

# Accountability, Conduct and Ethics Commission

From Article IX, Home Rule Charter – page one of three

Commission is empowered to:

(1) Receive complaints from any individual; (2) Investigate alleged violations of the ACE Code by those covered

## County Accountability, Conduct and Ethics Commission (5 members)

County Manager/  
Designee

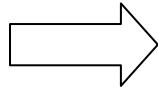
District Attorney/  
Designee

Controller/Designee

Appointed voter A

Appointed voter B

Quorum = 3



Two **appointed** members:

- Must be appointed by Council by Jan 30, 2012.
- If Council fails to make appointments, any resident of Luzerne County may petition Court of Common Pleas to appoint. Court must appoint within 30 days, majority vote.

Two appointed members must not be members of same political party

- Party of Appointee A = highest vote in PA Governor's race
- Party of Appointee B = next highest vote in Governor's race

Must be member of political party for 5 continuous years and remain so during term.

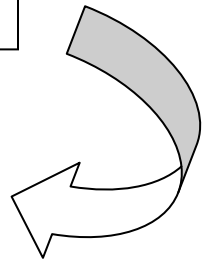
Appointee A and B draw lots for terms of 2 years and 4 years. Thereafter, terms are 4 years.

Vacancies must be filled by County Council within 60 days. If Council fails to appoint, Court of Common Pleas will appoint. Appointee must be of same political party of person succeeded.

Four years prior to appointment: No **appointed** member can

- Be elective County official, employee; member/ employee of any County authority, board or commission
- Be employed or compensated by any individual or business serving as a contractor to the County or any County authority, board, or commission,
- Serve as a paid consultant for the County or any County authority, board, or commission
- Serve as an officer in a political party.

One year after leaving appointed position: Cannot be employee; appointed member or employee of authority, board or commission; employed or compensated by contractor; serve as paid consultant for County.



## Luzerne County Accountability, Conduct and Ethics Code

From Article IX of Home Rule Charter – page 2 of 3

Ensure those involved in County government

- Receive no financial benefits from their public positions other than their lawful compensation and
- Receive no benefit on the profits or emoluments of any contract, job, work, or service performed for the County, or
- Accept anything of value, upon terms more favorable than those granted to the public generally, from any person dealing with the County.

The ACE Code set forth standards for

- Determining which complaints warrant investigation;
- Procedures by which investigations shall be conducted;
- Methods to preserve confidentiality, as appropriate;
- Standards upon which final determinations shall be made;
- Procedures for notification and dissemination of determinations;
- Standards for imposition of sanctions, penalties, and remedies;
- Any other policies, practices, and procedures desirable for the efficient and effective operation of the Accountability, Conduct, and Ethics Commission.

Shall provide penalties and sanctions for violations of

- This Code
- Section 2.17 of this Charter
- Discrimination, favoritism, harassment, and oppression

The Code shall incorporate by reference the State Ethics Act  
Where the State Ethics Act or other applicable laws differ from the  
County Accountability, Conduct, and Ethics Code, the more stringent  
regulations and penalties shall control.

Scope: applies to every

- County division, department, bureau, office, agency, board, commission, and other administrative unit
- Offices of all elective County officials, the Judiciary, and Office of Court Administration

Covers

- all employees of the County,
- All members and employees of County authorities, boards, and commissions,
- All elective County officials and all employees of their offices,
- All employees of the Judiciary and Office of Court Administration.

At a minimum shall include provisions addressing

- ethics
- political activity
- conflicts of interest
- gifts
- personal use of County resources,
- conduct and behavior in the performance of duties

## Luzerne County Accountability, Conduct and Ethics Code

From Article IX of Home Rule Charter – page 3 of 3

### Limitations on County Council Members

Possess only powers specifically delegated by the Charter or by resolution passed by majority

- **May not give direction** to the County Manager except as specified in charter
- **May not deal with employees directly**, but solely through the County Manager
- **May not intervene, interfere with, or influence appointments, promotion, removal of county employees, boards, commission, judiciary.**

### Nepotism

Pertains to all elective County official or employee of his/her office, employee of the County, or member or employee of any County authority, board, or commission

- Shall not be allowed to hire a member of his/her immediate family or the spouse or child of a member of his/her immediate family
- Shall not recruit, recommend, lobby for, or in any way be involved in the process of hiring such a person.
- Shall not 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 supervised by same.

(Note: grandfather clause exempts current employees.)

### Judicial power in Luzerne County

- Is vested in Court of Common Pleas of the 11th Judicial District of PA and the Magisterial District Judges of 11th Judicial District. All are part of the Unified Judicial System of the Commonwealth of PA and not part of the County government.
- However, all Judiciary employees appointed by the Judiciary shall be subject to the County's annual budget appropriations for judicial functions, Personnel Code, other personnel policies, Accountability, Conduct, and Ethics Code, purchasing & acquisition procedures, procedures for the disposition of County property, and all other relevant provisions of the Administrative Code.
- The Judiciary shall submit proposed annual budget to the County Manager, with the format and schedule determined by the County Manager.
- Above applies to the extent it does not interfere with the inherent and constitutional rights and powers possessed by the Judiciary.