

**SUMMARY OF
MAJOR PROVISIONS OF THE
RECOMMENDED HOME RULE CHARTER FOR CLINTON COUNTY**

ARTICLE I – GENERAL POWERS. Authorizes the County government to exercise all powers not denied it by constitutions of the United States and Pennsylvania, by State law, or by the Charter, and provides that all grants of power be broadly construed in favor of the County. This Article also preserves the rights, privileges, and powers of individual persons under the United States and Pennsylvania constitutions and ensures that the County will not in any way interfere with the jurisdiction, rights, powers, or autonomy of any city, borough, or township and will not force the annexation, merger, or consolidation of any municipality.

ARTICLE II – LEGISLATIVE BRANCH/COUNTY LEGISLATIVE BODY. Provides that all legislative, policy-making, taxing, and appropriating powers of the County government are to be exercised by a seven-member County Legislative Body. Four members will be elected from defined districts, and the voters of the County as a whole will elect three. Members will serve on a part-time basis, be paid \$5,000 per year, and will not be entitled to pensions or other County-paid benefits. Terms of office will be four years. All legislative actions will require the adoption of ordinances, and certain actions will require a special public hearing.

ARTICLE III – OTHER ELECTIVE OFFICIALS. Provides for the continued election of the Coroner, District Attorney, Prothonotary/Clerk of Courts, Register of Wills/Recorder of Deeds, Sheriff, and Treasurer as well as the newly created position of Controller that will have expanded watchdog responsibilities and replace the Elected Auditors. All will serve on a full-time basis—except the Coroner, who will be required to devote the time necessary to adequately fulfill the duties of the office. All terms of office will be four years.

ARTICLE IV – ADMINISTRATIVE BRANCH/APPOINTED COUNTY EXECUTIVE. Establishes the position of Appointed County Executive who will be primarily responsible for ensuring that the operations of County government are carried out as efficiently and economically as possible. He/she will be appointed by the Legislative Body on the basis of abilities and qualifications as demonstrated by professional preparation, training, and/or experience in public administration, finance, and/or other fields relevant to the duties of the position. He/she will be a full time employee and be prohibited from holding elective or appointive public office and from actively engaging in any other business or occupation during normal County business hours. The County Executive, with the confirmation of the Legislative Body, will appoint various department heads and others who will be directly responsible for the day-to-day operations of the County.

ARTICLE V – BUDGET AND FINANCE. Establishes the procedure for the adoption of the annual budgets and other fiscal actions. The County Executive will be responsible for preparing balanced budgets and presenting them to the Legislative Body for its consideration. The budgets must be available for public inspection for at least 30 days

prior to adoption, and at least one public hearing must be held. The County may make no payment of funds in the absence of a duly enacted budget, and no payment may be made or obligation incurred unless there is a sufficient unencumbered balance available. The County's accounting system must adhere to Generally Accepted Accounting Principles. A certified public accountant with no personal or financial interest in the affairs of the County will conduct an independent and timely annual audit of all County financial transactions. The County will also be required to have a long-range operational, fiscal, and capital plan.

ARTICLE VI – TAX LIMITATIONS. Limits County real estate and other taxes to the same extent as is now and here after provided for in State law.

ARTICLE VII – ADMINISTRATIVE CODE. Provides for an Administrative Code that will detail the organization and structure of the County government and make adequate provision for budgeting and other financial procedures, purchasing procedures, and other rules, regulations, and procedures necessary and desirable to the efficient administration of County government. The initial Administrative Code must include the Office of the Appointed County Executive; the departments of Finance/Administrative Services, Human Services, Community Services, General Services, and Corrections Services; the Office of the Solicitor; and the Office of the Public Defender, all of which will operate under the jurisdiction of the County Executive. The organizational structure, which will also include the Judiciary, must remain in effect for at least one year after the effective date of the Charter.

ARTICLE VIII – PERSONNEL CODE. Provides for a Personnel Code that will establish and maintain the means to recruit, select, develop, and maintain an ethical, effective, efficient, and responsive workforce in order to best meet the needs of the County and will cover all County elective officials and employees as well as members and employees of all boards and commissions. The Personnel Code will be based on the principle that appointments and promotions will be made solely on the basis of merit and fitness as demonstrated by a valid and reliable examination or other evidence of competence, and job discrimination will be prohibited. The Charter will also require that a current and comprehensive policies and procedures manual be maintained. The status and rights of existing County officers and employees are protected, and the terms and conditions of current collective bargaining agreements are preserved.

ARTICLE IX – ACCOUNTABILITY, CONDUCT, AND ETHICS. Provides for an Accountability, Conduct, and Ethics Code covering all elective County officials and employees, members and employees of all boards and commissions, and all members of County authorities. At a minimum, this code will include provisions addressing ethics, political activity, conflicts of interest, gifts, and personal use of County resources; appropriate conduct and behavior in the performance of duties; and penalties and sanctions for discrimination, favoritism, harassment, and oppression. This section of the Charter also contains an anti-nepotism provision.

ARTICLE X – AUTHORITIES, BOARDS, AND COMMISSIONS. Provides for the

establishment of authorities, boards, and commissions and appointments to boards and commissions. This Article also limits the County's ability to pay salaries and benefits to members of authorities, boards, and commissions. Further, this Article changes the membership of the Board of Tax Assessment Appeals, the Retirement Board, and the Board of Elections and Registration, and it abolishes the County Salary Board and the Prison Board.

ARTICLE XI – INITIATIVE AND REFERENDUM. Provides the voters of the County with the power to propose and enact ordinances independent of the Legislative Body (initiative) and to repeal ordinances adopted by the Legislative Body (referendum).

ARTICLE XII – RECALL. Provides the voters of Clinton County with the power to recall or remove from office any elective County official *provided this power becomes constitutional in the Commonwealth of Pennsylvania*. If this occurs, the registered voters of the County would be empowered to gather signatures on a petition requesting that an elective official be recalled and, if the official fails to resign, to have the question placed on the ballot at the next election for all the voters to decide.

ARTICLE XIII – GENERAL/MISCELLANEOUS PROVISIONS. Addresses technical issues, the legal obligations of the County, Charter amendment procedures, definitions of terms used in the Charter, and the right of citizens to be heard.

ARTICLE XIV – TRANSITIONAL PROVISIONS. Establishes the effective date of the Charter as the first Monday in January 2010 and indicates that the positions of County Commissioner, Elected Auditor, and Jury Commissioner will be abolished--but states that the County Commissioners will be allowed to serve out their terms as members of the Legislative Body, and the Elected Auditors will also be allowed to serve out their terms. This Article also preserves the rights and privileges of current officers and employees and those of current and former employees with respect to their pensions and other benefits, and allows current employees to retain the positions they held at the time the Charter was adopted without being subject to competitive tests. Further, this Article provides for a transition committee and other mechanisms designed to ensure continuity and the smooth transition from the current form of government to the one provided for in the Charter.

APPENDIX: CLINTON COUNTY LEGISLATIVE DISTRICTS – Provides the designation, location, and description of each of the four (4) County legislative districts. (See attached map.)