

TITLE 348

NORTHAMPTON COUNTY

Part
I. NORTHAMPTON COUNTY HOME RULE CHARTER 1 **Chap.**

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HOME RULE CHARTER**

Chap.
1. NORTHAMPTON COUNTY HOME RULE CHARTER 1.1-101

CHAPTER 1. NORTHAMPTON COUNTY HOME RULE CHARTER

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Authority

The provisions of this Chapter 1 issued under sections 101—1309 of the act of April 13, 1972 (P. L. 184, No. 62) (53 P. S. §§ 1-101—1-1309), unless otherwise noted.

Source

The provisions of this Chapter 1 adopted April 27, 1976, effective January 2, 1978, unless otherwise noted.

ARTICLE I. ELECTED OFFICIALS

Sec.
1.1-101. Elected Officials.
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- 1.1-108. Removal from Office.

Cross References

This article cited in 348 Pa. Code § 1.13-1303 (relating to offices under the county code); and 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.1-101. Elected Officials.

The elected officials shall be the nine (9) members of the County Council, the County Executive, the Controller, and the District Attorney.

§ 1.1-102. Terms of Office and Elections.

(a) *Terms of Office.* Each elected official shall be elected for a term of office of four (4) years commencing the first Monday in January following the date of his election.

(b) *Elections.* The County Executive and the five (5) members of the County Council elected at large shall be elected concurrently at the municipal election. The Controller, the District Attorney, and the four (4) members of the County Council elected by district shall be elected concurrently at the municipal election two (2) years later.

§ 1.1-103. General Qualifications.

During his term of office each elected official shall be a citizen of the United States and shall reside continuously in the County. Each elected official shall have resided in the County continuously during the year preceding the commencement of his term of office.

§ 1.1-104. General Prohibitions.

During his term of office no elected official shall hold any other elective public office or hold other employment with the County, for which he receives compensation. During his term of office no elected official, except any member of the County Council, shall serve as an official, other than as a candidate of a political party.

§ 1.1-105. Vacancies in Office.

(a) *Occurrence of Vacancy.* A vacancy in the office of an elected official shall occur upon his death, resignation, recall, forfeiture of office, or removal from office.

(b) *Filling of a Vacancy.* A vacancy in the office of an elected official shall be filled in accordance with the following provisions.

- (1) If a vacancy in the office of an elected official occurs during the last two (2) years of the term of office, the County Council within thirty (30) days after the occurrence shall appoint an individual to fill the vacancy by resolu-

tion. If the County Council fails to appoint an individual to fill the vacancy within thirty (30) days after the occurrence of the vacancy, the Court, upon the petition of any member of the County Council or any five (5) registered voters of the County, shall appoint an individual to fill the vacancy within fifteen (15) days after the filing of the petition. The individual appointed to fill the vacancy shall take office immediately upon appointment and shall serve the unexpired term of office of the elected official.

(2) If a vacancy in the office of an elected official occurs during the first two (2) years of the term of office, an individual shall be appointed in accordance with the preceding paragraph of this subsection to serve only until the certification of the results of the next election to be held in the County no sooner than sixty (60) days after the occurrence of the vacancy. At this election the registered voters of the County shall elect an individual to fill the vacancy. The individual elected to fill the vacancy shall take office immediately upon the certification of the results of the election and shall serve the unexpired term of office of the elected official.

§ 1.1-106. Compensation.

The County Council shall have the power by ordinance to set the salary of each elected official. No ordinance shall increase or decrease the salary of an elected official during his term of office. No ordinance which increases or decreases the salary of an elected official shall take effect less than one (1) year after its date of enactment.

§ 1.1-107. Forfeiture of Office.

An elected official shall forfeit his office if he at any time during his term of office:

- (1) lacks any qualification prescribed by this Charter; or
- (2) violates any prohibition prescribed by this Charter; or
- (3) knowingly and willfully violates any provision of this Charter; or
- (4) is convicted of any crime involving moral turpitude, any crime related to his office, or any crime for which forfeiture of office is prescribed by law; or
- (5) is adjudicated an incompetent by a court.

§ 1.1-108. Removal from Office.

The County Council shall have the power by ordinance to remove any elected official from office if physical incapacity or absence prevents him from discharging the duties of his office for a continuous period of more than six (6) months.

ARTICLE II. COUNTY COUNCIL

Sec.	
1.2-201.	Title and Status.
1.2-202.	Powers.
1.2-203.	Composition.
1.2-204.	Districts.
1.2-205.	Special Qualifications.
1.2-206.	Organization.
1.2-207.	Meetings.
1.2-208.	Staff.
1.2-209.	Limitations on Compensation.

Source

The provisions of this article adopted April 27, 1976, effective January 2, 1978, 12 Pa.B. 4084, unless otherwise noted.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.2-201. Title and Status.

The County Council shall be the governing body of the County which shall exercise the legislative power of the County, including the power to make laws and to exercise any residual powers of a county and any powers conferred on a county or county official by the law of Pennsylvania, subject to the provisions of this Charter.

§ 1.2-202. Powers.

The County Council shall have, among others, the following powers:

- (1) to adopt and repeal ordinances;
- (2) to adopt the budget;
- (3) to confirm the appointment by the County Executive of the heads of agencies immediately under his direction and supervision;
- (4) to confirm the appointment of members of authorities, boards, and commissions;
- (5) to levy taxes and to determine the subject matter and rates of taxation;
- (6) to establish by ordinance procedures to set the fees charged by all agencies in accordance with the law of the United States and Pennsylvania;
- (7) to adopt, amend, and repeal the administrative code;
- (8) to require periodic and special reports from elected officials and their subordinates;
- (9) to determine which officers, agents, and employees, not including elected officials, shall execute and file official bonds and to set the amounts of all official bonds;

(10) to accept on behalf of the County any gifts of real property and to provide for the acceptance by any agency on behalf of the County of other gifts;

(11) to establish in accordance with this Charter the salaries and wages of all elected officials, officers, and employees; and to set the numbers of officers and employees of each agency;

(12) to approve any collective bargaining agreements with officers and employees; and

(13) to compel the attendance of witnesses and the production of documents and other evidence at investigative hearings, and for that purpose may issue subpoenas, signed by officers of the County Council and served as provided by law. The County Council shall have the power by ordinance to extend its subpoena power to other officials or agencies of the County, but such ordinance shall indicate the specific inquiry and investigative purposes for which the subpoena power is being extended and the time during which the subpoena power will be held by the official or agency in question. The County Council shall have the power by ordinance to define and punish any contempt relating to the enforcement of such subpoenas.

§ 1.2-203. Composition.

The County Council shall be composed of nine (9) members, five (5) members elected at large and four (4) members elected by district.

§ 1.2-204. Districts.

The County Council, no less frequently than every ten (10) years, within one (1) year after the decennial census of the United States, shall establish the boundaries of the four (4) districts for the election of members by district. The population of each district shall be substantially equal; each district shall comprise compact and contiguous territory and wherever feasible shall follow municipal boundaries.

§ 1.2-205. Special Qualifications.

Each member elected by district shall have resided in the district from which he was elected continuously during the year preceding the commencement of his term of office and during his term of office shall reside continuously in the district from which he was elected.

§ 1.2-206. Organization.

(a) *Organization Meeting.* The County Council shall hold a meeting on the first Monday of January of each year, at which it shall elect one of its members as President and another member as Vice President. The County Council may transact any other business it may deem necessary at this meeting. In any year when the first Monday of January is a legal holiday, this meeting shall be held on the following day.

(b) *Presiding Officer.* The President shall preside at all meetings of the County Council at which he is present. In the event of the absence or incapacity of the President, the Vice President shall perform the functions of the President.

§ 1.2-207. Meetings.

(a) *Policy and Procedure.* The County Council shall establish the time, place, and conditions of its regular and special meetings. Regular meetings shall be held at least twice in each month in different weeks. All meetings of the County Council shall be open to the public. The Clerk of Council shall give public notice of all regular and special meetings, showing the date, time, and place at which the meetings are to be held, and at least once each year shall send to each elected official, to public libraries, and to the offices of each city, borough, and township in the County a schedule of the regular meetings.

(b) *Quorum.* A majority of the members shall constitute a quorum. The County Council shall conduct no business except in the presence of a quorum.

§ 1.2-208. Staff.

The County Council shall have the power to appoint the Clerk of Council and such other staff members, including separate legal counsel, who shall perform necessary duties and functions established by the County Council in accordance with this Charter.

§ 1.2-209. Limitations on Compensation.

Members of the County Council shall not be eligible for participation in any retirement, medical care, or life insurance fringe benefit program of the County.

ARTICLE III. COUNTY EXECUTIVE

Sec.

- 1.3-301. Title and Status.
- 1.3-302. Duties.
- 1.3-303. Powers.
- 1.3-304. Special Prohibition.
- 1.3-305. Temporary Absence or Incapacity.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.3-301. Title and Status.

The County Executive shall be the chief executive and administrative official of the County.

§ 1.3-302. Duties.

In addition to any other powers prescribed by this Charter, the County Executive, in person or through subordinates, shall:

- (1) execute and enforce all ordinances of the County;
- (2) prepare and submit to the County Council the projected financial plan and budget;
- (3) present to the County Council from time to time such information concerning the business and affairs of the County as he may deem necessary, or as the County Council by resolution may request, and to recommend such measures for legislative action as may be in the best interest of the County;
- (4) sign or cause to be signed on behalf of the County all deeds, contracts, and other instruments;
- (5) supervise and direct the negotiation and administration of any collective bargaining agreements with employees;
- (6) represent the County in any programs of intergovernmental cooperation and negotiate any agreements for intergovernmental cooperation or for obtaining federal and state assistance to local governments;
- (7) serve on boards and commissions or appoint an individual to do so where required by law; and
- (8) perform the functions and exercise the powers of the County Executive provided by this Charter or lawfully delegated to the County Executive. The County Executive shall direct and supervise the agencies and personnel under him in accordance with this Charter.

§ 1.3-303. Powers.

The County Executive shall have the power:

- (1) to perform the duties of his office provided by this Charter;
- (2) to attend meetings of the County Council in an official capacity, but the County Executive shall have no right to participate in the debate or vote on any matter before the County Council; and
- (3) to veto ordinances and items in the budget adopted by the County Council. The County Executive, in person or through subordinates, shall have the power: to direct and supervise the agencies and personnel under him in accordance with this Charter; to appoint, promote, transfer, demote, suspend, dismiss, or discipline the officers and employees under his direction and supervision in accordance with this Charter; and to establish the method or system of financial and fiscal accounting for all agencies.

§ 1.3-304. Special Prohibition.

During his term of office the County Executive shall not actively engage in any other business or occupation.

§ 1.3-305. Temporary Absence or Incapacity.

In the event of the temporary absence or incapacity of the County Executive, the head of any agency immediately under the direction and supervision of the County Executive, whose appointment has been confirmed by the County Council and designated in writing by the County Executive, shall become the Acting Executive until such absence or incapacity terminates. If the County Executive fails to designate the head of another agency immediately under his direction and supervision, the head of the Department of Administration shall become the Acting Executive in accordance with this section. The Acting Executive shall perform all the duties and exercise all the powers of the County Executive, except the power to veto ordinances and items in the budget adopted by the County Council.

ARTICLE IV. CONTROLLER

- Sec.
 1.4-401. Title and Status.
 1.4-402. Duties.
 1.4-403. Powers.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.4-401. Title and Status.

The Controller shall be the official of the County responsible for the internal control of the fiscal transactions of the County.

§ 1.4-402. Duties.

The Controller, in person or through subordinates, shall:

- (1) audit, using generally accepted principles of auditing, the fiscal transactions of all agencies receiving, disbursing, or authorizing the disbursing, or authorizing the disbursement of county funds, to determine whether funds are available, whether the funds have been appropriated, and whether the disbursement complies with applicable law: the controller shall report to the county council and the county executive all fiscal transactions that he determines to not meet these tests and the reasons therefore;
- (2) audit at any time, on his own initiative or at the request of the County Council or the County Executive, any account of any agency receiving, disbursing, or authorizing the disbursement of county funds;
- (3) prepare and certify the statement of indebtedness of the County; and
- (4) audit all agencies and those corporations and associations, public and private, which receive county funds to provide a service or services which the County could perform itself, whenever he deems it necessary or whenever the County Council or the County Executive requests him to conduct the audits, in

order to determine the efficiency and effectiveness of the program, service, or agency subject to the audit; upon the completion of any such performance audit the Controller promptly shall report to the County Council and the County Executive his findings and his recommendations to improve the efficiency and effectiveness of the program, service, or agency subject to the audit. Nothing in this subsection shall be construed to limit the power of the County Council to provide for independent audits in the nature of those provided in Clauses (2) and (4).

Source

The provisions of this § 1.4-402 amended November 7, 1989, effective January 1, 1990. Immediately preceding text appears at serial pages (48708) to (48709).

§ 1.4-403. Powers.

The Controller shall have the power to direct and supervise the office of the Controller and its personnel, subject to the provisions of this Charter. The Controller in person or through subordinates, shall have the power to appoint and remove members of the exempt service under his direction and supervision and to appoint, promote, transfer, demote, suspend, dismiss, or otherwise discipline members of the career service under his direction and supervision in accordance with the provisions of Article VIII. The Controller shall have the power to appoint separate legal counsel, paid from county funds, to assist him in discharging the duties of his office.

ARTICLE V. DISTRICT ATTORNEY

Sec.

- 1.5-501. Title and Status.
- 1.5-502. Duties.
- 1.5-503. Powers.
- 1.5-504. Special Qualification.
- 1.5-505. Special Prohibition.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.5-501. Title and Status.

The District Attorney shall be the official of the County responsible for public prosecutions under the law.

§ 1.5-502. Duties.

The District Attorney, in person or through subordinates, shall perform the duties prescribed by the law of Pennsylvania not inconsistent with this Charter for a district attorney of a county of the class to which the County would belong but for the power of home rule.

§ 1.5-503. Powers.

The District Attorney shall have the power to direct and supervise the Office of the District Attorney and its personnel, subject to the provisions of this Charter. The District Attorney, in person or through subordinates, shall have the power to appoint and remove members of the exempt service under his direction and supervision and to appoint, promote, transfer, demote, suspend, dismiss, or otherwise discipline members of the career service under his direction and supervision in accordance with the provisions of Article VIII.

§ 1.5-504. Special Qualification.

The District Attorney shall be admitted to practice as an attorney and counselor of the Supreme Court of Pennsylvania.

§ 1.5-505. Special Prohibition.

During his term of office the District Attorney shall devote full time to the office. The District Attorney while in office shall not derive any other income as a result of honorariums, profit shares or divisions of income from any firm with which the District Attorney was associated prior to election. This limitation shall not be construed, however, to preclude of fees earned for legal work done prior to, but not included until after his election as District Attorney. In addition, the District Attorney shall not engage in any private practice and must be completely disassociated with any firm with which the District Attorney was affiliated prior to election, nor shall the District Attorney accept any civil or criminal cases after being elected to office. The District Attorney shall be compensated at the annual salary prescribed by law.

Source

The provisions of this § 1.5-505 amended November 3, 1992. Immediately preceding text appears at serial page (143571).

ARTICLE VI. LEGISLATION**Sec.**

- 1.6-601. Acts of the County Council.
- 1.6-602. Ordinances.
- 1.6-603. Emergency Ordinances.
- 1.6-604. Resolutions.
- 1.6-605. Code of Technical Regulations.
- 1.6-606. Public Record of Acts.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.6-601. Acts of the County Council.

(a) *Acts.* The County Council shall act only by the adoption of an ordinance, resolution, budget, or motion. The vote of a majority of the members shall be required for the adoption of an ordinance, resolution, or budget, unless otherwise provided by this Charter. The vote of a majority of a quorum shall be required for the adoption of a motion.

(b) *Voting.* All voting on the adoption of an ordinance, resolution, or budget shall be by roll call; the Clerk of Council shall enter the vote of each member of the County Council in the record of the meeting.

§ 1.6-602. Ordinances.

(a) *Acts Required.* The County Council shall adopt an ordinance for any act which:

- (1) adopts or amends the administrative code, establishes or abolishes an agency, or assigns powers or duties among agencies;
- (2) provides for a fine or other penalty or establishes a rule or regulation for the violation of which a fine or other penalty is imposed;
- (3) levies a tax or determines the subject matter or rate of taxation;
- (4) grants, renews, or extends a franchise;
- (5) regulates the rate charged for service by a county utility;
- (6) conveys or leases or authorizes the conveyance or lease of any real property of the County;
- (7) adopts, with or without amendment, ordinances proposed under the initiative power;
- (8) authorizes the borrowing of money;
- (9) provides for the adoption, amendment, or implementation of any codes of technical regulations;
- (10) makes supplemental appropriations during the fiscal year;
- (11) adopts municipal planning, land use, or development regulations, including but not limited to an official map and zoning subdivision regulations;
- (12) provides for redevelopment, rehabilitation, conservation, and renewal programs for the alleviation and prevention of slums, obsolescence, blight, or other conditions of deterioration, and the achievement of the most appropriate use of land;
- (13) establishes salaries and any remunerations, other than accountable expenses, for elected officials; or
- (14) it intends to have the force and effect of law or is required by law to be an ordinance.

(b) *Introduction.* Any two (2) members shall have the power to introduce a proposed ordinance at any meeting of the County Council. No second to this sponsoring shall be required. The Clerk of Council within seven (7) days after such introduction shall cause to be distributed a copy of the proposed ordinance

to each elected official, to public libraries, and to the offices of each city, borough, and township in the County. The County Clerk shall retain a reasonable number of copies of the proposed ordinance in his office for public inspection at reasonable times.

(c) *Form.* Each proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title.

(d) *Publication.* Within seven (7) days after the introduction of a proposed ordinance the Clerk of Council shall cause to be published in at least two (2) newspapers of general circulation in the County:

- (1) the proposed ordinance or a summary of it;
- (2) the places where copies of the proposed ordinance are retained and the times when they are available for public inspection; and
- (3) a notice specifying the place and time for a public hearing on the proposed ordinance.

(e) *Public Hearing.* The County Council shall not adopt any proposed ordinance without holding a public hearing on it at which all persons interested in it shall be afforded a reasonable opportunity to be heard. The County Council may hold the public hearing at any of its meetings and may adjourn it from time to time, but the County Council shall not hold the public hearing less than seven (7) days after the date of the publication required in Subsection (d).

(f) *Adoption.* A majority of the members shall have the power to amend or adopt a proposed ordinance at any time after the termination of the public hearing, during the meeting at which the public hearing has been terminated or thereafter.

(g) *Action by the County Executive.* Within five (5) days after the adoption of an ordinance, the Clerk of Council shall submit the ordinance to the County Executive for action in accordance with the following provisions.

(1) *Enactment.* If the County Executive approves of the ordinance, he shall sign it and return it to the County Council; the ordinance shall be enacted upon such signing.

(2) *Veto.* If the County Executive disapproves of the ordinance, he shall veto the ordinance and return the vetoed ordinance to the County Council with his objections to it.

(3) *Time Limit.* If the County Executive neither signs the ordinance nor vetoes it within ten (10) days after its submission by the Clerk of Council, the ordinance shall be enacted and shall take effect in accordance with Subsection (i).

(4) *Reconsideration.* Within thirty (30) days after the return to it of a vetoed ordinance, the County Council shall have the power to reconsider the vetoed ordinance and to override the veto by the vote of at least two-thirds (2/3) of the members. If the County Council overrides the veto, the ordinance shall be enacted and shall take effect in accordance with Subsection (i).

(h) *Final Publication.* Promptly after the enactment of an ordinance, the Clerk of Council shall cause to be published in at least two (2) newspapers of general circulation, a summary of the ordinance, the effective date of the ordinance, and a record of the vote of each member of the County Council on whether to adopt the ordinance and whether or not the ordinance was vetoed. Copies of the entire enacted ordinance shall be made available for public inspection in the Office of Clerk to Council, and shall be distributed or sold to the general public at a price not to exceed the cost of reproduction.

(i) *Effective Date.* Except as otherwise provided in this Charter, each ordinance shall become effective no sooner than thirty (30) days after the date of enactment.

Source

The provisions of this § 1.6-602 amended November 3, 1981, 12 Pa.B. 4084.

Notes of Decisions

Jurisdiction

Whether the county complied with the publication provision of § 1.6-602(b) and (d) regarding a proposed bond ordinance is a matter within the jurisdiction of the Department of Community and Economic Development. *O'Hare v. County of Northampton*, 782 A.2d 7 (Pa. Cmwlth. 2001).

Cross References

This section cited in 348 Pa. Code § 1.6-605 (relating to codes of technical regulations).

§ 1.6-603. Emergency Ordinances.

(a) *Authority.* In order to meet a public emergency affecting life, health, property, or the public peace, the County Council shall have the power to adopt emergency ordinances. However, an emergency ordinance shall not levy taxes, grant, renew, or extend a franchise, or regulate the rate charged by a public utility operated by the County.

(b) *Procedure.* The procedure for the enactment of an emergency ordinance shall be the same as the procedure for the enactment of an ordinance, except that an emergency ordinance:

- (1) shall contain a declaration stating the existence and specific nature of the emergency;
- (2) may be adopted without the publication and public hearing required in Subsection 602 (d) and 602(e);
- (3) shall not be adopted unless at least two-thirds (2/3) of the members vote for it;
- (4) shall become effective immediately upon enactment;
- (5) shall remain effective no later than ninety (90) days after the date of enactment; and
- (6) may be amended or repealed by the enactment of an emergency ordinance no later than ninety (90) days after the date of enactment of the original emergency ordinance.

Cross References

This section cited in 348 Pa. Code § 1.7-705 (relating to amendment after adoption).

§ 1.6-604. Resolutions.

(a) *Acts Required.* The County Council shall adopt a resolution for any act which it intends to express its consensus or for any act required by law to be a resolution.

(b) *Introduction.* Any member shall have the power to introduce a proposed resolution at any meeting of the County Council.

(c) *Form.* Each proposed resolution shall be introduced in writing and in the form required for final adoption.

(d) *Procedure.* The Clerk of Council shall distribute a copy of the proposed resolution to each member. A resolution may be amended or adopted at the same meeting at which it is introduced.

§ 1.6-605. Codes of Technical Regulations.

The County Council shall have the power to adopt any standard code of technical regulations by reference to it in an enacting ordinance. The procedure and requirements governing such an enacting ordinance shall be those prescribed for ordinances generally except that:

(1) the requirements for distribution of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as the enacting ordinance;

(2) the printing or publication required by §§ 1.6-602 and 1.6-606 shall apply only to the enacting ordinance and not to the standard code of technical regulations; and

(3) a copy of the standard code of technical regulations as well as a copy of the enacting ordinance shall be authenticated, indexed, and recorded by the Clerk of Council. Copies of any standard code of technical regulations so enacted shall be distributed or sold to the public at a reasonable price determined by the County Council.

§ 1.6-606. Public Record of Acts.

(a) *Authentication and Recording.* The Clerk of Council shall authenticate, index, and record the acts of the County Council, the ordinances enacted or repealed under the power of initiative and referendum, the vetoes of the County Executive, the minutes of the meetings of the County Council, and this Charter and any amendments to it. The Clerk of Council shall retain these records in his office for public inspection at reasonable times.

(b) *Printing of Records.* The County Council shall cause each ordinance, resolution, budget, and amendment to this Charter to be printed promptly following its enactment or adoption. These printed materials shall be distributed or sold to the public at a reasonable price determined by the County Council.

(c) *Codification.* The County Council shall provide by resolution for a codification of all ordinances, as amended, having the force and effect of law, and of

this Charter, as amended. This codification shall be kept current on an annual basis. Each ordinance amending this codification shall be in a form suitable for integration therein. The County Council shall cause this codification to be printed in bound or looseleaf form and distributed to each elected official, to public libraries, and to the offices of each city, borough and township in the County. This codification shall be distributed or sold to the public at a reasonable price determined by the County Council.

Cross References

This section cited in 348 Pa. Code § 1.6-605 (relating to codes of technical regulations).

ARTICLE VII. FINANCE

Sec.

- 1.7-701. Fiscal Year.
- 1.7-702. Projected Financial Plan.
- 1.7-703. Budget and Budget Message.
- 1.7-704. Action on Budget.
- 1.7-705. Amendment after Adoption.
- 1.7-706. Lapse of Appropriations.
- 1.7-707. Borrowing of Funds.
- 1.7-708. Independent Post-Audit.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.7-701. Fiscal Year.

The fiscal year shall begin on the first day of January and end on the last day of December.

§ 1.7-702. Projected Financial Plan.

(a) *Submission.* No later than one hundred fifty (150) days before the beginning of the succeeding fiscal year, the County Executive shall submit to the County Council a projected financial plan for at least the succeeding five (5) fiscal years. Such submission shall not require the sponsorship or second of a member of the County Council.

(b) *Content.* The projected financial plan shall include for each fiscal year a capital improvements plan which shall list those capital improvements pending and those proposed to be undertaken, together with the estimated cost of each capital improvement, the proposed method of financing, the estimated annual cost of operation, and a projected operating budget which shall contain a summary of estimated revenues and projected expenditures classified by program.

(c) *Public Hearing.* The County Council shall hold at least one (1) public hearing on the projected financial plan no later than one hundred twenty (120) days before the beginning of the succeeding fiscal year.

(d) *Adoption.* No later than ninety (90) days before the beginning of the succeeding fiscal year, the County Council by resolution shall adopt the projected financial plan submitted by the County Executive or shall adopt its own projected financial plan. If the County Council fails to adopt a projected financial plan prior to ninety (90) days before the beginning of the succeeding fiscal year, the projected financial plan submitted by the County Executive shall be deemed adopted.

§ 1.7-703. Budget and Budget Message.

(a) *Content.* The budget shall provide a complete financial plan of all funds and activities for the fiscal year. Except as required by other law or this Charter, the budget for the succeeding fiscal year shall be in such format as the County Executive deems appropriate unless the County Council shall require a different format by a resolution adopted prior to the beginning of the then current fiscal year. In organizing the budget the County Executive shall utilize the most feasible combination of expenditure classification by fund, agency, program, purpose or activity, and object. The budget shall begin with a general summary of its contents, shall show in detail all estimated income and all proposed expenditures, including debt service, for the fiscal year, and shall be arranged to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year.

(b) *Balanced Budget.* The total of proposed expenditures shall not exceed the total of anticipated funds available.

(c) *Budget Message.* The budget message shall explain the budget in fiscal terms and in terms of work programs. It shall outline the proposed financial policies for the succeeding fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the debt position, and include such other material as the County Executive deems appropriate.

(d) *Submission.* No later than seventy-five (75) days before the beginning of the succeeding fiscal year, the County Executive shall submit to the County Council a budget for the succeeding fiscal year and an accompanying budget message. Such submission shall not require the sponsorship or second of a member of the County Council.

§ 1.7-704. Action on Budget.

(a) *Hearing and Notice.* After the submission of the budget by the County Executive, the County Council shall hold at least one public hearing on the budget. The Clerk of Council within seven (7) days after such submission, shall cause to be published in at least two (2) newspapers of general circulation in the County a notice specifying the place and times of the public hearing and place and times where copies of the budget will be available for inspection. The Clerk of Council within seven (7) days after such submission and at least fourteen (14) days before

the date of the public hearing, shall distribute a copy of the budget to each elected official, to public libraries, and to the offices of each city, borough, and township in the County.

(b) *Amendment before Adoption.* After the public hearing and before adoption, the County Council shall have the power to amend the budget submitted by the County Executive, but the County Council shall not have the power:

- (1) to delete or decrease any items required by law or for debt service or for estimated cash deficits; or
- (2) to modify estimates of revenue as submitted by the County Executive; or
- (3) to increase the authorized expenditures to an amount greater than the total of estimated funds available.

(c) *Adoption.* The County Council shall adopt the budget no later than fifteen (15) days before the beginning of the succeeding fiscal year. If it fails to adopt the budget by this date, the budget submitted by the County Executive shall be deemed adopted for the succeeding fiscal year, until such time as the County Council shall adopt a budget for the remainder of that fiscal year. Adoption of the budget shall constitute appropriation of the amounts specified therein as expenditures from the funds indicated.

(d) *Executive Veto.* The County Executive shall have the power by veto to delete or decrease any item in the budget adopted by the County Council, if he notifies the County Council in writing within seven (7) days after the adoption of the budget by the County Council of the veto and the reasons for it. The County Council shall have the power to override the veto of any item by the vote of at least two-thirds (2/3) of the members.

§ 1.7-705. Amendment after Adoption.

(a) *Supplemental Appropriations.* If during the fiscal year the County Executive certifies that there are available for appropriation revenues in excess of those estimated in the budget, the County Council shall have the power by ordinance to make supplemental appropriations for the fiscal year of no more than the amount of such excess revenues.

(b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the County Council shall have the power by emergency ordinance to make emergency appropriations in accordance with the provisions of § 1.6-603. To the extent that there are no unappropriated revenues available to meet such appropriations, the County Council shall have the power by emergency ordinance to authorize the issuance of emergency notes or bank borrowings, which may be renewed from time to time, but the emergency notes or bank borrowings of any fiscal year shall be paid no later than the last day of the next fiscal year.

(c) *Reduction of Appropriations.* If at any time during the fiscal year the County Executive shall determine that the revenues available will be insufficient

to meet the amount appropriated, he shall report to the County Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The County Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it shall have the power by ordinance to reduce one or more appropriations.

(d) *Transfer of Appropriations.* At any time during the fiscal year the County Executive shall have the power to transfer part or all of any unencumbered appropriation balance among programs within an agency. Upon written request by the County Executive, the County Council shall have the power to transfer part or all of any unencumbered appropriation balance from one agency to another. Transfers involving amounts equal to or in excess of ten (10%) percent of the total budget of an agency must be approved by ordinance. Other transfers requiring action of the County Council may be approved by resolution. No appropriation for debt service may be reduced or transferred. No appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

(e) *Effective Dates.* The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately.

Cross References

This section cited in 348 Pa. Code § 1.7-707 (relating to borrowing of funds).

§ 1.7-706. Lapse of Appropriations.

Appropriations, except appropriations for capital expenditures, shall lapse at the end of the fiscal year to the extent that they have not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without disbursement from or encumbrance of the appropriation.

§ 1.7-707. Borrowing of Funds.

The County Council shall have the power by ordinance to authorize the borrowing of money and the issuance of bonds or other forms of indebtedness for any purpose within the scope of the powers vested in the County, and may pledge the full faith, credit, and resources of the County for the payment of the obligation created thereby, pursuant to the provisions of applicable law. No revenues from the sale of bonds or other forms of indebtedness shall be appropriated to finance annual operating programs or services, except emergency notes and bank borrowings in accordance with § 1.7-705(b).

§ 1.7-708. Independent Post-Audit.

The County Council shall appoint an independent certified public accountant or firm of such accountants, authorized and licensed to do business in Pennsylvania, to audit all agencies and county funds received or disbursed. This audit shall be conducted annually after the end of the fiscal year in accordance with generally accepted auditing principles. The auditor shall submit a report of the findings of this audit no later than one hundred twenty (120) days after the end of the fiscal year. Copies of the report shall be made available to the public at a reasonable price determined by the County Council.

ARTICLE VIII. PERSONNEL

- Sec.
- 1.8-801. Purpose of Article.
 - 1.8-802. Career or Exempt Service.
 - 1.8-803. Merit Personnel System.
 - 1.8-804. Filling Vacancies in the Career Service.
 - 1.8-805. Career Service Regulations.
 - 1.8-806. Union Activity.
 - 1.8-807. Job Discrimination.
 - 1.8-808. Soliciting of Employment Favors.
 - 1.8-809. Political Activity.
 - 1.8-810. Conflicts of Interest.
 - 1.8-811. Official Bonds.
 - 1.8-812. Penalty for Violation of Charter.

Cross References

This article cited in 348 Pa. Code § 1.4-403 (relating to powers); 348 Pa. Code § 1.5-503 (relating to powers); 348 Pa. Code § 1.10-1008 (relating to personnel commission); 348 Pa. Code § 1.13-1303 (relating to offices under the county code); and 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.8-801. Purpose of Article.

The purpose of this article is to establish and maintain for the County a career service designed to attract, select, and retain, on the basis of a fair and open competitive selection process, the best qualified individuals, and to impose on elected officials, officers, and employes the highest possible ethical standards.

§ 1.8-802. Career or Exempt Service.

Each elected official, officer, and employe shall be a member of either the career or exempt service. The exempt service shall consist of:

- (1) all elected officials;
- (2) the heads of agencies immediately under the direction and supervision of the County Executive;
- (3) one confidential or clerical employe for each of the above officials, except for members of the County Council;

- (4) the Clerk of Council and the staff of the County Council;
 - (5) the members of authorities, boards, and commissions;
 - (6) permanent, part-time professional employes;
 - (7) provisional, probationary, and temporary employes;
 - (8) officers and employes required to be included in a state merit or civil service system; and
 - (9) officers and employes whose inclusion in the career service would be prohibited by the law of Pennsylvania.
- All other officers and employes shall be members of the career service.

§ 1.8-803. Merit Personnel System.

- (a) *Establishment.* A merit personnel system applicable to all members of the career service is hereby established.
- (b) *Rights of Members.* Any appointment, promotion, transfer, demotion, suspension, dismissal, or disciplinary action concerning any member of the career service shall be in accordance with career service regulations. Any individual who is appointed or promoted to a position in the career service on the basis of the merit personnel system shall retain that position within the career service and shall not be demoted, suspended, dismissed, or disciplined except for just cause. Any member of the career service demoted, suspended, dismissed, or disciplined shall have the right to appeal to the Personnel Appeals Board to determine whether such action was based on just cause, unless a collective bargaining agreement applicable to the member of the career service provides a separate grievance procedure.

§ 1.8-804. Filling Vacancies in the Career Service.

- (a) *Impartial Standards.* The County Executive, or the agency responsible for the administration of the merit personnel system, with the advice of the Personnel Commission, shall establish impartial standards for each position in the career service, which shall be used to evaluate the qualifications of candidates for the career service. The evaluation of the qualifications of candidates for the career service shall be based on measures of competence and fitness such as written and oral tests, training and experience, physical and psychological examinations, and demonstrations of physical dexterity and physical ability to perform specific tasks.
- (b) *Recruitment.* Each vacant, full-time position shall be broadly advertised for a period of at least ten (10) days by posting notice of the vacancy on bulletin boards at work locations of the County and by advertising the vacancy in at least two (2) newspapers of general circulation in the County. Candidates shall apply for the position with the agency responsible for administering the merit personnel system.
- (c) *Competitive Examinations; Eligibility List.* Candidates shall be tested competitively and graded by utilizing the measures of competence and fitness

developed in accordance with Subsection (a). To the extent feasible, the identity of individuals being examined shall be shielded from the examiner until after the individual has been rated on that section of the examination. The agency responsible for administering the merit personnel system finally shall assign a composite grade to each individual competing for the position and shall establish a list of those eligible for the position. This eligibility list shall remain in existence for a maximum period of one (1) year. At the expiration of one (1) year, the eligibility list shall be deemed to have expired; a new eligibility list shall be established to fill subsequent vacancies in the position.

(d) *Discretion of Appointing Authority.* The agency responsible for administering the merit personnel system shall certify the three (3) candidates receiving the highest grades to the appointing authority for consideration. The appointing authority may appoint any one (1) of the three (3) top-rated candidates to the vacant position. Candidates who have been certified and who have not been appointed shall be recertified for the next vacant position in that same job classification.

(e) *Provisional Employees.* The County may appoint provisional employees only in the absence of an appropriate eligibility list and only until an eligibility list is established and candidates given a reasonable opportunity to qualify for the position. The eligibility list shall be established within four (4) months after such appointment. No provisional or temporary employee shall be employed for longer than six (6) months in any twelve (12) month period.

§ 1.8-805. Career Service Regulations.

(a) *Proposal.* The County Executive or the head of the agency responsible for administering the merit personnel system from time to time shall prepare and submit to the Personnel Commission proposed career service regulations for its consideration and recommendation, which shall provide for:

- (1) the classification of all positions of employment, based on the duties, authority, and responsibility of each position, with adequate provisions for reclassification of any position whenever warranted by changed circumstances;
- (2) a pay plan for all positions;
- (3) methods for determining the impartial standards and measures of competence and fitness to be utilized to determine the eligibility of candidates for appointment or promotion within the career service;
- (4) policies and procedures regarding reduction in force and removal of employees;
- (5) the hours of work, attendance regulations, and provisions for paid leave from employment;
- (6) the policies and procedures governing provisional employees and temporary employees;
- (7) the policies and procedures governing relationships with employee organizations;

- (8) policies regarding in-service training programs;
 - (9) grievance procedures and procedures for the hearing of any grievance by the Board of Personnel Appeals, except where a collective bargaining agreement provides for an alternate grievance procedure; and
 - (10) other practices and procedures reasonably appropriate to the administration of the merit personnel system.
- (b) *Action by Personnel Commission.* Within thirty (30) days after the date of submission the Personnel Commission shall consider the proposed career service regulations and shall report its recommendations on them to the official who submitted them and to the County Council.
- (c) *Approval.* No sooner than thirty (30) days after the date of submission to the Personnel Commission the County Executive or the head of the agency responsible for administering the merit personnel system shall submit the proposed career service regulations to the County Council for approval. The County Council shall have the power by resolution to approve, reject, or amend the proposed career service regulations, but if the County Council fails to approve or reject them within thirty (30) days after the date of submission to the County Council, the proposed career service regulations shall be deemed approved. Career service regulations shall become effective upon approval.

§ 1.8-806. Union Activity.

Nothing in this Charter shall be construed to limit the rights granted under the laws of Pennsylvania or the United States to any employe or employe organization.

§ 1.8-807. Job Discrimination.

No individual shall be favored or disfavored with respect to any position or office because of age, sex, race, color, religion, national origin, political opinions or affiliations, or lawful activity in any employe organization.

§ 1.8-808. Soliciting of Employment Favors.

No individual who seeks promotion or appointment with respect to any position or office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his past appointment, proposed appointment, promotion, or proposed promotion.

§ 1.8-809. Political Activity.

(a) *Career Service.* Each member of the career service may participate or refrain from participating in political activity but no member of the career service shall engage in political activity while performing the duties of his position with the County or serve as the county chairman or county leader of a political party.

(b) *Fund Solicitation.* No person in any way shall solicit any assessment, subscription, or contribution for any political party, organization, committee, or candidate from any member of the career service.

§ 1.8-810. Conflicts of Interest.

(a) *Declaration of Intent.* The purpose of this section is to prevent elected officials, officers, and employes from securing any financial benefits from their public positions other than their compensation provided by law.

(b) *General Prohibitions.* No elected official, officer, or employe shall receive benefit from the profits or emoluments of any contract, job, work, or service for the County or accept anything of value, upon terms more favorable than those granted to the public generally, from any person dealing with the County. No elected official, officer, or employe shall solicit or receive anything of value for any act done in the course of public business, except from the County. This subsection shall not be construed to prohibit elected officials, officers, or employes from accepting group discounts, group insurance, or other economic advantages offered to all elected officials, officers, and employes.

(c) *Specific Prohibition.* No elected official, officer, or employe in his official capacity shall participate in the consideration or approval of any county business in which he has a direct or indirect financial interest.

(d) *Disclosure.* Any elected official, officer, or employe, who is aware that he has ownership or any interest in any person, firm, or corporation dealing or doing business with the County, shall disclose such interest by sending a letter setting forth such facts to the Clerk of Council who shall distribute copies of the letter to the members of the County Council.

(e) *Action.* The County Council shall determine whether a conflict exists. If a conflict exists as to a member of the County Council, that member shall not participate in debate or vote on the matter. The County Council, the County Executive, and the Controller, jointly and severally, shall have the power to void any contract made in violation of this subsection.

§ 1.8-811. Official Bonds.

Each elected official before entering upon his duties and such other officers, agents, or employes as the County Council shall designate, shall give and acknowledge to the County fidelity and surety bonds issued by corporate sureties authorized and licensed to do business in Pennsylvania. All such bonds and corporate sureties thereon before being accepted by the County shall be approved by the Solicitor. The County shall pay for all premiums for official bonds. The Controller shall be the custodian of all such bonds except that of his own which shall be held by the Clerk of Council.

Cross References

This section cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.8-812. Penalty for Violation of Charter.

Any officer or employe who knowingly and willfully violates any of the provisions of this Charter shall be dismissed from his office or employment.

ARTICLE IX. ADMINISTRATION

Sec.

- 1.9-901. Administrative Code.
- 1.9-902. Common Administrative Procedures.
- 1.9-903. Common Administrative Services.
- 1.9-904. Direction and Supervision of Agencies.
- 1.9-905. Administrative Organization.
- 1.9-906. Heads of Agencies under the County Executive.
- 1.9-907. Department of Administration.
- 1.9-908. Office of the Solicitor.
- 1.9-909. Relationship to the Judiciary.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.9-901. Administrative Code.

The County Council and the County Executive shall enact an administrative code which shall set forth in detail the organization and administrative structure and procedures of the County, including, among other things:

- (1) a specific enumeration of agencies and the division of powers and responsibilities among them;
- (2) the internal procedures for the operation of agencies;
- (3) the procedures for purchasing goods and services, including provisions for competitive bidding, exceptions to competitive bidding, and the terms of contracts;
- (4) administrative provisions to implement the provisions of this Charter dealing with conflicts of interest;
- (5) standards of ethical conduct for elected officials, officers, and employes; and
- (6) any other rules, regulations, and procedures reasonably appropriate for efficient administration.

§ 1.9-902. Common Administrative Procedures.

The County Council shall have the power by resolution to adopt uniform administrative procedures, regulations, and forms to be followed by all elected officials and agencies.

§ 1.9-903. Common Administrative Services.

Each elected official and agency shall use the services and facilities of the County whenever the County Executive determines that services and facilities are

available. Each elected official and agency shall deposit and disburse county funds only through accounts in the county treasury. Each elected official and agency, except the County Council and the Controller, shall use the legal services of the Office of the Solicitor.

§ 1.9-904. Direction and Supervision of Agencies.

Each agency shall be under the direction and supervision of the County Executive, except:

- (1) the Clerk of Council and the staff of the County Council which shall be under the direction and supervision of the County Council;
- (2) The Office of the Controller which shall be under the direction and supervision of the Controller;
- (3) the Office of the District Attorney which shall be under the direction and supervision of the District Attorney; and
- (4) authorities, boards, and commissions.

§ 1.9-905. Administrative Organization.

The County Executive shall have the power to organize and reorganize the structure of the agencies under his direction and supervision and to assign and reassign their functions, powers, and duties by submitting to the County Council a written proposal on the matter. If the County Council fails by resolution to reject or by ordinance to adopt or to modify such a written proposal within sixty (60) days after the date of its submission, such written proposal shall have the force and effect of an ordinance amending the administrative code.

§ 1.9-906. Heads of Agencies under the County Executive.

(a) *Appointment.* The County Executive shall have the power to appoint the head of any agency immediately under his direction and supervision, who is a member of the exempt service subject to confirmation by the County Council. An appointment shall not be effective unless the County Council by resolution confirms it or fails to reject it within sixty (60) days after the appointment. The appointee shall serve until so rejected by the County Council or until his removal from office, whichever is sooner.

(b) *Removal.* The County Executive or his delegate shall have the power to remove the head of any agency immediately under his direction and supervision, who is a member of the exempt service, at any time, but the County Executive or his delegate in writing shall notify the County Council of the removal and the reason for it.

(c) *Qualifications.* The head of any agency immediately under the direction and supervision of the County Executive shall be qualified for his office on the basis of education, training, and experience.

§ 1.9-907. Department of Administration.

(a) *Establishment.* The Department of Administration, immediately under the direction and supervision of the County Executive, is hereby established.

(b) *Function.* The Department of Administration shall perform the functions assigned to it by law. The head of the Department of Administration shall coordinate the administration of all agencies.

§ 1.9-908. Office of the Solicitor.

(a) *Establishment.* The Office of the Solicitor, immediately under the direction and supervision of the County Executive, is hereby established. The Solicitor shall be the head of this agency.

(b) *Function.* The Office of the Solicitor shall provide legal counsel to elected officials and all agencies and shall represent the County in all legal proceedings to which the County is a party.

(c) *Special Qualifications.* The Solicitor shall be admitted to practice as an attorney and counselor of the Supreme Court of Pennsylvania.

(d) *Special Prohibitions.* During his term of office, the Solicitor shall not serve as legal counsel, solicitor, or prosecuting attorney for the United States, Pennsylvania, or any municipal corporation of Pennsylvania, except in his capacity as Solicitor and except in a capacity as an attorney and counselor in a reserve component of the armed forces of the United States or Pennsylvania. This subsection shall not be construed as prohibiting the private practice of law by the Solicitor during his term of office.

§ 1.9-909. Relationship to the Judiciary.

To the extent required by the law of Pennsylvania the County shall provide personnel, services, supplies, facilities, and financial support to the Court and the minor judiciary. The County shall make available to the Court and the minor judiciary common administrative services and the merit personnel system upon such reasonable terms and conditions as the County Council deems appropriate. The Court shall have the power to act in accordance with this Charter regardless of any failure of the law of Pennsylvania to grant it such power.

ARTICLE X. AUTHORITIES, BOARDS, AND COMMISSIONS

Sec.	
1.10-1001.	Establishment.
1.10-1002.	Membership.
1.10-1003.	Compensation.
1.10-1004.	Administration.
1.10-1005.	Personnel Appeals Board.
1.10-1006.	Revenue Appeals Board.
1.10-1007.	Election Commission.
1.10-1008.	Personnel Commission.

1.10-1009. [Reserved].

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.10-1001. Establishment.

(a) *By Ordinance.* The County Council shall have the power by ordinance to establish any authority, board, or commission and to abolish any authority, board, or commission not established by Subsection (b).

(b) *By Charter.* The following boards and commissions are hereby established:

- (1) Personnel Appeals Board;
- (2) Revenue Appeals Board;
- (3) Election Commission;
- (4) Personnel Commission;

Source

The provisions of this § 1.10-1001 amended May 19, 1998. Immediately preceding text appears at serial page (143589).

Cross References

This section cited in 348 Pa. Code § 1.10-1002 (relating to membership); and 348 Pa. Code § 1.10-1004 (relating to administration).

§ 1.10-1002. Membership.

(a) *Appointments.* The County Executive shall have the power to appoint the members of authorities, boards, and commissions, subject to the confirmation by the county council.

(b) *Qualification.* During his term of office, each member of an authority, board, or commission shall be a resident of the County.

(c) *Confirmation.* An appointment shall not be effective unless the County Council by resolution confirms it or fails to reject it within thirty (30) days after the appointment. The appointee shall serve until so rejected by the County Council or until the expiration of his term of office, whichever is sooner. If the Court or the County Executive fails to appoint an individual to fill a vacancy on an authority, board, or commission within sixty (60) days after the occurrence of the vacancy, the County Council forthwith shall make the appointment.

(d) *Term of Office.* The term of office of a member of an authority, board, or commission shall not exceed two (2) years, but a member may be appointed for additional terms of office.

(e) *Prohibition.* No elected official, officer, or employe and no member of any other authority, board, or commission shall be a member of a board or commission established under § 1.10-1001 (relating to establishment).

(f) *Forfeiture of Office.* A member of an authority, board, or commission shall forfeit his office if he at any time during his term of office:

- (1) lacks any qualification prescribed by this Charter; or
- (2) violates any prohibition prescribed by this Charter; or
- (3) knowingly and willfully violates any provision of this Charter; or
- (4) is convicted of any crime involving moral turpitude, any crime related to his office, or any crime for which forfeiture of office is prescribed by law; or
- (5) is adjudicated an incompetent by a court.

(g) *Removal from Office.* The County Council shall have the power by ordinance to remove a member of an authority, board, or commission if incapacity or absence prevents him from discharging the duties of his office for a continuous period of more than six (6) months.

(h) *Notice.* The Clerk of Council shall give public notice of all appointments to be made under this section, requesting interested individuals and organizations to submit names of potential appointees.

Source

The provisions of this § 1.10-1002 amended November 7, 1989, effective January 1, 1990. Immediately preceding text appears at serial pages (48728) to (48729).

§ 1.10-1003. Compensation.

The County Council shall have the power by ordinance to provide compensation to members of authorities, boards, and commissions for their services and reimbursement for authorized expenses.

§ 1.10-1004. Administration.

(a) *Administrative Functions.* Each board and commission established under § 1.10-1001(b) shall direct and supervise its program and personnel, subject to the provisions of this Charter, and shall have the power to appoint, promote, transfer, demote, suspend, dismiss, or discipline the officers and employees under its direction and supervision in accordance with this Charter.

(b) *Rules of Procedure.* Each authority, board, and commission shall have the power to establish its rules of procedure, including methods of requiring regular attendance at meetings; such rules of procedure shall not become effective unless the County Council by resolution approves them.

§ 1.10-1005. Personnel Appeals Board.

(a) *Functions.* The Personnel Appeals Board shall hear appeals—

- (1) by any member of the career service from any decision resulting in denial of qualification, eligibility, or promotion or resulting in transfer, demo-

tion, suspension, dismissal, or disciplinary action, unless a collective bargaining agreement applicable to the member of the career service provides a separate grievance procedure;

(2) by an individual claiming unlawful discrimination under Section 807; and

(3) by any individual, other than a member of the exempt service, from any decision of the agency responsible for the administration of the merit personnel system resulting in denial of qualification, eligibility, or appointment in the career service.

(b) *Power.* The Personnel Appeals Board shall have the power to sustain or dismiss an appeal, to modify a penalty, to award back pay, and to reinstate an employe.

(c) *Membership.* The Personnel Appeals Board shall be comprised of five (5) members who shall be qualified by training, knowledge, or expertise in personnel management or labor relations. No more than three (3) members shall be registered voters of the same political party. Any three (3) members shall constitute a quorum and shall have the power to perform the functions assigned to the Personnel Appeals Board.

§ 1.10-1006. Revenue Appeals Board.

(a) *Functions.* The Revenue Appeals Board shall hear appeals by any taxpayer from any decision of the agency responsible for the administration of the revenue system resulting in the assessment of property or the assessment and collection of taxes.

(b) *Power.* The Revenue Appeals Board shall have the power, after a hearing, to issue an order affirming, vacating, or modifying the assessment or collection. The Revenue Appeals Board in writing shall state the reasons for its order.

(c) *Membership.* The Revenue Appeals Board shall be comprised of five (5) members. No more than three (3) members shall be registered voters of the same political party. Any three (3) members shall constitute a quorum and shall have the power to perform the functions assigned to the Revenue Appeals Board.

§ 1.10-1007. Election Commission.

(a) *Functions.* The Election Commission shall administer the system of elections and the registration of voters under applicable law.

(b) *Membership.* The Election Commission shall be comprised of five (5) members. No more than three (3) members shall be registered voters of the same political party. The County Executive shall notify the two (2) political parties receiving the greatest number of votes at the most recent general election in the County of all vacancies on the Election Commission and shall request them to submit a list of five (5) nominees for appointment to the Election Commission. None of these nominees shall hold public office or be an officer in a political party. Members shall be appointed from these lists. If a list of nominees is not

submitted within thirty (30) days after the date of request, appointments to the Election Commission may be made from the entire list of registered voters of the political party which did not submit the nominations. Any three (3) members shall constitute a quorum and shall have the power to perform the functions assigned to the Election Commission.

§ 1.10-1008. Personnel Commission.

(a) *Functions.* The Personnel Commission shall advise the County Executive and the agency responsible for the administration of the merit personnel system in accordance with the provisions of Article VIII.

(b) *Membership.* The Personnel Commission shall be comprised of three (3) members who shall be qualified by training, knowledge, or expertise in personnel management or labor relations. No more than two (2) members shall be registered voters of the same political party. Any two (2) members shall constitute a quorum and shall have the power to perform the functions assigned to the Personnel Commission.

§ 1.10-1009. [Reserved].

Source

The provisions of this § 1.10-1009 amended May 19, 1998. Immediately preceding text appears at serial pages (143592) to (143593).

ARTICLE XI. DIRECT CITIZEN PARTICIPATION

Sec.

1.11-1101.	Initiative, Referendum, and Recall.
1.11-1102.	Applications for Petitions.
1.11-1103.	Petitions.
1.11-1104.	Certification of Petitions.
1.11-1105.	Suspension of Ordinances.
1.11-1106.	Action on Initiative and Referendum Petitions
1.11-1107.	Action on Recall Petitions.
1.11-1108.	Elections.

Cross References

This article cited in 348 Pa. Code § 1.13-1304 (relating to administrative continuity).

§ 1.11-1101. Initiative, Referendum, and Recall.

(a) *Reservation of Power.* In accordance with the provisions of this article, the registered voters of the County shall have the power by initiative to enact and repeal ordinances, by referendum to suspend and repeal ordinances, and by recall to remove officials from office.

(b) *Limitation of Power.* The power of initiative and referendum shall not extend to the budget or capital program, to the appropriation of money, to the

levy of taxes, or to the salaries of elected officials, officers, or employes of the County. The power of referendum shall not extend to any emergency ordinance or to any ordinance proposed by initiative. The power of recall shall extend only to the offices of County Executive, member of County Council, Controller, and District Attorney. The power of recall shall not extend to any official during the first year or during the last year of his term of office or within one (1) year after a recall election won by the official for the same office.

§ 1.11-1102. Applications for Petitions.

Any twelve (12) registered voters of the County shall have the power to commence the procedure for initiative, referendum, or recall by filing with the Election Commission an application stating: their names and mailing addresses; that they are registered voters of the County; that they will constitute a petition committee to be responsible for circulating the petition and for filing it in proper form; and the mailing address to which all notices to the petition committee shall be sent. In addition, an application for an initiative or referendum petition shall state the full text of the ordinance to be enacted, suspended, or repealed, and an application for a recall petition shall state the name of the official and the office from which his removal is sought. Upon the filing of the application, the Election Commission shall issue the petition forms to the petition committee.

§ 1.11-1103. Petitions.

(a) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the mailing address of the signer. An initiative or referendum petition shall contain or have attached thereto throughout its circulation the full text of the ordinance to be enacted, suspended, or repealed. A recall petition shall contain throughout its circulation the name of the official and the office from which his removal is sought.

(b) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating: that he personally circulated the paper; the number of signatures thereon; that all the signatures were affixed in his presence; that he believes them to be the genuine signatures of the persons whose names they purport to be; and that each signer, in the case of an initiative or referendum petition, had an opportunity before signing to read the full text of the ordinance to be enacted, suspended, or repealed.

(c) *Number of Signatures.* Initiative and referendum petitions must be signed by registered voters of the County equal in number to at least ten (10%) percent of the number of voters registered for the last election held in the County. Recall petitions pertaining to the office of County Executive, Controller, District Attorney, or member of County Council elected at large must be signed by registered voters of the County equal in number to at least thirty (30%) percent of the number of voters registered for the last election held in the County. Recall petitions

pertaining to the office of member of County Council elected by district must be signed by registered voters of the district equal in number to at least thirty (30%) percent of the number of voters in the district registered for the last election held in the County.

(d) *Time for Filing Petitions.* An initiative or recall petition shall be void unless it is filed with the Election Commission within ninety (90) days after the Election Commission issued the petition forms to the petition committee. A referendum petition shall be void unless it is filed with the Election Commission within thirty (30) days after the date of enactment of the ordinance to be suspended and repealed.

§ 1.11-1104. Certification of Petitions.

(a) *Determination by Election Commission.* Within twenty (20) days after the date of the filing of the petition, the Election Commission shall examine the petition and shall determine whether it conforms to the provisions of this article. If the Election Commission determines that the petition conforms to the provisions of this article, it shall certify the petition as conforming and shall submit it to the County Council, in the case of an initiative or referendum petition, for further action. If the Election Commission determines that the petition does not conform to the provisions of this article, it shall certify the petition as not conforming and shall return it to the petition committee by registered mail, with a statement of the findings of fact to support its determination.

(b) *Judicial Review.* Any determination by the Election Commission that the petition does not conform to the provisions of this article or any failure by the Election Commission to make such a determination within twenty (20) days after the date of the filing of the petition shall be subject to judicial review only if the petition committee shall apply to the Court for judicial review within twenty (20) days after such determination or failure by the Election Commission. In such cases the petition committee shall have standing to apply for judicial review, and the Court shall have jurisdiction.

(c) *Determination by Court.* If the Court determines that the petition conforms to the provisions of this article, it shall certify the petition as conforming and shall submit it for further action consistent with such determination. Upon the final determination that the petition does not conform to the provisions of this article, the petition shall become void, but such determination shall not prohibit the filing of another petition for the same purpose.

§ 1.11-1105. Suspension of Ordinances.

Upon the filing with the Election Commission of a referendum petition, the ordinance to which the referendum petition pertains shall be suspended from taking effect. Such suspension shall terminate upon the final determination that the referendum petition does not conform to the provisions of this article, upon the repeal of the ordinance to which the referendum petition pertains, or thirty (30)

days after the registered voters of the County have voted on whether to repeal the ordinance to which the referendum petition pertains, whichever is sooner.

§ 1.11-1106. Action on Initiative and Referendum Petitions.

(a) *Action by County Council.* Upon the final determination that the initiative or referendum petition conforms to the provisions of this article, the County Council promptly shall consider the ordinance to which the petition pertains. If the proposed ordinance is not enacted without any change in substance, or, if the ordinance to which an initiative or referendum petition pertains is not repealed within sixty (60) days after such final determination, the Clerk of Council shall file the Petition with the Election Commission for further action.

(b) *Submission to Voters.* The Election Commission shall cause to be placed on the ballot, at the next general, municipal, or primary election to be held in the County not less than sixty (60) days after the Clerk of Council files the petition with it, the question whether the ordinance to which the petition pertains be enacted or repealed.

§ 1.11-1107. Action on Recall Petitions.

(a) *Notice to Official.* Upon the final determination that a recall petition conforms to the provisions of this article, the Election Commission promptly shall notify by registered mail the official to whom it pertains of such determination.

(b) *Submission to Voters.* If the official to whom the recall petition pertains does not resign from this office within ten (10) days after the mailing of the notice to him, the Election Commission shall cause to be placed on the ballot, at the next general, municipal, or primary election to be held in the County not less than seventy (70) days after the mailing of the notice, the question whether the official to whom the petition pertains be removed from his office.

(c) *Opportunity to Resign.* If the official resigns from his office, the recall proceedings shall terminate.

§ 1.11-1108. Elections.

(a) *Initiative and Referendum.* If a majority of the voters voting on a proposed ordinance under initiative vote for its adoption, the proposed ordinance shall be enacted upon certification of the results of the election. If a majority of the voters voting on the repeal of an ordinance under initiative or referendum vote for its repeal, the ordinance shall be repealed upon certification of the results of the election. Nothing in this subsection shall be construed to limit the power of the County Council to adopt or to repeal any ordinance regardless of the manner of its enactment or repeal.

(b) *Recall.* If a majority of the voters voting on the removal of an official from his office under recall vote for his removal, that official shall be removed from his office upon certification of the results of the election.

ARTICLE XII. MISCELLANEOUS PROVISIONS

Sec.	
1.12-1201.	The County.
1.12-1202.	Grant of Power for Home Rule.
1.12-1203.	Declaration of Intent.
1.12-1204.	Construction.
1.12-1205.	Definitions.
1.12-1206.	Amendments.

Cross References

This article cited in 348 Pa. Code § 1.13-1303 (relating to offices under the county code).

§ 1.12-1201. The County.

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

§ 1.12-1202. Grant of Power for Home Rule.

The County shall have the power to exercise any power or to perform any function not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by act of the General Assembly of Pennsylvania, or by this Charter.

§ 1.12-1203. Declaration of Intent.

The grant of power to the County under this Charter shall be construed liberally in favor of the County. The specific grant of particular powers in this Charter shall not be construed as limiting in any way the grant of power stated in this article.

§ 1.12-1204. Construction.

(a) *Severability.* If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of it but shall be confined in its operation to the particular provision involved.

(b) *References to the County Commissioners.* All references in the law of Pennsylvania to county commissioners shall, after such time as the elected members of the first County Council and the first County Executive take office, be construed to refer to the County Council or to the County Executive whenever such construction would be reasonable. The County Council shall succeed to all legislative powers and functions vested heretofore in county commissioners and the County Executive shall succeed to all executive and administrative powers

and functions heretofore vested in county commissioners by the law of Pennsylvania, except as provided in this Charter.

(c) *Gender.* Words used in the masculine gender shall include the feminine.

§ 1.12-1205. Definitions.

Unless otherwise provided, as used in this Charter:

(1) “agency” shall mean any department, service, bureau, office, division, or other administrative unit under the direction and supervision of the County Executive, any authority, board, or commission of the County and their staffs, the Office of the Clerk of Council and the staff of the County Council, the Office of the Controller, and the Office of the District Attorney.

(2) “convicted” shall mean, convicted by a judge or jury, and shall include a plea of guilty or nolo contendere to a criminal complaint.

(3) “the Court” shall be the Court of Common Pleas of Northampton County, Pennsylvania, Third Judicial District, or its successor under the law of Pennsylvania.

(4) “elected official” shall mean any of the following, whether elected or appointed: member of the County Council, the County Executive, the Controller, and the District Attorney.

(5) “officer” and “employee” shall mean any individual employed by or acting under the authority of the County, except an elected official.

§ 1.12-1206. Amendments.

This Charter shall be amended in accordance with the law of Pennsylvania.

ARTICLE XIII. TRANSITIONAL PROVISIONS

Sec.	
1.13-1301.	Purpose of Article.
1.13-1302.	Schedule.
1.13-1303.	Offices under the County Code.
1.13-1304.	Administrative Continuity.
1.13-1305.	Salaries of Initial Elected Officers.
1.13-1306.	Temporary Ordinances.
1.13-1307.	Personnel.
1.13-1308.	Legal Continuity.
1.13-1309.	Municipal Conference
1.13-1310.	Temporary Council Districts.
1.13-1311.	Temporary Departments and Offices.

§ 1.13-1301. Purpose of Article.

The provisions of this article deal with the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the preceding articles of this Charter, the provisions of this article shall constitute temporary exceptions.

§ 1.13-1302. Schedule.

(a) *Effective Date.* This Charter shall be submitted to the voters at the primary election of 1976, and, if adopted, shall take effect on the first Monday of January, 1978. However, to the extent necessary to comply with other provisions of this article governing the period between the date of adoption and the effective date of this Charter, this Charter shall take effect upon the date of adoption.

(b) *Initial Elections.* The registered voters of the County shall elect:

(1) at the municipal election of 1977, the County Executive for a term of office of four (4) years, two (2) members of the County Council elected at large for a term of office of four (4) years, the members of the County Council elected by district for a term of office of two (2) years;

(2) at the municipal election of 1979, three (3) members of the County Council elected at large for a term of two (2) years, the members of the County Council elected by district for a term of office of four (4) years, the Controller for a term of office of four (4) years, and the District Attorney for a term of office of four (4) years. At the primary elections preceding the municipal elections of 1977 and 1979, the registered voters shall choose the candidates for the respective offices. As terms expire subsequent to these initial elections, all subsequent elections shall be for terms of office in accordance with Article I.

(c) *Mandatory Acts.* Within six (6) months after the effective date of this Charter, the County Council and the County Executive shall adopt or enact the provisions mandated by §§ 1.8-805 and 1.9-901.

§ 1.13-1303. Offices under the County Code.

(a) *Abolition of Elective Status of Offices.* On the effective date of this Charter, the elective status of the following offices is hereby abolished in accordance with this Charter: County Commissioner, Treasurer, Coroner, Sheriff, Recorder of Deeds, Register of Wills, Jury Commissioner, Clerk of Court, Civil Division (formerly Prothonotary), Clerk of Court, Criminal Division (formerly Clerk of Quarter Sessions), and Clerk of Court, Orphans' Court Division (formerly Clerk of Orphans' Court). The registered voters of the County shall not elect—

(1) at the municipal election of 1977 or thereafter, the Coroner, the Recorder of Deeds, the Jury Commissioners, the Clerk of Court, Civil Division; and

(2) at the municipal election of 1979 or thereafter, the County Commissioners, the Treasurer, the Sheriff, the Register of Wills, the Clerk of Court, Criminal Division, or the Clerk of Court, Orphans' Court Division.

(b) *Continuation in Office.* The Controller and the District Attorney elected at the municipal election of 1975 shall continue in office for the two (2) years remaining in their terms of office and shall perform the duties and exercise the powers assigned to their office by this Charter. The three (3) County Commis-

sioners elected at the municipal election of 1975 shall become members of the County Council, representing the County at-large for the two (2) years remaining in their terms of office.

(c) *Vacancies.* If a vacancy, as defined in Article I, in the office of County Commissioner, District Attorney, or Controller, elected at the municipal election of 1975, occurs after the effective date of this Charter, such vacancy shall be filled in accordance with Article I. If a vacancy, as defined in Article I, in the office of the Treasurer, the Sheriff, the Register of Wills, the Clerk of Court, Criminal Division, or the Clerk of Court, Orphans' Court Division, elected at the municipal election of 1975, occurs after the effective date of this Charter, such vacancy shall be filled in accordance with Article VIII and the administrative code.

§ 1.13-1304. Administrative Continuity.

(a) *General Transfer of Functions.* If an agency is abolished by this Charter, its functions, powers, and duties shall be transferred to the agency designated in this Charter, or, if the Charter makes no provision, as designated by ordinance. All agencies shall continue until reorganized, abolished, or modified.

(b) *Specific Transfer of Functions.* The duties, functions, and powers assigned by law and not inconsistent with Articles I through XII of this Charter:

(1) of the Board of County Commissioners are hereby transferred to the County Council or to the County Executive in accordance with this Charter.

(2) of the Clerk of Court, Civil Division, of the Clerk of Court, Criminal Division, of the Clerk of Court, Orphans' Court Division, of the Register of Wills, of the Recorder of Deeds, of the Sheriff, of the Treasurer, and of the Coroner are hereby transferred to the County Executive or to his subordinate as provided by law.

(3) of the Jury Commissioners are hereby transferred to the Court.

(4) of the Northampton County Prison Board are hereby transferred to the Prison Commission; the members of the Northampton County Prison Board in office on the effective date of this Charter shall continue in office until the ends of their terms of office and shall receive compensation as then provided by law.

(5) of the County Board of Elections and the Registration Commission are hereby transferred to the Election Commission.

(c) *Boards and Commissions.* The following boards and commissions in existence on the effective date of this Charter are hereby abolished as of the effective date of this Charter: Board of County Commissioners, Salary Board, Board of Assessment and Revision of Taxes, Board of Elections, Registration Commission, Jury Commission, and the Northampton County Prison Board. All authorities, boards and commissions established for or under the authority of the County prior to the effective date of this Charter shall continue to exist unless specifically abolished by this Charter or by act of the County Council. Vacancies

in the membership of such authorities, boards, and commissions shall be filled in accordance with this Charter.

(d) *Official Bonds.* The Controller shall have the power to set the amounts of bonds required by § 1-8-811 during the period of six (6) months after the effective date of this Charter.

§ 1.13-1305. Salaries of Initial Elected Officers.

The County Executive elected at the municipal election of November of 1977 shall be compensated during his term of office at an annual salary of thirty-five thousand dollars (\$35,000.00). The members of the County Council elected at the municipal election of November of 1977 shall be compensated at an annual salary of four thousand dollars (\$4,000.00). The President of the County Council shall receive an additional five hundred dollars (\$500.00) per year as compensation for his responsibilities as presiding officer. The Controller and the District Attorney elected at the municipal election of 1975 shall be compensated at the annual salaries prescribed by law for the Controller and the District Attorney of a county of the fourth class. These salaries of elected officials shall apply until changed in accordance with this Charter.

§ 1.13-1306. Temporary Ordinances.

In order to effect the transition of government under this Charter, the County Council with the written approval of the County Executive shall have the power to enact temporary ordinances. A temporary ordinance may be introduced and passed at any regular meeting of the County Council during the three (3) month period following the effective date of this Charter. It shall become effective upon the approval of the County Executive and shall automatically stand repealed at the end of six (6) months after the effective date of this Charter. The County Council shall provide for the printing and publication of all temporary ordinances as prescribed for other enacted ordinances. A temporary ordinance shall not be renewed or otherwise continued except as in the manner prescribed by this Charter for the regular consideration and adoption of ordinances.

§ 1.13-1307. Personnel.

(a) *Charter Effect on Employees.* Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of individuals who are employees of the County on the effective date of this Charter as to salary, tenure, retirement, or pension benefits, employment, leave with pay, or other personnel rights; nothing shall diminish the rights and privileges of any former employe in his pension or retirement benefits.

(b) *Exemption from Competitive Tests.* Any employe holding a position with the County at the time this Charter takes effect who is serving in the same or comparable position at the time of its adoption, shall not be subject to competi-

tive tests as a condition for continuance in the same position, but in all respects shall be subject to the personnel system provided for in this Charter.

(c) *Personnel Action.* Until approval by the County Council of the career service regulations required by Section 805, the County Executive shall have the power to establish by written directive a personnel system for all employees. All appointments and promotions except additions in the exempt service, shall be made on the basis of merit and fitness. All personnel actions shall be in accordance with the provisions of a personnel system established by such written directive. A copy of such written directives shall be sent to the County Council within twenty-four (24) hours after being issued.

(d) *Provisional Employees.* Notwithstanding the provisions of Subsection 804 (e), for a period of one (1) year after the effective date of this Charter, the County may appoint provisional employees for a period in excess of four (4) months, not to extend beyond that year, without an eligibility list.

§ 1.13-1308. Legal Continuity.

(a) *County Laws.* All county ordinances, resolutions, rules, and regulations which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

(b) *Legal Actions.* All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the County shall continue except as modified pursuant to the provisions of this Charter.

(c) *Property, Records, and Equipment.* All property, records, and equipment of any agency existing on the effective date of this Charter shall be transferred to the agency assuming its powers and duties; but in the event that the powers and duties are to be discontinued or divided between agencies, or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more agencies designated by the County Council in accordance with this Charter.

§ 1.13-1309. Municipal Conference.

(a) *Establishment.* The Municipal Conference is hereby established for a period of three (3) years after the effective date of this Charter to discuss general problems of intergovernmental cooperation and to explore alternative solutions to intergovernmental problems.

(c) *Composition.* The Municipal Conference shall be comprised of the County Executive, the President of the County Council, and one delegate from each city, borough, and township within the County. The governing body of each city, borough, and township sending a delegate shall elect as its delegate any elected official of that city, borough, or township, to serve at the pleasure of that governing body. The county shall provide staff service and support for the Municipal Conference.

(c) *Organization.* The Municipal Conference shall meet at least four (4) times a year. The Municipal Conference shall elect a Chairman and such other officers deemed necessary for the conduct of its business. The County Council and the delegates to the Municipal Conference shall have the power to reorganize the Municipal Conference to facilitate its operations.

(d) *Initial Invitations to Delegates.* Within six (6) months after the effective date of this Charter, the County Executive shall invite the governing body of each city, borough, and township within the County to send a delegate to the first meeting of the Municipal Conference to be held within one (1) year after the effective date of this Charter.

§ 1.13-1310. Temporary Council Districts.

From the date of adoption of this Charter until changed under provisions of Section 204, the following areas comprised of the following municipalities shall constitute the four (4) districts from each of which one (1) member of the County Council shall be elected:

- (1) District 1—the City of Bethlehem and the Borough of Freemansburg;
- (2) District 2—the City of Easton, the Boroughs of Glendon, West Easton, and Wilson, and the Townships of Palmer and Williams.
- (3) District 3—the Boroughs of Bath, Hellertown, Nazareth, Northampton, and North Catasauqua and the Townships of Allen, Bethlehem, East Allen, Hanover, Lower Nazareth, and Lower Saucon;
- (4) District 4—the Boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Stockertown, Tatamy, Walnutport, and Wind Gap and the Townships of Bushkill, Forks, Lehigh, Lower Mount Bethel, Moore, Plainfield, Upper Mount Bethel, Upper Nazareth, and Washington.

§ 1.13-1311. Temporary Departments and Offices.

(a) *Establishment.* The following departments and offices immediately under the direction and supervision of the County Executive are hereby established:

- (1) Department of Administration to provide common administrative, financial, and personnel services;
- (2) Department of Community Services, to provide services for the development and maintenance of municipal, civic, and cultural activities and such other functions as shall be assigned by the administrative code;
- (3) Department of Health and Welfare to provide services to promote public health and welfare;
- (4) Department of Public Works to provide engineering and maintenance services;
- (5) Department of Court Services to provide services for the management of court records and related documents and to provide other appropriate support for the operation of the Court;

(6) Office of the Sheriff to provide the services of the office of a sheriff of a county of the fourth class;

(7) Office of the Coroner to provide the services of the office of a coroner of a county of the fourth class;

(8) Office of the Solicitor to provide legal services to the County and its agencies in accordance with this charter; and

(9) Office of the Public Defender to provide legal services to criminal defendants as provided by law.

(b) *Period.* The organization of departments and offices established under Subsection (a) shall continue for a period of three (3) years after the effective date of this Charter. During the period within three (3) years after the effective date of this Charter, the County Executive and the County Council shall have the power in accordance with Subsection (c), to assign functions not enumerated in Subsection (a) to the designated departments or offices or to establish additional agencies for this purpose.

(c) *Assignment of Function.* Where this Charter does not specifically designate the agency to which existing programs and functions are assigned, or where new programs or functions are assumed by the County, the administrative code shall provide for such assignment to the various agencies of the County.

(d) *Special Qualifications of Sheriff.* The Sheriff as the head of the Office of the Sheriff under Subsection (a) shall be a member of the career service.

