

---

Mayor Michael A. Lombardo, In Place

January 19, 2022

---

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PITTSTON, LUZERNE COUNTY, PENNSYLVANIA, PROVIDING FOR AN AMENDMENT TO THE CITY OF PITTSTON HOME RULE CHARTER, REPEALING, REPLACING AND/OR AMENDING SECTIONS OF THE HOME RULE CHARTER**

**BE IT ENACTED AND ORDAINED BY THE CITY OF PITTSTON and it is hereby enacted and ordained by authority of the same as follows:**

**SECTION 1**

Repeal the following sentence from Article 2 Section 11 (§ 2.11) Meetings.

“All regular meetings must occur at or after 6:00 P.M.”

**SECTION 2**

Repeal Article VIII Treasurer/Tax Collector and replace with the following:

**ARTICLE VIII  
TREASURER/TAX COLLECTOR**

**§ 8.01 Term.**

The elected office, position, powers and duties shall cease at the expiration of the current term on December 31, 2023. If a vacancy in the office should occur after the approval of the Charter Amendment, but before the expiration of the current term, this amendment shall take effect immediately. Thereafter the elected position shall be sunset (eliminated) and the powers and duties of the position shall be vested in the new Director of the Office of Treasurer and Tax Collector as delineated below. Any powers or duties entrusted to the elected Treasurer/Tax Collector not being performed by the Director of the Office of Treasurer and Tax Collector shall be placed under the responsibility of the City Administrator.

**§ 8.02 Department Director.**

The City Treasurer/Tax Collector shall be the Director of the Office of Treasurer and Tax Collector. The Director shall be hired in accordance with this Charter, Administrative Code and City policies.

**§ 8.03 Qualifications.**

The minimum qualifications of the Director of the Office of Treasurer and Tax Collector shall be that the individual shall be a competent accountant and must be bondable.

**§ 8.04 Powers and Duties.**

- A. The Director of the Office of Treasurer and Tax Collector shall demand and receive all moneys payable to the City from whatever source, and shall issue a receipt in every case to the person making such payment. All receipts for money received on behalf of the City by the Treasurer shall be numbered serially and made in duplicate at least, and all such duplicates shall daily, not later than the next succeeding business day, be transmitted by the Director of the Office of Treasurer and Tax Collector to the City Administrator or their designee.
- B. The accounts of the Director of the Office of Treasurer and Tax Collector shall be kept in such manner as to clearly exhibit all the items of receipts of the City, and the sources from which the moneys are received. The Director of Treasurer and Tax Collector shall keep separate and distinct accounts of the receipts of the City and of every special fund.
- C. The Director of the Office of Treasurer and Tax Collector shall keep the public funds in such banks or financial depositories as City Council may direct, under such restrictions and safeguards as City Council may provide, and shall verify the accounts whenever required, to the satisfaction of City Council. No Director of the Office of Treasurer and Tax Collector complying with the provisions of this section and any ordinance of the City, nor his surety or sureties, shall be chargeable with losses of City funds caused by the insolvency or negligence of any such City depositories.
- D. The Director of the Office of Treasurer and Tax Collector shall, upon the termination of his/her employment, deliver to the City or to his/her duly qualified successor all moneys, accounts, property or effects in his/her possession belonging to the City.
- E. The Director of the Office of Treasurer and Tax Collector, by virtue of the office, shall be the Tax Collector of the City and may be the collector of county, school, and institution district taxes, assessed or levied in the City by the proper authorities therein.

**§ 8.05 Prohibitions.**

The City Treasurer during their employment shall not hold any elected public office.

**SECTION 3**

Amend and change Article X Section 2 Subsections C & D (§10.02C & D) Independent Auditor from:

C. All such audits shall be made within as short a time as possible after the close of the fiscal year, and be annually reported to the Mayor and City Council at its first meeting in March.

D. Shall make a report to the Mayor and City Council, at its first meeting in March in each year, of the audits which shall have made of the accounts of the officers having charge, custody, control or disbursement of such public moneys and other funds, showing the balance in their hands respectively, and, within 90 days of the close of the fiscal year, the Independent Auditor shall file a copy of the said annual report to Mayor and City Council with the Department of Community and Economic Development. It shall be lawful for the City or any taxpayer thereof on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit to the Court of Common Pleas of Luzerne County within 45 days after the said annual report to the Mayor and City Council has been filed. If the appellant is a taxpayer or any officer charged as aforesaid, he shall file a bond, with one or more sufficient sureties, conditioned to pay all costs thereafter accruing in case a decision shall not be obtained more favorable to the party on whose behalf the appeal shall be taken than that contained in the said report. The Independent Auditor shall also prepare an intelligible summary of said reports, showing the fiscal condition of the affairs of the City, and post one copy of said summary in a conspicuous place in the City Hall.

To:

C. All such audits shall be made within as short a time as possible after the close of the fiscal year, and be annually reported to the Mayor and City Council by its first meeting in September.

D. Shall make a report to the Mayor and City Council, by its first meeting in September in each year, of the audits which shall have made of the accounts of the officers having charge, custody, control or disbursement of such public moneys and other funds, showing the balance in their hands respectively, and the Independent Auditor shall file a copy of the said annual report to Mayor and City Council with the Department of Community and Economic Development. It shall be lawful for the City or any taxpayer thereof on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit to the Court of Common Pleas of Luzerne County within 45 days after the said annual report to the Mayor and City Council has been filed. If the appellant is a taxpayer or any officer charged as aforesaid, he shall file a bond, with one or more sufficient sureties, conditioned to pay all costs thereafter accruing in case a decision shall not be obtained more favorable to the party on whose behalf the appeal shall be taken than that contained in the said report. The Independent Auditor shall also prepare an intelligible summary of said reports, showing the fiscal condition of the affairs of the City, and post one copy of said summary in a conspicuous place in the City Hall.

#### **SECTION 4**

Amend and change the first sentence in Article XI Section 2 (§11.02) Budget from:

“The City Administrator shall be responsible for the preparation of the annual budget and shall present to the City Council the proposed budget of the next fiscal year by no later than October 31.”

To:

“The City Administrator shall be responsible for the preparation of the annual budget and shall present to the City Council the proposed budget of the next fiscal year by no later than November 10.”

**SECTION 5**

A proposed amendment to the City of Pittston Home Rule Charter shall be prepared for presentation as a referendum question at the 2022 Primary Election, said referendum question shall be prepared and acted upon in accordance with the City of Pittston Home Rule Charter §12.02 and all applicable laws of the Commonwealth of Pennsylvania.

The proposed question is:

Shall the electorate of the City of Pittston approve a change in the City of Pittston’s Home Rule Charter, as follows, repeal a sentence in Article II Section 11 Meetings, repeal and replace Article VIII Treasurer/Tax Collector, amend Article X Section 2 Independent Auditor, and amend Article XI Section 2 Budget?

**ORDAINED and ENACTED** by the City Council of the City of Pittston at a Regular Meeting held January 19, 2021:

**VOTE:**

On motion of \_\_\_\_\_ and seconded by \_\_\_\_\_, by unanimous vote upon roll call of all members present the above Ordinance was adopted.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Joseph Moskovitz, City Administrator**

\_\_\_\_\_  
**Michael A. Lombardo, Mayor**