



COUNTY of LUZERNE
PENNSYLVANIA
ESTABLISHED 1786

**LUZERNE COUNTY
COUNTY CODE REVIEW COMMITTEE
MEETING AGENDA**

April 02, 2019

Council Meeting Room
Luzerne County Court House
200 N. River Street
Wilkes-Barre, Pa. 18701

6:00 PM

6:00 PM CALL TO ORDER

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

ADDITIONS TO/DELETIONS FROM AGENDA

ADOPTION OF AGENDA

AGENDA ITEMS

1. Review of Administrative Code

ITEMS FROM THE PUBLIC

This is an opportunity for members of the public to address the Committee on matters not listed on the Agenda, but which must be within the subject matter jurisdiction of the Committee. Speakers are requested 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



LUZERNE COUNTY ADMINISTRATIVE CODE

ADOPTED

June 19, 2012

Amended July 31, 2012
Amended January 21, 2014

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Preamble

The Administrative Code was intended by County Council and County Manager to be consistent with the Luzerne County Home Rule Charter and to make adequate and specific provisions pertaining to the operations of County Government. The matters addressed in the Administrative Code are set forth in the Table of Contents.

Although the Administrative Code will be useful to all persons involved and concerned in County Government, it is more than a guideline. It is an ordinance adopted by County Council and, therefore, is law. It can be amended but must always be in force so long as required by the Home Rule Charter for Luzerne County, Pennsylvania.

ARTICLE I: ORGANIZATION AND STRUCTURE OF COUNTY GOVERNMENT

Section 1.01 – Short Title.

This Ordinance and all amendments hereto shall be known and may be cited as “The Administrative Code of Luzerne County.”

Section 1.02 – Purpose.

The purpose of this Administrative Code is to set forth details of the administration and operation of Luzerne County Government, consistent with the provisions of Luzerne County Home Rule Charter and all applicable laws of the Commonwealth of Pennsylvania.

Section 1.03 - Organizational Chart.

The organizational chart of the Luzerne County Government is hereby established by the Administrative Code and therefore is an outline of operational duties for each Division as outlined in Section 12.07 of the Luzerne County Home Rule Charter.

Section 1.04 – Definitions and Rules of Construction.

Whenever used in this Code, local laws, ordinances, legalizing acts or resolutions, unless otherwise expressly stated or required by subject matter or context, words will have the following definitions:

- A. **County** shall mean the County of Luzerne;
- B. **Charter** shall mean the Home Rule Charter of the County and all amendments thereto;
- C. **Administrative Code and Code** shall mean this Administrative Code adopted by and for the County of Luzerne and all amendments hereto;
- D. **County Council** shall mean the elective legislative body of Luzerne County as provided for in the Charter;
- E. **County Manager** shall mean the County Manager appointed by the County Council pursuant to the Luzerne County Charter;
- F. **County funds** shall mean all monies collected by any office or Division of the County Government;
- G. **Administrative Service** shall mean Divisions under and directly reportable to the County Manager;

- H. **Adoption or enactment of an ordinance or resolution** occurs when an ordinance or resolution is lawfully passed by County Council, or when a majority of those voting on an ordinance proposed by an initiative petition cast votes in the affirmative and the results are certified by the Board of Elections and Registration. However, if this Charter requires County Council to submit an ordinance or resolution to the County Manager for his/her review, then adoption or enactment does not occur until the expiration of the time allowed for the County Manager to request in writing that County Council reconsider its action as provided for in Section 2.12 B. of this Charter, or, if reconsideration is requested, Council confirms its original action as provided for in Section 2.12 D. of this Charter;
- I. **Applicable law and applicable laws** shall refer to those laws of the Federal Government and/or the Commonwealth of Pennsylvania that the County is required to observe and adhere to in the exercise of its home rule powers;
- J. **Clerk of County Council and Office of Clerk of County Council** shall mean the position/office responsible for recording and filing the proceedings and papers of County Council, attesting to all official actions of County Council, and possessing related powers and duties;
- K. **County employee and County employment** shall mean any individual who has been hired by or is employed by Luzerne County in any capacity and to whom a salary, compensation, stipend, or emolument is paid;
- L. **Current members of County Council** shall mean those holding seats on County Council that are not vacant;
- M. **Days** shall mean calendar days unless business days are specifically referenced. A calendar day is any day including a Saturday, Sunday, and legal County holiday. If action is required on a calendar day that is not a County business day, action shall be required by the next business day, which shall mean any day not a Saturday, Sunday, or a legal County holiday;
- N. **Elected or elective County office and elected or elective County official** shall mean the members of Luzerne County Council, the Controller, and the District Attorney;
- O. **Elected or elective public office and elected or elective public official** shall mean any federal, state, county, municipal, or school district position that is elective;
- P. **Home Rule Charter and Optional Plans Law** shall mean the Act of April 13, 1972, as amended, or successor law;
- Q. **Immediate Family** shall mean parent, spouse, child, brother, or sister;
- R. **Luzerne County Court of Common Pleas, Court of Common Pleas of Luzerne County, Court of Common Pleas, and Court** shall mean the Court of Common Pleas of the 11th Judicial District of the Commonwealth of Pennsylvania, presently coterminous with Luzerne County;

- S. **Members of Council whose presence at the meeting is recorded and who are eligible to vote** shall mean those in attendance at a meeting of County Council or lawfully participating in a meeting of County Council via telephonic, electronic, and/or other permitted devices and who are not prevented from voting by the State Ethics Act, by the County Accountability, Conduct, and Ethics Code, or by any other prohibition in this Charter or applicable law;
- T. **Public hearing** shall mean a special meeting at which time there will be only one order of business, and at which the public shall be permitted to speak on the subject specified. For required public hearings, public notice must be given as provided for in this Charter, the Administrative Code, or applicable law;
- U. **Public office, public official, public employee, and public employment** shall mean any paid or unpaid Federal, State, County, Municipal, or School District position that is not elective;
- V. **Registered voter** shall mean a person who is lawfully registered and eligible to vote in Luzerne County having met the residency, registration, and other requirements as set forth in applicable law;
- W. **Technical codes** are standard or nationally recognized codes or technical rules, regulations, or specifications, such as building, electrical, health, and safety codes, etc.;
- X. **Family member** shall mean: Parent; step-parent; spouse or domestic partner; spouse's or domestic partner's parent or step-parent; child; step-child; brother; step-brother; brother-in-law; sister; step-sister; sister-in-law; cousin; aunt; uncle; grandchild; and grandparent;
- Y. **Domestic Partner** shall mean a person in a stable relationship between two (2) individuals, where both:
1. Are at least 18 years old; and
 2. Are not related to the other domestic partner by marriage or blood, within the degree of consanguinity defined by PA law;
- and where evidence of a stable and committed relationship exists through one or more of the following:
1. Financial interdependence for a period of no less than one (1) year; and/or
 2. Sharing of at least one residence; and/or
 3. Other credible evidence of such relationship.

All words and phrases in this Code are used according to their accepted and ordinary meaning except where another meaning is specifically indicated. Words used in the singular number shall extend to and include the plural number, and words used in the plural number shall extend to include the singular number.

ARTICLE II: LEGISLATIVE BRANCH

Section 2.01 -The Luzerne County Council.

- A. The legislative powers of the County shall be vested in an elective body which shall be known as the Luzerne County Council. The Luzerne County Council shall have and exercise all powers and perform any functions not denied it by the Constitution of Pennsylvania, by the Charter, this Code, or by the General Assembly at any time. These shall include, but shall not be limited to, all powers and functions now, or hereinafter, conferred or imposed upon it by the Constitution and laws of the Commonwealth of Pennsylvania, the Charter, and this Code, together with the rights, privileges, functions, and powers necessarily implied or incidental thereto.
- B. Luzerne County Council shall exercise all authority and responsibilities vested in it per Article II of the Luzerne County Charter.

Section 2.02 -Organization and Rules of Procedure.

- A. The Council shall be organized by its own set of by-laws, procedures, and policies to conduct its affairs provided they are not inconsistent with the provisions, spirit, and purpose of the Charter.as stated in Article II, Sections 2.07, 2.08, and 2.09 of the Charter and applicable law.
- B. The Council shall adopt and amend its own set of bylaws as needed, and any adoption of bylaws, policies, or procedures shall be done by a duly seconded Motion and approval of at least a majority of current County Council Members. While no attempt should be made by the Council to alter daily operational policy, Division Heads shall cooperate with the County Council in obtaining information as requested, subject to the provisions of Section 2.17 of the Charter.
- C. Council members are expected to devote their time to the performance of the duties of their office and to not neglect any official duty or knowingly or willfully fail or refuse to perform any official act or duty which is their duty by law to perform with respect to the office of Council.

Section 2.03 -Meetings.

- A. Meetings shall be held in accordance with Article II of the Luzerne County Charter.

1. County Council may develop further policies and by-laws regarding the operation of its meetings, provided such policies and by-laws are not inconsistent with Article II of the Luzerne County Charter.
- B. Citizen comment at all Council Meetings shall conform with Section 11.07 of the Luzerne County Charter – Citizens’ Right to be Heard.
- C. Failure to include an item as part of the posted agenda, which shall include any agenda topic or materials referenced in the agenda, shall not preclude County Council from taking action on that item at the meeting.
 1. Council retains the right to add items to the agenda so long as citizens have an opportunity to provide comment on any newly added agenda item.

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.
- B. 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.

Section 2.05 - Quorum.

- A. A quorum must be present to take action as established in Article II, Section 2.06, of the Charter.
- B. Any member of County Council can participate in any meeting of County Council via telephone and shall be included as part of the quorum.
- C. No provisions are expressed or implied to allow for proxy voting by any member of County Council. Such practice is forbidden by the Administrative Code.

Section 2.06 – State of Emergency.

The County Manager may declare a state of emergency whenever there is an immediate threat to life and/or property in Luzerne County and, in the absence of a quorum of County Council, to take appropriate action to meet the declared emergency, including action of a legislative nature.

Section 2.07 - Filling Vacancies in Elected Offices.

- A. County Council shall fill vacancies in elected offices pursuant to Section 11.05 and 11.06 of the Luzerne County Charter.
- B. Upon notification of a vacancy in elected offices, County Council shall seek applications by placing a notice in at least one newspaper of general circulation by distributing a notice to all relevant professional organizations, by publication on the County website, and by complying with the process in Section 7.05 of the Luzerne County Charter.
- C. The aforesaid advertisement notice shall include a statement of the qualifications enumerated by the Charter and a date for applications to be received by County Council.

Section 2.08 - County Council Investigations and Inquiries.

- A. The County Council shall have the power by resolution adopted by a majority plus one of the seated members to authorize inquiries and investigations to be conducted by the entire body or by any of its committees in aid of its legislative powers.
- B. The County Council shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents and other evidence at any meeting of County Council or any of its committees. All subpoenas shall be issued in the name of the County and shall be signed by Chair of County Council or the chair of the applicable committee.
- C. The Chair of County Council, the chair of any of its committees, or the County Council Clerk shall have the power to administer oaths to witnesses.
- D. All inquiries and investigations conducted by County Council or any of its committees shall be open to the public unless otherwise provided by applicable law or unless a majority of County Council or its committee conducting the inquiry or investigation determines that an executive session is required.
- E. Any witness or other person appearing before County Council or any of its committees may be represented by legal counsel. Any person whose actions or conduct is the subject of any inquiry or investigation shall be given the opportunity to appear before County Council or any of its committees with or without legal counsel to respond to charges or criticisms made during the inquiry or investigation.
- F. The conduct of proceedings at County Council inquiries and investigations shall be subject to such rules as the majority of County Council members may prescribe. Any and all costs associated with any County Council inquiry or investigation shall

be paid from the annual operating budget appropriation provided for County Council's per meeting stipends, expenses, total staff compensation and office expenses as provided in this Code or Charter.

Section 2.09 - Formation of Committees and Commissions.

- A. County Council may, upon a majority vote of its members, at any time provide for standing and ad hoc committees and/or commissions to assist with the carrying out of its functions. Following the organization of County Council, the election of a Chair and Vice Chair of County Council, and the establishment of committees/commissions of Council, the Chair of Council shall promptly appoint the members and chair of each committee/commission. All members of County Council may attend and participate in committee/commission meetings, but only committee/commission members shall be permitted to vote.
- B. All committees established by Council shall, thereafter, report to the Council at the regular stated meetings of Council.
- C. Each approved committee/commission shall have the option to invite Luzerne County Citizens or groups to work with the committee/commission in carrying out its functions, which includes, but is not limited to, drafting, research, analysis, and/or any other functions necessary for the committee/commission to conduct its affairs. However, only committee/commission members shall be permitted to vote.

Section 2.10 - Luzerne County Authorities, Boards and Commissions.

- A. Authorities, Boards and Commissions shall be created or maintained by Luzerne County government according to Article VIII, Section 8.01 and other specific provisions of the Charter.
- B. The term of office of each member shall be mandated by existing State or local law or as defined in the By-laws of each Authority, Board or Commission. In any future creation of an authority, board or commission, the term of office of each member shall be four (4) years, with staggered appointments, and members may be reappointed for additional terms of office.
- C. For purposes of coordination, all authorities, boards and commissions shall work in close cooperation with such departments in County government as are appropriate to the nature of their respective missions. The coordination shall exist for clerical services, reporting, budgeting, personnel, purchasing, data processing, and other administrative services that may be necessary.

- D. County Council shall approve and make readily available current Policies and Procedures that shall be binding for County Authorities, Boards, and Commissions. The Policies and Procedures shall define parameters of operation, including but not limited to identification of Council liaison, procedure for declaration and filling of vacancies, standard practices, and public access to information of public record. Council shall revise the Policies and Procedures as necessary by affirmative vote of at least a majority of Council, and such revisions shall be readily provided to Chairs of each Authority, Board and Commission.
- E. Council shall maintain an active oversight of the activities and operations of all County Authorities, Boards, and Commissions.

F. Boards and Commissions

The following Boards and Commissions shall include members appointed by Council in accordance with Article VIII of the Luzerne County Home Rule Charter. The by-laws of each Board and Commission shall conform to the Home Rule Charter and to the Policies and Procedures approved by Council. Council shall create or abolish such Boards and Commissions as it deems necessary, within the provisions of the Luzerne County Home Rule Charter.

1. Accountability, Conduct, and Ethics Commission
2. Advisory Council on Aging
3. Agricultural (Farmland) Preservation Board
4. Board of Elections and Registration
5. Board of Tax Assessment Appeals
6. Children and Youth Advisory Board
7. Commission for Women
8. Convention and Visitors Bureau
9. Luzerne County Diversity Commission
10. Forty Fort Airport Advisory Board
11. Luzerne County Community College Board of Trustees
12. Luzerne County Conservation District
13. Luzerne County Human Services Advisory Board
14. Luzerne County Planning Commission
15. Luzerne County Retirement Board
16. Luzerne/Lackawanna Counties Joint Airport Board

17. Luzerne/Wyoming Counties Drug and Alcohol Executive Commission
18. Luzerne/Wyoming Counties Mental Health and Development Advisory Board
19. Municipal Cooperation Commission
20. Recreational Facilities Advisory Board
21. Workforce Investment Board
22. Zoning Hearing Board

G. Authorities

The following Authorities shall include members appointed by Council in accordance with Article VIII of the Luzerne County Home Rule Charter. The by-laws of each Authority shall conform to the Home Rule Charter and to the Policies and Procedures approved by Council.

1. Luzerne County Convention Center Authority
2. Luzerne County Flood Protection Authority/Levee Mitigation Board
3. Luzerne County Housing Authority
4. Luzerne County Industrial Development Authority
5. Luzerne County Redevelopment Authority
6. Luzerne County Transportation Authority
7. Northeastern Pennsylvania Hospital and Education Authority

Council shall establish or abolish such Authorities as it deems necessary in accordance with the Municipal Authority Act of 1948.

ARTICLE III: EXECUTIVE BRANCH

Section 3.01 - County Manager.

There shall be a County Manager who shall be appointed by the County Council and who shall be responsible for the faithful and efficient performance of all administrative functions of the County.

Section 3.02 - Responsibilities of the County Manager.

- A. The Home Rule Charter vests the executive power and day-to-day decision-making authority for Luzerne County in an appointed full time professional County Manager, hired to serve the County Council and the Community. He/she shall bring to the local government the benefits of his/her training and experience in administering municipal or county projects and programs.
- B. The County Manager shall prepare County budgets for the County Council's consideration; recruit, hire, terminate, and supervise County staff; serve as the Council's chief advisor; and carry out the Council's policies. County Council members and residents rely on the County Manager to provide complete and objective information about local operations, to discuss the pros and cons of alternatives, and to offer an assessment of the long-term consequences of their decisions.
- C. The County Manager is appointed by the County Council pursuant to Section 4.02 of the Charter, leaving ultimate control in the hands of the people through their elected representatives. Powers and duties are set forth in Section 4.07 of the Charter, including but not limited to the ability to request in writing that the County Council reconsider ordinances or resolutions pursuant to Section 2.12 of the Charter.

Section 3.03 - Powers and Duties of the Manager.

- A. Pursuant to Article IV, Section 4.07 of the Charter, the County Manager shall have and exercise all powers and duties granted by the Charter, this Code, and all other applicable County, State, and Federal Laws.
- B. The County Manager shall serve as the head of the Executive Branch of government for the County. The County Manager is responsible for the administration of all County operations placed in his or her charge by the Home Rule Charter, the Administrative Code and other County ordinances and/or resolutions. The County Manager directs the County's organizational, operational, management, budget, and administrative operations and activities and provides oversight for all Division Heads in the County. The position plans, directs, and controls the operations and activities of all County employees who report through to this position.
- C. The County Manager has the power to make provisions for any administrative

matters relating to County government not otherwise provided for, including but not limited to those desirable for the smooth, orderly, and seamless transition to the government structure provided for in the Charter.

- D. The County Manager shall have the authority, subject to confirmation by the affirmative vote of at least a majority of the County Council in office, to appoint competent qualified members of Agencies, and the heads of all Divisions, Offices, and Bureaus in the administrative service; and shall have the power to dismiss, suspend and discipline, in accordance with the Personnel Code, all officers and employees under his or her supervision. Subject to confirmation by the County Council as aforesaid, with respect to heads of Offices and Bureaus in the administrative service, the authority to appoint and remove subordinates serving under division heads in the administrative service may be delegated to the division heads subject to the personnel provisions of the Personnel Code.
- E. If any Division Head under the supervision of the County Manager is absent due to illness or disability, the County Manager shall designate him or herself or some other employee to perform the duties of the position.
- F. The County Manager shall have the authority to assign new functions to the divisions in the administrative service.
- G. The County Manager shall have the ability to undertake performance audits or request performance audits by the Controller's Office.
- H. The County Manager shall meet with the County Council on a regular basis to brief the Council Members on the status of the County.
- I. The County Manager, if possible, shall notify the Chairman of the County Council before declaring a State of Emergency.
- J. The County Manager shall report his or her declaration of a State of Emergency and proposed resulting action in writing to the County Council within twenty-four (24) hours of his declaration of a State of Emergency. In the event that a State of Emergency is declared over a holiday or weekend, the County Manager's written report must be submitted by 4 p.m. of the next business day.

Section 3.04 - Administrative Policy and Procedures.

- A. The County Manager has a wide range of authority to run the organization within codes, ordinances and resolutions adopted by the Council. He/she prepares rules and procedures for the day-to-day management of the organization consistent with the provisions, spirit, and purpose of the Charter. Each appointed Division Head and elected official shall perform all duties required by the office or department by the Constitution of the Commonwealth of Pennsylvania, the Charter, this Code, and Ordinances of Luzerne County.
- B. All elected officials, the County Manager, the Division Heads, and the judiciary shall ensure that each county employee within their respective lines of supervision

has a complete, accurate and current position description for the position in which he or she serves. Such position descriptions shall set forth the duties, responsibilities, and qualifications for each position. The position description shall provide the basis for the development of an objective performance appraisal system requiring an annual written performance appraisal for each county employee.

- C. The County Manager, through the Division Heads, shall be accountable for the development of uniform policies, procedures, and regulations which shall broadly include, but not be limited to, the following:
 - 1. Human Resources
 - 2. Financial Management
 - 3. Risk Management, Health and Safety
 - 4. Information Systems and Communication Technologies
 - 5. Capital Improvement Projects and Long Range Planning
 - 6. Records Management
 - 7. Transportation and County Vehicles
 - 8. Emergency Planning and Management
 - 9. Facility Security, Management and Operations
 - 10. Human Services
 - 11. Procurement, Inventory Control and Physical Asset Management
- D. Each elected official and the County Manager shall keep informed as to the most recent practices, regulations, and procedures in their particular field and shall implement, to the extent possible, such new practices as appear beneficial and relevant to the overall operation of the County and to the residents of the County.
- E. Each Division Head in the Administrative Service shall prepare an annual report in a form prescribed by the County Manager. The County Manager may direct the preparation of additional reports by Division Heads as he/she deems necessary.
- F. Each elected official and County employee shall be responsible for the proper care of all County property and equipment under his/her control.
- G. Elected officials and County employees shall abide by the prescribed financial and purchasing procedures as outlined in this Code and by the procedures outlined in the Personnel Code.

Section 3.05 - Judicial Liaison.

- A. The County Manager shall act as the lead representative of the County Council in all dealings with the Judiciary, including, but not limited to, negotiations, budgetary considerations, policy implementation and discussion, and other topics necessary to ensure an effective and efficient working relationship between the County and the Judiciary.
- B. The County Manager may request the presence of the Chair of County Council and the Chair's designee(s) in such dealings with the Judiciary where warranted, but the County Manager shall still act as the lead representative in such affairs.

Section 3.06- Court-Related Services.

- A. To the extent it is not in conflict with the rule-making power of the judiciary, the judicial branch shall comply with all budgetary requirements, financial controls, personnel remuneration procedures and purchasing provisions as shall all other areas of County government as set forth in the Charter and this Code.
- B. The Judiciary may fill for a period of not in excess of ninety (90) days any vacancy among the personnel presently or hereafter employed or appointed by the Court of Common Pleas of Luzerne County, or any member thereof, at a salary or wage not in excess of that which was paid to the person who had previously occupied the vacated post. Notice of the temporary appointment, compensation, and job description shall be referred to the County Manager within thirty (30) days following the first day of employment. Within thirty (30) days following such referral, the County Manager shall review and approve and/or adjust the compensation and notify the Judiciary of its action. In the absence of any action by the County Manager as aforesaid, the compensation fixed by the Judiciary shall be deemed approved.

Section 3.07 - Cooperation among Organizational Units.

- A. Fostering a collaborative and cooperative work environment is essential for the success of the Home Rule Charter and government operations. The County Manager and Council shall jointly establish a long-term vision and mission statement for Luzerne County government. This vision shall translate into common goals and objectives that shall be included in division heads' performance plans in accordance with the personnel code, policy, and procedures.
- B. The County Manager or designee shall develop a tailored training and development program for each division head designed to reinforce organizational cooperation and stronger leadership skills.
- C. Cooperation between and among organizational units shall be a consideration factor for determining employee promotion potential.

ARTICLE IV: DEPARTMENTAL ORGANIZATIONS

Section 4.01 - Offices Headed By Elected Officials.

A. General Provisions

1. There shall be those elected officials as established by the Charter, Article III.
2. The elective officials of Luzerne County shall include a Controller, who shall serve as an independent watchdog over County fiscal and management activities, and a District Attorney, who shall serve as the County's chief prosecuting authority. Both the Controller and District Attorney shall devote full-time to their offices and shall have no other employment.
3. Elected officials who head the elected offices shall abide by the prescribed financial Procedures as outlined in this Administrative Code, the Purchasing Policy and Procedures as outlined in this Administrative Code, and by the procedures outlined in the Personnel Code.

B. Office of the County Controller

The Office of the Controller shall have and exercise all powers and duties stated in Section 3.08 of the Luzerne County Home Rule Charter.

C. Office of the District Attorney

The Office of the District Attorney shall have and exercise all powers and duties stated in Section 3.09 of the Luzerne County Home Rule Charter.

ARTICLE V: DIVISIONAL ORGANIZATIONS

Section 5.01 – Divisions Outlined By Luzerne County Charter.

Per the Luzerne County Charter, the following eight (8) divisions/offices are administered by Division Heads appointed by the County Manager:

Division of Administrative Services

Division of Budget and Financial Services

Division of Correctional Services

Division of Human Services

Division of Judicial Services/Records

Division of Operational Services

Office of Public Defender

Office of Law/County Solicitor

ARTICLE VI: OFFICE AND DIVISIONAL RESPONSIBILITIES

Section 6.01 – Division of Administrative Services.

A. Function of the Division

The Division of Administrative Services shall oversee human resources, purchasing and acquisition activities, information technology and data management services, registration of voters and conduct of elections, issuance of appropriate licenses and permits, maintenance of appropriate records, grant writing, community development, tourist promotion and any other powers, duties, programs, services or functions that may be assigned by the County Charter or the Administrative Code.

B. Division Head

The Division of Administrative Services shall be headed by a Division Head who shall be appointed by the County Manager, subject to confirmation by County Council, and who shall serve at the pleasure of the County Manager. The head of the Division shall be responsible to the County Manager for the proper performance of the Division.

C. Responsibilities of the Division

The Division of Administrative Services shall have the responsibility to:

1. Maintain the County personnel system;
2. Conduct purchasing and acquisition activities subject to Section 6.09 of the Home Rule Charter;
3. Provide information technology, data processing, and other data management services for all County departments, offices or agencies, including hardware and software acquisition;
4. Manage personnel requirements or requests for the Board of Elections and Voter Registration;
5. Oversee, with the Division of Budget and Finance, the issuance of appropriate licenses and permits;
6. Maintain necessary records as required by law;
7. Support grant writing activities;
8. Manage community development programs;
9. Direct tourism promotion efforts;

10. Perform any other powers, duties, programs, services, or functions that may be assigned by the Administrative Code or the County Manager.

D. Organization of the Division

The Division of Administrative Services shall be composed of the following functional departments:

1. Division Head, who shall carry out the responsibilities set forth above in Paragraph C, Subparagraphs 5, 6, 7 and 10;
2. The Human Resources Department, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraphs 1 and 4;
3. The Purchasing and Acquisition Department, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraph 2;
4. The Information Technology Department, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraph 3, with the support of the Purchasing and Acquisition Department where necessary;
5. The Bureau of Elections and Voter Registration, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraph 4;
6. The Office of Community Development, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraph 8;
7. The Convention and Visitor Bureau, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraph 9;
8. The GIS/Mapping Department, which shall support the Information Technology Department in carrying out the responsibilities set forth above in Paragraph C, Subparagraph 3, and support the activities of other Departments and Divisions as directed by the County Manager.

Section 6.02 – Division of Budget and Financial Services.

A. Function of the Division

The Division of Budget and Finance shall perform the function of administering the financial affairs of the County of Luzerne and each of its agencies, boards, commissions, departments, and offices. It will be responsible for the financial

administration of the County Government, including the custody and disbursement of all County funds; the establishment and maintenance of the budgeting, accounting, and financial management systems; the assessment of real property; and any other powers, duties, programs, services, or functions that may be assigned by the Administrative Code.

The Division of Budget and Finance shall be responsible for all county budgeting and financial activities, including but not necessarily limited to the following county departments, functions, and services: budget; tax claim; grant writing; property assessment; and any other related budgetary and financial services or functions, as well as any related boards, commissions, committees, or other duly constituted advisory bodies.

B. Division Head

The Division of Budget and Finance shall be headed by a Division Head who shall be appointed by the County Manager, subject to confirmation by County Council, and who shall serve at the pleasure of the County Manager. The head of the Division shall be responsible to the County Manager for the proper performance of the Division.

C. Responsibilities of the Division

The Division of Budget and Finance shall have the responsibility to:

1. Collect and/or receive all fees, revenues, and other funds of the County of Luzerne or for which the County of Luzerne is responsible;
2. Require all County agencies, boards, commissions, departments, and offices to report and remit all receipts as often as the Director of Finance deems desirable;
3. Deposit funds in depositories in accordance with procedures established by resolution of County Council;
4. Administer a system for the collection of municipal tax claims and liens in accordance with law;
5. Administer a system for the sale of licenses on behalf of the Commonwealth of Pennsylvania as may have been in the past conferred by applicable law upon the County Treasurer;
6. Assess real estate for tax purposes;
7. Prepare tax rolls which are not prepared by other political subdivisions of the County;
8. Maintain and update annual inventories of equipment and furnishings located in County administrative buildings;

9. Maintain a uniform accounting system including the payroll system for the County and each of its departments, boards, commissions, agencies, and offices, applying generally accepted accounting principles for governmental units;
10. Exercise financial budgetary control over each of the agencies, boards, commissions, departments, and offices of the County;
11. Verify the appropriation, allotment, and availability of funds for all bills, claims, and demands made upon the County of Luzerne;
12. Disburse all payments for approved expenditures of the County of Luzerne or for which the County of Luzerne is responsible, except in the case of over expenditures for which County Council's approval is necessary;
13. Provide for the prudent investment of funds in accordance with procedures established by the County Manager;
14. Prepare and transmit all claims for reimbursement to the applicable Federal and State agencies;
15. Submit to the County Manager and to the County Council on a bi-monthly basis a statement of the revenues and expenditures for the preceding month and for the fiscal year up to and including the preceding month; said statement shall be sufficiently detailed regarding appropriations, allotments, and funds to show the exact financial condition of the County and of each of its agencies, departments, and offices;
16. Submit annually to the County Manager and to County Council a report of the financial transactions of that year and the Luzerne County CAFR (Comprehensive Annual Financial Report);
17. Assist the County Manager in the preparation of the annual operating budget, and the current three (3) year plan;
18. Administer a system for the collection and remittance of the hotel/motel tax; and all County property taxes;
19. Obtain bids for the Annual Tax Anticipation Note (TAN);
20. Perform such other duties as may be assigned or delegated by the County Manager;
21. Prepare the Administrative Proposed Budget ninety (90) days before the end of the calendar year, and submit to County Council;

22. Manage the financial and administrative computer networks, and host and maintain the financial information on the County's website.

D. Organization of the Division

The Division of Budget and Finance shall be composed of the following functional units:

1. Division Head;
2. The Bureau of Assessment, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraphs 6 and 7;
3. The Bureau of Revenue and Tax Claims, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraphs 1, 2, 3, 4, and 5;
4. The Bureau of General Accounting, which shall carry out the responsibilities set forth above in Paragraph C, Subparagraphs 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

Section 6.03 – Division of Correctional Services.

A. Function of the Division

The Division of Correctional Services shall be responsible for the operation of the prison, pre-release operations after prison, and such related offices, agencies, and programs as determined by County Council from time to time.

B. Division Head

The Division of Correctional Services shall be headed by a Warden who shall be appointed by the County Manager, subject to confirmation by the County Council, and who shall serve at the pleasure of the County Manager. The head of the Division shall be responsible to the County Manager for the proper performance of the Division.

C. Responsibilities of the Division

The Division of Correctional Services shall have the responsibility to:

1. Provide for the safety and well-being of all individuals remanded to the prison;
2. Provide reasonable health care services to all prisoners;

3. Administer reasonable rehabilitative services consistent with public safety;
4. Provide written rules, regulations, and policies to insure the proper operation and safety of the prison;
5. Maintain all records and documents as required by Luzerne County and applicable Federal and State law;
6. Recommend staffing to insure the security and custody of all prisoners;
7. Review or prepare applications for grants relating to the Division of Correctional Services and advise the County Manager or his/her designee as to the need and priority of said grants;
8. Monitor and evaluate the effectiveness of rehabilitative staff, programs, and grants for the County Manager;
9. Provide coordination of correctional services with the Courts and other County, State, and Federal agencies, bureaus, and boards; and
10. Perform such other duties as may be assigned or delegated by the County Manager.

D. Organization of the Division

The Division of Correctional Services shall be composed of the following:

1. Warden and Deputy Warden;
2. Prison;
3. Work Release/Day Reporting Center;
4. Juvenile Detention.

Section 6.04 – Division of Human Services.

A. Function of the Division

The Division of Human Services shall be responsible for overseeing the administration of the ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs, the ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department, the ~~Office of Children and Youth Services~~Children and Youth Services Department, the ~~Area Agency on Aging~~Area Agency on Aging Department, Veterans Affairs and such other agencies and programs as the County Manager may from time to time determine.

B. Division Head

The Division of Human Services shall be headed by a Division Head who shall be appointed by the County Manager, subject to confirmation by the County Council, and who shall serve at the pleasure of the County Manager. The Division Head shall be responsible to the County Manager for the proper performance of the Division.

The Director of Human Services shall be a professional in a human services field, possessing academic qualifications of no less than a Master's degree in a related field, and shall have at least 3-5 years' experience in the County of Luzerne in an administrative capacity, three (3) of which shall be in direct supervision of other qualified professionals.

C. Responsibilities of the Division

The Division of Human Services shall have the responsibility to:

1. Oversee the administration of such offices, departments and human service programs as are assigned to the departmentDivision;
2. Develop a structural organization for human services delivery in the County which provides an optimum mix of services to an individual or family, with minimum destruction of functional and professional autonomy in the community;
- ~~3. Develop a client-oriented management information system and case-management program to monitor and assure continuity of care within and among programs and services of the department;~~
- ~~4.3~~ Establish linkages to other human service programs in the County to achieve maximum coordination among agencies and programs, including coordination of planning effort;
- ~~5.4~~ Review annual plans and budget estimates of the ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs Abuse, and the ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department, the ~~Office of Children and Youth Services~~Children and Youth Services Department, and any other agencies and programs of the department and make such changes, comments, and recommendations to the County Manager as are deemed appropriate. The ~~department's~~Division's action shall be consistent, however, with other provisions of the Administrative Code and State law and regulations assigning authority to determine priorities of need to the Drug and Alcohol Executive Commission, the Mental Health and Developmental Services Board, and the Advisory Board to the Office of Children and Youth.
- ~~6.5~~ Submit recommendations to the County Manager and County Council concerning participation and funding levels of other human service programs not integral to the departmentDivision, as requested by the County Manager or the County Council.

D. Organization of the Division

The Division of Human Services shall be composed of the following departments:

1. ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs

a. Function of the Office

The ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs is the designated agency listed as the authority responsible for program planning and the administration of Federal and State funded agreements. Luzerne County shall agree to comply with the requirements of the “State Plan” Act 1972-63 through the Department of Health, Bureau of Drug and Alcohol Program’s grant agreement for such programs. The Luzerne County ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs ~~Abuse~~ provides local planning for and administrative oversight to community based drug and alcohol programs and contracts with providers for education, prevention, intervention, treatment, and treatment-related services.

b. Head of Office

The ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs ~~Abuse~~ shall be headed by an Executive Director appointed by the County Manager in accordance with procedures set forth to manage the day-to-day operations of the office. The Executive Director shall be responsible to the Director of Human Services for the proper performance of the office.

c. Responsibilities of Office Head

The Executive Director for the ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs ~~Abuse~~ shall have the following duties and responsibilities:

- i. To insure that drug and alcohol services required by the Pennsylvania Drug and Alcohol Control Act, Act 1972-63, are available which include a comprehensive Drug and Alcohol delivery system of prevention, intervention, and treatment;
- ii. To report to the County Manager, keeping her/him informed and updated on all matters that impact the department;
- iii. To function as a member of the ~~Department~~Division of Human Services executive team, collaborating with other program offices as appropriate;
- iv. To administer the office to ensure compliance with State and County ordinances;

- v. To maintain liaison with governmental and private community services, agencies, organizations, and state-operated facilities; and

develop and maintain positive relationships with external customers and stakeholders;

- vi. To prepare and submit an annual report to the County Manager, Advisory Board, Bureau of Drug and Alcohol Programs, and the community which includes all activities of the program and administration thereof;
- vii. To develop, negotiate, and implement all contracts with local providers for the provision of services under the authority of the County ~~Office of Drug and Alcohol~~Department of Drug and Alcohol Programs-Abuse;
- viii. To prepare the annual budget based on service plans negotiated rates, and allocation of funds.

d. Responsibilities of the Office

- i. To assess the need for services;
- ii. To manage and allocate resources to meet the needs;
- iii. To evaluate the effectiveness of addressing the needs;
- iv. To adjust allocation of resources, where necessary;
- v. To advocate for client services to include coordination with other service agencies.

2. ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department

a. Function of the Office

The ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department shall carry out responsibilities assigned to the County by the Mental Health and Mental Retardation Act of 1966, Spec. Sess. No. 3, Oct. 20, P.L. 96, Article III, Section 3.04, et seq., 50 P.S. §4304, and other applicable laws and regulations. Included among these are the prevention of mental disability, as well as the diagnosis, care, treatment, rehabilitation, and detention of the mentally disabled.

b. Head of Office

The ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department shall be headed by an Executive Director appointed by the County Manager in accordance with procedures set forth in the

Mental Health and Mental Retardation Act of 1966, supra. The Executive Director shall be responsible to the Director of Human Services for the proper performance of the office.

c. Responsibilities of Office Head

The powers and duties of the Executive Director shall be in accordance with procedures set forth in the Mental Health and Mental Retardation Act of 1966, supra, Section 3.05, and are as follows:

- i. To administer the County Mental Health and Developmental Services Program;
- ii. To insure that County Mental Health and Developmental Services required by the Act are available;
- iii. To monitor the availability of funds for MH/DS and to alert the County Manager and County Council to such availability, if any, and to inform them both as to the advantages and any disadvantages to securing such available funds;
- iv. To provide staff services to the County Mental Health and Developmental Services Board;
- v. To make such reports to the Department of Public Welfare in such form and containing such information as may be required;
- vi. To develop, together with the County Mental Health and Developmental Services Board, annual plans for the Mental Health and Developmental Services Programs required by the Act;
- vii. To submit to the Director of Human Services and the County Manager annual plans and estimated costs for the provision of services, establishment and operation of facilities, and other related matters for review, approval, and transmittal to the Department of Public Welfare;
- viii. To review and evaluate facilities and services and to cooperate with the Department of Public Welfare in the maintenance of established standards;
- ix. To maintain effective liaison with governmental and private community health and welfare agencies and organizations and State-operated facilities;
- x. To submit an annual report to the Director of Human Services, the County Manager, the Board, and the Department of Public Welfare, reporting all activities of the program and administration thereof;
- xi. To analyze and evaluate mental health and developmental needs and services in the County and recommend improvements to the County Mental Health and Developmental Services Board and the County

Manager, conduct such research studies, and take such steps to adopt such measures as are necessary for the proper discharge of the Administrator's duties; and;

- xii. To have such other powers and duties which may be given to the Administrator by the Mental Health Procedures Act of 1976, July 9, P.L. 817, No. 143, Section 1.01, et seq.; 50 P.S. §7101, and such other rules and regulations of the Commonwealth of Pennsylvania as apply to the Administrator.

d. Responsibilities of the Office

Subject to the provisions of Section 5.09(5) of the Act, it shall be the duty of the ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department, in cooperation with the Department of Public Welfare, to insure that the following mental health and developmental services are available in the County:

- i. Short-term inpatient services other than those provided by the State;
- ii. Outpatient services;
- iii. Partial hospitalization services;
- iv. Emergency services 24 hours per day, which shall be provided by, or available within, at least one of the types of services specified heretofore in this paragraph;
- v. Consultation and education services to professional personnel and community agencies;
- vi. Aftercare services for persons released from State and County mental health or mental retardation facilities;
- vii. Specialized rehabilitative and training services, including sheltered workshops;
- viii. Interim care of mentally retarded persons who have been removed from their homes and who, having been accepted, are awaiting admission to a State-operated facility; and
- ix. Unified procedures for intake for all County services and a central place providing referral services and information.

- e. The ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department shall also have the power to establish the following additional services or programs for the mentally disabled:

- i. Training of personnel;
 - ii. Research; and
 - iii. Any other service or program designed to prevent mental disability or the necessity of admitting or committing the mentally disabled to a facility.
- f. Services herein required or authorized may be provided either directly or by purchase of such services, except that in accordance with the Act, unified procedures for intake for all County Mental Health and Developmental Services and a central place providing referral services and information shall be provided directly through the ~~Office of Mental Health and Developmental Services~~Mental Health and Developmental Services Department.

3. ~~Office of Children and Youth Services~~Children and Youth Services Department

a. Function of the Office

The ~~Office of Children and Youth Services~~Children and Youth Services Department is responsible for the administration of the County Children and Youth Social Services Program, and is designated as the County agency pursuant to Pennsylvania Department of Public Welfare regulations, 55 Pa. Code, Chapter 3130.

b. Head of Office

The ~~Office of Children and Youth Services~~Children and Youth Services Department shall be headed by an Executive Director who shall be appointed by the County Manager. The head of the office shall be responsible to the Director of Human Services for the proper performance of the office.

c. Responsibilities of the Office

The ~~Office of Children and Youth Services~~Children and Youth Services Department shall be organized and staffed to ensure administration of the agency, including:

- i. The maintenance of case records by County agency staff;
- ii. The direct investigation and assessment by County agency staff of complaints, requests, and referrals for service to determine their appropriateness for: 1) Child Abuse Protective Service; and; 2) General Child Protective Service;

iii. Referral to other service providers and agencies;

- iv. Cooperation with other providers and agencies to ensure the appropriateness and follow-up of referrals to and from the County agency;
- v. Direction of case management by County agency staff of all cases accepted for service by the County agency including:
 - a. Developing family service plans as required by 3130.61, 3130.66, and 3130.67 (relating to family service plans, case planning for children in emergency shelter care, and placement planning);
 - b. Assuring that services are provided as required by family service plans;
 - c. Scheduling and conducting case reviews as required by 3130.63, 3130.71, and 3130.72 (relating to review of family service plans, placement reviews, and to dispositional review hearings);
 - d. Revising the service plans as required by the case review process.
 - e. Investigating reports of suspected child abuse and services provided to abused children and their families in accordance with Chapter 3490 (relating to child protective services — child abuse);
- vi. Development of an Annual County Children and Youth Services Plan and Budget Estimate, pursuant to Act 148 Rules and Regulations;
- vii. Provision of written policies and procedures which clearly describe the means for implementing the social service to children and youth;
- viii. Maintenance of all records and documents as required by law;
- ix. Departmental compliance with all laws and regulations;
- x. Maintaining and working with an Advisory Board appointed pursuant to Act 148 Rules and Regulations;
- xi. Submission of quarterly reports of expenditures to the Advisory Committee, Director of Human Services, County Manager, and Pennsylvania Department of Public Welfare;
- xii. Review and evaluation of the social service delivery system and issuance of report annually to the County Manager, County Council, and public regarding the Children and Youth program;
- xiii. Delivery of needed services consistent with available funds;

- xiv. Facilitation of interagency coordination of social services to children and youth;
- xv. Facilitation of resource acquisition and development, and negotiate all purchase of social service agreements for children and youth between the County and vendor agencies.

d. Organization of the Office

The ~~Office of Children and Youth Services~~Children and Youth Services Department shall be composed of the following:

- i. Child Welfare Services;
- ii. Day Care.

4. ~~Area Agency on Aging~~Area Agency on Aging Department

- a. The Office of ~~Area Agency on Aging~~Area Agency on Aging Department shall be headed by an Executive Director who shall be appointed by the County Manager. The head of the office shall be responsible to the Division ~~Director Head~~ of Human Services for the proper performance of the office.
- b. The ~~Area Agency on Aging~~Area Agency on Aging Department ~~division~~ shall, with the guidance and assistance of its Advisory Board, offer social services to the residents of Luzerne County who are 60 years of age and older.
- c. The Executive Director shall perform the following duties:
 - i. Provide, directly or through the purchase of service agreements, services which may include:
 - a. Outreach;
 - b. Care Management;
 - c. Information and referral;
 - d. Transportation;
 - e. Counseling;
 - f. Protective services;

g. Congregate and home deliver meals;

- h. Recreation and education;
- i. Senior citizens center services and activities;
- j. Volunteer services; and
- k. Home care services.
- ii. Administer and coordinate services within the ~~Division~~department;
- iii. Provide Community Education;
- iv. Monitor and assure service standards for ~~Division~~department operated and purchased services;
- v. Represent the Division at all meetings and conferences;
- vi. Serve as liaison to cooperating agencies;
- vii. Perform such other duties and functions related to services for the aging as are assigned by the Director of Human Services or the County Manager;
- viii. Present an annual budget to the County Manager no later than September 1st.
- ix. To function as a member of the Division of Human Services executive team, collaborating with other program offices as appropriate;
- viii.—

5. Veterans Affairs

The Director of Veterans Affairs shall be appointed by the County Manager. The head of Veterans Affairs shall be responsible to the Director of Human Services for the proper performance of the department and shall be responsible to perform the following duties:

- i. Administer Federal and State laws and regulations governing Veterans Affairs;
- ii. Assist veterans and their families in obtaining financial allowances and support under Federal and State Laws and regulations;
- iii. Maintain such records as are required by Federal and State Laws;
- iv. Prepare and submit reports to appropriate officials;

v. To report to the County Manager, keeping the Manager informed and updated on all matters that impact the department;

~~iv-vi.~~ To function as a member of the Division of Human Services executive team, collaborating with other program offices as appropriate-

Section 6.05 – Division of Judicial Services/Records.

A. Function of the Division

The Division of Judicial Services/Records shall perform all the functions which otherwise would be performed by the Prothonotary with respect to civil matters, by the Clerk of County Courts with respect to criminal matters, by the Recorder of Deeds with respect to real estate matters, by the Register of Wills and Clerk of Orphans Court Division with respect to decedents' estates and other Orphans Court Division matters, by the Coroner, and by the Office of Sheriff which shall have and exercise all powers and duties provided under the laws of the Commonwealth of Pennsylvania and the County of Luzerne, as well as any additional functions conferred by resolution of County Council, statute, rule of court, or order of court of competent jurisdiction.

B. Division Head

The Division Head of Judicial Services/Records shall be headed by a Division Head who shall be appointed by the County Manager, subject to confirmation by County Council, and who shall serve at the pleasure of the County Manager. The head of the Division shall be responsible to the County Manager for the proper performance of the Division.

C. Organization of the Division

1. The Division of Judicial Services/Records shall include the following personnel:
 - a. The Clerk of Records;
 - b. The Deputy Clerk of Records, who shall act in place of the Clerk of Records in the event of a temporary absence or incapacity. Such Deputy Clerk of Records shall not be a separate position. The Clerk of Records shall appoint one of the employees of the four divisions set forth below to act as such Deputy in the event of the temporary absence or incapacity of the Clerk of Records;
 - c. Such other qualified staff as necessary.
2. The Division of Judicial Services/Records shall be composed of the following departments:
 - a. Recorder of Deeds
 - b. Clerk of Courts
 - c. Register of Wills
 - d. Prothonotary
 - e. Coroner
 - f. Sheriff

| [f.g. Records Storage](#)

D. Responsibilities of the Division

1. **The Division of Judicial Services/Records** shall have the responsibility to:
 - a. File, index, and maintain custody of pleadings and other legal papers relating to legal actions in the Civil Division, Criminal Division, and Orphans Court Division of the Court;
 - b. File, index, and maintain custody of all records which otherwise would be held by the Prothonotary with respect to civil matters, by the Clerk of ~~County~~ Courts with respect to criminal matters, by the Recorder of Deeds with respect to real estate matters, and by the Register of Wills and Clerk of Orphans Court Division with respect to decedents' estates and other Orphans Court Division matters;
 - c. Maintain custody of the seal of the Court;
 - d. Sign and affix the seal of the Court to all writs, process, certificates, and exemplifications of records and processes;
 - e. Administer oaths and affirmations in conducting the business of the office;
 - f. Administer oaths of office to all deputies of County offices and to Notary Publics appointed by the Commonwealth of Pennsylvania and make a record thereof;
 - g. Enter and sign all judgments and acknowledge the satisfaction of judgments or decrees entered of record;
 - h. Collect and record all costs, fees, and taxes required by law for filing pleadings and other legal papers;
 - i. Prepare and transmit such reports of the civil and criminal business of the Court as may be required by law;
 - j. Exercise jurisdiction over the probate of wills, the grant of letters to personal representatives, and other matters dealing with decedents' estates as required by law, together with the power to issue subpoenas and commissions or rules to take the depositions of witnesses in aid of said jurisdiction;
 - k. Act as collection agent for the Commonwealth of Pennsylvania and County of Luzerne for the collection of all fines and forfeitures, for the Commonwealth of Pennsylvania, County of Luzerne, and Commonwealth political subdivisions for the collection of taxes due for the filing and

recording of pleadings, legal papers, deeds, and other civil records, and for the Commonwealth of Pennsylvania for the collection of Pennsylvania inheritance and estate taxes; to prepare reports of these collections; and to remit these collections according to law;

- l. Provide quarterly reports to the County Manager as to the total amount of monies collected, indicating types of collections, and distribution;
- m. Assist attorneys, searchers, and the general public to locate pleadings, legal papers, and other records;
- n. Perform such other duties which otherwise would be performed by the Prothonotary with respect to civil matters, by the Clerk of ~~County~~ Courts with respect to criminal matters, by the Recorder of Deeds with respect to real estate matters, and by the Register of Wills and Clerk of Orphans Court Division with respect to decedents' estates and other Orphans Court Division matters, as well as any duties conferred by resolution of County Council, statute, rule of court, or order of court of competent jurisdiction;
- o. Maintain a Records Improvement Committee, which shall exist and operate in accordance with the Recorder of Deeds Fee Law of 1982 and its amendments of 1998 and 2002 or with any subsequent State laws related to records maintenance.

2. The Office of Sheriff

a. Function of the Office

There shall be an Office of Sheriff which shall have and exercise all powers and duties provided under the laws of the Commonwealth of Pennsylvania and the County of Luzerne.

b. Office Head

The County Sheriff shall be appointed by the County Manager and shall be responsible for all duties as outlined in the Laws of Pennsylvania and the County of Luzerne.

c. Responsibilities of the Office

- i. To serve as an Officer of the Courts, to serve writs, complaints and other forms of process, court orders, warrants and notices and, when ordered by the Court, to enforce Court orders;
- ii. To provide and maintain courtroom security
- iii. To provide transportation to the Courts for:

- a) Luzerne County Prison inmates;
- b) County jail inmates outside of Luzerne County and State Correctional Institution inmates;
- c) Extradited persons, as required for Luzerne County judicial proceedings;
- iv. To issue firearm licenses to qualified residents of the County;
- v. To conduct sales of real estate and personal property located in Luzerne County in accordance with the Pennsylvania Rules of Civil Procedure; ~~and~~
- vi. To perform such additional and related duties as may be prescribed by County Council pursuant to the Luzerne County Home Rule Charter and the Administrative Code of Luzerne County; and
- ~~vi.—Supervise the security system of County administrative buildings and parking lots, including assignments of keys and security measures and staff.~~

3. The Office of the Coroner

a. Function of the Office

There shall be an Office of Coroner, which shall be responsible for the investigation of all deaths which occur without prior medical attention, deaths where the physician is unable to certify the cause of death, and those deaths due to unnatural causes or violence, which include all accidents, suicides, and homicides, and to rule as to the manner of death. He must approve all cremations and organ donations in this County, and is responsible for identification and proper disposal of all unclaimed bodies.

b. Office Head

County Coroner shall be appointed by the County Manager and shall be responsible for the duties as outlined in the County Administrative Code.

c. Responsibilities of the Office

- i. To order post-mortem examinations and witness the same when necessary;
- ii. To cooperate with all law enforcement agencies;
- iii. To consult and advise with the District Attorney in any suspected criminal death;

- iv. To hold inquests in certain cases with subpoena power and power to administer the oath;

- v. To assume jurisdiction of bodies and personal effects falling under his/her purview and not allow them to be moved or released without the consent of the Coroner;
- vi. To arrange, in appropriate cases, for transportation of remains to the County morgue, to private mortuary facilities or elsewhere in accordance with the wishes of survivors;
- vii. To submit reports of all death investigations to the Clerk of Records (Prothonotary Division);
- viii. To complete medical portions of death certificates for cases under his/her purview, particularly in every case referred by Vital Statistics;
- ix. To assume the responsibility for notifying next-of-kin of decedents;
- x. To be on call 24 hours a day, 7 days a week.

d. Organization of the Office

The Office of Coroner shall be composed of the following:

- i. The Coroner;
- ii. Such Deputy Coroners and staff as may be provided for;
- iii. ~~Secretary~~ Executive Administrative Assistant.

Section 6.06 – Division of Operational Services.

A. Division Head

The Division of Operational Services shall be headed by a Division Head who shall be appointed by the County Manager, subject to confirmation by the County Council, and who shall serve at the pleasure of the County Manager. The head of the Division shall be responsible to the County Manager for the proper performance of the Division.

B. Organization of the Division

- 1. Department of County Infrastructure
 - a. Engineering and Environmental Projects
 - b. Roads and Bridges
 - c. Parks and Recreation
- 2. Department of Facility Management and Operations
- 3. Department of Planning and Zoning

4. Emergency Management Agency
5. 911 Dispatch

C. Responsibilities of the Departments

1. The Department of County Infrastructure shall:

- a. Administer the requirements of the County's capital investment plan;
- b. Maintain all County Roads and Bridges;
- c. Maintain all County Parks and Recreational areas;
- d. Administer the County's public/private partnership with the fixed based operator for the Wilkes-Barry/Wyoming Valley Airport including general oversight of the operation of the airport;
- e. Perform engineering reviews for compliance with the technical requirements of the Luzerne County Subdivision and Land Ordinance on behalf of the Luzerne County Planning Commission;
- f. Administer the requirements of the County's Highway Occupancy Permit Ordinances for public and utility access to County ROW;
- g. Maintain the County fleet including the administration of equipment service and fuel procurement/dispensation;
- h. Administer the County's obligations in regards to the Environmental Special Projects program (West Nile Virus, LCD partnership agreement, Black Fly program);
- i. Serve as the County's technical advisory support for its Emergency Response Team;
- j. Administer the County's Special Events Policy;
- k. Provide the technical support and labor to safely operate and maintain the Wyoming Valley Levee System through intergovernmental agreement with the Luzerne County Flood Protection Authority;
- l. Administer the County's surplus property disbursement program.

2. The Department of Facility Management and Operations shall:

- a. Administer all real property owned or occupied by the County;
- b. Maintain County administrative buildings and grounds;
- ~~c. Supervise the security system of County administrative buildings, including assignments of keys and security measures and staff;~~

- ~~e.c.~~ Supervise the daily cleaning of County administrative buildings and adjacent grounds;
- ~~e.d.~~ Maintain proper safety precautions to insure compliance with State, Federal, and County regulations;
- ~~f.~~ ~~Supervise the parking lots, including assignment of spaces and enforcing of regulations;~~
- ~~e.e.~~ Perform such other duties as may be assigned or delegated by the County Manager.

3. The Department of Planning and Zoning

a. Function of the Department

The Department of Planning and Zoning shall be responsible for providing planning services to the County of Luzerne with the assistance of the Luzerne County Planning Commission.

b. Department Head

The Department of Planning and Zoning shall be administered by a Director of Planning and Zoning who shall be appointed by the County Manager, subject to confirmation by the County Council, and who shall serve at the pleasure of the County Manager. The director shall be responsible to the County Manager for the proper performance of the department.

c. Responsibilities of the Department

The Department of Planning and Zoning shall have the responsibility to:

- i. Develop and maintain a Luzerne County Comprehensive Plan and assist the County's 76 municipalities in their comprehensive planning and land use regulatory efforts;
- ii. Perform reviews and prepare recommendations, pursuant to Act 47 of 1968 as amended: the Pennsylvania Municipalities Planning Code, pertaining to local planning and zoning, including changes in local zoning maps, amendments of zoning and subdivision ordinances, and adoption of new municipal comprehensive plans, and all subdivision and land development proposals in Luzerne county
- iii. Administer and manage planning and construction projects in conjunction with numerous Federal and State grant programs;
- iv. Coordinate and manage all administrative, programmatic, and planning and construction-related activities from contractor and/or

consultant selection to final audit reporting for planning and construction projects;

- v. Educate and increase awareness of planning and recycling initiatives; and to instruct the public and municipal officials as to long-range community development projects, available grant funding, and other planning issues;
- vi. Provide outreach to all municipal governments in promoting inter-municipal/regional efforts;
- vii. Review and respond, as required, to federal and state agency initiatives/programs;
- viii. Provide administrative and technical assistance for County-sponsored projects;
- ix. Administer the County's Solid Waste Program for compliance with Commonwealth regulations;
- x. Serve as the County's representative on the Luzerne/Lackawanna bi-county Metropolitan Planning Organization.

4. Emergency Management Agency

The Emergency Management Agency shall provide emergency planning, training, response, recovery and mitigation services to elected and appointed officials, first responders and the public.

5. 911 Dispatch

The 911 Dispatch Office shall provide emergency dispatch services to emergency responders and the public so that callers receive appropriate emergency assistance in a timely and efficient manner.

Section 6.07 – Division of Public Defender.

A. Function of Division

The Division of the Public Defender shall have and exercise all powers and duties now or hereafter conferred upon the Public Defender by applicable law.

B. Division Head

The Division of the Public Defender shall be headed by the Public Defender who shall be appointed by the County Manager, subject to approval by the County Council, and who shall serve at the pleasure of the County Manager. The Public Defender shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania and shall be responsible to the County Manager for the proper performance of the Division.

C. Responsibilities of the Division

The Division of the Public Defender shall have the responsibility to:

1. Certify to the Court Administrator the eligibility for free legal counsel to indigent criminal defendants who are denied Public Defender assistance due to a conflict of interest;
2. Have and exercise all powers and duties now or hereafter conferred upon the Public Defender by applicable law.

D. Prohibitions

Any employee of the Public Defender's Office is prohibited from representing any former County employee, or persons in any litigation against the County of Luzerne.

Section 6.08 – Office of Law/County Solicitor.

A. Function of Division

The Office of Law shall be the Chief Legal Office and Counsel for County Government, except as otherwise provided in the Charter.

B. Division Head

The Office of Law shall be headed by the Chief County Solicitor, who shall be appointed by the County Manager, subject to confirmation by the County Council, and who shall serve at the pleasure of the County Manager. The County Solicitor shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania and shall be responsible to the County Manager for the proper performance of the Division.

C. Responsibilities of the Division

The Office of Law shall have the responsibility to:

1. Provide, upon request, legal opinions upon any legal matter, or question for County Government, including Human Resource matters, except as otherwise provided in the Charter;
2. Prepare and revise ordinances or resolutions when so requested by the County Manager;
3. Litigate all legal actions and claims brought by or against the County of Luzerne, except in those cases in which other legal counsel is retained;
4. Prepare and/or approve, upon request, for legality all contracts, agreements, or other legal documents on behalf of County Government, except as otherwise provided in the Charter. A standard form of agreement or contract which is expected to be used repetitiously may be approved as to form only;
5. Exercise, when deemed necessary, the right to inspect at reasonable times the records of any County Division, administrative unit, board, commission, authority, or committee of the County in connection with the performance of the powers and duties of the County Solicitor's office;
6. Exercise such powers, perform such duties, and have such authority as are given by law.

D. Organization of Division

The Office of Law shall be composed of:

1. The Chief County Solicitor;
2. Such Assistant Solicitors, Paralegals, and Administrative Staff as may be authorized by the County Manager, in order to carry out the responsibilities set forth in subparagraphs 1 through 6 above.

E. Prohibitions

No County solicitor shall represent any Division, office, or agency in litigation aimed at another Division, office, or agency of the County unless such representation is first approved by County Council and the County Manager.

ARTICLE VII: ELECTIONS

Section 7.01 - Board of Elections and Registration.

A. Function of the Board

The Board of Elections and Registration shall have and exercise all powers and duties stated in Section 8.04 of the Luzerne County Home Rule Charter, and shall provide general supervision over all elections conducted by the County in accordance with the PA State Bureau of Commissions, Elections and Legislation.

B. Responsibilities of the Clerk of Election Board

The Administrative Services Division Director or his/her designee shall serve as the Clerk to the Election Board and shall have the following responsibilities:

1. To insure that the policies set by the Board are implemented;
2. To prepare agendas for Election Board meetings to be held in the months of February, April, August, and December and at other times as directed by the Board.

Section 7.02 - Department of Elections.

A. Function of the Department

The Department of Elections shall be responsible for implementing the procedure and policy for the registration of electors in the County; and provide direct supervision over and implement all regulations promulgated by the Board of Elections and Registration Commission for all elections conducted by the County, under the general direction of the County Manager.

B. Department Head

The Department of Elections shall be under the direction of the Director of Elections who shall be appointed by the County Manager following consultation with the Board of Elections and Registration.

C. Responsibilities of the Department

1. The Department of Elections shall have and exercise the powers and duties as prescribed by the Board of Elections and Registration and by the County Manager, including the powers and duties to:
 - a. Publish such notices as prescribed by the Board on the election law;

- b. Send notices to persons, candidates, and parties as decided by the Board or election law;
- c. Provide and arrange for sworn clerk to assist the Board of Elections in computing the return of votes;
- d. Prepare and provide to the Board of Elections sufficient forms for tally and computation;
- e. Arrange for a suitable place for the Board of Elections to receive and compute returns;
- f. Cause to be prepared certificates of election;
- g. Receive and review filing papers;
- h. Receive, when applicable, fees required for filing of papers;
- i. File copies of certified returns with the Secretary of the Commonwealth;
- j. Receive petitions for recount and notify appropriate officers;
- k. Receive cash or bonds for recounts;
- l. Notify petitioners and/or arrange for the return of deposits or the forfeiture of deposit;
- m. Identify suitable polling places and storage places and cost thereof and report the same to the Board;
- n. Prepare rental arrangements for polling places;
- o. File accepted and rejected petitions;
- p. Notify petitioners whether Board rejected or accepted petitions or filing;
- q. Supervise the filing and maintenance of records and recording of the official acts of the Board;
- r. Arrange, order, and obtain sufficient ballots;
- s. Prepare and propose budget for election activities;
- t. Prepare and submit a report of election activities;
- u. Prepare and publish the election notices and advertisements;
- v. Supervise the processing and distribution of Board communications;
- w. Keep a record in permanent form of the Board proceedings;

- x. Register electors.
2. When ordered by the Board of Elections, the Department shall also:
- a. Investigate questions relating to registration;
 - b. Inspect and verify residency of registrants;
 - c. Notify the appropriate law enforcement officers of disturbances;
 - d. Notify the District Attorney of violations of the act and possible fraudulent practices;
 - e. Accept all complaints of reported irregularities and refer the same to the Board;
 - f. Arrange a suitable place for the meeting of the Board;
 - g. Secure, distribute, receive, and preserve street lists, registration cards, affidavits, vouchers, notices, etc.;
 - h. Prepare and propose a budget for registration activities;
 - i. Observe and supervise inspection of all registration records;
 - j. Arrange for special registration places;
 - k. Approve or reject applications for registration and notify applicant of right to appeal to Board;
 - l. Record incomplete and rejected applications;
 - m. Maintain general and district registers;
 - n. Issue removal notices;
 - o. Transfer registrants;
 - p. Record changes in party enrollment;
 - q. Maintain street list;
 - r. Verify registrations by mail check;
 - s. Compare street list and registers;
 - t. Accept petitions for the striking of a name on the register;
 - u. Notify registrant of petition to strike his name from register;
 - v. Deliver registers to Election Offices;
 - w. Examine registers and report indications of fraud to the Board;

- x. Cancel registration for failure to vote for two years;
- y. Preserve all canceled registration cards;
- z. Provide voting machines in sufficient number for the polling places and provide maintenance and repair to insure that the same are in good working condition;
- aa. Implement the policies and procedures of the Board for the use of voting machines for elections other than general, municipal, and primary elections;
- bb. Perform such other duties as may hereafter be conferred or imposed by the Board or the County Manager.

ARTICLE VIII: BUDGETARY AND FINANCIAL POLICIES AND PROCEDURES

Section 8.01 - Budget Calendar.

- A. Pursuant to Article V of the Charter, Budget and Finance, the fiscal year of Luzerne County shall begin on January 1 and end on December 31.
- B. Submission and adoption of the County Budget shall adhere to the schedule and format set forth in Article V of the Charter.

Section 8.02 - Budget Administration.

- A. The County Manager's authority and responsibilities with respect to administration of the adopted Budget shall be as set forth in Section 5.10 *et seq* of the County Charter.
- B. The Budgets for each year shall be adopted by County Council as set forth in the County Charter and shall include a Position Budget that lists positions defined by the Manager as necessary to County operations along with the defined compensation for each position. The positions so defined shall be the *legislatively authorized positions* for the fiscal year covered by the adopted Budgets, and all required funds for these positions shall be allocated in the adopted Budgets.
- C. County Council shall be notified in writing of any change in the number of positions or in the classification of positions and/or any change in compensation for any defined position, other than compensation changes provided through collective bargaining agreements, no fewer than 5 days prior to such changes being implemented.

Section 8.03 - Borrowing.

The County Council shall adhere to the provisions of the Pennsylvania Local Government Unit Debt Act (Act 185 of 1972) for the borrowing of any funds.

Section 8.04 - Reports.

- A. The County Manager shall submit to the County Council a First Quarter financial report, which includes the previous fiscal year's final results, and a Mid-Year financial report.
- B. The First Quarter report shall be submitted no later than May 15, and the Mid-Year report shall be submitted no later than August 15.
- C. Such financial reports shall be forward-looking documents setting forth projected revenues and expenditures as well as significant measures undertaken to address surpluses and shortfalls.

ARTICLE IX: BONDS

Section 9.01 – Official Bonds/Required Fiscal Security for Officers and Employees

A. Required Bonds

The County shall obtain official security in the form of bonds, a blanket bond or a crime-fidelity insurance policy, which is endorsed with faithful performance of duty coverage, that protects the County from losses caused by acts of the following officers, whether elected, appointed or appointed to fill a vacancy, before those officers begin their official duties:

1. County Council Member;
2. County Manager;
3. Controller;
4. Clerk of Judicial Records;
5. Coroner;
6. Sheriff;
7. Directors of all departments, offices and bureaus; and
8. Budget and Finance Officer.

B. Other County Officers and Employees

The County shall obtain security coverage with faithful performance of duty coverage for all county officers and employees who are not subject to subsection (A), including deputies and other appointees in each county office, who are required to receive, account for or hold any money and other property by virtue of their office or employment.

C. County Officers and Employees Acting as Agents

The County shall obtain security coverage for county officers and employees acting as agents of the County in accordance with the provisions of November 23, 2011, Act 106 or any other law, regulation or rule requiring the posting of security in the form of a bond or otherwise.

Section 9.02 – Form and Required Amount of Security.

- A. Pursuant to sub-section 1130(a) of November 23, 2011, Act 106, the County Council shall annually determine the form and required amount of required security that will be reasonably sufficient to protect against the risks of loss. The form and

contents of a bond, blanket bond or insurance obtained in compliance with November 23, 2011, Act 106 shall be approved by Council after review by the County Solicitor and consultation with the County Risk Manager, if any.

- B. County Council may appoint a risk manager who, at the request of Council, shall compile and submit information relevant to the determination of an amount of required security under subsection (A).
- C. The County's risk manager, in coordination with the finance director, is hereby designated to compile and submit information to County Council during the budgetary process and prior to close of every calendar year as to the amount of security that is recommended during the succeeding year.
- D. The risk manager, finance director and solicitor shall confer to determine the form and content of the bond and insurance to comply with this November 23, 2011, Act 106. They will review the coverage concurrently to verify that this coverage fully meets the needs of the County.
- E. If the coverage meets the needs of the County, the risk manager shall present it to County Council for approval no later than two weeks prior to the close of the calendar year. If the coverage does not meet the needs of the County, the finance director will initiate quotes for the needed coverage and present them at least two weeks prior to the close of the calendar year together with a recommendation as to the bond and policy satisfying the criteria set forth in the Act and the competitive policies established by the County procurement policy.

Section 9.03. – Custody and filing of required security documents.

Custody and filing of required security documents shall be as proscribed by Section 1131, November 23, 2011, Act 106.

APPENDIX A:

ORGANIZATIONAL CHART OF LUZERNE COUNTY GOVERNMENT

