

**No. 2016-10  
ORDINANCE**

***AN ORDINANCE OF THE LUZERNE COUNTY COUNCIL PLACING A QUESTION ON  
THE NOVEMBER 2016 GENERAL ELECTION BALLOT TO AMEND SECTION 5.10.B.  
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 November 8, 2016 General Election; and

*WHEREAS*, the Luzerne County Home Rule Charter at section 5.10.B. presently states prior to February 15 in the year following a municipal election, County Council may amend any of the budgets and the rates of taxation by ordinance; and

*WHEREAS*, the Luzerne County Home Rule Charter at section 2.11.B. sets forth the requirements for introducing an ordinance stating except as may otherwise be provided for in the Charter or applicable law, if, upon introduction, the proposed ordinance is duly seconded and receives the affirmative vote of at least four members of County Council, it shall be advertised and publicly posted as under consideration by County Council; and

*WHEREAS*, the County Council for the County of Luzerne wishes to amend the Luzerne County Home Rule Charter at section 5.10.B. to require affirmative votes of a majority of the current members of County Council in order to introduce an ordinance amending any budget and the rates of taxation; and

*NOW THEREFORE*, be it Ordained and enacted by the County Council of the County of Luzerne and it is hereby Ordained and enacted by the authority of the same as follows:

1. The County Council of the County of Luzerne hereby directs that the following question be placed on the ballot for the November 8, 2016 General Election:

Should the Luzerne County Home Rule Charter be amended at Section 5.10.B. as follows?:

Add to existing language at Section 5.10.B.: An affirmative vote of a majority of the current members of County Council shall be required to introduce any ordinance under this subsection.

2. 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 November 8, 2016 General Election not later than Tuesday August 9, 2016.

3. Pursuant to 53 Pa. C.S.A. ' 2952 of the Home Rule Charter and Optional Plans Law, the Clerk to Luzerne 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 Clerk to 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 November 8, 2016 General Election.
4. The County Solicitor, County Manager and Clerk to Luzerne County Council are authorized and directed to take all actions necessary in order to carry out the directives set forth in Items 1 through 3 above in this Ordinance.
5. This Ordinance shall take effect fifteen (15) days from the date of proper execution by the Chair and Vice-Chair of Luzerne County Council and Clerk to Council.

ENACTED AND ORDAINED at a meeting of the Luzerne County Council held on the 28<sup>th</sup> day of June, 2016.

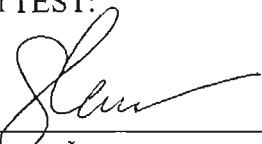
ROLL CALL VOTE (7-4)

YES: Haas, Kelleher, McGinley, Schnee, Waitkus, Williams and Houck

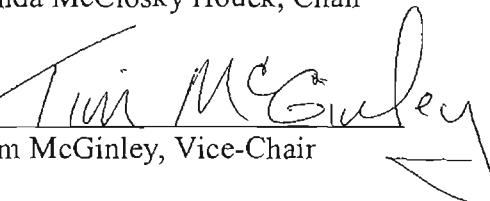
NO: Brominski, Dobash, Sorokas, and SA Urban

LUZERNE COUNTY COUNCIL

ATTEST:

  
\_\_\_\_\_  
Sharon Lawrence  
Clerk of Council

By:   
\_\_\_\_\_  
Linda McClosky Houck, Chair

By:   
\_\_\_\_\_  
Tim McGinley, Vice-Chair