

**RESOLUTION R-2023-138
LUZERNE COUNTY COUNCIL**

*A Resolution by Luzerne County Council Withdrawing the Litigation Pending in the
Luzerne County Court of Common Pleas Related to the Ballot Referendum
Set Forth in Luzerne County Ordinance 2023-12*

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

WHEREAS, Luzerne County Council approved the initiation of litigation with regards to the Board of Elections and lack of placement of the charter amendment question on the November 7, 2023 Municipal Election ballot; and

WHEREAS, Luzerne County Council desires to withdraw all pending litigation related to the above-mentioned matter with prejudice.

NOW, THEREFORE, BE IT RESOLVED, Luzerne County Council approves the withdrawal of all pending litigation in the Luzerne County Court of Common Pleas with prejudice regarding the ballot referendum set forth in Ordinance 2023-12.

This resolution shall become effective immediately.

ADOPTED at a meeting of the Luzerne County Council held September 26, 2023.

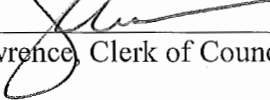
ROLL CALL VOTE (6-4)

YES: Lombardo, McDermott, Mitchell, Perry, SJ Urban and Vough

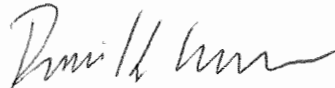
NO: Bienias, McGinley, Thornton and Wolovich

LUZERNE COUNTY COUNCIL

By: 
Kendra Vough, Chair

Attest: 
Sharon Lawrence, Clerk of Council

LUZERNE COUNTY MANAGER

By: 
Romilda Crocamo, Esq., County Manager