

REPORT  
AND  
RECOMMENDED HOME RULE CHARTER  
FOR  
LUZERNE COUNTY, PENNSYLVANIA

Prepared by

The Luzerne County Government Study Commission

Adopted August 11, 2010

LUZERNE COUNTY  
GOVERNMENT STUDY COMMISSION

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Luzerne County Government Study Commission  
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August 11, 2010

To the Citizens of Luzerne County:

The Luzerne County Government Study Commission is honored to present to you its Report and Recommended Home Rule Charter.

The Recommended Home Rule Charter establishes sweeping and necessary reforms to our broken system of county government. The Charter minimizes the role of damaging political influences in day-to-day county decision-making, establishes a professional and modernized government to handle county affairs, limits annual increases in real estate tax revenues, and fixes serious inefficiencies in the organization and operation of county government. The Charter also creates expanded opportunities for citizens to participate in county government, provides for greater representation, and prevents the entrenchment of a political class.

Perhaps most important, the Charter requires that the new county government operate under a strong and enforceable ethics code. It ends nepotism, cronyism, and favoritism while instituting a government based on merit, qualifications, and integrity.

The Government Study Commission has comprehensively studied and reviewed our existing Luzerne County government, along with ways to improve it, for over fourteen months. Our members are confident that the new government set forth in the Charter is vastly superior to the outdated and ineffective system currently in place.

The question of adopting the Recommended Home Rule Charter will be on the November 2, 2010 ballot, and we call for its adoption by the voters of Luzerne County.

The members of the Luzerne County Government Study Commission sincerely thank the citizens of Luzerne County for allowing us the privilege of serving our county.

Respectfully submitted,

Mayor James J. Haggerty  
Chair

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# **REPORT OF FINDINGS AND RECOMMENDATIONS OF THE LUZERNE COUNTY GOVERNMENT STUDY COMMISSION**

## **I. INTRODUCTION**

Luzerne County's present system of government, with three county commissioners and eleven elected row officers, is established by state law in the County Code, implemented by an Act of August 9, 1955 (as amended). Many provisions of the County Code are identical to, or derived from, laws, rules, and procedures which were first adopted by the Pennsylvania legislature in the 1800s.

The provisions of the County Code apply to all similarly-sized counties without regard to a county's unique history, geography, demography, political climate, or economic makeup. Decade after decade, as the roles and responsibilities of county government have expanded in scope, expense, and complexity, the County Code has remained largely unchanged. The citizens of Luzerne County live and compete in a twenty-first century world, but they are governed by nineteenth century rules.

The antiquated, one-size-fits-all nature of the government system perpetuated under the County Code has had serious and deleterious effects on our county and its residents. It has fostered a climate where political ambition and connections trump administrative competence, where politically and socially favored individuals receive jobs, appointments, and contracts, where county officials bicker and litigate against each other to score political points, and where average citizens feel disconnected from their county government and powerless to fix things.

The predictable results of this climate place a burden on every resident of Luzerne County: ineffective, inefficient, and often incompetent government, a stratospheric county debt, crippling deficits, ruinous property tax increases, stagnant economic development, and heartbreaking episodes of government corruption.

Fortunately, a Home Rule Charter gives the citizens of Luzerne County the power to change all this. By scrapping the outdated County Code in favor of a modern, professional, effective, and ethical system of government as set forth in the recommended Home Rule Charter, Luzerne County can begin the process of real, substantial, and meaningful reform which is so desperately needed.

## **II. PROCEDURAL HISTORY AND HISTORICAL BACKGROUND**

### **1. The Public is Made Aware of an Extensive Federal Investigation**

On January 26, 2009, the president judge of the Luzerne County Court of Common Pleas and the prior president judge were charged by federal authorities with honest services fraud and tax evasion for concealing the receipt of more than \$2.6 million in connection with the construction and operation of a new juvenile detention center in Luzerne County. This was to become known as the "Kids for Cash" scandal. In short order, the court administrator pleaded

guilty to federal charges for embezzlement of monies which were to be turned over to the county, a senior juvenile probation official pleaded guilty to a federal charge of obstruction of justice, and the prothonotary agreed to resign her office and cooperate in a federal investigation pursuant to a consent decree with the federal authorities. In April and May of 2009, three local school officials were charged with corruptly receiving awards for official actions.

## **2. Luzerne County's Financial Issues**

Due to its financial difficulties, in 2004 Luzerne County entered into the Commonwealth's Early Intervention Program for local governments. In spite of this, in order to balance its budgets, the county borrowed money every year from 2004 through 2008, including over \$13 million in both 2006 and 2007, and then nearly \$23 million in 2008. The county's overall debt burden has come to exceed \$450 million, nearly four times its total annual revenues.

The 2009 Luzerne County budget contained a 10% increase in property taxes. This was the maximum increase allowed by law because a county-wide reassessment was implemented in 2009. The 2009 budget also called for the elimination of 138 county positions, but still required borrowing nearly \$18 million.

## **3. The Creation of a Government Study Commission is Placed on the May 2009 Ballot and Approved by Luzerne County Voters**

In early 2009, a number of concerned citizens lobbied the county commissioners to place on the May 2009 ballot the question of whether a government study commission ("GSC") should be established. The commissioners agreed, and at the election held on May 19, 2009, over 77% of the voters of Luzerne County favored forming a GSC. At the same election, eleven individuals were elected on a non-partisan basis to serve, without compensation, on the GSC. The GSC members were sworn in by President Judge Chester Muroski and on June 10, 2009, assembled for their first meeting.

## **4. The Duties of the Government Study Commission and its Proceedings**

The law governing the GSC is Pennsylvania's Home Rule Charter and Optional Plans Law, 53 Pa.C.S. Sec. 2901 *et seq.*, which sets forth, as the duties of the GSC, 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 its 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.* 53 Pa.C.S. Sec. 2918 (italics added).

The GSC conducted its study of Luzerne County government and other available forms between June and December of 2009. Weekly meetings were held. The meetings were broadcast over the internet, public input was solicited at each, and a dedicated public hearing was held. During its study, the GSC met with numerous officials of Luzerne and other counties, interviewed individuals knowledgeable about county government, reviewed various county and

model charters, and examined in detail the form of government and operations of Luzerne and other counties.

At its meeting on December 9, 2009, the GSC members announced the findings of the initial portion of their study. Each agreed that Luzerne County government could be strengthened and made more responsible, accountable, economical, and efficient under a changed form of government. Based on these findings, the GSC voted unanimously to prepare and submit a home rule charter to the voters of Luzerne County.

The GSC then began the process of drafting a home rule charter. Hundreds of proposals and ideas were analyzed, debated, and considered for inclusion in a new charter. The charter elements were considered in-depth, and much effort was spent on crafting each and every provision of the recommended charter.

By late April of 2010, a first full draft of the charter had been completed. A series of five public hearings was then held. In light of the public input received, the GSC thereafter began a detailed process of reconsidering each and every article of the recommended charter. The reconsideration process concluded in July of 2010.

Notably, as the GSC proceeded with its work, numerous additional individuals were charged in the ongoing federal corruption probe. By August of 2010, approximately thirty individuals had been charged, including a sitting county commissioner, three Court of Common Pleas judges, the court administrator, the clerk of courts, the county human resources director, two members of the county housing authority (one of whom was an elected jury commissioner), a deputy county clerk, the director of the county redevelopment authority, a senior juvenile probation official, and several individuals with close connections to county officials. The prothonotary had also resigned in connection with the investigation.

In addition, the 2010 budget had not been adopted until February of 2010, more than a month late. That budget contained a property tax increase of 15%, coming closely upon the heels of the 10% property tax hike of 2009.

On August 11, 2010, the GSC issued its Report and Recommended Home Rule Charter to the citizens of Luzerne County. The recommended charter will be submitted to the voters at the election to be held on November 2, 2010. If approved, the first elections called for under the charter will occur in 2011, and the strengthened government system set forth in the charter will take effect in Luzerne County on January 2, 2012.

### **III. THE RECOMMENDED HOME RULE CHARTER MAKES SIGNIFICANT IMPROVEMENTS AND REFORMS TO THE SERIOUS PROBLEMS WHICH RESULT FROM THE PRESENT FORM OF GOVERNMENT**

It is difficult to contend that Luzerne County's present problems do not result, in substantial part, from the outdated government system under which it operates. Indeed, the GSC concluded both that the present governmental system of Luzerne County is a substantial cause of the problems faced by the county and its residents, and that the reforms contained in the

Recommended Home Rule Charter will significantly strengthen and improve the professionalism, accountability, efficiency, and integrity of Luzerne County government.

The problems and weaknesses of Luzerne County government have been generally identified by the GSC as follows:

- That day-to-day decision making, which should be vested in professional, non-political management and staff, is instead vested in the hands of political officials and appointees who often make decisions based on political calculations and not based on best management practices;
- That the existing government structure seriously hampers the ability of most citizens to be elected to serve in their county government, creates limited representation for a county large in both population and area, exacerbates the influence of big-money political contributors, and establishes an entrenched political class;
- That the present system lacks adequate and meaningful checks and balances on the political and operational authority of the majority county commissioners;
- That the existing system contains serious inefficiencies in organization and operations resulting largely from the existence of independent row offices free from the control of any central county authority and not subject to uniform policies and procedures;
- That the ability of citizens to participate in county government is limited by the absence of initiative and referendum, an inability to amend the County Code, inconvenient commissioner meeting times, and insufficient information from county government as to its state of affairs;
- That the existing system is lacking in strong ethics rules and policies, along with a mechanism for ethics enforcement;
- That the existing system encourages hiring based on nepotism, cronyism, and favoritism, where the system for hiring and appointment should be based on public advertisement, merit, qualifications, and fitness; and
- That the existing system lacks any meaningful legal limitation on annual increases in property tax revenues which, combined with the county's financial situation, jeopardizes the financial security of many county property owners.

Each of these problems and weaknesses are corrected by the Recommended Home Rule Charter, as discussed below.

## **1. The Recommended Charter Separates Political Authority from Control of Day-To-Day County Operations, and Vests Day-To-Day Control in a Professional Manager and Staff**

The current government system features the unification of county political authority and day-to-day operational control in the county commissioners. The inevitable results are incentives to hire and fire based on political calculations, to favor campaign contributors and political allies, to seek and obtain political contributions from county vendors (known as “pay to play”), and to otherwise make decisions based on political criteria and not on best practices. The GSC believes it is imperative, to the degree possible, to separate politics from the day-to-day decision making of Luzerne County government.

The Recommended Home Rule Charter vests the executive power and day-to-day decision making authority for Luzerne County in an appointed professional county manager. Political authority is vested in an eleven member, part-time, county council which is the county’s legislative and policymaking body. Council members are prohibited by the charter from interfering in the day-to-day decision making of the professional manager and staff. This structure is designed to insulate county operations from corrosive political concerns.

The Council-Manager form of government, as recommended by the charter, is perhaps best described by the International City/County Management Association (ICMA) in its *Council-Manager Form of Government: Frequently Asked Questions* publication (available at ICMA.org):

Council-manager government combines the strong political leadership of elected officials with the strong managerial experience of an appointed manager or administrator. All power and authority to set policy rests with an elected governing body.... The governing body in turn hires a nonpartisan manager who has very broad authority to run the organization.

Born out of the U.S. progressive reform movement of the turn of the 20<sup>th</sup> century, **the council-manager system was designed to combat corruption and unethical activity in local government by promoting effective management within a transparent, responsive, and accountable structure.**

Since its establishment, the council-manager form has become the most popular structure of local government in the United States... (Emphasis added).

After studying many potential forms of government available to Luzerne County, it was the considered judgment of the GSC that the framework of a council-manager form would provide the best vehicle for the implementation of the reforms so critically needed in Luzerne County government.<sup>1</sup>

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<sup>1</sup> An elected county executive was rejected by a majority of the GSC principally because it would result in the consolidation of strong political power and governmental authority in a single individual. GSC members also expressed concerns regarding the expense, funding, and competitiveness of elections for a single county executive and whether an elected executive would have the professional skills and qualifications to manage a county the size of Luzerne County.

## **2. The Recommended Charter Creates More Opportunities for Citizens to Serve in County Government, Provides for Greater Representation Throughout the County, Limits the Influence of Big-Money Political Contributors, and Prevents the Establishment of an Entrenched Political Class**

Under the present form of government, few citizens of Luzerne County have any reasonable expectation of serving as an elected county-wide official. Commissioner elections are expensive, and only three commissioners from two political parties are elected to serve more than 300,000 Luzerne County residents. Row office elections have historically been controlled by political machines and party slates. Equally significant as a barrier to participation is the compensation paid to Luzerne County elected officials. Many county residents are simply unable to afford to leave their occupations and careers to serve in elected offices which pay approximately \$40,000 per year. The result is often few competitive candidates for many county offices.

Nonetheless, citizens do wish to serve. This was made abundantly clear following the 2009 resignation of Commissioner Gregory Skrepenak. Sixty-nine individuals applied to the Court of Common Pleas to replace Skrepenak. Undoubtedly, few of those applicants would choose to run for county commissioner under the electoral system now in place.

In order to correct these deficiencies, the recommended charter creates a system where a substantial portion of the citizenry, rather than a select few, can productively participate in the county's electoral process and government. The eleven member council, as opposed to a three member board of commissioners, creates opportunities for many more candidates to be elected to office—not just the politically popular, well-funded, or usual incumbents. Frequent elections for council seats held every two years (eleven seats at the initial 2011 election, five seats and then six seats every two years thereafter) will create continuing opportunities for political outsiders and first-time candidates to compete. Equally important, the large number of seats available and the frequency of the elections will dilute the influence of big-money donors who presently can make unlimited contributions to assist the election of two majority commissioners.

The current system of electing commissioners and row officers has led to the entrenchment of a self-interested political class. The recommended charter combats this entrenchment by mandating a limit of three terms for all offices, by requiring the controller and district attorney to resign their offices if they seek election to a different office, and by electing more members, more frequently, to the county's governing body. The charter also prevents outgoing county elected officials from taking a job with a county contractor for a period of one year.

The recommended charter will create significantly greater opportunities for members of the public to be elected to serve in county government, will provide more and broader representation for interests throughout the county, and will reduce the influence of big money donors and entrenched political interests. All of these reforms will provide great benefits to the citizens of Luzerne County.

### **3. The Recommended Charter Establishes Real and Meaningful Checks and Balances in the Operation of Luzerne County Government Which Do Not Currently Exist**

The county commissioners both enact and enforce legislation. They negotiate contracts, and then vote to approve those contracts. They also have the sole power to recruit and hire county division heads. The county commissioners possess both the legislative and executive powers, and, as a result, no meaningful checks or balances exist. This presents a real potential for mismanagement and abuse.

The recommended charter reforms the county's decision-making process for each of these functions. The legislative and executive powers are apportioned in the recommended charter between council and the manager so that enacting and administering the laws are performed by separate governmental branches. Contracts are negotiated by the manager but require council approval.<sup>2</sup> Eight division/office heads are appointed by the manager but require council confirmation. The manager and the council act as a check on each other for all of these, and many other, important functions.

The recommended charter also provides a check on the legislative power of council. This check is the manager's ability to require council to reconsider legislation which the manager believes to be improvidently enacted.<sup>3</sup> If reconsideration is requested, council must revisit the legislation at a subsequent meeting, thus allowing additional opportunities for public notice and input. To become effective, the legislation must be approved a second time by council. No similar provision to reconsider, veto, or revisit legislation exists under the County Code.

A further check and balance on the manager, the council, and the other arms of county government is the controller. The recommended charter strengthens the controller's status as the county watchdog and provides the controller with enhanced tools to carry out this watchdog function.

The controller's watchdog function has been designed to reflect the model guidelines set forth by the Association of Local Government Auditors in its *Model Legislation Guidelines for Local Government Auditors* (3d ed. 2007). These model guidelines supplant the current legal description of the controller's function set forth in the County Code, which is derived largely from the County Controller's Act of June 27, 1895. By using these guidelines, the controller's role in a complex county government has been modernized and enhanced.

Presently, the controller's efforts to access information can be stymied by any uncooperative county official. This requires the controller to rely on the legal process and suffer the expense and delays of litigation and the uncertainty of court outcomes before the controller can perform his/her function.

The recommended charter provides a comprehensive remedy to this exiting situation. Under the charter, the controller is granted "unrestricted access" to all county information, property, and employees in the conduct of the controller's duties.<sup>4</sup> The controller will have no

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<sup>2</sup> For the purposes of governmental efficiency, certain contracts under \$25,000 will not require council approval.

<sup>3</sup> Certain limited classes of legislative action will not be subject to a reconsideration request by the manager.

need to resort to litigation, nor will the controller suffer the expense and delay of litigation in the performance of its functions.

The controller position set forth in the recommended charter, acting under modernized, model guidelines in the performance of its enhanced watchdog function, with a grant of unrestricted access to county records, will be a significant and meaningful check and balance on all county operations.

#### **4. The Recommended Charter Cures Serious Inefficiencies in County Organization and Operations Which Result From the Independence of Row Offices and the Inability to Impose Uniform Policies, Procedures, and Standards on All Offices**

Row offices created under the County Code are truly independent. The authority of the county commissioners over the row offices is limited to setting the row office budgets and assigning office space. Otherwise, row offices have essentially complete independence from any central county authority.

This independence means that the county commissioners are severely limited in their ability to impose uniform policies, procedures, and standards on row offices. Should the county commissioners desire to command that uniform personnel, operational, and administrative standards be implemented across the county for improved efficiency and accountability, it simply cannot be done under the County Code.

This independence severely handicaps the county in performing perhaps its most important current task—reducing the county’s annual operating deficit. The county’s Early Intervention Plan consultant has generated a voluminous report containing dozens of recommendations to combat the budget gap. Many of these recommendations regarding row offices simply cannot be imposed by the county commissioners; instead, they must be voluntarily implemented by the row offices, which can reject the recommendations. Thus, numerous elected row officers, each with his or her own political agenda, can choose to cooperate or impede the county’s efforts to eliminate its deficit.

The recommended charter cures these problems by eliminating the election of row officers (except for the controller and the district attorney). The functions performed by the row officers are transferred to the professional staff under the jurisdiction of the manager. By eliminating the election of row officers and the independence of their individual offices, the manager and council will be able to establish uniform policies, procedures, and standards throughout those offices. Opportunities for organizational efficiencies and consolidations can be explored. Perhaps most important, the budgetary recommendations of the county’s consultant can be implemented throughout county government without the concern of rejection by an elected row officer.

Other efficiencies can be realized. Presently, each row office is entitled to its own solicitor, and many county divisions, departments, bureaus, offices, boards, and commissions are provided with solicitors as well. These numerous solicitors represent the office or the

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<sup>4</sup> This unrestricted access will require only that the controller provide “reasonable notice” to the examined entity or employee.

officeholder, not the county. The presence of these solicitors makes it easy for county officials to institute litigation against each other with the taxpayer funding both sides. The compensation of the solicitors is often not related to the amount of work performed, and the solicitor appointments are typically related to political connection and not based principally on legal proficiency.

The recommended charter sets forth a substantial reform in the way the county obtains its legal services. The charter requires a unified county law office under the direction of the county solicitor. The attorneys of the law office will owe their legal duties to the county as their client, not to individuals or divisions. The unified law office will eliminate or limit wasteful intra-county litigation. The size of the unified law office can be tailored to the actual workload generated by county legal activities. It also allows the assignment of subject matter expert lawyers to county legal business, rather than the current system of assignments to office solicitors who may have no expertise or experience regarding the issue at hand. Legal accountability for all county law functions will be firmly established in the county solicitor. This is not the case now.

An additional reform contained in the recommended charter involves county banking procedures. Currently, many county offices collect funds, and too many maintain their own bank accounts over which they exercise control. This wide scattering of bank accounts which can be accessed by an unknown number of people is ripe with the potential for misappropriation and abuse.

The recommended charter addresses this problem by requiring that all county funds be deposited in bank accounts under the control of the county's division of budget and finance. No longer will individual officers and employees control their own county accounts with limited (or even non-existent) scrutiny from a central, professional county financial office.

Finally, the recommended charter eliminates the two county jury commissioners. Their functions can and already are performed by the court system. The salaries and benefits of these officials are entirely unnecessary, but must be paid due to the outdated provisions of the County Code.

## **5. The Recommended Charter Provides Improved Ways for Citizens to be Involved in Luzerne County Government**

The County Code provides no mechanism for citizens to place questions before the county's electorate. The recommended charter, however, creates this important right in Luzerne County. Under the charter, citizens will have the ability to place proposed legislation on the ballot in the form of an initiative, and will have the opportunity to utilize the referendum process to repeal unwanted legislation. Additionally, the process of agenda initiative, which allows citizens to require council to consider proposed legislation, is included in the recommended charter.

Amendments to the government system structured under the recommended charter can be adopted directly by county voters. This is an essential element of the concept of home rule—that local citizens can alter their form of government without appeal to a higher, far away

authority. Presently, Luzerne County voters have no such direct way to alter the County Code which establishes the government under which they live. Changes in the County Code can only result from action of the state legislature, with approval from the governor. Serious changes tailored to individual counties like Luzerne County are unlikely.

County government, and the state of county affairs, can often be opaque to the average citizen. The recommended charter provides a number of mechanisms to make county government more accessible, including:

- a requirement for council to have evening meetings and to post the meeting agenda in advance on the county website;<sup>5</sup>
- a requirement for the manager to hold an annual public forum and to issue an annual “state of the county” address;
- a requirement that the county budgets provide comparative figures for each item from at least the current and prior fiscal years;
- a requirement that the manager submit an annual budget message summarizing the county’s budgets and providing important information on the county’s finances, operations, debt, and related issues; and
- a requirement that the manager annually prepare, and the council approve, a long range county plan.

The council is also empowered to make additional reforms, as it deems appropriate, to make government information more available and accessible to the citizenry.

## **6. The Recommended Charter Requires a Strong Ethics Code with a Mechanism for the Enforcement of Ethics Rules and Policies**

The federal corruption probe of Luzerne County has continued for the entire time this GSC has existed. Indeed, just five days prior to the GSC’s vote recommending this charter, on August 6, 2010 former County Commissioner Gregory Skrepenak was sentenced in the United States District Court to twenty-four months of incarceration for corruptly accepting a thing of value in connection with a decision he made as a county commissioner.<sup>6</sup>

The need for strong, enforceable ethics rules has been obvious both to the GSC members and to the citizens of Luzerne County. Ethics rules are needed not only to mandate such behavior but also to restore public trust and confidence in Luzerne County government.

The recommended charter requires that the county have an Accountability, Conduct, and Ethics Code. This code is to ensure that no Luzerne County official receives any benefit from his or her public position other than lawfully provided compensation. The ethics code will cover

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<sup>5</sup> No prior posting of a meeting agenda will be required for a meeting held during a declared state of emergency.

<sup>6</sup> Specifically, Skrepenak admitted that a developer gave him \$5,000 off the price of a home Skrepenak purchased from the developer in exchange for Skrepenak’s support of a tax incremental financing (TIF) plan in favor of the developer. The TIF plan required the approval of the Luzerne County commissioners.

essentially all county employees<sup>7</sup> and will address gifts, conflicts of interest, personal use of county resources, and other issues.

The charter also establishes an Accountability, Conduct, and Ethics Commission to receive and investigate complaints. This Commission has been specifically empowered under the recommended charter to impose penalties and sanctions upon violators and to otherwise remedy ethics violations.

The GSC is hopeful that a strong ethics code and effective ethics commission will not only aid in ending the ethical failings that have occurred in Luzerne County, but will assist Luzerne County in becoming a future model for ethical and principled government behavior.

### **7. The Recommended Charter Ends the Insidious Practices of Nepotism, Cronyism, and Favoritism and Requires Appointments and Hirings Based on Public Notice, Merit, Fitness, and Qualifications.**

For too long, Luzerne County government has served as a vehicle to provide patronage jobs to relatives, friends, and political supporters. For too long, appointments to Luzerne County authorities, boards, and commissions have been available only to a group of insiders and political friends. These practices have excluded many qualified and meritorious candidates from service to our county. At a time when Luzerne County government should be a shining example of a meritocracy, it is instead often perceived as simply a bureaucracy of the well-connected.

The recommended charter makes wholesale and needed reforms to the way individuals are hired for county employment and appointed to county authorities, boards, and commissions. It starts at the top, with a manager who must be degreed, experienced, and have professional abilities, qualifications, preparation, and training to perform the function of county manager. Similarly high standards are required for the selection of each of the division/office heads.

Under the recommended charter, county career service jobs must be publicly advertised, candidates must be evaluated on the basis of merit and fitness as demonstrated by a valid and reliable examination, other objective evidence of competence, or other relevant factors, applicants are to be blindly ranked where possible, and any hiring must be made from the top three qualified applicants. For seasonal jobs where objective measures cannot be used, a lottery system will determine the successful applicants. Openings on authorities, boards, and commissions must also be advertised so any interested citizen can apply to council for appointment.

The recommended charter also prohibits nepotism in hiring and in the supervisory structure of the county workforce.

The sweeping changes in hiring and appointment required by the recommended charter will, in the judgment of the GSC, foster a government where merit and competence are rewarded, poor personnel practices are eliminated, and county government is opened to the best, brightest, and most fit candidates.

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<sup>7</sup> Certain judicial branch officials and employees cannot be covered due to separation of powers concerns deriving from the state constitution.

## **8. The Recommended Charter Will Prevent the Imposition of Ruinous Tax Increases on Luzerne County Property Owners**

Prior to the recent reassessment, Luzerne County's property tax millage had reached the legal maximum. This was likely a contributing reason why, from 2004 through 2009, the county borrowed so frequently to balance its budget.

With the completion of the countywide reassessment for fiscal year 2009, the county's millage was lowered such that taxes could again be raised. The property tax levy increased by 10% that year (the maximum permitted in the first year after a reassessment). In 2010, a 15% property tax increase occurred. Notably, these increases were enacted solely to close the county's annual budget deficit.

The GSC has found that the temptation for officials to impose essentially unlimited tax increases presents a serious risk of harm to county property owners. The county's budget problem is not amenable to quick or painless solution, but the county should not be allowed to use its taxpayers as an unlimited source of funding to remedy government errors of the past. Without a tax limitation, however, this risk to taxpayers is real.

In light of these circumstances, the recommended charter contains an annual limitation of 8% on the growth of real estate tax revenues, which the GSC finds to be a reasonable compromise between the county's need to generate adequate revenues and the protection of Luzerne County property owners.

## **IV. CONCLUSION**

For all the foregoing reasons, and to ensure the establishment of a professional, effective, accountable, responsive, efficient, and ethical government in Luzerne County, the members of the Luzerne County Government Study Commission, hereby call for the adoption of the Recommended Home Rule Charter by the voters of Luzerne County.

**QUESTION TO BE PLACED ON THE BALLOT**

Pursuant to 53 Pa.C.S. Sec. 2923(2), the Luzerne County Government Study Commission recommends that a referendum shall be held to submit to the electors of Luzerne County the question of adopting the Recommended Home Rule Charter prepared by the GSC and as authorized by 53 Pa.C.S. Chapter 29, Subpart B (the Pennsylvania Home Rule Charter and Optional Plans Law, Act of April 13, 1972, PL 883, as amended).

By action of the Luzerne County Government Study Commission, the following question shall appear on the ballot and be submitted to the voters of Luzerne County for adoption at the election to be held on November 2, 2010:

“Shall the Home Rule Charter contained in the report, dated August 11, 2010, of the government study commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by Luzerne County?”

**Yes** \_\_\_\_\_      **No** \_\_\_\_\_

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