

LEHIGH COUNTY HOME RULE CHARTER

**Edited by the Lehigh County
Department of Law**

**As amended through
January 1, 2008**

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LEHIGH COUNTY HOME RULE CHARTER

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Source

The provisions of this Charter adopted November 4, 1975, effective January 2, 1978, with amendments through Ordinance 2003-No.133, referendum approved November 4, 2003 and effective November 14, 2003.

ARTICLE I. GENERAL

Sec.

- 101. Title.
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§ 101. Title.

This Charter, together with all subsequent amendments hereto, shall constitute the form of government for the County of Lehigh. It shall be known and may be cited as the "Home Rule Charter of the County of Lehigh."

§ 102. Status, Name, and Boundaries.

The County of Lehigh shall continue to be a municipality under the name of "The County of Lehigh." Its boundaries and county seat shall be and shall remain as they are at the time this Charter takes effect and until otherwise changed by law.

§ 103. Powers and Functions; Construction.

The County of Lehigh has and may exercise any powers and perform any functions not denied it by the Constitution of Pennsylvania, by this Charter, or by the General Assembly at any time. These shall include, but shall not be limited to, all the powers and functions now, or hereinafter, conferred or imposed upon it by the Constitution and laws of the Commonwealth of Pennsylvania and this Charter, together with the rights, privileges, functions, and powers necessarily implied or incidental thereto. The specific enumeration of powers and functions shall not be construed as limiting in any way the general powers and functions of the County. All possible powers and functions of the County, both present and future, are to be considered as if specifically set forth in this Charter. All powers and functions of the County are to be liberally construed in favor of the County.

§ 104. Rights Reserved to the People.

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

§ 105. Local Municipal Services.

Nothing in this Charter shall be construed as interfering with the rights of cities, townships and boroughs within the County to retain powers and functions and to provide municipal services in accordance with law, including but not limited to the Pennsylvania Home Rule Charter and Optional Plans Law, Act of April 13, 1972, P. L. 184, No. 62, as amended. The County Government shall, by action of the Board of Commissioners, offer to provide necessary municipal services as may be required from time to time in the cities, boroughs and townships of the County, subject to the provisions of law, including those provisions in the Act of permitting

local municipalities to be excluded or to withdraw from County Government services by actions of their governing bodies or citizens.

ARTICLE II. ELECTED OFFICERS

Sec.

- 201. Enumeration of Elected Officers.
- 202. Qualifications of Elected Officers.
- 203. Election of Officers.
- 204. Requirements; Prohibition.
- 205. Compensation.
- 206. Forfeiture of Office.
- 207. [Reserved].
- 208. Vacancies and Filling of Vacancies.
- 209. Oath of Office.

§ 201. Enumeration of Elected Officers.

The elected officers of the County shall be:

- (a) Nine (9) members of the Board of Commissioners.
- (b) County Executive.
- (c) Controller.
- (d) District Attorney.
- (e) Sheriff.
- (f) **[Recorder of Deeds.] Repealed**
- (g) **[Register of Wills.] Repealed**
- (h) Coroner.
- (i) Clerk of Judicial Records. **[Courts]**

Source

The provisions of this §201 amended November 5, 2006, effective November 28, 2006.

§ 202. Qualifications of Elected Officers.

Each elected officer of the County shall have been a resident and qualified elector of the County for at least one year immediately preceding his or her election, or, in the case of an appointment to fill a vacancy in office, for at least one year immediately preceding his or her term of office.

Each member of the Board of Commissioners elected by district must be a resident of that district at the time of his or her elections or appointment and shall remain a resident of the district

throughout his or her term of office; however if redistricting shall place a Board member elected by district out of the district for which he or she is elected during his or her term of office, such Board member shall be permitted to complete his or her term. The District Attorney shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania at the time of his or her election and throughout the term of his or her office.

Source

The provisions of this § 202 amended November 5, 1985, effective November 20, 1985.

§ 203. Election of Officers.

(a) All elected officers of the County shall be elected for four year terms of office, except as otherwise specified hereinafter for the first terms of certain elected offices. All terms of office for elected officers shall commence on the first Monday of January of the year following their election. Any limit on the number of terms which a person may serve in an elected office may only be established by amendment of this Charter, approved by the qualified electors of the County in a referendum pursuant to §1008.

(b) (1) The Board of Commissioners shall consist of nine (9) members, five (5) of whom shall be elected from districts and four (4) from the County at large. The County shall be divided into five (5) districts and the qualified electors of each district shall have the right to vote for one (1) district commissioner and for as many commissioners-at-large as are to be elected at the election. The initial boundaries of the five districts created by this Charter are as contained in Appendix A attached hereto. If a court of competent jurisdiction shall find the initial boundaries of the districts to be invalid for any reason, the Court of Common Pleas of Lehigh County shall designate the initial boundaries of the five (5) districts within ninety (90) days after the entrance of the final order declaring the initial boundaries to be invalid. The population of each district shall be nearly as equal as practicable. The three (3) commissioners elected for four (4) year terms in 1975 shall serve as commissioners-at-large for the remainder of their terms with no change in compensation. In the year 1979 and at four (4) year intervals, four (4) commissioners-at-large shall be elected. The five (5) district commissioners shall be elected by the qualified electors of the County in the year 1977 for four (4) year terms and at four (4) year intervals thereafter. One (1) commissioner-at-large shall be elected in the year 1977 to serve for an initial term of two (2) years. (2) It shall be the mandatory duty of the Board to redistrict the County as required by state law. The population of each district shall be nearly as equal as practicable.

(c) The County Executive shall be nominated and elected by the qualified electors of the County in the year 1977 and at four year intervals thereafter. No person so elected to the office of County Executive for a four (4) year term shall serve more than two (2) consecutive four (4) year terms of office. The limitation shall apply to persons elected to the office of County Executive at the elections to be held November 7, 1989, and every four (4) years thereafter. No four (4) year term served prior to that commencing on the first Monday of January, 1990 shall be included in calculating this limitation. Any terms served by a person reported to fill a vacancy or elected to complete an uncompleted term in the office of County Executive pursuant to § 208 or other applicable law shall not be included in calculating this limitation.

(d) The District Attorney, Treasurer, Sheriff, Coroner, Prothonotary, Recorder of Deeds, Register of Wills and Clerk of Courts elected for four year terms in 1975 shall serve in the office for which they were elected for the remainder of their terms with no change in their compensation. In the year 1979 and at four year intervals thereafter, the District Attorney, Sheriff, Coroner, and Clerk of Judicial Records shall be elected for four (4) year terms.

(e) The Controller elected in 1977 shall serve for a term of two (2) years. Thereafter the Controller shall be elected for four year terms.

(f) No person may seek election to more than one (1) of the offices set forth in this Article at the same election.

Source

The provisions of §203 amended November 5, 1985, effective November 20, 1985; amended November 7, 1989, effective November 14, 1989; amended November 5, 2006, effective November 28, 2006.

§ 204. Requirements; Prohibition.

(a) Elected officers, except for members of the Board of Commissioners and the District Attorney, shall be considered full-time employees of the County and shall devote the time and effort to official County business as is required for full-time employees of the County Government generally.

(b) During his or her term of office, an elected officer shall not hold any other County office or County employment for compensation, any other elective public office, any other political office or political employment for compensation.

Source

The provisions of § 204 amended April 4, 2000, effective 10 days after passage.

§ 205. Compensation.

Unless required to be determined by state law, elected officers shall receive annual salaries as set forth in § 1104 or such other salaries as shall be fixed by ordinance of the Board of Commissioners from time to time. Any change in salary shall not become applicable to any incumbent elected officer until the commencement of a new term of office: and no ordinance revising the salary of an elected office shall be adopted during the three hundred sixty (360) day period immediately prior to the commencement of a new term for that office. In addition, the salary of the Board of Commissioners may not exceed one-half (1/2) of the salary for the entry wage in the lowest pay level of an occupied, full-time position effective pursuant to the Personnel Code at the time of enactment of the salary ordinance. Elected officers shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties in accordance with procedures and within limits prescribed by the Board of Commissioners. Nothing in this Charter shall be construed as prohibiting or preventing an elected or appointed officer from foregoing or waiving his or her salary or other compensation in whole or part. The Board shall not be entitled to receive any fringe benefits.

Source

The provisions of §205 amended May 20, 1997.

§ 206. Forfeiture of Office.

An elected officer shall forfeit his or her office if he or she lacks at any time during his or her term of office any qualification prescribed by this Charter or by law, if he or she is incapacitated for more than ninety (90) days, if he or she is convicted in any court of competent jurisdiction of any crime, including pleas of guilty and nolo contendere, which is classified as murder of the first degree, a felony, or of any crime involving moral turpitude under the criminal laws of the United States or the Commonwealth of Pennsylvania or any crime for which forfeiture of office is provided for by law in the event of conviction or plea of guilty or nolo contendere, or if he or

she ceases to be a resident and qualified voter of the County.

Source

The provisions of §206 amended May 20, 1997.

§ 1.2-207. [Reserved].

Source

The provisions of §207 reserved November 5, 1985, effective November 20, 1985.

§ 208. Vacancies and Filling of Vacancies.

(a) The office of an elected officer shall become vacant upon his or her death, resignation, removal from office, or forfeiture of office, or for failure to assume such office after election thereto within forty-five (45) days after the scheduled commencement of the term thereof.

(b) If a vacancy shall occur in any elective office, a majority of the members of the Board of Commissioners in office shall fill such vacancy by appointing a person (of the same political party affiliation as the person who vacated said office) who is qualified under this Charter to hold such office. If the Board of Commissioners should fail, for any reason whatsoever, to fill such vacancy within forty-five (45) days after the vacancy occurs, the Court of Common Pleas shall, upon petition of the County Executive or the Board of Commissioners, or any five (5) citizens of the County, fill the vacancy in such office by appointment of a qualified resident of the County, who is of the same political party affiliation as the person who vacated said office.

(c) The appointee shall serve until a successor is elected. Such election shall occur at the next scheduled municipal election occurring at least sixty (60) days after the vacancy has occurred. The candidates for the vacancy shall be nominated in the manner provided by the Pennsylvania Election Code for nomination of candidates. The term of office of the elected successor commences on the first Monday of January of the year following his or her election.

Source

The provisions of § 208 amended November 5, 1985, effective November 20, 1985, and amended November 4, 1997.

§ 209. Oath of Office.

Every elected officer, every member of an authority, board, commission and committee (except committees consisting only of members of the Board), and such other officers and employees as the Board may by ordinance determine shall prior to assuming office or employment sign an oath or affirmation of office as prescribed by ordinance or the laws of the Commonwealth of Pennsylvania. Such oath or affirmation shall be administered by any person authorized to administer oaths or affirmations and shall be filed in the office of the Election and Registration Commission.

ARTICLE III. LEGISLATIVE BRANCH

Sec.

- 301. Composition.
- 302. Legislative Powers and Duties.
- 303. Organization and Rules of Procedure.
- 304. Meetings.
- 305. Staff.
- 306. Quorum.
- 307. Form of Action by the Board.
- 308. Ordinance Requirements.
- 309. Citizens' Right to be Heard.
- 310. Actions Requiring an Ordinance.
- 311. Emergency Ordinances.
- 312. Executive Approval or Veto of Ordinance.
- 313. Effective Date and Publication of Ordinances.
- 314. Recording and Codification of Ordinances.
- 315. Enforcement of Ordinances.

§ 301. Composition.

The legislative branch of the County shall consist of the Board of Commissioners, which shall be composed of the nine (9) members of the Board. A member of the Board may be referred to as "County Commissioner."

§ 302. Legislative Powers and Duties.

All legislative powers which may be exercised by the County under the Constitution and laws of the Commonwealth of Pennsylvania shall be vested in the Board, except as otherwise expressly provided in this Charter. The Board shall have, but not by way of limitation, the following powers:

(a) To enact, amend or repeal ordinances, resolutions, and motions not inconsistent with this Charter or the Constitution and laws of the Commonwealth of Pennsylvania.

(b) To make appropriations, incur indebtedness, and adopt the budget.

(c) To levy taxes, assessments and service charges; provided, however, that except as otherwise required by law, the net costs of all general services rendered or made available by the County to the entire County shall be a charge against the entire County, and provided further that the net cost of all special services rendered or made available by the County only to one or more municipalities or special districts within this County shall be a charge only against such municipalities or special districts or the taxpayers or taxable property thereof.

(d) To adopt and amend by ordinance an administrative code which shall set forth in detail a plan for organization and administration of the County government not inconsistent with the provisions of this Charter.

(e) To adopt procedures, by ordinance, which shall provide for the purchasing of products, goods and services, the making of contracts, and the sale or lease of personal or real

property of the County. Such procedures shall provide for negotiated contracts, competitive bidding, bidding procedures, assurance of controls on aggregate spending, and safeguards against special interests.

(f) To adopt a Personnel Code as required by Article IX of this Charter.

(g) In aid of its legislative powers and functions, to make, or cause to be made, as a body or through a committee thereof, such studies, audits, inquiries, and investigations relating to the affairs of the County and its government and to the conduct of any agency, officer, or employee, and in connection therewith, to obtain professional and technical advice; subpoena witnesses; administer oaths; and require the production of books, papers, and other evidence deemed necessary.

(h) To appoint or confirm, as the case may be, officers and employees as provided by this Charter, by ordinance, or by State law.

(i) To establish the salaries and wage levels of the County officers and employees, subject to the provisions of Article IX of this Charter.

(j) To establish, combine, or abolish, by ordinance, agencies and the powers and duties thereof, except for agencies prescribed by this Charter or by law and voluntary advisory boards established by the County Executive under § 402(k).

(k) To receive and accept gifts or donations of real or personal property or interest therein in the name of the County.

(l) To acquire property by eminent domain for any necessary public purpose.

(m) To make provisions for any matters of County Government not otherwise provided for, including, but not restricted to, any matter involving health, safety, and welfare.

§ 303. Organization and Rules of Procedure.

(a) On the first Monday of January in each year, the Board shall meet and organize by electing a chairman or chairwoman and a vice-chairman or vice-chairwoman from its membership, who shall hold such offices at the pleasure of the Board. The chairman or chairwoman, or in the event of his or her absence the vice-chairman or vice-chairwoman, shall preside at all meetings of the Board. They shall, in all questions before the Board, have and may exercise their rights to which they are entitled as a Board member. If a majority of the Board shall not attend the organization meeting of the Board, those present may adjourn the meeting to such time as they may determine. The members who attend the second of such adjourned meetings, although less than a quorum as fixed in §306, shall nevertheless constitute a quorum for the purpose only of electing the officers of the Board. If a quorum be present at any organization meeting, the Board may transact any other business it may deem necessary. If the first Monday of January is a legal holiday, the meeting and organization shall take place the next day following.

(b) The Board may appoint from among its members any committees and officers of the Board who shall perform duties and functions established by the Board, not inconsistent with

other provisions of this Charter. The Board shall adopt rules necessary for its organization, procedure, meetings, and committees.

§ 304. Meetings.

(a) The Board shall establish the time, place, and conditions of its regular and special meetings. Regular meetings shall be held at least twice in each calendar month in separate weeks. All meetings of the Board shall be open to the public. Public notice of all meetings shall be given showing the dates, times, and places at which the meetings are to be held. Public notice of the schedule of regular meetings shall be given at least once each calendar year. During a declared state of emergency public notice shall not be required if impractical under the circumstances.

(b) Presence of a Commissioner at any meeting shall constitute a waiver of notice of such meeting, except where a Commissioner attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened.

(c) If a meeting cannot be organized because a quorum has not attended, those present may adjourn the meeting to such time as they may determine.

§ 305. Staff.

There shall be a Clerk of the Board and such other personnel as may be authorized from time to time. All appointments to the staff of the Board and all suspensions or removals therefrom shall be made by the affirmative vote of at least a majority of the Board in office. The Board may retain independent legal counsel whenever use of the services of the County Solicitor would pose a possible conflict of interest.

§ 306. Quorum.

The Board may take no action in the absence of a quorum, except as otherwise provided in this Charter. A quorum of the Board shall consist of a majority of the members of the Board in office.

§ 307. Form of Action by the Board.

Actions of the Board 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, provided, however, that no roll call vote shall be necessary in the case of a unanimous vote; the yeas and nays shall be entered into the minutes. The Board may take action only at public meetings. All ordinances must be adopted by the affirmative vote of at least a majority of the Board in office except as may be provided otherwise in the Charter. Resolutions and motions must be adopted by the affirmative vote of no less than a majority of members of the Board present and eligible to vote.

§ 308. Ordinance Requirements.

A proposed ordinance may be introduced by any member of the Board or by the Board as a whole. A proposed ordinance shall be submitted in writing 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. No proposed ordinance except an emergency ordinance or a budget ordinance adopted pursuant to §704(c) 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 held at least six (6) days after the proposed ordinance or amendment was introduced except as provided above for an emergency ordinance or a budget ordinance adopted pursuant to §704(c).

Amended November 4, 2003, effective November 14, 2003 per Ordinance 2003-No. 133.

§ 309. Citizens' Right to be Heard.

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

§ 310. Actions Requiring an Ordinance.

(a) Actions of the Board which are legislative in character shall be by ordinance. In addition to any other actions which must be taken by ordinance as required by law or this Charter, the following actions of the Board shall require an ordinance:

1. Adopting or amending the Administrative Code or Personnel Code or establishing or abolishing any agency.
2. Levying taxes.
3. Fixing the compensation of any elected official.
4. Granting, renewing, or extending a franchise.
5. Authorizing the borrowing of money (except revenue anticipation or emergency loans).
6. Conveying, leasing, or authorizing the conveyance or lease of any County property.
7. Establishing, altering, or abolishing rates charged for any utility or other service supplied by the County.
8. Amending or repealing any ordinance previously adopted.
9. Exercising eminent domain.
10. Providing a penalty or establishing a rule or regulation for the violation of which a penalty is imposed.
11. Fixing and setting the wage levels of County officers and employees subject to the provisions of Article IX.

(b) The following actions also require an ordinance, and in addition, require that after introduction and prior to adoption, at least ten (10) days' prior public notice of the meeting (except as provided otherwise in § 703) shall be published in at least two newspapers of general circulation in the County.

1. Adopting the operating budget or a capital improvement plan, program, and budget except as provided in §704(c).
2. Establishing new taxes or increasing rates of existing taxes.

3. Authorizing any intergovernmental agreement that transfers the exercise of any County power or function to any other governmental body or which transfers to the County the exercise of any power or function of a local municipality or another county.
4. Adopting or repealing zoning ordinances or zoning maps or amendments thereto.
5. Adopting or repealing comprehensive plans, subdivision regulations, land development or land use regulations or amendments thereto.
6. Adopting a redistricting of the County.

Source

The provisions of § 310 amended May 20, 1986, effective June 4, 1986, and amended November 4, 2003, effective November 14, 2003 pursuant to Ordinance 2003- No. 133.

§ 311. Emergency Ordinances.

The Board may adopt emergency ordinances necessary for the protection of public well-being whenever there is an immediate threat to the life, health and/or property of the inhabitants of Lehigh County and a state of emergency has been declared by the County Executive or by an affirmative vote of at least a majority of members of the Board in office. Emergency ordinances may be adopted at the same meeting at which they are introduced and shall take effect immediately upon enactment. An emergency ordinance shall automatically stand repealed on the 31st day following its effective date, but this shall not prevent the reenactment if the emergency still exists; however, re-enactment shall be by the procedures followed for adoption of ordinances generally.

§ 312. Executive Approval or Veto of Ordinance.

Before any ordinance takes effect, except an emergency ordinance, it must first be submitted to the County Executive for his or her approval. The County Executive shall sign the ordinance if he or she approves it, whereupon it shall become law as of its effective date. If he or she disapproves it, the County Executive shall return the ordinance to the Board with the reasons for his or her disapproval within ten (10) days after he or she receives it. If the Board shall within thirty (30) days thereafter, again pass the ordinance, this time by an affirmative vote of a majority of the members of the Board in office plus one (1), the ordinance shall become law without the County Executive's approval. If the County Executive fails to act upon an ordinance within ten (10) days after receiving it, the ordinance shall become law without his or her approval. This section shall be subject to any inconsistent requirements of the process for enacting a budget ordinance.

Amended November 4, 2003, effective November 14, 2003 pursuant to Ordinance 2003-No.133.

§ 313. Effective Date and Publication of Ordinances.

(a) All ordinances, except emergency ordinances and budget ordinances enacted pursuant to §§704(c) and 705(b), shall become effective thirty (30) days after enactment unless a different effective date is specified in the ordinance, but in no case shall such ordinance, except emergency ordinance and budget ordinances enacted pursuant to §§704(c) and 705(b), take effect sooner than ten (10) days after enactment. A budget ordinance enacted pursuant to §§704(c) and 705(b) shall take effect no later than the first day of January of the year for which it was enacted.

(b) All ordinances, except emergency ordinances and budget ordinances enacted pursuant to §§704(c) and 705(b), shall be published in summary form in at least two (2) newspapers circulating generally in the County and in such electronic or other media as may be designated by ordinance at least seven (7) days prior to the date on which they become effective. A summary of emergency ordinances and budget ordinances enacted pursuant to §§704(c) and 705(b), shall be published promptly or as soon as possible after enactment. Copies of all ordinances, except emergency ordinances and budget ordinances enacted pursuant to §§704(c) and 705(b), shall be posted conspicuously for public inspection at the County seat prior to the date on which they become effective, and copies shall be made available for public distribution. Copies of emergency ordinances and budget ordinances enacted pursuant to §§704(c) and 705(b), shall be posted for public inspection at the County seat and made available for public distribution as soon as possible after enactment.

Source

The provisions of §313 amended November 5, 1996 and amended November 4, 2003, effective November 14, 2003 pursuant to Ordinance 2003-No.133.

§ 314. Recording and Codification of Ordinances.

The minutes, ordinances, resolutions, and motions of the Board shall be entered as approved in the record books of the County, or in such electronic or other media as may be designated by ordinance 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, and all entries made therein shall be at his or her direction. All County ordinances and any resolutions or motions having legislative effect shall be codified and the codification kept current. 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 upon request at a reasonable charge.

Source

The provisions of § 314 amended November 5, 1996.

§ 315. Enforcement of Ordinances.

(a) All proceedings for the violation of any ordinances and for the recovery of fines or penalties imposed thereby shall be brought as prescribed by law or ordinance or the County administrative code.

(b) The penalty for the violation of any ordinance shall be fixed by ordinance.

(c) An ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such.

ARTICLE IV. EXECUTIVE BRANCH

Sec.

- 401. Composition.
- 402. Powers and Duties.
- 403. Absence or Incapacity of the County Executive.
- 404. Administrative Code.
- 405. Department of Administration.
- 406. County Executive Appointments.
- 407. County Solicitor.
- 408. Public Defender.

§ 401. Composition.

The executive branch of the County shall consist of the County Executive and all officers, agents, and employees under his or her supervision and authority. The County Executive shall be elected and shall serve in accordance with the provisions of Article II of the Charter.

§ 402. Powers and Duties.

The County Executive shall have and may exercise such executive and administrative powers as are conferred upon him or her under this Charter or by ordinance, such executive and administrative powers as are generally conferred upon County government in the Commonwealth of Pennsylvania by applicable law, and all powers necessarily incidental thereto. The County Executive shall have, but shall not be limited to, the following powers and duties:

(a) To supervise and direct the administration and the internal organization of all agencies of the County government except those specifically placed under the jurisdiction of any other officer by this Charter or by applicable law.

(b) To appoint, suspend, and remove all County employees except those specifically placed under the jurisdiction of any other officer by this Charter or by applicable law and except staff of the Board appointed under §305.

(c) To execute and enforce resolutions, motions, and ordinances of the Board.

(d) To exercise the power of veto as set forth in this Charter.

(e) To prepare, as chief budget officer, the annual operating and capital budgets and submit them to the Board prior to September 1 of each year and execute same in accordance with provisions of this Charter.

(f) To represent the County in deliberations with other governmental bodies.

(g) To assure that all laws relating to the affairs and government of the County are duly executed and enforced within the County.

(h) To report to the Board annually within sixty (60) days after the close of the fiscal year, and at such other times as he or she may deem necessary or as the Board shall direct, on the activities of the agencies of the County in such detail as he or she may deem necessary or as the

Board shall require or direct.

(i) To serve on all boards and commissions, except as otherwise provided in this Charter, on which a County Commissioner was, prior to the adoption of this Charter, required to serve. However, when permitted by law, he or she may designate someone else to serve in his or her place.

(j) To sign or cause to be signed on the County's behalf all deeds, contracts, papers, and other instruments, including those which prior to the adoption of this Charter required the signature of the Chairman or any member of the Board of Commissioners. However, the refusal of the County Executive to sign or cause to be signed any instrument required by the Board as a body or through a Committee thereof pursuant to §§302(g) or 305 shall constitute authority for the Chair of the Board to sign or cause to be signed such instrument in place of the County Executive.

(k) To appoint and dissolve from time to time voluntary advisory boards of citizens to assist and advise him or her on issues and matters pertaining to his or her office, including but not limited to a Prison Board.

(l) To declare a "state of emergency" whenever there is an immediate threat to the life, health and/or property of the inhabitants of Lehigh County and during such state of emergency to take appropriate action to meet the emergency, including action of a legislative nature in the absence of a quorum of the Board. A state of emergency shall not exceed a period of five (5) days unless extended by action of the Board. Any legislative action taken by the County Executive shall cease to be effective on the 10th day after such action has been taken unless ratified by an affirmative vote of at least five (5) members of the Board.

(m) To have the authority to recommend such matters for legislative action as may be in the best interests of the County.

(n) To have necessary implied and incidental powers to perform and execute the duties and functions as set forth in the Charter or lawfully delegated to him or her.

Source

The provisions of § 402 amended May 20, 1997 and amended November 4, 2003, effective November 14, 2003, pursuant to Ordinance 2003-No.133.

§ 403. Absence or Incapacity of the County Executive.

The County Executive shall designate, within thirty (30) days of taking office, the head of one of the departments of the executive branch who shall have all the powers and duties of the County Executive during his or her absence from the County or his or her inability to act for any reason. Such designation shall be made in writing and filed with the Board and may be changed by the County Executive at any time by filing a new designation. In the event that no Acting County Executive has been so designated, or that the designated officer is unable to serve during the absence or inability of the County Executive, the Board shall designate, by resolution, as Acting County Executive the head of one of the departments of the executive branch.

§ 404. Administrative Code.

Within three (3) months after the effective date of this Charter, the County Executive shall submit to the Board a proposed Administrative Code. The Board shall, within three (3) months thereafter, adopt by ordinance an Administrative Code providing a complete plan of organization and structure and operation for the County government. The Administrative Code may establish agencies, including but not limited to an information office in addition to those created by this Charter, and may authorize the County Executive to promulgate regulations regarding organization and structure.

§ 405. Department of Administration.

The Administrative Code shall provide for a Department of Administration which shall:

- (a) Assist in the preparation of the budget;
- (b) Administer a centralized purchasing system;
- (c) Establish and administer a centralized personnel system for all County employees;
- (d) After consultation with the Controller, establish and maintain a centralized accounting system which shall be so designed as to accurately reflect the assets, liabilities, receipts and expenditures of the County;
- (e) Perform such other duties as the Board may prescribe in the Administrative Code or as the County Executive may direct.

§ 406. County Executive Appointments.

The County Executive shall, subject to confirmation by the affirmative vote of at least a majority of the Board in office, appoint to the extent permitted by law, and except* as provided otherwise by this Charter, the members of agencies, the heads of all departments, offices and bureaus under his or her jurisdiction, the County Solicitor, and Public Defender. Only the heads of offices and bureaus so designated by ordinance shall be subject to confirmation. All heads of departments, bureaus, and offices, except the County Solicitor and Public Defender, shall devote full time to their offices and shall be qualified through experience and/or training for the responsibilities of their positions. Each appointment subject to the confirmation of the Board shall be made in writing and filed with the Board within ten (10) days after it is made. An appointee shall take office when confirmed by the Board or, if the Board has failed to act, on the 30th day after the appointment was filed with the Board. All such appointees shall serve at the pleasure of the County Executive, except where a definite term has been established therefore by law or by this Charter. The County Executive may designate a qualified person to serve in a temporary capacity for a period not in excess of ninety (90) days in any calendar year. The ninety (90) day period may be extended for any temporary appointment by approval of the Board. *The document at 16 Pa.B. 2574 reads "execute."

Source

The provisions of this § 406 amended May 20, 1986, effective June 4, 1986; amended May 20, 1997.

§ 407. County Solicitor.

(a) The County Solicitor shall be the chief legal officer and attorney for the County government except for the office of the Controller in the event he or she appoints his or her own solicitor. 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. The County Solicitor shall appoint assistant solicitors in such numbers and at such salaries as shall be fixed by the Board. 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 their duties other than their salaries as fixed by the Board. The County Solicitor shall have the right to inspect at reasonable times the records of any office, authority, department, commission, board or committee of the County in connection with the performance of his or her powers and duties. The amendment of this section in 1997 shall be effective on January 1, 1998.

(b) With the approval of the County Executive and the Board, the County Solicitor may retain special counsel for a particular proceeding.

Source

The provisions of this § 407 amended May 20, 1997.

§ 408. Public Defender.

The Public Defender shall have and exercise all powers and duties, not inconsistent with this Charter, now or hereafter conferred or imposed on the Public Defender by state laws, by this Charter or by resolutions of the Board. The Public Defender shall appoint assistants in such numbers and at such salaries as shall be fixed by the Board. 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 their duties other than their salaries as fixed by the Board. He or she shall have such other powers, duties and authority as are given by the Charter, by law or by ordinance of the Board.

ARTICLE V. POWERS AND DUTIES OF INDEPENDENT OFFICERS

Sec.

501. Judiciary.

502. District Attorney.

503. Controller.

504. Sheriff.

505. **Clerk of Judicial Records.**

507. Coroner.

508. Clerk of Courts.

509. General Responsibilities of Elected Officials.

§ 501. Judiciary.

(a) The Judicial power in Lehigh County is vested in the Court of Common Pleas of the 31st Judicial District of the Commonwealth of Pennsylvania, presently composed of Lehigh County and the district justices of the peace in said Judicial District, all of which are part of the unified Judicial System of the Commonwealth of Pennsylvania, and not part of the County government, and such courts and other judicial officers as may from time to time be established by the laws of the Commonwealth of Pennsylvania.

(b) Except as provided otherwise in Section 2301 of the Judicial Code, 42 Pa.C.S. Section 2301, or as now or hereafter otherwise provided by the general laws of the Commonwealth of Pennsylvania, all officers, solicitors, court reporters, stenographers, clerks, employes and other personnel required for the conduct of the Judicial System in the 31st Judicial District of the Commonwealth of Pennsylvania shall be appointed and their compensation and duties fixed in accordance with the provisions of subsection (a) of Section 2301, *supra*.

(c) Clerk of Orphans' Court Division—The Clerk of Orphans' Court Division shall be appointed by the judges of the Court of Common Pleas sitting *en banc* and shall have and exercise all powers and duties now or hereafter conferred or imposed on Clerks of Orphans' Court divisions by general state laws relating to Clerks of Orphans' Court divisions in counties of the classification of Lehigh County without home rule charters. The Clerk of Orphans' Court division shall have the power to appoint deputies, assistants, clerks and such other personnel as may be required for the proper conduct of the office subject to the approval of the administrative judge of the Orphans' Court division of the Court of Common Pleas, or its designated representative in the provisions of subparagraph (b) hereof.

(d) Jury selection and management shall be the responsibility of the Judiciary which has plenary power and authority to carry out that responsibility.

§ 502. District Attorney.

The District Attorney shall have and exercise all powers and duties, not inconsistent with this Charter, now or hereafter conferred or imposed on district attorneys by State laws relating to district attorneys in counties of Lehigh County's classification functioning without home rule charters; or in the absence of such laws, by State laws relating to district attorneys in counties having populations most closely equal to that of Lehigh County. The District Attorney shall have such other powers, duties and authority as are given by this Charter, by law or by ordinance of the Board. The District Attorney shall have the power to appoint assistant district attorneys,

detectives, clerks and other personnel 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. The District Attorney and 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.

§ 503. Controller.

The Controller shall examine the records, files, and procedures pertaining to the receipt and expenditures of County funds by all 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 and to the Executive 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. The Controller shall audit the accounts of other public officers, offices and agencies, and any accounts of other public monies, in the manner prescribed by State laws requiring such audits by controllers in counties of Lehigh County's classification functioning without home rule charters; or, in the absence of such laws, by State laws relating to controllers in counties having populations most closely equal to that of Lehigh County. The Controller shall not be required to audit the County's General Purpose Financial Statement or the financial statements of any County Government Agencies if he or she serves on the governing body of the agency by virtue of holding the office of Controller. The Controller shall perform such other powers, duties and authority as are given by this Charter, by law or by ordinance of the Board. The Controller shall have the power to appoint assistants, clerks, a solicitor and other personnel 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.

Source

The provisions of § 503 amended May 20, 1986, effective June 4, 1986.

§ 504. Sheriff.

The Sheriff shall have and exercise all powers and duties, not inconsistent with this Charter, now or hereafter conferred or imposed on sheriffs by State laws relating to sheriffs in counties of Lehigh County's classification functioning without home rule charters; or, in the absence of such laws, by State laws relating to sheriffs in counties having populations most closely equal to that of Lehigh County. The Sheriff shall have the power to appoint deputies, assistants, clerks and other personnel 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. The Sheriff shall have such other powers, duties and authority as are given by this Charter, by law or by ordinance of the Board. The amendment of this section in 1997 shall be effective on January 1, 1998.

Source

The provisions of this § 504 amended May 20, 1997.

§ 505. Clerk of Judicial Records

The Clerk of Judicial Records shall have and exercise all powers and duties, not inconsistent with this Charter now or hereafter conferred or imposed on recorders of deeds, registers of wills, prothonotaries, and clerks of courts by State laws relating to recorders of deeds, registers of wills, prothonotaries, and clerks of courts in counties of Lehigh County's classification functioning without home rule charters; or, in the absence of such laws, by State laws relating to said officers in counties having populations most closely equal to that of Lehigh County. The Clerk of Judicial Records shall accept no fees for the performance of his or her duties other than his or her salary as fixed by the Board. The Clerk of Judicial Records shall have such other powers, duties and authority as are given by this Charter, by law or by ordinance of the Board and shall have the power to appoint assistants, clerks and other personnel 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. This section shall be effective the first Monday of January, 2008.

[§ 505. Register of Wills.]

Repealed

Source

The provisions of this § 505 amended May 20, 1997; amended November 5, 2006, effective November 28, 2006.

[§ 506. Recorder of Deeds.]

Repealed

Source

The provisions of this §506 amended May 20, 1997; amended November 5, 2006, effective November 28, 2006.

§ 507. Coroner.

The Coroner shall perform all duties, not inconsistent with this Charter, now or hereafter conferred by State laws on coroners in counties of Lehigh County's classification functioning without home rule charters; or, in the absence of such laws, by State laws relating to coroners in counties having populations most closely equal to that of Lehigh County. The Coroner shall accept no fees for the performance of his duties other than his or her salary as fixed by the Board. He or she shall have such other powers, duties and authority as are given by the Charter, by law or by ordinance of the Board. The Coroner shall have the power to appoint assistants, clerks and other personnel 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. The amendment of this section in 1997 shall be effective on January 1, 1998.

Source

The provisions of this §507 amended May 20, 1997.

[§ 508. Clerk of Courts.]
Repealed.

Source

The provisions of this § 508 amended May 20, 1997; amended November 5, 2006, effective November 28, 2006.

§ 509. General Responsibilities of Elected Officials.

Within his or her respective jurisdiction, each elected independent county officer shall:

(a) Supervise and direct the internal organization of each agency over which he or she has responsibility.

(b) Execute and enforce all resolutions and ordinances of the County.

(c) Assure that the laws of the State relating to the affairs and government of the County are duly executed and enforced within the County.

(d) Have the authority to recommend such measures for legislative action as may be in the best interest of the County.

(e) Have all necessary incidental powers to perform and exercise those duties and functions set forth in this Charter or lawfully delegated to him or her.

ARTICLE VI. AUTHORITIES, BOARDS, AND COMMISSIONS

Sec.

601. General.

602. Appointments.

603. [Reserved].

604. The Board of Assessment Appeals.

605. Election and Registration Commission.

606. Retirement Board.

607. Responsibilities of Board, Commissions and Committees

§ 601. General.

There shall be such agencies as shall be established from time to time by State law or by action of the Board. In addition, pursuant to 402(k), the County Executive shall have the power to establish voluntary advisory boards of citizens.

§ 602. Appointments.

Except as otherwise provided in this Charter, or by law, all members of agencies shall be appointed by the County Executive, in accordance with §406 of this Charter. Where an applicable law prescribes that a County Commissioner be a member of an agency, the County Executive shall fill such position. Upon failure of the County Executive to nominate a person to fill a vacancy within ninety (90) days after the vacancy has occurred, the Board shall make the appointment.

§ 603. [Reserved].

§ 604. The Board of Assessment Appeals.

There shall be a Board of Assessment Appeals consisting of three (3) members which shall exercise all powers and duties not inconsistent with this Charter now or hereinafter conferred upon a Board of Assessment Appeals in counties of Lehigh County's classification functioning without a home rule charter; or, in the absence of such laws by State law relating to Boards of Assessment Appeals in counties having a population most closely to that of Lehigh County. The Board of Assessment Appeals shall have such other powers, duties and authority as are given by this Charter, by law, or by ordinance of the Board.

§ 605. Election and Registration Commission.

(a) There shall be an Election and Registration Commission which shall exercise all powers and duties now or hereafter conferred on County Boards of Election and Registration Commissions by applicable State laws, including the Pennsylvania Election Code and shall have such other powers, duties and authority as are given by this Charter, by law or by ordinance of the Board. The Election and Registration Commission shall consist of three (3) members, one of whom shall be the County Executive or his or her designee and who shall serve as Chairman. In the January following the year of election of the County Executive, the Board shall appoint two (2) members for four-year terms. One member shall be from each political party chosen

from a list of five (5) names submitted by the County chairmen of the political parties polling the highest and second highest percent of the votes cast for all candidates for the office of County Executive in the preceding municipal election. If the Board does not receive a list of nominees by January 31, it may proceed to appoint two (2) members, selecting one (1) from each of said parties. Vacancies shall be filled in a like manner. With the exception of the County Executive, no person shall be eligible to serve on the Election and Registration Commission if he or she holds any elective public office.

(b) If any member of the Election and Registration Commission shall be a candidate for any nomination or election to public office, he or she shall not act as a member of said Board. If the County Executive becomes a candidate for any nomination or election to public office or terminates his or her service the President Judge of the Court of Common Pleas shall appoint an elector of the County who is of the same political party affiliation as the County Executive to serve in his or her place on the Commission while the County Executive is a candidate.

Source

The provisions of this § 605 amended July 23, 1986, effective August 11, 1986.

§ 606. Retirement Board.

The Retirement Board shall oversee the administration of the County retirement system and shall have such other powers, duties and authority as are given by this Charter, by law or by ordinance of the Board. The Retirement Board shall consist of seven (7) members: the County Executive; a member of the Board selected by the Board; the Controller; the Chairperson of the Board; one (1) person appointed by the County Executive from among the membership of the retirement system who shall serve for a term of four (4) years from the date of his or her appointment; one (1) person receiving pension benefits from the County of Lehigh elected by ballot from among the membership of the retirement system who shall serve for a term of four (4) years from the date of his or her election; and one (1) person employed by the County of Lehigh and participating in the pension plan elected by ballot from among the membership of the retirement system who shall serve for a term of four (4) years from the date of his or her election.

Source

The provisions of § 606 amended July 23, 1986, effective August 11, 1986; amended April 4, 2000, effective April 14, 2000.

§ 607. Responsibilities of Boards, Commissions and Committees.

All permanent boards, commissions, and committees whose membership includes volunteer citizens shall hold meetings open to the public after advance notice and shall provide members of the public the opportunity to address them during their meetings. Minutes of all meetings shall be maintained for public review. Annually each permanent board, commission, and committee shall issue publicly a written report listing its members and summarizing its goals, activities, and accomplishments.

New. Approved November 4, 1997.

ARTICLE VII. BUDGET AND FINANCE

Sec.

- 701. Fiscal Year.
- 702. County Budget.
- 703. Public Hearings.
- 704. Approval of the Budget.
- 705. Item Veto or Reductions.
- 706. Changes in the Budget.
- 707. Emergency Appropriations.
- 708. Capital Plan.
- 709. Payment of Funds.
- 710. Lapse of Appropriations.
- 711. Audit.

§ 701. Fiscal Year.

The fiscal year of the County shall begin on the first day of January and end on the last day of December of each year, unless otherwise prescribed by applicable State law.

§ 702. County Budget.

Prior to September 1 of each year, the County Executive shall present to the Board in ordinance form the proposed County budget for the next fiscal year. The County budget shall be a complete financial plan for the County, shall consist of an operating budget and a capital budget, shall include estimates of the revenues and expenditures of all funds of the County government, and shall include tax levies necessary to produce anticipated tax revenues.

Amended November 4, 2003, effective November 14, 2003 pursuant to Ordinance 2003-No.133.

§ 703. Public Hearings.

After submission to the Board, the proposed budget shall be available for public inspection during the County's regular business hours. The Board shall hold public hearings on the proposed budget commencing not earlier than fourteen (14) days following receipt of the proposed budget. The Board shall publish in at least two (2) newspapers circulating generally in the County 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 time and place, no earlier than two (2) weeks after such publication, for a public hearing on the proposed budget.

Source

The provisions of § 703 amended November 5, 1996.

§ 704. Approval of the Budget.

(a) Upon the completion of the public hearings, but not later than October 31 of the year in which the proposed budget is submitted, the Board shall adopt a budget. The Board may add to, delete from, increase or decrease any appropriation item in the proposed operating or capital budget. The budget as adopted must be a balanced budget with no planned deficit. No amendment shall increase authorized expenditures to an amount greater than the total of

estimated income and cash reserve unless action is also taken to increase revenue to such a level. No amendment shall change expenditures required by law or for debt service or for any estimated unpaid obligations. When the budget has been adopted, the Board shall thereupon fix such rates of taxation as will, together with all other estimated revenues, raise a sufficient sum to meet budgeted expenditures. Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated. The budget as adopted shall be a public record.

(b) If the Board fails to adopt a budget by October 31, then the budget as presented by the County Executive shall become effective as if it had been enacted unless the budget is returned to the County Executive as provided for in Section 704(c).

(c) If the budget present by the County Executive provides for a change in any existing tax rates or the inclusion of new taxes authorized by the Commonwealth of Pennsylvania, which provide for a change in County tax revenue estimates from those of the budget of the current year, then the Board by a majority vote may send the budget proposal back to the County Executive with the requirement that the County Executive resubmit to the Board within fourteen (14) days a budget proposal that contains a certain rate of taxation or a certain level of tax revenue estimate or such other modifications as the Board shall direct. Such a motion to send the budget proposal back to the County Executive must be made prior to October 31. Within seven (7) days after resubmission to the Board, the Board shall provide public notice pursuant to Section 1009(r) which includes a general summary of the resubmitted budget and the times and places where copies of such budget are available for inspection by the public. The Board shall hold public hearings on the resubmitted budget. The Board shall adopt a budget under this subsection by December 14 and the Board may adopt such budget at the same meeting at which it is introduced. The same budget procedure as in Section 704(a) shall be used by the Board. If the Board fails to adopt a budget by December 14, then the resubmitted budget shall become effective as if it has been enacted.

Amended November 4, 2003, effective November 14, 2003 pursuant to Ordinance 2003-No.133.

§ 705. Item Veto or Reductions.

(a) Upon adoption of a budget by the Board, it shall be delivered within three (3) days to the County Executive, who within ten (10) days thereafter may veto or reduce any item contained in it. If the County Executive vetoes or reduces any item in the budget, he or she shall return it to the Board with his or her reasons for the veto or reduction stated in writing. The Board may reapprove any item over the veto or reduction of the County Executive within fifteen (15) days with an affirmative vote of at least a majority plus one (1) of the members of the Board in office.

(b) If the Board fails to adopt a budget by October 31, but adopts a budget by December 15 pursuant to §704(c), then the adopted budget shall be delivered within three (3) days to the County Executive who within five (5) days thereafter may veto, reduce or restore any appropriation item contained in it. If the County Executive vetoes, reduces or restores any appropriation item in the budget, he or she shall return it to the Board with his or her reasons for the veto, reduction, or restoration stated in writing. The Board may reapprove any appropriation item over the veto, reduction, or restoration of the County Executive within ten (10) days, or by

December 31, whichever is earlier, with an affirmative vote of at least a majority, plus one (1) of the members of the Board in office.

Amended November 4, 2003, effective November 14, 2003 pursuant to Ordinance 2003-No.133.

§ 706. Changes in the Budget.

At any time during the fiscal year, the County Executive or the President Judge of the Court of Common Pleas may transfer part or all of any unencumbered balance appropriated for programs, services, or functions within, a department of the Executive branch or under the administration of the 31st Judicial District of Pennsylvania, provided the total transfers do not exceed ten (10) percent of the total budget of the department involved or the 31st Judicial District. The County Executive may transfer funds only within departments under the administration of the County of Lehigh. The President Judge of the Court of Common Pleas may transfer funds only within his or her administration of the 31st Judicial District of Pennsylvania. The County Executive or President Judge shall notify the Board in writing within ten (10) days of any such transfer. When proposed transfers of unencumbered balances appropriated for programs, services, or functions within a department of the Executive branch or within the administration of the 31st Judicial District exceed ten (10) percent of the amount budgeted for that department of the Executive branch or for the 31st Judicial District or when a proposed change involves the transfer of funds between departments of the Executive branch, the County Executive or the President Judge, as the case may be, shall propose such changes to the Board, which may make such transfers by Ordinance. All changes must be made within the limitations set forth in this Article.

Amended November 4, 1997.

§ 707. Emergency Appropriations.

To meet a state of emergency as declared by the County Executive or by an affirmative vote of at least a majority of the members of the Board in office, the Board may, by emergency ordinance, or the County Executive may in the absence of a quorum of the Board, make emergency appropriations from contingent funds, from revenue received from budgeted sources but in excess of estimates, from revenue received from sources not budgeted, from revenue from any other source available to the County, or the Board may incur indebtedness not in excess of that permitted by applicable State law.

§ 708. Capital Plan.

Prior to July 1 of each year, the County Executive shall submit to the Board a comprehensive long-range plan for capital improvements. The procedure for the adoption of a long-range plan shall be the same as for the adoption of the budget and shall be completed not later than September 1.

§ 709. Payment of Funds.

No payment shall be made nor obligation incurred against any appropriation unless there is sufficient unencumbered balance in such appropriation. No payment of any funds of the County shall be made except upon approval of the County Executive or his or her designee, and the Controller or his or her designee.

§ 710. Lapse of Appropriations.

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.

§ 711. Audit.

The Board shall retain a certified public accountant or a firm of such accountants, having no personal or financial interest, direct or indirect, in the fiscal affairs of the County or any of its officers. Such accountant or accountants, shall, each year, audit the County's General Purpose Financial Statements and the Financial Statements of any County Government Agency which the Controller is not required to audit by virtue of service on the governing body of such agency, as set forth in § 503 of the Charter. The contract with such accountant or accountants shall not exceed a term of four (4) years although such accountant or accountants shall be eligible to enter into succeeding contracts for such audits.

Source

The provisions of this § 711 amended July 23, 1986, effective August 11, 1986.

ARTICLE VIII. INITIATIVE AND REFERENDUM

Sec.

- 801. Initiative and Referendum Powers.
- 802. Initiative and Referendum Procedures.
- 803. Results of Election.
- 804. Repeal and Amendment of Ordinances.

§ 801. Initiative and Referendum Powers.

The qualified electors of the County shall have the following powers:

(a) To propose ordinances to the Board, and if the Board fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a municipal, primary or general election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levying of taxes, zoning, or salaries of County officers or employees. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title.

(b) To require reconsideration by the Board of any adopted ordinance, and if the Board fails to repeal an ordinance so reconsidered, to approve or reject it at a municipal, primary or general election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levying of taxes, zoning, or salaries of County officers or employees.

§ 802. Initiative and Referendum Procedures.

- (a) Initiative and referendum procedures shall be started upon petition signed by fifteen

(15) percent of the registered voters of the County at large eligible to vote at the last previous municipal, primary or general election. Every initiative and referendum petition shall contain or have attached thereto throughout its circulation the full text of the ordinance proposed or sought to be reconsidered.

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

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

(d) When an initiative or referendum petition has been finally determined sufficient, the Board shall promptly consider the proposed initiative ordinance in the manner provided in Article III of this Charter or reconsider the referred ordinance by voting its repeal. If the Board fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, the Election and Registration Commission shall submit the proposed or referred ordinance to the qualified electors of the County.

(e) The vote of the qualified electors of the County on a proposed or referred ordinance shall be held at the next election occurring not less than sixty (60) days from the date of the final Board vote thereon.

(f) An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the qualified electors of the County by filing with the Election and Registration Commission a request for withdrawal signed by at least twenty-five (25) percent of the petitioners. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 803. Results of Election.

(a) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Board, except that the veto power of the Executive shall not extend to the initiative ordinance. If

conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

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

§ 804. Repeal and Amendment of Ordinances.

Any ordinance adopted or approved by the voters of the County under this Article may not be amended or repealed by the Board within two (2) years of the effective date, except upon vote of the electorate. Any ordinance of the Board rejected through referendum shall not be re-enacted within two (2) years of the referendum, except upon vote of the electorate under the initiative procedures provided herein.

ARTICLE IX. PERSONNEL SYSTEM

Sec.

901. Personnel Code.

902. Exempt Service.

903. Conflict of Interest and Code of Ethics.

904. Bonding.

§ 901. Personnel Code.

(a) Within six (6) months after the effective date of this Charter, the Board shall adopt by ordinance a Personnel Code for all County employees. The Personnel Code shall provide means to recruit, select, develop, and maintain an effective work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, fringe benefits, discipline, discharge and other related activities; but the Personnel Code shall not in any way infringe upon rights granted to County employees or employee organizations by the Pennsylvania Public Employee Relations Act, Act of July 23, 1970, P. L. 563, as amended. Notwithstanding any other provision of this Article, all personnel promotions, demotions, suspensions, transfers and discharges shall be subject to the provisions of any union contract, existing under the provisions of the aforesaid act, to which the County is a party.

(b) Appointments and promotions of County employees, except for positions in exempt service, as described in § 902, shall be made on the basis of merit and fitness; and no person shall be appointed or promoted to, or demoted or dismissed from, any position in the County service, or in any way discriminated against with respect to County employment, for any reason which is contrary to applicable law. All dismissals, demotions and suspensions shall be in writing with the reason for dismissal, demotion or suspension stated therein. Any employee dismissed, demoted or suspended for disciplinary reasons shall be entitled to a hearing before an independent review board to be provided for in the personnel code.

Source

The provisions of § 901 amended July 23, 1986, effective August 11, 1986.

§ 902. Exempt Service.

The Exempt Service shall consist of: (1) elected officers; (2) members of authorities, boards, commissions and committees; (3) the heads of departments in the Executive Branch; (4) one clerk or secretary for each of the following officers: each elected officer of the County and the head of each department in the Executive Branch; (5) temporary or seasonal employees; (6) employees required to be covered by a state merit or civil service system; and (7) employees, clerks, and secretaries of the Judiciary.

§ 903. Conflict of Interest and Code of Ethics.

A conflict of interest provision and Code of Ethics shall be adopted as part of the administrative code and shall provide, among other provisions, that:

(a) No officer, employee, or member of an agency of the County, whether elected or appointed, shall:

(1) directly or indirectly solicit or accept any service or thing of value from any person, firm or corporation having dealings with the County except upon the same terms granted to the public generally;

(2) receive any part of any fee, commission or other compensation paid or payable by the County, or by any person in connection with any dealings or proceedings before any agency of the County, except that this subsection shall not apply to persons who hold uncompensated County positions in matters unrelated to the position held;

(3) directly or indirectly be the broker or agent who procures any type of bond or policy of insurance for the County, its officers, employees, persons or firms doing business with the County, except that this subsection shall not apply to persons who hold uncompensated County positions in matters unrelated to the position held;

(4) willfully and knowingly disclose, for direct or indirect pecuniary gain, to any person, confidential information acquired by him or her in the course of and by reason of his or her official duties or use any such information for the purpose of individual, direct or indirect pecuniary gain;

(5) assist another person by representing him or her directly or indirectly as his or her agent or attorney whether or not for compensation, in any transaction involving the County, unless to provide assistance rendered in the course of or incident to his or her official duties, except that this subsection shall not apply to persons who hold uncompensated County positions in matters unrelated to the position held.

(b) Any county officer or employee who has a financial interest, direct or indirect in any contract with the County, or in the sale of land, material, supplies or services by or to the County or to a contractor supplying the County or in any resolution or ordinance proposed or pending before the Board shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such sale or in the making or performance of such contract or in the discussion, adoption or defeat of such resolution or ordinance. If the person or corporation contracting with or making a sale to or purchasing from the County knows, or has reason to know, that this subsection has been violated then the contract or sale may be declared void by the County Executive or by resolution of the Board.

(c) The Administrative Code shall provide penalties for violations of the conflict of interest provisions and the Code of Ethics. The penalty for violation of any of the specific prohibitions of this section shall be forfeiture of office or employment, as well as other penalties provided by law.

§ 904. Bonding.

The Board shall set forth in the Administrative Code the County officials and employees of the departments, offices, and other administrative units of the County and the members and employees of authorities, boards, committees and commissions of the County who shall be bonded and the conditions and the amount of the bond. Bond premiums shall be paid by the County.

ARTICLE X. GENERAL PROVISIONS

Sec.

- 1001. Rights and Liabilities of County.
- 1002. County Seal.
- 1003. Facsimile Signatures.
- 1004. Compensation Limitation.
- 1005. Public Records.
- 1006. References to County Commissioners.
- 1007. Severability.
- 1008. Amendments.
- 1009. Definitions and Rules of Construction.
- 1010. Declaration of a Vacancy.

§ 1001. Rights and Liabilities of County.

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.

§ 1002. County Seal.

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

§ 1003. Facsimile Signatures.

Facsimile signatures may be used for the purpose of signing checks and drafts drawn against the County treasury by any County officer who may be authorized by the County Executive, the Controller, or required by ordinance of the Board, or applicable state law, to sign County checks and drafts. The Board may establish by Ordinance a review process to verify payments.

Source

The provisions of § 1003 amended November 3, 1987, effective November 3, 1987.

§ 1004. Compensation Limitation.

(a) No County employee shall receive more than one salary for his or her County employment covering regular County working hours.

(b) No elected or appointed officer or employee of the County shall be compensated from the County treasury, directly or indirectly, other than that which he or she receives as salary and approved fringe benefits from the County.

(c) No officer or employee shall collect any fees or perquisite for his own use, but all such fees and perquisites collectible under law, shall be paid to the County.

(d) No provision of this Section shall be construed so as to prevent any part-time County

employee from receiving compensation from the County Treasury for serving in any capacity as an appointee of the Court of Common Pleas.

§ 1005. Public Records.

The records of the County shall be available for examination and inspection by any citizen of the County as required by law, including the Act of June 21, 1957, P. L. 390, as amended.

§ 1006. References to County Commissioners.

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

(b) Whenever an applicable State law provides for an appointment to be made by the Board of County Commissioners or the Chairman of the Board of County Commissioners, the appointment shall be made by the County Executive, subject to confirmation by a majority of the members of the Board.

§ 1007. 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.

§ 1008. Amendments.

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

§ 1009. Definitions and Rules of Construction.

(a) "Adoption of an ordinance" occurs when the Board has completed all action necessary prior to submission of the ordinance to the County Executive for his or her approval or veto.

(b) "Agency" shall mean department, office, bureau, board (except the Board of Commissioners), committee (except a committee consisting only of members of the Board of Commissioners), commission, authority or administrative unit and the voluntary advisory boards established by the County Executive under § 402(k).

(c) "Applicable State Law" or "State law" or "law" shall refer to those laws of the Commonwealth of Pennsylvania which the County is required to observe and adhere to in the exercise of its Home Rule powers.

(d) "Board" unless otherwise specified shall mean the County Board of Commissioners consisting of those Commissioners who have assumed office.

(e) "Charter" shall mean the Home Rule Charter of Lehigh County.

(f) "County" shall mean "Lehigh County" or "The County of Lehigh".

(g) "County Commissioner" shall mean a member of the County Board of Commissioners.

(h) "County Government" shall mean the Government of Lehigh County.

(i) "Court of Common Pleas" shall mean the Court of Common Pleas of the 31st Judicial District of the Commonwealth of Pennsylvania, presently composed of Lehigh County.

(j) "Elected officer" shall include those enumerated in §201 whether elected under § 203 or appointed under § 208 and also includes those elected officers whose terms under § 1105 (a) expire on the first Monday of January, 1980.

(k) "Enactment of an ordinance" occurs when: it is passed by the Board and signed by the County Executive; it is passed by the Board by an affirmative vote of at least a majority plus one (1) of the members in office over the veto of the County Executive; the Executive fails to either veto or sign a measure passed by the Board within the ten (10) day period provided in §312 or the five (5) day period provided in §705(b) of this Charter.

(l) "Forfeiture of office" by an elected official shall occur if he or she ceases to possess the qualifications for office; if he or she is convicted in any Court of competent jurisdiction of any crime which is classified as a felony or of any crime involving moral turpitude under the criminal laws of the United States or the Commonwealth of Pennsylvania or if he or she ceases to be a resident and qualified voter of the County. The District Attorney shall forfeit his or her office if he or she is disbarred or suspended from the practice of law before the Supreme Court of the Commonwealth of Pennsylvania.

(m) "Judiciary" shall include the Court of Common Pleas as defined herein; the Judicial Magisterial System within the 31st Judicial District of the Commonwealth of Pennsylvania; the offices of the Court Administrator and Clerk of the Orphans' Court Division of the Court of Common Pleas; the Domestic Relations Section; Probation Department; and such other offices, sections, departments and/or agencies which do now or shall hereafter constitute part of the Judicial System within the County of Lehigh.

(n) "Person" shall mean an individual, a partnership, an association, a corporation or other entity unless such a construction would be unreasonable.

(o) "Political office" or "political employment" is any elective or appointive position in any political party.

(p) "Public employment" or "public office" or "governmental office" or "government employment" is any federal, state, county, or municipal position, whether elected or appointed.

(q) Where a "public hearing" is required by this Charter, it shall consist of a special meeting held by the Board or the County Executive, as the case may be, at which time there will be only one order of business, and at which the public shall be permitted to speak on the subject specified. For required public hearings, public notice must be given at least seven (7) days prior to the date of the hearing, except as provided in § 703.

(r) "Public notice," unless provided otherwise in the Charter or by law, shall consist of the placement of a legal advertisement in at least one newspaper circulating generally in the County and in such electronic or other media as may be designated by ordinance. Public notice shall be given at least three (3) days prior to the time of the first regularly scheduled meeting and at least twenty-four (24) hours prior to the time of hearings or other regular or special meetings and the posting of a copy of the notice prominently at the principal office of the body holding the meeting or hearing and the public building in which the meeting or hearing is to be held. Publication in the legal periodical in the County shall not be required. The Board of Commissioners or agency holding any meeting or hearing shall supply, on request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting or hearing will be held and to any radio and television station and television cable system which regularly broadcasts into the political subdivision.

(s) A "qualified elector" or "qualified voter" is a person who is legally eligible to vote, having met the age, residency, and registration requirements as set forth by State law.

(t) "Technical codes" are standard or nationally recognized codes or technical rules, regulations, or specifications, such as building, electrical, other health or safety codes, etc.

Source

The provisions of this § 1009 amended November 5, 1996. Also, amended November 4, 2003, effective November 14, 2003 pursuant to Ordinance 2003-No.133.

§ 1010. Declaration of a Vacancy.

Whenever facts or circumstances exist which result in the vacancy of an elective* office as provided for by law, the Board shall, by the affirmative vote of at least a majority of the Board in office, declare such office vacant and proceed to fill the vacancy as provided in this Charter. In the event that the Board fails to declare the existence of a vacancy, an action may be brought in the Court of Common Pleas of Lehigh County to determine whether or not a vacancy exists. In the event that the Court determines that a vacancy exists, said vacancy shall be filled in accordance with the provisions of this Charter as they apply to the filling of vacancies.

*The document at 16 Pa.B. 2574 reads "elected".

Source

The provisions of this § 1.10-1010 amended November 5, 1986, effective November 20, 1986.

ARTICLE XI. TRANSITIONAL PROVISIONS

Sec.

- 1101. Nature of Article.
- 1102. Effective Date.
- 1103. First Election.
- 1104. First Salaries of Elected Officers.
- 1105. Offices Abolished.
- 1106. Continuity.
- 1107. Officers and Employees.
- 1108. Temporary Ordinances.
- 1109. Administrative Organization.
- 1110. Personnel System.
- 1111. Contracts and Purchases.
- 1112. Transition Procedure.
- 1113. Termination of Article.

§ 1101. Nature of Article.

The provisions of this Article relate to the transition from the existing commission form of government to the form of government provided in this Charter. Where inconsistent with the preceding articles of this Charter, the provisions of this Article shall govern.

§ 1102. Effective Date.

This Charter shall, upon approval by referendum in the manner provided by law, become effective on the first Monday of January, 1978.

§ 1103. First Election.

At the time of its adoption, this Charter shall be in effect to the extent necessary in order that the first election of the elected officers provided herein may be conducted under the provisions of this Charter and the Pennsylvania Election Code, Act of June 3, 1937, P. L. 1333, as amended. Elected officers shall be nominated at the Primary Election conducted in May, 1977, and shall be elected at the Municipal Election conducted in November, 1977.

§ 1104. First Salaries of Elected Officers.

(a) Unless required to be determined by State law, the annual salaries for the first term for the elected officers of the County shall be as follows:

- President of the Board—\$2,800.00
- County Board Member—2,500.00
- County Executive—30,000.00
- Controller—20,000.00
- District Attorney—24,000.00
- Sheriff—17,500.00
- Recorder of Deeds—17,500.00
- Register of Wills—17,500.00

Clerk of Courts—17,500.00

Coroner—13,000.00

(b) However, if State law applicable to the offices of Controller, District Attorney, Sheriff, Recorder of Deeds, Register of Wills, Clerk of Courts, and Coroner or any one or more of them if Lehigh County were not a home rule charter county shall provide for higher salaries than provided in this Section, then the higher salaries as provided in State law shall prevail. For purposes of this section the Clerk of Courts' salary shall be the higher of the salaries for the offices of Prothonotary or Clerk of Courts if Lehigh County were not a home rule charter county.

§ 1105. Offices Abolished.

(a) All elective offices of the County Government on the date of adoption of this Charter, except those enumerated in § 201 and except as may otherwise be provided in this section, shall be abolished on the effective date of this Charter, provided, however, that all elective officials in office at the time of the adoption of this Charter shall continue in office, at the existing salary levels, until their current terms expire. Until their current terms expire, the Clerk of Courts and the Prothonotary in office at the time of the adoption of this Charter shall have and exercise all powers and duties, not inconsistent under this Charter, now or hereafter conferred or imposed on elected prothonotaries and clerks of courts by State laws relating to elected prothonotaries and clerks of courts in counties of Lehigh County's classification functioning without home rule charters; or, in the absence of such laws, by State laws relating to said officers in counties having populations most closely equal to that of Lehigh County and shall perform such other and related duties as shall be assigned to him or her by the Board by ordinance.

Until their current terms expire, the Treasurer and Jury Commissioners in office at the time of the adoption of this Charter shall have and exercise such powers and duties as may be prescribed by the Board by ordinance.

(b) The following boards and commissions in existence on the date of adoption of this Charter are hereby abolished as of the effective date of this Charter: Board of County Commissioners, Salary Board, and Prison Board.

(c) The Lehigh County Institution District is hereby dissolved; and its administrative duties and functions, along with its records, appropriations, personnel and equipment, are hereby transferred to the Executive Branch of the County Government.

§ 1106. Continuity.

(a) All ordinances, resolutions, rules and regulations in force when this Charter takes effect, to the extent not in conflict herewith are hereby continued in force and effect until amended, repealed, superseded, or expired by their own terms. All ordinances and resolutions in continued effect shall be construed as if enacted under this Charter, but as of the date of their enactment. 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 its agencies, offices, or employees, which are 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 of ordinances or resolutions adopted pursuant thereto.

(b) All rights, claims, actions, orders, contracts and legal or administrative proceedings of the County Government shall continue, except as modified pursuant to the provisions of this

Charter, and in each case shall be maintained, carried on or dealt with by the County officer or officers, or agency appropriate under this Charter.

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

§ 1107. Officers and Employees.

(a) Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are County officials or employees at the time of this adoption; and nothing shall diminish the rights or privileges of any former employee or any present employee in his or her pension or retirement benefits.

(b) Any employee holding a County position at the time this Charter takes effect, who was serving in the same or comparable position on the first Monday of January 1978, shall not be subject to competitive tests as a condition for continuance in the same position, but in all other respects shall be subject to the personnel system provided for in this Charter.

(c) Members of agencies in office at the time this Charter takes effect shall remain in office for as long as their respective terms of appointment shall continue, unless and until an agency shall be abolished, combined with another, or reconstituted, in which case the members thereof shall vacate their respective offices upon notice from the Board to do so.

§ 1108. Temporary Ordinances.

(a) The Board may at any meeting held within ninety (90) days after 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 would probably cause serious hardship or impairment of effective County government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally.

(b) A temporary ordinance may be considered and may be adopted without amendment at the meeting at which it is introduced, except that the public hearing requirements shall be observed for ordinances as prescribed in § 310(b) of this Charter. After enactment of a temporary ordinance, the Board shall cause it to be printed and published, as prescribed for other enacted ordinances. A temporary ordinance shall not be subject to referendum and shall become effective upon enactment or at such later time as it may specify.

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

§ 1109. Administrative Organization.

Until the effective date of the Administrative Code, the County Executive shall have the authority to issue written directives for the administration of the executive branch in such a manner as he or she shall deem necessary for the most efficient operation of the County Government. Copies of all such directives shall be forwarded to the Board within twenty-four

(24) hours after being issued.

§ 1110. Personnel System.

Until the effective date of the personnel system required by Article IX of this Charter, the County Executive shall have the authority to establish by written directive a personnel system for County employees. The personnel system established under this Section shall be subject to the provisions of Article IX of this Charter. A copy of any directive and any amendments thereto shall be forwarded to the Board within twenty-four (24) hours after being issued.

§ 1111. Contracts and Purchases.

Until adoption of an ordinance by the Board specifying procedures and requirements for contracts and purchases, as required by Article III of this Charter, all contracts and purchases shall be made in conformity with State laws applicable to counties of Lehigh County's classification functioning without home rule charters, except that the duties and responsibilities prescribed therein for various County officers shall be performed by the County Executive or his or her designee.

§ 1112. Transition Procedure.

(a) On or before March 1, 1976, there shall be a Transition Committee consisting of nine (9) persons to draft necessary ordinances, rules and regulations including the Administrative Code required by the Charter in order that they may be adopted by the Board of Commissioners on or after the effective date of this Charter. The Transition Committee shall include three (3) County Commissioners, or their designees, three (3) persons who were elected as members of the County Government Study Commission, appointed by the elected members of the County Government Study Commission, and three (3) qualified electors appointed by elected members of the County Government Study Commission, the latter six (6) of whom shall not be serving in any County position. The three (3) members of the Transition Committee who were elected members of the County Government Study Commission and the three (3) members of the Transition Committee who are the qualified electors shall be replaced on the Transition Committee by the six (6) members of the Board of Commissioners elected by the qualified electors of the County in 1977. Any vacancy on the Transition Committee among the members from the County Government Study Commission and the qualified electors shall be filled by the remaining members of the Transition Committee.

(b) The Board of Commissioners in office in 1977 shall prepare and adopt in 1977 the budget for 1978 complying insofar as possible with §§ 702—705, but the aforesaid shall in no way limit the power of the Board of Commissioners taking office on the first Monday of January, 1978, and the County Executive to revise the budget for 1978 as authorized by law and by this Charter.

§ 1113. Termination of Article.

Sections 1109—1111 inclusive of this Article shall terminate and cease to be a part of this Charter as soon as:

- (1) the Board shall adopt ordinances to provide an Administrative Code, a Personnel Code, and purchasing and contracting procedures and requirements, in accordance with the requirements of this Charter;

(2) the Board shall adopt a resolution declaring this Article's provisions to be no longer necessary; and

(3) the County Solicitor issues a written opinion concurring with the Board's declaration as stated in its resolution.

APPENDIX A

The Boundaries of the Legislative Districts established by this Charter are to be as follows:

District #1 (Northern District)

The entire area of the following political subdivisions: Catasauqua Borough, Coplay Borough, Heidelberg Township, Lowhill Township, Lynn Township, North Whitehall Township, Slatington Borough, Washington Township, Weisenberg Township, and Whitehall Township.

District #2 (Western District)

The entire area of the following political subdivisions: Alburtis Borough, Emmaus Borough, Lower Macungie Township, Macungie Borough, South Whitehall Township, Upper Macungie Township, AND The Voting Districts of the following political subdivisions: Allentown City—17th Ward, and Salisbury Township—4th and 5th Wards.

District #3 (Allentown Southern)

The following Voting Districts of the City of Allentown: 1st, 2nd, 3rd, 6th, 12th, 14th, 15th, 16th and 19th Wards.

District #4 (Allentown Northern)

The following Voting Districts of the City of Allentown: 4th, 5th, 7th, 8th, 9th, 10th, 11th, 13th, and 18th Wards.

District #5 (Southern District)

The entire area of the following political subdivisions: Coopersburg Borough, Fountain Hill Borough, Hanover Township, Lower Milford Township, Upper Milford Township, and Upper Saucon Township, AND The entire area of the City of Bethlehem located in the County of Lehigh, AND The 1st, 2nd, and 3rd Voting Districts of Salisbury Township.