shall be entitled to reimbursement of expenses actually incurred in the performance of their duties in keeping with general County policy.

Section 12.03 – Appointments to Authorities.

a. For the purpose of appointing authority members the County Executive together with County Council shall be considered the governing body of the County and shall make all appointments to County authorities. All members of authorities shall be appointed by the County Executive as provided for in this Charter with the consent of County Council by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote. The terms and tenure of members of authorities shall be in keeping with applicable state law.

b. Except as otherwise provided by applicable state law or by this Charter, upon failure of the County Executive to nominate a person to fill a vacancy on an authority within sixty (60) days after it has occurred, the County Council shall make the appointment within thirty (30) days. An appointee to fill a vacancy shall serve only the unexpired term.

c. Where state law or an ordinance creating an authority which is in effect on the effective date of the Charter prescribes that one or more County Commissioner
serve as a member of an authority, the County Executive and/or his designee(s) shall fill such position(s), except as otherwise provided by this Charter. In those cases where the County Executive designates someone to serve in his/her place on any such authority, the designee(s) shall require the consent of County Council by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote.

d. Unless otherwise provided by applicable state law, members of an authority shall not receive any County salary for the performance of their duties as members of an authority and shall not receive a County pension or other form of County benefits by virtue of their position on an Authority.

Section 12.04 – Board of Tax Assessment Appeals.

a. There shall be a Board of Tax Assessment Appeals which shall exercise all powers and duties now or hereafter conferred on it by this Charter, by the Administrative Code, or by other County ordinance, and, to the extent which they are not inconsistent with this Charter, those powers and duties that are now or hereafter conferred upon Boards of Assessment Appeals in counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to Boards of Assessment Appeals in counties having populations closest to that of Luzerne County.

b. The Board of Tax Assessment Appeals shall consist of five (5) registered voters of Luzerne County who shall be appointed by County Council by a majority vote of at least a majority of its members present at the meeting and eligible to vote. Initially, two (2) members of the Board of Tax Assessment Appeals shall be appointed for terms of two (2) years, and three (3) members shall be appointed for terms of four (4) years. Thereafter, the terms of all members shall be four (4) years.

c. Except as otherwise provided by applicable state law or by this Charter, upon failure of the County Council to fill a vacancy on the Board of Tax Assessment Appeals within sixty (60) days after the vacancy has occurred, the County Executive shall make the appointment. Confirmation by County Council shall not be required for such appointments.

d. Any three (3) members of the Board of Tax Assessment Appeals shall constitute a quorum and shall have the power to perform the functions of the Board of Tax Assessment Appeals.

e. The Board of Tax Assessment Appeals shall be entitled to compensation if provided for in the County budget. Such compensation shall be at a rate not to exceed that of counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such a classification, counties having populations closest to that of Luzerne County.
Section 12.05 – Board of Elections and Registration.

a. There shall be a Board of Elections and Registration which shall exercise all powers and duties now or hereafter conferred on it by this Charter, by the Administrative Code, or by other County ordinance enacted subsequent to the effective date of this Charter and, to the extent which they are not inconsistent with this Charter, those powers and duties that are now or hereafter conferred on County Boards of Elections by applicable state law, including the Pennsylvania Election Code.

b. The Board of Elections and Registration shall consist of five (5) members, one of whom shall be the County Executive who shall serve as chair. No officer in a political party shall be eligible to serve on the Board of Elections and Registration.

c. Within the first forty-five (45) days of the year following the initial election of the County Executive, he/she shall appoint four (4) members to serve on the Board of Elections and Registration. Two (2) appointees shall be registered in each of the political parties polling the highest and second highest percentage of the votes cast for all candidates for the office of County Executive in the preceding municipal election. The appointees shall be subject to confirmation by an affirmative vote of at least a majority of the members of County Council present at the meeting and eligible to vote.

d. If the County Executive fails to fill these positions within the said forty-five (45) days, County Council, shall within thirty (30) days fill the vacancy in a manner consistent with this Article by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote.

e. Except as otherwise provided by applicable law or by this Charter each member of the Board of Elections and Registration shall serve for terms of four (4) years. However, for those initially appointed, one (1) member each from the two (2) political parties polling the highest and second highest percentage of the votes cast for all candidates shall serve for terms of two (2) years and one (1) member each from the two (2) political parties polling the highest and second highest percentage of the votes cast for all candidates shall serve for terms of four (4) years.

f. At the expiration of the respective terms or if a vacancy occurs in any of the positions on the Board of Elections and Registration subject to appointment by the County Executive, he/she shall fill the position within forty-five (45) days by appointing a person of the same political party as the person who previously filled the position. If the County Executive fails to fill the position within forty-five (45) days after the expiration of the term or the occurrence of a vacancy, County Council shall fill the position within thirty (30) days in a manner consistent with
this Article by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote. Persons appointed to fill vacancies shall serve for the unexpired term of their predecessor; those appointed at the expiration of a term shall serve for a full term of four (4) years.

g. If the County Executive becomes a candidate for any nomination or election to public office he/she shall step down as a member of the Board of Elections and Registration until after the final certification of the election. In such case, the Chair of County Council shall take the place of the County Executive as Chair of the Board of Elections and Registration unless he/she is a candidate for any nomination or election to public office. In this case County Council shall designate one of its members who is not a candidate for any nomination or election to public office to take the place of the County Executive as Chair of the Board of Elections and Registration.

h. If any member of the Board of Elections and Registration other than the County Executive is a candidate for any nomination or election to public office, he/she must resign, and the position shall be filled in a manner consistent with this Article.

i. Any three (3) members of the Board of Elections and Registration shall constitute a quorum and shall have the power to perform the functions of the Board of Elections and Registration.

Section 12.06 – Retirement Board.

a. There shall be a Retirement Board which shall oversee the administration of the County retirement system and exercise all powers and duties now or hereafter conferred on it by this Charter, by the Administrative Code, or by other County ordinance and, to the extent which they are not inconsistent with this Charter, those powers and duties that are now or hereafter conferred upon retirement boards in counties of Luzerne’s classification functioning without a home rule charter or, in the absence of such laws, by state law relating to retirement boards in counties having populations closest to that of Luzerne County.

b. The Retirement Board shall consist of five (5) members: the County Executive, the County Controller, the Chair of County Council, and two persons elected by ballot from among the membership of the retirement system who shall serve for terms of four (4) years from the date of their election. Any vacancies in these latter two (2) positions shall be filled promptly by ballot by the membership of the retirement system.

c. Any three (3) members of the Retirement Board shall constitute a quorum and shall have the power to perform the functions of the Retirement Board.


d. Participation as a member of the Retirement Board shall not disqualify any elected County official or employee from receiving the wages and benefits to which he/she is entitled by virtue of his/her elected or appointed position with the County.

Section 12.07 – Joint Airport Board. The Luzerne County representatives on the Joint Airport Board for the administration of the Wilkes-Barre/Scranton International Airport shall consist of the County Executive, the Chair of County Council or his/her designee, and the Vice Chair of County Council or his/her designee. This shall remain the procedure for filling Luzerne County’s positions on the Joint Airport Board until such time as the agreement between the counties of Luzerne and Lackawanna is amended or renegotiated.

Section 12.08 – Boards and Commissions Abolished. The Salary Board and the Prison Board are hereby abolished.

Section 12.09 – Boards and Commissions Continued. All boards and commissions not specifically reconstituted, superseded, or abolished by this Charter shall continue and may exercise the powers conferred upon them until such time as otherwise provided by applicable state law, by this Charter, by the Administrative Code, or by other County ordinance.

Section 12.10 – Current Members of Boards and Commissions. Except as otherwise provided in this Charter, members of County boards and commissions in office on the effective date of this Charter whose terms have not expired may complete their terms of office even though they may not meet the terms and conditions outlined in Section 12.02 f., g., and h. of this Charter. Further, no person who would be ineligible to serve as a member of a board or commission under the terms of this Charter shall be appointed or reappointed to such position subsequent to the adoption of this Charter.
ARTICLE XIII—INITIATIVE AND REFERENDUM

Section 13.01 – General Powers. In accordance with the procedures hereinafter provided, the registered voters of Luzerne County shall have the power to propose and enact ordinances independent of the County Council and to repeal ordinances adopted by County Council.

Section 13.02 – Initiative. The registered voters of Luzerne County shall have the power to propose and enact ordinances independent of the County Council. An ordinance proposed by initiative shall be limited to one subject which shall be clearly expressed in its title and shall be germane to County government. Petitions signed by registered voters equal in number to at least five (5) percent of the total number of votes cast in Luzerne County for the office of President of the United States in the most recent presidential general election shall cause the County Council to consider the proposed initiative ordinance and, if the Council fails to adopt the proposed ordinance within sixty (60) days after the petition was finally determined to be sufficient, it shall be submitted to the voters of the County. Initiative powers shall not extend to the levying of taxes or the adoption or amendment of the County’s operating, capital, or other budgets; the long range operational, fiscal, and capital plan; the Administrative Code; the Personnel Code; any ordinance making or repealing the appropriation of money, fixing the salaries of elected County officials or employees, establishing or revising Council districts, or relating to zoning regulations; or any ordinances for which the specific procedures for adoption or amendment are established under applicable state law.

Section 13.03 – Procedures for Initiative

a. Petitioners Committee. An application signed by at least one hundred (100) registered voters of the County and filed with the Clerk of County Council shall be necessary to commence the procedure for initiative. Those signing this application shall be known as the Petitioners Committee. The application shall state the names and mailing addresses of these individuals; indicate that they are registered voters of the County; state that they will constitute a Petitioners Committee to be responsible for coordinating the circulation of the initiative petition and for filing it in the proper form; and the mailing address to which all notices to the Petitioners Committee shall be sent. In addition, an application for an initiative petition shall state the full text of the proposed ordinance. Upon the filing of a valid application, the Clerk of County Council shall issue the petition forms to the Petitioners Committee.

b. Petition. Initiative petitions stating the full text of the proposed ordinance shall be signed by registered voters equal in number to at least five (5) percent of the total number of votes cast in Luzerne County for the office of President of the United States in the most recent presidential general election. Each petition shall contain an enacting clause which shall read as follows: “Be it enacted by the people of Luzerne County….”

c. Time for Filing Petitions. An initiative petition shall be void unless it is filed with the Clerk of County Council within seventy-five (75) days after the Clerk of
County Council accepts the application of the Petitioners Committee and issues the petition forms to the Committee.

d. Consideration by County Council. When an initiative petition has been finally determined to be sufficient by the Clerk of County Council, the County Council shall promptly consider the ordinance proposed by initiative. If the Council fails to adopt the proposed ordinance without any material change in substance within sixty (60) days after the date the petition was finally determined to be sufficient, the Board of Elections and Registration shall cause the proposed ordinance to be submitted to the voters of the County.

e. Submission to Voters. The vote on a proposed ordinance shall be held at the next primary, municipal, or general election, whichever comes first, occurring not less than thirteen (13) Tuesdays after County Council takes action not to adopt the proposed ordinance, or after the date it is vetoed by the County Executive and County Council fails to override the veto, or after the conclusion of Council’s sixty (60) day opportunity to consider the proposed ordinances, whichever occurs first. The Board of Elections and Registration shall frame the question to be placed on the ballot and, if it deems appropriate, an interpretive statement to accompany the question.

f. Public Notice. The Clerk of County Council shall publish a summary of the proposed ordinance in at least two (2) daily newspapers of general circulation in the County and indicate where a full copy of the proposed ordinance is available for public inspection. The Clerk of County Council shall make a full copy of the proposed ordinance available for public inspection at his/her office during the County’s regular business hours and shall also make a copy available to the public at a charge not to exceed the cost of reproduction. Further, the Clerk of County Council shall make copies of the proposed ordinance available for public inspection at public libraries within the County and shall post a copy on the County’s website and/or other electronic medium.

g. Approval and Effective Date. The affirmative vote of the majority of those voting on the proposed ordinance shall be sufficient for its enactment. The date of the final certification of the affirmative vote shall be considered the date of enactment, and an ordinance approved by the voters shall become effective on the sixtieth (60th) day following its enactment unless a later date is provided in the ordinance. An ordinance enacted by the voters shall not be subject to veto by the County Executive.

h. Limitation on Council’s Power to Change. Any ordinance adopted by County Council as a result of this process or adopted by the voters of the County as a result of this process shall not be amended or repealed by County Council within two (2) years of its effective date. However, an ordinance adopted by County Council as a result of this process may be repealed at any time upon vote of the electorate under the referendum powers provided herein, and an ordinance
adopted by the voters as a result of this process may be rescinded at any time upon vote of the electorate under the initiative powers provided herein.

i. Limit on Number of Initiative Questions. Only one (1) initiative question may be placed on the ballot at any election as a result of this process, and that question shall be the first to have met all the terms and conditions pursuant to this Article.

Section 13.04 – Referendum. The registered voters of Luzerne County shall have the power to repeal ordinances adopted by County Council. Petitions signed by registered voters equal in number to at least ten (10) percent of the total number of votes cast in Luzerne County for the office of Governor in the most recent gubernatorial general election shall cause a duly enacted ordinance to be referred to County Council for reconsideration and, if Council does not repeal the ordinance within thirty (30) days after the petition was finally determined to be sufficient, it shall be submitted to the voters of the County. Referendum powers shall not extend to the levying of taxes or the adoption or amendment of the County’s operating or other budgets except the capital budget; the Administrative Code; the Personnel Code; any ordinance making or repealing the appropriation of money, fixing the salaries of non-elective County employees, establishing or revising Council districts, authorizing the County’s initial tax anticipation note for the budget year, authorizing emergency loans, refunding of County obligations, relating to zoning regulations, any emergency or temporary ordinance; ordinances enacted as a result of any initiative process whether provided for by this Charter or by applicable state law; or any ordinance for which the procedure for adoption or amendment are established under the laws of the Commonwealth of Pennsylvania.

Section 13.05 – Procedure for Referendum.

a. Petitioners Committee. An application signed by at least one hundred (100) registered voters of the County and filed with the Clerk of County Council shall be necessary to commence the procedure for referendum. Those signing this application shall be known as the Petitioners Committee. The application shall state the names and mailing addresses of these individuals; indicate that they are registered voters of the County; state that they will constitute a Petitioners Committee to be responsible for coordinating the circulation of the referendum petition and for filing it in the proper form; and the mailing address to which all notices to the Petitioners Committee shall be sent. In addition, an application for a referendum petition shall state the full text of the ordinance proposed for repeal. Upon the filing of a valid application, the Clerk of County Council shall issue the petition forms to the Petitioners Committee.

b. Petitions. Referendum petitions stating the full text of the ordinance proposed for repeal signed by registered voters equal in number to at least one (1) percent of the total number of votes cast in Luzerne County for the office of Governor in the most recent gubernatorial general election and filed with the Clerk of County Council within fifteen (15) days after the enactment of an ordinance shall serve to postpone its effective date to the sixtieth (60th) day after enactment. Within this sixty (60) day period petitions proposing a referendum on such ordinance signed
by a sufficient number of other registered voters so that the total number of signatures is equal to at least ten (10) percent of the total number of votes cast in Luzerne County for the office of Governor in the most recent gubernatorial general election and filed with the Clerk of County Council shall cause the effective date of the ordinance to be further postponed pending the actions outlined in this Article, and the ordinance shall be referred to Council for its reconsideration.

c. Reconsideration by County Council. The County Council shall reconsider the referred ordinance within thirty (30) days after the petition was finally determined to be sufficient by the Clerk of County Council. If the Council fails to repeal the referred ordinance during this period, or if its repeal is vetoed by the County Executive and Council fails to override the veto, the Board of Elections and Registration shall cause the referred ordinance to be submitted to voters of the County. Any ordinance referred to the people in this manner shall take effect only if the vote of a majority of those voting on the referred ordinance is against its repeal.

d. Submission to Voters. The vote on a referred ordinance shall be held at the next primary, municipal, or general election, whichever comes first, occurring not less than thirteen (13) Tuesdays after County Council takes action not to repeal the referred ordinance, or after the County Executive vetoes the repealing ordinances and Council fails to override the veto, or after the conclusion of Council’s thirty (30) day opportunity to repeal the ordinance, whichever occurs first. The Board of Elections and Registration shall frame the question to be placed on the ballot and, if it deems appropriate, an interpretive statement to accompany the question.

e. Public Notice. The Clerk of County Council shall publish a summary of the referred ordinance in at least two (2) daily newspapers of general circulation in the County and indicate where a full copy of the referred ordinance is available for public inspection. The Clerk of County Council shall make a full copy of the referred ordinance available for public inspection at his/her office during the County’s regular business hours and shall also make a copy available to the public at a charge not to exceed the cost of reproduction. Further, the Clerk of County Council shall make copies of the referred ordinance available for public inspection at public libraries within the County and shall post a copy on the County’s website and/or other electronic medium.

f. Approval and Effective Date. If the vote of the majority of those voting on the referred ordinance is in favor of repeal, the ordinance shall be void. If the vote of the majority of those voting on the referred ordinance is against its repeal it shall become effective immediately upon the final certification of the election results unless a later effective date is provided in the ordinance.

g. Limitation on Council’s Power to Reenact. Any ordinance rescinded by County Council as a result of this process or repealed by the voters at a referendum shall
not be reenacted within two (2) years of the action by Council or the referendum vote. However, it may be reenacted at any time upon a vote of the electorate under the initiative powers provided herein.

h. No Limit on the Number of Referendum Questions. There shall be no limit on the number of referendum questions that may be put before the voters at any election.

Section 13.06 – General Procedures, Form, and Sufficiency. Applications for initiative and referendum and initiative and referendum petitions shall be governed by any procedures and rules for form and sufficiency of petitions set forth by applicable state law and by this Charter and/or procedures and rules regarding form and sufficiency as the County may establish by ordinance consistent with the provisions, spirit, and purpose of this Charter. All applications for initiative and referendum and all initiative and referendum petitions shall be filed with the Clerk of County Council, who shall be the judge of their sufficiency.

a. Determination by Clerk of County Council. Within twenty (20) days after the date of the filing of an application to commence the initiative or referendum procedure or any initiative or referendum petition, the Clerk of County Council shall examine the application or petition and shall determine whether it conforms to the provisions of this Charter. If the Clerk of County Council determines that the application conforms to the provisions of this Charter, he/she shall certify the application as conforming and shall issue petition forms to the Petitioners Committee. If the Clerk of County Council determines that the petition conforms to the provisions of this Charter, he/she shall certify the petition as conforming and shall submit it to County Council for further action. If the Clerk of County Council determines that the application or petition does not conform to the provisions of this Charter, he/she shall certify the application or petition as not conforming and shall return it to the Petitioners Committee by registered mail, with a statement of the findings of fact to support his/her determination.

b. Review by the Board of Elections and Registration. Any determination by the Clerk of County Council that an application for initiative or referendum or an initiative or referendum petition does not conform to the provisions of this Charter or any failure by the Clerk of County Council to make such a determination within twenty (20) days after the date of the filing of the application or petition shall be subject to review by the Board of Elections and Registration only if the Petitioners Committee applies to the Board of Elections and Registration for review within ten (10) days after such determination or failure by the Clerk of County Council.

c. Determination by the Board of Elections and Registration. If the Board of Elections and Registration determines that the application for initiative or referendum conforms to the provisions of this Charter, it shall certify the application as conforming and shall return it to the Clerk of County Council for him/her to issue forms to the Petitioners Committee. If the Board of Elections and Registration determines that the initiative or referendum petition conforms to
the provisions of this Charter, it shall certify the petition as conforming and shall return it to the Clerk of County Council for him/her to submit it to County Council for further action consistent with such determination.

d. Judicial Review. Any determination by the Board of Elections and Registration that an application for initiative or referendum or an initiative or referendum petition does not conform to the provisions of this Charter or any failure by the Board of Elections and Registration to make such a determination within twenty (20) days after being requested to do so by the Petitioners Committee shall be subject to judicial review only if the Petitioners Committee applies to the Court for judicial review within ten (10) days after such determination or failure by the Board of Elections and Registration. In such cases the Petitioners Committee shall have standing to apply for judicial review, and the Court shall have jurisdiction.

e. Determination by the Court. If the Court determines that the application for initiative or referendum conforms to the provisions of this Charter, it shall certify the application as conforming and shall return it to the Clerk of County Council for him/her to issue forms to the Petitioners Committee. If the Court determines that the initiative or referendum petition conforms to the provisions of this Charter, it shall certify the petition as conforming and shall return it to the Clerk of County Council for him/her to submit it to County Council for further action consistent with such determination. Upon the final determination that the application or petition does not conform to the provisions of this Article, the application or petition shall become void, but such determination shall not prohibit the filing of another application/petition for the same purpose.

Section 13.07 – Other Authority for Initiative and Referendum. Nothing in this Article shall limit the use of initiative or referendum as provided for under applicable state law including the procedure for amending Home Rule Charters as provided for in the Home Rule Charter and Optional Plans Law.
ARTICLE XIV – GENERAL/MISCELLANEOUS PROVISIONS

Section 14.01 – Rights and Liabilities of the County. Luzerne County shall own, possess, and control rights to property of every kind owned, possessed, or controlled by it when this Charter takes effect. It shall continue to be subject to all debts, liabilities, and duties of the County.

Section 14.02 – References to County Commissioners.

a. All references to County Commissioners in applicable state law shall, at such time as the elected members of the first County Council and the first County Executive take office, be construed to refer to the County Council and the County Executive whenever such construction would be reasonable. The County Council shall succeed to all legislative powers vested heretofore in the County Commissioners, and the County Executive shall succeed to all executive and administrative powers heretofore vested in the County Commissioners by the laws of Pennsylvania, except as otherwise provided in this Charter.

b. Whenever an applicable state law provides that an appointment be made by the Board of County Commissioners, the Chair of the County Commissioners, or the governing body, the appointment shall be made by the County Executive, subject to confirmation by County Council as provided in this Charter.

Section 14.03 – Amendment. This Charter may be amended as provided by the Home Rule Charter and Optional Plans Law.


a. Adoption of an ordinance occurs when County Council has completed all action necessary prior to submission of the ordinance to the County Executive for his/her approval or veto.

b. Applicable state law shall refer to those laws of the Commonwealth of Pennsylvania that the County is required to observe and adhere to in the exercise of its Home Rule powers.

c. Appointive public office shall mean any federal, state, county, municipal, or school district position.

d. Charter shall mean the Home Rule Charter of Luzerne County.

e. County shall mean Luzerne County

f. County employee shall mean any individual who has been hired by the County government or any of its departments, offices, agencies, boards, commissions, or other administrative units.
g. *Current members of County Council* shall mean those holding County Council seats that are not vacant.

h. *Days* shall mean calendar days unless business days are specifically referenced. A calendar day is any day including a Saturday, Sunday, and legal holiday. If action is required on a calendar day that is not a County business day, action shall be required by the next business day, which shall mean any day that is not a Saturday, Sunday, or a legal County holiday.

i. *Elected County official* shall mean members of County Council, the County Executive, the County Controller, and the District Attorney.

j. *Elective public office* shall mean any federal, state, county, school, or municipal position which is elective.

k. *Enactment of an ordinance* occurs when: it is passed by the County Council and signed by the County Executive; it is lawfully passed by the County Council over the veto of the County Executive; the Executive fails to either veto or sign a measure passed by Council within the period provided for in this Charter; or County Council fails to act within the required period of time on those measures proposed by the County Executive, as outlined in this Charter, which shall become law in the absence of action by the County Council.


m. *Immediate Family* shall mean a parent, spouse, child, brother, or sister.

n. *Members of Council present and eligible to vote* shall mean those in attendance at a meeting and who are not prevented from voting by the State Ethics Act, the County’s Accountability, Conduct, and Ethics Code, or any other prohibition in this Charter or applicable state law.

o. *Public employment* is any appointive federal, state, county, school district or municipal position.

p. *Public Hearing* shall mean a special meeting held by the County Council or the County Executive at which time there will be only one order of business, and at which the public shall be permitted to speak on the subject specified. For required public hearings, public notice must be given as provided for in this Charter and applicable state law.

q. *Registered Voter* shall mean a person who is lawfully registered to vote having met the requirements as set forth in state law.
r. **Technical codes** are standard or nationally recognized codes or technical rules, regulations, or specifications, such as building, electrical, other health or safety codes, etc.

**Section 14.05 – Declaration of a Vacancy.** Whenever facts or circumstances exist which result in the vacancy of an elective office as provided for in this Charter, County Council shall, by an affirmative vote of at least a majority of its members present at the meeting and eligible to vote, declare such office vacant. The vacancy shall then be filled as provided for in this Charter. In the event that County Council fails to declare the existence of a vacancy, any resident of Luzerne County may bring an action in the Court of Common Pleas of Luzerne County to determine whether or not a vacancy exists. In the event that the Court determines that a vacancy exists, the vacancy shall be filled in accordance with the provisions of this Charter.

**Section 14.06 – Citizens’ Right to be Heard.** All reasonable opportunity shall be provided for the citizens and taxpayers to address County Council during its regular meetings. The County Council shall, by ordinance, adopt procedures for citizen participation which are not inconsistent with this Charter and applicable state law.

**Section 14.07 – Severability.** If any article, section, sub-section, sentence, clause, or phrase in this Charter shall be held unconstitutional, invalid, or inapplicable by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Charter.
ARTICLE XV – TRANSITIONAL PROVISIONS

Section 15.01 – Nature of Article. The provisions of this Article shall relate to the transition from Luzerne County’s existing form of government to the form of government provided for in this Charter. Where inconsistent with the preceding Articles of this Charter, the provisions of this Article shall constitute temporary exceptions thereto.

Section 15.02 – Effective Date. This Charter shall, upon approval by referendum in the manner provided by law, become effective on the first Monday of January 2006. However, at the time of its adoption by the voters of the County, this Charter shall be in effect to the extent necessary in order that the first election may be conducted for the elective positions in accordance with the provisions of this Charter and to the extent necessary to ensure a smooth and seamless transition from the existing form of government to the form of government provided for in this Charter.

Section 15.03 – Schedule of Election. The first election of officials to fill positions in the form of government provided for in this Charter shall be held at the municipal election in 2005. Candidates for election shall be nominated in conformance with the Pennsylvania Election Code at the municipal primary election in the year 2005.

Section 15.04 – Elective Offices Abolished. The following elective offices are hereby abolished: County Commissioners; Recorder of Deeds; Register of Wills and Clerk of Orphan’s Court; Clerk of Courts; Prothonotary; Treasurer; Sheriff, Coroner; and Jury Commissioners. The duties and functions vested in these offices by the Acts of the General Assembly are hereby transferred as provided by this Charter.

Section 15.05 – Continuity.
   a. All County ordinances, resolutions, rules, and regulations which are in force at the time this Charter becomes effective which are not inconsistent with the provisions of this Charter shall continue in force until amended, superseded, or repealed. Unless prohibited by the Constitution of the Commonwealth of Pennsylvania or an Act of the General Assembly of Pennsylvania, all laws relating to or affecting this County or any of its departments, offices, agencies, administrative units, boards, commissions, elected officials, or employees which are in force when this Charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or any ordinances or resolutions adopted pursuant thereto.
   b. All rights, orders, actions, contracts, and legal or administrative proceedings of, or involving the County government, shall continue except as modified pursuant to the provisions of this Charter.
   c. If a department, office, agency, administrative unit, board, or commission is abolished by this Charter, its powers and duties shall be transferred to the department, office, agency, administrative unit, board, or commission designated...
in this Charter. Where this Charter does not specifically designate the department, office, agency, administrative unit, board, or commission to which existing programs and functions are assigned such assignment shall be provided for in the Administrative Code. It is the intent of this Charter to incorporate all programs and functions of all County departments, offices, agencies, administrative units, boards, and commissions existing on the effective date of this Charter into the departments defined in this Charter unless the Charter provides specifically to the contrary.

Section 15.06 – Officers and Employees.

a. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of elected County officials, County employees, or members or employees of County boards or commissions at the time of its adoption, and nothing shall diminish the rights or privileges of any former employee or any present employee in his/her pension or retirement benefits.

b. Any employee holding a County position at the time this Charter takes effect, who was serving in the same or comparable position at the time of its adoption, shall not be subject to competitive tests as a condition for continuance in the same position, but in all other respects shall be subject to the personnel system provided for in this Charter.

c. Any employee holding a County position at the time this Charter takes effect, who held the same position at the time of its adoption, shall not be prevented from continuing in that position by the provisions of Section 11.05 of this Charter.

d. In conformance with Section 306 of the Home Rule Charter and Optional Plans Law, elected officials of the County whose terms of office continue beyond the effective date of this Charter; shall continue in office and at the same rate of compensation until their terms expire. These officials include the County Commissioners, Coroner, Recorder of Deeds, Clerk of Courts, Treasurer, District Attorney, and Sheriff. Whenever applicable, the authority, responsibilities, personnel, budget, and operations of the department, office, or administrative unit headed by these elected officials shall conform to the provisions of this Charter. The incumbent County Commissioners who, on the effective date of this Charter, will have two years remaining on the terms to which they were elected in 2003, shall be entitled to remain in office for the terms to which they were elected and during that time shall serve as the at-large members of County Council. As long as the County Commissioners in office on the effective date of this Charter continue to serve their respective unexpired terms, each shall be compensated at the same rate as in effect at the time of their election and shall have the powers and duties of County Council members as provided for in this Charter.

e. The members of the Board of Assessment Appeals and Revision of Taxes shall continue in office after the effective date of this Charter only for the purpose of
disposing of appeals pending on the effective date of this Charter. All appeals filed after the first Monday in January 2006, shall be filed with the Board of Tax Assessment Appeals established by this Charter.

f. Except as otherwise provided in this Charter, members of other County boards and commissions in office on the effective date of this Charter whose terms have not expired may remain in office for as long as their respective terms of appointment shall continue even though they may not meet the terms and conditions outlined in Section 12.02 f., g., and h. of this Charter. In the event that an authority, board, or commission shall be abolished, combined with another, or reconstituted, the members thereof shall vacate their respective offices upon notice from County Council to do so.

Section 15.07 – Temporary Ordinances.

a. The County Council may, within ninety (90) days of the effective date of this Charter, adopt temporary ordinances to deal with cases in which there is urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure may cause serious hardship or the impairment of effective County government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally.

b. A temporary ordinance may be considered and may be adopted with or without amendment at the meeting at which it is introduced, except that if a public hearing is required by this Charter for the type of ordinance proposed, then a public hearing must be held. A temporary ordinance shall not be subject to referendum and shall become effective upon enactment or at such later time as it may specify. A summary of a temporary ordinance shall be published promptly after enactment in at least two (2) daily newspapers of general circulation in the County, shall be posted conspicuously for public inspection at the Office of the Clerk of County Council, shall be posted on the County’s website and/or other electronic medium, and shall be made available for public distribution at a charge not to exceed the cost of reproduction.

c. Every temporary ordinance, including any amendments made thereto after enactment, shall automatically stand repealed as of the effective date of the Administrative Code and shall not be re-enacted, renewed, or otherwise continued except in the manner prescribed in this Charter for ordinances of the kind concerned.

Section 15.08 – Administrative Organization. Subject to the provisions of this Charter and until the effective date of the Administrative Code, the County Executive shall have the authority to issue written directives for the administration of the Executive Branch in such a manner as he/she shall deem necessary for the most efficient operation of the County government. Copies of all such directives shall be forwarded to the County Council and the County Controller and
posted on the County’s website and/or other electronic medium within two (2) days after being issued.

Section 15.09 – Personnel Actions. The County Executive shall have the authority to establish by written directive personnel policies and procedures for County employees, until the effective date of the County’s Personnel Code as required by this Charter. Any personnel policies and procedures established under this Section of the Charter shall be consistent with the provisions of Article X of this Charter. A copy of any directive and any amendments thereto issued under authority of this Section of the Charter shall be forwarded to the County Council and the County Controller, and posted on the County’s website and/or other electronic medium within two (2) days after being issued.

Section 15.10 – Initial Salaries. For the purpose of facilitating the recruitment of qualified individuals to fill these positions, it is the intent of the Luzerne County Government Study Commission that the initial salary of County Manager shall be between $75,000 and $100,000, and the initial salary of Clerk of County Council shall be $60,000. While this Section of the Charter reflects the intent of the Government Study Commission, it shall not prevent the County Council and County Executive from establishing the salaries for these positions in a manner consistent with this Charter.

Section 15.11 – Transitional Procedure.

a. Upon approval of this Charter, a Transition Committee consisting of eleven (11) persons shall be formed to assist in the smooth transition from Luzerne County’s existing form of government to the form provided for in this Charter. To that end, the Transition Committee shall draft necessary ordinances, rules, and regulations including the Administrative Code required by the Charter in order that they may be adopted by County Council subsequent to the effective date of this Charter. The Transition Committee shall be comprised of the three (3) Luzerne County Commissioners in office at that time or their designees, five (5) members of the Luzerne County Government Study Commission, and three (3) registered voters of the County who were not members of the Government Study Commission. The five (5) members of the Government Study Commission, one of whom shall be designated to be the temporary Chair of the Committee, shall be selected by the members of the Commission at its final meeting. The three (3) registered voters who shall serve on the Transition Committee shall be selected by the other members of the Transition Committee at the Committee’s first meeting. The five (5) members of the Transition Committee who were members of the Government Study Commission and the three (3) registered voters appointed by them shall hold no other Luzerne County office or employment. The temporary Chair of the Transition Committee shall convene the first meeting of the Committee no later than January 15, 2004. Any vacancy on the Transition Committee among the members from the Government Study Commission or the registered voters appointed by them shall be filled by the remaining members of the Transition Committee.
b. Members of the Transition Commission shall serve without compensation but shall be entitled to reimbursement by the County for necessary expenses incurred in the performance of their duties. The County shall appropriate moneys necessary for the Transition Committee to fulfill its responsibilities as outlined in this Charter. Within the limits of the appropriations and other public and privately contributed funds and services made available to it, the Transition Committee may appoint one or more consultants and clerical and other assistants to serve at the pleasure of the Committee and may fix reasonable compensation to be paid the consultants and clerical and other assistants.

c. The Board of County Commissioners in office in 2005 shall prepare and adopt in 2005 the County budgets for 2006 complying in so far as possible with this Charter, but the aforesaid shall in no way limit the power of the County Council and County Executive taking office on the first Monday of January 2006 from revising the budgets for 2006 as authorized by this Charter.
Council Districts

From the date of the adoption of this Charter until modified in accordance with this Charter and applicable state law, the designation, location, and description of the districts established for the purpose of the election of the six (6) members of County Council to be elected by district shall be as follows:

**District 1:** Conyngham Township, Dorrance Township, Fairmount Township, Harveys Lake Borough, Hollenback Township, Hunlock Township, Huntington Township, Jackson Township, Lake Township, Lehman Township, Nanticoke City, New Columbus Borough, Newport Township, Nuangola Borough, Plymouth Township, Ross Township, Salem Township, Shickshinny Borough, Slocum Township, and Union Township.

**District 2:** Black Creek Township, Butler Township, Conyngham Borough, Hazle Township, Hazleton City, Nescpeck Borough, Nescpeck Township, Sugarloaf Township, and West Hazleton Borough.

**District 3:** Courtdale Borough, Dallas Borough, Dallas Township, Edwardsville Borough, Franklin Township, Kingston Borough, Kingston Township, Larksville Borough, Luzerne Borough, Plymouth Borough, and Pringle Borough.

**District 4:** Plains Township and Wilkes-Barre City.

**District 5:** Ashley Borough, Bear Creek Township, Bear Creek Village Borough, Buck Township, Dennison Township, Fairview Township, Foster Township, Freeland Borough, Hanover Township, Jeddo Borough, Jenkins Township, Laflin Borough, Laurel Run Borough, Penn Lake Park Borough, Rice Township, Sugar Notch Borough, Warrior Run Borough, White Haven Borough, Wilkes-Barre Township, and Wright Township.

**District 6:** Avoca Borough, Dupont Borough, Duryea Borough, Exeter Borough, Exeter Township, Forty Fort Borough, Hughestown Borough, Pittston City, Pittston Township, Swoyersville Borough, West Pittston Borough, West Wyoming Borough, Wyoming Borough, and Yatesville Borough.
Certification

Certified to be a true and correct copy of the Recommended Home Rule Charter as finally approved by the Luzerne County Government Study Commission at its meeting held on July 2, 2003, and amended at its meeting held on August 27, 2003, for submission to the voters of Luzerne County at the general municipal election to be held November 4, 2003.

Luzerne County Government Study Commission

J. Carl Goodwin, Chair
Carl C. Puschauver, Vice Chair
Ruth Tetschner, Secretary
Elizabeth Summers, Treasurer
Neil Allen
Thomas J. Baldino
Robb Henderson
Nancy R. Kemp
Edward P. Kilduff
George R. Race
Robert D. Seeley
STATEMENT OF RECEIPTS AND EXPENDITURES

The Luzerne County Commissioners allocated a total $103,000 for the operations of the Government Study Commission in the 2002 and 2003 County budgets.

Through June 30, 2003, the Commission incurred costs of $54,444.29. In addition, it is expected that the Commission will expend an additional $8,000 completing its task, plus about $17,132.45 to print and distribute its Final Report. This would raise the total spending of the Commission to approximately $79,576.74 or about $23,423.26 less than the total amount originally appropriated by the County.

The following list of expenditures includes all spending recorded through June 30, 2003, as well as estimates of additional spending expected.

Actual and Estimated Expenditures

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<tr>
<th>Item or Service</th>
<th>Supplier</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Legal Advertising</td>
<td>Hazleton Standard Speaker</td>
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<td>Legal Advertising</td>
<td>The Citizens’ Voice</td>
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<td>The Times Leader</td>
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<td>Legal Services *</td>
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<td>Consulting Services *</td>
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<td>P. O. Box/Postage*</td>
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<td>Audio Tapes</td>
<td>Eckerd Drugs</td>
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<td>Wal-Mart</td>
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<td>Timer for Hearings</td>
<td>Bed Bath &amp; Beyond</td>
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<td>Ames Department Store</td>
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<tr>
<td>Batteries</td>
<td>Phar-Mor</td>
<td>4.58</td>
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<td>Legal Pads</td>
<td>Sam’s Club</td>
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<td>Audio Tapes/Batteries</td>
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<td>Photocopies</td>
<td>Mail Boxes, Etc.</td>
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<td>Color Copies</td>
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<td>Dinner/3 Lehigh Co. Officials</td>
<td>Olive Garden</td>
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<tr>
<td>Printing/Dist. of Final Report **</td>
<td>Unknown at this Time</td>
<td>17,132.45</td>
</tr>
</tbody>
</table>

** Total ** $79,576.74

* Reflects actual and estimated costs.
** Reflects estimated costs.
In addition, the Government Study Commission received the following in-kind services:

- Space for its regular meetings and public hearings and related support services from: Luzerne County; Luzerne County Community College; Kingston Township; Hazleton City; the Wyoming Area School District; the Lake-Lehman School District; Mocanaqua Borough; Wilkes-Barre City; Wilkes University; Ashley Borough; Plymouth Borough; Nanticoke City; Dallas Borough; Pittston City; West Hazleton Borough; Edwardsville Borough; West Pittston Borough; and Duryea Borough.

- Photocopies, office space, and related services from Luzerne County.

- Technical services relative to defining Council Districts from King’s College.

- Photocopies and long distance phone calls from Wilkes University.

- Travel and related expenses from all members of the Government Study Commission.

We, the members of the Luzerne County Government Study Commission, being duly sworn according to law, depose and say that the foregoing statement of funds, goods, materials, services, and suppliers used by the Luzerne County Government Study Commission is correct to the best of our knowledge and belief.

J. Carl Goodwin, Chair

Carl C. Puschauver, Vice Chair

Ruth Tetschner, Secretary

Elizabeth Summers, Treasurer

Neil Allen

Thomas J. Baldino

Robb Henderson

Nancy R. Kemp

Edward P. Kilduff

George R. Race

Robert D. Seeley

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Sworn to and subscribed before me this 2nd day of July A.D., 2003

[Signature]

Notarial Seal
Diane M. Long, Notary Public
Kingston Twp., Luzerne County
My Commission Expires Mar. 28, 2005

Member, Pennsylvania Association of Notaries