

# TITLE 302

## ALLEGHENY COUNTY

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### PART I. ALLEGHENY COUNTY HOME RULE CHARTER

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#### CHAPTER 1. ALLEGHENY COUNTY HOME RULE CHARTER

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#### Source

The provisions of this Chapter 1 adopted May 19, 1998, effective January 1, 2000, unless otherwise noted.

#### PREAMBLE

We, the people of Allegheny County, Pennsylvania, believe that:

A home rule government will transfer substantial authority over our County government from the Commonwealth of Pennsylvania to the people of Allegheny County;

A home rule government that separates the legislative and executive functions previously vested solely in the Board of County Commissioners will provide checks and balances on the powers of government and protect the rights, privi-

leges and powers reserved or guaranteed to the people by the Constitutions of the United States of America and the Commonwealth of Pennsylvania;

A home rule government will preserve the powers of our cities, boroughs, townships and home rule municipalities;

A home rule government that permits initiative and referendum will respond to the concerns of its citizens;

A home rule government with a legislative County Council with Members elected by district and at large will represent the diversity of our County's citizens and provide better access to County government;

A home rule government with an elected Chief Executive will foster leadership, vision and accountability;

A home rule government with an appointed professional Manager will improve the effectiveness and efficiency of County government operations;

A home rule government that holds its officers and employees to high standards of conduct and behavior will enhance public trust in County government;

A home rule government, as embodied in this Charter, will protect the taxpayers of Allegheny County by:

- limiting taxing powers, preventing the use of the reassessment process to gain windfall real estate tax revenue increases and preventing a change in real estate tax rates except by a vote of at least two-thirds of the County Council,
- placing reasonable limits on the compensation, staff and expenses of the County Council and the Chief Executive,
- requiring that no budget appropriation in any given year is assumed automatically to continue into subsequent years,
- requiring that each County department, agency and function is subject to periodic sunset review, and
- assessing, to the extent permitted by law, the fair market value of real estate in accordance with accepted assessment standards and providing open access to all public information concerning real estate assessments, taxes and procedures;

A home rule government will enhance cooperation among governments, businesses, labor unions, educational institutions and other community and civic organizations in order to encourage the creation of family-sustaining jobs; and

A home rule government that provides the structure, accountability, leadership, representation, effectiveness and efficiency necessary to improve the delivery of County services will increase economic growth and development and foster a higher quality of life for all County residents.

Therefore, in accordance with the Constitution and laws of the Commonwealth of Pennsylvania, we adopt this Home Rule Charter of Allegheny County.

**ARTICLE I. PRESERVATION OF POWERS OF MUNICIPALITIES**

Sec.  
1.1-101. Generally.

**§ 1.1-101. Generally.**

This Charter shall not limit in any way the jurisdiction, rights, powers, or autonomy of the municipal governments in the County. The County shall not force the annexation, merger or consolidation of municipalities. The County shall not exercise any power or function within a municipality that is being exercised by that municipality unless permitted by the municipality.

**ARTICLE II. TAX LIMITATIONS**

Sec.  
1.2-201. Real Estate Tax Rate Limitations.  
1.2-202. Additional Tax Rate Limitations.  
1.2-203. Real Estate Tax Revenue Limitations; Anti-Windfall Provisions.

**§ 1.2-201. Real Estate Tax Rate Limitations.**

Real estate tax rates shall not exceed the rate limitations fixed by law for Counties of the Second Class as of May 20, 1997, the effective date of the Second Class County Charter Law.

**§ 1.2-202. Additional Tax Rate Limitations.**

The rate of the Hotel Room Rental Tax and the rate of the Additional Sales and Use Tax, each imposed pursuant to the Second Class County Code, shall not exceed the rate limitations fixed by law by the General Assembly of the Commonwealth of Pennsylvania.

**§ 1.2-203. Real Estate Tax Revenue Limitations; Anti-Windfall Provisions.**

a) The County shall not derive windfall benefits from annual property reassessments or from changes in the predetermined ratio. Following any annual reassessment or change in the predetermined ratio, the total amount of real estate tax revenue that can be received by reason of the reassessment or change in the ratio by the County from existing land, buildings and structures shall not exceed 105 percent of the total amount of real estate tax revenue received by the County in the preceding year from that land, and those buildings and structures. If necessary, the County shall reduce the real estate tax rate to accomplish this.

b) In calculating the 105 percent limit, the amount to be levied on newly constructed buildings or structures, or from increased valuations based on new improvements made to existing buildings and structures, shall not be considered.

**ARTICLE III. FORM OF GOVERNMENT; ELECTED OFFICERS**

Sec.

- 1.3-301. Form of Government.
- 1.3-302. Office Abolished.
- 1.3-303. Elected Officers.
- 1.3-304. Qualifications of Elected Officers.
- 1.3-305. Election of Officers.
- 1.3-306. Requirements; Prohibitions.
- 1.3-307. Compensation, Staff and Expenses.
- 1.3-308. Forfeiture of Office.
- 1.3-309. Vacancies.

**§ 1.3-301. Form of Government.**

The government of Allegheny County shall include an elected County Council, an elected Chief Executive and an appointed professional Manager.

**§ 1.3-302. Office Abolished.**

The office of County Commissioner is abolished upon the swearing in of the County Council Members and the Chief Executive.

**§ 1.3-303. Elected Officers.**

The elected officers of the County shall be 15 County Council Members, the Chief Executive and such other officers as may be required by law.

**§ 1.3-304. Qualifications of Elected Officers.**

a) Each elected officer of the County shall have been a voter of the County for at least one year immediately preceding election to the office or in the case of an appointment to fill a vacancy in office, for at least one year immediately preceding appointment. Each elected officer shall remain a voter of the County for the term of office.

b) Each County Council Member elected by district shall have been a resident of that district for at least one year preceding election to the office and shall remain a resident of that district throughout the term of office. If, however, reapportionment results in a district County Council Member being placed out of the district from which the Member was elected, the Member shall be permitted to complete the term.

c) The Chief Executive shall be at least 25 years of age.

**§ 1.3-305. Election of Officers.**

a) Unless otherwise required by law or this Charter, all elected officers of the County shall be elected to four-year terms and shall continue to serve in office until a successor is elected and sworn in. All terms shall commence on the first

business day of January following the election, except for the filling of unexpired terms in which case the term shall commence upon the swearing in of the officer.

- b) The Chief Executive shall be limited to three consecutive terms of office.
- c) County Council shall consist of 15 Members, two of whom shall be elected at large and 13 of whom shall be elected by district.
- d) Any political party or body shall be entitled to nominate one candidate for the office of at-large County Council Member. In the municipal election, each voter may vote for no more than one candidate for the office of at-large Council Member and the two candidates receiving the highest number of votes shall be elected as the at-large County Council Members.
- e) At the first election under this Charter and at four year intervals thereafter, the two at-large County Council Members shall be elected.
- f) The terms of the district County Council Members shall be staggered. At the first election under this Charter, seven of the 13 district County Council Members shall be elected to terms of four years and six shall be elected to terms of two years. The districts for which the County Council Members shall be elected to an initial term of two years shall be determined by lot by the Board of Elections. At all municipal elections thereafter, all district County Council Members shall be elected to terms of four years.

#### Cross References

This section cited in 302 Pa. Code § 1.14-1402 (relating to initial county council districts).

### § 1.3-306. Requirements; Prohibitions.

- a) The Chief Executive shall not be a candidate for nomination or election to more than one County office at the same time.
- b) A County Council Member shall not be a candidate for nomination or election to any elected political office other than that of County Council without having first resigned from County Council.
- c) County Council Members and the Chief Executive shall not hold any other elected political office and, except as specifically allowed by this Charter, shall not receive any salary, stipend or other compensation from the County or any County authority.

### § 1.3-307. Compensation, Staff and Expenses.

- a) County Council Members shall not receive a salary but may receive per-meeting stipends not to exceed in the aggregate \$9,000 annually per Member. The aggregate stipend may by ordinance be increased by up to five percent every five years.
- b) County Council may hire Council staff as provided in Article IV, § 1.4-402(n).

c) County Council Members shall not be entitled to receive any County funding for personal staff, local district offices or fringe benefits including, but not limited to, health and life insurance, pensions and personal motor vehicles.

d) The Chief Executive's annual salary shall be \$90,000 which may be adjusted annually as provided in the Administrative Code.

e) Elected officers may be reimbursed for actual and necessary expenses incurred in the performance of their official duties in accordance with procedures established in the Administrative Code. The reimbursement of the expenses of County Council Members shall not exceed \$3,000 per County Council Member per year. The expense limit may by ordinance be increased by up to five percent every five years.

f) The appropriation in each annual operating budget for County Council's per-meeting stipends, expenses, total staff compensation and office expenses shall not exceed four-tenths of one percent of the County's annual locally levied tax revenues as detailed in the most recent audited financial report of the County.

g) The appropriation in each annual operating budget for the Chief Executive's compensation, expenses, total staff compensation and office expenses shall not exceed two-tenths of one percent of the County's annual locally levied tax revenues as detailed in the most recent audited financial report of the County.

#### **Cross References**

This section cited in 302 Pa. Code § 1.4-402 (relating to powers and duties of county council).

### **§ 1.3-308. Forfeiture of Office.**

The Chief Executive or a County Council Member shall forfeit office if, during the term of office, County Council determines that he or she:

- a) lacks any qualification prescribed by law or by this Charter;
- b) has been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime;
- c) has been found to be incapacitated by an appropriate court; or
- d) has failed to perform his or her duties of office as required by law, ordinance or this Charter for a period of 60 consecutive days unless detained by sickness or prevented by necessary absence from the County. No such office shall be declared forfeited for failure to perform required duties until the holder of the office shall have been given a hearing before County Council, at which time the holder may show cause why he or she should not forfeit the office.

### **§ 1.3-309. Vacancies.**

a) The offices of Chief Executive or County Council Member shall become vacant upon the officer's death, resignation or forfeiture of office, or upon the failure of the officer to assume office after election within 30 days after the scheduled commencement of the term.

b) If a County Council seat becomes vacant, County Council shall appoint an interim County Council Member within 30 days. The interim County Council Member shall be qualified under this Charter to be elected to such office and shall have the same political party affiliation as the former County Council Member, or in the case of a seat held by a person of no political party affiliation, shall have no political party affiliation. The interim County Council Member shall hold the vacated seat until the vacancy is filled at the next available municipal election. The person elected at the next available municipal election shall take office as soon as possible after the certification of the election and shall serve the unexpired portion of the vacated term.

c) If the office of Chief Executive becomes vacant, County Council, by an affirmative vote of a majority of the seated Members, shall appoint an interim Chief Executive until the vacancy is filled at the next available municipal election. If County Council fails to appoint an interim Chief Executive within 30 days, the President Judge of the Court of Common Pleas shall appoint an interim Chief Executive until the vacancy is filled at the next available municipal election.

**Cross References**

This section cited in 302 Pa. Code § 1.6-602 (relating to powers and duties of the manager).

**ARTICLE IV. LEGISLATIVE BRANCH**

Sec.

- 1.4-401. Authority.
- 1.4-402. Powers and Duties of County Council.
- 1.4-403. Non-Interference With Executive Branch.
- 1.4-404. Organization and Rules of Procedure.
- 1.4-405. Adoption of Ordinances, Resolutions and Motions.
- 1.4-406. Administrative Code.

**Cross References**

This article cited in 302 Pa. Code § 1.14-1405 (relating to temporary ordinances and resolutions).

**§ 1.4-401. Authority.**

The legislative power of the County shall be vested in the County Council.

**§ 1.4-402. Powers and Duties of County Council.**

County Council shall have, but not be limited to, the following powers and duties:

- a) Adopt, amend and repeal ordinances, resolutions and motions not contrary to the requirements of this Charter or law.
- b) Make appropriations, levy taxes, fees and service charges, and incur indebtedness as permitted by law or by this Charter.

- c) Adopt balanced annual operating and capital budgets as provided in Article VII.
- d) Adopt an Administrative Code as provided in Article IV, § 1.4-406.
- e) Override, by an affirmative vote of at least two-thirds of the seated Members, any veto by the Chief Executive.
- f) Confirm or reject appointments within 45 days. In the event that County Council does not confirm or reject an appointment within 45 days, the appointment shall be effective as though County Council had confirmed it.
- g) Conduct investigations of County departments, agencies or functions and issue subpoenas as provided in Article XIII, § 1.13-1307.
- h) Require, as it deems necessary, the attendance of the Chief Executive at one County Council meeting in each quarter of the fiscal year.
- i) Require, as it deems necessary, the attendance of the Manager at County Council meetings and have the Manager provide such information as may be required.
- j) Accept by ordinance grants, gifts or donations of real or personal property on behalf of the County.
- k) By ordinance, lease, convey, vacate or abandon, or permit the use of County land, buildings or other real or personal property.
- l) Make appointments to authorities and agencies as required by law or by this Charter.
- m) By ordinance or resolution, modify or eliminate any department, agency or function that no longer meets the needs of the County's taxpayers.
- n) Employ a County Council Clerk and other personnel to serve County Council in the fulfillment of its duties. County Council staff shall be subject to the personnel system. County Council, on a case-by-case basis, may contract for professional services within the limitations of its annual appropriation as provided in Article III, § 1.3-307.

#### Cross References

This section cited in 302 Pa. Code § 1.3-307 (relating to compensation, staff and expenses); and 302 Pa. Code § 1.5-502 (relating to powers and duties of the chief executive).

### § 1.4-403. Non-Interference With Executive Branch.

County Council and its Members shall deal with the Executive Branch exclusively through the Chief Executive or Manager except for the purpose of obtaining information and advice. Individual County Council Members shall not give orders or instructions, either publicly or privately, to employees of the Executive Branch.

**§ 1.4-404. Organization and Rules of Procedure.**

a) County Council shall organize itself on the first business day of January following each municipal election. At its organizational meeting, County Council shall elect one of its Members as President and such other officers as County Council deems necessary.

b) County Council shall hold regular and special meetings, and establish the time, place and conditions thereof. Regular meetings shall be held at least twice in each calendar month in separate weeks unless otherwise provided by ordinance.

c) County Council shall adopt rules necessary for its organization, procedures, meetings, public participation and committees.

d) County Council shall take no action in the absence of a quorum that shall consist of a majority of the seated Members.

**§ 1.4-405. Adoption of Ordinances, Resolutions and Motions.**

a) Actions of Council, except as otherwise provided in this Charter, shall be taken by an affirmative vote of at least a majority of the seated Members.

b) County Council may override a Chief Executive veto by an affirmative vote of at least two-thirds of the seated Members. Except as provided in Article VII, Section 5, the override vote must occur within 30 days of the veto.

c) All ordinances and resolutions shall be introduced in writing. Each ordinance and resolution shall contain no more than one subject which shall be clearly expressed in its title.

d) County Council shall give public notice of the introduction of each ordinance or resolution as provided in the Administrative Code.

e) No ordinance or resolution shall be voted on until it has been read, by title and summary, at two County Council meetings separated by at least seven days and the public has been given the opportunity to comment on the ordinance or resolution. County Council may act on ordinances and resolutions at the same meeting as the second reading. Except for ordinances levying taxes, the requirement of the second reading may be waived by an affirmative vote of at least two-thirds of the seated Members.

f) Except as provided in Article VII, § 1.7-705, all adopted ordinances and resolutions shall be signed by the presiding officer and delivered to the Chief Executive within three business days of adoption.

g) If the Chief Executive approves any ordinance or resolution, the Chief Executive shall sign and return it to the County Council Clerk within seven days after receiving it.

h) If the Chief Executive disapproves any ordinance or resolution, the Chief Executive shall veto it by returning it unsigned to County Council within seven days with written objections. The objections shall be part of County Council proceedings.

- i) Any ordinance or resolution not returned within seven days shall be effective in the same manner as if the Chief Executive had signed it.
- j) County Council shall establish a procedure in the Administrative Code for the adoption of emergency ordinances and resolutions.

**Cross References**

This section cited in 302 Pa. Code § 1.5-502 (relating to powers and duties of the chief executive).

**§ 1.4-406. Administrative Code.**

County Council shall adopt by ordinance, and amend as needed, an Administrative Code that shall provide a complete plan of organization, departmental structure and operation for the County government. The Administrative Code shall include, at a minimum, a procedure for the adoption of emergency ordinances, resolutions and appropriations, procedures for public notification of official actions, procedures for initiative and referendum, procedures for adjusting the compensation of the Chief Executive and reimbursing the expenses of elected officers, a personnel system, components of the comprehensive fiscal plan, sunset review procedures, the powers of the Manager while serving as temporary chief executive, a competitive procurement system and a table of organization for all departments and agencies.

**Cross References**

This section cited in 302 Pa. Code § 1.4-402 (relating to powers and duties of county council).

**ARTICLE V. EXECUTIVE BRANCH**

Sec.

- 1.5-501. Authority and Composition.
- 1.5-502. Powers and Duties of the Chief Executive.
- 1.5-503. County Solicitor.

**§ 1.5-501. Authority and Composition.**

The executive and administrative power of the County shall be vested in the Executive Branch. The Executive Branch shall consist of the Chief Executive, the Manager, the Law Department and such other departments and agencies as are established in the Administrative Code.

**§ 1.5-502. Powers and Duties of the Chief Executive.**

The Chief Executive shall have, but shall not be limited to, the following powers and duties:

- a) Enforce the ordinances and resolutions of the County, the provisions of this Charter, and the laws of the United States of America and the Commonwealth of Pennsylvania pertaining to the government of the County.

- b) Represent the County, or designate a County representative, in all meetings and negotiations with the heads of other governmental or quasi-governmental bodies.
- c) Represent the County, or designate a County representative, in all meetings and negotiations involving economic development.
- d) Approve or reject ordinances and resolutions passed by County Council as provided in Article IV, § 1.4-405.
- e) Control and be accountable for the administration of all departments and agencies except those specifically placed under the jurisdiction of any other officer by law or by this Charter.
- f) Submit to County Council the comprehensive fiscal plan as provided in Article VII.
- g) Appoint the Manager and the County Solicitor with the consent of County Council.
- h) Make appointments to authorities and agencies as permitted by law and recommend to County Council the establishment and elimination of authorities and agencies.
- i) Negotiate, award and sign, or cause to be negotiated, awarded and signed on behalf of the County, all contracts, agreements and other instruments, except as provided in Article IV, § 1.4-402(j) and (k).
- j) Submit ordinances, resolutions and other related matters to County Council.
- k) Call special meetings of County Council as necessary.
- l) Attend and participate in designated quarterly meetings and, as the Chief Executive deems necessary, additional meetings of County Council. The Chief Executive shall not have the right to vote at meetings of County Council.
- m) Give an annual state of the County address and other reports as County Council may require from time to time.
- n) Declare and take appropriate action to meet a state of emergency.
- o) Designate, in writing, the Manager or another administrative officer of the County to exercise the powers and perform the duties of the Chief Executive during a temporary absence or disability of the Chief Executive.

### § 1.5-503. County Solicitor.

The County Solicitor shall be a member in good standing of the Bar of the Supreme Court of Pennsylvania and shall be the chief legal officer of the County and serve as the director of the Law Department.

## ARTICLE VI. MANAGER

Sec.

1.6-601. Qualifications.

1.6-602. Powers and Duties of the Manager.

**§ 1.6-601. Qualifications.**

The Manager shall be appointed on the basis of administrative abilities as determined through professional preparation and relevant experience.

**§ 1.6-602. Powers and Duties of the Manager.**

The Manager shall serve as the chief administrative officer of the County, responsible to the Chief Executive for the administration of County operations placed in the Manager's charge by ordinance, by the Chief Executive or by this Charter. The Manager shall have the following powers and duties:

- a) Implement policies established by the Chief Executive and County Council for the administration of County operations.
- b) Supervise all Executive Branch departments and agencies except the Law Department.
- c) In consultation with the Chief Executive, appoint and remove the directors of all Executive Branch departments except the Law Department.
- d) Prepare and administer a personnel system as provided in Article IX.
- e) In accordance with the Administrative Code, hire, discipline or discharge, and delegate the authority to hire, discipline or discharge, any employee under the jurisdiction of the Manager.
- f) Prepare for the Chief Executive and administer for the County the comprehensive fiscal plan as provided in Article VII.
- g) Advise the Chief Executive and County Council on the financial condition of the County and make such reports as may be required.
- h) Evaluate the need for each County department, agency and function over a four year sunset review cycle and recommend to the Chief Executive and the County Council the modification or elimination of any department, agency or function that no longer meets the needs of the County's taxpayers.
- i) Ensure the maintenance of a management information system dealing with County services and operations.
- j) At the direction of the Chief Executive, negotiate labor and other contracts on behalf of the County.
- k) Attend and participate in meetings of any authority or agency of which the Chief Executive is a member in the absence of the Chief Executive unless the Chief Executive designates otherwise.
- l) In consultation with the Chief Executive, designate in writing, an administrative officer of the County to exercise the powers and perform the duties of the Manager during a temporary absence or disability of the Manager.
- m) In the event that the office of Chief Executive becomes vacant, serve as a temporary Chief Executive, with those powers provided in the Administrative Code, until the County Council appoints an interim Chief Executive as provided in Article III, § 1.3-309(c).

n) Perform all other duties required by ordinance or by this Charter or assigned in writing by the Chief Executive.

**ARTICLE VII. BUDGET AND FINANCE**

- Sec.
- 1.7-701. Fiscal Year.
- 1.7-702. Comprehensive Fiscal Plan.
- 1.7-703. Public Hearings.
- 1.7-704. Adoption.
- 1.7-705. Item Veto.
- 1.7-706. Limitations on County Expenditures.
- 1.7-707. Amendments After Adoption.
- 1.7-708. Lapse of Appropriations.
- 1.7-709. Transfer of Appropriations.
- 1.7-710. Annual Financial Report.
- 1.7-711. Sunset Review.

**Cross References**

This article cited in 302 Pa. Code § 1.6-602 (relating to powers and duties of the manager).

**§ 1.7-701. Fiscal Year.**

The fiscal year of the County shall be the calendar year unless otherwise provided by ordinance.

**§ 1.7-702. Comprehensive Fiscal Plan.**

a) The Manager shall prepare a comprehensive fiscal plan each year consisting of the annual operating and capital budgets, the two-year projected operating budget, the five-year capital improvement plan and the budget message. The operating budget shall be prepared in accordance with a nationally recognized standard and be based on the premise that no appropriation in any given year is automatically continued into subsequent years. The specific components of the comprehensive fiscal plan shall be detailed in the Administrative Code.

b) The Chief Executive shall appear before County Council to present the budget message and to submit the comprehensive fiscal plan no later than 75 days before the end of each fiscal year.

**§ 1.7-703. Public Hearings.**

County Council shall hold a minimum of two public hearings on the proposed operating and capital budgets at least two weeks before their adoption. Copies of the budgets shall be made available to the public at least one week before the hearings and after adoption.

**§ 1.7-704. Adoption.**

a) Upon completion of the hearings, but no later than 25 days before the end of the fiscal year, County Council shall adopt, by resolution, balanced annual operating and capital budgets for the next fiscal year. Before adoption, County Council may add, delete, increase or decrease any appropriation item.

b) Prior to the adoption of the annual operating budget, County Council shall have adopted such rates of taxation that, together with all other estimated revenue, shall raise a sufficient sum to meet annual budgeted expenditures. Adoption of the annual operating budget shall constitute the appropriation of the amounts specified as expenditures from the funds indicated.

c) All tax rates shall be adopted by ordinance. Real estate tax rates and revenues shall be subject to the limitations established in this Charter. Any ordinance changing the real estate tax rates shall require an affirmative vote of at least two-thirds of the seated Members.

**§ 1.7-705. Item Veto.**

Upon adoption or amendment of the annual operating and capital budgets by County Council, the budgets shall be delivered within three days to the Chief Executive who, within seven days thereafter, may veto any item. If the Chief Executive vetoes any item, the Chief Executive shall advise County Council in writing of the reason for the veto. County Council may override the veto of the Chief Executive within seven days by an affirmative vote of at least two-thirds of the seated Members.

**Cross References**

This section cited in 302 Pa. Code § 1.4-405 (relating to adoption of ordinances, resolutions and motions).

**§ 1.7-706. Limitations on County Expenditures.**

No expenditure of funds shall be made or authorized in excess of the available unencumbered appropriations.

**§ 1.7-707. Amendments After Adoption.**

a) County Council may, by resolution, amend the annual operating budget during the first 35 days of each fiscal year in order to correct technical errors and omissions. County Council may amend the annual capital budget in accordance with the capital plan at any time during the year. The amended operating and capital budgets shall be balanced.

b) County Council may, by resolution, amend the annual operating budget during the first 35 days of the fiscal year following a municipal election. County Council shall hold at least one public hearing on the proposed amendments prior to adoption. The amended annual operating budget shall be balanced.

c) During any fiscal year, County Council may amend the annual operating budget by resolution by an affirmative vote of at least two-thirds of the seated Members and with the Chief Executive's approval. The amended annual operating budget shall be balanced.

d) County Council shall establish procedures in the Administrative Code for making emergency appropriations.

e) If at any time during the fiscal year it appears probable to the Chief Executive that the revenues or fund balances available will be insufficient to finance expenditures for which appropriations have been authorized, the Chief Executive shall report this to County Council in writing. The Chief Executive shall indicate the estimated amount of the deficit, take remedial action and recommend other necessary steps. County Council shall take such appropriate action as it deems necessary to prevent or reduce any deficit.

#### **§ 1.7-708. Lapse of Appropriations.**

Each annual operating budget appropriation shall lapse at the close of the fiscal year to the extent it has not been spent or encumbered. Any appropriation in the capital budget shall continue in force until the purpose for which it was adopted has been accomplished or abandoned.

#### **§ 1.7-709. Transfer of Appropriations.**

The Chief Executive may transfer up to 20 percent of any unencumbered appropriation balance within the same department during the last four months of the fiscal year. County Council shall be notified of such transfers before they occur. Upon the recommendation of the Chief Executive, County Council, by resolution, may make transfers within and between departments and agencies, or to any new account at any time.

#### **§ 1.7-710. Annual Financial Report.**

An annual financial report shall be prepared in accordance with generally accepted accounting principles.

#### **§ 1.7-711. Sunset Review.**

The need for each County department, agency and function shall be evaluated through a four year staggered sunset review process. The procedures for the sunset review shall be established in the Administrative Code.

### **ARTICLE VIII. COMPETITIVE PROCUREMENT**

Sec.

1.8-801. Generally.

**§ 1.8-801. Generally.**

The Administrative Code shall establish a competitive procurement system to govern the procurement of goods and services and the procedures for contracting. In order to provide the best value to the County, the competitive procurement system shall establish procedures which allow for the full consideration of cost, quality and performance. The procedures shall include, but not be limited to: publication requirements, deposit and bond requirements, terms and conditions, contract awards, formal and informal bidding mandates, requests for proposals and quotations and emergency purchases.

**ARTICLE IX. PERSONNEL**

Sec.

- 1.9-901. Merit Principles.
- 1.9-902. Personnel System.
- 1.9-903. Collective Bargaining Units.
- 1.9-904. Civil Service Systems.
- 1.9-905. Existing County Employees.

**Cross References**

This article cited in 302 Pa. Code § 1.6-602 (relating to powers and duties of the manager).

**§ 1.9-901. Merit Principles.**

The personnel system of the County shall be based on the principle that appointments and promotions of employees shall be made on the basis of merit demonstrated by a valid and reliable examination or other evidence of competence.

**§ 1.9-902. Personnel System.**

Consistent with all applicable contracts and laws, the Manager shall prepare and administer a personnel system based on merit principles for all employees of the County. The personnel system shall be included in the Administrative Code. The personnel system shall include rules and regulations governing such subjects as classification and pay plans, examinations, force reduction, removals, discipline, working conditions, provisional and exempt appointments, employee training and orientation, grievances and civil service systems.

**§ 1.9-903. Collective Bargaining Units.**

Employees who are members of a collective bargaining unit represented by an employee organization shall be excluded from provisions of the personnel system to the extent that such provisions are the subject of collective bargaining.

**§ 1.9-904. Civil Service Systems.**

Employees who are covered by existing civil service systems shall be excluded from provisions of the personnel system to the extent that such provisions are covered by the civil service systems.

**§ 1.9-905. Existing County Employees.**

a) Any employee holding a County position on the effective date of this Charter shall not be subject to examination as a condition for continuance in the same position, but shall otherwise be subject to the personnel system.

b) Nothing in this Charter shall diminish the rights or privileges of any former employee entitled to benefits. Nothing in this charter shall diminish the rights or privileges of any former employee or present employee with respect to their pension or retirement benefits.

**ARTICLE X. AUTHORITIES AND AGENCIES**

Sec.

- 1.10-1001. General.
- 1.10-1002. Authority Boards.
- 1.10-1003. Agencies.
- 1.10-1004. Compensation.
- 1.10-1005. Board of Property Assessment, Appeals and Review.
- 1.10-1006. Board of Elections.
- 1.10-1007. Retirement Board.

**§ 1.10-1001. General.**

Authorities and agencies may be established only by ordinance.

**§ 1.10-1002. Authority Boards.**

The Chief Executive shall make all County appointments to authority boards with the consent of County Council unless otherwise required by law or by this Charter. The term or tenure of authority board members shall be established by law or by ordinance for the specific authority.

**§ 1.10-1003. Agencies.**

a) In those instances where one or more County Commissioners are required by law to make appointments to agencies, the appointments shall be made by the Chief Executive with the consent of County Council unless otherwise required by law or by this Charter.

b) In those instances where one or more County Commissioners are required by law or by ordinance to be members of an agency, the Chief Executive shall serve as a member and shall appoint additional members so that the total number of members, including the Chief Executive and additional appointed members, shall be equal to the number of Commissioners that are required to be members

of the agency. The appointment of the additional members shall be with the consent of County Council unless otherwise required by law or by ordinance.

c) The Chief Executive shall make all other appointments to agencies with the consent of County Council unless otherwise required by law or by this Charter.

d) The term or tenure of agency members shall be established by law, by this Charter or by ordinance for the specific agency.

#### **§ 1.10-1004. Compensation.**

Unless otherwise provided by law, members of agencies shall receive no compensation for the performance of their duties, but may receive reimbursement for reasonable expenses.

#### **§ 1.10-1005. Board of Property Assessment, Appeals and Review.**

There shall be a Board of Property Assessment, Appeals and Review consisting of seven members. The Board shall exercise all powers and duties that the County's Board of Property Assessment, Appeals and Review had before the effective date of this Charter unless those powers and duties are modified by ordinance or by law. Consistent with the laws of the Commonwealth of Pennsylvania, the County's assessment system shall meet accepted assessment standards and shall ensure access to public records regarding assessments.

#### **§ 1.10-1006. Board of Elections.**

a) There shall be a Board of Elections consisting of three members: the Chief Executive and the two at-large County Council Members. The Board shall exercise all powers and duties conferred on the County's Board of Elections before the effective date of this Charter unless those powers and duties are modified by law.

b) If a member of the Board of Elections becomes a candidate for any nomination or election to any office, the member shall not act as a member of the Board. The President Judge of the Court of Common Pleas shall appoint a voter of the County who has the same political party affiliation as the member or, in the case of a member of no political party affiliation, a voter of the County who has no political party affiliation, to serve while the member is a candidate.

#### **§ 1.10-1007. Retirement Board.**

There shall be a Retirement Board consisting of seven members: the Chief Executive; one member, who shall be a member of the retirement system, appointed by the Chief Executive with the consent of County Council; one member, who shall be a member of the retirement system, appointed by County Council; the Controller; the Treasurer; and two members selected by the County's employees and retirees. The Board shall exercise all powers and duties con-

ferred on the County's Retirement Board before the effective date of this Charter unless those powers and duties are modified by ordinance or by law.

**ARTICLE XI. ACCOUNTABILITY, CONDUCT AND ETHICS**

Sec.

1.11-1101. Code of Accountability, Conduct and Ethics.

1.11-1102. Accountability, Conduct and Ethics Commission.

**§ 1.11-1101. Code of Accountability, Conduct and Ethics.**

County Council, by ordinance, shall establish a Code of Accountability, Conduct and Ethics for all elected and appointed County officers, employees and members of agencies. The Code of Accountability, Conduct and Ethics shall, at a minimum, include provisions addressing:

- a) Ethics, political activity, conflicts of interest, gifts and the personal use of County resources;
- b) Appropriate conduct and behavior in the performance of duties; and
- c) Penalties and sanctions for discrimination, favoritism, harassment and oppression.

**§ 1.11-1102. Accountability, Conduct and Ethics Commission.**

a) County Council, by ordinance, shall establish a five member Accountability, Conduct and Ethics Commission. Individuals who believe they have been aggrieved by an action or omission of a County officer, employee or member of an agency shall have the right to lodge a formal complaint. The Accountability, Conduct and Ethics Commission shall be empowered to receive complaints and investigate violations of the Code of Accountability, Conduct and Ethics by any County officer, employee or member of an agency. The Commission shall commence proceedings within 30 days of receipt of a complaint. The Commission shall have the power of subpoena as provided in Article XIII, § 1.13-1307. The ordinance shall provide penalties and sanctions for violations of the Code of Accountability, Conduct and Ethics.

b) Members of the Commission shall be voters of the County. Members of the Commission shall not be, nor for a period of four years prior to appointment have been, County officers or employees or employed or compensated by any County contractor. No more than three of the members shall have the same political party affiliation. Members shall be appointed by County Council to five-year staggered terms. Members may be removed for cause by County Council.

c) The Commission shall report its conclusions and recommendations on all complaints to County Council and the Chief Executive.

**ARTICLE XII. AGENDA INITIATIVE, VOTER REFERENDUM  
AND CHARTER AMENDMENT**

Sec.

- 1.12-1201. Agenda Initiative.
- 1.12-1202. Voter Referendum.
- 1.12-1203. Amendment of the Charter.

**§ 1.12-1201. Agenda Initiative.**

The voters of the County shall have the power to propose ordinances by petition for consideration by County Council. Each proposed ordinance shall be germane to County government and limited to one subject which shall be clearly expressed in its title. Any such petition signed by 500 voters of the County and presented to County Council shall be considered by County Council within 60 days of receipt. Procedures for agenda referendum petitions shall be established in the Administrative Code.

**Notes of Decisions**

*Limitation*

Because of the statutory provision prohibiting the county charter from affecting the regional asset district (RAD) tax, council was constrained from presenting an agenda initiative about the RAD tax. *English v. Commonwealth*, 816 A.2d 382 (Pa. Cmwlth. 2003).

**§ 1.12-1202. Voter Referendum.**

a) The voters of the County shall have the power to propose ordinances by petition for consideration by the voters of the County. Each proposed ordinance shall be germane to County government and limited to one subject which shall be clearly expressed in its title.

b) The proposed ordinance detailed in any petition signed by voters of the County comprising five percent of the number of voters in the County voting for the Office of Governor in the most recent gubernatorial general election shall be placed on the ballot and considered by the voters at the next primary, municipal or general election.

c) Procedures for referendum petitions shall be established in the Administrative Code.

d) If approved by a majority of those voting, the ordinance shall become effective in accordance with its terms. Any ordinance that has been approved by referendum shall not be subject to veto and shall not be amended or repealed by County Council for two years following its approval.

**Notes of Decisions**

*Limitation*

Because of the statutory provision prohibiting the county charter from affecting the regional asset district (RAD) tax, council was constrained from presenting a voter referendum about the RAD tax. *English v. Commonwealth*, 816 A.2d 382 (Pa. Cmwlth. 2003).

**§ 1.12-1203. Amendment of the Charter.**

a) This Charter may be amended by a referendum that is initiated by ordinance or by petition of the voters of the County in conformity with the provisions of the Pennsylvania Home Rule Charter and Optional Plans Law, as amended from time to time.

b) Any changes in the form of government as set forth in this Charter may not be submitted to the voters sooner than five years after the date on which this Charter is approved.



**ARTICLE XIII. GENERAL PROVISIONS**

Sec.	
1.13-1301.	Title.
1.13-1302.	Status, Name and Boundaries.
1.13-1303.	Grant of Powers.
1.13-1304.	Construction.
1.13-1305.	County Government Review Commission.
1.13-1306.	Continuity.
1.13-1307.	Subpoena Power.
1.13-1308.	Definitions.

**§ 1.13-1301. Title.**

This Charter defines the powers and establishes the form of government of Allegheny County. This Charter shall be the basic law of the County and shall be known and may be cited as the "Home Rule Charter of Allegheny County."

**§ 1.13-1302. Status, Name and Boundaries.**

Allegheny County, as its limits now are, or hereafter may be changed in accordance with law, shall continue to be a body politic and corporate by the name of Allegheny County with all the rights granted by law or by this Charter.

**§ 1.13-1303. Grant of Powers.**

The County has, and may exercise, any powers and perform any function not denied by the Constitution of the Commonwealth of Pennsylvania, statutes adopted by the General Assembly of Pennsylvania including but not limited to the Home Rule Charter and Optional Plans Law, as amended from time to time or this Charter.

**§ 1.13-1304. Construction.**

a) The home rule powers of the County under this Charter shall be construed broadly in favor of the County.

b) Upon the effective date of this Charter, all references in the law to County Commissioners shall be deemed to refer to County Council or the Chief Executive. County Council shall have all legislative powers previously vested in the County Commissioners by law, except as provided by this Charter. The Chief Executive shall have all executive and administrative powers previously vested in the County Commissioners by law, except as provided by this Charter. Unless otherwise provided by this Charter, appointments previously made by the County Commissioners shall be made by the Chief Executive.

c) If any provision of this Charter shall be held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of this Charter. The remaining provisions of this Charter shall be given full force and effect as completely as if the invalid provision had not been included.

**§ 1.13-1305. County Government Review Commission.**

a) A County Government Review Commission shall be established five years after the effective date of this Charter and every ten years thereafter. The Commission shall study the Charter and County government, including the organization, practices and responsibilities of all County departments and agencies. The Commission shall evaluate the effectiveness, efficiency and equity of County government and this Charter. The Commission may make recommendations to the people of the County on County government and may recommend amendments to this Charter.

b) The Commission shall be composed of nine members who shall serve one-year terms. The members shall be voters of the County, five of whom shall be appointed by County Council and four of whom shall be appointed by the Chief Executive. The political party affiliation, racial, geographic, age and gender diversity of the County shall be considered in the appointment process. No County officer, employee, or member of an agency shall be a member of the Commission. The Commission shall submit a final report to the people of the County on the Commission's findings and recommendations within one year after appointment of the Commission.

**§ 1.13-1306. Continuity.**

a) All laws relating to or affecting this County, its agencies and employees, that are in force when this Charter becomes effective, unless prohibited by law, are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted under this Charter. All laws relating to or affecting this County, its agencies and employees that are not inconsistent or in conflict with this Charter or prohibited by law, shall remain in force and shall be construed as if enacted under this Charter, but as of the date of the original enactment.

b) All rights, claims, actions, orders, ordinances, contracts and legal or administrative proceedings of the County government shall continue, except as modified by provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the County officer or officers, or agency or agencies appropriate under this Charter.

c) If an office or agency is abolished by this Charter, its powers and duties shall be transferred to the office or agency designated in this Charter. Where the Charter does not specifically designate the office or agency to which existing programs and functions are assigned, the Chief Executive and County Council shall provide for such assignments in the Administrative Code.

d) All departments and agencies in operation at the time this Charter takes effect, shall continue in operation after the effective date of this Charter, unless they are modified or abolished by this Charter or by ordinances adopted under this Charter.

e) Members of agencies in office at the time this Charter takes effect, shall remain in office for as long as their respective appointed terms of appointment shall continue, unless and until such agency shall be abolished, combined with another, or reconstituted.

**§ 1.13-1307. Subpoena Power.**

In any case where an elected officer or agency has the power to conduct public hearings, the elected officer or agency shall have the authority to issue subpoenas for the attendance of witnesses and to compel testimony and the production of documents and other evidence. The subpoena shall be issued in the name of the County and shall be signed by the elected officer or presiding officer of the agency.

**Cross References**

This section cited in 302 Pa. Code § 1.4-402 (relating to powers and duties of county council); and 302 Pa. Code § 1.11-1102 (relating to accountability, conduct and Ethics Commission).

**§ 1.13-1308. Definitions.**

“Agency” shall mean any County-related board, commission, district, committee, council, or other governmental or quasi-governmental entity which has been created or established by the County or to which the Chief Executive or County Council has the power of appointment, except for any authority or unit of local government created pursuant to Commonwealth law, and any voluntary advisory board established by the Chief Executive or by County Council.

“Balanced annual operating budget” shall mean a budget in which the beginning fund balances plus the estimated revenues must equal appropriated expenditures plus ending fund balances, where such fund balances are not less than zero dollars.

“Balanced annual capital budget” shall mean a budget in which the identified sources of funds equal the proposed capital expenditures.

“Business day” shall mean any day that is not a Saturday, Sunday or legal holiday.

“Charter” shall mean the Home Rule Charter of Allegheny County.

“County” shall mean Allegheny County or the County of Allegheny.

“Court of Common Pleas” shall mean the Court of Common Pleas of the 5th Judicial District of the Commonwealth of Pennsylvania, presently composed of Allegheny County.

“Days” shall mean calendar days.

“Elected political office” shall mean any federal, Commonwealth, County or municipal position which is elected.

“Initiative” shall mean the filing of a petition containing a proposal for County Council action.

“*Law*” shall refer to those laws of the United States of America and the Commonwealth of Pennsylvania, as may be in effect from time to time, that the County is required to observe and adhere to in the exercise of its Home Rule powers.

“*Locally levied tax revenues*” shall mean those revenues derived from taxes levied by the governing body of the County.

“*Political body*” shall mean an independent group of electors that is not a political party but has filed proper nomination papers as required by law.

“*Political party*” shall mean any political party or group of electors that has met the requirements set forth by law to be recognized as a political party.

“*Seated Members*” shall mean the Members holding County Council seats that are not vacant.

“*Sunset review*” shall mean that all County departments, agencies and functions shall have a specified expiration date and shall not continue to exist beyond this date without the affirmative action of County Council.

“*Term*” shall mean a term of office. In the case of a County officer appointed or elected to fill an unexpired term of two years or less, the unexpired portion of the term shall not be considered a term for any term limits as provided for in Article III of this Charter. In the case of a County officer appointed or elected to fill an unexpired term of more than two years, the unexpired portion of the term shall be considered a term for any term limits as provided for in Article III of this Charter.

“*Voter*” shall mean a person who is lawfully registered to vote.

#### ARTICLE XIV. TRANSITIONAL PROVISIONS

Sec.

- 1.14-1401. Effective Date of Charter.
- 1.14-1402. Initial County Council Districts.
- 1.14-1403. First Election.
- 1.14-1404. Preparation and Adoption of Administrative Code.
- 1.14-1405. Temporary Ordinances and Resolutions.
- 1.14-1406. Salary Board.
- 1.14-1407. Termination of Article.

#### § 1.14.1401. Effective Date of Charter.

The Charter shall become effective on January 1, 2000, except as otherwise provided by law or by this Charter.

#### § 1.14-1402. Initial County Council Districts.

The initial boundaries of the 13 County Council districts created by this Charter are to be determined by an Apportionment Commission as provided by law. Pursuant to Article III, § 1.3-305(f), for the first election under this Charter, the

Board of Elections shall after the apportionment has been completed designate by lot six County Council districts for which the members shall serve for an initial term of two years.

**§ 1.14-1403. First Election.**

At the time of its approval by referendum, this Charter shall be in effect to the extent necessary so that the first election of County Council Members and the Chief Executive shall be conducted under the provisions of this Charter and the Pennsylvania Election Code. Officers to be elected shall be nominated at the primary election conducted in May 1999 and shall be elected at the municipal election in November 1999 except as otherwise provided by law.

**§ 1.14-1404. Preparation and Adoption of Administrative Code.**

The Chief Executive shall present to County Council a proposed Administrative Code within 90 days after the effective date of this Charter. County Council, by ordinance, shall approve an Administrative Code within 90 days of its submission to County Council.

**§ 1.14-1405. Temporary Ordinances and Resolutions.**

The County Council, at its first meeting after the effective date of this Charter or any meeting held within 180 days after the first meeting, may adopt temporary ordinances or resolutions to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which delay would cause serious hardship or impairment of effective government. A temporary ordinance or resolution shall be plainly labeled as such and shall be introduced in the form and manner required in Article IV, but may be adopted, with or without amendment, by an affirmative vote of at least a majority of the seated Members, at the same meeting as the first reading. Every temporary ordinance or resolution, including any amendments, shall be automatically repealed as of the effective date of the Administrative Code.

**§ 1.14-1406. Salary Board.**

The Salary Board is abolished.

**§ 1.14-1407. Termination of Article.**

This Article shall terminate and cease to be a part of this Charter as soon as:

- a) County Council adopts an Administrative Code;
- b) The County Solicitor issues a written opinion that the provisions of this article are no longer necessary; and
- c) County Council adopts a resolution that the provisions of this article are no longer necessary.

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