

1 ARTICLE VI

2
3 BOARDS

4
5 Section 601. APPOINTMENTS TO BOARDS. Except as otherwise
6 provided in this Charter or by applicable law, the County
7 Executive shall appoint, with confirmation by the Board of
8 County Representatives, members of all boards. Upon failure
9 of the Board of County Representatives to confirm the nomination
10 by the County Executive within thirty (30) days, the appointment
11 shall become final. Upon failure of the County Executive to
12 nominate for a board vacancy within ninety (90) days of
13 such vacancy, the Board of County Representatives shall
14 make the appointment forthwith.

15 Section 602. GUIDELINES FOR APPOINTMENTS TO BOARDS.

16 The County Executive shall give public notice of the appoint-
17 ments to be made, such notice to contain an invitation to
18 interested citizens and organizations to submit names in
19 nomination. Except as otherwise provided by applicable law
20 or this Charter, all appointments to boards shall be made
21 and governed as follows:

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

26 b. The appointments shall be for two (2) year terms;

1 c. When such board affects the county at large, the
2 appointees shall consist of:

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

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

7 3. People who have indicated their interest and will-
8 ingness to serve and who are representative of the different
9 socio-economic groups within the county and of county districts.

10 Section 603. GENERAL PROVISIONS. Each board shall deter-
11 mine its rules of procedure, including methods of requir-
12 ing regular attendance at meetings, and shall prepare for
13 inclusion in the Administrative Code an article which shall
14 set forth those powers the board expects to use and the
15 manner and procedure in which the duties of the board are
16 to be performed. Except as otherwise provided in this
17 Charter, meetings of boards shall be public. Boards shall keep
18 records of their proceedings, which shall also be public.

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

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

26 Section 606. CHARTER BOARDS. The following boards are
27 created by this Charter: Elections and Registration;

1 Employee Pension and Retirement; Environmental Review;
2 Personnel; Property Assessment Appeals; and boards
3 provided in Article V.

4 Section 607. BOARD OF ELECTIONS AND REGISTRATION CREATED.

5 There is established a Board of Elections and Registration,
6 hereinafter referred to as the Board of Elections.

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

13 Section 609. VACANCY ON THE BOARD OF ELECTIONS.

14 In the event a vacancy on the Board of Elections cannot
15 be filled within thirty (30) days by reason of a tie vote
16 of the appointing authorities, the Controller shall
17 cast the deciding vote at a meeting held within forty
18 (40) days of such vacancy.

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

24 Section 611. APPOINTMENT OF THE EXECUTIVE DIRECTOR.

25 The Board of Elections, with confirmation by the Board
26 of County Representatives, shall appoint an Executive
27 Director for a term of five (5) years. The Executive

1 Director may be removed only upon the request of the
2 Board of Elections, with confirmation by majority
3 vote of the County Executive and of the Board of
4 County Representatives, meeting together.

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

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

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

27 a. Limits on campaign spending;

1 b. Limits on cash contributions;

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

4 Section 615. EMPLOYEE PENSION AND RETIREMENT BOARD CREATED.

5 There is established an Employee Pension and Retirement
6 Board

7 Section 616. COMPOSITION. The Employee Pension and
8 Retirement Board shall consist of nine (9) members:
9 the County Executive; three (3) members of the Board
10 of County Representatives; the Director of the Depart-
11 ment of Finance; and four (4) employees in the career
12 service who shall be elected by all county employees.

13 The membership of this board shall not be subject to
14 Section 602 of this Charter. The Board of County
15 Representatives shall determine the terms and the
16 method of election of the career service members of
17 the Employee Pension and Retirement Board.

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

23 Section 618. POWERS AND DUTIES. The Employee Pension
24 and Retirement Board shall:

25 a. Administer the county retirement and pension
26 system as provided by applicable law, by this Charter
27 or by ordinance;

1 b. Serve as trustees of the Employee Pension and
2 Retirement Fund, with exclusive control and management
3 of said Fund, and with full power to invest the monies
4 or any parts thereof subject to the terms, conditions,
5 limitations and restrictions provided by law for in-
6 vestments of trust funds by fiduciaries in Pennsylvania.

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

9 Section 620. COMPOSITION. The Board of County Repre-
10 sentatives shall, by ordinance, determine the number,
11 qualifications and terms of members of the Environmental
12 Review Board.

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

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

18 b. For all activities in the nature of filling, excava-
19 tion, construction or similar activities paid for in whole
20 or in part by county funds:

21 1. Approve an environmental impact statement;

22 2. Monitor compliance with the approved environ-
23 mental impact statement;

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

27 c. Perform such other duties as the Board of County

1 Representatives may ordain.

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

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

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

15 Section 625. COMPOSITION. The Board of County Representa-
16 tives shall, by ordinance, determine the number, qualifica-
17 tions, terms and per diem compensation of the members of the
18 Board of Property Assessment Appeals.

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

- 21 a. Hear and determine appeals from county assessments;
- 22 b. Following a hearing, issue an order affirming,
23 vacating or modifying the assessment appealed, and
24 stating the reasons therefor.

1 ARTICLE VII

2
3 FISCAL PROCEDURES .

4
5 Section 701. FISCAL YEAR. The fiscal year shall be the
6 calendar year. The fiscal year may be changed by ordinance.

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

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

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

25 b. A projected operating budget which shall contain a
26 summary of estimated revenues and projected expenditures
27 classified by program.

1 The Board of County Representatives shall hold at
2 least two (2) public hearings on the capital improvements
3 plan together with the projected operating budget. Not later
4 than ninety (90) days before the end of the fiscal year,
5 the Board of County Representatives shall, by resolution,
6 signify approval or disapproval of the proposed capital
7 improvements plan.

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

26 In addition, the annual operating budget shall include
27 the following information:

1 a. A statement of the estimated cash surplus available
2 at the end of the fiscal year;

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

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

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

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

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

20 Section 706. ADOPTION OF THE BUDGET AND TAX ORDINANCES.

21 The Board of County Representatives may amend the budget and
22 tax ordinances proposed by the County Executive. At least
23 thirty (30) days prior to the end of the fiscal year,
24 the Board of County Representatives shall adopt the budget
25 and tax ordinances. Should the Board of County Represent-
26 atives fail to act prior to the end of the fiscal year,
27 and until the Board of County Representatives takes action,

1 the budgets and taxes for the next fiscal year as proposed
2 by the County Executive shall be deemed adopted and shall
3 constitute tax levies and appropriations as fully and
4 to the same extent as if favorable action thereon had
5 been taken by the Board of County Representatives.

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

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

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

24 Upon recommendation by the Controller that a post-
25 audit by the Commonwealth of Pennsylvania, by the United
26 States of America, by the Controller of Allegheny County
27 or by another auditing agency is adequate, the Board

1 of County Representatives may, by ordinance, exempt from
2 audit by the aforesaid accountants or firm of accountants,
3 a county agency which has been so audited.

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

10 Section 709. SURCHARGE REQUIREMENTS.

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

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

25 c. In those instances where the Board of County
26 Representatives finds that the shortage or expenditure
27 as aforesaid was not caused by malfeasance, misfeasance

1 or nonfeasance of the person responsible therefor, but
2 occurred despite the good faith of such person, the
3 shortage shall not be entered as a surcharge, but the
4 Board of County Representatives shall issue a special
5 report on the matter and shall hold a public hearing
6 concerning the report within sixty (60) days after
7 the issuance thereof;

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

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

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

22 Section 711. GENERAL PROVISIONS.

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

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

27 c. The assessment of all real property in Allegheny

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

8 CONTRACTS

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

17 Section 713. COMPETITIVE BIDS. Except as otherwise pro-
18 vided in this Charter, all contracts in excess of two
19 thousand five hundred dollars (\$2,500), shall be awarded
20 to the best responsible bidder after competitive bidding.
21 In awarding bids, the County Executive may take into
22 consideration such factors as the availability, costs and
23 quality of service, and "best responsible bidder" may be
24 defined by ordinance in terms of lowest overall cost to
25 the county. The Board of County Representatives shall, in
26 the Administrative Code, establish a system of competitive
27 bidding, including such definitions, publication require-

1 ments, deposit and bond requirements, conditions, terms,
2 rules, regulations, waivers and exceptions as it shall from
3 time to time deem advisable, and may change the limit for
4 competitive bids by an ordinance adopted by five (5) votes.
5 Contracts for longer than twenty-four (24) months shall be
6 approved by the Board of County Representatives.

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

- 9 a. Labor, material, supplies or services rendered
10 or furnished by any county agency to another county agency;
- 11 b. Contracts with other governmental entities;
- 12 c. Contracts for emergency repairs or services, involving
13 danger to the health and safety of employees or the public;
- 14 d. Contracts for professional or unique services, and
15 purchases available from only one (1) vendor.

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

- 22 a. Public notice of the service or item sought, such
23 notice to contain an accurate and specific description
24 thereof together with any technical requirements necessary;
- 25 b. A statement of the amount over which such contracts
26 shall not be awarded except after a public hearing held
27 by the County Executive.

1 ARTICLE VIII

2
3 PERSONNEL

4
5 Section 801. PERSONNEL SYSTEM, PURPOSE. There is
6 established a unified personnel system for the County
7 of Allegheny. The purpose of the personnel provisions
8 of this Charter is to establish for the county a career
9 service designed to attract, select and retain, on the
10 basis of a fair, open and competitive selection process,
11 the best qualified individuals for county service. All
12 appointments, promotions, transfers, lay-offs and discipli-
13 nary actions concerning county employees in the career
14 service shall be in accordance with career service
15 regulations.

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

22 The provisions of this section shall be interpreted
23 and applied in accordance with the Guidelines as established,
24 revised and amended, of the Equal Employment Opportunity
25 Commission of the United States of America, promulgated
26 in the administration and enforcement of the Civil Rights
27 Act of 1964.

1 Section 803. RESIDENCY. All county officers and employees
2 shall be county residents or become county residents within
3 six (6) months of their appointment or employment.

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

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

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

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

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

18 e. Provisional, probationary and temporary employees;

19 f. Permanent, part-time professional employees.

20 All other county employees shall be in the career service.

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

24 Section 805. TENURE OF CAREER EMPLOYEES. No employee
25 in the career service shall be dismissed, suspended or
26 reduced in rank or pay except for just cause. Nothing
27 herein shall be construed to prevent furloughs or reduction
28 in the number of career employees by reason of lack of funds

1 or work, abolition of a position, significant change in
2 duties or organization or other valid reason.

3 Section 806. IMPARTIAL STANDARDS AND ELIGIBILITY LISTS.

4 The impartial standards used to evaluate the qualifications
5 of candidates for the career service shall include but shall
6 not necessarily be limited to: job-related written, per-
7 formance or oral tests; training and experience; and a
8 physical examination related to the position to be filled.
9 The Administrative Code shall indicate the nature of the
10 test required for each position classification.

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

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

25 No person may serve as a provisional or temporary
26 employee for longer than six (6) months in any twelve (12)
27 month period, except during the first year after the
28 effective date of this Charter.

1 Section 807. PERSONNEL BOARD: COMPOSITION. The Personnel
2 Board shall be composed of five (5) members who shall
3 serve staggered five (5) year terms. They shall be individ-
4 uals qualified by training, knowledge or expertise in
5 personnel management or labor relations, and known to be
6 in sympathy with merit and career development principles.
7 No county employee shall serve on the Personnel Board.

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

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

17 a. Hear appeals from any employee claiming dis-
18 crimination, as defined in Section 802;

19 b. Hear appeals from career service employees con-
20 cerning promotion decisions and disciplinary action
21 resulting in suspension, dismissal or reduction in
22 rank or pay;

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

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

27 e. Have the power to dismiss or uphold an appeal,

1 modify a penalty, reinstate an employee or award back
2 pay. The maximum period of a suspension shall be one
3 year;

4 f. Grant closed hearings when requested by the
5 appellant.

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

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

18 Section 812. EMPLOYEE RIGHTS AND BENEFITS TO CONTINUE.

19 Nothing in this Charter shall diminish the rights or
20 privileges of any former county employee entitled to
21 benefits or the rights or privileges of any present
22 county employee in the pension and retirement system.

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

26 Section 813. POLITICAL ACTIVITY. All county employees
27 may participate or refrain from participating in political

1 activity except that:

2 a. County employees shall not engage in political
3 activity during their hours of employment;

4 b. No county employee shall hold the office of county
5 chairperson of any political party;

6 c. No county official, officer or employee shall
7 directly or indirectly solicit funds for any political
8 party or candidate from any other county official,
9 officer or employee.

10 Section 814. COUNTY EMPLOYEES SUBJECT TO OTHER PERSONNEL
11 REGULATIONS. County employees subject to the personnel
12 regulations of the Commonwealth of Pennsylvania or the
13 United States of America shall be hired, promoted, dis-
14 missed and governed in accordance with such regulations.

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

1 ARTICLE IX

2
3 INTERGOVERNMENTAL RELATIONS

4
5 Section 901. MUNICIPAL POWERS RESERVED. No existing
6 function, duty or power of any political subdivision
7 within the County of Allegheny is transferred, altered
8 or impaired by this Charter or by the Administrative
9 Code adopted pursuant thereto.

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

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

1 ARTICLE X

2
3 GENERAL PROVISIONS

4
5 Section 1001. ELECTION OF COUNTY OFFICIALS. The
6 Controller, County Executive, Court Registrar, District
7 Attorney and Sheriff shall be elected at large. One
8 member of the Board of County Representatives shall be
9 elected from each of seven districts, each district
10 composed of compact and contiguous territory as nearly
11 equal in population as practicable.

12 Section 1002. QUALIFICATIONS OF ELECTED OFFICIALS.

13 All elected county officials shall be qualified electors
14 of the county, and shall have lived in the county for
15 at least two years prior to the date of election.

16 Members of the Board of County Representatives shall
17 have lived in the district from which they seek election
18 for at least two years prior to the date of election.

19 All elected officials shall continue to live in the county,
20 and members of the Board of County Representatives
21 in their districts, during the term of office.

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

27 Any person otherwise eligible to hold the office of

1 Representative shall not be made ineligible by reason
2 of a redistricting, but for the election following
3 redistricting, such person may run in either but not
4 both districts.

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

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

18 Section 1005. OFFICIALS' POWERS PRESERVED. Nothing in
19 this Charter shall be construed to permit the elimina-
20 tion or reduction of powers granted to any elected official
21 by this Charter.

22 Section 1006. RESTRICTIONS. County elected officials
23 shall devote full attention to the duties of their
24 offices and shall not engage in any occupation, profes-
25 sion or activity which would materially interfere with
26 these duties.

27 Section 1007. VACANCIES, FORFEITURE OF OFFICE.

1 A vacancy shall exist in an elective office upon death,
2 resignation, non-residency, removal from office in any
3 manner authorized by law or this Charter, or forfeiture
4 of office, or for failure to assume such office with-
5 in forty-five (45) days after the commencement of the
6 term for which elected. An elected official shall
7 forfeit office if he or she:

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

10 b. Violates any of the prohibitions in Article X.

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

17 Section 1009. VACANCY ON THE BOARD OF COUNTY REPRE-
18 SENTATIVES.

19 a. A vacancy in the office of member of the
20 Board of County Representatives shall be filled by the
21 appointment of a qualified person, made by the remain-
22 ing members of the Board.

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

27 c. In addition to other qualifications as set forth

1 in Section 1002, the appointee shall be and shall have
2 been for a period of not less than two (2) years, a
3 member of the same political party as the Representa-
4 tive whose office is vacant.

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

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

17 e. If for any reason whatsoever, a vacancy in the
18 membership of the Board of County Representatives is
19 not filled within forty (40) days after the occurrence
20 thereof, then the Court of Common Pleas shall, upon
21 petition of the Board of County Representatives, or the
22 County Executive or five (5) qualified electors of the
23 district affected thereby, fill such vacancy by appoint-
24 ment of a qualified person to serve until assumption of
25 office by a successor elected at the next municipal or
26 general election at which such officials may be elected.
27 The successor shall serve for the unexpired term.

1 Section 1010. APPOINTMENT OF DEPUTIES. Officials
2 elected at large shall, within ten (10) days of taking
3 office, appoint a deputy who shall fill any vacancy in
4 the office. The official shall file the name of the
5 deputy in the office of the Board of County Representatives.

6 The deputy, in filling the vacancy, shall exercise all
7 powers and perform all duties of the official whose
8 office the deputy fills. If for any reason there is
9 no deputy at the time a vacancy occurs, a deputy shall
10 be appointed by the Board of County Representatives.

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

19 Section 1012. COMPENSATION OF ELECTED OFFICIALS.

20 The County Executive shall receive compensation of
21 forty thousand dollars (\$40,000) per annum. The Controller
22 and the District Attorney shall receive compensation of
23 twenty-nine thousand dollars (\$29,000) per annum.

24 All other elected officials shall receive compensation
25 of twenty-four thousand dollars (\$24,000) per annum.
26 Compensation of elected officials may be increased or
27 decreased by ordinance, provided that such ordinance

1 shall not be adopted less than twelve months prior to
2 the date of election of that official.

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

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

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

22 Section 1016. INQUIRIES AND INVESTIGATIONS.

23 a. The Board of County Representatives, the
24 Controller and the Personnel Board shall each have
25 the power to conduct inquiries and investigations in aid
26 of the exercise of their powers and performance of
27 their duties;

1 b. The persons aforesaid shall have the power to
2 compel the attendance of witnesses and the production
3 of documents and other evidence at investigative
4 hearings, and for that purpose may issue subpoenas,
5 signed by these officials or board members and served
6 as provided by law.

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

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

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

23 Section 1017. CONFLICT OF INTEREST.

24 a. No official, officer or employee shall in any
25 manner whatsoever receive benefit from the profits
26 or emoluments of any contract, job, work or service
27 for the county, or accept any service or thing of value,

1 directly or indirectly, upon more favorable terms than
2 those granted to the public generally, from any person,
3 firm or corporation having dealings with the county.

4 No official, officer or employee shall solicit or
5 receive any compensation, gratuity or other thing for
6 any act or commission done in the course of public work.

7 This sub-section shall not be construed to prohibit
8 county officials, officers or employees from accepting
9 group discounts, group insurance or other economic
10 advantages offered inclusively to all county officials,
11 officers and employees.

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

18 c. In order to guard against injustice, an official,
19 officer or employee may own stock or maintain a business
20 connection with any person, firm or corporation dealing
21 with the county, if, on full public disclosure of all
22 pertinent facts, the Board of County Representatives
23 shall determine that such stock ownership or connection
24 is maintained in a capacity with no possible influence on
25 such dealings and cannot result in direct benefit, financial
26 or otherwise, from such dealings to the official, officer
27 or employee.

1 d. Every official and officer, if aware of being
2 within the exception set forth in sub-section c above,
3 shall so inform the Board of County Representatives,
4 and if the official be a Representative the Representa-
5 tive shall abstain from voting on the matter. It shall
6 be the duty of the Board of County Representatives to
7 determine in each instance whether a conflict, in fact,
8 exists, and if a conflict is found, not to deal with
9 the person, firm or corporation involved.

10 e. County employees shall not be required to make
11 general disclosure of stock ownership and business
12 connections except as provided by rules and regulations
13 set forth in the Administrative Code.

14 f. Any official, officer or employee who will-
15 fully violates any of the provisions of this section
16 shall forfeit office or employment.

17 Section 1018. DEFINITIONS USED IN THIS CHARTER.

18 a. "Administrative Code" is a compilation of all ordi-
19 nances relating to administrative structure and government
20 procedure which shall, among other things, include: enumera-
21 tion of departments, boards and other administrative units;
22 the division of powers among them; internal procedures
23 guiding their operation; the duties of administrative
24 heads and their relationship to the County Executive.

25 b. "Agency" or "county agency" when used to desig-
26 nate an element or unit of county government, shall
27 be construed as including all offices, departments,

1 administrative units, courts, institutions, authorities,
2 boards and commissions of the county government.

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

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

12 e. "Capital budget" means the plan of the county
13 to receive and expend funds for capital projects
14 during the first fiscal year of the capital improve-
15 ments program.

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

20 g. "Capital project" means:

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

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

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

26 4. Any furnishings, machinery, apparatus or
27 equipment normally classified as capital items, but

1 such items must have a useful life of five (5) years or
2 more if not financed as part of a construction project.

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

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

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

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

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

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

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

1 the county.

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

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

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

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

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

- 24 a. The elections at which referendums shall be held;
- 25 b. The scope of the proposals subject to referendum;
- 26 c. The number or percentage of electors required
27 to sign initiative petitions;

- 1 d. The form and content of the petitions;
- 2 e. The duties of election officers as related to
- 3 the petitions;
- 4 f. The time lapse required between submission of similar
- 5 questions.

6 Section 1020. SEVERABILITY. The provisions, terms

7 sections and applications of this Charter shall be

8 severable and if any term or provision of, or any

9 application of this Charter to any situation shall be

10 held to be unconstitutional or contrary to the Home Rule

11 Charter and Optional Plans Law, the Act of April 13, 1972,

12 No. 62, and, as a result invalid, such invalidity shall

13 not affect the validity of any other term or provision

14 or application of this Charter. It is hereby declared

15 as the intent of this Charter that this Charter would have

16 been adopted had such application been expressly excluded

17 or had such term or provision not been included herein.

18 Section 1021. AMENDMENT. This Charter may be amended

19 in accordance with the provisions of the Home Rule

20 Charter and Optional Plans Law, the Act of April 13, 1972,

21 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.

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

5 b. All judicial proceedings of any kind or character
6 and all condemnation proceedings for the taking or
7 damaging of private property for public use and all
8 proceedings to incur debt and issue bonds, begun or
9 pending at the time this Charter takes effect, and all
10 contracts for the doing of any kind of public work,
11 not completed and performed at the time this Charter
12 takes effect, shall in no way be affected by the adop-
13 tion of this Charter, but the same may be completed
14 in every respect as nearly as may be in accordance with
15 the provisions of this Charter.

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

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

24 e. The Police and Fire Civil Service Commission
25 shall continue in office after the effective date
26 of this Charter for the purpose of disposing of appeals
27 pending on the effective date of this Charter.

1 No new appeals shall be filed with this Commission
2 after the first organizational meeting of the Personnel
3 Board.

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

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

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

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

16 Section 1107. AUTHORITY OF INCUMBENT ELECTED OFFICIALS.

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

24 b. The elected Jury Commissioners in office on the
25 effective date of this Charter shall remain in office,
26 at the same rate of compensation, until the expiration
27 of the full terms for which they were elected. They

1 shall exercise the powers and perform the duties of the
2 office in cooperation with the Department of Systems
3 and Computer Services and the Court of Common Pleas.

4 Section 1108. SCHEDULE OF ELECTIONS FOR COUNTY OFFICIALS.

5 Members of the Board of County Representatives, the
6 Controller, the County Executive, the Court Registrar
7 and the District Attorney shall be elected at the
8 municipal election held in November, 1975. The next
9 election of the Sheriff shall take place in November,
10 1977.

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

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

19 Section 1109. SCHEDULE OF LEGISLATION. Each elected
20 official and each director or board required to
21 prepare an article for inclusion in the Adminis-
22 trative Code, shall do so within one hundred and fifty
23 (150) days of assuming office and the same shall be
24 submitted to the Board of County Representatives within
25 six (6) months of the effective date of this Charter.
26 If the Board of County Representatives has not adopted
27 the proposed article within sixty (60) days after its

1 submission, the article as originally submitted shall
2 go into effect. The complete Administrative Code shall
3 be adopted no later than the first Monday in January,
4 1977.

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

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

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

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

1 ment Appeals and Employee Pension and Retirement.

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

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

18 RECOMMENDATION

19 CHARTER OFFICIALS SHOULD CONVENE

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

