

**COUNTY OF LEHIGH, PENNSYLVANIA  
COMMISSIONERS BILL 2011-83  
SPONSORED BY COMMISSIONERS ROMAN & BROWNING  
REQUESTED DATE: SEPTEMBER 12, 2011  
ORDINANCE 2011 - NO.**

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**AN ORDINANCE PROPOSING A REFERENDUM AMENDING THE  
HOME RULE CHARTER TO PLACE TERM LIMITATIONS UPON CERTAIN  
ELECTED OFFICIALS OF LEHIGH COUNTY**

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**WHEREAS**, Section 1008 of the Lehigh County Home Rule Charter and the Pennsylvania Home Rule Charter and Optional Plans Law, Act 177 of 1996, as amended, 53 Pa. C.S.A. §2942, provide that a referendum on the question of amendment of a Home Rule Charter may be initiated by ordinance of the governing body, in this case the Board of Commissioners; and

**WHEREAS**, the Board believes that the voters of Lehigh County should be given the opportunity to determine whether persons elected to full four (4) year terms in the following offices should be limited to three (3) such four (4) year terms: Commissioners, County Executive, Controller, Sheriff, Coroner, Clerk of Judicial Records.

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LEHIGH, PENNSYLVANIA, THAT:**

1. The citizens of Lehigh County shall be given the opportunity to vote at the 2012 primary election on amending §203 of the Lehigh County Home Rule Charter to determine whether persons elected to full four (4) year terms to the Offices of

Commissioner, County Executive, Controller, Sheriff, Coroner, and Clerk of Judicial Records should be limited to serving three (3) four (4) year terms. §203 of the Charter would be amended to read as follows (bracketed language indicates deleted language, underlined language indicates amending language and any change is in bold type):

**§ 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. **Any partial term served by a person appointed to fill a vacancy or elected to complete an uncompleted term in any office pursuant to section 208 or other applicable law shall not be included in calculating any term limitation in this section.**

(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.

**(3) No person elected to the office of Commissioner for a four (4) year term shall serve more than three (3) four (4) year terms of office. This limitation**

**shall include both terms of office served as a district commissioner, a commissioner-at-large, or any combination of terms served in either capacity.**

**The limitation shall apply to persons elected to the office of Commissioner at the November election held in 2011 and every two (2) years thereafter. No four (4) year term served prior to that commencing on the first Monday of January, 2012 shall be included in calculating this limitation.**

(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**] **three (3)** four (4) year terms of office. The limitation shall apply to persons elected to the office of County Executive at the **November** election[s] to be held [**November 7, 1989**] **in 2013**, and every four (4) years thereafter. [**No**] **Any** four (4) year term served prior to that commencing on the first Monday of January, [**1990**] **2014** shall be included in calculating this limitation. [**Any terms served by a person appointed 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) **(1)** 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.

**(2) No person so elected to the office of Sheriff, Coroner or Clerk of Judicial Records for a four (4) year term shall serve more than three (3) four year terms of office in any one of those offices. This limitation shall apply to the persons elected to any of those three (3) offices at the November election held in 2011 and every four (4) years thereafter. No four (4) year term served prior that commencing on the first Monday of January, 2012 shall be included in calculating this limitation.**

(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. **No person so elected to the office of Controller for a four (4) year term shall serve more than three (3) four (4) year terms of office. The limitation shall apply to persons elected to the office of Controller at the November election held in 2011 and every four (4) years thereafter. No four (4) year term served prior to that commencing on the first Monday of January, 2012 shall be included in calculating this limitation.**

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

2. The proper officers and other personnel of Lehigh County are hereby authorized and empowered to take all such further action, including any necessary transfers of funds, and execute additional documents as they may deem appropriate to carry out the purpose of this Ordinance.

3. The County Executive shall distribute copies of this Ordinance to the proper offices and other personnel of Lehigh County whose further action is required to achieve the purpose of this Ordinance.

4. Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

5. This Ordinance shall become effective in ten (10) days after enactment.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following

vote:

**Commissioners**

**AYE**

**NAY**

Dean N. Browning  
Thomas C. Creighton, III  
Percy H. Dougherty  
Glenn Eckhart  
Gloria L. Hamm  
William H. Hansell  
David S. Jones, Sr.  
Daniel K. McCarthy  
Andy Roman

ATTEST: \_\_\_\_\_  
Clerk to the Board of Commissioners

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Donald T. Cunningham, Jr.  
County Executive

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.