



**COUNTY OF LUZERNE
COMMONWEALTH OF PENNSYLVANIA**

THE COMMISSIONER'S SPECIAL MEETING

OF JANUARY 26, 2009

AN ORDINANCE OF THE COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, DIRECTING THAT A REFERENDUM BE CONDUCTED IN LUZERNE COUNTY, PURSUANT TO THE HOME RULE CHARTER AND OPTIONAL PLAN LAW AND THIRD CLASS COUNTY CODE, BE PLACED ON THE MAY 19, 2009 MUNICIPAL PRIMARY BALLOT.

WHEREAS, on January 14, 2009, the Luzerne County Board of Commissioners unanimously adopted a Motion directing that a Home Rule/Optional Plan Referendum Question be placed on the Municipal Primary Election Ballot for the Election to be conducted on May 19, 2009; and

WHEREAS, the Luzerne County Board of Commissioners further directed that the question include a provision that 11 registered electors be elected to a Government Study Commission to consider potential changes to the Luzerne County form of government; and

WHEREAS, more than five (5) years have passed since the most recent referendum of any similar question consistent with 16 Pa. C.S.A. § 6111-C and 53 Pa. C.S.A. § 2929; and

WHEREAS, Pennsylvania law requires that any such Ordinance be filed prior to the 13th Tuesday before the subject Election; and

WHEREAS, Pennsylvania law further authorizes Ordinances to consider such questions consistent with 53 Pa. C.S.A. § 2911(c) known as the "Home Rule Charter and Optional Plan Law"; and

WHEREAS, the subject Home Rule Charter and Optional Plan Law codified at 53 Pa. C.S.A. § 2911 specifically controls the wording of the question at issue;

BE IT HEREBY RESOLVED AS FOLLOWS:

1. The Luzerne County Board of Commissioners specifically authorizes, by adoption of this Ordinance, that the Election Board take all necessary actions to ensure an Election be held upon the following 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 AN OPTIONAL FORM OF GOVERNMENT OR A HOME RULE CHARTER, TO RECOMMEND THE ADOPTION OF AN OPTIONAL FORM OF GOVERNMENT OR TO DRAFT AND RECOMMEND A HOME RULE CHARTER?

2. Within five (5) days after final enactment of Ordinance authorizing this Election, the Chief Clerk, Douglas A. Pape, shall file a certified copy of the Ordinance with the County Board of Elections, together with a certified copy of the question to be submitted to the Electors;

3. In accordance with this Ordinance, it shall be the duty of the Election Board to cause this referendum question to be submitted to the Electors as other questions are submitted under the Act of June 3, 1937 (P.L. 1333, No. 320), otherwise known as the Pennsylvania Election Code;

4. The election of the 11 candidates to the Study Commission shall proceed in accordance with the provisions of the Home Rule Charter and Optional Plans Law; and

5. The publication of this question and the election itself will be conducted in a manner entirely consistent with the Pennsylvania Election Code and The Home Rule Charter and Optional Plan Law, 53 Pa. C.S. Chapters 29 (Home Rule), 30 (Optional Plan), and 31 (Optional Plan), including all amendments of the Act through November 30, 2004, P.L. 1618, No. 207;

6. The Luzerne County Board of Commissioners hereby adopts this Ordinance directing its Chief Clerk, Douglas A. Pape, to deliver a certified copy of this Ordinance to the Clerk of the Luzerne County Board of Elections, Leonard Piazza, III, for consideration and official action by the Board of Elections;

7. The Chief Clerk is further directed to work with Mr. Piazza to be certain that all appropriate and necessary actions are undertaken and completed to ensure that the question set forth below is properly placed on the ballot in the upcoming Municipal Primary Election to be conducted on May 19, 2009; and

8. The Luzerne County Board of Commissioners requests that the Luzerne County Board of Elections review this Ordinance, declare it to be in proper order, and take all necessary and appropriate actions to ensure the question is properly framed and placed on the ballot in conjunction with the Municipal Primary Election to be conducted on May 19, 2009, all in accordance with 53 Pa. C.S. § 2944.

Any person with a disability who wishes to attend the public meeting and requires an auxiliary aid, service, or other accommodation to participate in the proceeding should contact Chief Clerk/County Manager Douglas A. Pape, Luzerne County Courthouse, 200 N. River St., Wilkes-Barre, PA 18711, (570) 825-1635, to discuss how the County may best accommodate their specific needs.



**DOUGLAS A. PAPE, Chief Clerk/
County Manager
Luzerne County Courthouse
200 N. River St.
Wilkes-Barre, PA 18711
(570) 825-1635**

Adopted January 26, 2009

LUZERNE COUNTY BOARD OF COMMISSIONERS



Commissioner C. Petrilla, Chairman
MARYANNE



Gregory A. Skrepenak



Stephen A. Urban