

Submitted on January 12, 2021

Councilmember Walter L Griffith Jr

No 2021- _____

ORDINANCE

AN ORDINANCE OF THE COUNTY OF LUZERNE COUNTY COUNCIL PLACING A QUESTION ON THE May 18, 2021 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 May 18, 2021 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 May 18, 2021 Primary Election:

SHOULD THE LUZERNE COUNTY HOME RULE CHARTER BE AMENDED AT ARTICLE VI, SECTION 6:04 A TO ALLOW COUNTY COUNCIL TO HAVE THEIR OWN INDEPENDENT SOLICITOR 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 May 18, 2021 Primary Election not later than Tuesday February 16, 2021 and;
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 May 18, 2021 Primary Election. and;
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. and;
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 _____ 2021

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 _____