FINAL REPORT
AND
PROPOSED
HOME RULE CHARTER
Allegheny County, Pennsylvania

March 15, 1974

Allegheny County Government Study Commission
406 Jones Building Annex
311 Ross St.
Pittsburgh, Pa. 15219
Telephone: 355-5893, 355-5894
FINAL REPORT

OF THE

ALLEGHENY COUNTY GOVERNMENT STUDY COMMISSION

ITS FINDINGS AND RECOMMENDATIONS,

FISCAL REPORT

AND

PROPOSED HOME RULE CHARTER

FOR

ALLEGHENY COUNTY

MARCH 15, 1974
Government Study Commission
Allegheny County, Pennsylvania

Room 406, Jones Building Annex, 311 Ross Street, Pittsburgh, Pennsylvania 15219
Telephone: 355-5893, 355-5894

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Agnis R. Tuden

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TO THE CITIZENS OF ALLEGHENY COUNTY:

The following question will be placed on the ballot May 21, 1974, for your approval:

"Shall the Home Rule Charter contained in the report, dated March 15, 1974, of the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the COUNTY OF ALLEGHENY?"
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GOVERNMENT STUDY COMMISSION
COUNTY OF ALLEGHENY

Elected November 7, 1972

ELECTED MEMBERS

Joseph A. James, Chairperson
Joseph R. Babish, Vice Chairperson
JoAnn Evans Gardner, Ph.D.
Robert E. Kennedy
John L. McManus
William E. Miller
Robert N. Peirce, Jr.

STAFF

Agnes R. Tuden, Executive Director
Victor J. Papale, Assistant Executive Director
Marilyn R. Osbourne, Assistant Executive Director
Barbara S. Leary, Administrative Assistant

VOLUNTEER STAFF

Arnold M. Horovitz, Esquire
Kenneth M. Simon
FINDINGS AND RECOMMENDATIONS

ORGANIZATION OF THE STUDY COMMISSION

The question to create a Government Study Commission for Allegheny County was placed on the November, 1972 ballot by unanimous action of the County Commissioners. At this election, the voters approved the formation of a Government Study Commission for Allegheny County by a majority of 2 to 1, and elected seven people on a non-partisan basis to serve on the Study Commission. The Study Commission members were sworn in on November 30, 1972.

THE CHARGE TO THE COMMISSION

Act 62, "The Home Rule Charter and Optional Plans Law" states: It shall be the function and duty of the Government Study Commission to:

' Study the form of government of the county;

' Compare it with other available forms under the laws of the State;

' Determine whether or not, in its judgment, the government of the county can be strengthened, made more clearly responsible or accountable to the people;

' Determine whether its operation could become more economical or efficient under a changed form of government.

THE STUDY PROCESS

In order to study the present form of county government, the Study Commission met with 65 officials, departments, agencies, bureaus, boards, authorities, committees and commissions of Allegheny County's government. In addition, in May and June the Study Commission held eleven public hearings
throughout the county and many interested citizens and groups presented testimony.

The Study Commission then entered the comparative phase of its work. A detailed analysis of a number of urban counties with populations and other characteristics similar to Allegheny County was made. Commission members went to four of these counties for personal consultation with county officials.

The final phase of the Study Commission's work was to debate and decide the many issues involved in the drafting of a Home Rule Charter for Allegheny County.

Each Charter provision was thoroughly discussed, and received approval by a majority vote of the Study Commission before being included in the Charter.

The preliminary draft of the Home Rule Charter was released in February, 1974 and nine more public hearings were held to receive comments, criticisms and suggestions on the Charter.

The Charter was completed after fifteen months and more than 350 hours of public sessions.

BRIEF EXPLANATION OF ACT 62

The Pennsylvania Constitution as amended in 1968 gave counties in Pennsylvania the right to study their local governments and to adopt Home Rule. Prior to that time, only the City and County of Philadelphia had been granted that right. The Pennsylvania General Assembly implemented this part of the Constitution in 1972 by passing Act 62, "The Home Rule Charter and Optional Plans Law".
Act 62 is an historic piece of legislation. This new law actually reverses the traditional relationship between the Commonwealth of Pennsylvania and counties choosing to exercise the authority granted them to adopt Home Rule.

Historically in Pennsylvania, counties can do only those things which the General Assembly specifically authorizes them to do. For Allegheny County these authorizations are primarily provided for in the Second Class County Code.

Home Rule places the primary responsibility for local decision-making in the hands of the people and their locally elected officials, rather than in the hands of the legislature in Harrisburg. It gives authority to a county to prepare, adopt and be governed by its own constitution, called a Home Rule Charter. If Allegheny County adopts the proposed Home Rule Charter, this Charter will replace the Second Class County Code as the basic law of the county.

Home Rule under Act 62 does not mean that Allegheny County is free to act independently in every area of county government. Act 62 limits the ties which a Home Rule Charter can sever and places specific restrictions on Home Rule counties. Among other things, Home Rule counties

Cannot: affect the form, structure of powers of any city, borough or township;

Cannot: invent new taxes;

Cannot: regulate public schools;

Cannot: reduce the pension and retirement benefits of any present or former county employee;

Cannot: change the Election Code.
Under Act 62, Allegheny County will still be subject to the Election Code, the Local Government Unit Debt Act, the Local Health Administration Law, the Public Employees' Law, the Crimes Code and other state laws which are uniform and applicable throughout the Commonwealth.

CHARACTERISTICS OF ALLEGHENY COUNTY

Allegheny County is a large urban county, the center of the seven-county metropolitan area of southwestern Pennsylvania. With a population of 1,605,000 Allegheny County is Pennsylvania's second largest county. It is an area of great diversity, both geographically and in its people. There are large commercial and business centers, industrial areas, older suburbs and rapidly growing new suburbs, as well as rural and farming areas. With its 129 separate municipalities, there is a strong tradition of municipal independence and sturdy self-government, which is preserved by this Charter.

THE PRESENT SYSTEM OF COUNTY GOVERNMENT

Allegheny County is governed by a three member Board of County Commissioners. The County Commissioner and Row Officer system was established in Pennsylvania in pre-Revolutionary War days. Counties were then rural communities and were established to exercise a few limited functions.

The Row Officers were concerned with the keeping of court records (Prothonotary, Clerk of Courts, Register of Wills); with the enforcement of law and order (Sheriff, District Attorney, and Coroner); with the surveying of land (Surveyor); with the
recording of land titles (Recorder of Deeds); with selecting
jurors for the courts (Jury Commissioners); and with the
collection of and the accounting for monies (Treasurer and
Controller).

The three County Commissioners had responsibility in the
area of elections, road maintenance, property assessment and
the care of prisoners and the poor. They were administrators
of programs and policies designed and mandated by the State.

Over the past two centuries, this structure of govern-
ment has been practically unchanged. (The office of Surveyor
was eliminated in 1968). Some additional functions have been
assigned to County Commissioners over the years; they sit as
boards like the Institution District and the Board of Elections,
and appoint members of other boards, authorities and commissions.

In addition, although the Commissioners are not directly
responsible for the operation of the independent Row Offices
and the Court, they are responsible for setting the overall
fiscal policies of the county and for determining the priorities
of operating and capital budgets for these agencies.

Thus the County Commissioners already had a variety of
roles to fill when, after World War II, the responsibilities
of county government began to increase rapidly. In 1950,
for example, there were 54 agencies in Allegheny County's
government; in 1973 there were 92.

THE CHANGING ROLE OF COUNTY GOVERNMENT

Since 1950, and particularly in the last decade,
functions of county government have changed radically. Allegheny
County's government is providing an ever-growing number of
functions and services to its citizens. The State requires that counties provide some of these new programs, but more often, the State gives Allegheny County permission to offer new services if it sees a need to.

Allegheny County has been quick to take advantage of these opportunities and now provides such services as airport facilities, solid waste disposal, health, community colleges, police training and model cities programs, to name a few.

In summary, in response to pressure for increased services, Allegheny County is now required to provide an ever-increasing and diversified array of programs, and the Board of County Commissioners has assumed greater and greater legislative responsibility.

SEPARATION OF POWERS

Because the county commission form places the three major functions of government--executive, legislative and administrative--in one three member body, a system of "checks and balances", a traditional feature of government in America, is not possible.

A study of the current budget process provides a good example. The County Commissioners prepare the budget as executives, then move to the other side of the table to approve the budget as legislators, and finally as administrators, they spend it.

There are other areas of Allegheny County's government where the development of checks and balances is not now possible.
The Board of Property Assessment, Appeals and Review is responsible both for making assessments and for hearing appeals against the assessments they themselves have made.

The Controller pre-audits county expenditures to ensure that no improper or illegal expenditure occurs, and then post-audits the same expenditures. There is little incentive for the Controller as post-auditor, to publicize errors which might have been made by the Controller as pre-auditor.

THE ADMINISTRATIVE BURDEN

The administrative burden of serving as executives, legislators and administrators is particularly heavy because about 70 of the county's agencies report directly to, or are appointed by the County Commissioners.

The centralization of administrative control is made difficult because of the number of offices headed by independently elected officials, whose duties are prescribed by state law.

For example:

- The elected Treasurer and Controller, and the appointed Directors of the Department of Planning and Development, Administration and Accounts and Statistics, all play a role in the fiscal administration of the county;

- State law mandates that the responsibility for maintaining land and related tax records be spread among four agencies: The Offices of the Recorder of Deeds and Controller, the Bureau of Deed Registry and the Board of Property Assessment, Appeals and Review;

- Although the courts of the county have been combined into one Court of Common Pleas, there are still three separately elected court clerks—the Prothonotary, the Clerk of Courts and the Register of Wills (who also has the title, Clerk of Orphans' Court). This means that the 10,000 notaries public in the county must file with three different clerks in three different offices in three different buildings.
The county personnel system is fragmented. The Court of Common Pleas and each of the ten Row Offices has its own personnel system. Under the Board of County Commissioners there are three other systems—civil service, a merit system and a third (by far the largest), the patronage system. Without state legislation or a Home Rule Charter it would not be possible for the county to consolidate these systems or permanently change the way employees are hired, promoted and discharged.

SURVEY OF OTHER COUNTIES

A survey of the form of government of the ten most populated urban counties in the United States that have charters, indicate that none have chosen to retain the plural county commissioner system. All of these counties have chosen to have separate administrative or executive officers and separate legislative bodies, each with distinct duties and responsibilities.

SUMMARY OF FINDINGS

The Study Commission found that the present commission form of government does not build in a process of independent evaluation or criticism of how programs or policies are formulated and carried out. Because the county commissioner system was not designed with a legislative or deliberative function in mind, the system does not anticipate the need for public dialogue on public policy; yet the County Commissioners are assuming greater and greater legislative responsibility.

The centralization of administrative matters is made more difficult by the large number of agencies reporting directly to the County Commissioners, and the number of independently elected officials and semi-autonomous agencies over which the County Commissioners have varying amounts of jurisdiction.
There is no single elected executive who is directly responsible for the management of county affairs.

RECOMMENDATIONS

HOME RULE

The decision of the Allegheny County Government Study Commission was that Allegheny County needed Home Rule. With Home Rule there is:

- Greater flexibility to respond to local needs without waiting for permission from the General Assembly;

- Greater freedom to design a form of county government which can permit modernization of the current system of county government;

- Greater opportunity for developing built-in safeguards and provisions for increased responsiveness of elected officials to the citizens of Allegheny County.

THE BOARD OF COUNTY REPRESENTATIVES

In selecting the form of government which would best suit the needs of Allegheny County now and in the future, the Study Commission concluded that Allegheny County needs a legislative body of its own.

With Home Rule, Allegheny County's officials can make decisions locally which were formerly made for us in Harrisburg. And these decisions can be made when they are needed, instead of waiting for the State Legislature to act, if it acts at all.

This full time legislative body will guarantee representation to every section of the county, so that the concern of the citizens and the priorities of the different areas of the county can be presented, deliberated and acted upon.
THE COUNTY EXECUTIVE

The Study Commission concluded that an executive, directly elected by all the voters, would best serve the interests of the citizens of Allegheny County.

The County Executive, elected directly by all of the voters, will have the power to act for the citizens when dealing with outside officials, will be accountable to the citizens for the day to day operations of county government and will be directly accountable to the public for the success or failure of all county programs.

CHECKS AND BALANCES

A system of checks and balances, a traditional safeguard of American government, is possible with two separate branches of government. The Study Commission carefully set up checks and balances in the Charter. Some of these are common to many governments, but others are new and reflect the concern of the Study Commission that one branch of government not be able to delay the orderly process of government as a whole:

- Ordinances proposed by the Board of County Representatives can be vetoed by the County Executive, but this veto can be over-ridden by a vote of five Representatives. The County Executive has an "item veto" on appropriation ordinances;

- The Board of County Representatives is authorized to employ a professional staff so they can thoroughly analyze legislative proposals. The staff size is limited, and a similar limitation is placed on the size of the staff of the County Executive;

- Legislative proposals of the County Executive must be publicly deliberated by the Board of County Representative is they are to become law;
Appointments by the County Executive of departmental directors are subject to confirmation by the Board of County Representatives. But if the Representatives fail to act within a reasonable time, the appointment is automatically confirmed;

The Board of County Representatives and the public are given ample time to evaluate the annual operating and capital budgets as proposed by the County Executive. But if the Representatives fail to adopt a budget before the end of the fiscal year, the proposed budget goes into effect so that essential county programs can continue;

The County Executive may propose changes in departmental organization to the Board of County Representatives in order to meet changing needs, but these proposals cannot be delayed by the Representatives' inaction.

Other areas of checks and balances are provided in the Charter:

- The Controller will check the legality and effectiveness of county expenditures, but an outside auditor who reports to the Board of County Representatives will perform an independent post-audit;

- The responsibility for supervising the assessment of real property is removed from the new Board of Assessment Appeals, so that those who perform the assessment do not sit in judgment on their own decisions.

CITIZEN PARTICIPATION

An important feature in the successful operation of a checks and balances system is the opportunity for citizen participation in the governmental process. The Charter provides many such opportunities:

- Public hearings on all ordinances are required, with additional hearings on the capital and annual operating budgets;

- All meetings of the Board of County Representatives are open to the public, with a few narrow exceptions;

- Proposed budgets, audit reports and ordinances must be available to the public;
A procedure for initiative and referendum has been included in the Charter;

Public notification of board vacancies is required, so that interested groups and individuals can suggest persons to be nominated;

The Board of County Representatives will hold an evening meeting in each of the Representatives' districts, so that citizens can more easily attend.

INTERGOVERNMENTAL RELATIONS

The powers, duties and responsibilities of the cities, boroughs, and townships within Allegheny County are protected by this Charter. The county is specifically authorized to continue to enter into voluntary agreements and to cooperate with municipalities, regional planning commissions and councils of governments.

A SIMPLER STRUCTURE OF ADMINISTRATION

The number of county units reporting directly to the County Commissioners has been cut in half. The functions of the Coroner, Jury Commissioners, Recorder of Deeds and Treasurer are incorporated into these new departments. All current county functions and programs will continue but many agencies performing similar or related functions are consolidated.

Fiscal functions such as collection of taxes, assessment, deposit, investment and disbursement of funds are centered in the Department of Finance.

The registration of land titles and recording of deeds, tax liens and real estate assessments are consolidated into a Department of Records Management.

The many county programs dealing with human services: Mental Health/Mental Retardation, Kane Hospital, services for senior citizens and for children are brought together in a new Department of Human Services.
The Study Commission was legally prohibited from abolishing, changing or consolidating existing authorities. The Charter does, however, restrict the creation of new authorities and requires an extraordinary vote of the Board of County Representatives to guarantee authority indebtedness.

To attract and retain the most competent personnel, the Charter establishes a single personnel system based on merit and career principles and also includes a strong anti-discrimination clause. Present county employees automatically enter this career service and are protected by it from arbitrary dismissal.

ROW OFFICERS

The number of Row Officers is reduced from 11 to 4.

CONTROLLER

The Controller will continue to be the fiscal "watchdog" of the county; will prepare the official debt statement of the county; will make a performance audit of each county agency to determine the effectiveness and efficiency of county spending. All audits will be made available to the public.

COURT REGISTRAR

The new office of Court Registrar will perform the court record-keeping functions formerly exercised by the Prothonotary, the Clerk of Courts, and the Register of Wills, Clerk of Orphans' Court. The Court Registrar shall prepare comprehensive reports detailing all cases pending before and disposed of by the Court of Common Pleas.

DISTRICT ATTORNEY

The District Attorney will continue as the chief prosecuting officer of the county.

SHERIFF

The Sheriff retains present peace-keeping functions and
when requested, may respond to requests for assistance from local, county or state governments. The Sheriff will continue to serve court papers and to maintain security in the courts and in the prison.

WHAT HOME RULE WOULD MEAN

The people of Allegheny County have always been governed from a distance; First by the King of England then by the General Assembly in Harrisburg.

Under a Home Rule Charter, the people of Allegheny County will have local self-government for the first time.
Before me, the undersigned authority, personally appeared the persons whose names are affixed hereto, who being duly sworn or affirmed, according to law, depose and say that the facts set forth in the annexed financial report are true and correct.

Joseph F. Faber
Robert E. Kennedy
John L. McMorris

Sworn or affirmed to and subscribed before me this 15th day of March, 1974.

Jessie L. Hewlett
JESSIE L. HEWLETT, NOTARY PUBLIC
PENN HILLS TWP., ALLEGHENY COUNTY
BY COMMISSION EXPIRESMAR. 20, 1975
Member, Pennsylvania Association of Notaries
FINANCIAL STATEMENT
THE ALLEGENY COUNTY GOVERNMENT STUDY COMMISSION

The financial statement presented below is a summary of the actual expenses and in-kind services incurred by the Allegheny County Government Study Commission during the period from November 30, 1972, through March 15, 1974.

With the exception of the in-kind services mentioned in items 3 and 4, all funds, goods, materials and services used by the Study Commission were provided by Allegheny County.

All bills and charges of any kind were paid for by Allegheny County in accordance with the County's regular fiscal procedures.

LIST OF EXPENDITURES

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<th>Category</th>
<th>Amount</th>
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<td><strong>$59,526.68</strong></td>
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<td><strong>222.76</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$59,303.92</strong></td>
</tr>
</tbody>
</table>
IN - KIND SERVICES RENDERED

The County of Allegheny also provided the services listed in items 1 and 2. There is no way to estimate the value of these services, and they are therefore not carried in the above list of expenditures:

1) Office space and office furniture; graphic and duplicating services; clerical assistance; meeting facilities; and other administrative services.

2) In addition, in the early stages of the Study Commission's work, Allegheny County provided legal counsel and assistance.

3) Meeting facilities for public hearings were donated by:
   Borough of Sewickley
   City of McKeesport
   Township of Harrison
   Township of McCandless
   Township of Mt. Lebanon
   Monroeville Mall
   Northway Mall
   Carlynton School District
   University of Pittsburgh

4) Special research reports were submitted to the Government Study Commission by:
   Pennsylvania Economy League, Western Division
   Nina Helbling
   Joseph Kane

This statement does not include the cost of printing and distributing copies of the Final Report to the public, which will be incurred after the filing of this Report. A proposal for this service has been received from the Pittsburgh Press Company, at a cost not to exceed $16,963.70.
ARTICLE I

NAME, BOUNDARIES AND POWERS

Section 101. NAME AND BOUNDARIES. Allegheny County, Pennsylvania, shall hereafter be a Home Rule Charter County. It shall continue to be a body corporate and politic. Its corporate seal, boundaries and county seat shall be and remain as they are at the time this Charter takes effect, unless otherwise changed in accordance with law.

Section 102. POWERS. The County of Allegheny has, and may exercise, any power and perform any function not denied by the Constitution of the United States, the Constitution of Pennsylvania, this Charter or the General Assembly at any time. The county shall have and may exercise all powers and authority of local self-government. The powers of the county under this Charter shall be construed broadly in favor of the county, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power of the county.
ARTICLE II

THE BOARD OF COUNTY REPRESENTATIVES

Section 201. COMPOSITION. The county legislature shall consist of an elected governing body, the Board of County Representatives. One member shall be elected from each of seven districts, each district to be composed of compact and contiguous territory as nearly equal in population as practicable.

Section 202. POWERS AND DUTIES. The legislative power of the county, including residual powers and any powers now conferred or which may hereafter be conferred on the county by amendment of the Pennsylvania Constitution or by laws of the Commonwealth of Pennsylvania, shall be exclusively vested in and exercised by the Board of County Representatives, subject only to the provisions of this Charter. The Board of County Representatives shall be elected, shall organize and shall function as provided in this Charter.

The Board of County Representatives shall have, but shall not be limited to the following powers and duties:

a. To make appropriations, levy taxes, borrow money, adopt the budget and establish fees;

b. To adopt, amend and repeal an Administrative Code;

c. To approve by ordinance the acceptance of all gifts and grants, from any source, on behalf of the county;
d. To require periodic and special reports from elected
officials;

e. To create authorities by a vote of five (5) members.

**Section 203.** ORGANIZATION. The Board of County Representa-
tives shall determine its rules of procedure and shall elect
a presiding officer from among its members. This officer
shall prepare the agenda, preside at meetings and shall
have the same rights, privileges and limitations as other
members of the Board of County Representatives.

**Section 204.** QUORUM AND MAJORITY ACTION. Except as other-
wise provided in this section, the presence of four (4)
members of the Board of County Representatives shall
constitute a quorum, but a smaller number present at any
meeting may adjourn from day to day and may compel the
attendance of absent members in such manner and under
such penalties as the Board of County Representatives
may, by ordinance, provide.

No business shall be conducted or vote taken except
in the presence of a quorum.

Except as otherwise provided in this Charter, no action
of the Board of County Representatives shall be binding
except upon four (4) affirmative votes; provided that
if the number of Representatives in office is reduced
to five (5) or less, action may be taken by majority
vote of the Representatives in office.

Except when abstentions are mandated by this Charter,
a vote of abstention shall be counted as a "no" vote.
Section 205. MEETINGS. For the purpose of transacting public business, the Board of County Representatives shall hold not less than forty-eight (48) regular weekly meetings in each calendar year. No more than fourteen (14) days may intervene between these meetings, and at least one (1) meeting in each calendar year shall be held in the evening in each of the districts from which the Representatives are elected.

Agenda of regular meetings shall be made available to the public at least forty-eight (48) hours prior to any meeting, but the agenda may be amended when necessary.

All meetings and deliberations of the Board of County Representatives shall be open to the public, except that the Representatives may discuss, in executive session, matters pertaining to individually named employees, matters of land acquisition, collective bargaining agreements and the investigation and settlement of suits and claims.

Section 206. ENACTMENT OF LEGISLATION. Acts of policy, and acts which provide for raising revenue, appropriating funds or borrowing money, and acts which provide a penalty or establish a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance. Routine and ministerial actions may be taken by resolution or motion.

A proposed ordinance may be introduced by any Representative or by the Board of County Representatives
as a whole. Each proposed ordinance shall be submitted in writing, shall be limited to one subject which shall appear in the title and shall contain notice of the effective date of the legislation. A proposed ordinance may incorporate by reference all or part of technical codes and acts of the General Assembly.

No proposed ordinance shall be adopted without a public hearing after public notice. No proposed ordinance shall proceed to a public hearing except after written request entered by two (2) Representatives. When such a request is entered, the public hearing shall be held not less than ten (10) nor more than ninety (90) days thereafter. Public notice of the date and subject matter of the hearing shall be given at least seven (7) days prior to the scheduled hearing.

After a public hearing, a proposed ordinance may be finally enacted with or without amendment, except that if an amendment constitutes a change in substance, the proposed ordinance shall not be enacted until it is reproduced as amended and proceedings held as if it were a newly introduced ordinance.

All final actions in adopting ordinances, resolutions or motions shall be by roll call vote, and the vote of each Representative shall be recorded in the minutes of the meeting.

Public notice, reciting the title and giving the effective date of each ordinance, shall be given not more than ten (10) days after adoption of the ordinance.
Section 207. STAFF. The Board of County Representatives may appoint technical and professional staff. The total annual compensation paid this staff shall not exceed the total annual compensation paid the Board of County Representatives, except as provided by ordinance adopted by a vote of five (5) members of the Board of County Representatives.

Section 208. CONFIRMATION OF OFFICERS. The appointment by the County Executive of officers shall be subject to confirmation by the Board of County Representatives. The Board of County Representatives shall hold a public hearing not less than ten (10) days nor more than twenty (20) days after the nomination by the County Executive. If the Board of County Representatives fails to confirm or reject such nomination within thirty (30) days after submission, the nominee shall stand confirmed.

Section 209. RIGHT OF COUNTY OFFICERS TO SPEAK. Elected officials, officers and heads of all boards shall have the right to present their views to the Board of County Representatives on any matters relating to their respective administrative units.
ARTICLE III
THE EXECUTIVE

Section 301. COMPOSITION. There is hereby created the elected office of County Executive. The County Executive shall function as the chief executive and administrative officer of the county and shall exercise those powers and perform those duties required by this Charter or by ordinance.

Section 302. POWERS AND DUTIES. The County Executive shall exercise the executive power of the county and shall be responsible for the good order and efficient administration of those county affairs which are placed in the charge or jurisdiction of the County Executive by this Charter or by ordinance. The County Executive shall have the following powers, duties and responsibilities:

a. To execute and enforce the provisions of this Charter, the laws of the Commonwealth pertaining to the government of the county and the ordinances of the Board of County Representatives;

b. To supervise all county departments, as provided in Article V;

c. To prepare and submit to the Board of County Representatives the annual operating budget, the capital improvements plan, the capital budget, the projected operating budget and the budget message, as provided in Article VII;
d. To recommend measures for legislative action to
the Board of County Representatives;

e. To provide any information concerning the executive
branch of county government which the Board of County
Representatives may require for the performance of its
duties;

f. To appoint the directors of all departments in the
executive branch;

g. To sign or cause to be signed on behalf of the
county, all contracts, agreements and other instruments;

h. To submit reports as provided in this Charter, or
as the Board of County Representatives may, by ordinance,
require;

i. To exercise such other powers and to perform such
other duties as are consistent with the provisions of
this Charter, as the Board of County Representatives
shall from time to time ordain;

j. To call special meetings of the Board of County
Representatives upon written notice sent to each member,
said notice to contain the time, place and purpose of the
special meeting.

Section 303. STAFF. The County Executive may appoint
technical and professional staff. The total annual com-
ensation paid this staff shall not exceed the total annual
compensation paid the Board of County Representatives,
except as provided by ordinance adopted by a vote of five (5)
members of the Board of County Representatives.
Section 304. EXECUTIVE VETO. Every proposed ordinance adopted by the Board of County Representatives shall, within three (3) days of passage, be presented to the County Executive for approval. If the County Executive approves, the County Executive shall sign it; but, if not approved, it shall be returned with written reasons for disapproval to the Board of County Representatives within ten (10) days after the meeting at which such ordinance was passed. The Board of County Representatives shall proceed to a reconsideration thereof at a meeting held within ten (10) days after the return of the proposed ordinance.

If after reconsideration, five (5) members of the Board of County Representatives shall vote to pass such proposed ordinance, it shall become effective and shall be enforced as if it had received the approval of the County Executive.

If any such proposed ordinance shall not be returned to the Board of County Representatives by the County Executive with written reason for disapproval, it shall likewise become effective and shall be enforced as if it had been approved.

The County Executive may veto individual items in the budget and appropriation ordinances. Each item or items not vetoed shall become ordained, and each item or items vetoed shall be subject to the same procedure as any other proposed ordinance vetoed by the County Executive.
Section 305. ADVISORY BOARD ON AUTHORITIES. The County Executive shall appoint an Advisory Board to study and to recommend ways and means of absorbing existing Authorities into county government. The Board shall deliver a public report to the County Executive and to the Board of County Representatives not later than two (2) years following its organization.
ARTICLE IV

CHARTER OFFICIALS

Section 401. CHARTER OFFICIALS. The following officials of the County of Allegheny shall be elected as provided in Article X: The Controller; the Court Registrar; the District Attorney and the Sheriff.

Section 402. POWERS AND DUTIES. Each official shall supervise and control the Office, subject to the provisions of Section 507, 508, 524 and 525 of this Charter.

Each official shall appoint a deputy, as provided in Article X, and other personnel subject to the provisions of Article VIII and the budget ordinance.

Each official shall exercise those powers and perform those duties necessary for the proper function of the Office and an additional duty shall be to prepare for inclusion in the Administrative Code an article which sets forth the powers and the procedures to be used in the performance of these duties.

THE CONTROLLER

Section 403. THE OFFICE OF AUDITS AND CONTROL. There shall be an Office of Audits and Control, directed by the Controller.

Section 404. POWERS AND DUTIES. Except as otherwise provided in this Charter, the Controller shall exercise those powers and perform those duties required by this Charter or by
ordinance. The Controller shall:

a. Pre-audit and record, using generally accepted principles of accounting and auditing, fiscal transactions of all county agencies receiving, disbursing or authorizing the disbursement of county funds, and report, at least monthly, to the Board of County Representatives, all proposed fiscal transactions which have not met pre-audit requirements, and the reasons therefor;

b. Conduct special post-audits of accounts which the Controller has not pre-audited, upon the request of the County Executive, the Board of County Representatives, or upon the initiative of the Controller;

c. Recommend for adoption by ordinance, a uniform accounting system for all county agencies and authorities;

d. Prepare and certify the statements of indebtedness of the county;

e. Appoint a solicitor.

Section 405. PERFORMANCE AUDITS. The Controller shall conduct performance audits of all county agencies and authorities and of those associations and corporations, public and private, which receive county funds to provide a service or services which the county could perform itself, whenever the Controller deems it necessary or is directed to conduct such audits by the County Executive or by the Board of County Representatives. In any event, the Controller shall conduct the performance audits of county agencies at least once every four (4) years.
Upon completion of each performance audit, the Controller shall report and make recommendations to the County Executive and to the Board of county Representatives on ways to improve the efficiency or effectiveness of the program, service or agency audited.

The performance audit function of the Controller shall not abridge the power of the Board of County Representatives to conduct performance audits.

COURT REGISTRAR

Section 406. OFFICE OF THE COURT REGISTRAR. There shall be an Office of the Court Registrar.

Section 407. POWERS AND DUTIES. Except as otherwise provided in this Charter, the Court Registrar shall have all the powers granted to clerks of court, prothonotaries, and registers of wills, clerks of orphans' court by applicable law, by this Charter or by ordinance.

The Court Registrar shall publish a comprehensive quarterly report of all cases pending before and the result of all cases disposed of by the Court of Common Pleas.

Section 408. RESTRICTIONS. The Court Registrar shall not be permitted to practice before the Court of Common Pleas of the County of Allegheny.

DISTRICT ATTORNEY

Section 409. OFFICE OF THE DISTRICT ATTORNEY. There shall be an Office of the District Attorney.

Section 410. POWERS AND DUTIES. Except as otherwise provided in this Charter, the District Attorney shall
have all the powers granted to district attorneys by
applicable law, by this Charter or by ordinance.

Section 411. QUALIFICATIONS AND RESTRICTIONS. The
District Attorney and the Assistant District Attorneys
shall be admitted to practice before the Supreme
Court of the Commonwealth of Pennsylvania. They shall not
engage in the private practice of criminal law during
the period of their service in the Office nor shall
they maintain any affiliation or association with any
other person, firm or corporation by or through which
they receive any money or other benefit arising from
the practice of law in the criminal courts.

Section 412. DETECTIVES. County detectives shall be ex-
officio constables of the Commonwealth and shall have
all the powers and prerogatives conferred on police
officers by laws applicable to cities and counties of
the Commonwealth. County detectives may be instructed
by the District Attorney, after a criminal complaint has
been filed before a magistrate or upon request of a
grand jury or when directed by order of court, to make
investigations, obtain evidence and apprehend persons
in connection with such criminal case.

Section 413. DEPARTMENT OF PUBLIC SAFETY TO ASSIST DISTRICT
ATTORNEY. The County Executive shall, upon the request
of the District Attorney, assign to the Office of the
District Attorney from the Department of Public Safety,
such personnel to assist the District Attorney as the
County Executive deems necessary.
SECTION 414. OFFICE OF THE SHERIFF. There shall be an
Office of the Sheriff.

SECTION 415. POWERS AND DUTIES. Except as otherwise
provided in this Charter, the Sheriff shall have those
powers granted to sheriffs by applicable law and by
common law necessary to perform the functions of the
Office as set forth in Section 416 of this Charter.

SECTION 416. FUNCTIONS OF THE OFFICE. The Sheriff shall
perform the following functions:

a. Enforce judicial orders and decrees;
b. Maintain security at county detention facilities;
c. Maintain security in and about the courts of the
county;
d. Guard prisoners when they are not confined in
county detention facilities;
e. Perform other public safety and peace-keeping functions,
subject to the provisions of Section 418 of this Charter.

SECTION 417. RESTRICTIONS. The Sheriff and the Deputy
Sheriffs shall not engage in the private practice of
law during the period of their service in the Office
nor shall they maintain any affiliation or association
with any other person, firm or corporation by or
through which they receive any money or other benefit
arising from the practice of law.

SECTION 418. JURISDICTION. It being the intent of this
Charter to vest the general function of public safety and
peace-keeping in the Department of Public Safety, the Sheriff shall not exercise such powers except when requested to do so by a municipality or political sub-division within the County of Allegheny, the County Executive or the Governor of the Commonwealth of Pennsylvania.

Section 419. DEPUTY SHERIFFS. When performing the functions of the Office, the deputy sheriffs shall be ex-officio constables of the Commonwealth of Pennsylvania and shall have all the powers and prerogatives conferred on police officers by laws applicable to cities and counties of the Commonwealth.

Section 420. DEPARTMENT OF PUBLIC SAFETY TO ASSIST THE SHERIFF. The County Executive shall, upon the request of the Sheriff, assign to the Office of the Sheriff from the Department of Public Safety, such personnel to assist the Sheriff as the County Executive deems necessary.
ARTICLE V

ADMINISTRATIVE AND DEPARTMENTAL ORGANIZATION

Section 501. SUPERVISION AND ORGANIZATION. All departments shall be subject to the direction, supervision and control of the County Executive. The County Executive shall appoint a director for each department, subject to confirmation procedures described in Article II.

Section 502. REORGANIZATION. The County Executive may submit to the Board of County Representatives proposed ordinances recommending changes in departmental organization including the establishment or abolition of departments, and the assignment or reassignment of functions, powers and duties among departments. If the Board of County Representatives fails to adopt or to reject the proposed reorganization ordinance within sixty (60) days after its submission, said proposed ordinance shall be deemed adopted as fully and to the same extent as if favorable action thereon had been taken by the Board of County Representatives.

Section 503. DUTIES OF DIRECTORS. The County Executive shall recommend for inclusion in the Administrative Code, articles prepared by each officer which set forth the powers that each department expects to use and the manner and procedures in which the duties of each department are to be performed.
Section 504. FUNCTIONS OF DIRECTORS. Directors shall manage their departments and supervise departmental personnel. They shall appoint, subject to the approval of the County Executive and the provisions of Article VIII, all departmental personnel. Directors shall exercise the powers and perform the duties set forth by law, by this Charter or by ordinance, and shall perform every professional act incident to the office of director and as may be required or authorized by the Administrative Code.

Section 505. REMOVAL OF DIRECTORS. Except as otherwise provided in this Charter or by law, directors shall hold office at the pleasure of the County Executive. If a director is removed, the County Executive shall notify the Board of County Representatives giving written explanation of the reasons for such removal.

Section 506. TEMPORARY APPOINTMENTS. When the position of director is vacant, the County Executive shall make a permanent or temporary appointment to fill the position. No temporary appointee shall serve for a period longer than six (6) months, unless this period is extended by action of the Board of County Representatives.

Section 507. COMMON ADMINISTRATIVE SERVICES. All county agencies and authorities which receive funds appropriated or approved by the Board of County Representatives shall use the services and facilities of the county such as but not limited to, legal, accounting, purchasing, data processing and engineering, whenever the County Executive
determines that these services are available within the county government.

Section 508. COMMON ADMINISTRATIVE POWERS. The County Executive may recommend to the Board of County Representatives its adoption of uniform administrative procedures and regulations to be followed by all departments, offices and boards.

DEPARTMENTAL ORGANIZATION

Section 509.0. DEPARTMENT OF AVIATION. There shall be a Department of Aviation.

Section 509.1. POWERS AND DUTIES OF THE DEPARTMENT. The Department of Aviation shall have the power and its duty shall be to:

Develop and manage the aviation facilities and programs of the county.

Section 510.0. DEPARTMENT OF COMMUNITY SERVICES. There shall be a Department of Community Services.

Section 510.1. POWERS AND DUTIES OF THE DEPARTMENT. The Department shall have the power and its duty shall be to:

Coordinate county participation in and funding of the following programs:

a. Veterans' affairs;

b. Consumer protection and advice;

c. Library service;

d. Citizens' information;

e. Cultural and educational activities;
f. Agricultural and soil conservation services;
g. Promotion of industrial and commercial
development in the county;
h. Financial assistance and other aid to cities,
boroughs, townships and other political sub-divisions.

Section 511.0. DEPARTMENT OF CORRECTIONS. There shall
be a Department of Corrections, directed by a Warden.

Section 511.1. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of Corrections shall have the power and
its duty shall be to:
   a. Manage the Allegheny County Prison;
   b. Provide for the health and safe keeping of and
programs for the training and rehabilitation of all
prisoners therein.

Section 512.0. DEPARTMENT OF FINANCE. There shall be
a Department of Finance.

Section 512.1. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of Finance shall have all the powers
granted to treasurers and assessors by applicable law,
by this Charter or by ordinance, and its duty shall be to:
   a. Collect and receive all taxes and other monies
due or receivable by the county and issue receipts therefor,
or authorize other county agencies to do so under condi-
tions prescribed by the Director;
   b. Keep accurate and complete accounts of receipts
and disbursements;
   c. Deposit monies in depositories authorized by
ordinance;
d. Invest county monies in accordance with the provisions of the Administrative Code;

e. Disburse all payments for authorized expenditures;

f. Administer a system for the collection of municipal tax claims and liens, as prescribed by applicable law;

g. Supervise the assessment of all real and personal property in the county for tax purposes, as provided by applicable law.

Section 513.0. DEPARTMENT OF HEALTH. There shall be a Department of Health.

Section 513.1. POWERS AND DUTIES OF THE DEPARTMENT.

The Department of Health shall have the power and its duty shall be to:

Develop and manage those programs and services necessary for the protection of the public health, as provided by law or by ordinance.

Section 514.0. DEPARTMENT OF HUMAN SERVICES. There shall be a Department of Human Services.

Section 514.1. POWERS AND DUTIES OF THE DEPARTMENT.

The Department of Human Services shall have the power and its duty shall be to provide or to coordinate separate programs in the areas of:

Child care and development; service to senior citizens; mental health and mental retardation; programs formerly under the jurisdiction of the Allegheny County Institution District (Kane Hospital, Child Welfare); and other programs dealing with human services
as provided by applicable law, by this Charter or by ordinance.

Section 514.2. ADVISORY BOARDS. There shall be an advisory board for the Department of Human Services and for the program of child care and development.

The members shall be appointed as provided in Article VI, or according to law. Each advisory board shall:

a. Make recommendations on matters referred by the County Executive, the Board of County Representatives, the executive of the bureau concerned or as deemed appropriate by the advisory board;

b. Consult and advise on matters pertaining to the development of an annual plan of services and estimate of expenditures, to be presented to the County Executive and to the Board of County Representatives for consideration in budgeting;

c. Promote better public understanding of the programs and objectives of the bureau;

d. Suggest policies for the operation and development of the bureau.

Section 515.0. DEPARTMENT OF LABORATORIES. There shall be a Department of Laboratories.

Section 515.1. POWERS AND DUTIES OF THE DEPARTMENT. The Department of Laboratories shall have the power and its duty shall be to:

Perform scientific and technical tests in connection with criminal investigations, and for such other purposes
as may be provided by ordinance.

Section 516.0. DEPARTMENT OF LAW. There shall be a
Department of Law, directed by the County Solicitor.

Section 516.1. QUALIFICATIONS. The County Solicitor
shall be admitted to practice before the Supreme Court
of the Commonwealth of Pennsylvania.

Section 516.2. POWERS AND DUTIES OF THE DEPARTMENT.
Except as otherwise provided in this Charter or by
ordinance, the Department of Law shall have the sole power
and its duty shall be to:

a. Represent the County of Allegheny in all court
proceedings;

b. Superintend, direct and conduct all legal
matters involving the county;

c. Render legal advice to county officials,
officers and boards, upon request.

Section 517.0. DEPARTMENT OF THE MEDICAL EXAMINER.
There shall be a Department of the Medical Examiner.

Section 517.1. QUALIFICATIONS. The Medical Examiner
shall be a doctor of medicine, eligible for certifi-
cation in forensic pathology by the American Board of
Pathology. Upon recommendation by the County Executive,
that the above qualifications unduly restrict the number
of available candidates for the position of Medical
Examiner, the Board of County Representatives may, by
ordinance, revise the above qualifications, but in no
instance may it adopt a qualification of less than a
Doctor of Medicine, who is certified in Anatomic Pathology with at least three (3) years of experience in Forensic Pathology and/or related Forensic Sciences.

Section 517.2. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of the Medical Examiner shall have all the powers granted to coroners and medical examiners by applicable law, by this Charter or by ordinance, and its duty shall be to:

Make any investigation and perform such scientific tests as deemed necessary to determine the cause of death.

Section 518.0. DEPARTMENT OF PARKS, RECREATION AND CONSERVATION. There shall be a Department of Parks, Recreation and Conservation.

Section 518.1. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of Parks, Recreation and Conservation shall have the power and its duty shall be to:

Develop and manage the parks and recreational programs and facilities, and the conservation facilities programs of the county.

Section 519.0. DEPARTMENT OF PERSONNEL. There shall be a Department of Personnel.

Section 519.1. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of Personnel shall have the power and its duty shall be to:

a. Administer the personnel system of the county in accordance with the provisions of Article VIII;

b. Administer all records pertaining to the
personnel system;

c. Prepare a system of impartial standards for hiring and promoting on a competitive basis, according to the requirements established in Article VIII;

d. Prepare eligibility lists for appointment and promotion, such eligibility to continue for one year until exhausted or replaced by subsequent lists;

e. Develop training and career development programs for county employees.

Section 519.2. DUTIES OF THE DIRECTOR. The Director shall prepare, in consultation with the Personnel Board, an article for inclusion in the Administrative Code which shall set forth in detail the career service rules and regulations, and the manner in which they shall be administered. This article shall include:

a. A position classification and pay plan based on similarity of duties performed and responsibilities assumed, so that the same minimum qualifications may reasonably be required and the same schedule of pay be equitably applied to all positions in the same class;

b. Designation of probationary periods for each class of employee;

c. A uniform employee grievance procedure;

d. A uniform furlough procedure, by job classification.

Section 520.0. DEPARTMENT OF PLANNING AND MANAGEMENT. There shall be a Department of Planning and Management.

Section 520.1. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of Planning and Management shall have all the powers granted to county planning commissions and departments by applicable law, by this Charter or by ordinance, and its duty shall be to:

a. Prepare comprehensive plans for the development of and improvements in the county;

b. Review all requests for the creation of positions and make recommendations thereon to the County Executive;

c. Study departmental operations and make recommendations to the County Executive for the improved efficiency and effectiveness of such operations;

d. Prepare the annual operating and capital budgets, the capital improvements plan and the projected operating budget, under the direction of the County Executive.

Section 521.0. DEPARTMENT OF PROPERTY AND SUPPLIES.

There shall be a Department of Property and Supplies.

Section 521.1. POWERS AND DUTIES OF THE DEPARTMENT.

The Department of Property and Supplies shall have the power and its duty shall be to:

a. Operate and maintain county buildings and facilities;

b. Purchase or lease all materials, supplies, furnishings, vehicles, equipment and services for the county;

c. Maintain county furnishings, equipment and vehicles;
d. Provide telephone, mail and messenger service.

Section 522.0. DEPARTMENT OF THE PUBLIC DEFENDER.
There shall be a Department of the Public Defender.

Section 522.1. QUALIFICATIONS AND RESTRICTIONS. The
Public Defender and the Assistant Public Defenders shall
be admitted to practice before the Supreme Court of the
Commonwealth of Pennsylvania. They shall not engage
in the private practice of criminal law during the
period of their service in the Department.

Section 522.2. POWERS AND DUTIES OF THE DEPARTMENT.
The Department shall have the power and its duty shall
be to:

- Furnish legal counsel as provided by law or by
ordinance.

Section 523.0. DEPARTMENT OF PUBLIC SAFETY. There
shall be a Department of Public Safety. The Director
of Public Safety shall be the Director of Civil Defense
and the Fire Marshal.

Section 523.1. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of Public Safety shall have the power
and its duty shall be to:

a. Maintain police and fire protection of county
facilities;

b. Provide police and fire training programs;

c. Offer supportive services to municipal police
agencies, including the coordination of public
safety communications systems;
d. Develop plans for coordinating county resources in the event of a local, state or national disaster or emergency.

Section 523.2. COUNTY POLICE. County police officers shall be ex-officio constables of the Commonwealth of Pennsylvania and shall have all the powers and prerogatives conferred on police officers by laws applicable to cities and counties of the Commonwealth, and as specifically set forth in the Second Class County Code.

Section 523.3. GENERAL POWERS. Except for the powers granted by this Charter to the Offices of the District Attorney and the Sheriff, the Department of Public Safety shall exercise the general police power of the county government.

Section 523.4. MUNICIPAL JURISDICTIONS MAINTAINED. Nothing in this Charter shall be construed to limit, restrict or interfere with the powers or authority of any city, borough, township or other political subdivision in the provision of police or fire service.

Section 524.0. DEPARTMENT OF RECORDS MANAGEMENT. There shall be a Department of Records Management.

Section 524.1. POWERS AND DUTIES OF THE DEPARTMENT. The Department of Records Management shall have those powers granted to recorders of deeds and registrars of deeds by applicable law, by this Charter or by ordinance, and its duty shall be to:

a. Develop and maintain a system for the recording
and registration of land titles and deeds, tax liens
and real estate assessments;
b. Govern the creation, maintenance, retention and
disposition of all county and court records;
c. Adopt rules embodying standards for all county
agencies to govern;
   1. The care, custody and filing of county records;
their retention, transfer, disposition or preservation in
archives; the designation of equipment to house such
records;
   2. The occasions, methods and kinds of equipment
to be used for the reproduction and duplication of county
records;
d. Design and approve all forms used by any county
agency in the exercise of its powers and the performance
of its duties;
e. Audit the record systems of all county agencies for
compliance with the rules and regulations of the Department.

Section 525.0. DEPARTMENT OF SYSTEMS AND COMPUTER SERVICES.
There shall be a Department of Systems and Computer Services.

Section 525.1. POWERS AND DUTIES OF THE DEPARTMENT.
The Department of Systems and Computer Services shall
have all the powers granted to commissions for the selec-
tion of jurors by applicable law, by this Charter or by
ordinance, and its duty shall be to:
a. Design and implement a management information
system;
b. Designate the occasions, methods and kinds of data processing and computer equipment to be used by any county agency;

c. Design, implement and evaluate, with the advice of the Court of Common Pleas, a system for the selection of jurors.

Section 526.0. DEPARTMENT OF WORKS AND CONSTRUCTION. There shall be a Department of Works and Construction.

Section 526.1. POWERS AND DUTIES OF THE DEPARTMENT. The Department of Works and Construction shall have the power and its duty shall be to:

a. Design, construct, repair and renovate all county buildings, facilities, roads and structures;

b. Operate county waste facilities.