



NORTHAMPTON COUNTY ADMINISTRATIVE CODE

The Northampton County Administrative Code was adopted by the Northampton County Council on June 26, 1978, signed by the County Executive on June 27, 1978, and became effective as such July 28, 1978.

- 1) Executive Order #79-30, changed the name of Civil Defense Division to Emergency Management Services Division, Article IV was amended to reflect the name change. (January 12, 1979)
- 2) Ordinance #13-79, Y.E.S. Division of Human Services was abolished, Article VI was amended to reflect the change. (adopted January 18, 1979)
- 3) Ordinance #16-79, Article XIII was amended. (adopted July 19, 1979)
- 4) Ordinance #50-82, Articles II, III, IV, VI, VII, XII and XIV were amended. (adopted January 7, 1982)
- 5) Ordinance #54-82, Article XIII, Section 13.04 (e), was amended. (adopted March 18, 1982)
- 6) Ordinance #65-83, Article III, Section 3.02 and Article IV, Section 4.02 were amended. (adopted May 19, 1983)
- 7) Ordinance #86-84, Article XV, Section 15.02 was amended. (adopted June 21, 1984)
- 8) Ordinance #94-85, Article VI, Section 6.01 and 6.05 was amended. (adopted February 21, 1985)
- 9) Ordinance #150-89, Article XIII, Section 13.04(e) was amended. (adopted March 16, 1989)
- 10) Ordinance #174-90, Articles III, (delete Section 3.04) IV (added Section 4.05) and XIII (amended Section 13.10) were amended. (adopted June 7, 1990)
- 11) Ordinance #198-92, Articles II, [added Section 2.03(9)] XI [amend Section 11.02(5)] and XIII (Section 13.10 and 13.11) were amended. (adopted May 7, 1992)
- 12) Ordinance #208-92, Articles IV and V were amended. (adopted October 1, 1992)
- 13) Ordinance #217-93, Article XIII was amended. (adopted April 2, 1993)
- 14) Ordinance #235-94, Article XIII was amended. (adopted April 21, 1994)
- 15) Ordinance #238-94, Article XVI (delete Section 16.02) was amended and Article XVII was created. (adopted June 2, 1994)
- 16) Ordinance #242-94, Article XIII, Section 13.04(g), was added. (adopted September 1, 1994)

- 17) Ordinance #260-95, Article XIV, Section 14.08, was amended.
(adopted November 16, 1995)
- 18) Ordinance #274-96, Article XIII, Section 13.07 and 13.10 were amended.
(adopted September 5, 1996)
- 19) Ordinance #296-97, Article XI, Section 11.03 was amended.
(adopted October 2, 1997)
- 20) Ordinance # 306-98, Article X, Section 10.01(c) was added.
(adopted March 5, 1998)
- 21) Ordinance #311-98, Article XVI, Section 16.04 was added.
(adopted June 4, 1998)
- 22) Ordinance #317-98, Articles III and XV were amended, Articles XVIII and XIX were created.
(adopted September 17, 1998)
- 23) Ordinance #321-98, Article XX was created.
(adopted November 5, 1998)
- 24) Ordinance #337-99, Article VI was amended.
(adopted June 17, 1999)
- 25) Ordinance #347-00, Articles XIII and XV were amended.
(adopted May 4, 2000)
- 26) Ordinance #361-00, Articles III and X were amended.
(adopted November 16, 2000)
- 27) Ordinance #370-01, Article XVIII was amended.
(adopted May 3, 2001)
- 28) Ordinance #381-02, Article XIII was amended.
(adopted January 10, 2002)
- 29) Ordinance #414-04, Article XIII was amended.
(adopted March 4, 2004)
- 30) Ordinance #438-05, Article XIII was amended.
(adopted August 4, 2005)
- 31) Ordinance #456-06, Article XIII was amended.
(adopted October 19, 2006)
- 32) Ordinance #463-07 Articles III and XI were amended.
(adopted March 15, 2007)
- 33) Ordinance #470-07 Article XIII was amended.
(adopted October 22, 2007)

- 34) Ordinance #478-08 Article III and X were amended.
(adopted January 18, 2008)
- 35) Ordinance #479-08 Article XX was amended.
(adopted January 18, 2008)
- 36) Ordinance #485-08 Article XV was amended.
(adopted August 8, 2008)
- 37) Ordinance #488-08 Article XIX was amended.
(adopted September 18, 2008)
*****Implementation of Ordinance #488-08 was stayed, pending further order of the Court.***** Accordingly, this amendment is not part of Article XIX at this time.
- 38) Ordinance #507-2009 Article VI was amended.
(adopted June 18, 2009)
- 39) Ordinance #515-2010 Article XV was amended.
(adopted January 22, 2010)
- 40) Ordinance #531-2011 Article XIII was amended.
(adopted April 29, 2011)
- 41) Ordinance #546-2012 Article XV was amended.
(adopted March 15, 2012)
- 42) Ordinance #574-2013 Article XIII was amended.
(adopted July 18, 2013)
- 43) Ordinance #579-2013 Article XIV was amended.
(adopted November 7, 2013)
- 44) Ordinance #637-2018 Article XIII was amended.
(adopted May 3, 2018)
- 45) Ordinance #640-2018 Article XIII was amended.
(adopted June 7, 2018)
- 46) Ordinance #641-2018 Articles IV, VI, VII, X and XII were amended.
(adopted June 7, 2018)

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,
PENNSYLVANIA
CIVIL ACTION - LAW

The Honorable JOHN STOFFA
County Executive of Northampton County,
Plaintiff

No. 011436

NORTHAMPTON COUNTY COUNCIL,
The governing body of Northampton County)
Defendant

INJUNCTION - LAW

RULE RETURNABLE

AND NOW, this 31st day of ~~NOV~~ OCT, 2008, upon consideration of the
within Petition and upon motion of Karl F. Longenbach, Esquire, Attorney for Plaintiff,
Petitioner, County of Northampton, a Rule is hereby issued upon Defendant,
Northampton County Council, to show cause, if they may have, why the relief requested
in the Petition should not be granted.

RULE RETURNABLE the 4th day of November, 2008, at 9:00 A.M. in
Courtroom No. 4 of the Northampton County Government Center, 669 Washington
Street, Easton, PA 18042. In the interim, Ordinance No. 448-2008 is hereby stayed from
going into effect.

*The plaintiff shall take no action contrary to the
ordinance 488-2008. The defendant shall take no action
under ordinance 488-2008 pending further order of court.*

[Signature]

J.

Oct 31st
FILED AS ABOVE
[Signature]

FILED
OCT 31 1:00 P.M.
CLERK OF COMMON PLEAS
COURT HOUSE
NORTHAMPTON COUNTY, PA

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ARTICLE I - SHORT TITLE AND DEFINITIONS

| | | |
|---------|------|---------------------|
| Section | 1.01 | Short Title |
| | 1.02 | Purposes |
| | 1.03 | Definitions |
| | 1.04 | General Terminology |

Section 1.01 Short Title

This Code and all amendments hereto shall be known and cited as the "Northampton County Administrative Code."

Section 1.02 Purposes

The purpose of this Code is to set forth the details of organization and administration of the Northampton County Government consistent with the provisions of the County of Northampton Home Rule Charter and other applicable law.

Section 1.03 Definitions

Wherever used in this Code the following words, unless otherwise expressly stated, or unless the context or subject matter clearly indicated otherwise, shall have meaning as follows:

- (1) "County" shall mean Northampton County;
- (2) "Charter" shall mean the County of Northampton Home Rule Charter;
- (3) "Code" shall mean the Northampton County Administrative Code, and all amendments thereto;
- (4) "Law" or "provision in law" shall mean any applicable

law exclusive of the Charter and this Code;

(5) "Agency" shall mean any department, service, bureau, office, division, or other administrative unit under the direction and supervision of the County Executive; any authority, board, or commission of the County and their staffs; the Office of Clerk to Council and the staff of the County Council; the Office of the Controller, and the Office of the District Attorney;

(6) "the Court" shall mean the Court of Common Pleas of Northampton County, Pennsylvania, Third Judicial District, or its successor under the law of Pennsylvania;

(7) "Elected Official" shall mean any of the following, whether elected or appointed: member of County Council, the County Executive, the Controller, and the District Attorney;

(8) "Officer" and "Employee" shall mean any individual employed by or acting under the authority of the County, except an elected official; and

(9) "Executive Order" shall mean a written directive by the County Executive.

Section 1.04 General Terminology

Words used in the masculine gender shall include the feminine; the singular shall include the plural.

ARTICLE II - ADMINISTRATIVE ORGANIZATION

Section 2.01 Direction and Supervision

2.02 Departments and Offices

2.03 General Duties of Heads of Departments and
Offices Under the County Executive

Section 2.01 Direction and Supervision

Each agency shall be under the direction and supervision of the County Executive, except:

- (1) the Clerk to County Council and the staff of the County Council;
- (2) the Office of the Controller;
- (3) the Office of the District Attorney;
- (4) the agencies under the direction and supervision of the Court; and
- (5) Authorities, Boards and Commissions:

The County Executive shall have the powers over the administrative organization as are provided in the Charter and this Code.

Section 2.02 Departments and Offices

- a. Establishment. The following departments and offices are established under the immediate direction and supervision of the County Executive:

- (1) Department of Administration;
- (2) Department of Fiscal Affairs;

- (3) Department of Court Services;
- (4) Department of Human Services;
- (5) Department of Public Works;
- (6) Office of the Coroner;
- (7) Office of the Public Defender;
- (8) Office of the Sheriff; and
- (9) Office of the Solicitor.

b. Assignments of Functions. The County Executive and the County Council shall have the power in accordance with the provisions of the Charter and this Code to assign functions not enumerated in the Charter to the designated departments or offices or to establish additional agencies for this purpose.

Section 2.03 General Duties of Heads of Departments and Offices
Under the County Executive

The head of each department and office, subject to the direction and supervision of the County Executive, shall:

- (1) personally and through subordinates perform the duties and functions required of the department or office by law, the Charter, this Code, ordinance or Executive Order;
- (2) organize the work and direct and supervise the personnel of his department or office;
- (3) prepare and submit to the County Executive written reports as required;
- (4) develop and maintain budget and fiscal information, accounting and internal auditing procedures as required by the County Executive;
- (5) plan service and staff needs to implement the functions of the department or office;

(6) enforce rules and regulations promulgated by the County Executive for the use of County services and facilities and issue such licenses and permits as may be required by ordinance;

(7) cooperate with other agencies in the performance of County functions;

(8) keep informed of and adhere to all laws, County ordinances, and administrative regulations relating to the functions of the department or office; and

(9) sign all contracts or agreements for the purchase of goods and/or services for their respective departments following authorization from the County Executive through an Executive Order so ordering.

ARTICLE III - DEPARTMENT OF ADMINISTRATION

| | | |
|---------|------|--|
| Section | 3.01 | Organization |
| | 3.02 | Duties |
| | 3.03 | Division of Weights and Measures |
| | 3.04 | Conservation District Division |
| | 3.05 | Division of Emergency Management Services |

Section 3.01 Organization

a. The Department of Administration shall be headed by a Director who shall be responsible to the County Executive for the performance of the functions of this Department and for the coordination of the administration of all County agencies under the direction of the County Executive. The specific nature of the duties of the Director of Administration in coordinating the administration of all such agencies shall be determined by the County Executive.

b. The purpose of the Department of Administration is to facilitate and assist the effective operations of all County agencies in their respective delivery of County Government services.

c. The Department shall be organized into the following divisions:

- (1) Division of Weights and Measures;
- (2) Conservation District Division; and
- (3) Division of Emergency Management Services.

Section 3.02 Duties

The Director of Administration, in person or through subordinates, shall:

(1) direct the negotiation of collective bargaining agreements with County employees;

(2) direct the central administration services of the County including supplies, communications and similar services required for County government operation;

(3) direct and supervise the enforcement of state laws and County ordinances governing weights and measures;

(4) direct and supervise plans and programs for soil conservation, erosion and sedimentation control;

(5) direct the planning process of all County agencies, together with such other appropriate County employees, officers and elected officials and such other individuals as may be deemed appropriate. In this capacity the Director shall also coordinate the County's relations with all County Authorities, Boards and Commissions;

(6) direct the relations of the County with other municipalities and joint Authorities, Boards and Commissions, the Commonwealth of Pennsylvania and the United States of America, including any agencies of such governments;

(7) maintain a workshop relationship with local municipal officials, members of the General Assembly of the Commonwealth of Pennsylvania and the members of the United States Congress representing the citizens of Northampton County;

(8) direct the process of applying for grants from governmental and non-governmental sources;

(9) direct the County's relationship with other organizations in which the County maintains membership, e.g.

National Association of County Governments, The Pennsylvania Association of County Commissioners, etc.;

(10) direct those County services related to the development and maintenance of civic, social and cultural activities in the County;

(11) direct the County's public information program;

(12) perform such other duties and functions as are assigned by the County Executive;

(13) have administrative control over all County employees, under the supervision of the County Executive, not assigned to any other agency of the County; and

(14) direct the administration of the County insurance program.

Section 3.03 Division of Weights and Measures

The head of the Division of Weights and Measures shall be the Inspector of Weights and Measures. The Inspector, in person or through subordinates, shall:

(1) enforce applicable State laws and County ordinances governing weights and measures; and

(2) perform such other duties and functions related to weights and measures as are assigned by the Director of Administration or the County Executive.

Section 3.04 Conservation District Division

The head of the Conservation District Division shall be the Executive Assistant to the Northampton County Conservation District. The Executive Assistant, in person or through subordinates, shall:

(1) administer Federal, State and County laws and

regulations governing the conservation of soil, water and other natural resources;

(2) conduct surveys, investigations and research on the nature of soil erosion and the control measures needed;

(3) develop and recommend comprehensive policies and plans to the County municipal officials for the conservation of soil, water and other natural resources;

(4) cooperate with and maintain appropriate relationships with Federal, State, regional and other local conservation agencies; and

(5) perform such other conservation duties and functions as are assigned by the Director of Administration or the County Executive.

Section 3.05 Division of Emergency Management Services

The head of the Division of Emergency Management Services shall be the Director of Emergency Management Services. The Director of Emergency Management Services, in person or through subordinates, shall:

(1) administer Federal and State laws and regulations governing emergency management programs in the County;

(2) coordinate emergency services training programs for County employees and emergency services volunteers;

(3) prepare and publicize a list of emergency management shelters in the County;

(4) develop and publicize instruction and other materials related to emergency management;

(5) perform such other emergency management duties and functions as are assigned by the Director of Administration or the County Executive;

(6) maintain contact with, and coordinate the efforts of, all County public safety user agencies;

(7) independently investigate and evaluate all complaints and inquiries regarding the County=s emergency communications system;

(8) monitor the day-to-day operations of the County=s emergency communications system, as well as the communications infrastructure within that system;

(9) supervise, and oversee, the work performed by subordinate 9-1-1 staff; and

(10) administer, and insure compliance with Federal and State laws and regulations governing emergency communications in the County.

ARTICLE IV - DEPARTMENT OF FISCAL AFFAIRS

- Section 4.01 Organization and Duties
- 4.02 Division of Financial Planning and Control
 - 4.03 Division of Revenue Operations
 - 4.04 Division of Recorder of Deeds
 - 4.05 Division of Assessment
 - 4.06 Division of Disbursement Operations
 - 4.07 Division of Procurement
 - 4.08 Division of Information Technology Systems

Section 4.01 Organization and Duties

a. The Department of Fiscal Affairs shall be headed by a Director who shall be responsible to the County Executive for the performance of the functions of the Department.

b. The purpose of the Department of Fiscal Affairs is to develop the County's budgets and financial plans, to develop and maintain control over all aspects of the County's financial and fiscal affairs and to provide information technology services for all agencies of County Government.

c. The Department shall be organized into the following Divisions:

- (1) Division of Financial Planning and Control;
- (2) Division of Revenue Operations;

- (3) Division of Recorder of Deeds;
- (4) Division of Assessment;
- (5) Division of Disbursement Operations;
- (6) Division of Procurement; and
- (7) Division of Information Technology Systems.

d. Perform such other duties and functions related to County Fiscal Affairs as are assigned by the County Executive.

Section 4.02 Division of Financial Planning and Control

a. The Director of the Department of Fiscal Affairs shall head the Division of Financial Planning and Control. The Director, in person or through subordinates, shall:

(1) develop a budget calendar and related forms and procedures;

(2) direct the preparation of the County's capital improvement plan and annual budget;

(3) direct the preparation and administration of the accounting system, disbursement control procedures and, with the guidance of the Controller, develop, maintain and distribute a comprehensive fiscal policies and procedures manual;

(4) direct the preparation and maintenance of the County's central accounts payable and payroll systems;

(5) direct the preparation and submittal of all County financial reports and records, including publication of such reports as deemed necessary or required by law, ordinance or resolution;

(6) devise and implement a system for the recording of deeds and assessment, billing, collection and receipt of taxes and other revenues due to or receivable by the County;

(7) control the establishment of County bank accounts and monitor all existing accounts;

(8) direct the prudent investment of funds of the County in accordance with the criteria of legality, safety, liquidity and yield;

(9) direct the stewardship and administration of record keeping of all County property, revenues, fees, intergovernmental transfers and any other funds or property within the custody of the County;

(10) administer the management of County debt in accordance with the provisions of this Code; and

(11) perform such other duties and functions related to County Financial Planning and Control as are assigned by the County Executive.

Section 4.03 Division of Revenue Operations

a. The head of Revenue Operations shall be the Revenue Manager. The Revenue Manager, in person or through subordinates, shall:

(1) coordinate the Recorder of Deeds, Assessment, Tax billing and collection functions of the County;

(2) prepare and evaluate revenue projections and budget estimates in the capital improvement plan and annual budget;

(3) develop and maintain a manual of revenue collection procedures and administer the system for the collection and receipt of taxes and other revenues due to or receivable by the County;

(4) administer the system for collection of tax claims and liens;

(5) establish County bank accounts and monitor all existing accounts;

(6) deposit all funds of the County in depositories authorized by resolution of County Council and manage the investment of County funds in accordance with the provisions of this Code and directives of the Director of Fiscal Affairs;

(7) coordinate the preparation of the County's capital improvement plan and annual budget;

(8) develop all tax rolls and tax maps which are not prepared by other political subdivisions or the Commonwealth; and

(9) perform such other duties and functions related to Revenue collection and investment administration as are assigned by the Director of Fiscal Affairs.

Section 4.04 Division of Recorder of Deeds

a. The head of the Recorder of Deeds Division shall be the Recorder of Deeds. The Recorder of Deeds, in person or through subordinates, shall:

(1) record and index documents pertaining to land records of property located in the County;

(2) oversee the collection and disbursement of fees and taxes relating to documents filed in the office; and

(3) perform other duties, services and functions related to division public records as required by law or the Director of Fiscal Affairs.

Section 4.05 Division of Assessment

a. The head of the Division of Assessment shall be the Assessment Manager. The Assessment Manager, in person or through subordinates, shall:

(1) Develop and administer a system for the assessment,

valuation and taxation of real property;

(2) monitor assessment to market values and recommend County-wide reassessments when appropriate;

(3) administer a Geographic Information and Mapping System of real property;

(4) prepare and certify tax assessment rolls for the County, municipal and school districts within the County;

(5) defend the County assessments in the revenue appeal process; and

(6) perform such other duties and functions related to assessments as assigned by the Director of Fiscal Affairs.

Section 4.06 Division of Disbursement Operations

a. The head of the Disbursement Operations shall be the Accounting Manager. The Accounting Manager, in person or through subordinates, shall:

(1) maintain a uniform accounting system in accord with generally accepted principles of governmental accounting;

(2) analyze and approve budget appropriation transfer requests, budget amendments, and journal entries;

(3) administer central accounts payable and payroll systems and disburse all payments for authorized expenditures;

(4) maintain control of all expenditures to assure that budget appropriations and allotments are not exceeded;

(5) prepare monthly, quarterly and annual financial reports as required;

(6) maintain complete records of all County funds and accounts;

(7) conduct and maintain a fixed asset inventory and administer the record keeping of all County property; and

(8) perform other duties, services and functions related to accounts payable and payroll administration and financial reporting as required by the Director of Fiscal Affairs.

Section 4.07 Division of Procurement

a. The head of the Division of Procurement shall be the Purchasing Manager. The Purchasing Manager, in person or through subordinates, shall:

(1) direct the administration of the County purchasing and procurement system;

(2) serve as the central purchasing officer of the County;

(3) recommend rules, ordinances, resolutions and procedures governing procurement for adoption by County Council;

(4) administer the procurement system of the County in accordance with Article XIII of this Code;

(5) develop, maintain and implement a manual of procurement procedures;

(6) establish and maintain a program for the development and use of procurement specifications and the inspection and testing of supplies;

(7) sell, trade or otherwise dispose of personal property of the County by public auction or sealed bids in accordance with the procedures contained in Article XIII of this Code; and

(8) perform other duties, services and functions related to procurement as required by the Director of Fiscal Affairs.

Section 4.08 Division of Information Technology Systems

a. The head of the Division of Information Technology Systems shall be the Information Technology Manager. The Information Technology Manager, in person or through subordinates, shall:

(1) develop annual long range information technology needs plans, recommending hardware and software acquisitions to maintain reasonably current state of the art technology;

(2) develop and maintain operating schedules for all information technology activities;

(3) evaluate and install all new systems which may be put on County's computer system;

(4) generate and maintain proper documentation for all computer systems and programs on the County's network;

(5) coordinate requirements of all user agencies and serve as liaison to the Information Technology Governance Committee; and

(6) perform such other duties and functions related to information technology as assigned by the Director of Fiscal Affairs.

b. The functions of the Information Technology Systems Division may, with the approval of the County Council, be contracted to an outside agency. In such event the Director of Fiscal Affairs shall be responsible for the operation of the Division and shall ensure the proper fulfillment of all terms and conditions of any such contract.

ARTICLE V - DEPARTMENT OF COURT SERVICES

| | |
|--------------|--------------|
| Section 5.01 | Organization |
| 5.02 | Duties |

Section 5.01 Organization

a. The Department of Court Services shall be headed by a Director who shall be responsible to the County Executive for administration of the Department.

b. The purpose of the Department of Court Services is to provide services for the management of court records and related documents and to provide such other appropriate support for the operation of the Court as required by law and the Charter. Specifically, the Department includes all functions formerly performed by the Clerk of Court, Criminal Division; by the Clerk of Court, Civil Division (also referred to as Prothonotary); the Register of Wills and the Clerk of Orphan's Court.

c. The Director shall be responsible for continuous cooperation and coordination between this Department and the Court.

d. The Department shall be organized into the following Divisions:

- (1) Clerk of Courts, Criminal Division;
- (2) Clerk of Courts, Civil Division (also referred to as Prothonotary);
- (3) Register of Wills;
- (4) Clerk of Courts, Orphans' Court Division (also referred to as Clerk of Orphans' Court); and

- (5) Archives Division.

Section 5.02 Duties

The Director of Court Services, in person or through subordinates, shall:

- (1) organize, administer and provide the services and records required for the operation of the various divisions of the Court of Common Pleas, the Register of Wills and Archives;

- (2) develop and maintain effective communication and liaison with the Court so that services provided by the Department are in accord with legal requirements and the needs of judicial processes; and

- (3) perform such other duties, services and functions related to Court services and public records as are assigned by the County Executive, required by the Court, applicable law and the Charter.

ARTICLE VI - DEPARTMENT OF HUMAN SERVICES

- Section 6.01 Organization
- 6.02 Duties
- 6.03 Area Agency on Aging Division
- 6.04 Children, Youth and Families Division
- 6.05 Drug and Alcohol Services Division
- 6.06 Gracedale Division (County Home)
- 6.07 Mental Health, Early Intervention and
Developmental Programs Division
- 6.08 Veterans Affairs Division
- 6.09 HealthChoices Division
- 6.10 Information and Referral/Emergency
Services Division

Section 6.01 Organization

a. The Department of Human Services shall be headed by a Director who shall be responsible to the County Executive for the performance of the functions of the Department.

b. The purpose of the Department of Human Services is to provide social services to meet the needs of all citizens of Northampton County.

c. The Department shall be organized into the following divisions:

- (1) Area Agency on Aging Division;

- (2) Children, Youth and Families Division;
- (3) Drug and Alcohol Services Division;
- (4) Gracedale Division (County Home)
- (5) Mental Health, Early Intervention and Developmental Programs Division;
- (6) Veterans Affairs Division;
- (7) HealthChoices Division; and
- (8) Information and Referral/Emergency Services Division.

Section 6.02 Duties

The Director of Human Services, in person or through subordinates, shall:

- (1) review annual plans, budgets and contracts of each Division;
- (2) establish an ongoing system of program review for each Division;
- (3) assure compliance of each Division with governmental contracts and/or regulations, the Charter and this Code;
- (4) develop and maintain a management information system which will include fiscal, personnel and client information for each Division and for the Department;
- (5) recruit administrators and other top-level personnel to fill vacancies in the Division, participating in final selection of key personnel;
- (6) orient new administrators to the work of the Divisions and to the County structure;
- (7) provide input to boards and commissions of the several Divisions;

(8) develop working relationships as appropriate with County, other public and private agencies;

(9) establish a system for coordinated planning and provision of services that will reduce or eliminate duplication and maximize the use of existing funds;

(10) negotiate, administer and monitor contracts for purchases of service agreements with public and private agencies to augment and extent County services;

(11) monitor the payment to private and public agencies of funds allocated to them in the County budget;

(12) maintain internal auditing procedures to assure compliance with Federal, State and County requirements;

(13) provide information to the public about the services of the Department;

(14) perform such other duties and functions related to social services as are assigned by the County Executive; and

(15) direct and supervise veterans affairs programs.

Section 6.03 Area Agency on Aging Division

a. The head of the Area Agency on Aging Division shall be the Administrator of the Area Agency on Aging.

b. The Area Agency on Aging Division shall, with the guidance and assistance of its advisory board, offer social services to residents of the County who are 60 years of age and older.

c. The Administrator, in person or through subordinates, shall:

(1) provide, directly or through purchase of service agreements, services which may include:

(a) outreach;

- (b) care management;
- (c) information and referral;
- (d) transportation;
- (e) counseling;
- (f) protective services;
- (g) congregate and home-delivered meals;
- (h) recreation and education;
- (i) senior citizens center services and activities;
- (j) volunteer services;
- (k) home care services; and
- (l) assessments.

(2) administer and coordinate services within the Division;

(3) provide community education and training;

(4) monitor and assure service standards for Division-operated and purchased services;

(5) represent the Division at meetings and conferences;

(6) serve as liaison to cooperating agencies; and

(7) perform such other duties and functions related to services for the aging as are assigned by the Director of Human Services or the County Executive.

Section 6.04 Children, Youth and Families Division

a. The head of the Children, Youth and Families Division shall be the Administrator of the Children, Youth and Families Division.

b. The Children, Youth and Families Division shall, with the guidance and assistance of its advisory board, offer

comprehensive services to protect, safeguard and provide for the welfare of children and youth in the County.

c. The Administrator, in person or through subordinates, shall:

(1) provide, directly or through the purchase of service agreements, services which may include:

- (a) information, screening and referral;
- (b) protective services;
- (c) foster family care;
- (d) service to children, parents and families;
- (e) adoption services;
- (f) family day care;
- (g) service to children in their own homes;
- (h) 24-hour emergency care and services;
- (i) homemaker services;
- (j) care in day care centers; and
- (k) institutional and other group care.

(2) administer and coordinate services within the Division;

(3) provide community education and training;

(4) monitor and assure service standards for Division operated and purchased services;

(5) represent the Division at meetings and conferences;

(6) serve as liaison to cooperating agencies; and

(7) perform such other duties and functions related to children and youth as may be assigned by the Director of Human Services or the County Executive.

Section 6.05 Drug and Alcohol Services Division

a. The head of the Drug and Alcohol Services Division shall be the Administrator of the Drug and Alcohol Services Division.

b. The Drug and Alcohol Services Division shall, with the guidance and assistance of its advisory board, operate a program of education, prevention and control of drug and alcohol use.

c. The Administrator, in person or through subordinates, shall:

 (1) develop a County plan, updated annually, for the control and prevention of drug and alcohol abuse;

 (2) prepare educational materials, publications and programs designed to prevent and control drug and alcohol abuse;

 (3) design and implement programs for preventive intervention, treatment and counseling to assist persons affected by drug and alcohol abuse;

 (4) develop and maintain relationships as appropriate with public and private social service and criminal justice agencies to assist and augment the County's drug and alcohol abuse program;

 (5) develop and maintain relationships as appropriate with Federal, State and local governmental agencies in the development and implementation of the County program;

 (6) represent the Division at meetings and conferences;

 (7) serve as liaison to cooperating agencies; and

 (8) perform such other duties and functions related to the prevention and control of drug and alcohol use assigned by the Director of Human Services or the County Executive.

Section 6.06 Gracedale Division (County Home)

a. The head of Gracedale Division (County Home) shall be the Administrator of Gracedale.

b. The purpose of Gracedale is to provide adequate residential and patient care for medically and financially needy residents of Northampton County.

c. The Administrator of Gracedale, in person or through subordinates, shall:

 (1) administer and supervise the County Home in accordance with policies and directives established by the County Executive and the Director of Human Services;

 (2) provide residential, medical, nursing and other programs, services, and facilities for the care of the medically and financially needy of the County;

 (3) administer admission policies and procedures established by the County Executive and by the Director of Human Services;

 (4) administer the Federal, State and County programs and regulations as they relate to residents of the County Home;

 (5) prepare monthly and quarterly reports of admissions, discharges and deaths of patients for Federal, State and County officials;

 (6) represent the Division at meetings and conferences;

 (7) serve as liaison to cooperating agencies; and

 (8) perform such other duties and functions related to the County Home as are assigned by the Director of Human Services or the County Executive.

Section 6.07 Mental Health, Early Intervention and Developmental Programs Division

a. The head of the Mental Health, Early Intervention and Developmental Programs Division shall be the Administrator of the Mental Health, Early Intervention and Developmental Programs Division.

b. The Mental Health, Early Intervention and Developmental Programs Division shall, with the guidance and assistance of its advisory board, promote good mental health, and prevent, detect, and treat developmental disabilities.

c. The Administrator, in person or through subordinates, shall:

 (1) develop, administer and implement comprehensive mental health, early intervention and developmental programs; and

 (2) (a) Mental Health B provide a full range of treatment, rehabilitation and support services that aid the recovery vision by promoting hope for the future, self-determination and choice, as well as active, successful participation in the community.

 (b) Early Intervention B provide a full range of therapeutic services to children, from infancy to their third birthday, that experience significant delays in one or more areas of development.

 (c) Developmental Programs B improve the quality of life for persons with developmental problems through the guiding principles of self-determination and the provision of treatment, rehabilitation and support services.

 (3) develop and implement consultative and educational

services for the community;

(4) coordinate mental health, early intervention and developmental programs and services;

(5) maintain and protect patient records in accordance with applicable law;

(6) represent the Division at meetings and conferences;

(7) serve as liaison to cooperating agencies; and

(8) perform such other duties and functions related to mental health, early intervention and developmental programs as are assigned by the Director of Human Services or the County Executive.

Section 6.08 Veterans Affairs Division

The head of the Veterans Affairs Division shall be the Director of Veterans Affairs. The Director of Veterans Affairs, in person or through subordinates shall:

(1) administer Federal and State laws and regulations governing veterans affairs;

(2) assist veterans and their families in obtaining financial allowances and support under Federal and State laws and regulations;

(3) maintain such records as are required by Federal and State laws;

(4) prepare and submit to appropriate officials reports as required by law and regulations; and

(5) perform such other veterans affairs duties and functions as assigned by the Director of Human Services or the County Executive.

Section 6.09 HealthChoices Division

a. The head of the HealthChoices Division shall be the HealthChoices Coordinator.

b. The HealthChoices Division shall, with the guidance and assistance of its advisory board, offer behavioral health services to residents of the County who are receiving Medical Assistance from the Commonwealth of Pennsylvania.

c. The HealthChoices Coordinator, in person or through subordinates, including the County=s Managed Care Organization shall:

(1) provide, directly or through purchase of service agreements, services which may include:

(a) inpatient psychiatric hospital services;

(b) inpatient drug and alcohol detoxification;

(c) psychiatric partial hospitalization services;

(d) inpatient drug and alcohol rehabilitation;

(e) non-hospital residential detoxification, rehabilitation and half-way house services for drug/alcohol abuse or dependence;

(f) psychiatric outpatient clinic, licensed psychologist and psychiatrist services;

(g) behavioral health rehabilitation services (BHRS) for children and adolescents with psychiatric, substance abuse or mental retardation disorders;

(h) mental health residential treatment services for children and adolescents (JCAHO accredited and non-JCAHO);

(i) outpatient drug and alcohol services, including Methadone Maintenance Clinics, when used to treat narcotic/opioid dependency and dispensed by an in-plan drug and alcohol services provider;

(j) clozapine support services;

(k) laboratory and diagnostic studies and procedures for the purpose of determining response to behavioral health medication and/or treatment ordered by behavioral health rehabilitative services providers acting within the scope of their license;

(l) crisis intervention services (telephone and mobile with in-home capability);

(m) family-based mental health services for children and adolescents;

(n) targeted mental health case management (intensive case management and resource coordination);

(o) mobile mental health treatment;

(p) peer support services;

(q) psychiatric rehabilitation services; and

(r) outpatient drug and alcohol rehabilitation services.

(2) administer and coordinate services within the Division;

- (3) provide community education and training;
- (4) monitor and assure service standards for Division-operated and purchased services;
- (5) represent the Division at meetings and conferences;
- (6) serve as liaison to cooperating agencies; and
- (7) perform such other duties and functions related to HealthChoices services as are assigned by the Director of Human Services or the County Executive.

Section 6.10 Information and Referral/Emergency Services Division

a. The head of the Information and Referral/Emergency Services Division shall be the Casework Manager II within that Division.

b. The Information and Referral/Emergency Services Division shall offer social services to residents of the County who are in need of information and referral and/or emergency services.

c. The Casework Manager II, in person or through subordinates, shall:

(1) provide, directly or through purchase of service agreements, services which may include:

(a) information and referral for persons requesting services for residents of Northampton County;

(b) information about the availability of County and community services;

(c) a single point of entry for persons requesting services provided by Northampton County;

(d) evaluation and assessment of referrals for immediate intervention;

(e) 24-hour response to crisis and emergency situations including:

(1) mental health assessments for involuntary commitments under the Pennsylvania Mental Health Act;

(2) emergency placement of children who are assessed to be at high risk of abuse or neglect when there are no other options; and

(3) referral and transportation to shelter care for runaway children found in Northampton County. (f) 24-hour telephone crisis counseling;

(g) mobile crisis counseling provided in the community on both an individual and team level (provided seven days per week);

(h) walk-in crisis counseling provided in the office;

(i) crisis services/response for all non-Gracedale Human Services divisions;

(2) administer and coordinate services within the Division;

(3) provide community education and training;

(4) monitor and assure service standards for Division-operated and purchased services;

(5) represent the Division at meetings and conferences;

(6) serve as liaison to cooperating agencies; and

(7) perform such other duties and functions related to information and referral and/or emergency services as are assigned by the Director of Human Services or the County Executive.

ARTICLE VII - DEPARTMENT OF PUBLIC WORKS

| | | |
|---------|------|---|
| Section | 7.01 | Organization |
| | 7.02 | Duties |
| | 7.03 | Division of Plant Operations and Maintenance |
| | 7.04 | Division of Custodial Services |
| | 7.05 | Division of Bridges |
| | 7.06 | Division of Vector Control |
| | 7.07 | Division of Parks and Recreation |

Section 7.01 Organization

a. The Department of Public Works shall be headed by a Director who shall be responsible to the County Executive for the performance of the functions of this Department.

b. The purpose of the Department of Public Works is to provide engineering, custodial and maintenance services for County agencies buildings, equipment and property, including bridges; maintain a vector control program and provide County services related to parks and recreational facilities and programs.

Section 7.02 Duties

The Director of Public Works, in person or through subordinates, shall:

- (1) negotiate and administer County contracts for architectural, engineering, construction and maintenance services;
- (2) develop and maintain relationships as appropriate with County agencies and with public and private agencies;
- (3) direct the preparation of engineering estimates for capital improvements for each County agency;
- (4) direct the administration of programs for the inspection, maintenance and repair of all County and inter-County bridges and the appurtenances thereto;
- (5) direct the administration of programs for development and maintenance of parks and recreational facilities and programs;
- (6) direct the administration of rodent and vermin control programs;
- (7) direct the administration of programs for operating, maintaining, repairing and providing custodial services for all County-owned buildings and equipment;
- (8) direct the administration of programs for storeroom and warehouse facilities for County property and supplies;
- (9) utilize such professional engineering services with the approval of the County Executive as are required for adequate performance of departmental functions; and
- (10) perform such other duties and functions related to County property as are assigned by the County Executive.

Section 7.03 Division of Plant Operations and Maintenance

The head of the Division of Plant Operations and

Maintenance shall be the Chief of Operations and Maintenance.

The Chief, in person or through subordinates, shall:

(1) plan, develop and administer a comprehensive preventative maintenance program for all County-owned equipment and buildings;

(2) coordinate maintenance services and programs with other County agencies;

(3) monitor provision and use of utilities (i.e. steam, electricity, etc.) to all County buildings and equipment and maintain adequate supplies, equipment and apparatus to ensure uninterrupted provision of all necessary utilities;

(4) supervise all necessary scheduled and emergency repairs of County-owned buildings and equipment;

(5) maintain control of all supplies and materials used in the operation of the Division to ensure the economical use of utilities;

(6) maintain all blueprints, service literature, and other information necessary for the proper operation, care and repair of all County-owned or leased equipment;

(7) supervise the work of all Division personnel;

(8) provide education and training to new Division employees in the proper operation and repair procedures of all applicable equipment and apparatus;

(9) administer the janitorial and custodial programs for County-owned buildings; and

(10) perform such other duties and functions relating to plant operation and maintenance as are assigned by the Director of Public Works or the County Executive.

Section 7.04 Division of Custodial Services

a. The head of the Division of Custodial Services shall be the Chief of Custodial Services. The Chief of Custodial Services, in person or through subordinates, shall:

(1) coordinate all custodial and janitorial services and programs with other County agencies;

(2) maintain all service literature and other information necessary for the proper cleaning and care of County-owned buildings and equipment;

(3) supervise the work of all Division personnel;

(4) plan, develop and administer necessary programs for the cleaning and custodial care of all County-owned buildings;

(5) inspect all applicable buildings completely and thoroughly to ensure they are cleaned and maintained in the best possible conditions; and

(6) perform such other custodial and janitorial duties and services as are assigned by the Director of Public Works or the County Executive.

b. All, or some of the functions of the Division of Custodial Services may, with the approval of County Council, be contracted to an outside agency. In such event, the Director of Public Works shall be responsible for the operation of the Division and shall ensure the proper fulfillment of all terms and conditions of any contract. In the event that some of the functions of the Division of Custodial Services are contracted to an outside agency, the County Executive may assign the remaining responsibilities and employees of the Division of Custodial Services to the Division of Plant Operations and Maintenance.

Section 7.05 Division of Bridges

The head of the Division of Bridges shall be the Bridges Supervisor. The Bridges Supervisor, in person or through subordinates, shall:

(1) inspect all County bridges including inter-County bridges for obstructions, hazards or unsafe conditions;

(2) plan, develop and administer a comprehensive preventive maintenance program for all County bridges including inter-County bridges;

(3) supervise the work of all Division personnel in painting, clearing brush, clearing obstructions, patching concrete and related maintenance on bridges and appurtenance thereto;

(4) recommend necessary contracts for major repair or renovation work on bridges and appurtenances and ensure compliance with the provisions of such contracts;

(5) respond to emergency calls resulting from accidents or other hazards on bridges;

(6) maintain maps and other literature necessary to administer the services of the Division; and

(7) perform such other functions and duties related to bridges as are assigned by the Director of Public Works or the County Executive.

Section 7.06 Division of Vector Control

The head of the Division of Vector Control shall be the Vector Control Supervisor. The Vector Control Supervisor, in person or through subordinates, shall:

(1) identify breeding grounds and types of insects and rodents and eliminate these breeding grounds as effectively as possible;

- (2) prepare and apply insecticides and rodenticides;
- (3) supervise the work of all Division personnel;
- (4) plan, develop and administer a comprehensive insect and rodent control program;
- (5) coordinate Division services and programs with other County, State and Federal agencies, and the public;
- (6) maintain records and other literature necessary for effective vector control;
- (7) conduct surveys, investigations and research on insect and rodent proliferation and the control measures needed;
- (8) prepare and submit to appropriate officials reports as required by law or regulation; and
- (9) perform such other duties related to vector control as are assigned by the Director of Public Works or the County Executive.

Section 7.07 Division of Parks and Recreation

The head of the Division of Parks and Recreation shall be the Chief of Parks and Recreation. The Chief, in person or through subordinates, shall:

- (1) plan, develop and administer, in consultation with the Northampton County Park Board, a comprehensive system of parks, recreational facilities and programs for the benefit and use of County residents;
- (2) coordinate the park and recreational facilities and programs of the County with other public and private recreational facilities and programs in the County;

(3) collect for the use of the County such fees for admission to or for use of facilities, programs or activities as authorized by ordinance of the County Council and shall transfer all such fees to the Division of Revenue;

(4) enforce such rules and regulations for the safety and conduct of persons using parks and recreational facilities as promulgated by the Director of Public Works or the County Executive; and

(5) perform such other duties and functions related to parks and recreation as are assigned by the Director of Public Works or the County Executive.

ARTICLE VIII - OFFICE OF THE CORONER

| | |
|--------------|--------------|
| Section 8.01 | Organization |
| 8.02 | Duties |

Section 8.01 Organization

The Office of the Coroner shall be headed by the Coroner who shall be responsible to the County Executive for the performance of the functions of the Office.

Section 8.02 Duties

The Coroner shall perform all such duties and have all such powers as shall from time to time be prescribed by law for the administration and investigation of deaths occurring in the County. Such duties may be performed by duly appointed deputies, who shall act in the place of the Coroner.

ARTICLE IX - OFFICE OF THE PUBLIC DEFENDER

| | | |
|---------|------|-----------------------|
| Section | 9.01 | Organization |
| | 9.02 | Duties |
| | 9.03 | Special Qualification |
| | 9.04 | Special Prohibition |

Section 9.01 Organization

The Office of the Public Defender shall be headed by the Public Defender who shall be responsible to the County Executive for the performance of the functions of this Office.

Section 9.02 Duties

The Public Defender shall provide those legal services required by law.

Section 9.03 Special Qualification

The Public Defender and assistant public defenders shall be attorneys at law, in good standing, admitted to practice before the Supreme Court of Pennsylvania.

Section 9.04 Special Prohibition

The Public Defender shall not hold any elected public office for which compensation is provided during his continuance in office.

ARTICLE X - OFFICE OF THE SHERIFF

| | | |
|---------|-------|--------------|
| Section | 10.01 | Organization |
| | 10.02 | Duties |

Section 10.01 Organization

a. The Office of the Sheriff shall be headed by the Sheriff who shall be responsible to the County Executive for the performance of the functions of the Office.

b. The purpose of the Office of the Sheriff is to provide those services required of his Office by law.

c. The Sheriff shall be treated as an exempt position, and subject to the following hiring procedures:

(1) The County Executive shall publicly advertise and recruit qualified individuals to apply for this position. The method and manner of such publication shall be at the discretion of the Executive;

(2) The Chief County Solicitor shall receive all applications and, upon review of same, make qualified applicants available to the Executive;

(3) The County Executive shall review the qualified applications, and forward a list of three names, chosen at the Executive's discretion, to the President Judge of the Court of Common Pleas;

(4) The President Judge shall review the three applications forwarded by the Executive, and indicate by rank the Court's preferences regarding this position; and

(a) The Court may, at its sole discretion, include the name of an additional applicant or applicants for the Executive=s consideration who, in the Court=s evaluation, would satisfactorily fulfill the responsibilities of Sheriff; and

(b) If the Court elects to thus exercise its discretion, the Court will rank the additional applicant or applicants with the initial three as discussed supra, for the Executive=s consideration.

(5) The Executive will, at the Executive=s discretion, after consultation with the Court, nominate one individual for the position of Sheriff and forward the name of that nominee to County Council for confirmation.

Section 10.02 Duties

The duties of the Sheriff, in person or through his duly appointed deputies, shall be to:

- (1) provide for the security of the courtroom whenever in session;
- (2) transport prisoners;
- (3) serve warrants and other legal papers and notices;
- (4) administer the foreclosure, repossession and sale of real and personal property; and
- (5) perform such other duties as may be required by law, and specific orders and directives of the Court and the County Executive.

ARTICLE XI - OFFICE OF THE SOLICITOR

| | | |
|---------|-------|-----------------------|
| Section | 11.01 | Organization |
| | 11.02 | Duties |
| | 11.03 | Outside Legal Counsel |
| | 11.04 | Special Qualification |
| | 11.05 | Special Prohibitions |

Section 11.01 Organization

a. The Office of the Solicitor shall be headed by the Solicitor who shall be responsible to the County Executive for the performance of the functions of the Office.

b. The purposes of the Office of the Solicitor are to provide legal counsel to elected officials and all County agencies and to represent the County in all legal proceedings to which the County is a party.

Section 11.02 Duties

The Solicitor, in person or through subordinates, shall:

(1) provide legal services to elected officials and all agencies of the County and upon request to County Council and the Controller;

(2) represent the County in all legal proceedings to which the County is a party;

(3) prepare and review ordinances and resolutions when so requested by the County Executive;

(4) approve for legality all contracts, agreements or

other legal documents executed by authorized County officials;

(5) ensure preparation of all contract and agreement formats as required by authorized County officials;

(6) review and approve surety bonds of County officials in accordance with this Code;

(7) direct and coordinate the utilization of legal counsel where Federal and State laws or regulations require separate legal counsel for the County; and

(8) perform such other duties and functions as are assigned by the County Executive.

Section 11.03 Outside Legal Counsel

a. The Solicitor, with the approval of the County Executive and County Council, may retain outside legal counsel where necessary.

b. For the purposes of this section, outside legal counsel shall mean the use of any legal counsel, attorney or firm of attorneys, other than the County Solicitor and Assistant County Solicitors, which may be used to defend and/or represent the County of Northampton, a County employee or a County elected official in litigation; and/or assist the Solicitor=s Office with matters involving the County of Northampton.

Section 11.04 Special Qualification

The Solicitor shall be an attorney in good standing admitted to practice before the Supreme Court of Pennsylvania.

Section 11.05 Special Prohibitions

During his term of office, the Solicitor shall not serve as

legal counsel, solicitor, or prosecuting attorney for the United States, Pennsylvania or any municipal corporation of Pennsylvania, except in his capacity as Solicitor and except in a capacity as an attorney and counselor in a reserve component of the armed forces of the United States or Pennsylvania. This section shall not be construed as prohibiting the private practice of law by the Solicitor during his term of office.

ARTICLE XII - FINANCE

- Section 12.01 Procedure for Preparation of Financial Plan
- 12.02 Procedure for Preparation of Annual Budget
- 12.03 Termination of Appropriation for Capital Expenditures
- 12.04 Budgetary Limitations
- 12.05 Financial Statements
- 12.06 Depositories of Funds of the County

Section 12.01 Procedure for Preparation of Financial Plan

Not later than 180 days before the end of the fiscal year and upon receipt of at least 30 days notice, the head of each agency shall furnish to the County Executive or his designee a description, justification and estimate for each program and for each capital project to be proposed during one or more of the succeeding three fiscal years. Each program or capital project request shall include where appropriate:

- (1) recommended priority;
- (2) development time schedule;
- (3) estimated useful life in years;
- (4) estimated costs for planning, site or right-of-way construction, equipment and other features;
- (5) status of plans and land acquisition;
- (6) anticipated effect of program or capital project on annual operating budget;
- (7) proposed method of paying for program or capital project;

- (8) possible sources of financial aid;
- (9) recommended expenditures by years, including total expenditures remaining beyond the three-year period of any program or capital project; and
- (10) such other information as County Council, the Executive or his designee may deem advisable.

Section 12.02 Procedure for Preparation of Annual Budget

a. Content. The County Executive, in person or through subordinates, shall annually prepare and submit to the County Council a comprehensive annual budget comprised of a budget message, a balance annual operating budget, a capital budget and a proposed tax ordinance to provide the necessary revenue. The budget message shall explain the budget in fiscal terms and in terms of the objectives to be accomplished and shall relate the requested appropriations to the approved financial plan of the County. The capital budget shall recommend those parts of the capital improvements plan which shall be undertaken during the next fiscal year. The annual operating budget shall contain:

- (1) an analysis of the existing programs, an identification of the program objectives and those new programs needed to achieve the objectives;

- (2) estimated expenditures from the preceding year and proposed expenditures for the budget year on a comparative basis, utilizing the most feasible combination of classifications by fund, agency, program, purpose or activity and object class;

- (3) amount and source of revenues needed to finance these programs;

- (4) alternative program for reaching the objectives;

- (5) a statement of the estimated cash surplus available

at the end of the fiscal year;

(6) a statement of the estimated revenue to be received during the next fiscal year, including revenues from fees, contracts, grants, transfers, taxes and investments;

(7) a separate statement of debt service requirements for the next fiscal year; and

(8) a statement of the current bonded and other indebtedness of the County.

b. Schedule for Preparation.

(1) not later than 366 days before the end of the fiscal year, the County Council may, by resolution, require a specific format for the annual budget. If no timely resolution is adopted, the budget for the succeeding fiscal year shall be in a format as the County Executive deems appropriate;

(2) not later than 150 days before the end of the fiscal year, or such earlier date as the County Executive may require, the head of each agency shall furnish to the County Executive or his designee an estimate of revenues and expenditures of his respective agency for the succeeding fiscal year, exclusive of capital projects. Each estimate shall show revenues and expenditures and be in such form and shall contain such additional information as the County Executive or his designee shall prescribe, provided that the estimate of expenditures shall constitute or be accompanied by a request for an appropriation. Such estimates of expenditures shall be based on and shall be accompanied by a tentative work program prepared by the head of each agency;

(3) the County Executive or his designee, not less than 30 days prior to the date fixed above, shall notify in writing the head of each agency of the date fixed above and the format and

information to be contained in such estimate and request;

(4) in the event that the head of any agency fails to submit an estimate by the date specified, the County Executive or his designee shall forthwith prepare such estimate; and

(5) the County Executive or his designee, with the Director of Fiscal Affairs, upon receipt of the estimates and request for appropriations shall proceed to make such review and investigation and conduct such internal administrative hearings thereon as the County Executive may deem necessary. The County Executive may require the head of each agency or any officer or employee thereof to furnish data and information and answer inquires pertinent to such review or investigation.

Section 12.03 Termination of Appropriations for Capital Expenditures

Appropriations or contracts for the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two-thirds (2/3) vote of the County Council.

Section 12.04 Budgetary Limitations

No County officer, employee, or agency shall, during a fiscal year, expend or contract to expend money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise specifically provided by law, the Charter or Ordinance.

Section 12.05 Financial Statements

The County Executive shall prepare and submit to the County Council and the Controller, not later than 30 days following the close of any fiscal quarter, and at such other times as the County Council may by resolution direct, a comprehensive financial report covering all funds and financial operations of the County for the previous quarter and the fiscal year-to-date. The report shall be prepared in accord with generally accepted principles for governmental accounting, auditing and financial reporting.

Section 12.06 Depositories of Funds of the County

a. Selection. The County Council, after the evaluation of written proposals shall, by resolution, select a depository or depositories for County monies.

b. Surety. Each depository utilized by the County upon receipt of notice of resolution as a depository of County funds and for the benefit of the security of the County and before receiving any such deposit shall furnish to the County a good and sufficient undertaking approved as to the sufficiency of surety by the County Executive and as to form by the County Solicitor. Such undertaking shall specify the amount which the County Executive shall be authorized to have on deposit at any one time with such depository. Such undertaking shall provide:

(1) that such depository shall faithfully keep and pay over, on the order of the County, such deposits and the agreed interest thereon; and

(2) for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which

a deposit shall be made by the County with such depository. The County Executive may increase the amount which any such depository is authorized to have on deposit at any one time and require additional undertaking therefore.

**ARTICLE XIII - PROCUREMENT AND DISPOSITION OF
COUNTY PROPERTY**

| | | |
|---------|-------|---|
| Section | 13.01 | Purposes |
| | 13.02 | Definitions |
| | 13.03 | Procurement Authority |
| | 13.04 | Centralization of Public Procurement |
| | 13.05 | County Procurement Manual |
| | 13.06 | Custodian of Procurement Records |
| | 13.07 | Methods of Source Selection |
| | 13.08 | Competitive Sealed Bidding |
| | 13.09 | Competitive Negotiations |
| | 13.10 | Noncompetitive Negotiations |
| | 13.11 | Emergency Procurements |
| | 13.12 | Cooperative Purchasing |
| | 13.13 | Cancellation of Invitation for Bids or Request for Proposals |
| | 13.14 | Purchase, Sale and Lease of Real Estate |
| | 13.15 | Contracts and Agreements |
| | 13.16 | Contract Modification and Termination |
| | 13.17 | Disposition of County Personal Property Other Than Real Estate |
| | 13.18 | Lehigh Valley Labor - Construction Contracts |
| | 13.19 | Purchasing - Domestic Preference Policies |
| | 13.20 | Penalties |

Section 13.01 Purposes

a. This Article shall be liberally construed and applied to promote its underlying purposes and policies.

b. The purposes and policies of this Article are to establish the procedures governing purchase and disposition of County owned property.

c. Unless otherwise specified, this title applies to expenditures of public monies by the County, notwithstanding the source of such monies. In the event that the provisions of Article XIII prevent the County from complying with the terms and conditions of any grant, gift, bequest or intergovernmental agreement, said provisions may be set aside for reasons of lawful good cause and/or preemption upon a duly enacted resolution of County Council.

d. This article shall not apply to procurement of Northampton County Council pursuant to Northampton County Home Rule Charter Articles II and VII and/or any other applicable provisions of the Northampton County Home Rule Charter.

e. Notwithstanding any other provision of this article to the contrary, it shall be understood that professional service agreements entered into, or authorized by, the Judges of the Court of Common Pleas Third Judicial District shall not be subject to approval by the Northampton County Executive or the Northampton County Council. Further, professional service agreements for social services entered into by the Department of Human Services shall not be subject to approval by the Northampton County Council.

Section 13.02 Definitions

a. Agreement. A duly executed and legally binding contract; the act of Agreeing; a consensus of two or more minds in respect of anything done or to be done.

b. Competitive Negotiation. A method of contractor selection utilizing a written request for proposal, followed by discussions with responsive and responsible offerors.

c. Competitive Sealed Bid. A method of contractor selection utilizing a written invitation to bid, public opening and announcement of all bids received, evaluation of bids based upon the requirements set forth in the invitation and award to the lowest responsive and responsible bidder.

d. Contract. A legally binding promise, enforceable by law; An agreement between parties, with binding legal and moral force, usually exchanging goods or service for money or other consideration; all types of agreements, regardless of what they may be called, for procurement or disposal of supplies, services, or construction; an agreement between a contracting authority and a person or business unit to provide a good, perform a service, construct a work, or to lease real property for appropriate consideration.

e. Cooperative Purchasing. Procurement conducted by, or on behalf of, one or more municipal, county or state procurement office.

f. Invitation for Bids. All documents, whether attached or incorporated by reference, utilized for soliciting bids.

g. Noncompetitive Negotiation. A method of contract selection that may be used to purchase a product or service that will be obtained from one source. See Section 13.10 for clarification of when this method is appropriate to use.

h. Piece-mealing. The evading of the procurement or approval provisions of Article XIII of the Administrative Code by making a series of purchases or contracts each for less than the required price, by making several simultaneous purchases or contracts each below the required price when the transactions involved should have been made as one transaction for one price.

i. Pre-qualified Bidder. A bidder who has submitted a fully completed contractor=s qualification questionnaire and who has been approved by the Procurement Officer.

j. Procurement Officer. The purchasing manager of the County of Northampton.

k. Professional Services. Services involving specialized knowledge, skill and expertise provided by persons with advanced training in a field that requires an extended course of specialized instruction and study. If a license or certification is part of the evaluation process for the service sought by the County the service is defined as a professional service for the purpose of the Northampton County Administrative Code.

l. Request for Proposals. All documents, whether attached or incorporated by reference, utilized for soliciting proposals in the Competitive Negotiation source selection process.

m. Responsible Bidder or Offeror. A person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability which assures good faith performance and has been prequalified, if required.

n. Responsive Bidder. A person who has submitted a bid which conforms in all material respects to the Invitation for Bids.

o. Specification. Any description of the physical or functional characteristics or the nature of a good, service or construction item. It may include a description of any requirement for inspecting, testing or preparing a good, service or construction item for delivery.

p. Subcontractor. A company or person who contracts to perform work or render service to a contractor or as a subcontractor as a part of a contract with the County.

Section 13.03 Procurement Authority

Except as otherwise provided in this Article, procurement authority and responsibility resides with the County Executive, subject to approval by County Council as required. The County Executive may delegate the administrative authority and responsibility for procurement to someone other than the Procurement Officer subject to approval by County Council in accordance with the provisions of this Code.

Section 13.04 Centralization of Public Procurement

a. Centralization of Procurement Authority. All rights powers, duties and authority relating to the acquisition of supplies, services, printing and purchasing of other County property shall remain with the Purchasing Manager as Procurement Officer of the County of Northampton in accordance with the provisions of this Code.

b. Exemptions. The following supplies and services need not be acquired through the Procurement Division:

- (1) supplies for resale to the public;
- (2) works of art for public display;
- (3) small quantities of published books, maps, periodicals, newspapers and technical pamphlets;
- (4) visiting speakers, professors and performing artists;
- (5) utilities (excluding petroleum products);
- (6) purchase of professional service agreements for social services; and
- (7) professional service agreements entered into or authorized by the Judges of the Court of Common Pleas Third Judicial District.

c. County agencies need not acquire the above noted supplies and/or services through the Procurement Division. However, County agencies shall follow the purchasing procedures as outlined in this Administrative Code and the County Procurement Manual. Further, County agencies are strongly encouraged to take advantage of the professional advice available in the Procurement Office. The department making the acquisition shall encumber

sufficient funds for the payment of all invoices for the procurement of supplies, services and construction.

Section 13.05 County Procurement Manual

The Procurement Officer may approve changes to the County Procurement Manual. If such changes do not conflict with the policies required in the Administrative Code, the Procurement Officer shall notify County Council in writing of said changes. Any recommended change in the Procurement Manual that conflicts with Administrative Code would require an amendment to the Code approved by County Council.

Section 13.06 Custodian of Procurement Records

The Procurement Officer shall be the custodian of all books and records necessary for effective and efficient procurement in compliance with applicable law, the Charter or this Code.

Section 13.07 Methods of Source Selection

a. Source Selection. Except as otherwise authorized by law, the Charter or ordinance, all County contracts shall, in accordance with the provisions of this Code, be awarded by:

- (1) competitive sealed bidding;
- (2) competitive negotiations;
- (3) noncompetitive negotiations;
- (4) emergency procurements; and
- (5) cooperative purchasing.

b. Procurement of County goods and services over \$25,000 shall be by the methods outlined under 13.07 (a) unless, prior to the solicitation of any contract, the County Executive shall, with

the approval of County Council, determine that these methods are not practical.

Section 13.08 Competitive Sealed Bidding

a. This method shall be used for the purchase or rental of materials, supplies, furnishings, equipment or other personal property and services by independent contractors where price is the only determining factor in the awarding of the contract.

b. Public Notice. Invitations for Bids/Proposals shall be given adequate public notice to include the County website and one or more of the following:

(1) Electronic publications which are accessible to the general public;

(2) Advertisements in appropriate trade publications;
and

(3) Where prequalification is a requirement of submitting a bid, notification to all offerors who have been prequalified by the Procurement Division.

c. Bid Opening. Bids shall be received in the Procurement Division and shall be opened publicly by the Procurement Officer or his designee at the time and place designated in the Invitations for Bid. Each bid, together with the name of the bidder, shall be recorded and made available for public inspection in the Procurement Office upon notification of intent to award said bid.

d. Award. The contract shall be awarded within ninety (90) days after bid opening by written notice to the responsive and responsible bidder whose bid is determined to contain the

lowest bid price, as specified in the Invitations for Bid. If the award is subject to Council approval as required in section 13.15 c, the notice of award should include this information. An Executive Order shall be issued detailing the award, following approval by Council, if required.

e. Negotiation After Competitive Sealed Bidding. In the absence of any acceptable sealed bid after two attempts have been made to receive pricing under the sealed bid procedure, informal bid(s) or quotation(s) shall be obtained, using the applicable specifications, after which the County Executive or his designee shall be authorized to award a contract to the lowest responsible bidder in the best interests of the County, pursuant to 13.15 (c) (1).

Section 13.09 Competitive Negotiations

a. This method of source selection may be utilized when the Procurement Officer determines that relative importance of price and other evaluation factors should be weighed and the quality of competing products should be compared and trade-offs made between price, quality, service, support and other criteria detailed in the specifications. The Procurement Officer shall utilize a written Request for Proposal to solicit vendors. The Procurement Officer should notify County Council when a Request for Proposal is released. Request for Proposals, other than those issued for human service agreements by the Department of Human Services or professional services issued by Judges of the Court of Common Pleas should be written by the Procurement Officer with input from the ordering Department.

b. Public Notice. Adequate public notice of the Request for Proposals shall be given in the same manner as provided in Section 13.08.

c. Evaluation Factors, including price and other criteria should be determined and documented by the evaluation committee.

d. RFP Opening. Proposals shall be received in the Procurement Division and shall be opened by the Procurement Officer or his designee at the time and place designated in the Request for Proposals. The Controller or his designee shall witness the opening of the proposals. Each proposal together with the name of the respondent shall be recorded and made available for public inspection upon notification of intent to award said request for proposal.

e. Evaluation Committee. The Procurement Officer may form a committee of users and experts to assist in the evaluation of the proposal responses. If such a committee is formed, the Procurement Officer must extend an offer to include a member of County Council to sit on the committee.

f. Discussion with All Responsible Offerors. Written or oral discussions may be conducted with all responsible offerors who submit proposals determined in writing to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be

permitted after submissions and prior to award for the purpose of obtaining best and final offers. Discussions shall not disclose any information derived from proposals submitted by competing offerors.

g. Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation. The Procurement Officer and representative(s) from the Ordering Department shall evaluate the proposals and document the selection process, which should address the results of the consideration of each evaluation factor, including price. If the award is subject to Council approval as required in section 13.15 c, the notice of award should include this information. An Executive Order must be issued detailing the award, following approval by Council if required.

h. Expired Contracts Awarded Through RFP Process. County Council should be notified of the expiration dates of contracts awarded through the RFP process at least sixty (60) days prior to the contract's expiration.

i. Notification of professional services contracts entered into or authorized by the Judges of the Court of Common Pleas Third Judicial District, or their duly appointed subordinates, shall be provided to the Office of County Council. Exempt from this requirement shall be contracts, or portions of contracts, which involve privileged or confidential information.

Section 13.10 Noncompetitive Negotiations

A contract may be awarded for a required or designated supply, services or item to a single supplier using Noncompetitive Negotiation when the County Executive or his designee determines that it is not practical or prudent to use other than the required or designated supply, service or item. Prior to the award of the contract the County Executive shall in accordance with Section 13.07 b., issue an Executive Order stating the specific reasons for using Noncompetitive Negotiation.

This method should not be used to substitute for a competitive procedure if a competitive procedure can reasonably be used.

Section 13.11 Emergency Procurements

Notwithstanding any other provision of this Code, the County Executive or his designee may make or authorize others to make emergency procurements when there exists a threat to public health, welfare or safety under emergency conditions, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. The County Executive shall present an Emergency Procurement Notice to the Council President regarding the specifics of the emergency and the need to avoid the public procurement process.

Section 13.12 Cooperative Purchasing

a. The Purchasing Officer, with the approval of the County Executive, may enter into a joint or cooperative purchasing agreement to acquire materials and services under the contracts of other public entities and may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of materials and services with one or more public entities. The

Purchasing Officer shall determine, before entering into a joint or cooperative agreement under which another public entity undertakes procurement, that the public entity has conducted or will conduct procurement through competitive procedures reasonably similar to those set forth herein. The purchasing office will use due diligence to assure the best price when relying on this method of procurement.

b. The Procurement Officer may purchase from a vendor under a cooperative purchase contract only if the Procurement Officer determines and documents that a purchase from the cooperative purchase contract would be in the best interests of the County after considering all relevant factors such as price, delivery dates, service, maintenance, and the place of business of the vendor.

c. If the Procurement Officer does not purchase the items via the cooperative contract, then he must comply with all other requirements of the County Administrative Code, including the use of competitive sealed bidding if the materials, supplies or equipment cost more than \$25,000.

Section 13.13 Cancellation of Invitation for Bids or Request for Proposals

When it is in the best interests of the County, the County Executive may cancel any Invitations for Bid, Request for Proposals or other solicitation, reject all bids and proposals, or parts thereof.

Section 13.14 Purchase, Sale and Lease of Real Estate

a. The County Executive has the authority to execute or cause to be executed on behalf of the County all deeds and contracts for the purchase, sale or lease of real estate, subject to the procedures set forth in this article.

b. Sealed Appraisals. The County shall not purchase, sell or lease real estate without first obtaining sealed appraisals from two (2) professional real estate appraisers. This requirement may be waived by the County Executive and approved by the Northampton County Council, by resolution, where it can be demonstrated that:

1. The costs of the appraisals are likely to exceed the value of the properties or project to which the appraisals pertain;

2. The nature of the project requiring a purchase, sale or lease of real estate does not justify the cost of appraisals or is otherwise deemed unnecessary;

3. The property at issue has been appraised within 2 years prior to the proposed sale, lease or purchase of the real estate and the appraisals were approved by County Council;

4. Other compelling reasons exist to waive the appraisals for example, "time is of the essence" to complete the sale, lease or purchase and a reasonable statement of value is available; and

5. In any of circumstances set forth in sections 13.14 b.1., 2., 3. or 4., County Council shall approve, by resolution, the County Executive proceeding without two sealed appraisals.

c. Purchase/Sale/Lease of Real Estate

(1) The County Executive, or his designee, may negotiate a contract for the purchase, sale or lease (with the County as lessor or lessee) of real estate. Any such purchase/sale/lease shall be approved by County Council and no such contract shall bind the County nor shall any conveyance be lawful until County Council approves of the terms of the purchase/sale/lease; and

(2) In presenting a proposal or a contract to purchase/sell/lease real estate to County Council for approval, the County Executive shall make public the two sealed appraisals received by the County.

Section 13.15 Contracts and Agreements

a. Written contracts are required for all purchases of goods and services exceeding \$25,000. All contracts and agreements shall be prepared and executed as directed by the County Executive by way of the Executive Order. All contract formats shall be approved by the County Solicitor prior to use.

b. All executed contracts and agreements shall be filed in the Procurement Division within fourteen (14) days after execution and shall immediately be available for inspection by any member of County Council or the County Controller.

c. At least five (5) days before the County Executive obligates the County to the proposed terms of any prospective contract, the County Executive shall provide written notification of the proposed terms of the prospective contract to County Council if the contract consideration exceeds \$100,000, regardless of

whether the contract term spans more than one fiscal year or exceeds twelve months. Such written notice shall specify the procedure used to choose the individual or entity providing the services, including a copy of the Invitations for Bids/Requests for Proposals, if applicable; the name of the successful bidder; the nature of the project and the scope of work; the projected total monetary amount of the contract; the hourly or other unit costs charged under the contract; a statement of the need for such services and a disclosure of prior relationships between the vendor and the County or County Personnel. In addition, prior to making the award, approval of County Council is required in the following instances:

(1) Any contract exceeding \$100,000 which was awarded using the Competitive Negotiation, Negotiation After Competitive Sealed Bidding and Non-Competitive Negotiation source selection methods. For contracts with renewal clauses, the entire potential payout if all renewal clauses are exercised under the terms of the contract must be considered when determining if Council approval is necessary;

(2) Any contract where costs are to be funded with monies outside of the County's General Fund, such as those funded through bonded indebtedness; and

(3) If Council fails to approve a contract over \$100,000, the County Executive can contract for services where public safety or the health and safety of Northampton County residents would be jeopardized. The contract should be continued for no longer than 6 months with the incumbent vendor (if there is one and the vendor is willing to provide the services) or an alternative vendor if the incumbent is not able to perform the duties.

d. No contracts shall be entered into by the County Executive, or any other independently elected official, without:

(1) giving written notification to the Office of the County Council, as provided in Section 13.15 c; and

(2) receiving the approval of the agreement by County Council resolution, if the contract involves the retention of professionals pursuant to the authority of the Council under Section 202 of the Home Rule Charter to incur indebtedness, levy taxes, assessments and service charges; adopt and amend an Administrative Code; adopt a Personnel Code; establish salaries and wage levels and acquire property.

e. No work shall be authorized to begin nor payment made under a contract prior to the completion of the written notice process, set forth in Administrative Code Section 13.15 c, until sufficient appropriate funds have been encumbered, and where required, the approval process completed, unless exigent reasons or an emergency situation requires the immediate execution of a proposed contract, but the term of such contract shall not exceed thirty (30) days. Such reasons shall be documented and filed with the Council within 24 hours of the execution of the proposed contract.

f. Every professional service contract shall specifically state that a copy of any final report or study delivered pursuant to a contract shall be provided directly by the vendor to the County Council and the vendor shall agree to present the final report or study should the County Council so desire. Exempt from the aforementioned requirements are:

(1) Contracts that involve the investigation of a crime

and the apprehension or prosecution of persons suspected of, or charged with, the commission of a crime if the District Attorney determines that the information might prove to be prejudicial or detrimental to such action; and

(2) Contracts involving services in the defense of persons suspected of, or charged with, the commission of a crime if the Public Defender determines that the information might prove prejudicial or detrimental to such action.

g. Required Conditions for All Contracts

(1) Every contract shall specifically state that it is contingent upon the availability of appropriated funds from which payment can be made;

(2) Every contract shall contain an express written provision which clearly provides that in the event of non-appropriation of funds, at any time during the term of the contract, which would prevent the County from making payment under the terms and conditions of the contract, the County may terminate the contract, without the assessment of any termination charges or financial penalties against the County, by providing written notice of intent to terminate to the contracting party;

(3) If brought to the attention of procurement or any agent of Northampton County, the County of Northampton shall not make contractual arrangements with a vendor who is delinquent on any taxes due the County until the taxes are paid in full. Delinquent shall herein be defined as the point when the taxes owed become the responsibility of the Tax Claim Bureau to collect;

(4) Every contract shall state that if the vendor

becomes delinquent on taxes owed the County during the term of the agreement, vendor shall be in breach of the agreement and the County shall withhold vendor payments in lieu of taxes until taxes are paid in full;

(5) The County Executive, or his designee, shall issue written notice to the Council within sixty (60) days of the end of the fiscal year if a vendor or lessee is found to be delinquent on any taxes due the County. As directed pursuant to contract language authorized by this Section, the County shall withhold payments until the taxes are paid in full;

(6) The County of Northampton shall not make contractual arrangements with a vendor who is also a lessee of the County until the rent due the County is paid in full as provided for in the terms of the lease agreement;

(7) No renewal of any existing contract, upon the expiration or termination of the original term, shall be entered into if such renewal fails to conform to provisions of the Administrative Code herein set forth;

(8) The provisions of Administrative Code Sections 13.07 through 13.12 and 13.15 shall not be evaded by entry into piece-meal contracts, which should in the exercise of reasonable discretion and prudence be conducted as one transaction, that exceed the dollar amount or term of contract set forth in Administrative Code Sections 13.07 and 13.15;

(9) All County construction projects over \$25,000 shall be awarded by competitive bid to the lowest responsible bidder unless rejected in accordance with other provisions of Article XIII of the Northampton County Administrative Code;

(10) If the County Executive, or his agent, on behalf of the County of Northampton bids a construction project with a Project Labor Agreement Requirement, then in that event, the County Executive, or his agent, shall simultaneously bid the same construction project without a Project Labor Agreement. No Project Labor Agreement shall be utilized in any County construction project unless approved by Northampton County Council prior to execution of the contract by Resolution;

(11) A Project Labor Agreement is hereby defined as a contract which requires that the project be awarded exclusively to:

(a) recognize unions as representatives of their employees on that job;

(b) exclusively use the union hiring hall to obtain workers;

(c) pay union wages and benefits; and

(d) obey the union restrictive work rules, job classifications and arbitration procedure.(12) Every contract shall specifically state that the vendor agrees not to hire County personnel who have or shall exercise discretion in the awarding, administration or continuance of that vendor=s contract. The prohibition shall be in force for up to and including one year following the termination of the employee from County service. A vendor=s failure to abide by this shall constitute a breach of contract, and the agreement shall so state;

(13) Each contract must contain the following conditions:

(a) Undue Influence: The Provider agrees not to hire any County personnel who has exercised discretion in the

awarding, administrating or continuance of this contract for up to and including one year following the termination of the employee from County service. Failure to abide by this provision shall constitute a breach of this contract; and

(b) Conflict of Interest: The Provider agrees to notify in writing the County as soon as the Provider learns that:

(1) a current employee of the County has commenced, or is intending to commence, employment with the Provider while continuing to maintain County employment, or

(2) a current employee of the County has performed, or is intending to perform, services to the Provider as an independent contractor while continuing to maintain County employment. Any written notice required to be given under this section shall specify the County employee=s (associate=s) name, the nature of the County employee=s (associate=s) employment, or the subject of the County employee=s (associate=s) contract with the Provider and the date on which the County employee=s (associate=s) employment or contract with the Provider commenced.

(c) Breach of Contract:

(1) The Provider agrees that any breach of performance, covenant, representation, warranty, indemnity, or condition, or attached appendices, shall constitute default of this contract;

(2) When a breach of contract has occurred, the County, in the exercise of its discretion, may allow the Provider a specific period of time to correct its breach of the contract. Such period of time shall not exceed thirty (30) days; and

(3) If Provider does not correct its violation of the contract as specified, the County may terminate

the contract in whole or in part if such partial termination is in the best interest of the County.

Section 13.16 Contract Modification and Termination

a. Modification of Contracts. For contracts totaling \$500,000 or less, change orders or additions increasing the total contract cost, as bid, of a project are exempt from the competitive bidding provisions of this Code. However, when the total cost of a single project contract shall exceed \$500,000, the County Executive or Procurement Manager shall initiate negotiations with the applicable contractor when one of the following conditions are met: (1) A change order shall individually exceed one hundred fifty thousand dollars; and (2) If the total aggregate of all change orders on a project exceeds 10% of the total contract cost or bid. The goal of negotiations should be to arrive at a reasonable price for necessary change orders that could not have been anticipated at the inception of the contract. If a satisfactory settlement cannot be reached, the County Executive is authorized to re-bid any or all change orders or additions.

b. Notice of Change Orders. The County Executive shall promptly provide written notice of any proposed change orders meeting the conditions listed in Sections 13.16 a (1) and (2) above to the Clerk of County Council.

c. Cancellation of Contracts. The County Executive, in the best interests of the County, upon recommendation of the County Solicitor, shall have the authority to cancel contracts. For such authority to be exercised, it should be included as a clause in any appropriate contract, at the discretion of the County

Executive, subject to Council approval in accordance with Section 13.15 c. Notification of any canceled contracts shall be forwarded to the County Council immediately upon cancellation.

d. The written notice procedures for all contracts set forth in Administrative Code Sections 13.15 c, d (1), d (2), e, f (1) and f (2) shall also apply to amendments to existing contracts.

e. In addition to complying with the requirements set forth in Section 13.16 d, written notices involving amendments to existing contracts shall clearly indicate the monetary amount of the amendment, the reason for the amendment, the services to be provided by the amendment, the original amount of the contract and the total amount of the contract, as amended.

f. For any existing contract that is amended, if such amendment increases the value of the original contract to an amount that would require Council approval under Section 13.15 c (1), then such approval must be obtained for the amendment.

Section 13.17 Disposition of County Personal Property Other Than Real Estate

a. All surplus County personal property shall be disposed by one of the following methods as determined by the Procurement Officer following written notification by the department head of the item(s) determined to be surplus to their needs. Procurement will use the most efficient method of disposal to optimize the benefits to the County:

(1) Methods of disposal include but are not limited to

(Non-electronic/computers):

- (a) Transfer within Departments;
- (b) Sale on "Public Auction Site";
- (c) Scrap; and
- (d) Donation to nonprofit organizations

(2) Computer and electronic equipment surplus are handled by the IT Department. Notification by the department is made electronically utilizing the Enterprise Service Request Application on the intranet; and

(3) Monies received from the sale or scrapping are deposited in the Revenue Department general fund.

Section 13.18 Lehigh Valley Labor - Construction Contracts

a. Policy Intent. It is the intent and goal of this section for the County of Northampton to contract with developers, construction managers, contractors or subcontractors who will make every effort to employ persons living in the Lehigh Valley so as to maximize the economic benefit of the construction project to the economy of, and citizens residing in, Northampton County.

b. Definitions. For the purposes of this Section, the following words shall have the meanings so noted:

(1) "Contractor" shall mean any developer, construction manager, contractor, subcontractor on a County-funded project;

(2) "Lehigh Valley" shall be defined as Lehigh and Northampton Counties and all surrounding communities that border said County within ten (10) miles; and

(3) "Construction Contract" shall mean a construction, renovation, rehabilitation or demolition project.

c. Conditions for All Construction Contracts.

(1) Every contract over \$25,000 pertaining to construction projects funded by the County of Northampton shall specifically state that the contractor shall, in hiring, make every effort to employ persons residing within the Lehigh Valley. Further, in no event, shall less than 80 percent of the labor force of the contractor on a County-funded project be residents of the Lehigh Valley;

(2) Every contract over \$25,000 pertaining to construction projects funded by the County of Northampton shall specifically state that contractors shall be obligated to make sure that subcontractors adhere to the requirements set forth by this policy; and

(3) The requirements herein set forth shall also apply to contracts pertaining to construction projects carried out by an authority and for which the County of Northampton is a third party beneficiary.

d. Exemption. The policies set forth in this Section shall not apply to executives, engineers, technicians, supervisors, timekeepers, messengers, office workers or employees above the classification of general foreman of the contractor.

e. Waiver of Policy.

(1) The local labor requirement for a construction project, or for a specific contractor, can only be waived with the issuance of an Executive Order by the Northampton County Executive;

(2) The Executive Order, waiving the provisions of this section, shall be presented to County Council no later than two

(2) work days after it is issued by the County Executive;

(3) An Executive Order, to waive a construction project from the local labor requirement, shall specify in detail why Federal and/or State funding of the project does not permit compliance with the local labor requirement;

(4) An Executive Order, to waive a specific contractor from the requirements of this ordinance, shall state that the following procedure has been complied with:

(a) Notice shall be given by the contractor to the County of Northampton that their specialty is unique;

(b) The number of persons needed to perform the job shall be stated;

(c) Actual proof shall be submitted that there are not a sufficient number of persons in the Lehigh Valley that have the knowledge and experience to perform the specialty; and

(d) The Executive Order shall specify the percentage of local labor that can be used.

(5) In the event the application of the requirements of this section would violate State and/or Federal law, or would render the County of Northampton ineligible for the receipt of funds from outside sources, the provisions this Article ordinance shall not be enforced.

Section 13.19 Purchasing - Domestic Preference Policies

a. Policy Intent. The County of Northampton is committed to conducting business according to the highest ethical principles. Accordingly, all contractors shall be committed to a set of ethical standards, in the course of their conduct, which includes, but are by no means limited to: honesty, integrity, trustworthiness, and respect for the unique intrinsic value of

each human being. It shall be the intent of Northampton County to conduct business with contractors that are committed to the protection and preservation of the global environment and the world's finite resources, and conduct business accordingly. Further, it is the policy of the County that it should not purchase, lease, rent or take on consignment goods or services which are produced under sweatshop conditions.

b. Definitions. The following words and phrases when used in this Section shall have the meaning given to them in this section unless the context clearly indicates otherwise:

(1) Contractor: shall include each contractor, subcontractor, vendor or manufacturer that is engaged in a manufacturing process that results in a finished product for the consumer; and

(2) Manufacturing Process: shall include assembly and packaging.

c. The procedures and guidelines set forth herein shall apply to the manufacture, laundering and distribution of items of apparel and textiles, such as clothing, headwear, footwear, linens and fabric, as well as to any other industry designated by the County Executive, or his designee, as vulnerable to sweatshop competition.

d. In order to ensure that the County contracts with vendors that have responsible employment practices, the following criteria will be used in contracting for goods and services:

(1) Preference will be given to goods or services produced in the U.S.A.; and

(2) The County will whenever possible only contract with vendors with responsible labor practices, as defined in Section 3.b. below.

e. The County shall require of every bidder for County contracts covered under Section 1, and annually from every vendor of goods or services covered under Section 1, the following:

(1) Disclosure of all subcontractors and sites. The bidder or vendor shall identify the name and address of each subcontractor to be used, as well as the address of all locations, including subcontractor locations, substantially involved in providing goods or services covered by this Act. Such information will be considered public information and shall be maintained by the awarding agency or authority; and

(2) Certification of compliance with responsible labor practices. The standards set forth below constitute responsible labor practices for County contractors. The bidder or vendor shall certify that each location, including subcontractor locations, substantially involved in producing or distributing goods or services covered by this Section meets the following standards:

(a) Compensation:

(1) Wage and benefit levels must be sufficient to meet basic needs and provide some discretionary income for a family of 4 ("a living wage calculation for Allentown - Bethlehem - Easton, Pennsylvania") along with total compensation, including affordable family health benefits and company-paid pension and/or other retirement benefits typical of responsible employers;

(2) Contractors recognize that wages are essential to meeting employees' basic needs. Contractors must

provide wages and benefits which comply with all applicable laws and regulations and which match or exceed the local prevailing wages and benefits in the relevant industry; and

(3) Overtime Compensation: In addition to their compensation for regular hours of work, employees shall be compensated for overtime hours at such a premium rate as is legally required in their country, but not less than at a rate equal to their regular hourly compensation rate.

(b) Rights:

(1) Contractors shall respect rights of workers to speak out about working conditions without fear of retaliation;

(2) Contractors shall recognize and respect the rights of employees to freedom of association and collective bargaining, without employer resistance;

(3) Contractors shall recognize that due process and just cause procedures are used for discipline or discharge, with recourse to arbitration;

(4) Contractors shall comply with all laws, regulations and International Labor Organization standards governing the workplace;

(5) Contractors shall not use child labor, forced labor or corporal punishment;

(6) Contractors shall employ individuals solely on the basis of their ability to perform the job, and shall not discriminate in hiring, promotion or compensation on the basis of race, national origin, religion, gender, sexual preference, union preference, or political affiliation;

(7) Contractors shall not use any forced

labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise;

(8) Contractors shall provide workers with a safe and healthy work environment including implementation of sound injury and illness prevention practices. If residential facilities are provided to workers, they must be safe and healthy facilities; and

(9) Contractors shall treat every employee with dignity and respect. No employee shall be subject to any physical, sexual, psychological, verbal harassment or abuse. Contractors will not use or tolerate any form of corporal punishment.

f. Filing of false information under this Section shall be a criminal violation. The County, at its discretion, may terminate a contract or ban a vendor from holding contracts with the County for a period of 5 years for filing false information or for failing to file information required under this Section. The County shall require correction and remediation of violations of the standards listed in Section 13.19 e.(2) prior to renewing commerce with the contractor. The County may terminate a contract for failure to meet the standards listed in Section 13.19 e.(2). The County may require further proof of compliance with the standards listed in Section 13.19 e.(2). Upon request the contractor or subcontractor will make all relevant records available to the County or its designee.

g. In the event the application of the requirements of this Section would violate State and/or Federal law, or would render the County of Northampton ineligible for the receipt of funds from outside sources, the provisions this Section shall not be enforced.

Section 13.20 Penalties

No elected or appointed official or employee of the County of Northampton shall intentionally or knowingly circumvent the provisions of this Article. Further, that any such elected or appointed official or employee of the County of Northampton who shall intentionally and/or knowingly violate this Article shall be subject to surcharge to the extent of the damage shown to be thereby sustained by the County of Northampton, shall be guilty of a misdemeanor, and upon a conviction thereof, shall be sentenced to imprisonment of not more than one year or pay a fine of not more than \$1,000, or both. Any contract entered into in violation of the within article shall not be binding upon the County of Northampton.

ARTICLE XIV - PERSONNEL

| | | |
|---------|-------|---------------------------|
| Section | 14.01 | Purpose |
| | 14.02 | Career and Exempt Service |
| | 14.03 | Merit Personnel System |
| | 14.04 | Rates of Pay |
| | 14.05 | Personnel Roster |
| | 14.06 | Disclosure of Records |
| | 14.07 | Surety Bonds |
| | 14.08 | Judicial Employees |
| | 14.09 | Prison Employees |
| | 14.10 | Employment Prohibitions |

Section 14.01 Purpose

The County Executive, in person or through subordinates, shall establish and administer the personnel management program consistent with the provisions of the Charter, this Code and rule and regulations adopted by resolution of County Council.

Section 14.02 Career and Exempt Service

a. Membership. Each elected official, officer, and employee shall be a member of either the career or exempt service. The exempt shall consist of:

- (1) all elected officials;
- (2) the heads of agencies immediately under the direction and supervision of the County Executive;
- (3) one confidential or clerical employee for each of the above officials, except for members of the County Council;
- (4) the Clerk of Council and the staff of the County Council;

- (5) the members of authorities, boards and commissions;
- (6) permanent part-time professional employees;
- (7) provisional, probationary and temporary employees;
- (8) officers and employees required to be included in a state merit or civil service system; and
- (9) officers and employees whose inclusion in the career service would be prohibited by the law of Pennsylvania.

Except as may otherwise be provided in Section 14.08 for Judicial Employees and Section 14.09 for Prison Employees, all other officers and employees shall be members of the career service.

Section 14.03 Merit Personnel System

a. Establishment. The merit personnel system applicable to all members of the career service shall be administered in accordance with applicable law, including the Charter, this Code, the Career Service Regulations, the personnel rules, adopted pursuant thereto.

b. Members of State Civil Service System. Officers and employees required to be members of the State civil service system at the time of adoption of the Charter, shall be included as part of the Northampton County merit personnel system with respect to those areas of their employment not covered by the State civil service system.

Section 14.04 Rates of Pay

The rate of pay for officers and employees shall be at an amount provided in a pay schedule established by County Council. The movement of employees covered by the Career Service

Regulations, from step to step within pay ranges and the assignment of classes to pay ranges, shall be in accordance with the pay plan contained in the Career Service Regulations and the personnel rules.

Section 14.05 Personnel Roster

The Personnel Director shall establish and maintain personnel records for all County officials and employees. Such records shall show for each official and employee the date of appointment, the title of the position, the rate of pay and rate changes, promotions, demotions, transfers, the time and cause of separations from County employment and any other information the Personnel Director considers necessary for a proper personnel record. Every appointment, pay change, promotion, demotion, status of the employee shall be reported to the Director in such manner as he may prescribe.

Section 14.06 Disclosure of Records

Except as may be required by applicable law or order of the Court, records of the Personnel Director shall not be open for public inspection.

Section 14.07 Surety Bonds

a. All elected officials and such other officers, agents or employees as County Council shall designate by resolution, shall give and acknowledge to the County fidelity and surety bonds acceptable to the County Solicitor as to form, content and in an amount determined by resolution of County Council. All other County officers or employees shall be covered by a blanket surety bond in the amount of at least \$100,000.00.

b. The County Council shall, by resolution, prescribe bonds for other individuals for whom it deems coverage is necessary.

Section 14.08 Judicial Employees

a. Membership. Judicial employees are those over whom the powers to hire or terminate or set any of the other terms and conditions of employment are vested by law in Judges of the Court of Common Pleas of Northampton County. Each judicial employee shall be a member of either the career service or the exempt service.

b. Career and Exempt Service. For judicial employees, the exempt service shall consist of employees in the following job classifications:

(1) District Court Administrator, Associate Court Administrator, Minor Judiciary Administrator, confidential and clerical employees in the Court Administrators office;

(2) DUI Program Director;

(3) Law Librarian;

(4) Judicial Secretaries;

(5) Jury Clerks;

(6) Official Court-Reporters;

(7) Court Officers;

(8) Mental Health Examiners and other special masters;

(9) Law Clerks to the Judges;

(10) Managerial and professional employees of the DUI Program, Juvenile Detention, Domestic Relations, Juvenile and Adult Probation; and

(11) Confidential or clerical employees for District -

Magistrates.

All other judicial employees shall be included in the Career Service. The County Executive shall maintain a list of judicial employees in the career and exempt services which shall be submitted for approval to the Judges of the Court of Common Pleas of Northampton County.

Section 14.09 Prison Employees

a. Career and Exempt Service. The Director of Corrections and the Public Safety Administrator of the Northampton County Prison shall be in the exempt service. All other employees of the Prison shall be included in the career service.

b. Prison Employees in the Career Service. The merit personnel system established by the Charter and this Code shall apply in all respects to prison employees in the career service.

Section 14.10 Employment Prohibitions

a. Authorities, Boards or Commissions. No officer or employee shall serve on any authority, board or commission, or any such entity, that does business with and/or provides paid services to the County of Northampton for a period up to and including one (1) year following the termination of the employee from County Service.

ARTICLE XV - AUTHORITIES, BOARDS AND COMMISSIONS

| | |
|---------------|------------------|
| Section 15.01 | Establishment |
| 15.02 | Retirement Board |

Section 15.01 Establishment

a. The following boards and commissions are established by the Charter:

- (1) Personnel Appeals Board;
- (2) Revenue Appeals Board;
- (3) Election Commission; and
- (4) Personnel Commission.

b. In accordance with Section 1304 of the Charter, the following authorities, boards and commissions shall continue to exist unless specifically abolished by ordinance:

- (1) Joint Planning Commission of Lehigh and Northampton Counties;
- (2) Lehigh and Northampton Airport Authority;
- (3) Lehigh and Northampton Transportation Authority;
- (4) Northampton County Children=s Bureau Advisory Committee (designated as the Advisory Board to the Division of Children, Youth and Families);
- (5) Northampton County Conservation District;
- (6) Northampton County Coordinating Committee of the Lehigh Valley Transportation Study;

- (7) Northampton County Drug and Alcohol Advisory Board;
- (8) Northampton County Hospital Authority;
- (9) Northampton County Housing Authority;
- (10) Northampton County Industrial Development Authority;
- (11) Northampton County Mental Health, Early Intervention and Developmental Programs Advisory Board;
- (12) Northampton County Overall Economic Development Committee;
- (13) Northampton County Park Board;
- (14) Northampton County Redevelopment Authority;
- (15) Northampton County Solid Waste Authority;
- (16) Northampton County Prison Advisory Board;
- (17) Northampton County Area Agency on Aging Advisory Board; and
- (18) Northampton County Nursing Home (Gracedale) Advisory Board.

All other authorities, boards and commissions are hereby abolished except as otherwise provided by ordinance or this Code.

Section 15.02 Retirement Board

a. Establishment. There is hereby established the Northampton County Retirement Board.

b. Function. The Northampton County Retirement Board shall administer the retirement system of the County in accordance with applicable law.

c. Membership. The Retirement Board shall be comprised of

seven (7) members. The members shall be the County Executive, one (1) member selected by the County Executive, three (3) members of County Council (one of whom shall be President of Council), and two (2) participating members in the retirement system one of whom shall be chosen from a list of three (3) nominees for appointment which shall be provided to the County Executive by the Northampton County Employee=s Retirement Association. The two (2) participating members shall be selected by the County Executive subject to confirmation by the Northampton County Council. All members of the Retirement Board shall have voting privileges relative to matters which are considered by the Retirement Board.

ARTICLE XVI - GENERAL PROVISIONS

| | | |
|---------|-------|--------------------------------------|
| Section | 16.01 | Construction |
| | 16.02 | Effect of Disqualification on Quorum |
| | 16.03 | Repealer |
| | 16.04 | Outside Legal Counsel |

Section 16.01 Construction

a. Severability. If any provision of this Code shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder but shall be confined in its operation to the particular provision involved.

b. References to County Commissioners. All references in the law of Pennsylvania to County Commissioners shall, after such time as elected members of the first County Council and the first County Executive take office, be construed to refer to the County Council or to the County Executive whenever such construction would be reasonable in accordance with this section. The County Council shall succeed to all legislative powers and functions heretofore vested in County Commissioners by the law of Pennsylvania, except as provided in the Charter and this Code.

Section 16.02 Effect of Disqualification on Quorum

If, because of disqualification or disqualifications for

reasons of conflict of interest under the provisions of the Charter or this Code, less than a quorum of County Council or any other body of the County for which a quorum is required for action is available to act upon any particular matter, the remaining members of the County Council or any other body shall constitute a quorum and shall have the authority to transact any business to the extent provided for in the Charter and Code.

Section 16.03 Repealer

a. Repealer. All ordinances and parts of ordinances heretofore enacted which are inconsistent with any provision of this Code are, to the extent of such inconsistencies, hereby repealed.

Section 16.04 Outside Legal Counsel

a. The requirements set forth in Administrative Code Section 11.03, Outside Legal Counsel, shall apply to all departments, services, bureaus, offices, division, or other administrative unit under the direction and supervision of the County Executive.

b. For the purposes of Section 11.03, the term approval of County Council shall mean either the adoption of a separate and specific resolution or ordinance regarding any retention of outside legal counsel.

ARTICLE XVII - STANDARDS OF ETHICAL CONDUCT

| | | |
|---------|-------|--|
| Section | 17.01 | Applicability |
| | 17.02 | Standards and Principles of Ethical Conduct |
| | 17.03 | Conduct prohibited |
| | 17.04 | Employment Restrictions |
| | 17.05 | Use of Prestige of Office |
| | 17.06 | Solicitation or Acceptance of Gifts |
| | 17.07 | Disclosure of Confidential Information |
| | 17.08 | Exemptions and Waivers |
| | 17.09 | Rights |
| | 17.10 | Penalty |

Section 17.01 Applicability

The provisions of this Article shall apply to all elected officials, officers and employees of the County.

Section 17.02 Standards and Principles of Ethical Conduct

To ensure that every citizen can have the complete confidence in the integrity of Northampton County Government, each elected official, officer and employee of the County of Northampton shall respect and adhere to the fundamental standards and principles of ethical service as set forth hereafter:

a. Public Service is a public trust requiring employees to place loyalty to the U.S. Constitution, to the laws of the United States, the Commonwealth of Pennsylvania and the County of

Northampton and ethical principles above private gain.

b. Employees shall not hold financial interests that conflict with the conscientious performance of duty.

c. Employees shall not engage in financial transactions using non-public Government information or allow the improper use of such information to further any private interest.

d. An employee shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with or conducting activities regulated by the employee's agency or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

e. Employees shall put forth honest effort in the performance of their duties.

f. Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.

g. Employees shall not use public office for private gain.

h. Employees shall act impartially and not give preferential treatment to any private organization or individual.

i. Employees shall protect and conserve County property and shall not use it for other than authorized activities.

j. Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

k. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or disability.

l. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this Article.

Section 17.03 Conduct prohibited

No elected official, officer or employee of the County shall:

a. act as broker, agent, attorney, representative or employee of any person in such person's adversary dealings with the County. This shall not be construed to prevent members of authorities, boards and commissions appointed by the County Council or County Executive from participating in matters with the County where such participation has no relationship to the authority, board or commission to which such member was appointed.

b. voluntarily appear as attorney, counsel or otherwise represent private interests in any court action, legal or administrative proceedings in which the County, agency of the County or any official of the County acting in his official duty is a party, except where the County Solicitor finds that such interest are not incompatible with County interests.

c. give opinion evidence in any court action, administrative or legal proceeding in which the County, agency of the County, or any official of the County acting in his official duty is a party, except where the County Solicitor finds that the opinion evidence would not be incompatible with the interests of the County and the official has been assigned to so appear or give evidence in accordance with his duty.

d. disclose any confidential information concerning the property, management or affairs of the County or use such information to advance the financial or other private interests of himself or other persons.

e. participate in any matter, except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his spouse, parent, child, brother or sister has an interest therein.

f. participate in any matter, except in the exercise of an administrative or ministerial duty, when any of the following is a party thereto:

(1) Any business entity in which he has a direct financial interest of which he may reasonably be expected to know;

(2) Any business entity of which he is an officer, director, trustee, partner, employee or in which he knows any of the above-listed relatives has this interest;

(3) Any business entity with which he or, to his knowledge, any of the relatives listed in paragraph (e) of this

subsection is negotiating or has any arrangement concerning prospective employment;

(4) Any business entity which is a party to an existing contract with the official or employee, or which the official or employee knows is a party to a contract with any of the above-named relatives, if the contract could reasonably be expected to result in a conflict between the private interests of the official or employee and his official duties;

(5) Any entity doing business with the County in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if he may be reasonably expected to know of both direct financial interests; or

(6) Any business entity which the official or employee knows is his creditor or obligee, or that of any of the relatives listed in paragraph (e) of this subsection, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the official or employee or any of the above-named relatives.

Section 17.04 Employment Restrictions

a. Except when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(1) Be employed by, or have a financial interest in, any entity subject to his authority or that of the County agency, board, or commission with which he is affiliated or any entity which is negotiating or has entered a contract with that agency, board or commission; or

(2) Hold any other employment relationship which would impair the impartiality or independence of judgment of the official or employee.

(3) This prohibition does not apply to:

(a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a requirement that persons subject to the jurisdiction of the authority be represented in appointments to it;

(b) Subject to other provisions of law, including this Section, a member of a board or commission in regard to a financial interest or employment held at the time of appointment provided it is publicly disclosed to the appointing authority and Board; or

(c) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Board.

b. An official or employee may not assist or represent a party for contingent compensation in any matter before or involving the County other than in a judicial or quasi-judicial proceeding, provided that nothing herein shall preclude an official or employee from assisting or representing a party for contingent compensation in any matter before or involving entities where fees are established by law.

Section 17.05 Use of Prestige of Office

An official or employee may not intentionally use the prestige of his office for his private gain or that of another. The performance of usual and customary constituent services, without additional compensation, does not constitute the use of the prestige of office for an official's or employee's private gain or that of another.

Section 17.06 Solicitation or Acceptance of Gifts

a. An official or employee may not solicit any gift.

b. No official or employee may knowingly accept any gift, directly or indirectly, from any person that he knows or has reason to know:

(1) Is doing business with the Council, as to members thereof, or, as to other officials or employees, with their office, agency, board or commission; or

(2) Has financial interests that may be substantially and materially affected in a manner distinguishable from the public generally by the performance or nonperformance of his official duty.

c. Unless a gift of any of the following would tend to impair the impartiality and the independence of judgment of the official or employee receiving it or, if of significant value, the recipient official or employee believes, or has reason to believe, that it is designed to do so, paragraph b. does not apply to:

(1) Meals and beverages;

(2) Ceremonial gifts or awards which have insignificant monetary value;

(3) Unsolicited gifts of nominal value or trivial items of informational value;

(4) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or the employee for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;

(5) Gifts of tickets or free admission extended to any elected official or employee to attend a professional or intercollegiate sporting event or charitable, cultural or political events, if the purpose of this gift or admission is a courtesy or ceremony extended to the office;

(6) A specific gift or class of gifts which the Council or the Board exempts from the operation of this Section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;

(7) Gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent or other relative who share the official's or employee's legal residence, or a child, ward, parent or other relative over whose financial affairs the person has legal or actual control; or

(8) Honoraria.

Section 17.07 Disclosure of Confidential Information

Other than in the discharge of his official duties, an official or employee may not disclose, or use for his own economic benefit or that of another, confidential information which he has acquired by reason of his public position and which is not available to the public.

Section 17.08 Exemptions and Waivers

The Northampton County Council, may after consultation with the Council Solicitor, grant exemptions to, or modifications of, this Article as to officials or employees when it finds that the application of this Article would constitute an unreasonable invasion of privacy, and would significantly reduce the availability of qualified persons for public service and if it also finds that the exemption of modification would not be contrary to the purposes of this ordinance. The Northampton County Council may grant exceptions, or modifications in accordance with this Section either on an individual basis, or if appropriate, by general resolution.

Section 17.09 Rights

No part of this article shall be construed to prohibit an official from appearing in the pursuit of his private interests as a citizen or from accepting or receiving any benefit in accordance with law or prosecuting or pursuing any personal claim, right, privilege or remedy which is his in accordance with law.

Section 17.10 Penalty

Any officer or employee who knowingly and willfully violates any of the provisions of this Code shall, in accordance with due process of law, be dismissed from his office or employment.

ARTICLE XVIII - DEPARTMENT OF CORRECTIONS

- Section 18.01 Organization
- 18.02 Duties
- 18.03 Classification Division
- 18.04 Community Corrections Division
- 18.05 Operations Division
- 18.06 Intake Division
- 18.07 Medical Division
- 18.08 Legal Division

Section 18.01 Organization

a. The Department of Corrections shall be headed by a Director who shall be responsible to the County Executive for the administration, supervision and operation of the Northampton County Prison. The Director of Corrections shall be an exempt cabinet-level position directly responsible to the County Executive. The specific nature of the duties of the Director of Corrections in coordinating the administration of all such functions at the Northampton County Prison shall be determined by the County Executive.

b. The Department of Corrections shall be organized into the following Divisions:

- (1) Classification Division;
- (2) Community Corrections Division;
- (3) Operations Division;
- (4) Intake Division;

- (5) Medical Division; and
- (6) Legal Division.

Section 18.02 Duties

The Director of Corrections, in person or through subordinates, shall:

- (1) supervise and administer the overall operation of the County Prison;
- (2) serve as the chief spokesperson for all public communications on behalf of the institution;
- (3) determine the long and short-range goals, programs, policies and schedules and develop general polices for implementation of same;
- (4) confer with and advise lower level managers and supervisory personnel on program and facility plans, progress and performance;
- (5) confer with the County Executive on manners concerning major prison activities; and
- (6) perform such other duties and functions as are assigned by the County Executive.

Section 18.03 Classification Division

The head of the Classification Division shall be the Deputy Warden of Treatment. The Deputy Warden of Treatment, in person or through subordinates, shall:

(1) direct all aspects of the Classification Division at the management level;

(2) develop, administer, and carry out a comprehensive program, through lower level staff, for the Department of Corrections to the County;

(3) determine policy direction, establish and modify goals and objectives for outside programs and other related programs at the Prison;

(4) develop social services for inmates in the area of drug and alcohol prevention, treatment programs, mental health and mental retardation, educational programs, and County inpatient treatment facilities;

(5) coordinate work activities with Federal, State, other governmental and private agencies;

(6) develop an annual plan, with supporting budget, staffing and related administrative requirements of programs and service provisions; and

(7) perform such other duties and functions as are assigned by the Associate Warden, Director of Corrections or the County Executive.

Section 18.04 Community Corrections Division

The head of the Community Corrections Division shall be the Deputy Warden of Community Corrections. The Deputy Warden of Community Corrections, in person or through subordinates, shall:

(1) be responsible for directing all aspects of the Work Release Program at the management level;

(2) determine policy direction, establish and modify goals and objectives for outside programs and other related programs

at the Prison;

(3) receive and review Federal, State, and other directives, regulations and policies, and determine the impact of same on the Prison Community Corrections Operations; and

(4) perform such other duties and functions as are assigned by the Associate Warden, Director of Corrections or the County Executive.

Section 18.05 Operations Division

The head of the Operations Division shall be the Operations Supervisor. The Operations Supervisor, in person or through subordinates, shall:

(1) schedule tours of duty and oversee physical plant maintenance and security;

(2) develop a master schedule for staff work assignments and shall insure proper coverage, securing other personnel when needed;

(3) plan, assign and review the work of maintenance positions;

(4) oversee the inmate and supervisory activities carried out in the Prison vocational shops;

(5) develop operating plans to handle personnel, access, safeguarding of equipment materials and related elements for construction projects and other major uses of outside resources; and

(6) perform such other duties and functions as are assigned by the Associate Warden, Director of Corrections or the County Executive.

Section 18.06 Intake Division

The head of the Intake Division shall be the Intake Supervisor.

The Intake Supervisor, in person or through subordinates, shall:

(1) oversee and direct the entry and discharge processing for all County prisoners;

(2) compute time served for inmates;

(3) coordinate all records regarding sentencing and incarceration with other County, Court, State and Federal agencies and maintain documented activities in this regard;

(4) have overall responsibility to insure complete and accurate intake and discharge processing and records keeping; and

(5) perform such other duties and functions as are assigned by the Associate Warden, Director of Corrections or the County Executive.

Section 18.07 Medical Division

The Director of Corrections, or his/her duly appointed designee, shall be directly responsible for monitoring the operation of the Medical Division.

Section 18.08 Legal Division

The head of the Legal Division shall be the County Solicitor, or his/her duly designated subordinate. The County Solicitor, in person or through subordinates, shall:

(1) provide legal services to the Prison;

(2) represent the Prison in all legal proceedings to which the County is a party; and

(3) perform such other duties and functions as are assigned by the Director of Corrections or County Executive.

ARTICLE XIX - DEPARTMENT OF HUMAN RESOURCES

| | | |
|---------|-------|--------------|
| Section | 19.01 | Organization |
| | 19.02 | Duties |

Section 19.01 Organization

The Department of Human Resources shall be headed by a Director who shall be responsible to the County Executive and who shall be the chief administrative officer and principal supervisor for the Department of Human Resources. The Director of Human Resources shall be an exempt cabinet-level position directly responsible to the County Executive. The specific nature of the duties of the Director of Human Resources, in coordinating the administration of all such functions within the Department of Human Resources, shall be determined by the County Executive.

Section 19.02 Duties

The Director of Human Resources, in person or through subordinates, shall:

- (1) develop policy for all matters pertaining to personnel, salary scales, benefit packages and pension benefits;
- (2) oversee job classification and appeals by employees for job reclassification requests;
- (3) periodically review the Northampton County salary guide;

(4) enforce all relevant laws and regulations promulgated by the Federal, State and County governments;

(5) develop a job growth and job vacancy policy;

(6) formulate, update, evaluate and implement job testing procedures;

(7) enforce Career Service and Civil Service regulations including termination procedures; and

(8) perform such other duties and functions as are assigned by the County Executive.

**ARTICLE XX - DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT**

| | | |
|---------|-------|--------------------------------|
| Section | 20.01 | Organization |
| | 20.02 | Duties |
| | 20.03 | Economic Development Division |
| | 20.04 | Community Development Division |

Section 20.01 Organization

a. The Department of Community and Economic Development shall be headed by a Director who shall be responsible to the County Executive for the administration, supervision and operation of the Northampton County Department of Community and Economic Development. The Director of the Department of Community and Economic Development shall be an exempt cabinet-level position directly responsible to the County Executive. In accordance with Northampton County Home Rule Charter Article VIII, Section 802, the Director of the Department of Community and Economic Development shall be entitled to hire one confidential or clerical employee, who shall be in the exempt service. The specific nature of the duties of the Director of Community and Economic Development in coordinating the administration of community and economic development programs and initiatives shall be determined by the County Executive.

b. The Department of Community and Economic Development shall be organized into the following Divisions:

- (1) Economic Development Division; and
- (2) Community Development Division.

Section 20.02 Duties

The Director of the Department of Community and Economic Development, in person or through subordinates, shall:

(1) supervise, administer and implement the Northampton County Economic Development Initiative;

(2) serve as the Northampton County staff representative to the Lehigh Valley Economic Development Corporation (LVEDC) and shall coordinate all activities between Northampton County and the LVEDC;

(3) determine the long and short-range goals, programs, as well as strategic plans, and shall develop general polices for the implementation of same;

(4) confer with and advise the County Executive on the development, progress, and performance of economic development initiatives and activities;

(5) supervise and manage all staff personnel within in the Department;

(6) monitor and oversee all contracts, and/or professional service agreements pertaining to economic development activities in the County; and

(7) perform such other duties and functions as are assigned by the County Executive.

Section 20.03 Economic Development Division

The head of the Economic Development Division shall be the Economic Development Administrator, who shall report directly to the Director of the Department of Community and Economic Development. The Economic Development Administrator, in person or through subordinates, shall:

(1) be responsible for administration, regulatory compliance, technical understanding and implementation of policies and procedures of the following Authorities: the Northampton

County Higher Education Authority, the Northampton County Hospital Authority, the Northampton County General Purposes Authority and the Northampton County Industrial Development Authority;

(2) assist qualified applicants in the application process for authority financing and shall assist in the compliance with applicable laws, rules and regulations of the Commonwealth of Pennsylvania, pertaining to: the Northampton County Higher Education Authority, the Northampton County Hospital Authority, the Northampton County General Purposes Authority, the Northampton County Industrial Development Authority, the Northampton County Loan and Development Fund, the Northampton County Affordable Housing Program, as well as any other viable economic development opportunities;

(3) work in partnership with other County economic development organizations to promote and to provide oversight and direction for economic development activities throughout Northampton County;

(4) maintain all records and documents until closure, until projects are completed and/or until obligations have been met;

(5) document, track, and certify all applicable fees pertaining to the administration of projects which are processed through the Northampton County Department of Community and Economic Development;

(6) work with the Director of Fiscal Affairs to develop and implement capital financing plans; and

(7) perform such other duties and functions as are assigned by the Director of the Department of Community and Economic Development and/or the County Executive.

Section 20.04 Community Development Division

The head of the Community Development Division shall be the Community Development Administrator. The Community Development Administrator shall report directly to the Director of the Department of Community and Economic Development, and shall, in person or through subordinates:

(1) be responsible for administration, statutory compliance, technical understanding and implementation of policies and procedures of Community Development Grant Programs, including Community Development Block Grants, Emergency Shelter Grants, HOME, Affordable Housing Trust Fund Program;

(2) assist municipalities in all aspects of the Community Development related grant application process;

(3) develop, implement and monitor new grant programs that enhance economic development and improve the quality of life in Northampton County; and

(4) perform such other duties and functions as are assigned by the Director of the Department of Community and Economic Development and/or the County Executive.