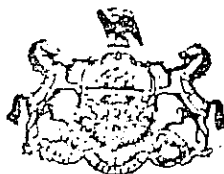


EUGENE VENO  
*Chairman*



ROBERT MAZZONI, ESQ.  
*Vice Chairman*

## LACKAWANNA COUNTY GOVERNMENT STUDY COMMISSION

PAUL HART  
*Secretary*

Lackawanna Junior College  
Scranton, Pennsylvania 18503

HENRY J. LOFTUS  
*Treasurer*

February 19, 1976

FRANK BARANOWSKI, JR.  
C. ROBERT CASEY  
MARY SERNAK  
*Commissioners*

TO THE CITIZENS OF LACKAWANNA COUNTY:

The Lackawanna County Government Study Commission, having completed its work, is now reporting to the citizenry of Lackawanna County. During the past nine months, we studied the structure, form and powers of the Lackawanna County Government. National and Commonwealth of Pennsylvania authorities on Municipal Re-organization and Home Rule, as well as Lackawanna County elected officials, have given us suggestions and guidance in reaching a decision.

On January 13, 1976, the Commission unanimously adopted a motion to write a Home Rule Charter for Lackawanna County. Its contents should be carefully read, studied, evaluated and then re-evaluated.

On April 27, 1976, the electorate of Lackawanna County shall vote to accept or reject this Charter. The basic question confronting the voters is, shall we determine our own destiny here in Lackawanna County through the adoption of a Home Rule Charter, or shall the General Assembly of the Commonwealth of Pennsylvania in Harrisburg dictate our powers. If a majority of the voters favor the Charter, Lackawanna County Government will begin to operate under Charter provisions and procedures in January of 1977 thereby deciding our own destiny. The rejection of the Charter means continued domination by the General Assembly of the Commonwealth of Pennsylvania which is not always sensitive to local needs and problems.

The magnitude of a venture so great as a Government Study Commission is dependent upon many for its success. The cooperation we received from County Government officials, local government representatives, interested citizens and members of the news media contributed greatly to the completion of our work. We offer our deep and sincere thankfulness and gratitude to them.

Respectfully submitted,

*Eugene Veno*  
Eugene Veno, Chairman

FINAL REPORT OF THE  
LACKAWANNA COUNTY GOVERNMENT STUDY COMMISSION

At the Primary Election in May of 1975, the voters of Lackawanna County, by a vote of 20,817 to 9,707 approved the creation of a second Lackawanna County Government Study Commission. At the same time, in a non-partisan election, the voters elected seven citizens to serve on the Study Commission. These seven citizens serve without pay. A study Commission must examine the structure and operations of County Government. The Commission's basic responsibilities are indicated in Section 207 of Pennsylvania's Home Rule Charter and Optional Plans Law of 1972, Act 62 of 1972 (P.L. 184), as amended which says:

Section 207. It shall be the function and duty of the government study commission to study the form of government of the municipality, to compare it with other available forms under the laws of this State, to determine whether or not in its judgment the government of the municipality could be strengthened, made more clearly responsible or accountable to the people, or whether its operation could become more economical or efficient under a changed form of government.

Act 62 permits a Study Commission to recommend retention of the existing form of county government, recommend adoption of an optional plan of government or to draft and recommend a home rule charter.

As one of its first objectives, the Commission studied Act 62 to fully understand its own functions under the statute as well as its scope of powers. While Act 62 is known as the "Home Rule and Optional Plans Law of 1972" the title is quite misleading. There are sixteen areas precluded from commission action, and these include some significant prohibitions in regulating public schools, the registration of electors, the conduct of elections and fixing the subjects of taxation.

The Commission then evaluated the National Research Council's monograph "Toward an Understanding of Metropolitan Government" for current recommendations that might be applicable in reaching a decision. The end conclusion was that many of the recommendations were too futuristic for the needs of Lackawanna County. Optional Plans provided for by Act 62 offered some merit, but were not applicable alternative remedies or failed to grant even limited local autonomy. In examining the operations of the Lackawanna County Government, the Commission sought views of interested citizens

and governmental leaders, as well as experts in the areas of Home Rule and Municipal Reorganization. All of its meetings were open to the public and it conducted public forums on the current structure of Lackawanna County Government. Bringing government closer to the people, providing for their direct participation in the affairs of the County and an improved structure of government, as well as promoting efficiency, were major factors in deciding to write a Home Rule Charter on January 13, 1976.

The majority recommendation of the Lackawanna County Government Study Commission is that a referendum be held to submit to the qualified voters of Lackawanna County, the question of adopting the Home Rule Charter as prepared by the Lackawanna County Government Study Commission and as authorized by the Pennsylvania Home Rule Charter and Optional Plans Law, Act 62 of 1972 (P.L. 184) as amended.

The following question shall appear on the ballot at the Primary Election to be held on April 27, 1976:

"Shall the Home Rule Charter contained in the report dated February 19, 1976 of the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law be adopted by Lackawanna County?"

YES
NO

The Lackawanna County Government Study Commission unanimously recommends that it meet with the Legislative Representation from Lackawanna County before the April 27, 1976 Primary Election to express its views toward needed reforms in Act 62 of 1972, especially as the Act relates to Home Rule for Counties as well as amending the Pennsylvania Election Code so that non-partisan election boards may exist on a County level.

## Minority Report

by

Paul Hart, Secretary

Lackawanna County Government Study Commission

I have written this report to point out some areas in which I disagree with the majority members of the Commission. My differences are purely over ideas and principles, as have been all the debates and discussions that we have had since June of 1975.

I sought election to this Commission because I felt that a Home Rule Charter was the best way of reforming County Government and making it more modern. The Charter that was proposed in 1974 made many desirable improvements, but that document was not accepted by the voters because it made too many changes too quickly. I hoped that this Commission would take the last Charter and accept those points which were positive improvements and make changes in the other areas to make them less offensive to the voters of the County. This was the kind of Charter we should have recommended to the electorate.

The proposed Charter is disappointing to me because it fails to make those changes needed to modernize County Government. The form of government we have today was devised in the 1800's when the functions of the County was far different than it is today. Moreover, the function of the County will continue to change in the future as the County is called upon by the people to provide more services. We should have set up a form of County Government that would be able to deal with the needs of the people in the future. The present form is not adequate to provide for those needs.

The main defect in this Charter is its failure to separate the executive and legislative powers that now belong to the County Commissioners. The Commissioners now have the power to draw up the budget, adopt the same budget, levy the taxes to support that budget, and then spend the money they have provided for themselves. Most other levels of government in the United States separate the tax power and the spending power to prevent any abuses. The three commissioner form does not provide this separation. I have advocated the creation of an elected executive who would have veto power to prevent such abuses. To override a veto, the three commissioners would have to vote in favor of the vetoed ordinance; here the power of the Minority Commissioner would really become effective. Instead, the Charter retains the present format which gives the Minority Commissioner very little real power to prevent action by the Majority. With the added power the Commissioners will receive under a Home Rule Charter, I fear

we are creating a possibility of great abuse of power by the Majority Commissioners without the protection of the County Code which we currently enjoy.

Another defect of this Charter is its failure to streamline the structure of County Government. Only two row offices are consolidated, and all the others retain their present form. In this area the Charter could have saved the taxpayers a great deal of money and promoted greater efficiency. Instead the status quo prevails.

Finally, the Commission did not really consider seriously any of the alternative forms of government that were available to us. As soon as the vote to write a Charter was taken, the majority indicated that they believed that the present form, with a few minor changes, would be the best form available. The commissioner form may indeed be the best available, but that decision was made without seriously examining any of the other forms.

Despite its defects, the Charter does contain many good provisions. The County Controller is given the power to refuse to pay for goods purchased unless there is money in the budget to cover those payments. This will prevent overspending and insure a balanced budget. Finally, the Controller will become the fiscal watchdog that he always should have been. To be sure that the watchdog is doing his job, there is provision for an independent audit every four years. The date for proposal of the budget is pushed ahead to September, and the Commissioners must have four public hearings on the proposed budget, three of these outside Scranton. There is also a provision in the Charter which imposes limits on the amount the salary of any elected official may be increased in the future.

The most important new features are the initiative, referendum and recall provisions. Initiative allows the voters to propose ordinances and have them placed on the ballot for a vote. Referendum allows the voters to repeal any ordinance they dislike by having it placed on the ballot. Recall allows the voters to remove an elected official from office if they believe he is not doing his job. These provisions are what I consider the best parts of the Charter.

I cannot say whether or not the advantages of the Charter outweigh its defects. This Charter is much less than I had hoped we could have proposed, but it does contain many good provisions. Now the decision on this Charter rests with the voters of the County. I hope that everyone who votes on this Charter will make his decision on the merits of the proposal, or the lack of merit in it. This Charter, if accepted, may not

be changed for five years, but then the people will be able to propose any amendments they feel proper. If the Charter is rejected, it may be many years before the question of Home Rule is placed before the voters in Lackawanna County again. I urge every citizen to examine the proposal carefully, and then decide how you will vote on this document. Don't allow special interests like the "Vote No" Committee in 1974 to make this decision for you. Make it yourself, and regardless of the outcome, all the people of Lackawanna County will be winners.

## BASIC PROVISIONS OF THE PROPOSED HOME RULE CHARTER

- (1) The Charter will permit County Government to be less dependent on State laws. The Charter will give the power to pass ordinances that relate to local needs without depending on the General Assembly for approval.
- (2) The Charter does not provide for drastic changes in the form of local County Government. It retains the present commission form because it promotes unified administration, avoids conflicts that exist in legislative-executive forms and is most familiar to the people of Lackawanna County.
- (3) It retains most of the row offices because continued election of these officers makes them directly accountable to and answerable to the voters. The combination of Prothonotary and Clerk of Courts into one elected office is because both offices have similar duties and some economies may be made possible. Data Processing has made the office of Jury Commissioner obsolete, and the procedures of Jury Service are enforceable through the office of the Sheriff.
- (4) The powers of the County Commissioners are now more clearly definable. Monetary restrictions on contract awards as well as referendum approval for assessments in excess of 25 mills is a safeguard against excessive taxation and a protection for the citizenry of Lackawanna County. The creation of an Administrative Director with mandated qualifications can only enhance better administration and liason between the Commissioners, County Government and the people.
- (5) The powers of the Controller have been increased to assure adequate checks and balances on the County Commissioners.
- (6) The Sheriff's Office has been given new powers and authority to make it a more realistic and modern office.
- (7) The Budgetary Process has been up-dated to include finance and expenditure controls non-existent in County Government.
- (8) There will be a Personnel Code for County Employees. New techniques of personnel management can only result in additional economies, yet would in no way infringe upon the rights guaranteed to County employees or employee organizations by the Pennsylvania Employees Relations Act.
- (9) Direct citizen participation through the Initiative, Referendum and Recall currently not available under the existing County Code.

(10) An Administrative Code which will outline the administrative structure and detail the duties and obligations of all county departments, offices, agencies and employees.

(11) Independent fiscal audit to guarantee fiscal accountability.

(12) A transitional provision that calls for the creation of a Transitional Committee and prepares a schedule for implementation of a Charter if adopted.