

# NORTHAMPTON COUNTY COUNCIL - EASTON, PA

Ordinance No. 755                      SESSION 2023                      Bill No. 849

Introduced by John P. Goffredo and Lori Vargo Heffner on June 1, 2023

Enacted                      July 6, 2023                      Effective                      August 5, 2023

**Title:** AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV, CONTROLLER; TO PROVIDE TERM LIMITS FOR THE CONTROLLER OF THE COUNTY OF NORTHAMPTON

**BE IT HEREBY ORDAINED AND ENACTED,** by the Northampton County Council that:

SECTION I - PROPOSED AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER

A. A proposed amendment to the Northampton County Home Rule Charter shall be prepared for presentation as a referendum question at the 2023 General Election. The referendum question shall be prepared and acted upon in accordance with the Northampton County Home Rule Charter, Article XI and all applicable laws of the Commonwealth of Pennsylvania.

B. The proposed question is:

"Shall the electorate of Northampton County approve a change in the Northampton County Home Rule Charter Article IV, Controller, Section 401 to impose term limits on the Controller of Northampton County commencing with the term of office which begins in January of 2024?"

Article IV, Controller, Section 401. Titles and Status, shall be amended to read as follows:

Section 401. Titles and Status

The Controller shall be the official of the County responsible for the internal control of the fiscal transactions of the County.

During their term of office, the County Controller shall devote full time to the office. The salary of the full-time County Controller shall be established by the Northampton County Council in accordance with the Northampton County Home Rule Charter.


The County Controller shall not serve more than two (2) four year terms of office in succession.

SECTION II - EFFECTIVE DATE

This ordinance shall become effective thirty days after the date of enactment.

This ordinance was advertised on the 8th day of June 2023 and was adopted by the Northampton County Council on the 15<sup>th</sup> day of June 2023.

ATTEST:

  
Linda M. Zembo  
Clerk to Council

Kerry L. Myers  
Kerry L. Myers  
County Council President

Lamont G. McClure  
County Executive

The ordinance titled, "AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV, CONTROLLER; TO PROVIDE TERM LIMITS FOR THE CONTROLLER OF THE COUNTY OF NORTHAMPTON" was adopted by the Northampton County Council at the meeting held June 15, 2023, by a vote of 6-2-1 abstention (The vote: Giovanni, "yes"; Goffredo, "yes"; Heckman, "no"; Lott, "no"; Myers, "yes"; Vargo Heffner, "yes"; Zrinski, "abstain"; Brown, "yes" and Cusick, "yes".) The ordinance was then presented to the County Executive on June 16, 2023. The County Executive vetoed and returned the ordinance to the Office of County Council on June 23, 2023. The Northampton County Council overrode the veto, by a vote of 6-2-1 abstention at the meeting held July 6, 2023 via Resolution #69-2023. Voting to override the County Executive's veto were: Vargo Heffner, "yes"; Goffredo, "yes"; Giovanni, "yes"; Heckman, "no"; Lott, "no"; Myers, "yes"; Zrinski, "abstain"; Brown, "yes"; and Cusick, "yes". In accordance with the provisions of the Northampton County Home Rule Charter 602(g) (3), the ordinance was enacted on July 6, 2023, and becomes effective as such on August 5, 2023.

RECEIVED

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COUNTY COUNCIL

**RETURN OF VETOED ORDINANCE**

**WHEREAS**, on June 15, 2023, the Northampton County Council adopted Ordinance No. XXX-2023, Bill No. 849 entitled "AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV, CONTROLLER; TO PROVIDE TERM LIMITS FOR THE CONTROLLER OF THE COUNTY OF NORTHAMPTON;" and

**WHEREAS**, Article 602 subsection (g)(2) of the Northampton County Home Rule Charter, authorizes and empowers the County Executive to veto any ordinance within ten (10) days of its adoption by Northampton County Council; and

**WHEREAS**, with respect, Council clearly stated its legislative intent was to make certain that each of the ordinances were "consistent." The words "consistent" and "consistently" were used numerous times by Members of Council on numerous occasions during its Governance Committee meeting held June 14, 2023 and during the Full Council meeting on June 15, 2023, whereat the ordinances were passed.

**WHEREAS**, however, upon review of the ordinances as adopted, there is a major inconsistency. Specifically, in the term limit imposed on members of County Council, the limitation references "County Council" members. Likewise the limitation for Controller references the "County Controller." Unfortunately, an apparent drafting oversight, has led to the reference in the limitation for the County Executive to "No person" not "County Executive."

**WHEREAS**, therefore, it is respectfully submitted to this Honorable Council, these ordinances are being returned, so that the presumed drafting error can be corrected. Failure to correct the assumed mistake will sew confusion for the voters evaluating the question. Council's legislative intent with respect to "consistency" was clear and refusal to make this correction would cast series doubt on those stated intentions. Additionally, the inadvertent ambiguity may cause unnecessary litigation.

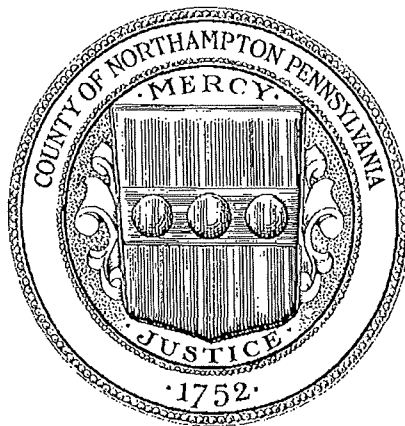
**NOW THEREFORE**, by the powers vested in the County Executive under Sections 303(3) and 602(g)(2) of the Northampton County Home Rule Charter, the County Executive disapproves of and vetoes Ordinance No. XXX-2023, Bill No. 849, and returns said ordinance to the County Council.

**THE FOREGOING**, done this 23<sup>rd</sup> day of June, 2023, at the City of Easton, County of Northampton, witness my signature affixed hereto.



Lamont. G McClure  
Northampton County Executive

# THE COUNTY OF NORTHAMPTON



## RESOLUTION

Number 69-2023

**WHEREAS**, at the meeting held June 15, 2023, the Northampton County Council duly adopted the ordinance titled, "AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV, CONTROLLER; TO PROVIDE TERM LIMITS FOR THE CONTROLLER OF THE COUNTY OF NORTHAMPTON"; and

**WHEREAS**, the duly adopted ordinance was presented to the County Executive on June 16, 2023; and

**WHEREAS**, on June 23, 2023, the County Executive vetoed the ordinance (a copy of the veto message is attached) and returned it to County Council on June 23, 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the Northampton County Council that the County Executive's veto of the ordinance titled, "AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE NORTHAMPTON COUNTY HOME RULE CHARTER, ARTICLE IV, CONTROLLER; TO PROVIDE TERM LIMITS FOR THE CONTROLLER OF THE COUNTY OF NORTHAMPTON" shall be overridden this 6<sup>th</sup> day of July 2023.

ATTEST:

INTRODUCED BY:



Linda M. Zembo  
Clerk to Council

John P. Goffredo

The above resolution was adopted by the Northampton County Council at the meeting held July 6, 2023.