



Controller's Office

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For Release
4/13/2021

Lycoming County Controller calls for Commissioners to follow law

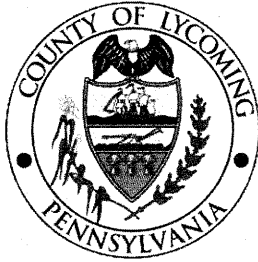
Shadow government?

Williamsport, PA— 4/13/2021 — Today at the Commissioners public meeting, during the Salary Board portion of the meeting, the Lycoming County Commissioners made a motion to move staff from the Controller's Office to the office of Budget and Finance. The Commissioners are attempting to remove the checks and balances from the Controller's office and move them to their own finance office which will eliminate the independent oversight of the County Controller – the taxpayer's Financial Watchdog - over county spending. This is being done through an illegal salary board action. Per section 1620 of the County Code, State law that governs Counties, (Salaries and Compensations) "The exercise of such responsibilities by the county commissioners shall in no way affect the hiring, discharging and supervising rights and obligations with respect to such employees as may be vested in.... county officers.". Section 1622 of the same Code (Salary Boards Created), "...the board, subject to limitations imposed by law, shall fix the compensation of all appointed county officers, and the number and compensation, of all...persons whose compensations is paid out of the county treasury...., numbers or compensation...., the board shall meet and consider and shall fix and determine the same." The salary board has no legal authority to transfer positions out of an office into another office. The Commissioners have no legal authority to strip a duly elected official of staff required to complete the tasks that, by law are the duties of the office to which they were elected.

By this move the Commissioners are risking their ability to pay bills and payroll, and file a financial report. They are eliminating the Controller's office as the lawful check and balance of county expenditures. They are doing this while Lycoming County has \$19 million of COVID relief expenditures awaiting review and final verification, for State and Federal grant purposes. Where is the transparency? You cannot put the fox and hens all under the same umbrella. The office of the Controller was created to be the checks and balances for the Commissioners. Taking the accounts payable, payroll, and accounting out of the Controller's office puts all control and power under the Commissioners.

The controller stated "These actions are illegally eliminating a critically important separation of powers that the Pennsylvania legislature wrote into the law outlining the authority and responsibilities of Pennsylvania County Controllers. This separation of powers was put in place to protect the taxpayers of this county. I cannot stand by and allow the Commissioners attempt to put a shadow government in place in Lycoming County while they publicly attempt to eliminate the proper checks and balances".

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Attachment to Press Release 4/13/2021

Sections of PA County Code

16 P.S. § 450 (a) The county commissioners, the sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, treasurers, auditors or controllers, clerks of the courts, district attorneys and any other officers of the several counties, whether elected or duly appointed to fill a vacancy, shall be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office, or of any infamous crime in accordance with the Constitution of this Commonwealth, but their title to office may be tried by proceedings of quo warranto as provided by law.

(b) Appointees to county offices or positions other than to elected offices shall be subject to removal at the pleasure of the appointing power, except as otherwise expressly provided by law, and they shall also be removed on conviction of misbehavior in office or of any infamous crime.

16 P.S. § 508- (a) The commissioners, at the cost of the county, shall purchase and provide the office furniture, equipment and supplies, blank books, blank dockets, books for records, stationery, postage, utilities, cleaning and maintenance required for each of the county officers whose offices are located in the county buildings or at such other places at the county seat as may be designated by the commissioners, and all supplies used by the public in connection with such offices.

(b) The commissioners, at the cost of the county, shall purchase and provide all of the same items as needed for each of the county officers whose offices are not required by law to be kept and maintained in county buildings or at the county seat.

(c) Before purchasing office furniture, equipment or supplies, blank books, blank dockets, books for records or stationery, the county officers who are to be furnished with any of the items shall have an opportunity to state in writing preferences as to the type and make of the items. The commissioners shall, when feasible, purchase and supply to each officer the preferred item when such preference has been given.



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16 P.S. § 603(a), amended effective December 24, 2018, now provides that the controller in counties of the second class A, third, fourth and fifth classes shall appoint a deputy controller and clerks, and in counties of the sixth, seventh and eighth classes may appoint a deputy controller and clerks, and each controller may authorize one or more of the clerks employed in the controller's office to administer to all persons oaths and affirmations, pertaining to the business of the office, with the same force and effect as if administered by the controller or deputy controller.

16 P.S. § Section 607. Expenses.--The county controller and the county controller's deputy, clerks, and auditors shall be allowed their expenses necessarily incurred and actually paid in the discharge of their official duties, or in the performance of any service or duty imposed upon them. (607 amended Oct. 24, 2018, P.L.931, No. 154)

16 P.S. § 1620- commissioners have discretion to collective bargain for county officers. The exercise of such responsibilities by the county commissioners shall in no way affect the hiring, discharging and supervising rights and obligations with respect to such employees as may be vested in the judges or other county officers.

16 P.S. § 1622. Salary boards - There is hereby created in each county a salary board, which shall consist of the three individual members of the board of county commissioners and the county controller in counties where there is a controller,... The chairperson of the board of county commissioners shall be chairperson of the salary board and the county controller ... shall be secretary of the board. The board shall meet and organize on the first Monday of January of each year.