

**RESOLUTION R-2015-101
LUZERNE COUNTY COUNCIL**

A Resolution by the Luzerne County Council to repeal Resolution R-2012-26, “A Resolution by the Luzerne County Council certifying the selection of the fifth member and Chair of the Board of Elections and Registration.”

WHEREAS, on February 28, 2012, Luzerne County Council adopted Resolution R-2012-26, “certifying the selection of the fifth member and Chair of the Board of Elections and Registration”, H. Jeremy Packard.

WHEREAS, Resolution R-2012-26, contains an error stating on February 20, 2012, the four member of the Retirement Board per section 8.04(B) of the Charter selected H. Jeremy Packard as the 5th member of the Board of Elections and Registration, who is compliant with all requirements per Section 8.04(H) of the Charter.

WHEREAS, no advertisement of the February 20, 2012, meeting of the four members of the Board of Elections and Registration could be found, nor was provided to a Member of County Council through a Right to Know Request completed on July 31, 2015 by the Luzerne County Right to Know officer.

WHEREAS, no minutes of the February 20, 2012, meeting of the four members of the Board of Elections and Registration could be found, nor was provided to a Member of County Council through a Right to Know Request completed on July 31, 2015 by the Luzerne County Right to Know officer.

WHEREAS, the Luzerne County Charter, Section 8.04—Board of Elections and Registration, Subsection (C) states “Within the first 30 days of the year following its initial election, County Council shall appoint the four members of the Board of Elections and Registration it is empowered to appoint. Within 30 days after their appointment, these members shall appoint the fifth member by an affirmative vote of at least a majority of their current members. The person appointed shall serve a term of four years and shall serve as the board’s chair.”

WHEREAS, no “official record”, “official minutes”, or “public notice” exists or could be found of a vote taken of the affirmative vote of at least a majority of their current members selecting the Chairman of the Board of Elections and Registration.

WHEREAS, an email forwarded from the private email address from Council Member James Boback dated February 21, 2012, stating a meeting of the Board of Election took place on February 20, 2012 and moderated by Leonard Piazza does not constitute an official action by the Board of Elections and Registration.

WHEREAS, former Luzerne County employee, Leonard Piazza, could not call a Board of Elections and Registration meeting to order, nor moderate a "meeting" as he was not a duly appointed and recognized by resolution by Luzerne County Council as an official Member of the Board of Elections and Registration.

WHEREAS, there are many Parliamentary Procedural flaws that have been discovered with the initial selection of Chairman of the Board of Elections and Registration.

WHEREAS, the Commonwealth of Pennsylvania, Sunshine Act 65, section, **65 Pa.C.S.A. § 705. Recording of votes** appeared to have been ignored, which states;

In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

WHEREAS, the Commonwealth of Pennsylvania, Sunshine Act 65, section, **65 Pa.C.S.A. § 706. Minutes of meetings, public records and recording of meetings** appeared to have been ignored, which states;

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present.
- (3) The substance of all official actions and a record by individual member of the roll call votes taken.
- (4) The names of all citizens who appeared officially and the subject of their testimony.

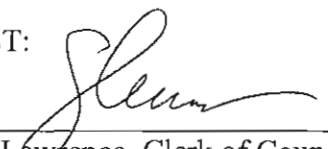
NOW, THEREFORE, BE IT RESOLVED, Resolution R2012-26 is hereby repealed.

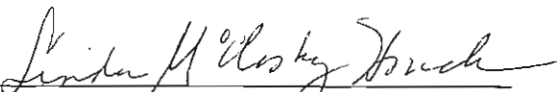
This Resolution shall become effective upon adoption.

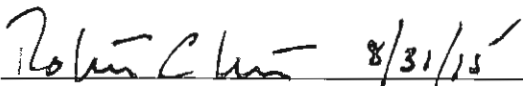
ADOPTED at a meeting of the Luzerne County Council held on August 25, 2015.

LUZERNE COUNTY COUNCIL

ATTEST:


Sharon Lawrence, Clerk of Council

By: 
Linda McClosky Houck, Chair

 8/31/15
Robert C. Lawton, County Manager