

**RESOLUTION R-2021-62
LUZERNE COUNTY COUNCIL**

A Resolution by the Luzerne County Council Approving the Memorandum of Understanding relating to the District Attorney Vacancy and Rescinding Resolution 2021-58

WHEREAS, County Council declared the position of the Luzerne County District Attorney vacant by Resolution 2021-58 at the March 9, 2021 meeting pursuant to Sections 11.05 and 11.06 of the Luzerne County Charter; and

WHEREAS, District Attorney Stefanie J. Salavantis, First Assistant District Attorney Samuel M. Sanguedolce, and the Office of the District Attorney filed a Complaint against Luzerne County seeking declaratory judgment and quo warranto relief; and

WHEREAS, counsel for the above-named plaintiffs and counsel for Luzerne County have reached a mutually agreeable Memorandum of Understanding; and

WHEREAS, the parties agree that District Attorney Salavantis will continue to serve as District Attorney until the effective date of her resignation letter (March 25, 2021) and after that date, First Assistant Sanguedolce will serve as Acting District Attorney until the vacancy is filled in due course.

NOW, THEREFORE, BE IT RESOLVED, the Luzerne County Council approves of the attached Memorandum of Understanding and all delineated terms contained within between the above-named plaintiffs and Luzerne County.

FURTHER, BE IT RESOLVED, the terms in the Memorandum of Understanding shall not be construed as establishing a precedent on the issues raised therein;

FURTHER, BE IT RESOLVED, County Council accepts District Attorney Salavantis's letter of resignation effective March 25, 2021, declares the Office of District Attorney vacant, and recognizes First Assistant Sanguedolce as Acting District Attorney commencing March 25, 2021 and continuing in that role until the vacancy is filled in due course.

FINALLY, BE IT RESOLVED, County Council rescinds Resolution 2021-58 as moot.

This resolution shall become effective six days after adoption.

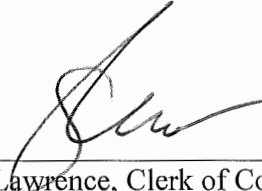
ADOPTED at a meeting of the Luzerne County Council held March 23, 2021.

ROLL CALL VOTE (6-2) with (2) Abstentions

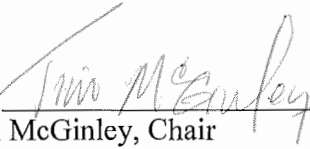
YES: Haas, Houck, McDermott, Radle, Saidman and Schnee

NO: Griffith and SJ Urban

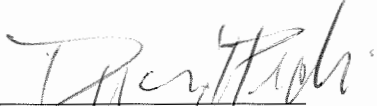
ABSTAINED: Perry and Vough

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Tim McGinley, Chair

LUZERNE COUNTY MANAGER


C. David Pedri, Esq., County Manager

IN THE COURT OF COMMON PLEAS
OF LUZERNE COUNTY

PROTHONOTARY LUZERNE COUNTY
FILED MAR 19 '21 PM12:50

STEFANIE J. SALAVANTIS, :
individually and in her official :
capacity as LUZERNE COUNTY :
DISTRICT ATTORNEY, :
SAMUEL M. SANGUEDOLCE, :
individually and in his official capacity :
as FIRST ASSISTANT DISTRICT :
ATTORNEY OF LUZERNE COUNTY :
and/or ACTING DISTRICT : NO. 2021 - 02937
ATTORNEY OF LUZERNE COUNTY :
:
and THE OFFICE OF DISTRICT :
ATTORNEY, :
Plaintiffs :
v. :
COUNTY OF LUZERNE :
Defendant :

MEMORANDUM OF UNDERSTANDING

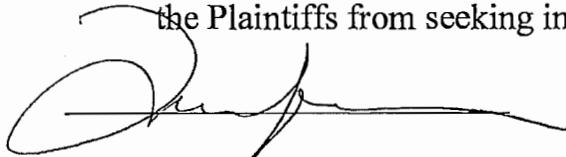
Whereas Luzerne County Council acted to declare a vacancy in the Office of District Attorney on March 9, 2021; and

Whereas District Attorney Stefanie J. Salavantis has repeatedly stated her intention to resign the Office of District Attorney; and

Therefore, the following Understanding has been reached by the undersigned on behalf of the parties identified in the above caption:

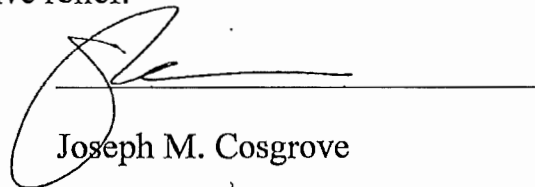
1. Plaintiffs have today filed and caused to be served a complaint seeking declaratory judgment and quo warranto relief.

2. Plaintiffs will not file or seek preliminary injunction today nor at any time if the provisions of the present Memorandum of Understanding are fulfilled.
3. District Attorney Salavantis will today submit a letter of resignation from the Office of District Attorney with an effective date of March 25, 2021 and will also state that pursuant to the vacancy created by her resignation, First Assistant Sanguedolce will become Acting District Attorney effective at that time on March 25.
4. At its next meeting, Luzerne County Council will vote on whether to accept District Attorney Salavantis' letter of resignation and its terms, and will thus rescind as moot the March 9, 2021 declaration of vacancy in the Office of District Attorney, and declare the Office of District Attorney vacant as of March 25, 2021.
5. The parties agree that District Attorney Salavantis will continue to serve as District Attorney until the effective date of her letter of resignation (March 25, 2021) and that First Assistant Sanguedolce will continue to serve as Acting District Attorney from that point until the vacancy in the Office of District Attorney is permanently filled in due course.
6. If County Council fails to accept the letter of resignation at its March 23, 2021 meeting and fails to rescind as moot the March 9, 2021 declaration, then the letter of resignation will become a nullity and nothing will prevent the Plaintiffs from seeking injunctive relief.



Lawrence J. Moran, Sr.

Counsel for Plaintiffs



Joseph M. Cosgrove

Counsel for Defendant

Date: March 19, 2021