



*Erie County*  
**PENNSYLVANIA**

## Home Rule Charter

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### PREAMBLE

We, the people of the County of Erie, in the Commonwealth of Pennsylvania, do hereby accept the grant of power to self government in accordance with Article IX, Section 2 of the Pennsylvania Constitution and as offered under the Home Rule Charter and Optional Plans Law of 1972, and do ordain and establish thereunder this Home Rule Charter. To the maximum extent consistent with the Constitution of the United States of America, the Constitution and general laws of the Commonwealth of Pennsylvania and the legal rights and powers of cities, townships, boroughs and school districts, we do confer by this Charter, upon the government of the County of Erie, the following powers, subject to certain restrictions, and prescribe for it the following governmental structure, offices and general procedure.

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### ARTICLE I GENERAL POWERS

## **Section 1: Title**

This charter and all amendments thereto define the powers and establish the form of government for the County of Erie, Commonwealth of Pennsylvania. The Charter shall be the basic law of the County.

## **Section 2: Purpose**

Among the purposes of the Charter are:

- To provide county services and facilities with the highest degree of accountability, efficiency and economy;
- To separate county executive and legislative powers and functions;
- To provide for the health, safety and well-being of all county citizens and residents; and
- To secure all possible county home rule.

## **Section 3: Status**

The county shall be a municipal corporation of the Commonwealth of Pennsylvania known as the County of Erie. Its boundaries and county seat shall remain as they are on the effective date of this Charter unless otherwise changed by law.

## **Section 4: Powers**

The County of Erie shall have all powers possible for the county to have under the Constitution and general laws of the Commonwealth of Pennsylvania.

These powers shall include, but shall not be limited to or by, the following:

- a) Any and all powers now or hereafter given by the Constitution or other laws to the County of Erie or its departments, offices or agencies; and all other powers not prohibited by the Constitution, or by this Charter to the County of Erie or its departments, offices or agencies; and
- b) Any and all powers given to any other county, or county departments, offices or agencies and not prohibited to the County of Erie; and
- c) Any and all powers necessary and proper to carry into execution other powers of the County of Erie.

The County shall have all such powers as fully and completely as though they were specifically enumerated in this Charter, and no enumeration of powers in this Charter shall be deemed exclusive or restrictive.

## **Section 5: Exercise of Powers**

All powers of the County shall be exercised as provided by this Charter, or if the Charter makes no provision, as provided by ordinance or resolutions of the County Council.

## **Section 6: Preservation of Powers of Local Government**

Nothing in this Charter shall be construed so as to interfere with the rights and powers of cities, townships, boroughs and school districts located in the County of Erie.

## **Section 7: Severability**

If any provision of this Charter shall be held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provisions of this Charter, it being the intent of the electors of this county that the remaining provisions of this Charter be given full force and effect as completely as if such invalid provision had not been included herein. If the application of this Charter or any provision thereof to any person or circumstance shall be held to be invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## ARTICLE II THE COUNTY COUNCIL

### Section 1: Membership

#### A. Status and Title

The legislative branch of the government of the County of Erie shall consist of an elected body which shall be known as the County Council. The County Council, when lawfully convened, shall constitute the legislative, appropriating, and policy determining body of the county.

#### B. Authority

All Council authority shall be asserted by the Council as an integral body. No individual member of Council shall have any authority under this Charter unless such authority is delegated by this Charter or by Council acting as a body.

#### C. Powers and Duties

Except as otherwise provided in this Charter, the County Council shall have and exercise all powers and duties now or hereafter conferred or imposed on said Council by this Charter or by applicable law. The County council shall have, but not by way of limitation, the following powers and duties:

1. To make appropriations, incur indebtedness, and adopt the annual budget.
2. To adopt, amend and repeal an administrative code.
3. To create, alter, combine and abolish county departments under the jurisdiction of the County Executive, administrative units, boards, authorities, and commissions and to prescribe the function of each.
4. To levy taxes; provided, however, the cost of all general services rendered by the county to the entire county shall be a charge against the entire county; and provided further, that the cost of each special service rendered by the county to one or more municipalities or service districts within the county shall be a charge against such municipalities or special districts or the taxpayers or taxable real property thereof.
5. To fix the amount of bonds of county officials, and employees, the premiums of which are to be paid from county funds.
6. To adopt by resolution all necessary rules and regulations for its conduct and procedure.
7. To make or cause to be made such studies and investigations as it deems to be in the best interest of the county, including studies or investigations of the County Executive offices, and other county departments, administrative units, agencies, or other offices.
8. To make provision for any matter of county government not otherwise provided for, including, but not restricted to, any necessary matter involved in the transition to this charter form of government.

#### D. Composition

1. There shall be a County Council of seven (7) members. The county shall be divided into seven (7) compact and contiguous districts as nearly equal in population as practicable, and one (1) member of Council shall be elected from each district.

#### .2. Changes in Districts

-a) Within three (3) months after the publication of the results of each decennial census of the population of the United States, the County Council shall appoint, by a majority vote of the total members of the Council, a District Revision Commission to evaluate the County Council districts for equity in representation in relation to population.

-b) The District Revision Commission shall consist of five (5) persons who are not officers or employees of the County of Erie; and no more than three (3) of whom shall be members of the same political party.

-c) The District Revision Commission shall submit its evaluation report to the County Council within three (3) months after its appointment.

-d) The County Council shall hold at least one (1) public hearing on the District Revision Commission evaluation report within one (1) month after its receipt from the Commission.

-e) Within one (1) month after the public hearing the County Council by ordinance, shall adopt the evaluation report as submitted by the District Revision Commission, or as amended by the County Council.

-f) Should the County Council, for any reason, fail to adopt such an ordinance, then the Court of Common Pleas, upon petition of the County Council or any five (5) citizens of the county, shall evaluate the County Council districts for equity and representation in relation to population, and shall establish the boundaries of such districts.

#### E. Prohibitions

1. Members of Council, during their term of office, shall not hold any other county office or county employment.

2. Members of Council, during their term of office, shall not hold any other elective public office for which a salary, compensation, or emolument is paid or received.

3. Members of Council shall not serve as a paid consultant for and with the county government during their current term of office and for a period of at least one year following the expiration of their term.

4. Members of Council shall not receive a pension, or other county compensation, direct or indirect, by or through their service as a County Council member.

### **Section 2: Internal Affairs**

#### A. Organization

The County Council shall organize within the first ten (10) days of January of each year. The County Council, at this organization meeting, shall elect from its membership a chairman and a Vice Chairman. The Chairman, or in the absence of the Chairman, the Vice Chairman shall preside and vote at all meetings of the County Council.

#### B. Rules of Procedure

The County Council, by resolution, shall adopt rules of procedures for its meetings. Such rules shall be designed to assure full and equal participation in the deliberations of the County Council by all of its members, and shall not be subject to veto by the County Executive.

#### C. Quorum

A majority of the members of the County Council shall constitute a quorum, except as otherwise provided in this Charter. The County Council shall conduct business only in the presence of a quorum.

#### D. Meetings

Meetings of the County Council shall be open to the public, and public notice of all meetings shall be given.

1. Regular Meetings - The County Council shall convene in regular meeting not less than once a month at such time and places as the Council may prescribe, except as otherwise provided in this Charter.

#### 2. Special Meetings

-a) Special meetings may be held at the call of the Chairman of the County Council.

-b) The Chairman shall call a special meeting whenever so requested, in writing, by any three (3) members of the Council. If the Chairman fails or refuses to call such special meeting, then such special meeting shall be called by the Vice Chairman or County Clerk upon receiving a written request for such special meeting signed by three (3) members of the County Council.

#### E. Agenda

At least seventy-two (72) hours prior to a regular meeting of the County Council, an agenda as prepared by the County Clerk, shall be made available for public inspection.

#### F. Opportunity to be Heard

All reasonable opportunity shall be provided for members of the public to address the County Council on matters of concern. The County Council shall, by resolution, adopt procedures for such public participation.

#### G. Interference

1. Neither the County Council nor any of its committees or members shall direct or request any elected official to appoint any person to, or remove any person from, an office or position, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the county who are subject to the jurisdiction of such elected officials, except as may be otherwise provided in this Charter.

2. Neither the County Council nor any member shall give, publicly or privately, orders to, or in any way interfere with the work or duties of, any administrative officer or employee under the jurisdiction of the County Executive or other elected officials except as provided in this Charter.

### **Section 3: Legislation**

#### A. Enacting Clause

All ordinances shall be styled: "Be it enacted by the County Council of the County of Erie."

#### B. Action by County Council

1. Form and Vote - All actions of the County Council shall be taken by the adoption of an ordinance, or resolution, or by motion. All legislation shall be enacted by the adoption of an ordinance. All ordinances and resolutions must be in written form and enacted only after reasonable notice, except as otherwise provided in this Charter. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each member of County Council shall be entered in the record of the meeting.

2. Action Required to be Taken by Ordinance - In addition to any other action required by law or by this Charter to be taken by ordinance, those actions of the County Council shall be by ordinance which:

-a) Adopt or amend an administrative code;

-b) Establish, alter or abolish any county department, office or agency;

-c) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

-d) Levy taxes;

-e) Establish, alter or abolish rates charged for any service supplied by the county;

-f) Amend or repeal any ordinance previously adopted;

-g) Adopt the annual budget; and

-h) Establish the compensation of the County Council members, the County Executive, other elected officials, and appointees as required by the provisions of this Charter.

3. All ordinances wherein taxes are levied, before being adopted by the County Council, shall be read at least once in each of two

separate meetings of the County Council.

#### C. Majority Action

The action of a majority of the members of the County Council present and entitled to vote shall be binding upon and constitute the action of the County Council. However, a majority vote of the entire County Council shall be required:

1. To make appropriations, incur indebtedness, and adopt the budget;
2. To adopt, amend and repeal an administrative code;
3. To create, alter, combine and abolish county departments under the jurisdiction of the County Executive, administrative units, boards, authorities and commissions and to prescribe the functions of same; and
4. To levy taxes; provided however, the cost of all general services rendered by the county to the entire county shall be a charge against the entire county; and provided further, that the cost of each special service rendered by the county to one or more municipalities or service districts within the county shall be a charge against such municipalities or service districts on the taxpayers or taxable real property thereof.

#### D. Executive Veto

1. Upon the passage of any ordinance or resolution by the County Council, except as otherwise provided in this Charter, the County Executive, within three (3) days after passage, shall receive a written copy of the ordinance or resolution for approval or veto. Within fourteen (14) days after such receipt, the County Executive shall return the ordinance or resolution to the County Council with an approval or with a written statement explaining the reasons for vetoing the same. The County Council, within thirty (30) days after receiving the veto, may override such veto by the affirmative vote of a majority plus one of the members of the County Council.
2. If, within fourteen (14) days after the receipt of an ordinance or resolution, the County Executive fails to return it either approved or vetoed, it shall be deemed to be adopted as though approved and signed by the County Executive.

#### E. Ordinance

The County Council shall have the power to repeal or amend any ordinance in the same manner as provided herein for its original adoption, and until any ordinance is repealed or amended it shall remain in force or effect.

#### F. Recording

All ordinances, resolutions, and other proceedings of the County Council shall be entered in the record books of the county. The record books shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the County Clerk.

#### G. Publication and Effective Date

After an ordinance has been finally adopted, notice of its adoption shall be published at least once in one newspaper circulating generally within the county, and, except as otherwise provided in this Charter, every adopted ordinance shall become effective on the date specified in the ordinance.

#### H. Ordinances; Adoption Procedure

The County Council, in the administrative code, shall provide for the establishment and procedure for the adoption of regular ordinances and emergency ordinances.

#### I. Codification

Within two (2) years after the adoption of this Charter, and at least every four (4) years thereafter, the County Council shall provide for the general codification of all county ordinances and resolutions having the force and effect of law. The general codification shall be approved by the County Council by resolution, and this codification, together with the Charter and any amendments thereto, and such administrative codes and other rules and regulations as the County Council may specify, shall be published promptly. Copies of this compilation shall be made available in sufficient quantities, and be placed in libraries and municipal offices

throughout the county.

#### **Section 4: County Council Staff**

A. There shall be a County Clerk, appointed by the County Council, who shall:

1. Prepare an agenda for all meetings;
2. Give due notice of the time and place of the County Council meetings to County Council members and to the public;
3. Keep the journal of Council proceedings;
4. Prepare, for the County Council, any required publication of notices, ordinances, resolutions or charter amendments;
5. Maintain and make available for public inspection an indexed file containing copies of: the Erie County Code, this Charter, every adopted ordinance, resolution, rule, regulation and code of regulations, and every adopted amendment or modification of any of the foregoing;
6. Perform the duties assigned him by any of the provisions of this Charter; and
7. Perform such other duties as the County Council may prescribe.

B. The County Council may appoint other personnel as staff members, to assist the County Council in its legislative functions, and establish their salaries.

#### **Section 5: Inquiries and Investigations**

The County Council may inquire into and investigate the affairs of the county, the conduct of the County Executive's office and any county department, administrative unit, agency, board, commission, authority, or office. For this purpose, Council, upon request by at least three (3) members of Council, may subpoena witnesses, administer oaths, take testimony and require the production of evidence.

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### **ARTICLE III THE COUNTY EXECUTIVE**

#### **Section 1: Nature and Title**

The executive branch of the government of Erie County shall be vested in and administered by an elective executive, hereafter known as the County Executive, who shall be the chief executive and administrative officer of the county.

#### **Section 2: Term and Elections**

The County Executive shall be elected at large by the qualified voters of the county.

#### **Section 3: Prohibitions**

The County Executive shall devote full time to the office; shall hold no other elective public office; nor hold any other county office or county employment for which salary, compensation or emolument is paid or received. In addition, the County Executive shall not serve as a paid consultant for and with the county government during that current term of office and for a period of at least one year following the expiration of that term.

#### **Section 4: Absence or Incapacity**

In the event of temporary absence or incapacity, a member of one of the county departments, previously designated by the

County Executive as a substitute, and confirmed as such by the County Council, shall serve as the Acting Executive. The Acting Executive shall have all the powers of the County Executive.

## **Section 5: Powers and Duties**

The County Executive, in addition to any other powers and duties provided in this Charter, shall:

- A) Supervise, either directly or through subordinate employees, the administration of all county departments, administrative units, boards, commissions, authorities, agencies, and offices, except as otherwise provided by this Charter;
- B) Execute and enforce the provisions of this Charter and all ordinances and resolutions of the County Council;
- C) Exercise the power to veto as set forth in this Charter;
- D) Appoint, suspend or remove any county employee, except as otherwise provided by this Charter;
- E) Prepare and submit to the County Council, the annual operating budget and the capital improvement budget of the county;
- F) Assure that the laws of the Commonwealth relating to the affairs and government of the county are duly executed and enforced;
- G) Present to the County Council from time to time such information concerning the business and affairs of the county as the County Executive may deem necessary, or as the County Council by resolution may request; and recommend such measures for legislative action as may be in the best interest of the county;
- H) Sign or cause to be signed on the county's behalf all deeds, contracts and other instruments, including those which prior to the adoption of this Charter required the signature of the Chairman or any other member of the Board of Commissioners;
- I) Appoint and dissolve from time to time voluntary committees of citizens to assist and advise the County Executive as to issues and matters pertaining to the county;
- J) Appoint and remove the County Solicitor, Public Defender, and Directors of Administration, Personnel and Finance;
- K) Appoint and remove members of boards and commissions except as otherwise provided by this Charter;
- L) Appoint and remove members of county authorities, but only with the advice and consent of the County Council;
- M) Be responsible for the negotiation of labor relations agreements, subject to ratification by the County Council;
- N) Prepare and submit to the County Council each year a current three (3) year plan for all functions of county government, including, but not limited to matters of budget, capital improvement, program and personnel;
- O) Have the power to veto or reduce individual items in the budget and appropriation ordinances. Each Item or Items not vetoed or reduced shall become law, and each item or items vetoed or reduced shall be subject to the same procedure as any other ordinance vetoed by the County Executive;
- P) Where an applicable law prescribes that a county commissioner be a member of an authority, board or commission, occupy such position unless this Charter provides to the contrary; and
- Q) Have all necessary incidental power to perform and exercise any of the duties and functions as set forth in this Charter or lawfully delegated to the County Executive.

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There shall be the following other elected county officials: Clerk of Records, Controller, Coroner, District Attorney and Sheriff, all of whom shall be elected by and hold office under the provisions of the Charter.

### **Section 1: Clerk of Records**

#### **A.Election**

There shall be a Clerk of Records who shall be elected at large by the qualified voters of the county.

#### **B.Prohibitions**

The Clerk of Records shall devote full time to the office. The Clerk of Records shall hold no other elective public office, nor hold any other county office or county employment for which a salary, compensation or emolument is paid or received.

#### **C.Absence or Incapacity**

In the event of a temporary absence or incapacity, the Deputy Clerk of Records shall act in the place of the Clerk of Records; and any act or acts performed by said Deputy Clerk of Records during any period of absence or incapacity shall have the same force and effect as if done by the Clerk of Records.

#### **D.Duties and Powers**

The Clerk of Records shall have and exercise all powers and duties now conferred on him or her by applicable law which pertains to the following; the Recorder of Deeds, the Clerk of Courts (Criminal Division), the Prothonotary (Civil Division), the Register of Wills and the Clerk of the Orphan's Court Division; and any additional duties and power conferred by resolution of County Council.

### **Section 2: Controller**

#### **A.Election**

There shall be a Controller who shall be elected at large by the qualified voters of the county.

#### **B.Prohibitions**

The Controller shall devote full time to the office. The Controller shall hold no other elective public office, nor hold any other county office or county employment for which a salary, compensation or emolument is paid or received.

#### **C.Absence or Incapacity**

In the event of a temporary absence or incapacity, the Deputy Controller shall act in place of the Controller and any act or acts performed by said Deputy Controller during any period of absence or incapacity shall have the same force and effect as if done by the Controller.

#### **D.Duties and Powers**

1.The Controller shall have and exercise all duties and powers now conferred on him or her by applicable state laws, by resolution of the County Council or by this Charter.

2.In addition, the Controller shall:

-a) Insure that all payments and obligations incurred by the county are in accordance with the law, county contracts, and the provisions of this Charter.

-b) Require by subpoena executed by the Controller the attendance of, and examine under oath, administered by the Controller, such persons, documents and records from each department, office, agency, or commission of the county as the Controller may deem necessary.

-c) Appoint a staff for said office according to the employment procedures set forth in this Charter; and

-d) When necessary, appoint a qualified solicitor who shall be the attorney for the Controller and the office of the Controller.

### **Section 3: Coroner**

#### **A.Election**

There shall be a Coroner who shall be elected at large by the qualified voters of the county.

#### **B.Prohibitions**

The Coroner shall devote that time necessary to adequately fulfill the duties of this office. The Coroner shall hold no other elective public office, nor hold any other county office or county employment for which a salary, compensation or emolument is paid or received.

#### **C.Absence or Incapacity**

In the event of a temporary absence or incapacity, the Deputy Coroner shall act in place of the Coroner; and any act or acts performed by the Deputy Coroner during any period of absence or incapacity shall have the same force and effect as if done by the Coroner.

#### **D.Duties and Powers**

The Coroner shall have and exercise all powers and duties now conferred on him or her by applicable law or by resolution of the County Council.

### **Section 4: District Attorney**

#### **A.Election**

There shall be a District Attorney who shall be elected at large by the qualified voters of the county.

#### **B.Prohibitions**

The District Attorney shall devote full time to the office. The District Attorney shall hold no other elective public office, nor hold any other county office or county employment for which a salary, compensation or emolument is paid or received.

#### **C.Absence or Incapacity**

In the event of a temporary absence or incapacity, the First Assistant District Attorney shall act in place of the District Attorney and any act or acts performed by the First Assistant District Attorney during such period of absence or incapacity, shall have the same force and effect as if done by the District Attorney.

#### **D.Duties and Powers**

The District Attorney shall have and exercise all powers and duties now or hereafter conferred on him or her by applicable law.

### **Section 5: Sheriff**

#### **A.Term and Election**

There shall be a Sheriff who shall be elected at large by the qualified voters of the county.

#### **B.Prohibitions**

The Sheriff shall devote full time to the office. The Sheriff shall hold no other elective public office, nor hold any other county office or county employment for which a salary, compensation or emolument is paid or received.

#### **C.Absence or Incapacity**

In the event of a temporary absence or incapacity, the Chief Deputy Sheriff shall act in place of the Sheriff and any act or acts performed by the Chief Deputy Sheriff during any period of absence or incapacity shall have the same force and effect as if done by the Sheriff.

#### D.Duties and Powers

The Sheriff shall have and exercise all powers and duties now or hereafter conferred on him or her by applicable law, or by resolution of the County Council.

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## ARTICLE V APPOINTED COUNTY OFFICERS

There shall be the following appointed county officers: Director of Administration, Public Defender, County Solicitor, Director of Personnel and Director of Finance, all of whom shall be appointed by and hold office under the provisions of this Charter.

### **Section 1: Director of Administration**

#### A.Appointment

There shall be a Director of Administration who shall be appointed by the County Executive, who shall serve at the pleasure of the County Executive, and who shall devote full time to the office.

#### B.Qualifications

The Director of Administration shall be appointed solely on the basis of his or her professional, executive, and administrative qualifications and/or his or her equivalent experience in public administration.

#### C.Duties and Powers

The Director of Administration shall perform administrative duties and shall exercise general supervision over the executive branch of the county government, as the County Executive may direct.

### **Section 2: Public Defender**

#### A.Appointment

There shall be a Public Defender who shall be appointed by the County Executive, and who shall serve at the pleasure of the County Executive.

#### B.Qualifications

The Public Defender shall have been duly admitted to the practice of law in the Commonwealth of Pennsylvania.

#### C.Duties and Powers

- 1.The Public Defender shall have and exercise all powers and duties now or hereafter conferred on him or her by applicable law.
- 2.The County Executive may appoint qualified assistant Public Defenders in such numbers and at such salaries as shall be established by the County Council.

### **Section 3: County Solicitor**

#### A.Appointment

There shall be a County Solicitor who shall be appointed by the County Executive, and who shall serve at the pleasure of the County Executive.

#### B. Qualifications

The County Solicitor shall have been duly admitted to the practice of law in the Commonwealth of Pennsylvania.

#### C. Duties and Powers

1. The County Solicitor shall be the chief legal officer and attorney for the county government. No county official or unit of county government shall employ other legal counsel, except as may be permitted by this Charter, without the approval of the County Council.

2. The County Executive may appoint qualified assistant county solicitors in such numbers and at such salaries as shall be fixed by the County Council.

3. The County Solicitor shall have such powers, duties, and authority as are given by this Charter, by law, or by ordinance. The County Solicitor shall have the right to inspect at reasonable times, the records of any county department, administrative unit, board, commission, authority, or committee of the county in connection with the performance of the powers and duties of the County Solicitor's office.

4. With the approval of the County Executive and the County Council, the County Solicitor may retain special counsel for a particular proceeding.

### **Section 4: Director of Personnel**

#### A. Appointment

There shall be a Director of Personnel who shall be appointed by the County Executive, who shall serve at the pleasure of the County Executive, and who shall devote full time to this office.

#### B. Qualifications

The Director of Personnel shall be appointed solely on the basis of professional, executive, and administrative qualifications and/or equivalent experience in public or private personnel administration.

#### C. Duties and Powers

The Director of Personnel shall perform personnel duties and shall exercise general supervision over and administer the personnel program for the county.

### **Section 5: Director of Finance**

#### A. Appointment

There shall be a Director of Finance who shall be appointed by the County Executive, who shall serve at the pleasure of the County Executive, and who shall devote full time to this office.

#### B. Qualifications

The Director of Finance shall be appointed solely on the basis of professional and administrative qualifications and/or equivalent experience in public or private finance.

#### C. Duties and Powers

The Director of Finance shall have and exercise all powers and duties necessary to administer the financial affairs of the County of Erie in accordance with the provisions of this Charter.

D. In addition, but not by way of limitation, the Director of Finance shall:

1. Collect, receive, have custody of, deposit, invest, and disburse all fees, revenues and other funds of the County of Erie or for which the County of Erie is responsible. All checks issued by the County of Erie shall be signed by the Director of Finance, or his or her deputy.
2. Collect, receive, have custody of, deposit, invest, and disburse all fees, revenues and other funds received by him or her on behalf of the Commonwealth of Pennsylvania which he or she now is or hereafter may be required to receive and pay over.
3. Assist the County Executive in the preparation of the annual operating budget, the capital improvement budget, and the current three (3) year plan.
4. Maintain a general accounting system for the county and each of its departments, boards, commissions, offices, and agencies; exercise financial budgetary control over each of the above governmental units; keep a full and regular set of books in detail, applying generally accepted accounting principles, of all fiscal operations of the county; keep a separate account for each item or appropriation made by the Council, showing the amount of the appropriation, any allotments of that appropriation, the amounts paid from it, the unpaid obligations against it and the unencumbered balance of the appropriation and of any allotments thereof; and require all county departments, boards, commissions, offices and agencies to report and remit all receipts as often as the Director of Finance deems desirable.
5. Verify the appropriation, allotment and availability of funds for all bills, claims and demands made to the County Executive, that there is a sufficient unencumbered balance in the allotment of appropriation, and that sufficient funds therefrom are available to cover the claim concerned.
6. Each month submit to the County Executive and Council a statement of the revenues and expenditures for the preceding month and for the fiscal year up to and including the preceding month; and the statement shall be sufficiently detailed as to appropriations, allotments and funds to show the exact financial condition of the county and of each of its boards, commissions, departments, offices and agencies.
7. Submit to the County Executive at the end of each fiscal year a report of the financial transactions of that year, and a complete statement of the financial condition of the county.
8. Have the custody of all title deeds to real estate owned by the county, and of all contracts entered into by or on behalf of the county, and of all books, documents and papers relating to its financial affairs, and of all bonds and other obligations issued by the county, when paid.
9. Exercise such powers and perform such duties as may be conferred by applicable law upon the County Treasurer and which are not inconsistent with the performance of the office of Director of Finance or with the provisions of this Charter.
10. Perform such other duties that may be assigned or delegated to the office by the County Executive.

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**ARTICLE VI  
AUTHORITIES, BOARDS AND COMMISSIONS  
GENERAL**

There shall be such authorities, boards and commissions as shall be established by this Charter, and from time to time, by state law, or by action of the County Council.

### **Section 1: Board of Tax Assessment Appeals**

-A) The County Council shall establish a Board of Tax Assessment Appeals. The Board shall consist of three (3) members who shall be appointed by the County Council for a term of four (4) years. The qualifications of members and their compensation shall be determined by the County Council.

-B) The Board shall be convened as may be required when Tax Assessment Appeals are to be heard. The Board shall hear and adjudicate all appeals from county real estate tax assessment.

-C) Any vacancy caused by death or resignation shall be filled immediately by the County Council. That person so appointed shall serve for the unexpired term of that member vacating such position.

-D) The Board of Tax Assessment Appeals shall have and exercise all powers and duties now or hereafter conferred or imposed on it by applicable law.

### **Section 2: County Retirement Board**

-A) The County Council shall establish a County Retirement Board which shall administer the county retirement system. The Board shall consist of five (5) members, including three (3) members of the County Council appointed by the Chairman of the County Council, the Director of Finance, and the County Controller. A presiding officer of the Retirement Board shall be selected by the Retirement Board members, but shall not be the Director of Finance or the County Controller.

-B) The members of the County Retirement Board shall not receive any compensation for their services, but shall be reimbursed for all expenses necessarily incurred in the performance of their duty. Three (3) members of the Board shall constitute a quorum.

-C) The County Retirement Board shall have and exercise all powers and duties now or hereafter conferred or imposed by applicable law.

### **Section 3: Jury Board**

-A) There shall be a Jury Board, which shall consist of the President Judge of the Erie County Court of Common Pleas, one other judge of the same court, and a clerk. The President Judge shall appoint the one other judge and the clerk, who shall be selected from those clerks employed in the Department of Records. There shall be no additional compensation paid to members of the Jury Board.

-B) When the names of jurors are to be selected for the jury list, the clerk shall notify the chairmen of the local political parties, in writing, giving them notice of the date, time and place of such selection. Said chairmen, or their designees may attend such selection, as well as any other interested persons.

-C) The Jury Board shall have and exercise all powers and duties now or hereafter conferred or imposed on it by applicable law pertaining to the selection of jurors.

### **Section 4: Board of Elections and Registration Commission**

There shall be a Board of Elections and Registration Commission which shall be established by the County Council in accordance with applicable law.

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## **Section 1: Personnel Code**

A. There shall be a County Personnel Code. The Director of Personnel shall prepare this code, and from time to time, as needed, any amendments. The Personnel Code or amendments thereto, upon approval of the County Executive, shall be submitted to the Council.

B. The Code, and any amendments thereto, shall become effective sixty (60) days after its submission to the County Council, unless the County Council adopts a resolution to the contrary.

C. The Personnel Code shall provide for, among other things, the following:

1. The classification of all appointed county positions, based on duties, necessary qualifications, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
2. A pay plan for all county positions;
3. Methods for determining the merit and qualification of candidates for appointment or promotion;
4. The policies and procedures regulating reduction in force;
5. The policies governing disciplinary measures such as suspension, demotion, or discharge, with provisions for presentation of charges, hearing rights and appeals;
6. The hours of work, attendance regulations and provisions for sick and vacation leaves;
7. The policies and procedures governing relationships with employee organizations, not inconsistent with law;
8. The policies and procedures governing persons holding provisional, probationary, or temporary appointments;
9. Policies regarding in-service training programs;
10. Grievance procedures, and;
11. Other practices and procedures necessary to the administration of the county personnel system.

## **Section 2: Appointments and Promotion**

All appointments and promotions of appointed county officials and county employees shall be made solely on the basis of merit and qualifications demonstrated by examination of other evidence of competence.

## **Section 3: Additional Responsibilities**

The Director of Personnel shall coordinate and oversee the hiring, training, assignment, reassignment, rotation, performance evaluation, and discharge of all county personnel. The Director of Personnel shall act as a centralized point of the interviewing and evaluating for, and referral or all persons seeking employment with the county government.

## **Section 4: Jurisdiction of Elected Officials**

A. All elected officials, including the judges of the court of Common Pleas, shall have the authority to hire employees for employment within their respective jurisdiction, provided, however, that such employees shall be hired only from applicants certified by the Director of Personnel as having the necessary qualifications for the position to be filled.

B. All elected officials shall be responsible for the direction and utilization of all their respective employees.

C. Subject to any procedural requirement of the Personnel Code, all elected officials may discipline, suspend or recommend for discharge employees within their respective jurisdiction.

## **Section 5: Limitations**

The provisions of Sections 2 through Section 4 shall be subject to any lawful collective bargaining agreement entered into between the county and representatives of its employees.

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## ARTICLE VIII BUDGET AND FINANCE

### **Section 1: Fiscal Year**

The fiscal year of the county shall be no more than twelve (12) months. The fiscal year of the county shall commence on the first day of January and conclude the last day of December unless changed by ordinance by the County Council in accordance with the law of the Commonwealth.

### **Section 2: Accounting Method**

The county shall adopt an accounting method employing generally accepted accounting principles.

### **Section 3: County Budget**

Prior to October 1 of each year, the County Executive shall present to the County Council in ordinance form the proposed county budget for the next fiscal year. The county budget shall be a complete financial plan for the county presented in both line item and program budgeting form, shall consist of an operating budget and a capital budget, shall include estimates of the revenues and expenditures of all anticipated tax revenues. The County Executive shall set forth the objectives to be accomplished throughout the budget.

### **Section 4: Public Hearings**

After submission to the County Council, the proposed budget shall be available for public inspection during the regular business hours of the county. The County Council shall hold public hearings on the proposed budget commencing not earlier than thirty (30) days following receipt of the proposed budget. The County Council shall publish in a newspaper of general circulation in the county a general summary of the budget, a notice stating the times, and places where copies of the budget are available for inspection by the public, and the place and time, no earlier than two (2) weeks after such publication, for a public hearing on the proposed budget.

### **Section 5: Approval of the Budget**

Upon the completion of the public hearings, but not later than December 1 of the year in which the proposed budget is submitted, the County Council shall adopt a budget. The County Council may add to, delete from, increase or decrease any appropriation item in the proposed operating or capital budget. The budget as adopted must be a balanced budget with no planned deficit. No amendment shall increase authorized expenditures to an amount greater than the total

of estimated income and cash reserve unless action is also taken to increase revenue to such a level. No amendment shall change expenditures required by law or for debt service or for any estimated unpaid obligations. When the budget has been adopted, the County Council shall thereupon fix such rates of taxation as will, together with all other estimated revenues, raise a sufficient sum to meet budgeted expenditures. Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated. In the event the County Council fails or refuses to act upon the proposed budget within the fiscal year, the budget as proposed by the County Executive shall become effective on January 1. The budget as adopted shall be a public record.

### **Section 6: Item Veto or Reduction**

Upon adoption of a budget by the County Council, it shall be delivered within three (3) days to the County Executive, who within ten (10) days thereafter, may veto or reduce any item contained in it. If the County Executive vetoes or reduces any item in the budget, the County Executive shall return it to the County Council with the reasons for the veto or reduction stated in writing. The County Council may reapprove any item over the veto or reduction of the County Executive within ten (10) days, with an affirmative vote of at least one more than a majority of the total members of the County Council in office.

## **Section 7: Changes in the budget**

At any time during the fiscal year, the County Executive may transfer part or all of any unencumbered balance appropriated for programs, services, or functions within a department or agency, provided that total transfers do not exceed ten (10) percent of the total budget of the department or agency involved. The County Executive shall notify the county council in writing within ten (10) days of such transfer. When proposed transfers of unencumbered balances appropriated for programs, services, or functions of a department or agency exceed ten (10) percent of the amount budgeted for that department or agency, or when a proposed change involves the transfer of funds between departments or agencies, the County Executive shall propose such changes to the County Council, which may make such transfers by resolution. All changes must be made within the limitations set forth in this Article.

## **Section 8: Supplemental Appropriations**

If, during any fiscal year, the County Executive certifies that there are available for appropriation revenues received from sources not anticipated in the budget for that year or revenues received from anticipated sources but in excess of the budget estimates therefore, the County Council may make supplemental appropriations for the year up to the amount of the additional revenues so certified. Such appropriations may be made by ordinance effective immediately upon adoption.

## **Section 9: Emergency Appropriations**

A. To meet a state of emergency as declared by the County Executive or by an affirmative vote of at least a majority of the members of the whole of the County Council, the County Council, by emergency ordinance, or the County Executive in the absence of a quorum of the County Council, may make emergency appropriations from contingent funds, from revenue received from budgeted sources but in excess of estimates, from revenue received from sources not budgeted or from revenue from any other source available to the county. To the extent there may be insufficient revenues from the above funds to meet such emergency needs, the County Council may incur indebtedness not in excess of that permitted by law.

B. A state of emergency shall be a public emergency affecting life, property, public health and/or public safety.

## **Section 10: Operational and Capital Plan**

Prior to July 1 of each year, the County Executive shall submit to the County Council a comprehensive longrange plan, covering at least the next three (3) years, for public services, capital improvements and fiscal policy. A long-range plan shall be adopted by the County Council not later than September 1.

## **Section 11: Payment of Funds**

No payment shall be made nor obligation incurred against any appropriation unless there is sufficient unencumbered balance in such appropriation. No obligation of any funds of the county shall be made except upon approval of the County Executive or his or her designated subordinate. No payment of any funds of the county shall be made except upon the approval of the Director of Finance or his or her designated subordinate.

## **Section 12: Lapse of Appropriation**

Every appropriation shall lapse at the close of the fiscal year to the extent it has not been expended or encumbered.

**Section 13: Audit** V The controller shall maintain a continuous audit function and perform an annual post audit of all county revenues and accounts. A quarterly audit status report shall be submitted to the County Council and the County Executive with a complete annual audit report prepared within three (3) months after the close of each fiscal year. In addition, the County Council shall provide for an independent audit of all revenues and accounts each year and such audit shall be made in accordance with generally accepted professional auditing standards and procedures. This independent audit shall be made by a certified public accountant, or a firm of such accountants, who has no personal or financial interest, direct or indirect, in the fiscal affairs of the county or any of its officers. The audit shall be completed within six (6) months after the close of the fiscal year. The County Council may provide for special audits, as it deems necessary.

**ARTICLE IX  
INITIATIVE AND REFERENDUM**

**Section 1: General Authority**

A. Initiative

The qualified voters of the County of Erie shall have the power to propose ordinances to the County Council, and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a primary, municipal, or general election, provided that such power shall not extend to the operating budget, or any ordinance relating to zoning, levy of taxes or salaries of county officials or employees. No proposed initiative ordinance shall contain more than one subject which shall be clearly expressed in its title.

B. Referendum

The qualified voters of the County of Erie shall have the power to require reconsideration by the County Council of any adopted ordinance or resolution, and, if the Council fails to repeal an ordinance or resolution so reconsidered, to approve or reject it at a primary, municipal, or general election, provided that such power shall not extend to the operating budget, or any ordinance levying a special assessment or providing for the issuance of special tax bills, or any ordinance relating to zoning or levy of taxes.

**Section 2: Initiative and Referendum Procedures**

A. Initiative and referendum procedures shall be initiated upon petition signed by a number of registered electors equal to twenty (20) percent of the registered electors of the county at large at the preceding general, municipal, or primary election. Every initiative and referendum petition shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

B. Each elector signing an initiative or referendum petition shall add after his or her signature, his or her occupation, residence, election district and the date of signing. Signatures on an initiative or referendum petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief those persons whose signatures appear on the sheet are registered electors of the county, they signed with full knowledge of the contents of the petition and their residences are correctly given.

C. An initiative and referendum petition shall be tendered for filing to the County Board of Elections. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the County Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the County Board of Elections shall pass upon the validity of the petition and the validity and number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas.

**Section 3: Referendum Petitions; Suspension of Effect of Ordinance**

When a referendum petition is filed with the County Board of Elections, the ordinance sought to be reconsidered shall remain in effect until:

A. The County Council repeals the ordinance; or

B. The election results are duly certified.

**Section 4: Action and Petitions**

A. When an initiative or referendum petition has been finally determined sufficient, the County Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance. If the County Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, the County Council shall cause the proposed or referred ordinance to be submitted to electors of the county.

B. Submission to Voters. The vote on a proposed or referred ordinance shall be held at the next primary, municipal, or general election, whichever comes first. Copies of the proposed or referred ordinance shall be made available to the public.

C. Withdrawal of Petitions. An Initiative or referendum petition may be withdrawn at any time prior to the forty-fifth (45) day

preceding the day scheduled for a vote by the county electors by filing with the County Board of Elections a request for withdrawal signed by at least ten (10) percent of the original petitioners. Upon the filing of such request, and validated by the County Board of Elections, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

## **Section 5: Results of Elections**

### **A. Initiative**

If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the County Council; provided, however, that such ordinance shall not be subject to veto by the County Executive. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

### **B. Referendum**

If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon due certification of the election results.

## **Section 6: Repeal and Amendment of Ordinance**

A. Any ordinance adopted or approved by the voters of the County of Erie under this Article may not be amended or repealed by the County Council within two (2) years of the effective date of such adoption, except upon a vote of the electorate.

B. Any ordinance of the County of Erie under this Article may not be reenacted by the County Council within two (2) years following the effective date of such rejection, except upon a vote of the electorate.

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## **ARTICLE X RECALL**

### **Section 1: General**

Any person holding an elective office of the county government, under the provisions of this Charter, whether by election or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this Charter.

### **Section 2: Recall Procedure**

A. A recall of an incumbent official of a county-at-large elective office shall be initiated upon petition signed by a number of registered voters equal to thirty (30) percent of the registered electors of the county at the preceding general, municipal or primary election. A recall of an incumbent member of the County Council shall be initiated upon petition signed by a number of registered voters equal to thirty (30) percent of the registered electors within the respective County Council district at the preceding general, municipal or primary election.

B. Each elector signing a recall petition shall add to his or her signature, his or her occupation, residence, election district and the date of signing. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief those persons whose signatures appear on the sheet are registered electors of the county or council district, they signed with full knowledge of the contents of the petition, and their residences are correctly given.

C. A recall petition shall be tendered for filing to the County Board of Elections. No signatures shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the Board of Elections shall pass upon the validity of the petition and the validity and number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas.

### **Section 3: Notice to Incumbent**

As soon as the County Board of Elections has received a recall petition for filing and determined its validity and sufficiency, the chairman of the Board of Elections shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice, the incumbent may resign from office and thereupon the recall proceedings shall terminate.

### **Section 4: Recall Elections**

A. If the incumbent against whom a recall petition is directed does not resign from office within ten (10) days after notice of the filing of such petition shall have been given to him, the County Board of Elections shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days nor more than ninety (90) days after the above ten (10) days have expired, the recall question shall be placed before the electors at such an election. Otherwise a special recall election shall be fixed by such Board for a date not earlier than thirty (30) days nor later than ninety (90) days after the above ten (10) days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

B. The following question shall be presented to each elector in a recall election: "Shall (name of official) be recalled and removed from the office of (name of office)?"

C. The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "yes" or "no" on the question.

D. If a majority of the registered electors who vote on the question at a recall election shall vote "yes", that incumbent shall be deemed recalled and removed from office, but if a majority of such registered electors shall vote "no", that incumbent shall remain in office.

E. Should the result of such election be affirmative, the date of removal and vacancy in the office shall be seven (7) days after the date when the results of election are duly certified by the County Board of Elections, unless such date is further postponed by order of the court.

### **Section 5: Disqualification for Office**

A person who has been removed from an elective office by recall election, or who has resigned from such an elective office after a recall petition directed to him has been filed, shall not be eligible for election or appointment to any office of the county government within one (1) year after such removal or resignation, nor shall such person be employed by the county government within one (1) year after such removal or resignation.

### **Section 6: Limitations**

No recall petition shall be filed against any incumbent of an elective office within the first year or within the last nine months of the term of such office.

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## **Section 1: Amendments**

This Charter may be amended in conformity with the provisions of the Pennsylvania Home Rule Charter and Optional Plans Law (Act 62 of 1972, as amended.)

## **Section 2: Rights Reserved to the People**

No provision of this charter, and no action by any officer or employee of the county acting under its authority, shall infringe upon rights, privileges and powers reserved or guaranteed to individual persons or to the people by the Constitution of the United States of America or the Constitution of the Commonwealth of Pennsylvania.

## **Section 3: Local Municipal Services**

Nothing in this Charter shall be construed as interfering with the rights of cities, townships and boroughs within the county to retain their powers and functions and to provide municipal services in accordance with law, including but not limited to the Pennsylvania Home Rule Charter and Optional Plans Law (Act 62 of 1972, as amended.)

## **Section 4: References to County Commissioners**

All references to County Commissioners in the laws of Pennsylvania shall, at such time as the elected members of the County Council and the County Executive take office, be construed to refer to the County Council and to the County Executive whenever such construction would be reasonable. The County Council shall succeed to all legislative powers vested by law in the County Commissioners, and the County Executive shall succeed to all executive and administrative powers vested by law in the County Commissioners, except as otherwise provided in this Charter.

## **Section 5: Nomination and Election**

The procedure for nomination and election of all elected county officials mandated by this charter shall be in accordance with the applicable provisions of the Pennsylvania Election Code for County Elections, as amended.

## **Section 6: Elected Officials**

### **A. Qualifications**

1. Each official to be elected shall be a qualified voter of the county, and shall have been a resident of the county, or council election district, continuously for one (1) year immediately preceding the filing of his or her nominating petition.
2. The District Attorney shall have been duly admitted to the practice of law in the Commonwealth of Pennsylvania.
3. Each elected official shall remain a resident of the county, or council election district, during the term of office. A change in residence from the county, or council election district, shall result in an immediate forfeiture of office.

### **B. Term**

1. The term of each elected official shall be four (4) years commencing at 8:00 p.m. on the first Monday of January following the year in which he or she is elected.
2. Each elected official shall continue to serve in office for the above four (4) year term or until the legal successor to the office has been qualified.

### **C. Salary**

The salary of each county official elected pursuant to the provisions of this Charter shall be established by the County Council. No change in compensation of such elected official shall become effective during a current term of office.

### **D. Vacancy**

1. The office of an elected county official shall become vacant upon death, resignation, removal from office, or forfeiture of office of such elected county official.

2.The County Council may provide rules and regulations pertaining to the forfeiture of office of a Council member who is absent from duly convened County Council meetings.

#### E.Filling of a Vacancy

1.If the office of a county official elected by the county electors shall become vacant, the County Council shall fill such vacancy by a resolution adopted by the affirmative vote of the majority of the whole of the County Council.

2.If the office of a member of the County Council shall become vacant, the remaining members of the County Council by a majority vote shall fill the vacancy. In the event there are two or more vacancies in the County Council, each vacancy shall be filled one at a time, with the newly appointed council member joining in the appointment of a person to fill the remaining vacancy. The person selected to fill the vacancy shall be a qualified voter of the same political party as the person who vacated the office.

3.Should the County Council, for any reason, fail to fill any such vacancy within thirty (30) days after the vacancy occurs, the Court of Common Pleas, upon petition of the County Council, or any five (5) residents of the county, shall fill by appointment the vacancy in such office.

4.Any person appointed by the County Council or the Court of Common Pleas shall:

-a) Possess all the qualifications required of the office as set forth in this Charter; and

-b) Serve in the office for the unexpired term of the office to which the appointment is made.

#### **Section 7: Oath of Office**

A.All elected county officials, before entering on the duties of their respective offices, shall take and subscribe to the following oath or affirmation before a person authorized to administer oaths:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of The United States, the Constitution of the Commonwealth, and the Charter of the County of Erie, and that I will discharge the duties of my office with fidelity."

B.Any person refusing to take the oath or affirmation shall forfeit that office immediately.

#### **Section 8: Appointed Officials**

##### A.Prohibitions

Those officials appointed by the County Executive under the authority of Article V of this Charter shall hold no elective public office, nor hold any other county office or county employment in which a salary, compensation or emolument is paid or received.

##### B.Salary

The salary of those officials appointed by the County Executive shall be established by the County Council, provided however, the County Council may not decrease the salary of any incumbent appointed official without the prior written consent of the County Executive.

#### **Section 9: County Seal**

The County Council shall have the power to adopt an official seal for the county.

#### **Section 10:Service of Process**

Service of any legal process, notice, or other matter to be served upon the county pursuant to any rule, regulation, or law, shall be made upon the County Executive.

#### **Section 11: Acceptance of Gifts or Donations**

The county government, including its departments, offices, agencies, boards, commissions, and authorities, may accept, on behalf of the county, gifts or donations of money, securities, or other property which, or income from which, shall be useful for

county purposes, except that no gifts of real estate, or any interest in real estate may be accepted without specific approval of the County Council.

## **Section 12: Administrative Code**

Within six (6) months after the County Council takes office, the County Council, by ordinance, shall enact, and thereafter maintain at all times, an Administrative Code. The Administrative Code shall be consistent with the provisions of this Charter and shall at all times make adequate and specific provisions pertaining to, but not limited to, the following:

- A. A complete plan of organization and structure for county government;
- B. A purchasing procedure designating when competitive bidding is required and the method of advertisement thereof; provided however, competitive bids shall be required for the purchase or rental of all goods and services, including the purchase of insurance coverage, (but excluding professional services), provided further that the County Council may, from time to time, set a dollar amount below which competitive bids shall not be required but in this event, at least three (3) quotations shall be required.
- C. An establishment of a procedure for the adoption of regular ordinances and emergency ordinances;
- D. A conflict of interest provision for county officials and employees with relation to inconsistent employment, office or financial interests, and the penalty for the violation thereof;
- E. The procedures for the County Council, including the election of its officers, attendance of its members, meetings, voting, and parliamentary procedures. Provisions shall be made for the requirement that all meetings and records of the County Council, departments, administrative units, offices, agencies, boards, commissions, and authorities shall be open to the public and consistent with laws of the Commonwealth requiring open and public meetings; and
- F. The bonding requirements of county officials and employees.

## **Section 13: Political Activity of Employees - Gifts**

Employees of the county are prohibited from engaging in political activity during working hours and at all times in county offices. County employees shall not be permitted to accept any gift or thing of value in connection with their employment other than their salary or employment benefits. Nothing contained in this section shall affect the right of county employees to support a political party, to vote as they choose, to hold party office or to express publicly and privately their opinions on political subjects, or to attend political meetings.

## **Section 14: Forfeiture of Office**

### **A. Elected Officials**

1. Any incumbent county official who shall remove his or her residence outside the election district from which elected or appointed, shall forfeit that office immediately.
- 2.(a) Any incumbent official who is convicted of any felony, or convicted of a crime relating to that incumbent's office, shall forfeit that office immediately.
- (b) Any incumbent District Attorney who is suspended or barred from the practice of law in the Commonwealth of Pennsylvania, shall forfeit that office immediately.

### **B. Appointed Legal Counsel**

Any lawyer appointed and employed by the county in a legal capacity, who is suspended or barred from the practice of law in the Commonwealth of Pennsylvania, shall forfeit that office immediately.

## ARTICLE XII TRANSITION

### Section 1: Adoption of Charter

The Charter, upon approval by referendum, shall become effective as of January 1, 1978, except as otherwise provided in this Charter.

### Section 2: Offices, Boards and Commissions Abolished

#### A. Offices

1. The following elective offices, as they are now known, are hereby abolished; County Commissioners, Treasurer, Prothonotary, Clerk of Courts, Recorder of Deeds, Register of Wills, Clerk of Orphan's Court, and Jury Commissioners.

2. The following elective offices, as they are now known, shall continue as offices under and subject to the provisions of this Charter: Sheriff, District Attorney, Controller, and Coroner.

#### B. Boards and Commissions

1. The following boards as they are now known, are hereby abolished: Salary Board and Prison Board.

2. The following boards and commissions, as they are now known, shall continue under and subject to the provisions of this Charter: Retirement Board, Board of Elections and Registration Commission and Board of Tax Assessment Appeals.

### Section 3: First Election

A. At the time of its adoption, this Charter shall be in effect to the extent necessary so that the first election of the elected officials provided herein may be conducted under the provisions of this charter and the Pennsylvania Election Code at the municipal election in November, 1977.

B. The following elected officials shall be nominated at the primary election conducted in May 1977, and shall be elected at the municipal election conducted in November 1977:

County Executive for a four (4) year term  
Controller for a six (6) year term  
Clerk of Records for a four (4) year term  
Sheriff for a four (4) year term

County Council Members:

Districts 1,3,5 and 7 .... for a two (2) year term  
Districts 2,4 and 6 .... for a four (4) year term

C. The following elected officials shall be nominated at the primary election conducted in May 1979, and shall be elected at the municipal election conducted in November 1979:

District Attorney for a four (4) year term  
Coroner for a four (4) year term

County Council Members: Districts 1,3,5 and 7 ... for a four (4) year term D. In the event any or all of the above elected offices shall become vacant between the time this Charter becomes effective and January 1, 1980, such vacancy shall be filled as provided for in this Charter.

### Section 4: County Council Election Districts

A. For the purpose of the first election under the provisions of this Charter, the designation, location and description of the County Council election districts is included in Appendix "A", which is attached to this Charter and is made part of said Charter.

B. The designation, location and description of the County Council election districts as set forth in Appendix "A", shall remain in

effect until modified, altered, or changed in accordance with the provisions of this Charter.

## **Section 5: First Salaries**

### **A. Members of County Council**

Until January 1, 1982 each member of County Council shall receive a salary at the rate of \$3,500.00 per annum, and the Chairman of the County Council shall receive \$4,000.00 per annum.

### **B. County Executive**

Until January 1, 1982, the County Executive shall receive a salary at the rate of \$27,500.00 per annum.

### **C. Clerk of Records**

Until January 1, 1982, the Clerk of Records shall receive a salary at the rate of \$22,500.00 per annum.

### **D. Controller**

Until January 1, 1984, the Controller shall receive a salary at the rate of \$22,500.00 per annum.

### **E. Sheriff**

Until January 1, 1982, the Sheriff shall receive a salary at the rate of \$20,000.00 per annum.

## **Section 6: Terms Continued**

A. As of the first Monday in January 1978, the present members of the Board of Commissioners shall become members of the County Council for the remainder of the term for which elected, and shall have the powers and duties of Council members as provided for in this Charter.

1. As long as the present County Commissioners shall continue to serve for their respective unexpired term, each shall be compensated at the salary in effect at the time of election for their current term.

2. If the office of any or all present County Commissioners should become vacant prior to January 1, 1980, such vacancy shall not be filled.

B. As of the first Monday in January 1978, the present District Attorney, Treasurer, Coroner, Clerk of Courts, Register of Wills and Clerk of the Orphan's Court shall continue in such office until the expiration of their respective term.

1. As long as each of the above officers shall continue to serve for their respective unexpired term, each shall be compensated at the salary in effect at the time of election for their current term.

2. As each term of the above officers expires, the successor, therein, if any, shall be elected under the authority and provisions of this Charter.

3. If any of the above offices shall become vacant prior to January 1, 1980 such vacancy, if any, should exist under the provisions of this Charter, shall be filled in accordance with the provisions of this Charter.

C. The present Clerk of Courts and Register of Wills and Clerk of the Orphan's Court, as long as each continue to serve out their unexpired term, shall continue to function in their respective office under the supervision of the Clerk of Records.

## **Section 7: Continuity**

A. All rights, properties (real or corporate), claims, actions, orders, contracts, closings in action, and legal or administrative proceedings shall continue to exist except as modified pursuant to the provisions of this Charter.

B. All county ordinances, resolutions, rules and regulations which are in force at the time this Charter is adopted and not inconsistent with the provisions of this Charter shall continue in force until amended or repealed.

C. All county departments, administrative units, offices, agencies, boards, and commissions not abolished by the provisions of this Charter, shall continue except as and until modified or abolished by action of the County Council.

D. If an office or agency is abolished by this Charter, its powers and duties shall be transferred to an appropriate office or agency designated in this Charter. Where this Charter does not specifically designate the office or agency to which existing programs and functions are assigned, the County Council shall provide for such designation and assignment in the Administrative Code.

E. All debts, obligations and liabilities of the county in existence at the time of the adoption of this Charter, shall continue to be debts, obligations and liabilities, and under the same conditions when incurred.

F. All judicial proceedings of any kind or character and all condemnation proceedings for the taking or damaging of private property for public use, and all proceedings to incur debt, to issue bonds and to procure funds or services from the Commonwealth of Pennsylvania or the United States (or their agencies) begun or pending at the time this Charter takes effect, and all contracts for the doing of any kind of public work or service, not completed or performed at the time this Charter takes effect, shall in no way be affected by the adoption of this charter, but the same shall be completed in every respect as nearly as may be in accordance with the provisions of this Charter.

### **Section 8: Employees and Members of Boards and Authorities**

A. Any employee holding a county position at the time this Charter takes effect, who is serving in the same or comparable position on the first Monday of January 1978, shall not be subject to a written qualifying examination as a condition for continuance in the same position but in all other respects shall be subject to the personnel system provided by this charter.

B. All persons who are appointed members of agencies, boards, commissions or authorities at the time this Charter takes effect, shall remain in office for as long as their respective terms of appointment shall continue, unless and until that agency, board, commission or authority shall be abolished or combined with another or reconstituted, in which case, the members thereof shall vacate their respective offices upon notice from the County Council to do so.

### **Section 9: Temporary Ordinances**

A. The County Council, at any meeting held within ninety (90) days after taking office, may adopt temporary ordinances to deal with cases in which there is urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would cause serious hardship or impairment of effective county government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally.

B. A temporary ordinance may be considered and may be adopted without amendment at the meeting at which it is introduced. After enactment of a temporary ordinance, the County Council shall cause it to be printed and published, as prescribed for other enacted ordinances. A temporary ordinance shall not be subject to referendum and shall become effective upon enactment or at such later times as it may specify.

C. Every temporary ordinance, including any amendments made thereto after enactment, shall automatically stand repealed as of the effective date of the Administrative Code and shall not be re-enacted, renewed, or otherwise continued except in the manner prescribed in this Charter for ordinances of the kind concerned.

### **Section 10: Administrative Organization**

Until the effective date of the Administrative Code, the County Executive shall have the authority to issue written directives for the administration of the executive branch in such a manner as the County Executive shall deem necessary for the most efficient operation of the county government. Copies of all such directives shall be forwarded to the County Council upon being issued.

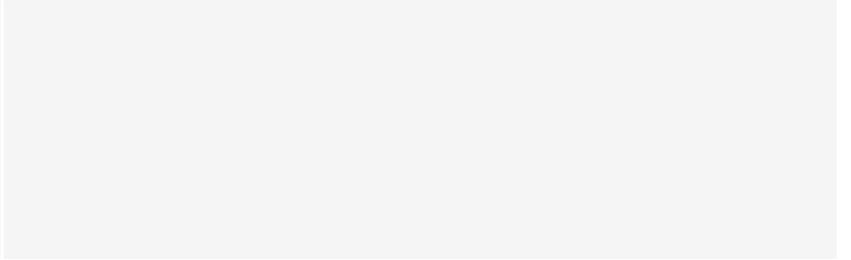
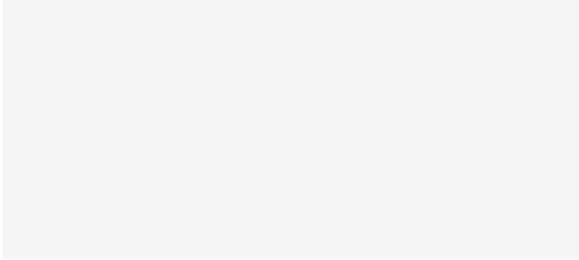
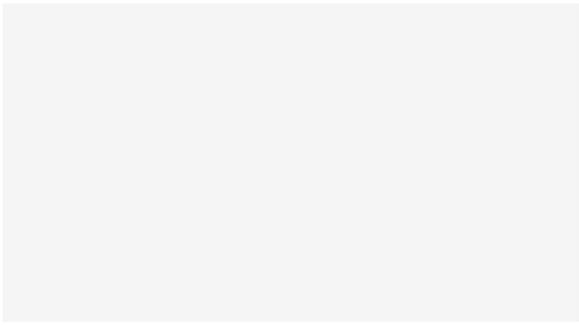
### **Section 11: Personnel System**

Until the effective date of the personnel system required by this Charter, the County Executive shall have the authority to establish by written directive a personnel system for county employees. The personnel system established under this section shall be subject to the provisions of the personnel system of this Charter. A copy of any directive and any amendments thereto shall be forwarded to the County Council upon being issued.

### **Section 12: Contracts and Purchases**

Until adoption of an ordinance by the County Council specifying procedures and requirements for contracts and purchases, all





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