



**FINAL REPORT
and PROPOSED HOME RULE CHARTER
for COUNTY GOVERNMENT**

**submitted to the
CITIZENS OF LANCASTER COUNTY**

**by the
LANCASTER COUNTY
GOVERNMENT STUDY COMMISSION**



**Lancaster County
Government Study Commission**

**FINAL REPORT
and
PROPOSED LANCASTER COUNTY HOME RULE CHARTER
May 6, 2008**

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I. Home Rule in Pennsylvania

A Brief Explanation

In 1972 the State Legislature passed the Home Rule Charter and Optional Plans Law, which authorizes examination of the form, powers, and limitations of local government by a government study commission. The eleven members of the commission are citizens elected at-large on a non-partisan basis.

Prior to the passage of the Law, the State Legislature mandated the form, powers, and limitations of all local governments in Pennsylvania; the Law thus provided municipalities the right to adopt their own home rule charters or optional forms of government.

Optional forms are specified within the law and have guidelines that serve smaller municipalities better; no county has adopted an optional form of government. By contrast, a home rule charter increases local autonomy and affords citizens the flexibility to tailor government to meet local needs unique to their county.

Effect on Our City, Boroughs, Townships, School Districts and Municipal Authorities

In developing the Lancaster County Home Rule Charter, the Government Study Commission has affirmed its commitment to local autonomy by assuring preservation of local government powers within Article I of the Charter.

II. Government Study Commission Activities

The Government Study Commission, created by Lancaster County voters in the November 2006 election, was sworn in and held its first meeting on December 6, 2006. For these past 18 months, the Commission has studied the form of government in Lancaster County and compared this current form of government with both the Optional Forms of government and Home Rule Charter government to determine if our County government “could be strengthened or made more clearly responsible or accountable to the people or whether its operation could become more economical or efficient under a changed form of government” (Home Rule Charter and Optional Plans Law, Section 2918).

The Commission conducted its study by:

- receiving the testimony of over 60 current and former County officials and staff, experts in governmental operations, individuals with specialized knowledge and insights regarding County operations, and business and human services leaders;
- visiting counties which operate under different operational structures;
- analyzing potential alternatives to current structure;
- commissioning three reports from study consultants from the Center for Opinion Research, Franklin and Marshall College, to broaden the depth of understanding of County government issues; and
- engaging in numerous public meetings and workshops to heighten public awareness of our work and gain public input throughout the entire process.

During the course of its work, the Commission has conducted over 50 public meetings, traveling throughout Lancaster County to enhance citizen access, education, and input. In addition, four public hearings have been held in various parts of the County. All Commission meetings have been held in full compliance with the Pennsylvania Sunshine Law, and public participants have been invited to present their views extensively throughout the study and Charter development phases. Based upon this work, the Commission concluded that our County government would be greatly improved by the adoption of a home rule charter. Drafts of the Charter have been made available to the public throughout Charter development during the months of February-April 2008, with hearings on the completed draft conducted in April and early May 2008. Copies were placed in libraries and municipal and public buildings, and the Commission’s website, which may be found as part of the County’s website, maintained open availability to all of the Commission’s work. Materials included meeting agendas, minutes and interviews in both audio and written formats, and Charter drafts. Oral and written comments and suggestions were widely solicited and received. The

Commission then reviewed all comments and prepared the Charter for submission to the voters.

III. Findings and Recommendations

During the course of its work, the Government Study Commission identified six major areas of weakness. A full discussion of these may be found in the Commission's Interim Report presented to the Lancaster County Community at a special meeting on August 21, 2007. The Lancaster County Home Rule Charter seeks to address these weaknesses and achieve these basic improvements in County government:

Representation and Accountability

The current three County Commissioner structure does not assure adequate representation of our large, diverse and complex county with its population of over one-half million people and a budget of \$300 million. Nor does it foster compliance with Pennsylvania's Sunshine Act. There is a need for a larger, more representative legislative body. The current County structure with its separately elected commissioners and row officers has also fostered a "silo" approach to decision-making that limits collaboration and interaction on issues that may cross different offices.

In assuring accountability to the public, the Commission thinks such accountability means more than being elected to office by the public every four years. Such direct public accountability is vital for those public officials in major policy-making positions where their decisions have impact on our citizens' lives. However, administrative accountability is equally essential and should be appropriately placed to assure that administrative officials and offices are accountable for the work they complete.

The Charter provides for a larger, more representative County Board of Commissioners and officials with clear accountability to the citizens of Lancaster County. In addition, it proposes a non-partisan Board of Elections and an elected County Government Review Commission charged with a periodic review of County government effectiveness.

Separation of Powers with Checks and Balances

The proven American system of separation of executive and legislative powers with its checks and balances and other protections for citizens are absent in our present County government structure. The current County Commissioners serve as both the legislative and the executive branches of County government. A three-member body is too large to be a good executive and too small to be a good legislature. There is a definite need for a legislative or policy-making body and a separate executive, each with clearly defined duties and powers and a workable system of checks and balances to provide oversight and control. Of great importance is stronger leadership from policymakers, establishing a vision and sense of direction for the future of the County.

The Charter provides for separation of powers, a system of checks and balances, and clearly defined powers and duties of the legislative and executive branches.

Fragmentation of Authority

The County's current structure lacks a strong central administrator with clear authority for the administration of County government. Who is in charge? "Silos" of responsibility enhance existing fragmentation in such areas as planning, budget oversight and control and may result in duplication of services and lack of coordination to enhance efficiency. A new structure will likely facilitate intergovernmental funding and relations, and a newly-crafted, separate administrative code should help address local control issues, as the current county code does not permit an effective, efficient response to changing needs and times. It will also do so without affecting any local municipality's authority.

The Charter clearly specifies the role and responsibilities of the County Administrator and the development of a new, updated administrative code that will enhance County functioning.

Citizen Input

Currently there are no direct, formally recognized, statutory procedures for citizens to request redress of concerns and grievances.

Initiative and citizen-initiated referendum now prohibited, could be included in a home rule charter, enabling increased citizen access to representation on issues of importance. A larger policy-making body affords more individual direct access to citizens, and a County code of ethics that fosters openness of records and decision-making processes facilitates citizen access and input.

The Charter offers citizen initiative and referendum, and broad access to participation in deliberative processes of the Board of County Commissioners through clear budget and ordinance adoption processes. Further, it requires an Accountability, Conduct and Ethics Code as well as access to public records.

County/State and County/Municipality Relationships

Sixty-seven diverse counties make it very difficult for Pennsylvania's state government to respond appropriately to the unique needs of any given one. And, the state legislature has demonstrated reluctance to address the needs of individual counties. A home rule charter provides flexibility for our County. We can customize our government and modify structure and organization as needs require, rather than relying on, or looking for ways to work around, the one-size-fits-all approach that currently exists. A Charter, tailored to the needs of Lancaster County, with an accompanying administrative code, would be more amendable and could be adapted to ensure responsiveness to the changes our future may bring.

The Charter transfers authority over County government from the Commonwealth of Pennsylvania to Lancaster County, preserving the powers of our local governments. It fosters collaboration among our municipalities through the establishment of a Municipal Conference.

Fiscal Stewardship

A 45-year history of revenue and spending patterns in Lancaster County shows dramatic changes in the County's fiscal picture. In its report to the Commission, the Center for Opinion Research at Franklin and Marshall College noted several major findings. First, County revenues and spending have grown enormously, even when inflation and population

increases are considered. Second, sources of County revenue have changed markedly, and Lancaster County now relies far more on state and federal sources and less on County taxes and other County funds. Yet, per capita tax rates have skyrocketed. Third, shifts in County spending now target human services at an exceptional growth rate as shifts in "county spending priorities have changed dramatically over the years" (Lancaster County Government Revenue and Spending from 1960-2004, p. 8). Lancaster County is, indeed, a huge enterprise, with approximately 2,000 employees and an annual budget of nearly \$300 million.

Issues of concern regarding the County budget include the following: First, the County is not tapping available state and federal funding sources as advantageously as other home rule Pennsylvania counties have done. Second, there is concern that County debt, which has tripled in the past ten years, nearing state-mandated debt limits, may threaten the County's credit rating. Third, fragmentation of authority and the potential for duplication of services and management functions may have swelled County budgets unnecessarily.

The Charter addresses fiscal stewardship as follows: vests the County Executive with the responsibility, under the direction of the Board of County Commissioners, for supervising the Office of Management and Budget, and developing multi-year strategic and financial plans for the County; strengthens the fiscal watchdog role of the Controller; utilizes the talents of the Treasurer in collaborating on County budget development and execution; outlines a transparent, open, and accessible Budget Adoption Process with requirements for a balanced budget, independent audit, and safeguards on budget modification and borrowing of funds; and provides citizen access through initiative to request limits on future tax increases and raising future debt.

Government Study Commissioners

Jim Bednar	Carol Y. Phillips, PhD
Mary Clinton	Gregory Sahd
James E. Huber	Bill Saylor
Samuel M. Mecum, Esq.	John Smucker II, Esq.
James A. Miller, Jr.	Heidi F. Wheaton
Joyce A. Moyer	

Alternates

Robert Bowman
Donald Ranck

Staff

Sharon Sherban, Administrative Assistant

Consultants to the Commission

Center for Opinion Research
Floyd Institute for Public Policy
Franklin & Marshall College
Berwood A. Yost, Director
Lancaster, PA

Counsel to the Commission

Robert L. Knupp, Esq.
Knupp Law Offices, LLC
Harrisburg, PA

IV. Sources of Testimony and Information*Lancaster County Officials – Current*

Terry Bergman, Sheriff
Dianne M. Collier, Jury Commissioner
Dale Denlinger, Clerk of Courts
Craig Ebersole, Treasurer
Louis J. Farina, President Judge
Molly Henderson, County Commissioner
G. Gary Kirchner, Coroner
Stephen J. McDonald, Recorder of Deeds
Sharron Nelson, County Commissioner
Donna Reinaker, Register of Wills
Judith J. Saylor, Jury Commissioner
Richard Shellenberger, County Commissioner
Craig Stedman, District Attorney-elect
Dennis P. Stuckey, Controller
Donald Totaro, District Attorney
Randall Wenger, Prothonotary

Lancaster County Officials – Former

Ronald Ford, County Commissioner
James E. Huber, County Commissioner
Robert Getz, Prothonotary
Terry Kauffman, County Commissioner
Pete Shaub, County Commissioner
Paul Thibault, County Commissioner & Treasurer

Lancaster County Personnel

Ronald Bailey, Former Executive Director,

Lancaster County Planning Commission
James Cowhey, Executive Director, Lancaster
County Planning Commission
Mark Esterbrook, County Administrator
Lori Groff, Chief Deputy Prothonotary
Barry Hitchcock, Director of Purchasing
Doris Kiehl, Former Chief Clerk & County
Administrator
Timothea Kirchner, Former County
Administrator
Thomas LeCrone, Special Projects Consultant
Andrea McCue, Chief Clerk

Other Officials and Individuals

Thomas Baldrige, President, Lancaster County
Chamber of Commerce & Industry
Bruce Beardsley, Chair, Lancaster County
Democratic Committee
David Bender, Executive Director, Council on
Drug & Alcohol Abuse
Joseph Boyle, PA Economy League
Dean Burkholder, President, Human Services
Planning Systems
Gerald Cross, PA Economy League
Victor DeSantis, Dean, Graduate Studies,
Millersville University & Political Scientist
David Dumeyer, Chair, Lancaster County
Republican Committee
Susan Eckert, President, United Way of
Lancaster County
Bonnie Glover, Executive Director, Domestic
Violence Services
Carlos Graupera, Executive Director, Spanish
American Civic Association
David Hickernell, State Representative
Douglas Hill, Executive Director, County
Commissioners Association of PA
Mitchell Hoffman, PA Department of
Community & Economic Development
Barry Huber, Managing Partner, Trout, Ebersole
& Groff
Janet Kalajainen, President, PA State
Association of Elected County Officials
David Latzko, Professor, Business &
Economics, Penn State University
G. Terry Madonna, Professor of Public Affairs,
Franklin & Marshall College
Kirby Martzall, President, KL Martzall,
Consulting
William Mehler, Chair, 1972 Lancaster County
Government Study Commission

Richard Moxley, Retired Senior Executive,
Coresource, Inc.
Macon Nixon, Vice President, Family &
Children Services of Central PA
Donald Ranck, Lancaster County Agriculture
Jere Schuler, Former State Representative
Jeanne Sonntag, Secretary, 1972 Lancaster
County Government Study Commission
Robert S. Walker, former US Congressman
Charles Watters, PA Economy League

Delaware County Officials

Mary Alice Brennan, Member, County Council
Linda Cartisano, Member, County Council
Marianne Grace, County Executive
John McBlain, County Solicitor
Michael Puppio, Jr, Member, County Council
Andrew Reilly, Chair, County Council
John Whelan, Member, County Council

Lehigh County Officials

Donald Cunningham, County Executive
Percy Dougherty, Chair, Board of
Commissioners
Joan Fredericks, Commissioner
Daniel McCarthy, Commissioner
Sterling Raber, Commissioner

Northampton County Officials

John Conklin, County Administrator
Frank Flisser, Clerk to Council
Wayne Grube, Council President
Vic Mazziotti, Finance Director
William Moran, County Judge
James Onembo, Court Administrator
John Stoffa, County Executive

Public Hearings

August 14, 2007

East Lampeter Township

April 17, 2008

Lancaster County Farm & Home Center
Lancaster

April 29, 2008

Mt. Joy Borough

May 3, 2008

Garden Spot Village
New Holland

Community Meetings

February 26, 2007

Columbia Borough

March 20, 2007

Fulton Grange, Little Britain Township

April 10, 2007

Manor Township

April 17, 2007

Ephrata Library, Ephrata Borough

May 8, 2007

Lititz Borough

May 19, 2007

New Holland Borough

May 29, 2007

Manheim Township

June 16, 2007

Elizabethtown Borough

June 19, 2007

Franklin & Marshall College, Lancaster

July 31, 2007

Lancaster City Council Chambers

August 21, 2007

Lancaster City Council Chambers

September 18, 2007

Manheim Borough

October 16, 2007

Upper Leacock Township

October 30, 2007

Adamstown Borough

November 20, 2007

East Hempfield Township

December 15, 2007

Quarryville Borough

January 15, 2008

Providence Township

February 16, 2008

Mt. Joy Township

March 22, 2008

Ephrata Library, Ephrata Borough

V. Commission Financial Statement
Government Study Commission
Total Expenses by Category
January 1, 2007 Through March 31, 2008

May 6, 2008

The Lancaster County Commissioners allocated a total of \$202,855.00 for the operations of the Government Study Commission in the 2007 and 2008 budgets.

Through March 31, 2008, the Commission incurred costs of \$90,814.12. In addition, it is expected that the Commission will expend additional funds completing its task, including legal and consultant fees, administrative support, legal advertising, printing and duplicating plus \$50,000 to educate the public regarding the Final Report.

The following list of actual expenditures includes all spending recorded through March 31, 2008, as verified in records from the Controller's Office.

<u>Item or Service</u>	<u>Supplier</u>	<u>Amount</u>
Administrative Support	Tri-Starr Staffing	\$23,885.00
Legal Advertising	Lancaster Newspapers	1,640.60
Additional Advertising	Engle Printing	1,238.04
	Strasburg Weekly	34.50
	Shopping News – Adamstown	228.00
	Elizabethtown Chronicle	140.96
	Lancaster Farming	562.70
	Lancaster Weeklies	316.08
Transcription	Kelly Grube	343.75
Consulting Services	F & M Floyd Institute study phase	28,200.00
	F & M Floyd Institute charter drafting	12,830.00
	E4 Exchange	8,000.00
Legal Services	Knupp Law Offices, LCC	2,613.10
Parking at County Courthouse	Lancaster Parking Authority	1,800.00
GSC Supplies, etc.	County Copier Charges	878.34
	Name Plates	194.35
	Office Basics	436.29
IT Services	Lancaster County	2,100.00
	Technology Solutions Associates	1,150.00
	Share It Software	24.95
Travel to Other Counties	Elite Coach	955.00
Postage	Mailings, miscellaneous	22.68
Meeting Attendance	Boroughs' Association Meeting	80.00
Educational Materials	National Civic League	36.00
Telephone	County	36.94
Expense Reimbursement	Government Study Commissioners	3,006.94
Audiotaped Programs	Blue Ridge Cable TV	59.90
TOTAL		\$90,814.12

In addition, the Government Study Commission received the following in-kind services:

- Space for its meetings, public hearings and related support services from Lancaster County, East Lampeter Township, Mt. Joy Borough, Columbia Borough, Fulton Grange, Manor Township, Ephrata Library, Lititz Borough, New Holland Borough, Manheim Township, Elizabethtown Borough, Franklin & Marshall College, Lancaster City Council, Manheim Borough, Upper Leacock Township, Adamstown Borough, East Hempfield Township, Quarryville Borough, Providence Township, and Mt. Joy Township.
- Office space, photocopies, and related services from Lancaster County.

We, the members of the Lancaster County Government Study Commission, being duly sworn according to law, depose and say that the foregoing statement of funds, goods, materials, services, and suppliers used by the Lancaster County Government Study Commission is correct to the best of our knowledge and belief.

Carol Y, Phillips, Chair _____

John E. Smucker, II, Esq., Vice Chair _____

*Gregory Sahd, Treasurer _____

Samuel M. Mecum, Esq., Parliamentarian _____

*Jim Bednar _____

Mary Clinton _____

*James E. Huber _____

James A. Miller, Jr. _____

Joyce A. Moyer _____

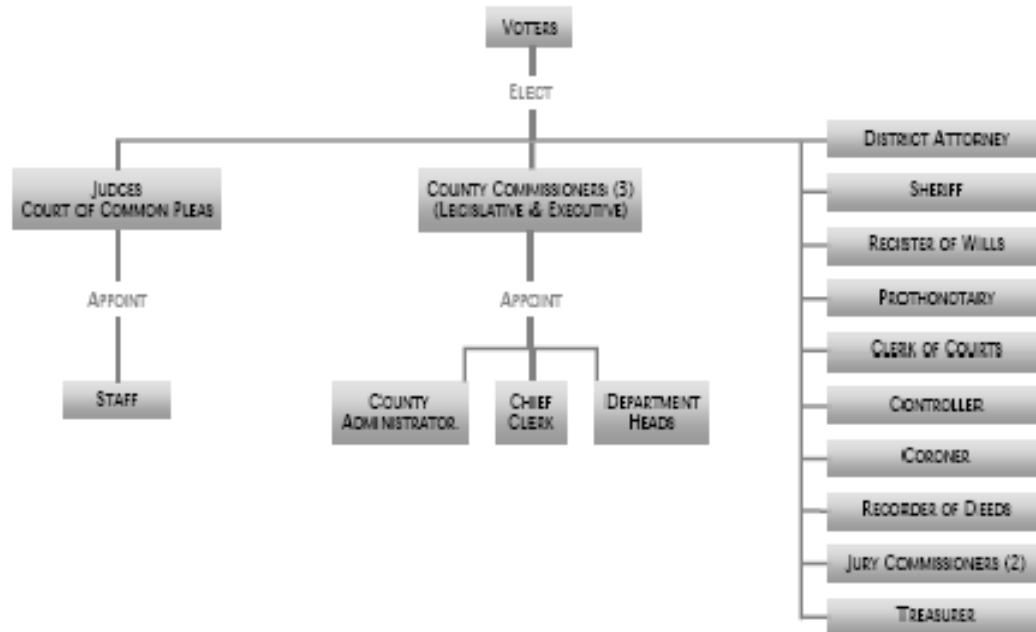
Bill Saylor _____

Heidi F. Wheaton _____

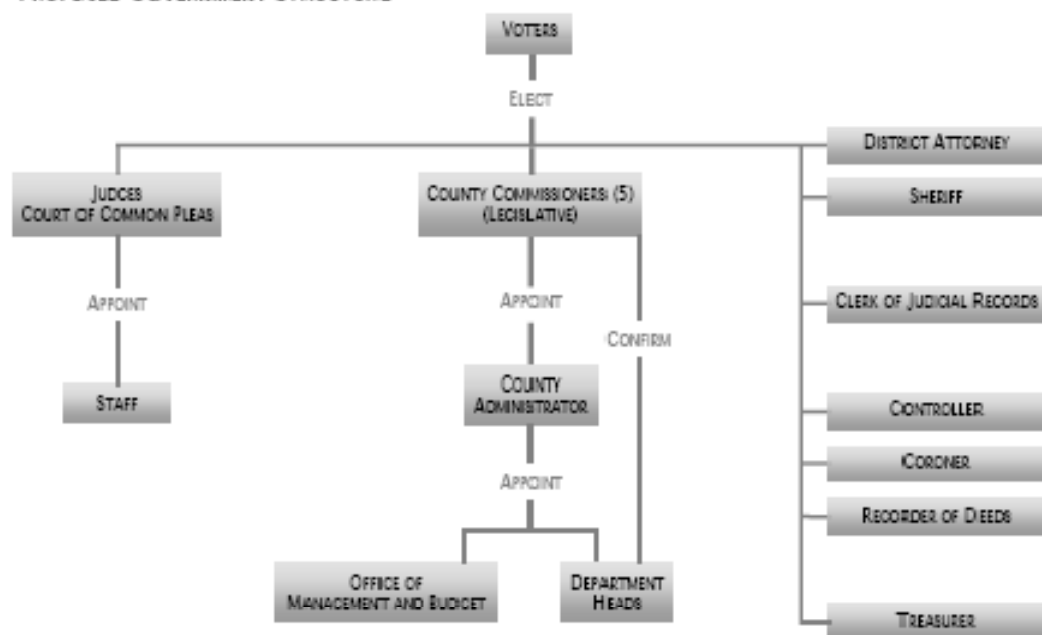
*I wish for the record to note that my signature reflects that I affirm the accuracy of the financial statement above, but does not reflect my position for or against the Home Rule Charter.

LANCASTER COUNTY, PENNSYLVANIA

EXISTING GOVERNMENT STRUCTURE



PROPOSED GOVERNMENT STRUCTURE



PREPARED BY LANCASTER COUNTY GOVERNMENT STUDY COMMISSION, APRIL 2008

LANCASTER COUNTY HOME RULE CHARTER
Major Features of Proposed Home Rule Charter

Identified Structural Weaknesses	Proposed Structural Changes	Rationale
Representation and Accountability	<p>Increases size of Board of County Commissioners from 3 to 5; maintains one minority commissioner; provides staggered elections for all; requires 2-term limit. (Section 2.02)</p> <p>Assures direct election of row officers. (Section 4.01)</p> <p>Increases requirements for all elected officials to include a two year County residency at time of election. Further, requires the Coroner to be a licensed physician, and the Controller to have a bachelor's degree or graduate degree in finance or accounting or be a CPA. (Section 2.03; Sections 4.02 & 4.03)</p>	<p>Increases representative government for those with major decision-making authority and assures direct accountability of officials to the public. Commissioners can more fully focus on major issues impacting the County. Clarifies the importance of legislative as well as administrative accountability.</p> <p>Given the importance of these positions, increased familiarity with the County was deemed vital. Both the current Coroner and District Attorney spoke to the need for the coroner to be a physician, and, given the importance of the fiscal watchdog responsibilities of the Controller, credentials specify need for expertise in fiscal matters.</p>
Separation of Powers/Checks and Balances	<p>Identifies legislative and executive branches with outlined duties of each, addresses non-interference of the legislative branch with the executive branch, and proposes the appointment /termination of the County Administrator by a supermajority of the Board. County Administrator charged with budget preparation with approval of the Board. (Sections 2.01, 2.06 & 2.07; Sections 3.01& 3.02 & 3.03)</p>	<p>Clarifies the distinctions between legislative and executive functions, and clearly vests policy making powers within the Board of County Commissioners and administrative responsibility with the Executive Branch.</p>
Fragmentation of Authority	<p>Provides a County Administrator, who is the chief administrative officer of the County, responsible to the Board for proper administration of all affairs of the County. (Section 3.02)</p>	<p>Provides an administrator who supervises and is accountable for departments and agencies within the Executive Branch.</p>
Citizen Input	<p>Assures rights reserved to the people. (Section 1.04)</p> <p>Provides for citizen-initiated referendum. (Article VI)</p> <p>Provides for citizen input before ordinance adoption can occur. (Section 2.16) Assures opportunity for citizen input throughout the budget adoption process. (Section 5.02)</p>	<p>Provides greater transparency, citizen access and input into all ordinances, the annual budget, and the home rule charter itself.</p>

Identified Structural Weaknesses	Proposed Structural Changes	Rationale
County/State and County/Municipality Relationships	<p>Grants citizens the right to propose ordinances or resolutions by petition that must be addressed by the Board. (Section 6.01)</p> <p>Transfers substantial authority over County government from the Commonwealth of Pennsylvania to the people of the County. (Sections 1.02 & 1.05)</p>	<p>Outlines rights and responsibilities of citizens and fosters collaboration between the Board and Lancaster Countians.</p> <p>Establishes autonomy of the citizens of Lancaster County regarding decisions of unique local importance where appropriate and customizing our local government to meet County needs.</p>
Fiscal Stewardship	<p>Preserves the rights and powers of cities, townships, boroughs and school districts. (Section 1.09) Establishes a Municipal Conference to address intergovernmental issues. (Section 9.13)</p> <p>Creates an Office of Management and Budget under the direction of the County Administrator. (Section 3.03)</p> <p>Requires multi-year strategic and fiscal plans. (Section 2.07.6) Strengthens Controller's fiscal watchdog role. (Section 4.11.b) Facilitates Board-Treasurer collaboration in the budget process. (Section 4.11.e) Consolidates the offices of Register of Wills, Prothonotary, & Clerk of Courts into one official: Clerk of Judicial Records and eliminates Jury Commissioners. (Section 10.04) Provides a specified, transparent and open budget adoption process that requires a balanced budget. (Sections 5.02 & 5.03)</p> <p>Establishes a competitive procurement process. (Section 9.04)</p>	<p>Facilitates discussion of issues of intergovernmental cooperation in the County and exploration of solutions to intergovernmental problems.</p> <p>Establishes structural safeguards regarding the County's fiscal affairs that should foster greater fiscal accountability and provide avenues for cost savings and enhanced revenues, thus addressing effectiveness and efficiency of County government.</p>
Other Pertinent Features	<p>Establishes a non-partisan Board of Elections. (Section 8.08)</p> <p>Establishes a County Government Review Commission. (Section 9.12)</p>	<p>Removes the potential conflict of interest when those serving are in elected County positions.</p> <p>Assures regular review of the effectiveness and efficiency of County government.</p>

LANCASTER COUNTY HOME RULE CHARTER

PREAMBLE

We, the people of Lancaster County, believe that a home rule government will:

- Transfer substantial authority over our County government from the Commonwealth of Pennsylvania to the people of Lancaster County;
- Provide enhanced checks and balances on the powers of government and protect the rights, privileges and powers reserved to the people;
- Preserve the powers of our city, townships, boroughs, school districts and municipal authorities;
- Better represent the diversity of our people and the varied interests of our County and provide better access to County government;
- Foster improved leadership and accountability and increase the effectiveness and efficiency of County government operations;
- Enhance public trust in County government by holding its officers and employees to high standards of conduct and behavior;
- Provide greater responsiveness to our citizens through initiative and referendum;
- Protect taxpayers by increasing transparency and encouraging public involvement in the budget adoption process; and
- Improve the delivery of County services; enhance cooperation among community governments, groups and organizations; and promote responsible economic growth, fostering a higher quality of life for all County residents.

Therefore, in accordance with the Constitution and laws of the Commonwealth of Pennsylvania, we adopt this home rule charter for Lancaster County.

ARTICLE I – GENERAL POWERS

Section 1.01 Title. This home rule charter, together with all subsequent amendments hereto, shall be known and may be cited as the “Lancaster County Home Rule Charter.”

Section 1.02 Legal Applicability. This charter, together with all subsequent amendments hereto, shall define the powers and establish the form of government for the County of Lancaster in the Commonwealth of Pennsylvania. It is the basic law of the County and is restricted only by the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania where these supersede the provisions of this charter.

Section 1.03 Purposes. Among the purposes of this charter are to:

1. Provide County services and facilities with the highest degree of efficiency and economy;
2. Increase representation and accountability in the County's decision-making process;
3. Encourage the involvement of citizens in their County government through the right to be heard in open deliberations, as well as through initiative and referendum;
4. Provide for the health, safety and well-being of all County citizens and residents; and
5. Improve fiscal stewardship of County resources.

Section 1.04 Rights Reserved to the People. No provision of this charter, and no action by any officer or employee of the County acting under its authority, shall infringe upon the rights, privileges and powers reserved or guaranteed to the people by the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania.

Section 1.05 General Grant of Powers. The County shall continue to possess all powers now vested in it by law, and in addition, the County shall have and may exercise any power or perform any function not expressly denied by or inconsistent with the Constitution of the United States, the Constitution and laws of the Commonwealth, or provisions of this charter.

Section 1.06 Preservation of Local Governmental Powers. Nothing in this charter shall be construed so as to interfere with the rights and powers of our city, townships, boroughs, school districts and municipal authorities.

Section 1.07 Vesting of Powers. The governing body of the County shall be the Board of County Commissioners, and the legislative power of the County is vested in and exercisable only by the Board of County Commissioners. All others powers of the County not vested elsewhere by this charter are also vested in the Board of County Commissioners.

Section 1.08 Services and Functions. This charter does not authorize, and should not be construed or constructed to authorize, any elimination of services or abolishment of functions presently mandated by law.

Section 1.09 Severability. If any provision of this charter shall be held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provisions of this charter, it being the intent of the electors of this County that the remaining provisions of this charter be given full force and effect as completely as if such invalid provision had not been included herein. If the application of this charter or any provision thereof to any person or circumstance shall be held to be invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 1.10 Amendment of the Charter. This charter may be amended by a referendum that is initiated by ordinance or by petition of the voters of the County in conformity with the provisions of the Pennsylvania Home Rule Charter and Optional Plans Law, as amended from time to time, and with the exception that any changes in the form of government (with respect to the fundamental home rule structure, elective and appointive officials, and terms of office) as set forth in this charter may not be submitted to the voters sooner than five (5) years after the date on which this charter is approved.

ARTICLE II –LEGISLATIVE BRANCH

Section 2.01 Legislative Power. The legislative power of the County shall be vested in the Board of County Commissioners, which may also be referred to collectively as the "Board of Commissioners" or the "Board" and individually or severally as "County Commissioner(s)."

Section 2.02 Board of County Commissioners. The Board of County Commissioners shall be comprised of five (5) members who shall be nominated and elected from the County at large.

Section 2.03 Qualifications. At the time of election or appointment, each member of the Board of County Commissioners shall be a citizen of the United States and shall have attained the age of eighteen (18) years. Each member of the Board of Commissioners shall have been domiciled in the County for a period of at least two (2) consecutive years prior to the date of nomination to candidacy for the Board or the date of appointment to the Board. At the time of election and throughout his/her term of office, each member of the Board of Commissioners shall be domiciled in Lancaster County and shall be a registered voter in the County.

Section 2.04 Election and Term.

a. Members of the Board of County Commissioners shall serve for a term of four (4) years. A member of the Board of Commissioners may serve no more than two (2) full elective terms and no more than eleven (11) consecutive years in total, including appointed service.

b. The three (3) incumbent members of the Board of County Commissioners who on the effective date of this charter will have two (2) years remaining on the terms to which they were elected in 2007, shall be entitled to remain in office for the terms to which they were elected. As long as the members of the Board of Commissioners in office on the effective date of this charter continue to serve their respective unexpired terms, each shall be compensated at the same rate as in effect at the time of their election and shall have the

powers and duties of County Commissioners as provided for in this charter. If any of the incumbent County Commissioners vacates office prior to the expiration of his/her term, the vacancy shall be filled as provided for in this charter. The person selected to fill the vacancy shall serve for the period specified in Section 2.10 of this Article.

c. Two (2) members of the Board of County Commissioners shall be elected at the municipal primary and general elections held in 2009 and at municipal elections held every four (4) years thereafter. Three (3) members of the Board of Commissioners shall be elected at the municipal primary and general elections held in 2011 and at municipal elections held every four (4) years thereafter. During each municipal election, each political party may nominate no more than two (2) persons for election to the Board of Commissioners

d. Terms of office of each person elected to the Board of County Commissioners shall begin on the first Monday of January in the year following the municipal election, and, whether elected or appointed, shall end when his/her successor takes the oath of office. If the first Monday in January is a legal holiday, the term of office shall begin on the next business day. Upon beginning his/her term of office, each member of the Board of Commissioners shall voluntarily execute an oath or affirmation of office as prescribed in the Administrative Code or state law.

Section 2.05 Organization. At the first meeting in January of the year following the election of members, the Board of County Commissioners shall meet and organize by choosing a Chairperson, Vice Chairperson, and such other officers as may be needed from among its members.

Section 2.06 Chairperson and Vice Chairperson. The Chairperson of the Board of County Commissioners shall have the following duties:

1. Preside at all meetings of the Board of County Commissioners.
2. Appoint committees of two or more County Commissioners at any time to investigate and report upon such matters as the Chairperson deems necessary to the effective execution of business.
3. Propose the legislative agenda for the consideration and adoption of the Board of Commissioners.
4. Deliver the state of the County address each year.
5. Represent the County, or designate a County representative, in all meetings and negotiations with the heads of other governmental or quasi-governmental bodies.
6. Represent the County, or designate a County representative, in all meetings and negotiations involving economic development.
7. In consultation with the President Judge, where appropriate, or other appropriate officials, declare and take action to meet a state of emergency.

In the event of absence or incapacity of the Chairperson, the Vice Chairperson shall exercise the Chairperson's duties.

Section 2.07 Powers and Duties. The Board of County Commissioners shall have and may exercise such legislative powers and duties as are specifically conferred or imposed upon it by this charter, such legislative powers as are generally conferred or imposed upon County governments in the Commonwealth of Pennsylvania by applicable state law, and all powers necessarily incidental thereto. The Board of Commissioners shall have, but shall not be limited to, the following powers and duties:

1. Prepare, adopt, amend and repeal ordinances, resolutions, regulations and motions not contrary to the requirements of this charter or the Constitution and laws of the Commonwealth of Pennsylvania or the United States.

2. Make appropriations, levy taxes, fees and service charges, and incur indebtedness as permitted by law or by this charter.
3. Prepare and adopt balanced annual operating and capital budgets.
4. By ordinance, to adopt and amend an Administrative Code which shall include, among other things, an identification of departments, offices, agencies, boards, commissions, and other administrative units of the County government and the division of duties among them; the internal procedures for their operations; and the duties of the administrative heads. In addition, the Administrative Code shall make adequate and specific provisions for, but shall not be limited to, the following: budgeting and other financial procedures; purchasing procedures; a personnel system, which shall include the establishment of a Salary Board; and any other rules, regulations, and procedures necessary and desirable to the efficient administration of the County government. The Administrative Code shall be reviewed and, as appropriate, revised by the Board of County Commissioners at intervals of not less than three (3) years.
5. Appoint the County Administrator, who must be approved by the affirmative vote of no less than four (4) members of the Board of County Commissioners. The County Administrator shall be chosen by the Board of Commissioners solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of appointment, the County Administrator shall have attained the age of twenty-five (25) years. Within a reasonable period of time following appointment, the County Administrator shall reside within the County and retain such residence throughout his/her period of appointment. No County Commissioner shall receive such appointment during the term for which he or she shall have been elected nor within one (1) year after the expiration of his/her term. Removal of the County Administrator shall require the affirmative vote of four (4) members of the Board of County Commissioners.
6. Provide direction for the development and implementation of multi-year strategic and fiscal plans for the County in fulfillment of goals and objectives of the Board of Commissioners. Such plans shall cover a minimum period of three (3) years and shall be reviewed annually by the Board of County Commissioners.
7. Make or cause to be made such studies and investigations as it deems to be in the best interest of the County, including studies or investigations of the County Administrator offices, and other County departments, administrative units, agencies, or other offices and functions, and issue subpoenas as provided elsewhere in this charter.
8. By ordinance, to accept grants, gifts, or donations of real or personal property on behalf of the County.
9. By ordinance, to lease, convey, vacate or abandon, or permit the use of County land, buildings or other real or personal property.
10. Make appointments of individuals to County authorities and agencies and confirm appointments of department heads recommended by the County Administrator, as required by law or by this charter.
11. By ordinance, to create, modify or eliminate any department, agency, or board of the County, except as governed by Pennsylvania law.
12. Legislate with respect to intergovernmental programs involving negotiations with units of state, local and federal government, and enter into agreements with units or groupings

of local governments with respect to establishment, revisions, or cancellation of service agreements.

13. Request periodic and special reports from elected officials.
14. Approve any collective bargaining agreements with officers and employees.
15. Employ a Clerk of the Board of County Commissioners and other personnel to serve the Board of Commissioners in the fulfillment of its duties. These positions shall be subject to the Administrative Code. The Board of County Commissioners, on a case-by-case basis, may contract for professional services within the limitations of its annual appropriation as provided elsewhere in this charter.
16. Authorize reassessment of all real property within the County at least every eight (8) years. The first reassessment under this charter shall be conducted not later than the year 2013.
17. Make provision for any matter of County government not otherwise provided for, including, but not restricted to, any necessary matter involved in the transition to this charter form of government.

Section 2.08 Non-interference with Executive Branch. The Board of County Commissioners and its members shall deal with the Executive Branch exclusively through the County Administrator except for the purpose of obtaining information and advice.

Section 2.09 Compensation. The Board of County Commissioners shall have the power to fix the salaries of its members by ordinance, provided that no change shall become effective for incumbent members of the Board of Commissioners until the commencement of their next term of office and provided that no change shall be adopted less than twelve (12) months prior to the commencement of a new term. Subject to the provisions for change outlined herein, the annual salaries of the two (2) Commissioners to be elected in 2009 shall be the same as those of the three (3) Commissioners elected in 2007, unless otherwise changed by action of the Board of Commissioners.

Section 2.10 Vacancies.

a. In the case of a temporary vacancy on the Board of County Commissioners, the Board of Commissioners may by majority vote of the remaining members, temporarily fill the vacancy for periods not exceeding six months. Thereafter, the Board of Commissioners may review and continue the temporary appointment in six-month segments for a maximum of two (2) years.

b. When a vacancy on the Board of County Commissioners occurs due to death, disability, resignation, forfeiture of office, assumption of domicile outside the County or other reason deemed by the Board of County Commissioners to be not temporary, the President Judge of the Court of Common Pleas of Lancaster County shall fill the vacancy within sixty (60) days. Any person appointed to fill a vacancy on the Board of County Commissioners shall possess the qualifications set forth in this charter and shall be a member of the same political party as the person vacating that position on the Board of Commissioners.

c. The person appointed to fill the vacancy shall take the oath of office as prescribed in the Administrative Code or state law.

d. If the vacancy on the Board of County Commissioners occurs during the first two (2) years of a term and the next municipal primary election is scheduled to occur no sooner than the thirteenth (13th) Tuesday after the vacancy is to be filled, the last two (2) years of the unexpired term shall be filled by the voters of the County through the primary and general election process. Otherwise, the appointee shall serve the entire unexpired term of his/her predecessor.

e. Any member of the Board of County Commissioners who resigns from office shall not be eligible for reappointment to that office during the remainder of the term for which he/she was elected if reappointment would increase his/her salary.

Section 2.11 Meetings. The Board of County Commissioners shall establish the time, place, and conditions for its regular and special meetings not inconsistent with the provisions of this charter and applicable state law. In keeping with Pennsylvania law, all regular and special meetings of the Board of Commissioners shall be open to the public, and public notice of all meetings shall be given showing the dates, times, and places at which the meetings are to be held. The Board of Commissioners shall act only at a public meeting and shall publish the agenda on the Lancaster County website at least forty-eight (48) hours in advance of every meeting. During a declared state of emergency, public notice shall not be required.

Section 2.12 Quorum. The Board of County Commissioners may take action only at public meetings, and no action may be taken in the absence of a quorum. A majority of the members of the Board of Commissioners shall constitute a quorum for the transaction of business.

Section 2.13 Form of Action. Actions of the Board of County Commissioners shall be taken by the adoption of ordinances, resolutions, or motions. The vote upon every ordinance, resolution, or motion shall be taken by roll call and the yeas and nays shall be entered into the minutes. Except as otherwise provided for in this charter, all ordinances shall be adopted by an affirmative vote of at least a majority of the members of the Board of Commissioners. Except as otherwise provided by state law, resolutions and motions shall be adopted by an affirmative vote of at least a majority of County Commissioners present at the meeting (or otherwise legally permitted to participate in the meeting) and eligible to vote.

Section 2.14 Actions which Require an Ordinance. The following actions shall require an ordinance and shall follow the procedure for the adoption and publication of ordinances as set forth in this charter:

1. Levying taxes or changing rates of existing taxes;
2. Exercising eminent domain;
3. Providing a penalty or establishing a rule or regulation for which a penalty is imposed;
4. Authorizing the conveyance, sale, lease, vacating or abandonment of any County land, buildings or other real estate or tangible assets;
5. Authorizing the borrowing of money or raising revenue, except for emergency loans and the initial tax anticipation note for each budget year;
6. Adopting the operating budget and any capital improvement plan, program, and budget;
7. Amending or repealing any ordinance previously adopted, except for the annual operating budget, which may be amended by resolution;
8. Taking any other action required by Act of the General Assembly to be done by ordinance by a county;
9. Taking any action deemed by the Board of County Commissioners to be significant as a matter of permanent County policy, which the Board of Commissioners may adopt in the future, via separate ordinance;
10. Adopting and amending an Administrative Code;
11. Adopting procedures for citizen participation; and
12. Fixing salaries of elected officials, as set forth in Article IV, Section 4.05 of this charter.

Section 2.15 Ordinance Requirements.

a. A proposed ordinance may be introduced by any member of the Board of County Commissioners, by the Board of Commissioners as a whole, or by citizen initiative as set forth in Article VI of this charter. A proposed ordinance shall be submitted in writing, shall be germane to County government, and shall be limited to one subject, which shall be clearly expressed in the title. Any proposed ordinance may incorporate by reference all or any part of a technical code or acts of the General Assembly.

b. All ordinances except emergency ordinances and budgetary ordinances shall be published in summary form in at least two (2) newspapers of general Countywide circulation promptly after introduction at a meeting of the Board of County Commissioners and prior to enactment. Further, within two (2) business days after introduction, copies of all ordinances shall be posted conspicuously for public inspection at the Office of the Clerk of the Board of County Commissioners, shall be posted on the County's website and/or other electronic medium, and shall be made available for public distribution at a charge not to exceed the cost of reproduction.

c. No proposed ordinance except an emergency ordinance may be finally adopted at the meeting at which it is introduced. Prior to the adoption of an ordinance, it may be amended, provided that the amendment is submitted in writing. Amendments during the legislative process shall require the same number of votes required for final passage of the ordinance. If the amendment changes the ordinance substantially, and if a public hearing was required for the ordinance, a separate public hearing shall be required with respect to the amendment. Adoption of any ordinance or amendment thereto may occur no sooner than the next following regular or special meeting of the Board of Commissioners held at least six (6) days after the proposed ordinance or amendment was introduced.

Section 2.16 Citizens' Right to be Heard. The Board of County Commissioners shall provide reasonable opportunity for persons to address the members during its meetings. No ordinance or amendment thereto or resolution or motion may be adopted without the Board of Commissioners having provided reasonable opportunity for the citizens and taxpayers of the County to address the Board of Commissioners before a vote is taken. The Board of Commissioners shall, by ordinance, adopt procedures for citizen participation.

Section 2.17 Emergency Ordinances. The Board of County Commissioners may adopt emergency ordinances necessary for the protection of public well-being whenever there is an immediate threat to the life and/or property of the residents of Lancaster County and a state of emergency has been declared by the Chairperson of the Board of Commissioners in consultation with the President Judge where appropriate. Emergency ordinances may be adopted at the same meeting at which they are introduced by an affirmative vote of at least a majority of the members of the Board of Commissioners present at the meeting and eligible to vote. An emergency ordinance shall take effect immediately upon adoption and shall automatically stand repealed on the thirtieth (30th) day following its effective date, but this shall not prevent its re-enactment if the emergency still exists.

Section 2.18 Effective Date and Publication of Ordinances.

a. All ordinances except emergency and budgetary ordinances shall become effective thirty (30) days after enactment unless a different effective date is specified in the ordinance, but in no case shall any ordinance other than an emergency, temporary, or budget ordinance take effect sooner than fifteen (15) days after enactment.

b. All ordinances except emergency ordinances and budgetary ordinances shall be published in summary form in at least two (2) newspapers of general Countywide circulation prior to the date on which they become effective. Further, prior to the date on which they become effective and for sixty (60) days thereafter, copies of all ordinances shall be posted conspicuously for public inspection at the Office of the Clerk of the Board of County Commissioners, shall be posted on the County's website and/or other electronic medium, and shall be made available for public distribution at a charge not to exceed the cost of reproduction. A summary of an emergency ordinance or budget ordinance shall be published promptly after enactment in at least two (2) newspapers of general Countywide circulation, shall be posted conspicuously for public inspection at the Office of the Clerk of the Board of County Commissioners, shall be posted on the County's website and/or other electronic medium, and shall be made available for public distribution at a charge not to exceed the cost of reproduction. Budget ordinances shall be published in accordance with the provisions of Article V, Section 5.02.

Section 2.19 Recording and Codification of Ordinances. The minutes, ordinances, resolutions, and motions of the Board of County Commissioners shall be entered as approved in the record books of the

County or such electronic or other media as may be designated in the Administrative Code for the permanent keeping of County records. These books or other media shall be in the custody and control of the Clerk of the Board of County Commissioners, and all entries made therein shall be at his/her direction. The Clerk of the Board of County Commissioners shall cause all County ordinances and any resolutions or motions having legislative effect to be codified within two (2) years of the effective date of this charter and at least every two (2) years thereafter. The record books shall be open and available for public inspection during the County's regular business hours. Copies of the codified ordinances and resolutions shall be made available to the public at a charge not to exceed the cost of reproduction.

Section 2.20 Resolutions. The Board of County Commissioners shall adopt a resolution for any act by which it intends to express its consensus or for any act required by law to be done by a resolution. Any member of the Board shall have the power to introduce a proposed resolution at any meeting of the Board of County Commissioners. Each proposed resolution shall be introduced in writing and in the form required for final adoption. The Clerk of the Board of County Commissioners 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.

Section 2.21 Codes of Technical Regulations. The Board of County Commissioners 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 Section 2.18(b) above 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 the Board of County Commissioners. 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 Board of Commissioners.

Section 2.22 Forfeiture of Office. A member of the Board of County Commissioners shall forfeit office if a supermajority of the Board of Commissioners determines that he or she:

1. lacks any qualification prescribed by this charter;
2. knowingly and willfully violates any provision of this charter;
3. is convicted of a felony, any crime related to his or her office, or any crime for which forfeiture of office is prescribed by law; or
4. has failed substantially to perform his or her duties of office as required by law, ordinance or this charter for a period of sixty (60) consecutive days unless prevented by sickness or necessary absence from the County. No such office shall be declared forfeited for failure to perform required duties until the holder of the office shall have been given a hearing before the Court of Common Pleas, at which time the holder may show cause why he or she should not forfeit the office.

Section 2.23 County Solicitor.

a. The Board of County Commissioners shall appoint a County Solicitor who shall be the chief legal officer and attorney for the County government. He or she shall have such powers, duties and authority as are given by the charter, by law or by ordinance. No other official or agency shall employ other legal counsel except as may be permitted by law or by the charter without the approval of the Board of Commissioners.

b. The County Solicitor shall appoint assistant solicitors in such numbers and at such salaries as shall be fixed by the Board of County Commissioners. The County Solicitor and each assistant solicitor shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania at the time of his or her appointment and throughout the term of his or her office and shall accept no fees for the performance of duties other than the salaries fixed by the Board of Commissioners.

c. The County Solicitor shall have the right to inspect at reasonable times the records of any office, agency, department, commission, board or authority of the County in connection with the performance of his or her powers and duties.

d. With the approval of the Board of County Commissioners, the County Solicitor may retain special counsel for a particular proceeding upon such terms and conditions as recommended by the County Solicitor.

Section 2.24 Public Defender.

a. The Board of County Commissioners shall appoint a Public Defender, who shall have such powers, duties and authority as are given by the charter, by law or by ordinance.

b. The Public Defender shall appoint assistant public defenders in such numbers and at such salaries as shall be fixed by the Board of County Commissioners. The Public Defender and each assistant public defender shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania at the time of his or her appointment and throughout the term of his or her office and shall accept no fees for the performance of duties other than the salaries fixed by the Board of County Commissioners.

c. With the approval of the Board of County Commissioners, the Public Defender may retain special counsel for a particular proceeding.

ARTICLE III – EXECUTIVE BRANCH

Section 3.01 Executive and Administrative Power. The executive and administrative power of the County shall be vested in the Executive Branch. The Executive Branch shall consist of the County Administrator, the Office of Management and Budget, and such other departments and agencies as are established in the Administrative Code.

Section 3.02 Powers and Duties of the County Administrator. The County Administrator shall be the chief administrative officer of the County and shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the County. To that end, the County e shall have the power and shall be required to:

1. Enforce the ordinances, resolutions, regulations and policies of the County, the provisions of this charter, and the laws of the United States of America and the Commonwealth of Pennsylvania pertaining to the government of the County.
2. Supervise and be accountable for the proper administration of all departments and agencies, including the Office of Management and Budget, except those specifically placed under the jurisdiction of any other officer by law or by this charter.
3. Administer the personnel code as provided elsewhere in this charter, appoint candidates for department head positions subject to confirmation by the Board of County Commissioners, hire all other appropriate employees of the County and, when necessary, suspend or remove employees of the County except as otherwise provided in this charter.
4. Develop, under the direction of the Board of County Commissioners, the multi-year strategic and fiscal plans for the County and provide for the annual review and update of these plans.
5. Advise the Board of County Commissioners on the financial condition of the County and report to the Board of Commissioners monthly with respect to matters of County administration.
6. Investigate the affairs of the County or any department or division thereof; investigate complaints in relation to matters concerning the administration of the government of the County and in regard to services provided by the County; and see that franchises, permits and privileges granted by the County are faithfully observed.
7. Provide point of access for citizen and group presentation of requests and complaints relative to delivery of County services or execution of County business.
8. Attend regular and special meetings of the Board of County Commissioners unless excused therefrom and take part in the discussion of matters coming before the Board of Commissioners. The County Administrator shall be entitled to notice of all regular and special meetings of the Board of Commissioners.
9. Designate in writing another administrative officer of the County to exercise the powers and perform the duties of the County Administrator during a temporary absence or disability of the County Administrator.
10. Perform such other duties as may be required by the Board of County Commissioners, not inconsistent with the County charter, law, or ordinances.

Section 3.03 Office of Management and Budget. The powers and duties of the Office of Management and Budget shall be specified in the Administrative Code. Such powers and duties shall include, but not be limited to: preparation and execution of the annual budgets approved by the Board of County Commissioners; analysis of trends and projections of revenue, expenses, borrowing, debt capacity and service demands; analysis of business processes, staffing and compensation; periodic program reviews; and

submission of regular reports of findings and recommendations to achieve optimum spending levels for County government.

ARTICLE IV – OTHER ELECTED OFFICIALS

Section 4.01 Other Elected Offices. In addition to members of the Board of County Commissioners, the County offices to be filled by election pursuant to this charter are:

1. District Attorney
2. Sheriff
3. Coroner
4. Controller
5. Treasurer
6. Clerk of Judicial Records
7. Recorder of Deeds.

Section 4.02 Qualifications. At the time of election or appointment and throughout his/her term of office, each elected official specified in Section 4.01 shall have attained the age of eighteen (18) years, shall be a citizen of the United States, shall be a registered voter in Lancaster County, and shall have been domiciled in the County for a period of at least two (2) consecutive years prior to the date of nomination to candidacy for an office or appointment to an office specified in Section 4.01 above.

Section 4.03 Special Qualifications. A candidate for District Attorney shall be admitted to the practice of law in the Commonwealth of Pennsylvania at the time of filing a petition for office, at the time of election to office and throughout his/her term of office. A candidate for Coroner shall be a licensed physician in the Commonwealth of Pennsylvania at the time of filing a petition for office, at the time of election to office and throughout his/her term of office. A candidate for Controller shall have been awarded a bachelor's degree or graduate degree in finance or accounting or shall be a Certified Public Accountant.

Section 4.04 Election and Term.

a. All elected officials specified in Section 4.01 shall serve for a term of four (4) years. The Sheriff, Coroner, Controller, Treasurer, Clerk of Judicial Records and Recorder of Deeds shall serve no more than two (2) full elective terms and no more than eleven (11) consecutive years in total, including appointed service, subsequent to the adoption of this charter. The District Attorney position shall not be term limited.

b. All officials elected in 2007 shall be entitled to remain in office for the terms to which they were elected. As long as an elected official serving on the effective date of this charter continues to serve his/her unexpired term, he/she shall be compensated at the same rate as in effect at the time of his/her election and shall continue to have the powers and duties to which he/she was entitled and obligated upon taking office. If any elected official vacates office prior to the expiration of his/her term, the vacancy shall be filled as provided for in Section 4.06 of this charter. The person selected to fill the vacancy shall serve for the period specified in that section of this charter.

c. The Controller and the Recorder of Deeds shall be elected to terms of four (4) years at the municipal primary and general elections held in 2009 and at municipal elections held every four (4) years thereafter. The District Attorney, Sheriff, Coroner and Treasurer shall be elected to terms of four (4) years at the municipal primary and general elections held in 2011 and at municipal elections held every four (4) years thereafter. The Clerk of Judicial Records shall be elected to a term of six (6) years at the municipal primary and general elections held in 2011 and to a term of four (4) years at municipal elections held in 2017 and every four (4) years thereafter.

d. Terms of office of each person elected to an office specified in Section 4.01 above shall begin on the first Monday of January in the year following the municipal election, and, whether elected or appointed,

shall end when his/her successor takes the oath of office. If the first Monday in January is a legal holiday, the term of office shall begin on the next business day. Upon beginning his/her term of office, each elected official specified in Section 4.01 above shall voluntarily execute an oath or affirmation of office as prescribed in the Administrative Code or state law.

e. The County Commissioners, District Attorney, Sheriff, Coroner, Treasurer, Clerk of Judicial Records and Recorder of Deeds and their chief clerks, deputies or chief assistants shall be ineligible, during their continuance in office and for two (2) years after leaving office, to be elected or appointed to the office of Controller.

Section 4.05 Compensation.

a. Compensation of elected County officials, except that of the District Attorney, shall be fixed by the Board of County Commissioners, provided that no change shall become effective for incumbent officials until commencement of their next term of office and provided that no change shall be adopted less than twelve (12) months prior to commencement of a new term. In setting future salaries of elected County officials, the Board of County Commissioners shall have the authority to consider whether certain positions involve greater or lesser responsibility or work than others and to adjust compensation accordingly. In the meeting introducing an ordinance to make any such adjustment in compensation, the Board of Commissioners shall state publicly the specific basis for the proposed change.

b. Any cost-of-living adjustment (COLA), based on a consistent standard set forth in the Administrative Code, shall be uniformly applied to the salaries of all elected County officials in the same proportion as the COLA is applied to the salaries of members of the Board of County Commissioners.

c. No elected County official shall accept any fee or other compensation for the performance of his or her official duties other than his/her salary as fixed by the Board of County Commissioners.

Section 4.06 Vacancies.

a. When a vacancy in an elective office of County government occurs due to death, disability, resignation, forfeiture of office, assumption of domicile outside the County or other reason deemed by the Board of County Commissioners to be not temporary, the President Judge of the Court of Common Pleas of Lancaster County shall fill the vacancy within sixty (60) days. During that period, the chief deputy in that office shall assume the responsibilities of the elected official. Any person appointed by the President Judge to fill a vacancy of any office specified in Section 4.01 above shall possess the qualifications set forth in this charter and shall be a member of the same political party as the person vacating that office.

b. The person appointed to fill the vacancy shall take the oath of office as prescribed in the Administrative Code or state law.

c. If the vacancy occurs during the first two (2) years of a term and the next municipal primary election is scheduled to occur no sooner than the thirteenth (13th) Tuesday after the vacancy is to be filled, the last two years of the unexpired term shall be filled by the voters of the County through the primary and general election process. Otherwise, the appointee shall serve the entire unexpired term of his/her predecessor.

d. Any elected County official who resigns from office shall not be eligible for reappointment to that office during the remainder of the term for which he/she was elected if reappointment would increase his/her salary.

Section 4.07 Forfeiture of Office. An elected County official shall forfeit office if a supermajority of the Board of County Commissioners determines that he or she:

1. lacks any qualification prescribed by this charter;
2. knowingly and willfully violates any provision of this charter;
3. is convicted of a felony, any crime related to his or her office, or any crime for which forfeiture of office is prescribed by law; or

4. has failed substantially to perform his or her duties of office as required by law, ordinance or this charter for a period of sixty (60) consecutive days unless prevented by sickness or necessary absence from the County. No such office shall be declared forfeited for failure to perform required duties until the holder of the office shall have been given a hearing before the Court of Common Pleas, at which time the holder may show cause why he or she should not forfeit the office.

Section 4.08 General Responsibilities of Elected Officials. Within his or her respective jurisdiction, each elected County official specified in Section 4.01 above shall:

1. supervise and direct the internal organization of each office over which he or she has responsibility;
2. execute and enforce all resolutions and ordinances of the County;
3. assure that the laws of the Commonwealth of Pennsylvania relating to the affairs and government of the County are duly executed and enforced within the County;
4. have the authority to recommend such measures for legislative action as may be in the best interest of the County; and
5. have all necessary incidental powers to perform and exercise those duties and functions set forth in this charter or lawfully delegated to that office.

Section 4.09 Appointment and Employment Power of Elected Officials. Each elected County official specified in Section 4.01 above shall have the power to appoint a chief deputy at such salary as shall be fixed by the Board of County Commissioners. In addition, he or she shall have the power to employ such deputies, assistants, clerks and other personnel that may be required for the conduct of his or her office, in such numbers and job classifications and at such salaries as shall be fixed by the Board of County Commissioners, consistent with the provisions of the Administrative Code, except as otherwise specified in this charter.

Section 4.10 Additional Powers, Authority and Duties of Elected Officials. Additional powers and authority may be granted by ordinance of the Board of County Commissioners to elected County officials specified in Section 4.01 above. Additional duties may, with the agreement of the elected County official affected by the action, be authorized by ordinance of the Board of County Commissioners.

Section 4.11 Particular Responsibilities of Elected Officials. The particular responsibilities of the elected officials specified in Section 4.01 above are as follows:

- a. The District Attorney shall have the powers, duties and authority granted by this charter and by the laws of the Commonwealth of Pennsylvania. In addition to the employment power specified in Section 4.09 above of this charter, the District Attorney shall have the power to appoint Assistant District Attorneys and detectives required for the conduct of his or her office, in such numbers and job classifications and at such salaries as shall be fixed by the Board of County Commissioners. Each Assistant District Attorney shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania at the time of his or her appointment and throughout the term of his or her office.
- b. The Sheriff shall have the powers, duties and authority granted by this charter and by the laws of the Commonwealth of Pennsylvania.
- c. The Coroner shall have the powers, duties and authority granted by this charter and by the laws of the Commonwealth of Pennsylvania.
- d. The Controller shall have the powers, duties and authority granted by this charter and by the laws of the Commonwealth of Pennsylvania. In addition to the employment power specified in Section 4.09 above of this charter, the Controller shall have the power to appoint a solicitor for the conduct of his or her office, in such job classification and at such salary as shall be fixed by the Board of County Commissioners. In accordance with this charter, the Controller:

1. Shall examine the records, files, and procedures pertaining to the receipt and expenditures of County funds by all offices, officers, agents, and employees of the County and all agencies thereof, to determine if they are in accordance with law and the provisions of this charter. Immediately on discovery of any irregularity, default or delinquency, the Controller shall report the same to the Board of County Commissioners and for prosecution as may be warranted; and the Controller shall take immediate measures, including action in the appropriate court if deemed appropriate by him or her, to secure or recover any public monies or property belonging to, owing, or due the County;
 2. Shall audit the accounts of other public officers, offices and agencies, and any accounts of other public monies, in the manner prescribed by laws of the Commonwealth of Pennsylvania requiring such audits. The Controller shall not be required to audit the County's general purpose financial statement or the financial statements of any County agencies if he or she serves on the governing body of the agency by virtue of holding the office of Controller;
 3. Shall prepare and certify the statement of indebtedness of the County whenever necessary, at least annually;
 4. May audit at any time, on his/her own initiative or at the request of the Board of County Commissioners, any account of any agency receiving, disbursing, or authorizing the disbursement of County funds; and
 5. May audit at any time, on his/her own initiative or at the request of the Board of County Commissioners, 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, 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 Board of County Commissioners his/her findings and 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 Board of County Commissioners to provide for independent audits.
- e. The Treasurer shall have the powers, duties and authority granted by this charter and by the laws of the Commonwealth of Pennsylvania, which include the prudent investment of County funds. In accordance with this charter, the Treasurer:
1. Shall participate with the Board of County Commissioners in the annual budget process set forth in Article V, Section 5.02 of this charter and shall publicly report on the revenue estimates for the next budget year.
 2. Shall provide monthly reports to the Board of County Commissioners and to the County Administrator in a mutually acceptable format.
 3. Shall promptly inform the Board of Commissioners and the County Administrator of any significant changes in revenue patterns in comparison with previous years or with budget projections.
 4. Is authorized, at his or her discretion in accordance with consistently applied standards, to collect taxes for any County municipality upon the formal written request of the duly authorized governing body of that municipality.
- f. The Clerk of Judicial Records shall have the powers, duties and authority granted by this charter and by the laws of the Commonwealth of Pennsylvania pertaining to the offices of Clerk of Courts, Prothonotary and Register of Wills.
- g. The Recorder of Deeds shall have the powers, duties and authority granted by this charter and by the laws of the Commonwealth of Pennsylvania.

ARTICLE V. BUDGET AND FINANCE

Section 5.01 Fiscal Year. The fiscal year of the County shall commence on the first day of January and conclude on the last day of December of each year.

Section 5.02 Budget Adoption Process. The Board of County Commissioners shall adopt an annual operating and capital budget. All official actions taken by the County Administrator and the Board of County Commissioners enumerated in this section shall take place in the evening at a central location in the County. The budget preparation and adoption process should include the following procedures:

1. *Mid-Year Budget Review.* The County Administrator shall present to the Board of County Commissioners a review of the previous year's operating budget and capital spending plan. The presentation shall take place no later than the last day of June of the year following the completed fiscal year. The review shall include a summary and assessment of the revenues and expenditures, implications for implementing the current budget, and expected impacts on the next year's budget.
2. *Pre-Budget Fiscal and Trends Analysis.* The County Administrator shall present to the Board of County Commissioners a multi-year fiscal analysis and summary of issues that will impact the operating budget and capital spending plan for the next fiscal year. The preview shall take place at least ninety (90) days prior to the beginning of the next fiscal year. The preview shall include a summary of fiscal and other trends affecting the budget, issues and concerns that will have an impact on revenue and spending, and other relevant data and information of importance to the development of the operating budget and capital spending plan.
3. *Preparation.* At least forty-five (45) days but not more than seventy-five (75) days prior to the beginning of the fiscal year the County Administrator shall prepare and submit to the Board of County Commissioners an operating budget and capital spending program presenting the financial plan for conducting the affairs of the County for the ensuing year. The operating budget and capital plan shall be consistent with and reflect the priorities and strategies of the multi-year strategic and fiscal plans required to be adopted under Article II, Section 2.07 of this charter. The annual budgets submitted by the County Administrator shall include a written budget message which shall serve as a simple and clear general summary of the detailed contents of the various budgets.
4. *Review by Board of County Commissioners.* The Board of County Commissioners or a committee of the Board shall review the operating budget and capital spending program. Not later than the third Monday of November the Board of County Commissioners shall file a report on its findings of the review and include any recommended changes to the plan and reasons for the proposed changes. Not later than the fourth Monday of November, the Board of County Commissioners shall give public notice of a public hearing on the operating budget and capital spending program. The public hearing shall take place between the third and tenth of December at a time and place designated by the Board of County Commissioners.
5. *Adoption by Board of County Commissioners.* Subsequent to the public hearing, the Board of County Commissioners in considering the total budget may revise, alter, increase or decrease items in the operating and capital budgets. At least ten (10) days before the beginning of the forthcoming fiscal year, the Board of County Commissioners shall adopt the total budget by ordinance. If a total budget has not been adopted, as herein provided, on or before the first day of January, then the Board of County Commissioners may authorize a continuing spending resolution which shall authorize monthly expenditures not exceeding one twelfth of total expenditures recorded for the fiscal year just completed. Such resolutions shall have the effect of permitting the continued operations of County government, but shall not be authorized for a period exceeding three (3) consecutive calendar months, that is, beyond the last day of March. Thereafter, if the Board of County Commissioners has not adopted the budget, then the total budget as originally

submitted by the County Administrator shall be the approved total budget for the current fiscal year.

6. *Publication and Availability for Public Inspection.*

a. The Board of County Commissioners shall publish in at least two (2) newspapers of general Countywide circulation and in such electronic or other media as may be designated by ordinance a general summary of the budget and a notice stating the times and places where copies of the budget are available for inspection by the public, and the place and time, which shall be no earlier than ten (10) days after such publication, for the public hearing on the proposed budget specified in Section 5.02(4) above.

b. All meetings required in Section 5.02 above shall be open to the public and held in the evening at a central location in the County.

c. Before adoption by the Board of County Commissioners, the proposed operating budget and capital spending program shall be public records, available for public inspection during regular business hours no more than ten (10) days after the Board of County Commissioners reports the findings of its budget review and any recommended changes as set forth in Section 5.02(4) above. After adoption by the Board of Commissioners, the approved operating budget and capital spending program shall likewise be public records, available for public inspection during regular business hours. Copies of these documents shall be made available to the public at a charge not to exceed the cost of reproduction.

d. After adoption by the Board of County Commissioners, the operating budget and capital spending program shall be published in a format specified in the Administrative Code in a manner consistent with Article II, Section 2.18(b) of this charter.

Section 5.03 Balanced Budget. When the budget shall have been finally adopted, the Board of County Commissioners shall thereupon establish tax rates so that the budget shall be balanced as to revenue and expenditures.

Section 5.04 Budget Modification. At any time during the fiscal year, the County Administrator may transfer part or all of any unencumbered balance within any department, office, agency, board, commission other administrative unit or budgetary function which is subject to his/her direct control provided that the cumulative total of such transfers during the fiscal year does not exceed ten (10) percent of the total original budget or the maximum amount established by law, whichever is less. At any time during the fiscal year, the County Administrator may transfer part or all of any unencumbered balance from one department or budgetary function subject to his/her direct control to another department or budgetary function subject to his/her direct control provided that the cumulative total of such transfers during the fiscal year does not exceed five (5) percent of the total original budget for the department or budgetary function from which the transfer is made or the maximum amount established by law, whichever is less. The transfers shall not be used to increase salaries or create new positions. The County Administrator shall notify the Board of County Commissioners, the County Controller and the Office of Management and Budget in writing within five (5) days after the transfer is made. When the cumulative total of transfers exceeds either of the limits prescribed above, the County Administrator shall propose such changes to the Board of County Commissioners which may make such transfers by ordinance at a regular meeting in the evening at a central location in the County with the provision that the total budget remain balanced as to revenues and expenditures.

Section 5.05 Independent Audit. Prior to the last day of December of each year the Board of County Commissioners shall provide for an independent annual audit of all fiscal affairs of the County government by a certified public accountant, a firm of certified public accountants, a competent independent public accountant, or a firm of independent public accountants, who have no personal financial interest, direct or indirect, in County government. The Board of County Commissioners may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial

statement of the fiscal affairs of the County shall be presented to the Board of County Commissioners. A summary of the annual audit and financial statement shall be published in at least one (1) newspaper of general circulation in the County by no later than the first day of April in the year following the audited fiscal year.

Section 5.06 Borrowing of Funds. The Board of County Commissioners 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 Section 5.07 below. The following provisions apply to all transactions having the effect of obligating the County to make future payments for capital items or to forego future revenue in a cumulative amount greater than two (2) percent of the non-electoral debt limit (that is, relating to debt not specifically approved by the voters of Lancaster County) calculated in accordance with the Local Government Unit Debt Act, including, but not limited to, general obligation bonds, special purpose bonds, bonds of County authorities and agencies, tax increment financing, tax abatement agreements, long-term leases, sale/leaseback agreements, and loan guarantees, whether or not those transactions are subject to the non-electoral debt limit:

1. The debt limit for the County shall be eighty (80) percent of the non-electoral debt limit, as imposed by the Local Government Unit Debt Act. If the County's debt is projected to exceed eighty (80) percent of the non-electoral debt limit after the proposed transaction, the Board of County Commissioners shall be required to pass an ordinance raising the debt limit consistent with the procedures set forth in this section. The action of passing such an ordinance shall be subject to the provisions of Article VI, Section 6.04 of this Charter.
2. If the County's debt is projected to remain below eighty (80) percent of the non-electoral debt limit after the proposed transaction, the Board of County Commissioners shall not vote on the ordinance relating to the proposed transaction for thirty (30) days after its introduction at a meeting of the Board of Commissioners; shall promptly schedule no fewer than two (2) special meetings which shall be held at a central location on separate evenings, at least seven (7) days apart, to present details of the proposed transaction and receive comments by citizens prior to any such vote; and shall promptly place a description of the amount and purpose of the proposed transaction and the schedule of the special meetings in an advertisement no smaller than one-half page in at least two (2) newspapers of general Countywide circulation and in such electronic or other media as may be designated by ordinance.
3. If the County's debt is above eighty (80) percent of the non-electoral debt limit or is projected to rise above eighty (80) percent of that limit after the proposed transaction, the requirements shall be the same as those set forth in Subsection 1 above, except that the Board of County Commissioners shall not vote on the ordinance relating to the proposed transaction for forty-five (45) days after its introduction, shall promptly schedule no fewer than three (3) special meetings to be held prior to any such vote, and shall approve the proposed transaction only with the affirmative vote of no less than four (4) members of the Board of Commissioners.
4. If the proposed transaction is subject to the provisions of this Section but is not subject to the non-electoral debt limit, the requirements shall be the same as those set forth in Subsection 2 above.

Section 5.07 Emergency Appropriations. To meet a state of emergency affecting life, property, public health and/or public safety as declared by the Chairperson of the Board of County Commissioners or by an affirmative vote of at least a majority of the members of Board of County Commissioners and eligible to vote, the Board of County Commissioners may by emergency ordinance make emergency appropriations from unappropriated revenues. To the extent that there are no unappropriated revenues available to meet such appropriations, the Board of County Commissioners 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.

Section 5.08 Tax Revenue Anticipation Notes. Any tax revenue anticipation note shall be repaid in full no later than one hundred eighty (180) days after the proceeds of the borrowing are received or by the end of the fiscal year, whichever comes first. Before any such note shall be issued, the Board of County Commissioners shall hold a special meeting open to the public and held in the evening at a central location in the County for the purpose of authorizing the issuance of the note. The Board of Commissioners shall publish in at least two (2) newspapers of general Countywide circulation and in such electronic or other media as may be designated by ordinance a general summary of the proposed note (including the amount, repayment schedule and interest rate) and a notice stating the times and places where copies of the proposed note agreement are available for inspection by the public, and the place and time, which shall be no earlier than seven (7) days after such publication, for the special meeting.

Section 5.09 Lapse of Appropriation. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was ordained has been accomplished or abandoned. It shall be voided if three (3) years pass from the time of a planned expenditure without any disbursement from or encumbrance of the appropriation.

Section 5.10 Accounting System. The Board of County Commissioners shall provide an Accounting System that adheres to Generally Accepted Accounting Principles (GAAP). The Board of County Commissioners will also provide for reporting and public inspection of the accounting system in the Administrative Code.

Article VI. INITIATIVE AND REFERENDUM

Section 6.01 Initiative.

- a. The citizens of the County have the power to propose ordinances by petition for consideration by the Board of County Commissioners. Each registered voter of the County signing an initiative petition shall add his or her signature, residence and date of signing. The signatures on the petition shall be verified under oath by the circulator of each petition paper that they meet the qualifications outlined in this charter. Initiatives may be one of two types:
 1. *Limited Initiative* - any petition signed by at least one thousand (1000) registered voters, but containing fewer signatures than the figure represented by ten (10) percent of the number of voters in the County voting for the County candidate receiving the highest number of votes in the most recent Countywide municipal, general election. If the Board of County Commissioners votes to reject the proposed initiative or alter its intent and content substantially, the matter is ended, and the same issue may not be brought before the Board of County Commissioners for a period of at least one (1) year.
 2. *Full Initiative* - any petition signed by registered voters of the County comprising at least ten (10) percent of the number of voters in the County voting for the County candidate receiving the highest number of votes in the most recent Countywide municipal, general election. Such petitions shall be addressed by the Board of County Commissioners as stipulated in Subsection 6.01 (e) below.
- b. An initiative petition shall be tendered for filing to the Election Board. No signature shall be counted as valid which is dated more than ninety (90) days prior to the date the petition is tendered for filing. Upon tendering to the Election Board, the petition shall be available for public examination by any interested person. Within fifteen (15) days after tender, in consultation with the County Solicitor, the Election Board shall pass upon the validity of the petition and the validity of the number of signatures thereon. The decision of the Election Board may be subject to immediate review on appeal to the Court of Common Pleas.

c. The initiative shall be considered by the Board of County Commissioners within sixty (60) days of receipt from the Election Board in the form of an ordinance at a public meeting in the evening at a central location in the County.

d. If the Board of County Commissioners fails to vote on the proposed ordinance, it shall be deemed approved and become effective sixty (60) days after receipt of the petition by the Board of Commissioners. Any ordinance adopted through the initiative process by deemed approval shall remain in effect for at least five (5) years, unless the ordinance is modified by a subsequent referendum.

e. If the Board of County Commissioners votes to reject the proposed initiative or alter its intent and content substantially, and if the petition meets the stipulation for number of required signatures as identified in Subsection 6.01 (a.2) above, the ordinance shall be placed on the ballot and considered by the voters at the next general election. If approved by a majority of those voting, the ordinance shall become effective in accordance with its terms. Any ordinance adopted through this referendum process shall remain in effect for at least five (5) years, unless the ordinance is modified by a subsequent referendum.

Section 6.02 Subjects of Initiative.

a. Each proposed ordinance shall be germane to County government and limited to one subject which shall be clearly expressed in its title.

b. The power of initiative shall not extend to the current budget or capital program, to the appropriation of money under the current budget or capital program, or to the salaries of those employees of the County in collective bargaining agreements.

c. An initiative seeking to limit tax increases shall be permitted only when an increase in the rate of any tax imposed by the County for the current year exceeds ten (10) percent of that imposed during the previous year.

Section 6.03 Referendum.

a. The Board of County Commissioners shall have the power to place issues and proposals on the ballot in the form of referendum questions in general elections in the County. The power is discretionary and may be exercised as deemed necessary or appropriate by the Board of County Commissioners. Referendum questions adopted by a majority of the qualified electors shall be effectuated by the Board of County Commissioners in the form of County ordinances.

b. This charter may be amended by referendum pursuant to an ordinance approved by the Board of County Commissioners or by a citizen initiative in accordance with the Pennsylvania Home Rule Charter and Optional Plans Law, and any later amendments thereto, subject to the limitations in Article I, Section 1.10.

Section 6.04 Special Initiative and Referendum

a. If the County's debt is proposed by ordinance of the Board of County Commissioners to exceed eighty (80) percent of the non-electoral debt limit as set forth in Article V, Section 5.06, citizens may, by special initiative, require the Board of County Commissioners to place on the ballot a proposed raising of the County's debt limit as an individual question for approval or rejection by the voters at the next primary, special or general Countywide election following the passage of any such ordinance approved by the Board of County Commissioners.

b. Such special initiative, detailed in a petition signed by registered voters of the County comprising ten (10) percent of the number of voters in the County voting for the County candidate receiving the highest number of votes in the most recent Countywide municipal, general election, shall be placed on the ballot.

ARTICLE VII - ACCOUNTABILITY, CONDUCT AND ETHICS

Section 7.01 Accountability, Conduct and Ethics Code. The Board of County Commissioners shall establish by ordinance an Accountability, Conduct and Ethics Code covering all elected County officials, candidates for elective office, all employees of the County, all members and employees of all County boards and commissions, and all members of a County authority. The Code shall address penalties, appeals and other procedures necessary to implement the provisions of Section 7.02 of this Article. The Accountability, Conduct and Ethics Code shall be amended only by ordinance at a public meeting held in the evening at a central location in the County.

Section 7.02 Scope of Accountability, Conduct and Ethics Code. The Accountability, Conduct and Ethics Code shall, at a minimum, shall include provisions addressing the following:

1. Conflict of interest;
2. Gifts of significant value;
3. Accepting fees, commissions or other compensation paid by the County;
4. Direct or indirect pecuniary gain;
5. Assisting another person in a transaction involving the County;
6. Accepting an honorarium;
7. Payment to obtain or retain employment;
8. Doing business with the County by an employee after he/she leaves office or terminates employment with the County;
9. Limiting or eliminating private work during County work hours;
10. Hiring family members; and
11. Limiting political activity.

Section 7.03 Access to Public Records. All County records shall be made open and available to the public except where any law expressly provides that particular information or records shall not be made public.

ARTICLE VIII – AUTHORITIES, AGENCIES, BOARDS AND COMMISSIONS

Section 8.01 Establishment of Authorities, Agencies, Boards and Commissions.

- a. There shall be such authorities, agencies, boards and commissions established by this charter, by state law, by the Administrative Code or by other County ordinance.
- b. There shall be a Board of Elections as constituted and described in Section 8.08 of this Article.
- c. The Board of County Commissioners shall have the power by ordinance to establish or abolish any authority, agency, board or commission not established by this charter.

Section 8.02 Special Commissions. The Board of County Commissioners may establish and abolish special commissions for the purpose of providing information, findings of fact, recommendations and action.

Section 8.03 Appointments. Except as otherwise provided by applicable state law or by this charter:

- a. All members of authorities, agencies, boards and commissions shall be appointed or removed by the Board of County Commissioners by an affirmative vote of at least a majority of its members.
- b. The terms and tenure of members of authorities, agencies, boards and commissions shall be as established by applicable state law, by this charter, by the Administrative Code, or by other County ordinance for the specific authority, agency, board or commission.

c. Each appointee to an authority, agency, board or commission shall be a registered voter of Lancaster County and shall remain a registered voter throughout his/her term.

Section 8.04 Compensation. The Board of County Commissioners shall have the power by ordinance to provide reasonable compensation to members of agencies, boards, and commissions for their services and reimbursement for authorized expenses.

Section 8.05 Prohibitions.

a. No member of an authority, agency, board or commission shall hold any elective County office or any other appointive County office, except to the extent that applicable state law or this charter requires that an elected County official or employee serve on a specific authority, agency, board or commission.

b. Except as provided by applicable state law or by this charter, no member of an authority, agency, board or commission shall serve as a non-elective County employee or as a paid consultant for the County government during his/her term of office and for a period of two (2) years after leaving the authority, agency, board or commission.

Section 8.06 Authorities, Agencies, Boards and Commissions Continued under Home Rule. All authorities, agencies, boards and commissions not specifically reconstituted, superseded or abolished by this charter shall continue and may exercise the powers conferred upon them until such time as otherwise provided by applicable state law, by this charter, by the Administrative Code or by other County ordinance.

Section 8.07 Current Members of Authorities, Agencies, Boards and Commissions. Except as otherwise provided in this charter, members of County authorities, agencies, boards and commissions in office on the effective date of this charter whose terms have not expired may complete their terms of office even though they may not meet the terms and conditions specified in Section 8.03 above. However, no person who would be ineligible to serve as a member of an authority, agency, board or commission under the provisions of this charter shall be appointed or reappointed to such position subsequent to the adoption of this charter.

Section 8.08 Board of Elections

a. The Board of Elections shall administer the system of elections and the registration of voters under applicable law. The employees of the Elections and Registration Office, who are appointed by and operate under the authority of the County Administrator, must comply with the policies and directives of the Board of Elections.

b. The Board of Elections shall be comprised of five (5) members. No more than two (2) members shall be registered voters of the same political party.

c. The term of office for the Board of Elections shall be four (4) years.

d. The Board of County Commissioners shall ascertain the two (2) political parties having the highest number of registered voters as of December 31 of the year before any municipal primary election and shall promptly notify the authorized representatives of these political parties of all vacancies on the Board of Elections. The Board of Commissioners shall request each of these political parties to submit, on or before January 1 of each municipal election year, a list of at least five (5) nominees for appointment to the Board of Elections. None of these nominees shall currently hold, or be a candidate for, public office, nor during his or her term of office on the Board of Elections shall he or she be an officer, a County or State Committeeperson, an area chairperson or a member of the Executive Committee of any political party. The Board of County Commissioners shall appoint two (2) members of the Board of Elections from each of the lists submitted by the two (2) political parties referenced above.

e. If a list of nominees is not submitted to the Board of County Commissioners by an authorized representative of any political party qualifying to make such nominations by the date specified in

accordance with Subsection 8.08(d), appointments to the Board of Elections shall be made by the Board of County Commissioners from the entire list of registered voters of the political party which did not submit the requested list.

f. The Board of County Commissioners shall make appointments to the Board of Elections as set forth in Subsection 8.08(d) above and, when applicable, Subsection 8.08(e) above not later than February 1 of each municipal election year. Any appointment not made by the Board of Commissioners by the required date shall be made by the President Judge of the Court of Common Pleas within ten (10) days thereafter, subject to the conditions set forth in Subsection 8.08(d) above.

g. The remaining member of the Board of Elections shall be selected by the four (4) members appointed by the Board of County Commissioners. The person selected shall be a registered voter, but shall not be registered to vote as a member of either party entitled to nominate two (2) members of the Board of Elections and shall not have been so registered for a period of two (2) years before his or her selection. Not later than forty-five (45) days before the commencement of the selection process, the Board of Elections shall provide public notice, in a manner set forth in the Administrative Code, of the pending selection of this member of the Board of Elections. In the event that this member has not been selected by the Board of Elections within five (5) business days following the appointment of the other four (4) members of the Board of Elections, this member shall be appointed by the President Judge of the Court of Common Pleas, subject to the restrictions set forth in this subsection.

h. Four (4) members of the Board of Elections shall constitute a quorum and shall have the power to perform the functions assigned to the Board of Elections.

i. In the event of a vacancy on the Board of Elections:

1. The Board of Elections shall promptly notify the Board of County Commissioners of that vacancy.
2. The Board of County Commissioners shall fill the vacancy within sixty (60) days subject to the provision that the person appointed shall be registered to vote in the same political party or in the same other or no-party status as the person previously appointed to the Board of Elections, subject to the conditions set forth in Subsection 8.08(d) above.
3. Any appointment not made by the Board of Commissioners by the required date shall be made by the President Judge of the Court of Common Pleas within ten (10) days thereafter subject only to the limitation in Subsection 8.08(d) above.

ARTICLE IX – MISCELLANEOUS PROVISIONS

Section 9.01 Subpoena Power. In any case where an elected County officer or agency has the power under this charter or other applicable law to conduct public hearings, the elected officer or agency shall have the authority to issue subpoenas for the attendance of witnesses and to compel testimony and the production of documents and other evidence. The subpoena shall be issued in the name of the County and shall be signed by the elected officer or presiding officer of the agency.

Section 9.02 Bonding. The Administrative Code shall set forth the County officers and employees of departments, offices, and other administrative units of the County and the members and employees of authorities, agencies, boards and commissions of the County who shall be bonded as required by Pennsylvania law. Bond premiums shall be paid by the County.

Section 9.03 Service of Process. Service of any legal process, notice or other matter to be served upon the County pursuant to any rule, regulation or law shall be made upon the County Administrator.

Section 9.04 Competitive Procurement. The Administrative Code shall establish a competitive procurement system to govern the procurement of goods and services and the procedures for contracting. In

order to provide the best value to the County, the competitive procurement system shall establish procedures which allow for the full consideration of cost, quality and performance. The procedures shall include, but not be limited to: publication requirements, deposit and bond requirements, terms and conditions, contract awards, formal and informal bidding mandates, requests for proposals and quotations and emergency purchases.

Section 9.05 Personnel System. Consistent with all applicable contracts and laws, the County Administrator shall prepare and administer a personnel system based on the principle that appointments and promotions of employees shall be made on the basis of merit demonstrated by a valid and reliable examination or other evidence of competence. The personnel system shall be included in the Administrative Code. The personnel system shall include rules and regulations governing such subjects as classification and pay plans, examinations, force reduction, removals, discipline, working conditions, provisional and exempt appointments, employee training and orientation, grievances and civil service systems.

Section 9.06 Collective Bargaining Units. Employees who are members of a collective bargaining unit represented by an employee organization shall be excluded from provisions of the personnel system to the extent that such provisions are the subject of collective bargaining.

Section 9.07 Civil Service Systems. Employees who are covered by existing civil service systems shall be excluded from provisions of the personnel system to the extent that such provisions are covered by the civil service systems.

Section 9.08 Existing County Employees. Any employee holding a County position on the effective date of this charter shall not be subject to examination as a condition for continuance in the same position, but shall otherwise be subject to the personnel system.

Section 9.09 Exempted Service. Positions exempted from County merit procedures are: elected officers; members of agencies, authorities, boards and commissions; the County Administrator; heads of departments appointed by the Board of County Commissioners; temporary, part time, intermittent or seasonal employees; and employees required to be covered by a State of Pennsylvania merit or civil service system.

Section 9.10 Real Estate Tax Revenue Limitations; Anti-Windfall Provisions.

a. The County shall not derive windfall benefits from Countywide property reassessments or from changes in the predetermined ratio. Following any reassessment or change in the predetermined ratio, the increase in the total amount of real estate tax revenue received by reason of the reassessment or change in the ratio by the County from existing land, buildings and structures shall not exceed five (5) percent of the total amount of real estate tax revenue received by the County in the preceding year from that land and those buildings and structures. If necessary, the County shall reduce the real estate tax rate to accomplish this.

b. In calculating the five (5) percent limit, the amount to be levied on newly constructed buildings or structures, or from increased valuations based on new improvements made to existing buildings and structures, shall not be included.

Section 9.11 Definitions.

"Administrative Code" shall mean the provisions of the document described in Article II, Section 2.07(4) of this charter, prepared and adopted in the manner set forth in Article X, Section 10.09 of this charter, together with any amendments thereto.

"Agency" shall mean any County-related board, commission, district, committee, council, or other governmental or quasi-governmental entity which has been created or established by the County or to which the Board of County Commissioners has the power of appointment, except for any authority or unit of local government created pursuant to the laws of Pennsylvania, and any voluntary advisory board established by the Board of County Commissioners.

"Appoint" shall mean to name officially a person to fill a position in County government in accordance with authority granted by this charter, with the understanding that the person so appointed serves in that position at the will of the appointing party.

"Balanced annual operating budget" shall mean a budget in which the beginning fund balances plus the estimated revenues must equal appropriated expenditures plus ending fund balances, where such fund balances are not less than zero dollars.

"Balanced annual capital budget" shall mean a budget in which the identified sources of funds equal the proposed capital expenditures.

"Board" shall mean a part-time body functioning in an advisory or policymaking role to a department or independent agency within County government.

"Business day" shall mean any day that is not a Saturday, Sunday or legal holiday.

"Charter" shall mean the Lancaster County Home Rule Charter.

"Commission" shall mean an appointed governing body in charge of a department or independent agency within County government, unless specified as an elected body charged with studying a matter relating to County government and preparing recommendations to elected officials and the public, exercising such additional powers as may be set forth in this charter or authorized by the Board of County Commissioners.

"County" shall mean Lancaster County or the County of Lancaster.

"Court of Common Pleas" shall mean the Court of Common Pleas of Lancaster County.

"Department" shall mean a distinct and specialized administrative sub-unit of County government headed by an appointed official.

"Days" shall mean calendar days unless otherwise specified as business days.

"Elected County official" shall mean any member of the Board of County Commissioners or any person holding a position specified in Article IV, Section 4.01 of this charter.

"Elected political office" shall mean any federal, Commonwealth, County or municipal position which is elected.

"Employ" shall mean to hire a person to fill a position in County government in accordance with this charter and the personnel policies in the Administrative Code.

"General election" shall mean the election held in Lancaster County in November of each year.

"Initiative" shall mean the filing of a petition containing a proposal for action by the Board of County Commissioners.

"Law" shall refer to those statutes and regulations of the United States of America and the Commonwealth of Pennsylvania, as may be in effect from time to time, that the County is required to observe and adhere to in the exercise of its home rule powers, as well as County ordinances and provisions of this charter.

"Locally levied tax revenues" shall mean those revenues derived from taxes levied by the governing body of the County.

"Office" shall mean a distinct and specialized administrative sub-unit of County government headed by an elected official.

"Political body" shall mean an independent group of electors that is not a political party but has filed proper nomination papers as required by law.

"Political party" shall mean any political party or group of electors that has met the requirements set forth by law to be recognized as a political party.

"Public records" shall mean all records and documents, regardless of physical form, of or belonging to Lancaster County or to any office, agency, branch, department, board, bureau, commission, council, sub-unit or committee of Lancaster County government.

"Referendum" shall mean the actual vote on a ballot question placed on a general election ballot by citizen initiative, action of the Board of County Commissioners, or action of the County Government Review Commission.

"Supermajority" shall mean a majority plus one member of any voting body under this charter.

"Voter" shall mean a person who is lawfully registered to vote in Lancaster County.

Section 9.12 County Government Review Commission.

a. A non-partisan County Government Review Commission shall be established five (5) years after the effective date of this charter and every ten (10) years thereafter. The Commission shall study the charter and County government, including the organization, practices and responsibilities of all County

departments and agencies. The Commission shall evaluate the effectiveness, efficiency, fairness and openness of County government under this charter.

b. The County Government Review Commission shall be composed of eleven (11) members who shall serve terms of one (1) year. Members of the Commission shall be elected on a non-partisan basis by the voters of Lancaster County, using the same process stipulated in the Pennsylvania Home Rule Charter and Optional Plans Law and the Pennsylvania Election Code in which Government Study Commissions are placed on the ballot, at the municipal general election following each periodic establishment of the Commission in accordance with Sub-section (a) above. No County officer, employee or member of a County agency shall be a member of the Commission. The Commission shall submit a final report to the people of the County on the Commission's findings and recommendations in such time as to have any recommended amendments appear on the ballot at the next general election and shall have the authority to place any recommended amendments on the ballot for approval or rejection by the voters. Each recommended amendment shall be presented in the form of a separate ballot question.

Section 9.13 Municipal Conference.

a. A Municipal Conference shall be established by the Board of County Commissioners for a period of three (3) years after the effective date of this charter. The Municipal Conference shall facilitate discussion of the issue of intergovernmental cooperation in the County and explore solutions to intergovernmental problems that might be identified through this process.

b. The Municipal Conference shall be comprised of the County Administrator, the Chairperson of the Board of County Commissioners or his/her designee, 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 designate 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. Not later than June 30, 2010, the County Administrator 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 six (6) months thereafter.

d. 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 Board of County Commissioners and the delegates to the Municipal Conference shall have the power to reorganize the Municipal Conference to facilitate its operations.

e. The Board of County Commissioners shall have the power by ordinance to continue the Municipal Conference beyond the initial period of three (3) years after the effective date of this charter.

ARTICLE X – TRANSITIONAL PROVISIONS

Section 10.01 Nature of Article. The provisions of this article shall relate to the transition from Lancaster County's existing form of government to the form of government provided for in this charter. Where inconsistent with the preceding articles of this charter, the provisions of this article shall constitute temporary exceptions thereto.

Section 10.02 Effective Date. This charter shall, upon approval by referendum in the manner provided by law, become effective on the first Monday of January 2010. However, from the time of its adoption by the voters of the County, this charter shall be in effect to the extent necessary in order that the first election may be conducted for the elective positions in accordance with the provisions of this charter and to the extent necessary to ensure a smooth and seamless transition from the existing form of government to the form of government provided for in this charter.

Section 10.03 Schedule of Election. The first election of officials to fill positions in the form of

government provided for in this charter shall be held at the municipal election in 2009. Candidates for election shall be nominated in conformance with the Pennsylvania Election Code at the municipal primary election in the year 2009 in accordance with Article II, Section 2.04 and Article IV, Section 4.04.

Section 10.04 Elective Offices Consolidated/Abolished. The duties and functions vested in the offices of Register of Wills, Clerk of Courts, and Prothonotary by the Acts of the General Assembly are hereby consolidated into a new elective office, Clerk of Judicial Records. The office of Jury Commissioner is hereby abolished.

Section 10.05 Salaries of Elected Officials.

Elected officials of the County whose terms of office continue beyond the effective date of this charter shall be entitled to remain in office at the same rate of compensation until their terms expire. The annual salaries for the first term under this charter, and until otherwise changed by action of the Board of County Commissioners, shall be as follows:

Chairperson, Board of County Commissioners: \$93,465
Member, Board of County Commissioners: \$92,465
Clerk of Judicial Records: \$80,483
Controller: \$80,483
Coroner: \$80,483
Recorder of Deeds: \$80,483
Sheriff: \$80,483
Treasurer: \$80,483

Section 10.06 Continuity.

a. All County ordinances, resolutions, rules and regulations in force at the time this charter becomes effective which are not inconsistent with the provisions of this charter shall continue in force until amended, superseded or repealed. Unless prohibited by the Constitution of the Commonwealth of Pennsylvania or an Act of the General Assembly of Pennsylvania, all laws relating to or affecting this County or any of its elected officials, offices, departments, administrative units, authorities, agencies, boards, commissions, or employees in force when this charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or any ordinances or resolutions adopted pursuant thereto.

b. All rights, orders, actions, contracts and legal or administrative proceedings of, or involving, the County government shall continue except as modified pursuant to the provisions of this charter.

c. All offices, departments, agencies, administrative units, boards, commissions and authorities in operation at the time this charter takes effect shall continue in operation after the effective date of this charter unless they are modified or abolished by this charter or by ordinances adopted under this charter. It is the intent of this charter to incorporate all programs and functions of all County offices, departments, administrative units, authorities, agencies, boards and commissions existing on the effective date of this charter into the operational structure defined in this charter unless the charter provides specifically to the contrary.

d. If a department, office, agency, administrative unit, board, commission or authority is abolished by this charter, its powers and duties shall be transferred to the department, office, agency, administrative unit, board, commission or authority designated in this charter. Where this charter does not specifically designate the department, office, agency, administrative unit, board, commission or authority to which existing programs and functions are assigned, such assignment shall be provided for in the Administrative Code.

e. The County shall continue to own, possess, and control all rights and property, of every kind and nature, owned, possessed or controlled by it when this charter takes effect, and shall be subject to all its debts, obligations, liabilities, and duties.

Section 10.07 Officers and Employees. Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of elected County officials, County employees, or members or employees of County boards or commissions at the time of its adoption, and nothing shall diminish the rights or privileges of any former employee or any present employee in his/her pension or retirement benefits.

Section 10.08 Transitional Procedure.

a. Upon certification by the Board of Elections of approval of this charter, a Transition Committee consisting of twelve (12) persons shall be established to assist in the smooth transition from Lancaster County's existing form of government to the form provided for in this charter. To that end, the Transition Committee shall draft necessary ordinances, rules and regulations including the Administrative Code required by the charter in order that they may be adopted by Board of County Commissioners subsequent to the effective date of this charter. The Transition Committee shall be comprised initially of two (2) members of the Government Study Commission selected by the Chairperson of the Government Study Commission, one (1) of the then-serving County Commissioners, one (1) County row officer selected by the then-serving row officers, the County Administrator, the County Solicitor, and three (3) heads of County departments, one of whom shall be the head of the Human Resources Department, appointed by the Board of County Commissioners. All designations of Committee membership shall be made by December 10, 2008. Any vacancies occurring in the membership must be filled within 30 days by the Committee.

b. The temporary Chair of the Transition Committee, who will be one of the Government Study Commission representatives on the Transition Committee, shall convene the first meeting of the Committee no later than December 15, 2008. The first order of business at that meeting shall be the selection of three (3) additional community members of the Transition Committee, selected by the nine (9) initial Committee members. Those three (3) additional community members shall be experienced in business, finance, personnel, or other factors demonstrating competence in an undertaking of this magnitude.

c. Members of the Transition Committee shall serve without compensation but shall be entitled to reimbursement by the County for necessary expenses incurred in the performance of their duties. The County shall appropriate moneys necessary for the Transition Committee to fulfill its responsibilities as outlined in this charter. Within the limits of the appropriations and other public and privately contributed funds and services made available to it, the Transition Committee may appoint one or more consultants and clerical and other assistants to serve at the pleasure of the Committee and may fix reasonable compensation to be paid the consultants and clerical and other assistants.

d. The Board of County Commissioners in office in 2009 shall prepare and adopt in 2009 the County budgets for 2010, complying insofar as possible with this charter; but the aforesaid shall in no way limit the power of the Board of County Commissioners taking office on the first Monday of January 2010 from revising the budgets for 2010 as authorized by this charter.

Section 10.09 Procedure for Adoption of the Administrative Code and the Accountability, Conduct and Ethics Code.

a. By December 15, 2009 the Transition Committee to be established in accordance with Section 10.08 above shall propose and submit to the Board of County Commissioners an Administrative Code and an Accountability, Conduct and Ethics Code for the County government consistent with recognized best practices and the provisions, spirit and purpose of this charter.

b. The Board of County Commissioners shall adopt an Administrative Code and an Accountability, Conduct and Ethics Code by ordinance with or without amendments. If the Board of County Commissioners fails to adopt an Administrative Code by March 1, 2010, the Administrative Code as proposed by the Transition Committee shall stand adopted and shall become effective immediately. If the Board of County Commissioners fails to adopt an Accountability, Conduct and Ethics Code by March 1,

2010, the Accountability, Conduct and Ethics Code as proposed by the Transition Committee shall stand adopted and shall become effective immediately.

c. The Board of County Commissioners at any time may by ordinance adopt amendments to the Administrative Code and to the Accountability, Conduct and Ethics Code.

Section 10.10 Sequence of Transitional Changes. Upon certification by the Board of Elections of approval of this charter, the following sequence of actions shall be implemented by the Board of County Commissioners:

Action	Completion Date
1. First nomination of candidates for Board of County Commissioners (2 members); nomination of Controller and Recorder of Deeds	Primary Election of 2009
2. First election of members of Board of County Commissioners (2 members); election of Controller and Recorder of Deeds	Municipal Election of 2009
3. First meeting of Board of County Commissioners under provisions of home rule	First Monday of January 2010
4. Selection of Chairperson and Vice Chairperson of Board of County Commissioners	First Monday of January 2010
5. Approval of Administrative Code	Not later than March 1, 2010
6. Approval of Accountability, Conduct and Ethics Code	Not later than March 1, 2010
7. Appointment of County Administrator	Not later than March 1, 2010 (but not before approval of the Administrative Code and the Accountability, Conduct and Ethics Code)
8. Approval of a multi-year strategic plan and a multi-year fiscal plan	October 1, 2010
9. Nomination and election of 3 members of Board of County Commissioners; nomination of District Attorney, Sheriff, Coroner, Treasurer and Clerk of Judicial Records	Primary and Municipal Elections of 2111
10. Abolishment of offices of Jury Commissioner; consolidation of offices of Clerk of Courts, Register of Wills and Prothonotary; assumption of duties by first Clerk of Judicial Records	First Monday of January 2012

Section 10.11 Temporary Ordinances.

a. The Board of County Commissioners may, within ninety (90) days of the effective date of this charter, adopt temporary ordinances to deal with cases in which there is urgent need for prompt action in

connection with the transition of government and in which the delay incident to the appropriate ordinance procedure may cause serious hardship or the impairment of effective County government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally.

b. A temporary ordinance may be considered and may be adopted with or without amendment at the meeting at which it is introduced, except that if a public hearing is required by this charter for the type of ordinance proposed, then a public hearing must be held. A temporary ordinance shall not be subject to referendum and shall become effective upon enactment or at such later time as it may specify. A summary of a temporary ordinance shall be published promptly after enactment in at least two (2) newspapers of general Countywide circulation, shall be posted conspicuously for public inspection at the office of the Board of County Commissioners, shall be posted on the County's website and/or other electronic media, and shall be made available for public distribution at a charge not to exceed the cost of reproduction.

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

Section 10.12 Administrative Organization. Subject to the provisions of this charter and until the effective date of the Administrative Code, the County Administrator shall have the authority to issue written directives, including personnel policies and procedures, for the administration of the Executive Branch in such a manner as he/she shall deem necessary for the most efficient operation of the County government. Copies of all such directives shall be forwarded to the Board of County Commissioners and the Controller and shall be posted on the County's website and/or other electronic media within two (2) days after being issued.