

NO. 2022-____
ORDINANCE

AN ORDINANCE OF THE COUNTY OF LUZERNE COUNTY COUNCIL PLACING A QUESTION ON THE MAY 17, 2022 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 17, 2022 Primary Election; and

Whereas, the Luzerne County Home Rule Charter at Article VI, Section 6:04 A, states the Office of Law / County Solicitor shall serve as legal advisor, attorney, and counsel in all official matters to all elective County officials, divisions, departments, bureaus, offices, agencies, board, commissions, and other administrative units of the County government, except where this Charter specifically authorized an elective official to contract for independent legal opinions and/or temporary special legal 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, to maintain the separation of powers as designed in the Luzerne County Home Rule Charter, 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 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 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 judgment, 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:

The Luzerne County Council hereby directs that the following question be placed on the ballot for the May 17, 2022, Primary Election:

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

NO. 2022-____
ORDINANCE

- 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 the Office of Luzerne County Council** and 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
1. 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 17, 2022 Primary Election not later than Thursday, February 10, 2022.
 2. Pursuant to 53 Pa C.S A. 2952 of the Home Rule and Optional Plans Law, the Clerk to County Council is hereby directed to 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 17, 2022 Primary Election.
 3. The County Solicitor, County Manager and the Clerk to Luzerne County Council are authorized and directed to take all actions necessary to carry out the directives set forth in items 1 and 2 above in this ordinance.
 4. 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 2022.

NO. 2022-____
ORDINANCE

Members of Luzerne County Council, voted as follows:

	<u>YEA</u>	<u>NAY</u>
Lescavage	_____	_____
Lombardo	_____	_____
McDermott	_____	_____
McGinley	_____	_____
Perry	_____	_____
Radle	_____	_____
Schnee	_____	_____
Thornton	_____	_____
Urban	_____	_____
Wolovich	_____	_____

Chair, Luzerne County Council

Date: _____

Attests:

Clerk to Council, Luzerne County

Date: _____