ARTICLE VI

BOARDS

Section 601. APPOINTMENTS TO BOARDS. Except as otherwise provided in this Charter or by applicable law, the County Executive shall appoint, with confirmation by the Board of County Representatives, members of all boards. Upon failure of the Board of County Representatives to confirm the nomination by the County Executive within thirty (30) days, the appointment shall become final. Upon failure of the County Executive to nominate for a board vacancy within ninety (90) days of such vacancy, the Board of County Representatives shall make the appointment forthwith.

Section 602. GUIDELINES FOR APPOINTMENTS TO BOARDS. The County Executive shall give public notice of the appointments to be made, such notice to contain an invitation to interested citizens and organizations to submit names in nomination. Except as otherwise provided by applicable law or this Charter, all appointments to boards shall be made and governed as follows:

a. There shall be at least seven (7) members of each board. There shall not be a majority of more than one (1) of either sex on any board. There shall be at least one member of the black race on each board.

b. The appointments shall be for two (2) year terms;
c. When such board affects the county at large, the appointees shall consist of:

1. At least two (2) people who have received or are receiving the service provided by the county agency to which the board is attached;

2. One (1) member of the Board of County Representatives;

3. People who have indicated their interest and willingness to serve and who are representative of the different socio-economic groups within the county and of county districts.

Section 603. GENERAL PROVISIONS. Each board shall determine its rules of procedure, including methods of requiring regular attendance at meetings, and shall prepare for inclusion in the Administrative Code an article which shall set forth those powers the board expects to use and the manner and procedure in which the duties of the board are to be performed. Except as otherwise provided in this Charter, meetings of boards shall be public. Boards shall keep records of their proceedings, which shall also be public.

Section 604. COMPENSATION. Members of boards may be compensated for services and reimbursed for authorized expenses as recommended by the County Executive and approved by the Board of County Representatives.

Section 605. ADVISORY BOARDS CREATED. Advisory boards may be created and dissolved only by action of the County Executive.

Section 606. CHARTER BOARDS. The following boards are created by this Charter: Elections and Registration;
Employee Pension and Retirement; Environmental Review;
Personnel; Property Assessment Appeals; and boards
provided in Article V.

Section 607. BOARD OF ELECTIONS AND REGISTRATION CREATED.
There is established a Board of Elections and Registration,
hereinafter referred to as the Board of Elections.

Section 608. COMPOSITION AND APPOINTMENT. The Board
of Elections shall consist of five (5) members who shall
serve staggered terms of five (5) years. The members
of the Board of Elections shall be appointed by majority
vote of the County Executive and the Board of County
Representatives, meeting together.

Section 609. VACANCY ON THE BOARD OF ELECTIONS.
In the event a vacancy on the Board of Elections cannot
be filled within thirty (30) days by reason of a tie vote
of the appointing authorities, the Controller shall
cast the deciding vote at a meeting held within forty
(40) days of such vacancy.

Section 610. RESTRICTIONS. No more than three (3)
members of the Board of Elections shall belong to
the same political party. During the term of office,
no member shall hold public office, be a candidate for
public office, or be an officer in any political party.

Section 611. APPOINTMENT OF THE EXECUTIVE DIRECTOR.
The Board of Elections, with confirmation by the Board
of County Representatives, shall appoint an Executive
Director for a term of five (5) years. The Executive
Director may be removed only upon the request of the
Board of Elections, with confirmation by majority
vote of the County Executive and of the Board of
County Representatives, meeting together.

Section 612. DUTIES OF THE EXECUTIVE DIRECTOR. The
Executive Director shall perform the functions of the
chief clerk as provided in the "Pennsylvania Election
Code", and in the "Permanent Registration Act for Cities
of the Second Class, Cities of the Second Class A,
Cities of the Third Class, Boroughs and Townships",
and shall be considered a Director as defined in this
Charter.

Section 613. POWERS, DUTIES, OPERATIONS, RIGHTS
AND RESPONSIBILITIES. Except as otherwise provided
in this Charter, the Board of Elections shall: exercise
all powers granted by; perform all duties imposed by;
have all rights and responsibilities of county boards
of elections and registration commissions set forth in;
and operate in accordance with the provisions of the
aforesaid "Pennsylvania Election Code" and "Permanent
Registration Act", cited above.

Section 614. CAMPAIGN REPORTING. The Board of Elections
shall prepare for submission to the Board of County
Representatives an ordinance for county officials, deal-
ing with the election campaign practices and reporting,
which shall include but shall not be limited to:

a. Limits on campaign spending:
b. Limits on cash contributions;

c. A system of reporting designed to identify the
   donors of services and purchasers of tickets.

Section 615. EMPLOYEE PENSION AND RETIREMENT BOARD CREATED.
There is established an Employee Pension and Retirement
Board.

Section 616. COMPOSITION. The Employee Pension and
   Retirement Board shall consist of nine (9) members:
   the County Executive; three (3) members of the Board
   of County Representatives; the Director of the Depart-
   ment of Finance; and four (4) employees in the career
   service who shall be elected by all county employees.
   The membership of this board shall not be subject to
   Section 602 of this Charter. The Board of County
   Representatives shall determine the terms and the
   method of election of the career service members of
   the Employee Pension and Retirement Board.

Section 617. EMPLOYEE BENEFITS TO CONTINUE. Nothing
   in this Charter shall diminish the rights or privileges
   of any former county employee entitled to benefits,
   or the rights or privileges of any present county
   employee in the pension and retirement system.

Section 618. POWERS AND DUTIES. The Employee Pension
   and Retirement Board shall:
   a. Administer the county retirement and pension
      system as provided by applicable law, by this Charter
      or by ordinance;
b. Serve as trustees of the Employee Pension and Retirement Fund, with exclusive control and management of said Fund, and with full power to invest the monies or any parts thereof subject to the terms, conditions, limitations and restrictions provided by law for investments of trust funds by fiduciaries in Pennsylvania.

Section 619. ENVIRONMENTAL REVIEW BOARD CREATED. There is established an Environmental Review Board.

Section 620. COMPOSITION. The Board of County Representatives shall, by ordinance, determine the number, qualifications and terms of members of the Environmental Review Board.

Section 621. POWERS AND DUTIES. The Environmental Review Board shall:

a. Advise all county agencies on the development of programs for the protection and improvement of the quality of the environment and the conservation of natural resources;

b. For all activities in the nature of filling, excavation, construction or similar activities paid for in whole or in part by county funds:

1. Approve an environmental impact statement;

2. Monitor compliance with the approved environmental impact statement;

3. Initiate such actions at law or in equity as shall be necessary to enforce compliance with the approved environmental impact statement;

c. Perform such other duties as the Board of County
Representatives may ordain.

Section 622. ORDINANCE REQUIREMENTS. The Board of County Representatives shall, by ordinance, adopt standards relating to environmental impact, provide penalties for the violation thereof and authorize recourse to the courts for the enforcement of these standards.

Section 623. ASSISTANCE TO OTHER MUNICIPALITIES. The Environmental Review Board, shall, if requested by a municipality within the County of Allegheny, review environmental impact statements concerning activities occurring in that municipality.

Section 624. BOARD OF PROPERTY ASSESSMENT APPEALS CREATED. There is established a Board of Property Assessment Appeals.

Section 625. COMPOSITION. The Board of County Representatives shall, by ordinance, determine the number, qualifications, terms and per diem compensation of the members of the Board of Property Assessment Appeals.

Section 626. POWERS AND DUTIES. The Board of Property Assessment Appeals shall:

a. Hear and determine appeals from county assessments;

b. Following a hearing, issue an order affirming, vacating or modifying the assessment appealed, and stating the reasons therefor.
ARTICLE VII

FISCAL PROCEDURES.

Section 701. FISCAL YEAR. The fiscal year shall be the calendar year. The fiscal year may be changed by ordinance.

Section 702. COMPREHENSIVE SCOPE OF THE BUDGETS. The county budgets shall consist of the annual operating budget, the capital budget, the capital improvements plan, a projected operating budget and the budget message. These budgets shall represent a complete financial plan for the next fiscal year and financial estimates projected over the next five (5) fiscal years.

Section 703. PROJECTED FIVE-YEAR FINANCIAL PLANS. Not later than one hundred and eighty (180) days before the end of the fiscal year, the County Executive shall submit to the Board of County Representatives a financial plan for the next succeeding five (5) years which shall include, for each fiscal year:

a. A capital improvements plan which shall list those capital improvements pending and those proposed to be undertaken together with the estimated cost of each improvement, the proposed method of financing and the estimated annual cost of operation;

b. A projected operating budget which shall contain a summary of estimated revenues and projected expenditures classified by program.
The Board of County Representatives shall hold at least two (2) public hearings on the capital improvements plan together with the projected operating budget. Not later than ninety (90) days before the end of the fiscal year, the Board of County Representatives shall, by resolution, signify approval or disapproval of the proposed capital improvements plan.

Section 704. SUBMISSION OF THE CAPITAL BUDGET AND ANNUAL OPERATING BUDGET. At least seventy-five (75) days prior to the end of the fiscal year, the County Executive shall submit to the Board of County Representatives a budget message, a balanced, annual operating budget, a capital budget and the proposed tax ordinance. The budget message shall explain the budget in fiscal terms and in terms of the objectives to be accomplished and shall relate the requested appropriations to the comprehensive plans of the county. The capital budget shall recommend those parts of the capital improvements plan which shall be undertaken during the next fiscal year. The annual operating budget shall contain an analysis of existing programs, shall identify the program objectives and those new programs needed to achieve these objectives; proposed program expenditures; revenues needed to finance these programs; and alternative programs for reaching the objectives.

In addition, the annual operating budget shall include the following information:
a. A statement of the estimated cash surplus available
at the end of the fiscal year;

b. A statement of the estimated revenue to be received
during the next fiscal year, including revenues from fees,
grants, taxes and investments;

c. A statement of debt service requirements for the
next fiscal year;

d. A statement of the bonded and other indebtedness
of the county;

e. For each program, a comparative statement of the
receipts, amounts budgeted and actual expenditures for
the last completed fiscal year, and estimates for the
currently ending fiscal year and for the next fiscal
year.

Section 705. PUBLIC HEARINGS. The Board of County Represent-
atives shall hold at least four (4) public hearings on
the proposed annual operating and capital budget ordinances.
Sufficient copies of these budgets shall be made available
to the public prior to the public hearings and after adoption.

Section 706. ADOPTION OF THE BUDGET AND TAX ORDINANCES.
The Board of County Representatives may amend the budget and
tax ordinances proposed by the County Executive. At least
thirty (30) days prior to the end of the fiscal year,
the Board of County Representatives shall adopt the budget
and tax ordinances. Should the Board of County Represent-
atives fail to act prior to the end of the fiscal year,
and until the Board of County Representatives takes action,
the budgets and taxes for the next fiscal year as proposed
by the County Executive shall be deemed adopted and shall
constitute tax levies and appropriations as fully and
to the same extent as if favorable action thereon had
been taken by the Board of County Representatives.

Section 707. APPROPRIATION AMENDMENTS. If recommended by
the County Executive, the Board of County Representatives
may by ordinance, approve:

   a. Expenditure of contingency funds, if the County
Executive certifies that sufficient funds are available;
   b. Transfer of all or part of any unencumbered program
appropriation to another program;
   c. Reduction of one or more appropriations, if at
any time during the fiscal year it appears that revenues
will be insufficient.

Section 708. POST-AUDIT. The Board of County Repre-
sentatives, after competitive negotiation, shall appoint
an independent certified public accountant or firm of
such accountants to make an annual post-audit of all county
agencies receiving, disbursing or authorizing the dis-
bursement of county funds. The post-audit shall be
conducted in accordance with generally accepted auditing
principles.

   Upon recommendation by the Controller that a post-
audit by the Commonwealth of Pennsylvania, by the United
States of America, by the Controller of Allegheny County
or by another auditing agency is adequate, the Board
of County Representatives may, by ordinance, exempt from
audit by the aforesaid accountants or firm of accountants,
a county agency which has been so audited.

Upon completion of the post-audit, the auditor and
the Controller shall submit a report to the Board of
County Representatives. The Board of County Representatives
shall submit this report to such other offices as may be
required and shall give public notice of the filing of the
report and the place where copies of the report are available.

Section 709. SURCHARGE REQUIREMENTS.

a. The amount of any shortage, or the amount of any
expenditure of a kind or made in a manner prohibited or
unauthorized by law which causes financial loss to the
county shall be a surcharge against any person against
whom such shortage shall appear, who, by malfeasance,
misfeasance or nonfeasance has permitted or approved
such expenditure.

b. Any shortage, in any report filed by the Controller
or by the appointed auditor with the Board of County
Representatives against any person, shall constitute
a surcharge and unless appeal is taken, the Board of
County Representatives shall cause same to be entered
in the Office of the Court Registrar as a judgment
against the one surcharged in favor of the county;

c. In those instances where the Board of County
Representatives finds that the shortage or expenditure
as aforesaid was not caused by malfeasance, misfeasance
or nonfeasance of the person responsible therefor, but
occurred despite the good faith of such person, the
shortage shall not be entered as a surcharge, but the
Board of County Representatives shall issue a special
report on the matter and shall hold a public hearing
concerning the report within sixty (60) days after
the issuance thereof;

d. Judgments entered by the Board of County Repre-
sentatives, or by the court after hearing on appeal,
may be enforced by appropriate proceedings;

e. It shall be lawful for the county, or any resident
thereof on its behalf, or any person whose account is
settled or audited, to appeal to the Court of Common
Pleas of the county from the settlement or audit as
shown on the report of the auditor or the Controller
to the Board of County Representatives, not later than
ninety (90) days after public notice of the filing of
the report.

Section 710. PUBLIC AVAILABILITY OF AUDITS. The Board
of County Representatives shall publish the reports of
all audits forthwith upon receipt.

Section 711. GENERAL PROVISIONS.

a. No revenues from the sale of bonds shall be appro-
priated to finance annual operating programs;

b. Action to guarantee authority debt must receive
five (5) votes of the Board of County Representatives;

c. The assessment of all real property in Allegheny
County shall be uniform and shall not be more than fifty percent (50%) of actual value. The Administrative Code shall set forth the assessment procedures and shall specify that real property be listed by street address as well as by name of owner. The Administrative Code shall place the burden of proof about the uniformity of assessments on the county.

CONTRACTS

Section 712. CONTRACT EXECUTION. Except where this Charter permits award of a contract by the Board of County Representatives, all contracts shall be awarded and executed on behalf of the county by the County Executive or by a designated agent. The Administrative Code shall specify those contracts which must be executed only by the County Executive and the procedures governing other contracts.

Section 713. COMPETITIVE BIDS. Except as otherwise provided in this Charter, all contracts in excess of two thousand five hundred dollars ($2,500), shall be awarded to the best responsible bidder after competitive bidding. In awarding bids, the County Executive may take into consideration such factors as the availability, costs and quality of service, and "best responsible bidder" may be defined by ordinance in terms of lowest overall cost to the county. The Board of County Representatives shall, in the Administrative Code, establish a system of competitive bidding, including such definitions, publication require-
ments, deposit and bond requirements, conditions, terms, rules, regulations, waivers and exceptions as it shall from time to time deem advisable, and may change the limit for competitive bids by an ordinance adopted by five (5) votes. Contracts for longer than twenty-four (24) months shall be approved by the Board of County Representatives.

Section 714. EXCEPTIONS TO COMPETITIVE BIDDINGS. Competitive bidding shall not be required for:

a. Labor, material, supplies or services rendered or furnished by any county agency to another county agency;

b. Contracts with other governmental entities;

c. Contracts for emergency repairs or services, involving danger to the health and safety of employees or the public;

d. Contracts for professional or unique services, and purchases available from only one (1) vendor.

Section 715. CONTRACTS FOR PROFESSIONAL OR UNIQUE SERVICES, AND PURCHASES AVAILABLE FROM ONLY ONE VENDOR. The Board of County Representatives shall, in the Administrative Code, prescribe a system for competitive negotiation for contracts for professional or unique services and purchases available from only one (1) vendor. This system shall include:

a. Public notice of the service or item sought, such notice to contain an accurate and specific description thereof together with any technical requirements necessary;

b. A statement of the amount over which such contracts shall not be awarded except after a public hearing held by the County Executive.
ARTICLE VIII

PERSONNEL

Section 801. PERSONNEL SYSTEM, PURPOSE. There is established a unified personnel system for the County of Allegheny. The purpose of the personnel provisions of this Charter is to establish for the county a career service designed to attract, select and retain, on the basis of a fair, open and competitive selection process, the best qualified individuals for county service. All appointments, promotions, transfers, lay-offs and disciplinary actions concerning county employees in the career service shall be in accordance with career service regulations.

Section 802. ANTI-DISCRIMINATION. No person shall be appointed to, promoted to or demoted from any position in the county, or in any way discriminated against with respect to employment because of sex, race, color, age, religion, national origin, parental status, political opinions or labor union activity.

The provisions of this section shall be interpreted and applied in accordance with the Guidelines as established, revised and amended, of the Equal Employment Opportunity Commission of the United States of America, promulgated in the administration and enforcement of the Civil Rights Act of 1964.
Section 803. RESIDENCY. All county officers and employees shall be county residents or become county residents within six (6) months of their appointment or employment.

Section 804. CAREER AND EXEMPT SERVICE. County employees shall be either in the career or exempt service. The exempt service shall consist of:

a. Elected officials and their deputies, appointed in accordance with Section 1010;

b. Directors of departments and bureau chiefs, but the number of such exempt positions in each department or office shall be determined by ordinance, and shall not exceed five (5);

c. One clerical assistant for each official, deputy, director, bureau chief and judge;

d. The professional staffs of the Board of County Representatives, the County Executive and the Court of Common Pleas;

e. Provisional, probationary and temporary employees;

f. Permanent, part-time professional employees.

All other county employees shall be in the career service.

The categories of those in the exempt service, as above set forth, may be changed by ordinance adopted by the vote of five (5) members of the Board of County Representatives.

Section 805. TENURE OF CAREER EMPLOYEES. No employee in the career service shall be dismissed, suspended or reduced in rank or pay except for just cause. Nothing herein shall be construed to prevent furloughs or reduction in the number of career employees by reason of lack of funds.
or work, abolition of a position, significant change in
duties or organization or other valid reason.

Section 806. IMPARTIAL STANDARDS AND ELIGIBILITY LISTS.
The impartial standards used to evaluate the qualifications
of candidates for the career service shall include but shall
not necessarily be limited to: job-related written, per-
formance or oral tests; training and experience; and a
physical examination related to the position to be filled.
The Administrative Code shall indicate the nature of the
test required for each position classification.

Public notice of examinations for positions, de-
scribing generally the position and necessary qualifica-
tions, shall be given at least fourteen (14) days prior
to the examination. The eligibility list and the pro-
cedures for determining eligibility shall be publicly
posted.

Provisional appointments shall be made only in the
absence of an appropriate eligibility list and shall
continue only until an eligibility list is established.
Such lists shall be established within four (4) months
of the provisional appointment, except during the first
year after the effective date of this Charter, in order
to avoid disruption of the orderly conduct of the
business of the county.

No person may serve as a provisional or temporary
employee for longer than six (6) months in any twelve (12)
month period, except during the first year after the
effective date of this Charter.
Section 807. PERSONNEL BOARD: COMPOSITION. The Personnel Board shall be composed of five (5) members who shall serve staggered five (5) year terms. They shall be individuals qualified by training, knowledge or expertise in personnel management or labor relations, and known to be in sympathy with merit and career development principles. No county employee shall serve on the Personnel Board.

Section 808. COMPENSATION. The Personnel Board shall be compensated and reimbursed for authorized expenses as recommended by the County Executive and approved by the Board of County Representatives.

Section 809. POWERS AND DUTIES OF THE PERSONNEL BOARD. Hearings and appeals from decisions of the Personnel Board shall be governed by procedures in the Local Agency Law and shall include the right to legal counsel.

The Personnel Board shall:

a. Hear appeals from any employee claiming discrimination, as defined in Section 802;

b. Hear appeals from career service employees concerning promotion decisions and disciplinary action resulting in suspension, dismissal or reduction in rank or pay;

c. Hear appeals formerly heard by the police and fire civil service commission;

d. Have the power of subpoena as provided in Article X;

e. Have the power to dismiss or uphold an appeal,
modify a penalty, reinstate an employee or award back pay. The maximum period of a suspension shall be one year:

1. Grant closed hearings when requested by the appellant.

Section 810. UNION ACTIVITY. Nothing in this Article shall be construed to diminish the rights granted under the laws of the Commonwealth of Pennsylvania or the United States of America to any employee or employee organization.

Section 811. CAREER SERVICE STATUS OF PRESENT EMPLOYEES. All employees subject to inclusion in the career service, who are in service to the County of Allegheny on the date of adoption of this Charter, shall be included automatically in the career service and shall not be subject to competitive examination as a condition of continuation in the same or similar position; but in all other respects, shall be subject to the personnel system herein described.

Section 812. EMPLOYEE RIGHTS AND BENEFITS TO CONTINUE. Nothing in this Charter shall diminish the rights or privileges of any former county employee entitled to benefits or the rights or privileges of any present county employee in the pension and retirement system.

Nothing in this Charter shall be inconsistent with any law affecting the rights, benefits or working conditions of any county employee.

Section 813. POLITICAL ACTIVITY. All county employees may participate or refrain from participating in political
activity except that:

a. County employees shall not engage in political activity during their hours of employment;
b. No county employee shall hold the office of county chairperson of any political party;
c. No county official, officer or employee shall directly or indirectly solicit funds for any political party or candidate from any other county official, officer or employee.

Section 814. COUNTY EMPLOYEES SUBJECT TO OTHER PERSONNEL REGULATIONS. County employees subject to the personnel regulations of the Commonwealth of Pennsylvania or the United States of America shall be hired, promoted, dismissed and governed in accordance with such regulations.

Section 815. COUNTY EMPLOYEES SUBJECT TO CIVIL SERVICE. County employees under the jurisdiction of the Allegheny County Civil Service Commission on the effective date of this Charter shall be promoted, reduced in rank, suspended and furloughed in accordance with the provisions of the Second Class County Code, as adapted by the Personnel Board and the Director of Personnel.
ARTICLE IX

INTERGOVERNMENTAL RELATIONS

Section 901. MUNICIPAL POWERS RESERVED. No existing function, duty or power of any political subdivision within the County of Allegheny is transferred, altered or impaired by this Charter or by the Administrative Code adopted pursuant thereto.

Section 902. INTERGOVERNMENTAL AND INTER-AGENCY COOPERATION. The County of Allegheny may cooperate with any: political subdivision of the Commonwealth of Pennsylvania or other state; regional planning commission; council of governments; and association or corporation, public and private.

Section 903. INTERGOVERNMENTAL AND INTER-AGENCY CONTRACTS. The County of Allegheny shall have the power to contract with any public or private association and corporation, authority or political subdivision for the establishment, maintenance and operation of any facility and the rendering of any service that each of the contracting parties has the legal authority to perform itself.
ARTICLE X

GENERAL PROVISIONS

Section 1001. ELECTION OF COUNTY OFFICIALS. The Controller, County Executive, Court Registrar, District Attorney and Sheriff shall be elected at large. One member of the Board of County Representatives shall be elected from each of seven districts, each district composed of compact and contiguous territory as nearly equal in population as practicable.

Section 1002. QUALIFICATIONS OF ELECTED OFFICIALS. All elected county officials shall be qualified electors of the county, and shall have lived in the county for at least two years prior to the date of election. Members of the Board of County Representatives shall have lived in the district from which they seek election for at least two years prior to the date of election. All elected officials shall continue to live in the county, and members of the Board of County Representatives in their districts, during the term of office.

No incumbent Representative shall be made ineligible to hold office by reason of redistricting during a term of office, but shall continue to represent the district from which originally elected for the remainder of the term for which elected.

Any person otherwise eligible to hold the office of
Representative shall not be made ineligible by reason of a redistricting, but for the election following redistricting, such person may run in either but not both districts.

Section 1003. ELECTED OFFICIALS. TERMS: The term of office for all elected officials shall be four (4) years, commencing on the first Monday in January next succeeding election to office, and expiring upon the assumption of the office by a successor.

Section 1004. INCOMPATIBLE OFFICES. Except as otherwise provided in this Charter, no elected county official shall at the same time hold any other elective public office except government study commissioner, be a member of any public school board, county or state chairperson of a political party or hold any appointive governmental office from which a salary, fee or honorarium is accepted.

Section 1005. OFFICIALS' POWERS PRESERVED. Nothing in this Charter shall be construed to permit the elimination or reduction of powers granted to any elected official by this Charter.

Section 1006. RESTRICTIONS. County elected officials shall devote full attention to the duties of their offices and shall not engage in any occupation, profession or activity which would materially interfere with these duties.

Section 1007. VACANCIES, FORFEITURE OF OFFICE.
A vacancy shall exist in an elective office upon death, resignation, non-residency, removal from office in any manner authorized by law or this Charter, or forfeiture of office, or for failure to assume such office within forty-five (45) days after the commencement of the term for which elected. An elected official shall forfeit office if he or she:

a. Lacks at any time any eligibility factor for office as prescribed in Section 1002;

b. Violates any of the prohibitions in Article X.

**Section 1008.** VACANCY IN AT LARGE OFFICES. A vacancy in an at large office shall be filled by the appointed deputy, who shall serve until assumption of the office by a successor elected at the next municipal or general election at which such officials may be elected. The successor shall serve for the unexpired term.

**Section 1009.** VACANCY ON THE BOARD OF COUNTY REPRESENTATIVES.

a. A vacancy in the office of member of the Board of County Representatives shall be filled by the appointment of a qualified person, made by the remaining members of the Board.

b. The appointee shall serve until a successor is elected at the next municipal or general election at which such officials may be elected. The successor shall serve for the unexpired term.

c. In addition to other qualifications as set forth
in Section 1002, the appointee shall be and shall have
been for a period of not less than two (2) years, a
member of the same political party as the Representa-
tive whose office is vacant.

d. In all cases where, by reason of a tie vote,
the Board of County Representatives shall be unable to
fill a vacancy in its membership, the County Executive,
if in attendance at the meeting, shall have the duty to
cast the tie-breaking vote.

If such tie vote occurs at any meeting when
the County Executive is not in attendance, the matter
shall be tabled to a special meeting to be held within
not less than five (5) days or more than ten (10) days,
with notice to the County Executive, at which meeting
it shall be the duty of the County Executive to cast the
tie-breaking vote.

e. If for any reason whatsoever, a vacancy in the
membership of the Board of County Representatives is
not filled within forty (40) days after the occurrence
thereof, then the Court of Common Pleas shall, upon
petition of the Board of County Representatives, or the
County Executive or five (5) qualified electors of the
district affected thereby, fill such vacancy by appoint-
ment of a qualified person to serve until assumption of
office by a successor elected at the next municipal or
general election at which such officials may be elected.
The successor shall serve for the unexpired term.
Section 1010. APPOINTMENT OF DEPUTIES. Officials elected at large shall, within ten (10) days of taking office, appoint a deputy who shall fill any vacancy in the office. The official shall file the name of the deputy in the office of the Board of County Representatives. The deputy, in filling the vacancy, shall exercise all powers and perform all duties of the official whose office the deputy fills. If for any reason there is no deputy at the time a vacancy occurs, a deputy shall be appointed by the Board of County Representatives.

Section 1011. REMOVAL. Elected officials may be removed from office for failure to perform the duties of the office, whether from physical or mental disability or otherwise, or for causes listed in the Pennsylvania Constitution, Article VI, Section 7. All proceedings concerned with removal shall be commenced in the Court of Common Pleas and all record court costs shall be borne by Allegheny County.

Section 1012. COMPENSATION OF ELECTED OFFICIALS. The County Executive shall receive compensation of forty thousand dollars ($40,000) per annum. The Controller and the District Attorney shall receive compensation of twenty-nine thousand dollars ($29,000) per annum. All other elected officials shall receive compensation of twenty-four thousand dollars ($24,000) per annum. Compensation of elected officials may be increased or decreased by ordinance, provided that such ordinance
shall not be adopted less than twelve months prior to
the date of election of that official.

Section 1013. NO ADDITIONAL COMPENSATION. Except for
authorized expenses, no elected official shall receive
any additional compensation from the County of Allegheny
for any service whatsoever. Limitations on additional
compensation paid to county employees by any county
agency shall be set forth in the Administrative
Code.

Section 1014. BONDS. The Board of County Representatives
shall set forth in the Administrative Code which
officials, officers and employees of the county and
its agencies shall be bonded and the conditions and
amount of the bond. Such bonds shall be paid for by
the county.

Section 1015. CODIFICATION OF ORDINANCES AND DISTRIBUTION OF PUBLIC RECORDS. All county ordinances and any
existing resolutions having legislative effect shall be
codified. Copies of this Code as well as copies of any
other public record shall be made available to the
public upon request, free or at a reasonable charge.

Section 1016. INQUIRIES AND INVESTIGATIONS.

a. The Board of County Representatives, the
Controller and the Personnel Board shall each have
the power to conduct inquiries and investigations in aid
of the exercise of their powers and performance of
their duties;
b. The persons aforesaid shall have the power to compel the attendance of witnesses and the production of documents and other evidence at investigative hearings, and for that purpose may issue subpoenas, signed by these officials or board members and served as provided by law.

c. The official, board member or deputy presiding at any hearing shall have the power to administer oaths to witnesses.

d. If any person shall refuse or neglect to obey any subpoena, that person shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine as may be ordained, and in default of the payment of such fine and costs, shall be imprisoned not to exceed thirty (30) days.

e. If any person shall refuse or neglect to obey any subpoena, the official or board issuing same may, by petition, apply to the Court of Common Pleas of the county for its subpoena to compel the attendance of such person before the official, the board or the court. Upon failure to attend, such person shall be held in contempt of court and be punished therefor.

Section 1017. CONFLICT OF INTEREST.

a. No official, officer or employee shall in any manner whatsoever receive benefit from the profits or emoluments of any contract, job, work or service for the county, or accept any service or thing of value,
directly or indirectly, upon more favorable terms than
those granted to the public generally, from any person,
firm or corporation having dealings with the county.
No official, officer or employee shall solicit or
receive any compensation, gratuity or other thing for
any act or commission done in the course of public work.
This sub-section shall not be construed to prohibit
county officials, officers or employees from accepting
group discounts, group insurance or other economic
advantages offered inclusively to all county officials,
officers and employees.

b. The provisions of this section shall be broadly
construed and strictly enforced for the purpose of
preventing officials, officers or employees from
securing any pecuniary advantages, however indirect,
from their public associations, other than their
compensation provided by law.

c. In order to guard against injustice, an official,
officer or employee may own stock or maintain a business
connection with any person, firm or corporation dealing
with the county, if, on full public disclosure of all
pertinent facts, the Board of County Representatives
shall determine that such stock ownership or connection
is maintained in a capacity with no possible influence on
such dealings and cannot result in direct benefit, financial
or otherwise, from such dealings to the official, officer
or employee.
d. Every official and officer, if aware of being
within the exception set forth in sub-section c above,
shall so inform the Board of County Representatives,
and if the official be a Representative the Representa-
tive shall abstain from voting on the matter. It shall
be the duty of the Board of County Representatives to
determine in each instance whether a conflict, in fact,
exists, and if a conflict is found, not to deal with
the person, firm or corporation involved.
d. County employees shall not be required to make
general disclosure of stock ownership and business
connections except as provided by rules and regulations
set forth in the Administrative Code.
f. Any official, officer or employee who will-
fully violates any of the provisions of this section
shall forfeit office or employment.
Section 1018. DEFINITIONS USED IN THIS CHARTER.

a. "Administrative Code" is a compilation of all ordi-
nances relating to administrative structure and government
procedure which shall, among other things, include: enumeration
of departments, boards and other administrative units;
the division of powers among them; internal procedures
guiding their operation; the duties of administrative
heads and their relationship to the County Executive.
b. "Agency" or "county agency" when used to desig-
nate an element or unit of county government, shall
be construed as including all offices, departments,
administrative units, courts, institutions, authorities, boards and commissions of the county government.

c. "Annual operating budget" means the plan of county to receive and expend funds for charges incurred for operation, maintenance, interest and other charges for the next fiscal year.

d. "Applicable law" means all acts of the General Assembly applicable to the subject matter of the section of the Charter in which it appears, and particularly those acts of the General Assembly applicable to counties and cities.

e. "Capital budget" means the plan of the county to receive and expend funds for capital projects during the first fiscal year of the capital improvements program.

f. "Capital improvements plan" means the plan of the county to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding four (4) fiscal years.

g. "Capital project" means:

1. Any item of construction, acquisition, extraordinary maintenance or repair;

2. Any preliminary studies, surveys, planning, testing or design work directly related thereto;

3. Any lands or rights in land to be acquired;

4. Any furnishings, machinery, apparatus or equipment normally classified as capital items, but
such items must have a useful life of five (5) years or
more if not financed as part of a construction project.

h. "County funds" means any monies received by the
county, or appropriated or approved by the county, or to
which the county may at any time have legal or equitable
title.

i. "Officer" means all directors of departments
and any county employee whose appointment must be
approved by the Board of County Representatives.

j. "Official" means a person elected to county
office.

k. "Performance audit" means the determination as
to whether county resources have been efficiently
and effectively used in achieving stated program goals.

l. "Public hearing", where one is required by this
Charter, means a meeting held by the Board of County
Representatives or the County Executive at which the
public shall be permitted to speak to the subjects
specified in the Charter.

m. "Public notice" shall consist of publication in
at least one daily newspaper of general circulation in
Allegheny County as defined by the Newspaper Adver-
tising Act.

n. "Records" shall include all books, papers, maps,
photographs, reproductions or other documentary materials
regardless of physical form or characteristics, owned,
made or received by any official, officer or agency of
the county.

o. "Second Class County Code" means those Acts of the
General Assembly of the Commonwealth of Pennsylvania
applicable to counties of the second class on the date
of adoption of this Charter.

Section 1019. INITIATIVE AND REFERENDUM. "Initiative"
means the filing with the election officers of a petition
containing a proposal for referendum signed by county
electors, which proposal shall be placed on the ballot
in a manner fairly representing the content of the
proposal.

"Initiative" shall also mean the filing with the
election officers of a proposal as ordained by vote of
not less than five (5) members of the Board of County
Representatives.

"Referendum" means the approval of a question
placed on the ballot by initiative by a majority vote
of electors voting thereon.

Initiative by electors shall become available upon
adoption of an ordinance providing therefor by vote of
not less than five (5) members of the Board of County
Representatives which ordinance shall set forth, among
other things:

a. The elections at which referendums shall be held;
b. The scope of the proposals subject to referendum;
c. The number or percentage of electors required
to sign initiative petitions;
d. The form and content of the petitions;

e. The duties of election officers as related to the petitions;

f. The time lapse required between submission of similar questions.

Section 1020. SEVERABILITY. The provisions, terms sections and applications of this Charter shall be severable and if any term or provision of, or any application of this Charter to any situation shall be held to be unconstitutional or contrary to the Home Rule Charter and Optional Plans Law, the Act of April 13, 1972, No. 62, and, as a result invalid, such invalidity shall not affect the validity of any other term or provision or application of this Charter. It is hereby declared as the intent of this Charter that this Charter would have been adopted had such application been expressly excluded or had such term or provision not been included herein.

Section 1021. AMENDMENT. This Charter may be amended in accordance with the provisions of the Home Rule Charter and Optional Plans Law, the Act of April 13, 1972, No. 62, as now or hereafter amended, re-enacted or supplied.
ARTICLE XI

TRANSITION AND SCHEDULE

Section 1101. EFFECTIVE DATE. The Charter shall, upon approval by referendum in the manner provided by law, become effective as of the first Monday in January, 1976.

Section 1102. ELECTED OFFICES ABOLISHED. The following elected offices are hereby abolished: Clerk of Courts; Coroner; County Commissioners; Members of the Commission for the Selection of Jurors; Prothonotary; Recorder of Deeds; Register of Wills, Clerk of Orphans Court; and Treasurer.

Section 1103. BOARD OF INSPECTORS OF ALLEGHENY COUNTY PRISON ABOLISHED. The Board of Inspectors of the Allegheny County Prison is abolished and its functions shall be performed by the Department of Corrections.

Section 1104. INSTITUTION DISTRICT DISSOLVED. The Allegheny County Institution District shall be dissolved upon the effective date of this Charter and its property, obligations, powers and duties transferred to the county.

Section 1105. COMMISSION FOR THE SELECTION OF JURORS ABOLISHED. The Commission for the Selection of Jurors is abolished and its functions shall be performed by the Department of Systems and Computer Services.

Section 1106. CONTINUITY.
a. All county ordinances, resolutions, rules and regulations in force at the time this Charter is adopted and not inconsistent with the provisions of this Charter shall continue in force until amended or repealed.

b. All judicial proceedings of any kind or character and all condemnation proceedings for the taking or damaging of private property for public use and all proceedings to incur debt and issue bonds, begun or pending at the time this Charter takes effect, and all contracts for the doing of any kind of public work, not completed and performed at the time this Charter takes effect, shall in no way be affected by the adoption of this Charter, but the same may be completed in every respect as nearly as may be in accordance with the provisions of this Charter.

c. If a department, office, agency, board or commission is abolished by this Charter, its powers and duties shall be transferred to the department, office, agency, board or commission designated in this Charter, or if the Charter makes no provision, as designated by ordinance.

d. All county agencies shall continue until re-organized, abolished or modified.

e. The Police and Fire Civil Service Commission shall continue in office after the effective date of this Charter for the purpose of disposing of appeals pending on the effective date of this Charter.
No new appeals shall be filed with this Commission after the first organizational meeting of the Personnel Board.

Upon rendering its decision in its final case, the Civil Service Commission shall be dissolved.

f. The Board of Property Assessment Appeals and Review shall continue in office after the effective date of this Charter for the purpose of disposing of appeals pending on the effective date of this Charter.

No new appeals shall be filed with this Commission after the first organizational meeting of the Board of Property Assessments Appeals.

Upon rendering its decision in its final case, the Board of Property Assessment Appeals and Review shall be dissolved.

Section 1107. AUTHORITY OF INCUMBENT ELECTED OFFICIALS.

a. The Sheriff and Coroner in office on the effective date of this Charter shall remain in office, at the same rate of compensation, until the expiration of the full terms for which they were elected. They shall exercise the powers and perform the duties of Sheriff and Medical Examiner as set forth in this Charter.

b. The elected Jury Commissioners in office on the effective date of this Charter shall remain in office, at the same rate of compensation, until the expiration of the full terms for which they were elected. They
shall exercise the powers and perform the duties of the
office in cooperation with the Department of Systems
and Computer Services and the Court of Common Pleas.

Section 1108. SCHEDULE OF ELECTIONS FOR COUNTY OFFICIALS.
Members of the Board of County Representatives, the
Controller, the County Executive, the Court Registrar
and the District Attorney shall be elected at the
municipal election held in November, 1975. The next
election of the Sheriff shall take place in November,
1977.

All officials shall be elected for terms of four (4)
years, except that the first term of office of three (3)
of the members of the Board of County Representatives
shall be for two (2) years.

At the first public meeting of the Board of County
Representatives held under this Charter, the Representa-
tives shall cast lots to determine which three (3)
members shall serve a two (2) year term.

Section 1109. SCHEDULE OF LEGISLATION. Each elected
official and each director or board required to
prepare an article for inclusion in the Adminis-
trative Code, shall do so within one hundred and fifty
(150) days of assuming office and the same shall be
submitted to the Board of County Representatives within
six (6) months of the effective date of this Charter.

If the Board of County Representatives has not adopted
the proposed article within sixty (60) days after its
submission, the article as originally submitted shall
go into effect. The complete Administrative Code shall
be adopted no later than the first Monday in January,
1977.

Section 1110. COUNTY EXECUTIVE TO ASSIGN PRESENT
FUNCTIONS AND PROGRAMS TO DEPARTMENTS. It is the intent
of this Charter to incorporate all programs and functions
of all county departments or other administrative units
existing on the effective date of this Charter into
the departments designated in Article V hereof.

Where this Charter does not specifically designate
the department to which existing programs and functions
are assigned, the County Executive shall provide for
such assignment in the Administrative Code.

Section 1111. LIMITATION ON DEPARTMENT CHANGE. The
County Executive shall prepare a schedule which sets
forth the date of organization of each department
according to the provisions of this Charter and shall
give notice to the Board of County Representatives
as each department is finally organized. Once or-
organized, no substantial modification in the structure
of the department shall be made for a period of one
(1) year.

Section 1112. APPOINTMENTS TO BOARDS. All appoint-
ments to the following boards shall be made within
thirty (30) days of the effective date of this Charter:
Elections and Registration, Personnel, Property Assess-
ment Appeals and Employee Pension and Retirement.

Section 1113. BOARDS - DETERMINATION OF TERM. Where
required by this Charter, staggered terms of office on
boards shall be filled as determined by the drawing
of lots by the first appointees.

Section 1114. TEMPORARY ORDINANCES. The Board of
County Representatives may adopt temporary ordinances
necessary to effect the transition of government
under this Charter and to maintain effective county
government during that transition. A temporary or-
dinance may be introduced and passed at any regular
meeting of the Board of County Representatives during
the first three (3) months following the effective
date of this Charter. The ordinance shall become
effective upon the approval of the County Executive
and shall automatically stand repealed four (4) months
after the date on which it became effective.

RECOMMENDATION

CHARTER OFFICIALS SHOULD CONVENE

All Charter officials elected in 1975 should convene
prior to January 1, 1976, to make necessary prepara-
tions for the operation of Allegheny County govern-
ment under this Charter.