

RESOLUTION R-2023-121
LUZERNE COUNTY COUNCIL

A Resolution by Luzerne County Council Petitioning the Luzerne County Court of Common Pleas to Appoint Judges or Electors of Luzerne County to Serve Instead of the Luzerne County Board of Elections and Registration to Frame the Ballot Referendum Set Forth in Ordinance 2023-12 for Placement on the November 7, 2023 Municipal Election Ballot

WHEREAS, pursuant to 53 Pa.C.S. §2942, Home Rule Charter amendments can be placed on the ballot by action of the governing body of the municipality; and

WHEREAS, as the governing body of Luzerne County, Luzerne County Council enacted Ordinance 2023-12 placing a question on the November 7, 2023 Municipal Election ballot to amend the Home Rule Charter at Section Article VIII 8.04 – Board of Elections and Registration; and

WHEREAS, pursuant to 53 Pa.C.S. §2944 and provisions of the Pennsylvania Election Code, the Board of Elections and Registration is given the power to frame the question that is to be placed on an election ballot; and

WHEREAS, at the August 16, 2023 public meeting of the Luzerne County Board of Elections and Registration (the “Board”), the Board, after being instructed of their legal requirement to do so, ignored the edicts of Luzerne County Council Ordinance 2023-12, the Pennsylvania Election Code and the Pennsylvania Home Rule Charter and Option Plans Law, and refused to either frame the charter amendment ballot question and/or place the referendum on the ballot; and

WHEREAS, the Luzerne County Board of Elections and Registration has no legal authority to refuse to frame a charter amendment question for the ballot and/or refuse to place the charter amendment referendum on the ballot as directed by Luzerne County Council; and

WHEREAS, there is an inherent conflict of interest with the Board’s involvement with the home rule charter amendment referendum set forth in Ordinance 2023-12; and

WHEREAS, Board members have specifically publicly referenced how adoption of the proposed charter amendment would negatively impact themselves personally including during the August 16, 2023 Board meeting while acting as Board members; and

WHEREAS, Section 2.09 B.5 of the Luzerne County Home Rule Charter provides that County Council shall have the power to approve, by resolution adopted by a majority vote of the Council members, initiation of litigation involving the County.

NOW, THEREFORE, BE IT RESOLVED, Luzerne County Council approves the filing of a Petition to the Luzerne County Court of Common Pleas requesting the Court to appoint judges or electors of Luzerne County to serve instead of the Luzerne County Board of Elections and Registration to frame the ballot referendum set forth in Ordinance 2023-12 for placement on the November 7, 2023 Municipal Election ballot.

This resolution shall become effective immediately.

ADOPTED at a meeting of the Luzerne County Council held August 22, 2023.

ROLL CALL VOTE (10-1)

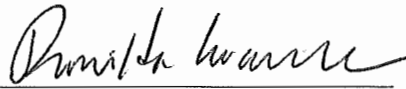
YES: Bienias, Lescavage, Lombardo, McDermott, McGinley, Mitchell, Perry, Thornton, Vough and Wolovich

NO: SJ Urban

LUZERNE COUNTY COUNCIL

By: 
Kendra Vough, Chair

LUZERNE COUNTY MANAGER

By: 
Romilda Crocamo, Esq.
County Manager

Attest: 
Sharon Lawrence, Clerk of Council