

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.