



**LUZERNE COUNTY COUNCIL
PUBLIC HEARING**

January 14, 2020
Council Meeting Room
Luzerne County Courthouse
200 N. River Street
Wilkes-Barre, PA 18701

6:00PM CALL TO ORDER

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

PUBLIC COMMENT ON PROPOSED ORDINANCE placing a question on the April 28, 2020 Primary Ballot to amend Article VI Section 6:04 a; of the Luzerne County Home Rule Charter.

Each speaker shall have three (3) minutes to address the Agenda item. Each speaker is asked to submit a Speaker Card before the first speaker is called and to limit individual comments to three (3) minutes. Speakers may not yield or transfer their time to another speaker.

ADJOURNMENT

No 2020- ____

ORDINANCE

AN ORDINANCE OF THE COUNTY OF LUZERNE COUNTY COUNCIL PLACING A QUESTION ON THE APRIL 28, 2020 PRIMARY BALLOT TO AMEND ARTICLE VI SECTION 6:04 A; OF THE LUZERNE COUNTY HOME RULE CHARTER.

Whereas, Luzerne County is a Third Class County in the Commonwealth of Pennsylvania governed by a Home Rule Charter that became effective January 2012; and

Whereas, the County Council of the County of Luzerne wishes to place before the residents of Luzerne County a Home Rule Charter amendment question on the ballot for the April 28, 2020 Primary Election; and

Whereas, the Luzerne County Home Rule Charter at Article VI, Section 6:04 A, presently restricts the elected officials of Luzerne County, including Luzerne County Council, the Luzerne County Controller, and the Luzerne County District Attorney, from obtaining an independent Legal Advisor, Attorney, or General Counsel; and

Whereas, the Luzerne County Council for the County of Luzerne wishes to amend the Luzerne County Home Rule Charter at Article VI, Section 6:04 A, to allow the elected officials of the legislative branch of government of Luzerne County, the Luzerne County Council, the ability to be represented separately from the Office of Law of Luzerne County,

WHEREAS, the Luzerne County Home Rule Charter currently reads as follows:

- A. The Office of Law/ County Solicitor shall serve as the legal advisor, attorney and counsel in all official matters to all **Elective County Officials**, divisions, departments, bureaus, offices, agencies, boards, commissions and other administrative units of the County government, except where this charter specifically authorizes an elective official to contract for independent legal opinions and/or temporary special legal opinions. The County Solicitor and Office of Law shall act at all times on behalf of Luzerne County as their client and shall owe the highest duties of loyalty, independent judgement, and professional responsibility to Luzerne County.

Now, therefore, be it ordained and enacted by the Luzerne County Council and enacted by the authority of the same as follows:

1. The Luzerne County Council hereby directs that the following question be placed on the ballot for the April 28, 2020 Primary Election:

SHOULD THE LUZERNE COUNTY HOME RULE CHARTER BE AMENDED AT ARTICLE VI, SECTION 6:04 A TO READ AS FOLLOWS:

- A. The Office of Law/ County Solicitor shall serve as the legal advisor, attorney and counsel in all official matters to all divisions, departments, bureaus, offices, agencies, boards, commissions and other administrative units of the County government, except where this charter specifically authorizes an elective official to contract for independent legal opinions and/or temporary special legal opinions. The Elected Officials of Luzerne County and the office of the legislative branch of government, Luzerne County Council, shall be authorized to obtain separate and independent legal advisors, attorneys or counsel. The County Solicitor and Office of Law shall act at all times on behalf of Luzerne County as their client and shall owe the highest duties of loyalty, independent judgement, and professional responsibility to Luzerne County.
2. Pursuant to 53 Pa C.S A. 2943 (a) of the Home Rule Charter and Optional Plans Law, County Council Clerk is directed to file a certified copy of this ordinance with the Luzerne County Board of Elections in anticipation of the April 28, 2020 Primary Election not later than Tuesday January 28, 2020.
3. Pursuant to 53 Pa C.S A. 2952 of the Home Rule and Optional Plans Law, the Clerk to County Council is hereby directed give at least 30 days notice of the ordinance proposing the amendment to the Home Rule Charter. A Notice of the Election of the Question of Amending the Home Rule Charter shall be posted in each polling place on the day of election and the Clerk to County Council shall publish a Notice in at least one newspaper of general circulation in Luzerne County once a week for three consecutive weeks during the period of 30 days prior to the April 28, 2020 Primary Election.
4. The County Solicitor, County Manager and the Clerk to Luzerne County Council are authorized and directed to take all actions necessary in order to carry out the directives set forth in items 1 through 3 above in this ordinance.
5. This ordinance shall take effect fifteen (15) days from the date of proper execution by the Chairperson of Luzerne County Council.

Enacted and Ordained at a meeting of Luzerne County Council held on the _____ day of _____ 2020

Voted as Follows:

	YEA:	Nays:
Griffith	_____	_____
Houck	_____	_____
Haas	_____	_____
McDermott	_____	_____
McGinley	_____	_____
Perry	_____	_____
Radle	_____	_____
Saidman	_____	_____
Schnee	_____	_____
Urban	_____	_____
Vough	_____	_____

County Council Chairperson

Date:

Attests:

County Council Clerk

Date:

Luzerne County Manager

Date:

Approve _____ Reconsider _____

The Luzerne County Council shall offer an ordinance of County Council to allow a question to be placed on the 2020 Primary Ballot to provide for the Luzerne County Council to procure a separate Legal Advisor, or Attorney to represent the Legislative Branch of Luzerne County, therefore Section 2:04 of the Luzerne County Administrative Code shall be amended to provide for the procedure that the County Council must follow in order to obtain this representation if this is approved by the People of Luzerne County by a YES vote on the question that is placed on the ballot to amend the Luzerne County Home Rule Charter.

The Administrative Code in Section 2:04 A states the following:

Section 2.04 – Staff.

A. The County Council may authorize and appoint personnel as needed as stated in

Article II, Section 2.09 (a) 7 of the Charter.

The Administrative Code Section 2:04 A shall be amended to read;

Section 2:04 Staff

- A. The County Council may authorize and appoint personnel, including a Solicitor, as needed as stated in Article II Section 2.09 (a) 7 of the Charter. The County Council shall follow the guidelines as outlined in Section 7.05 Filling vacancies in the Career Service of the Luzerne County Home Rule Charter.**

- B. The position of Solicitor of Luzerne County Council shall be strictly a Part Time Position and the Solicitor of County Council shall not receive a County pension or other employee benefit by virtue of his/her position as a Solicitor for the County Council. However, a Solicitor of County Council shall be entitled to reimbursement of travel expenses to and from all regular and special meetings of County Council in keeping with County policy and shall also be entitled to reimbursement of expenses incurred when their duties require they travel outside Luzerne County, provided such expenses have been previously approved by County Council and are in keeping with County policy.**

- C. The salary of the Solicitor of County Council shall be set by resolution of County Council adopted by an affirmative vote of at least a majority of its current member and shall not exceed the salary of the Clerk to County Council, nor shall it be lower than 10 percent of the salary of the Office of Law Division Head.**

- D. The Clerk of County Council shall retain and perform all duties as established under Article II of the Luzerne County Charter, the Administrative Code, other ordinance, resolution, or motion of County Council, request from the Chair of County Council, or applicable law**