

COUNTY OF DELAWARE PENNSYLVANIA

ORDINANCE No. 2021-4

AN ORDINANCE OF THE COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA AMENDING THE COUNTY CODE TO ADD CHAPTER 87 TO PROVIDE FOR A BOARD OF MANAGERS OF JUVENILE DETENTION.

WHEREAS, pursuant to Section 1-10 of the Code (the "Code") of the County of Delaware, Commonwealth of Pennsylvania (the "County"), the Code may be amended by ordinances of the County Council when passed and adopted in such form as to indicate the intention of the County Council to be a part of the Code; and

WHEREAS, 16 P.S. § 2339.2 provides that the County shall provide for facilities exclusively for the confinement of alleged or adjudicated delinquent children or dependent children who are in custody awaiting trial or hearing in the courts of the county and provide for the maintenance and care of the children while in custody; and

WHEREAS, 16 P.S. § 2339.3 provides that the management of houses for the detention and reception of juveniles awaiting trial, hearing or judicial investigation shall be in a board of managers consisting of County Council members, the county controller and six private citizens, three to be appointed by the President Judge of the Court of Common Pleas and three to be appointed by the Chairperson of County Council; and

WHEREAS, County Council desires to amend the Code to provide for such board of managers;

IT IS HEREBY, ENACTED AND ORDAINED BY County Council of Delaware County, Commonwealth of Pennsylvania as follows:

SECTION 1. The Code shall be amended to add a new Chapter 87 to read as set forth below:

**Chapter 87
Board of Managers
of Juvenile Detention**

§ 87-1 Scope.

This chapter shall pertain to the Board of Managers of Juvenile Detention (the "Board") of Delaware County established pursuant to 16 P.S. § 2339.3.

§ 87-2 Composition.

The Board shall consist of the following individuals:

- A. Three County Council members appointed by majority vote of County Council;
- B. The County Controller;
- C. Six citizen members as provided in § 87-3 below.

The County Council members and the County Controller may appoint persons to act as their designees for the purpose of attending meetings of the Board, and such designees shall have the right to vote at the meetings.

The appointed County Council members shall serve as long as they continue to be members of County Council unless removed by majority vote of County Council.

The members of the Board shall serve without compensation.

§ 87-3 Citizen members.

The citizen members shall not be officers or employees of the County. Each shall serve for a term of three years; except as provided below for the initial Board. Three citizen members shall be appointed by the Chairperson of County Council and three citizen members shall be appointed by the President Judge of the Delaware County Court of Common Pleas (the "President Judge"). The citizen members of the Board shall serve until the expiration of the terms to which they were respectively appointed. Annually, the citizen members with expiring terms or their successors shall be appointed for terms of three years ending on each January 1. Vacancies occurring in the membership of the Board shall be filled for the unexpired term by the Chairperson of County Council or the President Judge, depending upon who originally appointed the citizen member.

Notwithstanding the foregoing, for the initial Board appointed after enactment of this chapter, one of the citizen members appointed by each of the Chairperson of County Council and the President Judge shall serve for a term ending on January 1, 2022, one of each of such initial citizen members shall serve for a term ending on January 1, 2023, and one of each of such initial citizen members shall serve for a term ending on January 1, 2024, so that, thereafter, the term of one of the citizen members appointed by each of the Chairperson of County Council and the President Judge expires on each January 1. The written appointment of citizen members, as delivered by the appointing authority to the County Clerk, shall specify the term of each appointee.

Citizen members may be removed for malfeasance, misfeasance or nonfeasance by the Chairperson of County Council or the President Judge, depending upon who originally appointed the citizen member. In addition, unless excused by the Board, a citizen member who fails to attend three consecutive meetings of the Board may be removed up to 60 days after the date of the third such meeting by the Chairperson of County Council or the President Judge, depending upon who originally appointed the citizen member.

§ 87-4 Powers and duties.

- A. The Board shall provide for the management of houses for the detention and reception of juveniles awaiting trial, hearing or judicial investigation under the laws of the Commonwealth of Pennsylvania and provide for the maintenance and care of the children while in custody. Such management shall include both the management of facilities owned and operated by the County and the management of contracts with facilities managed by private companies, nonprofits and/or other political subdivisions to provide for any such services. The Board shall have all powers provided by the laws of the Commonwealth of Pennsylvania.
- B. All contracts and purchases required for the maintenance and support of the houses of detention, materials and supplies shall be with the County and conducted in accordance with the applicable provisions of the Delaware County Administrative Code; provided, that the approval of the Board shall be required as well as the appropriate approvals under the Delaware County Administrative Code.
- C. The Board may appoint a superintendent and additional staff members as may be necessary, whose salaries shall be paid by the County. The number and compensation of the employees shall be fixed by County Council. Such superintendent shall report to the Board and the County Executive Director.

D. The powers and duties of the Board set forth in this Section shall not be construed as in any way limiting any authority of the Court of Common Pleas provided under Pennsylvania law.

§ 87-5 Rules and regulations.

The Board shall approve such rules, regulations and forms it deems necessary for the proper administration of the Board.

§ 87-6 Annual report and expenses.

The Board shall annually report to County Council and the President Judge, on or before the first day of November, the amount of money required for the maintenance of the house or houses of detention. The County Council shall make an annual appropriation to the Board for the payment of the expenses of administering the house or houses of detention. Expenses incurred in the performance of duties by the Board shall be itemized and presented with vouchers to the County for payment, and a semiannual expense report shall be made to the County Council. All expenses in connection with the management and administration of the house or houses of detention shall be paid by the County in the manner provided by law for the payment of County obligations.

§ 87-7 Repealer.

All ordinances, resolutions or parts thereof directly inconsistent with any provision of this Chapter are hereby repealed to the extent of any such inconsistency only.

SECTION 2. This Ordinance shall take effect on the tenth day after its adoption.

ENACTED AND ORDAINED by County Council of the County of Delaware, Pennsylvania, this day of 2021.

COUNTY OF DELAWARE

Brian P. Zidek, Chair

Dr. Monica Taylor, Vice Chair

Kevin M. Madden

Elaine Paul Schaefer

Christine A. Reuther

Attested:

Anne M. Coogan
County Clerk