

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

June 29, 2018

The Honorable Rich Fitzgerald
Allegheny County Executive
County Courthouse - Room 101
436 Grant Street
Pittsburgh, PA 15219

The Honorable Members
Allegheny County Council
County Courthouse - Room 119
436 Grant Street
Pittsburgh, PA 15219

Dear County Executive Fitzgerald and Members of Allegheny County Council:

In accordance with Article VI and Article VII of the Home Rule Charter and Article XII of the Administrative Code of the County of Allegheny, I respectfully submit the 2018 Sunset Review for your consideration.

As referenced by the Sunset Review of June 30, 2014, the administration of County Executive Rich Fitzgerald in its efforts to ensure that the functions of Departments are reviewed in a manner that reflects intersecting roles and missions of Departments and agencies, a staggered process is being implemented with this review. (Note Appendix A of the Sunset Review). As you recall, this process was embraced by the Government Review Commission and therefore all future reviews will be conducted on an established cycle.

While all the Departments reflect the full intent of the Charter, reviews were conducted that fulfill the charge of the Charter for the Departments of Court Records, Law, the Office of the Public Defender and the Departments of Budget and Finance and Human Resources.

Given that these entities were fully evaluated in June 30, 2014, minimal changes in the essential elements required by the Code from the previous report are noted in this Sunset Review process. However, in the subsequent review in 2022, it is expected that numerous changes will be cited.

As the Code allows the County Manager "in the exercise of his best professional judgment to include other issues that would aid in the furtherance of making County government more competitive and performance-oriented" the Sunset Review for Departments also includes a Vision and Mission Statement, as well as, achievements that occurred since the previous review in 2014.

The review is composed of the following elements:

- Overview of Allegheny County Home Rule and Process of Sunset Review;
- Elements of the Sunset Review Process;
- Methodology;
- Achievements of those entities Guaranteeing Liberties and Ensuring Efficient and Effective Services;
- Sunset Reviews of Departments and Related Agencies and appropriate recommendations; and
- Schedule of Reviews.

OFFICE OF THE COUNTY MANAGER
119 COURTHOUSE • 436 GRANT STREET • PITTSBURGH, PA 15219
PHONE (412) 350-5300 • FAX (412) 350-3581
WWW.ALLEGHENYCOUNTY.US

*The Honorable Rich Fitzgerald
The Honorable Members of Council*

*June 29, 2018
Page 2*

I would also like to extend deepest gratitude to all members of our government that contributed to this effort.

If for your easy reference you would like a hard copy in addition to the two (2) copies provided to County Council, please advise.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "William D. McKain". The signature is written in a cursive, slightly slanted style.

William D. McKain CPA
County Manager



**SUNSET REVIEW
ALLEGHENY COUNTY
JUNE 30, 2018**

Table of Contents

- ◆ **Overview of Allegheny County Home Rule and Process of Sunset Review** pp. 3-5
- ◆ **Elements of the Sunset Review Process** pp. 6-7
- ◆ **Methodology** pg. 8
- ◆ **Guaranteeing Civil Liberties and Ensuring Efficient and Effective Services/
Achievements** pp. 9-19
- ◆ **Sunset Reviews of Departments and Related Agencies and Appropriate
Recommendations** pp. 20-80

Guaranteeing Civil Liberties

- ◆ **Department of Court Records** pp. 20-28
- ◆ **Department of Law** pp. 29-38
- ◆ **Office of the Public Defender** pp. 39-47

Ensuring Efficient and Effective Services

- ◆ **Department of Budget and Finance** pp. 48-53
- ◆ **Department of Human Resources** pp. 54-62
 - ◇ **Accountability, Conduct and Ethics Commission** pp. 63-66
 - ◇ **Allegheny County Human Relations Commission** pp. 67-71
 - ◇ **Personnel Board** pp. 72-75
 - ◇ **Retirement Board** pp. 76-80
- ◆ **Appendix A** pg. 81

Deepest appreciation to the Department members for their assistance in the preparation of this report including Michael McGeever, Max Homer, Ronald Shankle, Elliot Howsie, Mary Soroka, Timothy Cox, Andrew Szefi, Laura Zaspel, and Walter Szymanski

Overview of Allegheny County Home Rule and Process of Sunset Review

Under the Constitution of the Commonwealth, counties have “no inherent right to self-government beyond what the State Constitution and the General Assembly may grant” unless the citizens of the county opt for “home rule”. Because of this, Allegheny County was governed by the Second Class County Code adopted by the Legislature in 1935 and modified in 1955. The functions delegated to the county under this code included: the administration of elections and the registration of voters; assessment of property for tax purposes; administration of justice; care of prisoners; recording of deeds; execution of wills; construction and maintenance of roads and bridges; care of the aged, dependent and indigent ill; planning; civil defense; the administration and direction of airports; sewage disposal; and management of parks, recreation and public health.”

While this form of government provided for the services specifically delineated by Second Class County Code, the citizens of the County opted on May 19, 1998, to enact a Home Rule Charter for the county effective in the year 2000. As specified in Chapter 105 of the Code, the County “shall have and may exercise any and all powers and perform any and all functions not specifically denied by the Constitution of the United States of America, the Constitution and laws of the Commonwealth of Pennsylvania and the Charter”.

To fulfill this charge, the Commissioner form of government was replaced by a new structure composed of an elected Chief Executive, a fifteen member (15) County Council and an appointed County Manager as specified in the Administrative Code of Allegheny County enacted on June 20, 2000. Under this new structure of government, the general duties of county government were retained despite separating legislative and executive functions. As such, authority for county government is vested with 1,225,365 residents (Census estimates, July 1, 2016) residing within the 130 municipalities in 731 square miles.

While Article II of the Administrative Code entitled “Organization and Structure of County Government” initially designated ten (10) categories of Independently Elected County Officials of Clerk of Courts, County Controller, County Coroner, District Attorney, Jury Commissioners, Prothonotary, Recorder of Deeds, Register of Wills, Sheriff and Treasurer, the voters opted in May of 2005 to consolidate the offices of Coroner, Jury Commission, Prothonotary, Clerk of Courts, Register of Wills, and Recorder of Deeds and transfer these entities to the Executive branch of government. Subsequently in 2006, the “elected County Coroner became an appointed Medical Examiner, and the Jury Commission responsibilities were assumed by the County Courts. On January 1, 2008, the Department of Court Records combined the offices of the Prothonotary, Clerk of Courts and Register of Wills.”

To ensure the appropriate government review of functions under the “Home Rule” form of government, the Administrative Code includes Article XII entitled “Government Review” that establishes a Sunset Review which evaluates the “need for and function of each County Department” every four years on a staggered schedule and a Government Review Commission which studies the “Charter and County Government, including the organization, practices and responsibilities of all County Departments and Agencies every ten (10) years. Although it is recognized that the Charter clearly delineates the distinct functions of these two oversight processes, there are areas of congruence, as presently designed.

While Sunset Reviews were conducted by previous administrations of Departments and various Authorities, Commissions and Boards in June 30, 2003 and December 30, 2010, the mandate to implement a staggered process during a four-year cycle was not fulfilled. As such, it was the decision of the administration of County Executive Rich Fitzgerald to adhere to the standard, as established.

To accomplish this, the County Manager conducted a full Sunset Review of twenty (20) Departments and twenty-nine (29) Authorities, Commissions and Boards by June 2014 using a more comprehensive approach. (Refer to: http://www.alleghenycounty.us/manager/sunset_2014.pdf) Within the report, a staggered process for future Sunset Reviews was developed (Note Appendix A) and submitted to Allegheny County Council on June 30, 2014. It should be noted that in embracing a staggered schedule, the cycle of review will address Departments that are congruent in their services for the community. As such, in 2015 the Departments of Economic Development and Minority Women and Disadvantaged Business Enterprise that promoted “economic vitality” were reviewed together with Departments that fostered the “quality of life” including the Departments of Health, Human Services and the John J. Kane Regional Centers. (Please refer to: <http://www.alleghenycounty.us/county-manager/reports/index.aspx>)

The focus in 2016 was related to “internal and external structural” issues of the Departments of Administrative Services and Facilities and “land and public spaces” involving the Departments of Parks and Public Works. Refer to Sunset Review report 2016 at: <http://www.alleghenycounty.us/county-manager/reports/index.aspx>

In 2017, the focus was those Departments related to public safety and public services involving Emergency Services, Jail, Medical Examiner, Police and Shuman. In June 2018, the review focuses on the Departments of Court Records, Law, Public Defender addressing issues of civil liberties, and organizational efficiencies and effectiveness in the Departments of Budget and Finance and Human Resources.

Due to the comprehensive review of all Department and Authorities, Boards and Commissions as defined in the Code, in 2014 the decision was rendered to retain nineteen (19) Departments and the corresponding twenty-eight associated entities. Specifically, the 2014 Sunset Review recommended that due to the interrelationship of functions within the Department of Administrative Services and the Department of Real Estate, the transfer of the functions of the Department of Real Estate to the Department of Administrative Services was appropriately and subsequently approved by County Council. Because of this, subsequent reviews will involve nineteen (19) Departments.

With respect to the Government Review Commission, Allegheny County Council designated five (5) representatives on March 20, 2015 with four (4) additional representatives appointed by the County Executive on March 26, 2016 charged with submitting a report within one year of appointment. On Tuesday, March 29, 2016 the Government Review Commission issued a report and embraced the staggered review process for all subsequent Sunset Reviews. (Refer to <http://www.alleghenycounty.us/commissions/government-review/meeting-minutes.aspx>) As such, the Sunset Review process will occur on a staggered schedule. (Please refer to Appendix A)

Elements of the Sunset Review Process

To enhance the understanding of the congruence of Departmental functions and related entities, the Sunset Review crafted for each Department is followed by the Sunset Review of the related agency, authority, commission or board that enhances the mission of the County. Additionally, as the Code allows the County Manager in the exercise of his best professional judgment to include other issues that would aid in the furtherance of making County government more competitive and performance-oriented, the Sunset Review for Departments also includes a Vision and Mission Statement. The review for a Department will be as follows:

- ◆ Vision
- ◆ Mission
- ◆ Overview
- ◆ The Legal Mandate or Necessity for the Department
- ◆ A Determination of Public Need for the Department's Services
- ◆ A Review of the Methods Used in the Implementation of each Department's Programs and an Analysis of Alternative Methods that may be Employed to Achieve the Department's Legal Mandates
- ◆ An Evaluation of Whether County Government is the Most Effective Body to Implement the Department's Programs
- ◆ An Evaluation of Whether the Absence or Reduction of the Department or the Department's Provision of Services would Significantly Harm or Endanger the Public Health, Safety or Welfare
- ◆ An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Department
- ◆ The Efficiency with which Formal Public Complaints Filed with the Department have been Processed
- ◆ Recommendation

With respect to Agencies, Authorities, Commissions or Boards, the review will include the issues required in the Code of:

- ◇ The legal mandate or necessity for the agency
- ◇ A determination of public need for the continued existence of the agency and its services
- ◇ A review of the methods used in the implementation of each agency's functions and an analysis of alternative methods that may be employed to achieve the agency's legal mandates
- ◇ An evaluation of whether the agency is the most effective body to implement the agency's programs
- ◇ An evaluation of whether the absence or reduction of the agency or the agency's provision of services would significantly harm or endanger the public health, safety, or welfare
- ◇ An analysis showing the costs of compliance for individuals or other entities regulated by the agency
- ◇ The efficiency with which formal public complaints filed with the agency have been processed
- ◇ In the case of an agency that has received appropriations from the County's operating budget in any of the five years prior to the sunset review, a financial audit of the agency performed by an entity independent of the County
- ◇ Recommendation

Methodology

To fulfill the mandate of the Administrative Code, as well as, honoring the prerogative of the County Manager to include elements that increase efficiency and effectiveness, the following actions occurred:

- ◇ Applied the instrument created for the 2014 Sunset Review that adheres to the standards for evaluation delineated in Section 1201 of the Code, as well as, the prerogative of the County Manager that included the creation and/or review of the Vision and Mission statements for each Department.
- ◇ Conducted an analysis of the Departments and related agencies, authorities, commissions and/or boards to determine the appropriate changes from the 2014 report. As the review was done in 2014 and due to the nature of the departments under review, minimal changes were identified in some of the departments.
- ◇ After a review of the County Department, a recommendation was provided to:
 - ◆ Continue the existence of the Department;
 - ◆ Abolish the Department; or
 - ◆ Reorganize the Department subject to evaluation and review
- ◇ With respect to the agencies, authorities, commissions and/or boards, a recommendation was made to:
 - ◆ Continue the existence of the affected agency, authority, commission or board ;
 - ◆ Abolish the affected entity, if appropriate, or sever the relationship with the entity; or
 - ◆ Reorganize the entity subject to evaluation and review, if appropriate, or alter the relationship with the entity

Guaranteeing Civil Liberties and Ensuring Efficient and Effective Service

Espousing the charge within the Preamble of the Home Rule Charter of Allegheny County which states that a home rule government will “protect the rights, privileges and powers reserved and guaranteed to the people by the constitution of the United States of America and the Commonwealth of Pennsylvania...(and)“will improve the effectiveness and efficiency of County government operations” the 2018 Sunset Review was conducted within that context.

While all the Departments reflect the full intent of the Charter, focus in 2018 was given to the charge to guarantee civil liberties by the Departments of Court Records, Law and the Public Defender and ensuring efficient and effective service by the Departments of Budget and Finance and Human Resources.

To illustrate the commitment of these Departments, the following major achievements have occurred since the previous review of their services in 2014 within the Departments of Budget and Finance, Court Records, Human Resources, and the Public Defender.

Achievements of the Department of Budget and Finance

Since 2014, the Department of Budget and Finance has achieved significant progress in an array of areas resulting in:

An improved financial outlook of the County via bond sale and refinancing

- ◆ Standard & Poor's raised the County's bond rating from A+ (Upper Medium Grade Debt) to AA- (High Grade Debt) in 2014 resulting in lower future borrowing costs and Moody's improved the financial outlook on the County's bond rating from negative to stable, resulting in lower future borrowing costs. These upgrades enabled the County to restructure C-50 Bonds and refinance the C-57 Bonds resulting in a budgetary debt service savings of \$15 million.
- ◆ In 2016, Moody's Investors Service once again raised the financial outlook on the County's bond rating from stable to positive on the existing A1 rating. Several prior bond issues were refinanced totaling over \$200 million of debt and produced a saving to the County of more than \$26 million.

Ensuring a fiscally responsible budget through increased monitoring of fund balances

- ◆ Worked with County departments in 2016 to maintain appropriate spending levels, allowing the County to increase its unassigned fund balance to \$41.5 million. At 5% of the County's operating budget, this fund balance level represents what the rating agencies consider to be a fiscally responsible level. Achieving this fund balance level enabled the department to recommend a balanced operating budget for 2017, using the 2016 bond refinancing savings to offset 2017 debt service requirements.

Increased Revenue from Grants:

- ◆ Assisted departments in 2015 in securing \$762 million in grant revenue, a 4% increase from 2014. Over \$16 million of revenues came from new sources or additional grant funding that was not initially budgeted.
- ◆ Increased grant revenue in 2016 for departments to \$795 million, a 4% increase from 2015. Over \$16 million of the revenue came from new sources or additional grant funding that was not initially budgeted.
- ◆ Secured over \$855 million in grant revenue in 2017 which was an 8% increase from 2016. Over \$45 million of revenues came from new sources or additional grant funding that was not initially budgeted.

Implemented the County's first fully comprehensive, integrated budget software entitled PowerPlan

- ◆ Adoption of PowerPlan to develop budgets and Comprehensive Fiscal Plans resulted in a streamlined workflow and integration with the JDEdwards payroll database saved hours of staff time, both within the department and for all County employees involved in preparing department budgets. To ensure efficiency, the Department conducted trainings for the staff in each department responsible for completing their department's budget request. PowerPlan also replaced the time-consuming forecasting function that staff used to do using Microsoft Excel.
- ◆ Expanded the use of PowerPlan in 2016 and 2017, via transfer workflow implementation, payroll process improvement and reporting capabilities.

- ◆ Collaborated with the Department of Human Services (DHS) to successfully implement Action Tracker in 2015 which was an upgrade to the expense approval software. The Department took the lead in that release for coordinating user updates and training for all departments outside of DHS. Since that release, Budget & Finance has continued to field questions from the users in various departments and provide one-on-one training to users as necessary.

Streamlined Hiring Processes

- ◆ Partnered with the Department of Human Resources in 2016 to streamline the hiring process for financial positions County-wide and became an integral part of the interview process throughout the year for various fiscal positions across the County. The Department also met bi-weekly with newly hired fiscal staff to help them navigate County processes and systems. These meetings included training in topics related to JD Edwards, OnBase, PowerPlan, Action Tracker and Reports Now. The coordinated training was provided to 164 employees in 2016.
- ◆ Completed a review of temporary employees and their use throughout the County in 2015 and 2016 which resulted in the development of a process for monthly review and ongoing approval of temporary positions. The Department also evaluated temporary staffing needs during the 2016 budget process and budgeted for permanent staffing where necessary, to eliminate long-term temporary assignments. These efforts resulted in an estimated \$600,000 savings as \$1.9 million was spent on temporary staffing in 2016, compared to \$2.5 million in 2015.

Created a system for more efficient and effective use of a skilled workforce

- ◆ Played an integral part in reducing temporary staffing costs by the implementation of a Temporary Staffing Approval Workflow process. As a result of the adoption of the electronic temporary staffing request workflow, personnel more effectively manage staffing levels in departments, resulting in a significant cost-savings. Temporary staffing costs in 2017 were \$1,378,112, a decrease of roughly 45.51% when compared to 2015.
- ◆ Implemented an Excel training program to help advance the use of technology by county staff in 2016, resulting in training of over 80 staff in the use of Excel. In 2017, the Department expanded training efforts to include OnBase, JDE, Action Tracker, Excel and PowerPlan, and trained 404 county employees.
- ◆ Collaborated with the financial staff at the Kane Regional Centers to create the Kane Voucher Workflow process in 2016, a custom electronic voucher workflow using the OnBase document management system to replace the existing paper-based process. Once the workflow was built, the department coordinated and completed training for 80 -100 staff involved in the electronic process.
- ◆ Created the Jail Voucher Workflow process in 2017 in coordination with the financial staff at the Jail. The custom electronic voucher workflow used the OnBase document management system to replace the existing paper-based process. Once the workflow was built, the Department provided training on the system to staff at the Jail involved in the electronic process.

Achievements of the Department of Court Records

Given the commitment to maintaining efficiency, ensuring cost savings and increasing public access several initiatives have been implemented to:

Increase efficiency and public access through technology:

- ◆ Implemented electronic filing for the Wills/Orphans' Court Division which facilitates the filing of court documents in person, by mail or electronically.
- ◆ Creation of a website which allows any person with internet access to see the docket, the official list of documents filed in a case, and scanned images of the documents filed for cases, unless the case is sealed by Order of Court or if statutes or local rules of court prohibit public access.
- ◆ Designed an online application so that couples planning to marry can complete the marriage license application before appearing in person at the Marriage License office resulting in reduction of time for applicants.
- ◆ Upgrading the e-filing and online docketing system in the Civil/Family Division from ASP which was created in 2003 to ASP.NET. The upgrade will result in an array of benefits including, resolving browser compatibility issues for external users, improving system security, improving system performance, eliminating the risk that ASP technology may not be supported by Microsoft in the future, improving error handling, creating system documentation that will aid system maintenance, and enhancing the visual appeal and usability of the system for external users.
- ◆ Utilization of a state-mandated Common Pleas Case Management System (CPCMS) as the official docket and record-keeping system which allows any person with web access to secure a public version of CPCMS which contains the criminal records for all counties in Pennsylvania . To achieve this outcome, a list of legal filings in each case is entered into CPCMS which creates the docket. An electronic scanned image of each document is stored and retained in a separate computer data base. Additionally, the department provides a link between the docket list on CPCMS and an electronic image of the document filed.

- ◆ Developed an application that enables the Pennsylvania Department of Revenue to electronically batch file Tax Liens rather than manual file of documents providing a substantial cost savings to Allegheny County and the Commonwealth of Pennsylvania.
- ◆ Designed and implemented an application which enables all the appellate appeals to be electronically filed to the Superior Court of PA in collaboration with the Administrative Office of Pennsylvania Courts (AOPC) which is more cost efficient and time saving process.
- ◆ Developed additional security steps for external users to access the Civil/Family and Wills/Orphans' docketing and e-filing system in order to prevent data breaches and data mining.

Increased customer service and revenues

- ◆ Implemented a new fee schedule approved by the President Judge of the Court of Common Pleas which provides uniformity in the fee structure between all three divisions of the department. The new fees have created additional revenue.
- ◆ Transitioned to the acceptance of credit cards for point of sale transactions and online payments. Additionally, service fees are transferred to the credit card users rather than the costs being assumed by the county which has resulted in substantial savings of approximately \$150,000 per year between the years 2014 and 2017.
- ◆ Expanded hours for the offices of passport and marriage licenses to Saturdays which increased the availability of services through a more efficient use of personnel.

Achievements of the Department of Human Resources

As a means to increase the efficiency and effectiveness of activities related to employment, several initiatives were implemented resulting in:

Improvement of the effectiveness of employment-related services

- ◆ Developed and implemented on-line application process for applicants to County jobs . Since the process was created in late 2013, more than 80,000 employment applications have been received and processed, and the average annual number of job applications has more than doubled. Paper applications now comprise less than .5% of all applications submitted.
- ◆ Restructured current staff responsibilities and developing enhanced processes to better meet customer department needs. Employment Analysts were assigned specific departments and now provide a comprehensive level of activities and services that include job description development, specialized outreach and recruitment activities, job and bid postings, processing of personnel actions, testing and assessment, and orientation/onboarding sessions. Supporting departments in the monitoring of the status of employees in their respective assigned areas has resulted in more timely and efficient processing of payroll changes that impact benefit and other employee related costs to the County.

Ensuring equal opportunity to the residents

- ◆ Implemented the “Ban the Box” initiative to ensure equal opportunity to persons with prior criminal convictions by removing that question from the employment application. This effort required the development and implementation of a standardized criminal background check policy and relevant procedures for all new hires and rehires.
- ◆ In addition to criminal history checks, developed, instituted and administer standardized and consistent pre-employment policies and related procedures, including pre-employment drug testing and verification of compliance of payment of County real estate tax, if applicable.

- ◆ Developed and hired an ADA Coordinator in compliance with the Americans with Disabilities Act (ADA) who works to ensure that individuals with disabilities can participate in and enjoy the benefits of the programs, services and activities provided by Allegheny County. Information and procedures have been made available to encourage the public to submit their concerns and grievances regarding barriers to accessibility, requests for accommodations, and suggestions for improvements.
- ◆ Facilitated the actions of the Career Transition Professional (CTP) to successfully assist with hiring of individuals with disabilities in the workforce.

Advancement of the knowledge and performance of management personnel

- ◆ In the areas of County policy and regulatory compliance, all supervisors have been and continue to be provided comprehensive training on Anti-Discrimination, Harassment and Retaliation, and Workplace Bullying to support the goal of maintaining a respectful and inclusive workplace. Other training has included Best Practices regarding the Americans with Disabilities Act, PA Relay Service Training for employees who answer phones.

Enhanced benefit options for personnel

- ◆ Managed the Request for Proposal (RFP) process to select medical, dental and vision benefit providers, offering employees a choice of medical insurance carriers for the first time in over a decade.
- ◆ Transitioned the management of leaves of absence to a Third Party Administrator to ensure compliant leave administration, standardized reporting and accurate and consistent tracking of the County's leave programs which include FMLA, ADA, Medical, Military and Personal leaves.
- ◆ Developed and implemented program granting six (6) weeks of paid parental leave for all nonunion employees for the birth, adoption or foster care placement of a child. This program has been expanded to include employees represented by collective bargaining agreements as the terms of those agreements are negotiated.

Achievements of the Office of the Public Defender

Due to an array of changes, the Office of the Public Defender has implemented the following that resulted in:

The exercise of Constitutional rights for all persons being enhanced

- ◆ Hired a full time Chief Investigator for the first time who also serves as a Mitigation Specialist, resulting in a substantial saving for the office. As the United States Supreme Court has mandated that a Mitigation Specialist be retained in all capital cases, the office previously contracted with outside experts for this service. Through this change, the department can abide by the mandate in a more efficient and effective manner.
- ◆ Sponsored a 2-day Capital Case Training for attorneys resulting in a significant cost savings to the county. The training fulfilled the Rules of Professional Conduct mandate that attorneys handling capital cases must be certified through training. Historically, these capital case trainings were primarily held in the eastern half of the state, requiring the Office to incur substantial travel expenses. Forty (40) attorneys from outside of the office attended the training generating revenues for the office for this service.
- ◆ Reduced the numbers of clients being unnecessarily incarcerated by having the office attorneys represent clients at Preliminary Arraignments, when Magisterial District Justices were setting bond. For the first time in the history of the office, representation of clients occurs at this stage of the process which more comprehensively addresses the constitutional rights of all persons.
- ◆ Became the second office in the State to hire a full-time Manager of Training which historically did not occur due to lack of funding. Due to this hire, the quality of the trainings enhanced to ensure the delivery of competent, and effective representation.

- ◆ Implemented technological processes by which attorneys in the field are utilize tablets to provide real time updates of client and case information. Prior to obtaining this technology, attorneys were only able to update information upon returning to the office. This practice was inefficient and resulted in unnecessary delay in updating vital client and case information.
- ◆ Created a system and policy change that allows for the electronic storage of closed files, which has resulted in a reduction in expenses. Recognizing that the office generates in excess of 20,000 files in a given year, storage of closed files were an additional expense to the County. By this change, a more efficient use of resources was accomplished.
- ◆ Embarked on an endeavor to recruit a more diverse and qualified pool of applicants for the entry level attorney positions Through attendance at nationally renowned job fairs and established relationships with the surrounding law schools in and outside of Pittsburgh it is expected that the goal of increasing diversity can be achieved.
- ◆ Recognized that social workers play an emerging role in the department's ability to advocate effectively on behalf of its clients, two (2) full-time social workers have been hired. By coordinating available resources, the social worker promotes the benefit of rehabilitation while reducing the risk of recidivism which enhances the quality of life of persons while simultaneously reducing costs of incarceration.

A photograph of a sunset over a city skyline. The sun is low on the horizon, creating a bright orange and yellow glow. The sky is filled with wispy, white clouds that catch the light of the setting sun. The city skyline is visible in the distance, with several tall buildings. The foreground is dark, showing the silhouettes of trees and hills.

**SUNSET REVIEW
DEPARTMENT
OF
COURT RECORDS**

COURT RECORDS

Vision:

The Department will continue to consolidate office functions, where possible, and enhance work processes and procedures throughout all three Divisions in order to maintain efficiency, cost savings, and greater public access to better serve the Courts and the public.

Mission:

As the receiver and custodian of all filings for the Divisions of the Court of Common Pleas of Allegheny County, the Department is required to maintain accurate records and to perform the duties set forth in Pennsylvania statutes of the Prothonotary, Clerk of Courts, and Register of Wills in compliance with Pennsylvania Rules of Procedure and Allegheny County Rules of Court. The Department strives for an environment of continuous improvement in order to provide prompt, efficient and courteous service.

Due to the decision of the electorate in May 2005 to consolidate the previously elected “row” officials of Prothonotary, Clerk of Courts, and Register of Wills, which transferred these functions under the jurisdiction of the County Executive, the Department of Court Records (“DCR”) was established on January 7, 2008, to perform the functions formerly performed by the row offices.

With this mandate, the Department was created with three primary operational divisions. Subsequently, an administrative division was added. As such the department includes the following divisions:

- ♦ **Civil/Family Division (formerly Prothonotary):** Has administrative control and responsibility for receiving and maintaining official documents and records for the Civil and Family Divisions of the Court of Common Pleas. To accomplish this, this division accepts documents for filing, issues writs, initiates execution proceedings, takes bonds in civil cases and processes appeals from the minor judiciary, Board of Viewers and administrative agencies to the Court of Common Pleas and from the Court of Common Pleas to the appellate courts of the Commonwealth of Pennsylvania. In addition, the division has miscellaneous record keeping duties such as recording municipal claims and tax liens.
- ♦ **Criminal Division(formerly Clerk of Courts):** Has administrative control and responsibility for receiving and maintaining official documents and records for the Criminal Division of the Court of Common Pleas. In this division, motions are filed, dockets are maintained, expungements are processed, summary appeals are filed, bail bonds are processed, case records are maintained and archived, court-ordered fines and costs are collected and court-ordered restitution is paid to victims. Other services provided by this division include case intake, constable services, Driving Under the Influence (DUI) procedures, driver's license reinstatement and responding to prisoners' correspondence. In addition, division, processes private detective licenses.

- ♦ **Wills/Orphans' Court Division (formerly Register of Wills):** Has administrative control and responsibility for receiving and maintaining official documents and records for the Orphans' Court Division of the Court of Common Pleas. In addition, this division probates Wills and grants letters to representatives of estates. In some cases, this Division has a duty to take testimony and enter decrees, or findings, when facts are disputed regarding a will. Those decrees are appealable to the Orphans' Court. The cases that are heard in the Orphans' Court Division of the Court of Common Pleas include all matters involving decedent's estates, trusts, wills, guardians of the persons and estates of minors, guardians of the persons and estates of incapacitated persons, powers of attorney, termination of parental rights and adoptions, civil commitments, marriage licenses, nonprofit associations and corporations, and inheritance and estate tax matters. The division also issues marriage licenses and maintains marriage records. Additionally, the department is the agent for collection of Pennsylvania Inheritance Tax and accepts U.S. Passport applications.

- ♦ **Administrative Division:** Centralizes administrative functions for the Department such as budgeting, purchasing, and records management. Due to this organizational design, there have been substantial cost savings as a result of Department-wide purchasing rather than purchasing by the three (3) individual row offices. The centralization of ordering and storing office supplies has resulted in greater inventory control and lower usage of supplies . In addition, there now are Department policies with respect to work hours, dress code, and use of sick and vacation time.

The Legal Mandate or Necessity for the Department

The statutory bases for the existence of this Department are the following Commonwealth of Pennsylvania statutes: 16 P.S. § 4301, et seq., 20 Pa.C.S.A. § 901, et seq., 42 Pa.C.S.A. § 2731, et seq., and 42 Pa.C.S.A. § 2751, et seq.

Additional mandates required by the Unified Judicial System of Pennsylvania include:

- ◆ Unified Judicial System of Pennsylvania Rule 6001.7 Confidential Information:
The public access policy of case records of the appellate and trial courts stipulates that all documents filed with the court which contain confidential information as defined in section 7.0 of the Public Access Policy of the Unified Judicial System of Pennsylvania, case records of the appellate and trial courts shall be filed in duplicate with an unredacted original and a copy with all confidential information redacted. The unredacted original must be filed with a Fifth Judicial District un-redacted original cover sheet, available at the DCR, or if eFiling, by marking the document as an unredacted original document. Redacted copies need not be used in matters in which the documents filed by the parties are otherwise completely confidential by law or rule and unavailable for public access. A list of inclusions are mentioned in Rule 6001.7 regarding redacted copies.
- ◆ Unified Judicial System of Pennsylvania Rule 6001.10 Limits on Remote Access to Case Records:
In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania, case records of the appellate and trial courts, online access to the docket and case records should be restricted as follows. The public's online access to records shall be limited as set forth in section 6001.10. Attorneys listed as counsel of record who have entered their appearance on a Civil Division, Family Division or Orphans' Court case and who have a verified login to the DCR online access portal shall have the same access to that case online as they would if they had appeared in person at the Court Facility where the records are kept, with the exceptions listed within Rule 6001.10.

From a county perspective, the following legal mandates are applicable:

- ♦ County Council Ordinance No. 38-04-OR: Authorized the placement of a ballot question on the May 17, 2005, municipal primary ballot, which when passed by the electorate of Allegheny County, amended and modified the Allegheny County Home Rule Charter by, inter alia, abolishing the elected Row Offices of Prothonotary, Clerk of Courts and Register of Wills/Clerk of the Orphans' Court. The three offices were replaced them with a single appointed office of Court Records, which would be vested with all the power and authority that all applicable law had vested in the elected Row Offices of Prothonotary, Clerk of Courts and Register of Wills/Clerk of the Orphans' Court. Subsequently, the Allegheny County Home Rule Charter was amended in accordance with Ordinance No. 38-04-OR, effective on January 7, 2008.
- ♦ Administrative Order of Court AD-3-2008 PJ: Supports the existence of the Department issued by the President Judge of the Court of Common Pleas of Allegheny County.

A Determination of Public Need for the Department's Services

Given the legal mandates for the operations, the following needs of the public are fulfilled:

- ◆ Assurance that proper protocols are implemented that maintain all official documents and records filed in the Civil and Family division so that proceedings of the Court of Common Pleas are conducted in a manner that meets the highest standards expected by the public in legal proceedings.
- ◆ Guarantee that all official records and documents processed in the Criminal division are retained and processed to ensure the public's constitutional rights. Records involved include motions, dockets, expungements, bail bonds, etc.
- ◆ Facilitate the public's need for timely court-ordered restitution for victims, constable services, reinstatement of driver's licenses, response to prisoners' correspondence and securing private detective licenses.
- ◆ Retain and assumes responsibility for official documents generated in the Wills/Orphans' Court Division of the Court of Common Pleas including, but not limited to wills, trusts, estates, guardian of person and estates of minors and incapacitated persons, adoptions, marriage licenses, and inheritances to ensure that decisions rendered by the courts are accessible to the general public.
- ◆ Ensures that the public's need to secure marriage licenses and passports is accommodated by an expansion of service to non-traditional business hours to meet the changing needs of the members of the community.
- ◆ Responds to the public's need to make payments via credit card in e-filing and walk-in filing rather than traditional payment methods.
- ◆ Accommodates the members of the general public that lack access to computers to use publicly provided computers to view or print on-line filings or dockets.
- ◆ Provides the public the opportunity to inquire on issues related to court activities through electronic means of the department website.

A Review of the Methods used in the Implementation of Each Department's Programs and an Analysis of Alternative Methods That May be Employed to Achieve the Department's Legal Mandates

Because the functions performed by the Department are mandated by Commonwealth statutes, no other method or entity is appropriate to perform these essential functions.

An Evaluation of Whether County Government is the Most Effective Body to Implement the Department's Programs

Given the significant activity and increased efficiency of this Department, the effectiveness of this Department is recognized for this mandated responsibility by the Commonwealth.

An Evaluation of Whether the Absence or Reduction of the Department or the Department's Provision of Services Would Significantly Harm or Endanger the Public Health, Safety or Welfare

Due to the nature of this Department as a facilitator to ensure the full exercise of rights guaranteed by the State Constitution especially related to the judicial process, the absence or reduction of this Department would significantly harm the general public welfare of our residents. Therefore, it is critical that the operational Divisions of the Department be retained so that the public can be assured that all Court of Common Pleas documents are retained and processed in an efficient and effective manner while ensuring public access to court documents as set forth in applicable statutes.

An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Department

The costs of compliance for this Department are referenced in the Resolutions (Operating Budget #19-17-RE Capital Budget #20-17-RE and the Special Revenues/Grants Budget #21-17-RE) signed by the County Executive on December 6, 2017.

Additionally, the costs of compliance for the approved budget listed above are delineated within the 2018 Adopted Budgets which can be referenced at: <http://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

The Efficiency with which Formal Public Complaints Filed with the Department Have Been Processed

The County Information/Call Center directed inquiries it cannot resolve to the relevant employee within the department. During the calendar years of 2015, 2016, and 2017, 1485 issues were forwarded to the department for analysis and resolution. Documentation of these issues are retained by the County Information/Call Center.

In addition, the department responds to citizens through a newly-developed webmaster process and traditional inquires in phone calls. Of the approximate 7,200 inquires to the department via these two modes of communication, roughly twenty (20) issues of concern or complaints are addressed on a weekly basis. The complaints or issues of concern are resolved by the department staff on a daily basis, in the order that they are received.

A photograph of a sunset over a city skyline. The sun is low on the horizon, casting a bright glow across the sky. The sky is filled with wispy, white clouds that catch the light of the setting sun. The city skyline is visible in the distance, with several tall buildings. The foreground is dark, showing the silhouettes of trees and a hillside.

**SUNSET REVIEW
DEPARTMENT
OF
LAW**

LAW

Vision:

To provide comprehensive and high quality legal services to the Chief Executive and all offices, departments, boards, commissions and other administrative agencies under the Chief Executive.

Mission:

The mission of the Law Department is to provide a high level of professional legal services to the Allegheny County Executive and County departments in a timely, cost-effective and ethical manner.

Additionally, as a representative of clients, a lawyer serves a multitude of roles.

- ◆ As an advisor, a lawyer provides a client with an informed understanding of the client's rights, duties and obligations and explains the practical implications of the exercise of the client's rights, duties and obligations.
- ◆ As an advocate, a lawyer zealously asserts the client's position under the rules of the adversary system.
- ◆ As a negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others.
- ◆ As evaluator, a lawyer acts by examining the client's legal affairs and reporting about them to the client or to others. In performing these roles, a lawyer must be competent, prompt and diligent. A lawyer must maintain communications with a client concerning the representation and keep communications confidential.
- ◆ As an officer of the court, a lawyer must balance the duty of zealous representation of a client with the duty of candor to the tribunal and the responsibility to show respect in dealing with the court, its officers and associated personnel.

Overview of the Department

The Allegheny County Law Department is headed by the County Solicitor, an attorney admitted to practice in the Courts of the Commonwealth of Pennsylvania and who is a member in good standing of the Bar of the Supreme Court of Pennsylvania. Under the County's Home Rule Charter, the County Solicitor is appointed by the Chief Executive with the consent of Allegheny County Council. The County Solicitor supervises a staff of assistant solicitors and related administrative support personnel who assist the County Solicitor in the discharge of the duties of the office.

The Law Department provides comprehensive legal services to the Chief Executive and all offices, departments, boards, commissions and other administrative agencies under the Chief Executive. Some of the legal services provided by the County Law Department include:

- ◆ Representing the County in all legal proceedings in federal and state courts and administrative agencies;
- ◆ Rendering legal advice and opinions on a multitude of diverse legal questions presented by the operation of County government;
- ◆ Preparing, reviewing and approving County contracts, leases, deeds, ordinances and resolutions, and other legal documents;
- ◆ Negotiating collective bargaining agreements and handling grievances and interest arbitrations involving the County's unionized employees; and
- ◆ Advising the County's property, casualty and workers' compensation programs.

The County Law Department is informally divided into four (4) separate units:

- ♦ **General Municipal:** Works with all of the departments of the County involved with general and customary governmental operations;
- ♦ **Labor:** Consists of attorneys assigned to handle public sector labor issues involving the County's unionized employees and employment law matters,
- ♦ **Litigation:** Represents the County in suits in federal and state courts; a human services unit which provides legal advice and counsel to the various offices within the County's Department of Human Services and represents the County in child dependency cases, termination of parental rights cases, mental health commitment hearings, guardianship petitions and administrative hearings in Commonwealth's Department of Public Welfare
- ♦ **Child Support:** Handles child support actions against parents who have children in the care of the County's Office of Children Youth and Families and child support actions representing individuals who live out-of-county or out-of-state under the Federal Title IV-D Program.

The County Solicitor also supervises attorneys assigned to represent and advise the Allegheny County Health Department.

The Legal Mandate or Necessity for the Department

All county governments in Pennsylvania have a county solicitor. The Second Class County Code, the body of law that governed the operations of Allegheny County government provided for the appointment of a county solicitor. The County's Home Rule Charter, which went into effect in 2000, continued this traditional practice and specifically provided for Allegheny County to have a County Solicitor. See, Home Rule Charter, Art. V, §3. The County's Administrative Code provides that the County Solicitor is the director of the County's Law Department and sets forth the duties and responsibilities of the Solicitor. See, Administrative Code, §5-405.03.

A Determination of Public Need for the Department's Services

The need for a County Solicitor and a County Law Department is established by the provisions of the County's Home Rule Charter and the County's Administrative Code cited above.

Section 405.03 of the Administrative Code states that the County Solicitor shall perform the following:

- ◆ Provide, requested by the County Executive, Manager or County Council, legal opinions on any legal matter or question pertaining to the County;
- ◆ Prepare and revise ordinances or resolutions as requested from time to time by the County Executive or Council;
- ◆ Commence and prosecute all suits brought or to be brought by the County wherein or whereby any rights, privileges, properties, claims or demands of the County are involved , as well as to defend all actions, suits, grievances, claims or potential claims brought or alleged against the County;
- ◆ With the authority of the County Executive, compromise and settle actions, suits, claims or potential claims brought by or against the County, with notification to Council, prior to or contemporaneous with the execution of the agreement;
- ◆ Prepare or cause to be prepared, as directed by the Manager, and/or approve as to from all contracts, agreements, leases, surety bonds or other legal documents on behalf of the County;
- ◆ Oversee the operations of the Allegheny County Law Library
- ◆ Perform all duties now performed by County Solicitors under the laws of the Commonwealth and to do, perform every and all professional acts, and render legal advice incident to the office of County Solicitor, which may be required under the Charter.

A Review of the Methods used in the Implementation of Each Department's Programs and an Analysis of Alternative Methods That May be Employed to Achieve the Department's Legal Mandates

Due to the nature of the Law Department, this review is not applicable.

An Evaluation of Whether County Government is the Most Effective Body to Implement the Department's Programs

There has never been a formal evaluation to determine whether the legal functions performed by the County Solicitor and the County Law Department should be performed by a private entity such as a private law firm. However, past experience in the County strongly suggests that privatization of legal services is not a cost effective option.

In 1996, the then Board of Commissioners effectively contracted out labor negotiations to a private law firm. The County paid in excess of one million dollars in attorneys' fees and was not able to successfully negotiate a single collective bargaining agreement with any of the County's unions. The negotiating process was returned to the County Law Department. Using its in-house assistant solicitors, the County was able to quickly achieve agreements with all of its unions. When the labor agreements expired in 2000, the Law Department took over the negotiations from the on-set and was able to negotiate agreements with all of the County's unions.

For many years, the County paid large deductibles through its insurance carriers to have private law firms represent the County in tort claims and litigation and litigation in federal court involving federal constitutional and statutory claims. This model was not cost effective to the County. As a consequence, the County Law Department now handles the vast majority of claims and suits brought against County officials and departments.

Finally, it is doubtful that the multitude of legal services to the County's Human Services offices could never be effectively provided for by private attorneys at the cost that the County incurs to have a its own Law Department.

In sum, the experience gleaned from past efforts to engage private legal services to handle a portion of the County's need for legal services has shown that the employment of a publicly paid set of attorneys is a more effective, efficient method of delivering legal services to the County.

**An Evaluation of Whether the Absence or Reduction of the Department or
the Department's Provision of Services
Would Significantly Harm or Endanger the
Public Health, Safety or Welfare**

The absence or reduction of the Law Department would have significant adverse consequences, including but not limited to the following:

- ◆ **Increased Cost and Expense:** The use of private providers to fulfill the County's increasing need for legal services would significantly and drastically increase the County's cost of doing business;
- ◆ **Development of Expertise:** The attorneys in the Law Department possess skills and expertise in areas of the law that would be difficult to replicate in the private sector. While this could be done, it only could be achieved by paying significantly high amounts for legal services;
- ◆ **Loss of Convenience:** One significant advantage of having a Law Department is the ability of elected officials, as well as, Department directors and personnel to be able to present legal questions and problems to an experienced attorney and obtain answers and solutions without having to worry about the "meter running" for legal services.

An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Department

The costs of compliance for this Department are referenced in the Resolutions (Operating Budget #19-17-RE Capital Budget #20-17-RE and the Special Revenues/Grants Budget #21-17-RE) signed by the County Executive on December 6, 2017.

Additionally, the costs of compliance for the approved budget listed above are delineated within the 2018 Adopted Budgets which can be referenced at: <http://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

The Efficiency with which Formal Public Complaints Filed with the Department Have Been Processed

The County Information/Call Center directed issues it cannot resolve to the relevant employee within the Department. During the 2015, 2016 and 2017 calendar years, no issues were forwarded to the Department for analysis and resolution from the County Information/Call Center.

Recommendation:

Recognizing that the role of Solicitor is required by the Home Rule Charter coupled with the essential services it provides to the County, the continuation of this Department is imperative.

A photograph of a sunset over a city skyline. The sun is low on the horizon, creating a bright glow and casting long, wispy clouds across the sky. The city skyline is visible in the distance, with several tall buildings. The foreground is filled with dark, silhouetted trees.

**SUNSET REVIEW
OFFICE
OF THE
PUBLIC DEFENDER**

Vision:

The Office of the Public Defender, staffed by skilled advocates who deliver dedicated client-centered representation, will be recognized as the preeminent provider of indigent defense.

Mission:

The Office of the Public Defender will defend our clients by providing skilled, aggressive, and passionate advocacy in order to preserve the rights guaranteed to all members of our community.

Overview of the Department

To facilitate the fulfillment of their mission to be responsible for furnishing competent and effective legal representation to any person who lacks sufficient funds, the Office of the Public Defender is separated into five main divisions involving:

Pre-trial: Charged with the representation of clients in the following proceedings including, but not limited to, preliminary arraignments, preliminary hearings, bond and bail matters, extradition proceedings, violations of Protection From Abuse Orders, and involuntary commitments under the Mental Health Procedures Act.

Trial: Tasked with providing representation for clients whose cases will be heard in the Allegheny County Court of Common Pleas.

Juvenile: Provides legal representation to any person under the age of 18 charged with a crime.

Appellate: Provides representation to clients in appellate matters before the Pennsylvania Commonwealth, Superior and Supreme Court appeals, as well as, post-conviction hearings at the appellate level.

Intake and Investigations: Interviews clients to determine if they meet financial eligibility requirements and supports the attorneys by preparing Mitigation Reports; interviewing witnesses; and serving subpoenas.

The Legal Mandate or Necessity for the Department

The Sixth Amendment of the United States Constitution provides that, “In all criminal prosecutions, the accused shall enjoy the assistance of counsel for his defense.” In 1963, the United States Supreme Court case, *Gideon v. Wainwright* established the doctrine that the Sixth Amendment right to counsel is a fundamental right, essential for a fair trial, and necessitates that the courts appoint lawyers for all indigent defendants, regardless of that defendant’s education or intelligence. The function of a public defender is to provide the due process safeguards that the Supreme Court deemed necessary for a constitutionally sound criminal justice system.

Furthermore, the Public Defender’s Office in Allegheny County is mandated by the Public Defender Act of 1968, 16 P.S. §9906, to provide legal counsel in the following matters:

- ◆ Where a person is charged with juvenile delinquency;
- ◆ Critical pretrial identification procedures;
- ◆ Preliminary Arraignments;
- ◆ Preliminary hearings;
- ◆ Bond modification hearings;
- ◆ State habeas corpus proceedings;
- ◆ State trials, including pretrial and post-trial motions;

- ◆ Post-conviction hearings at the trial and appellate levels;
- ◆ Criminal extradition proceedings;
- ◆ Probation and parole violation hearings;
- ◆ Involuntary commitments under the Mental Health Procedures Act; and
- ◆ Any proceeding where life or personal liberty is in jeopardy.

This Office is authorized under the continuity provisions of the Charter, Article X 113, Section 6.

A Determination of Public Need for the Department's Services

Thousands of citizens have benefited from the services of the Office. In 2017 alone, the Intake and Investigation Division of the Office of the Public Defender conducted approximately 24,000 client interviews. The Pre-Trial Division represented a total of 1,614 clients in preliminary arraignments, and a total of 18,000 clients in preliminary hearings. The Trial Division represented approximately 9,937 clients in adult criminal court proceedings. Additionally, the Juvenile Division represented 879 clients in juvenile court proceedings. The Office also represented 5,869 individuals in involuntary mental health commitment proceedings.

The Appellate Division is praised and highly regarded by the Pennsylvania Appellate Courts, and the quality and level of expertise has risen dramatically over the last few years.

Although all juveniles charged with a crime are entitled to representation by the Office of the Public Defender, adults charged with a crime must meet financial eligibility requirements to qualify for the department services. Approximately 90% of the juveniles facing criminal charges are represented by the Office of the Public Defender. However, approximately 61% of the adults facing criminal charges in the Court of Common Pleas are represented by the Office of the Public Defender.

A Review of the Methods used in the Implementation of Each Department's Programs and an Analysis of Alternative Methods That May be Employed to Achieve the Department's Legal Mandates

In addition to the Performance Standards established by the office, attorneys in the Office are governed by the Rules of Professional Conduct as well as the Rules of Ethics. Each attorney is required to complete continuing legal education credits annually in order to maintain a license to practice law.

The office is only the second office in the state of Pennsylvania to hire a full time Manager of Training. As a result, attorneys in the in the office are required to attend mandatory office wide trainings and supervision with their respective supervisors. Furthermore, office attorneys are regularly evaluated to ensure that they are meeting the performance standards which govern representation of indigent clients. Such training and evaluation allows the office to achieve the legal mandates for the Office of the Public Defender.

An Evaluation of Whether County Government is the Most Effective Body to Implement the Department's Programs

The Pennsylvania Public Defender Act charges each County with the duty to provide Public Defender Services, thus County Government participation is not elective. However, in the majority of other states, the State Government and not the County Government has been determined to be the most effective body to implement indigent defense for a number of reasons.

Twenty two states fully administer and fully fund all indigent defense services at the state level. Six states now fund at least 75 percent of all indigent defense costs. Eighteen states rely to a large extent on county funding. Pennsylvania is the only state which does not provide state funding to ensure the right to counsel at the state level.

An Evaluation of Whether the Absence or Reduction of the Department or the Department's Provision of Services Would Significantly Harm or Endanger the Public Health, Safety or Welfare

The absence or reduction of the Office of the Public Defender would have significant adverse consequences, including but not limited to a violation and infringement on citizen's Constitutional rights. In the absence of competent, effective representation, people accused of a crime would be unable to safeguard their constitutional rights. In turn, there would be an increase in the likelihood that miscarriages of justice would occur and people would be wrongfully convicted and incarcerated.

An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Department

The costs of compliance for this Department are referenced in the Resolutions (Operating Budget #19-17-RE Capital Budget #20-17-RE and the Special Revenues/Grants Budget #21-17-RE) signed by the County Executive on December 6, 2017.

Additionally, the costs of compliance for the approved budget listed above are delineated within the 2018 Adopted Budgets which can be referenced at: <http://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

The Efficiency with which Formal Public Complaints Filed with the Department Have Been Processed

The County Information Center/Call Center directs issues it cannot resolve to the relevant employee within the department. During the 2015, 2016 and 2017 calendar years, 32 issues were forwarded for analysis and resolution. Documentation of these issues are retained by the County Information Center

The Office of the Public Defender does not keep formal records of public complaints. However, all written and verbal concerns received by the Office are reviewed by management within a day of receipt. Management then addresses each complaint.

Recommendation:

As the main guardian of the constitutional rights of persons, it is imperative that the Office of the Public Defender be maintained.

A photograph of a sunset over a city skyline. The sun is low on the horizon, creating a bright orange and yellow glow. The sky is filled with wispy, white clouds that catch the light of the setting sun. In the foreground, there are dark silhouettes of trees and a city skyline in the distance. The text 'SUNSET REVIEW DEPARTMENT OF BUDGET AND FINANCE' is overlaid on the right side of the image in a bold, black, sans-serif font.

**SUNSET REVIEW
DEPARTMENT
OF
BUDGET AND FINANCE**

Vision:

The Department of Budget and Finance is committed to the highest levels of excellence in the fields of budgeting and finance, striving to continuously improve County operations in the most cost efficient manner possible to the citizenry.

Mission:

The mission of the Department of Budget and Finance is to responsibly steward Allegheny County taxpayer resources through sound budget development, budget oversight, and debt management.

Overview of the Department

The Department of Budget and Finance is responsible for two key areas of County government. First, Budget and Finance must prepare, analyze and administer the County's Annual Comprehensive Fiscal Plan, including the operating, grant and capital budgets. Secondly, it must issue all County debt within legal policy and procedural limitations, in order to meet the needs of the County and its residents. These responsibilities also include the development of managerial and financial strategies to assist the County Executive to fulfill his commitments regarding the County's budgets.

The Department works closely with all 19 executive departments, the courts and the four row offices, comprising all County government functions. A budget analyst is assigned to each department, monitoring revenue and expenditures during the year to ensure budgetary compliance, conduct monthly forecasts of year-end fund balance, and develop the next year's budget. Budgetary controls include a review and approval of out-of-county travel requests, position changes and requests to fill vacancies.

The analysts train departments in financial business processes and systems. The Department also provides policy and best practice research, and financial expertise, all in compliance with Governmental Accounting Standards Board (GASB) principles.

The Department processes all transfers and amendments to the Annual Comprehensive Fiscal Plan and facilitates the approval through the County Executive and County Council.

The Legal Mandate or Necessity for the Department

The Department of Budget and Finance (the "Department") is authorized under the continuity provision of the Home Rule Charter of Allegheny County (the "Charter"), Article XIII, Section 6(d).

A Determination of Public Need for the Department's Services

The Department facilitates compliance with the legal mandates of Article VII, Section 2 of the Home Rule Charter regarding preparation of an annual Comprehensive Fiscal Plan, in conjunction with Article VIII, Chapter 801- Comprehensive Fiscal Plan, of the Administrative Code of Allegheny County. The Department also facilitates compliance with the legal mandates of Article VIII, Chapter 803 - Borrowing of Funds, of the Administrative Code of Allegheny County.

In addition, the Department oversees the transfer of funds, as described under Chapter 805 of the Code, in cooperation with relevant County agencies and departments ensuring that adequate appropriation balances are maintained for tax-funded operations, capital projects and state/federal administered grants.

A Review of the Methods used in the Implementation of Each Department's Programs and an Analysis of Alternative Methods That May be Employed to Achieve the Department's Legal Mandates

The County could contract out budgetary analyses, revenue/expenditure forecasting and debt/cash management, in the process probably incurring higher cost, which would be contrary to the Department's core function.

An Evaluation of Whether County Government is the Most Effective Body to Implement the Department's Programs

The County is the most effective entity to implement the Budget and Finance function because the Departmental effort is an internal function directed toward supporting the Executive Branch, Row Offices and Court of Common Pleas.

An Evaluation of Whether the Absence or Reduction of the Department or the Department's Provision of Services Would Significantly Harm or Endanger the Public Health, Safety or Welfare

The Department of Budget and Finance plays a key role in monitoring operations. The Department advises both the County Executive and County Manager in all financial matters impacting the County. In doing so, the Department also provides essential support functions that enable the County to effectively deliver services to the public. Therefore, the reduction or elimination of this vital function would be counterproductive to the financial integrity of the county.

An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Department

The Department does not regulate individuals or other entities. Therefore, this analysis is not applicable.

The Efficiency with which Formal Public Complaints Filed with the Department Have Been Processed

Because the Department provides purely internal functions to County government, it does not deal with the public in a direct fashion. As such, specific public complaints regarding the Department are generally non-existent. In fact, during the 2015, 2016, and 2017 calendar years, no issue was forwarded to the Department for analysis and resolution. Documentation of issues is retained by the County Information Center/County Call Center in the Department of Administrative Services.

Recommendation:

Given the essential functions this Department provides and its existence by virtue of the Home Rule Charter, this Department should continue as currently designed.

A photograph of a sunset over a city skyline. The sun is low on the horizon, creating a bright orange and yellow glow. The sky is filled with wispy, white clouds that catch the light of the setting sun. The city skyline is visible in the distance, with several tall buildings. The foreground is dark, showing the silhouettes of trees and hills.

**SUNSET REVIEW
DEPARTMENT
OF
HUMAN RESOURCES**

Vision:

To partner with County operating departments in achieving their missions through the analysis, development, implementation and continuing evaluation of best practice human resource programs and services.

Mission:

To serve and support Allegheny County's most valuable assets—its employees—by attracting, developing, engaging and retaining a talented and diverse workforce through provision of a quality work experience.

Overview of the Department

Human Resources provides centralized consultation and support to approximately 6800 employees, including the management teams of the County's varied operating departments, as well as the recruitment, hiring and orientation of approximately 900 new employees annually. Focus areas and core functions of HR include job analysis and job description development, recruitment and staffing management, compensation, benefits and wellness program administration, payroll, workers compensation and leave management, organizational and performance development, training, labor and employee relations, legal compliance, diversity and inclusion and records management.

To fulfill the charge, the Department gives priority to the following:

- ◆ Policy Development, Implementation and Review: Develops, implements and frequently reviews policies, procedures and work rules to ensure compliance with applicable federal, state and local laws and regulations and to incorporate best practice human resource models into the County's culture. Develops, manages and maintains employment recordkeeping systems in accordance with established record retention schedules and legal frameworks to manage risk and minimize liability.
- ◆ Staffing Management and Employee Development: As required by the Administrative Code, the Department administers a personnel system in which appointments and promotions of employees are made on the basis of merit. The Department ensures that merit-based principles guide all of the department's staffing management practices, which include recruitment, assessment and selection, onboarding and retention. Additionally, through organizational and employee development initiatives, efforts are made to increase County departments' and individual employee performance.

- ◆ Benefits, Compensation and Payroll: Responsibilities include the administration of all employee benefit plans including legal compliance and monitoring vendor contracts for quality, cost and service, strategic management of the workers' compensation program, support for the timely and accurate processing of payroll and administration of a fair and equitable compensation structure.
- ◆ Employee and Labor Relations: Promotes and fosters positive labor relations through fair and consistent application of contract provisions and by promoting dispute resolution processes. Positive employee relations are maintained by balancing employees' rights and needs, while supporting the strategic goals of the County. Recognizing the value of diversity within the workforce, the department promotes a culture of inclusion, by leveraging employees' varied and unique perspectives in support of collective objectives.

The Legal Mandate or Necessity for the Department:

The existence of the Department of Human Resources is authorized by Article XIII §1.13-1306 (d) of the Home Rule Charter. More specifically, according to Article VI §1.6-602 (d) of the charter, the County Manager is charged with the preparation and administration of a personnel system, which according to Article IX of the Charter, must be based on merit principles. Additionally, the Administrative Code states that the “ County Executive, through the County Manager and the Human Resources Division, shall be accountable for the development of personnel policies, procedures, and regulations for the career service of the County, which will embrace the concept of merit. They shall include, but not be limited to, the following principles and objectives, which shall guide the development of the County personnel system:

- ◆ Providing equal opportunity for employment and for the advancement and retention of employees without regard to race, religion, religious creed, national origin, age, disability or gender.
- ◆ Recruiting, selecting and promoting employees on the basis of their respective abilities, knowledge and skills required for the position, as determined through open and competitive means.
- ◆ Providing fair and competitive compensation and benefits for all employees.
- ◆ Training and developing employees to assure continuing high quality performance.
- ◆ Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and terminating the employment of employees whose inadequate performance has not been corrected.
- ◆ Instituting a position classification plan which fairly reflects the differences in job classes, such as, level of difficulty, education and experience requirements, and skill requirements.
- ◆ Establishing high standards of integrity, conduct, and concern for the public interest.
- ◆ Protecting employees from political coercion.”

Given this, the Department of Human Resources under the jurisdiction of the Manager fulfills this mandate.

A Determination of Public Need for the Department's Services

Recognizing that leveraging human capital is essential to any organization's success, the core functions of the Department of Human Resources are necessary to support other County departments in achieving their missions. Additionally, by developing and implementing a personnel system based on merit, the public is assured that qualified applicants hired for County jobs through an open and competitive means will serve the best interests of the general public in an efficient and effective manner. Through organizational and employee development initiatives, the public's need for efficient and effective government is realized by the Department's:

- ◆ Efforts to increase County departments' and individual employee performance.
- ◆ Promotion and fostering of positive labor relations through fair and consistent application of contract provisions and by promoting dispute resolution processes.
- ◆ Maintenance of positive employee relations achieved by balancing employees' rights and needs, while supporting the strategic goals of the County.
- ◆ Development, implementation and frequent review of policies, procedures and work rules that ensure compliance with applicable federal, state and local laws and regulations.
- ◆ Employment recordkeeping procedures and adherence to established record retention schedules help manage risk and minimize liability. Valuing diversity within the workforce is evident in all employment practices. As the department continues to promote a culture of inclusion, it works to leverage employees' diverse qualities in support of County objectives.
- ◆ Compensation and benefits programs that are developed and implemented in accordance with all applicable federal and state laws and regulations and pay structures are based on internal equity.

A Review of the Methods Used in the Implementation of each Department's Programs and an Analysis of Alternative Methods that May be Employed to Achieve the Department's Legal Mandates

Given that the charge is to explore alternative methods of delivery of service, decentralization of services within Departments would be a recognized option. However, one can conclude that such an option would result in increased costs, duplication of services and decreased coordination. More importantly, that alternative may also compromise the intent to ensure that all hires are based on merit in an open and competitive process.

An Evaluation of Whether County Government is the Most Effective Body to Implement the Department's Programs

Within the context of the legal mandate of Article 5: Section 1001.4 of the Code which delineates the division of responsibility for the Allegheny County personnel system by the Chief Executive, the County Manager, Human Resources Director, the Controller and the County Personnel Board, the County is the most effective body but is likewise the legal instrument to fulfill the charge of the Code.

From an operational perspective, given that the Allegheny County Department of Human Resources facilitates the efficient and effective management of responsibilities of the Departments while simultaneously serving the employees of County government, it can be concluded that the County is the most effective body to perform this internal function.

An Evaluation of Whether the Absence or Reduction of the Department or the Department's Provision of Services Would Significantly Harm or Endanger the Public Health, Safety or Welfare

The Department of Human Resources performs vital staffing management functions for County departments in accordance with the merit principles outlined in the Administrative Code and as mandated by the Home Rule Charter.

The absence or reduction in the Department's provisions would negatively affect the County's ability to hire qualified applicants for all career service positions resulting in a decreased quality of services provided by the County. Specifically, without the assurance that the most qualified applicants are selected, services related to public safety, public health and welfare would be compromised in their mission to serve the residents efficiently and effectively.

An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Department

The costs of compliance for this Department are referenced in the Resolutions (Operating Budget #19-17-RE Capital Budget #20-17-RE and the Special Revenues/Grants Budget #21-17-RE) signed by the County Executive on December 6, 2017.

Additionally, the costs of compliance for the approved budget listed above are delineated within the 2018 Adopted Budgets which can be referenced at: <http://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

The Efficiency with which Formal Public Complaints Filed with the Department Have Been Processed

Upon receipt of an inquiry or a concern by employees, applicants, external agencies or members of the public in the Department of Human Resources, the appropriate staff member in the Department provide a timely response to the inquiry. When applicable, the Personnel Board may hear complaints related to employee suspensions, demotions and discharges. The Allegheny County Ethics Commission may hear complaints related to alleged violations of the Allegheny County Accountability, Conduct and Ethics Code. The Allegheny County Human Relations Commission may hear complaints related to alleged discrimination made by any individual in the areas of employment, housing and use of public facilities.

Additionally, during the calendar years of 2015, 2016 and 2017, 240 inquiries were made to the Information Center/Call Center for guidance on a particular issue.

Recommendation:

With its primary charge of attracting, retaining and developing a highly qualified and diverse workforce, it is critical to retain this Department.



**Accountability,
Conduct
and
Ethics Commission**

The Legal Mandate or Necessity for the Agency

The Allegheny County Home Rule Charter required the creation of the Accountability, Conduct and Ethics Commission (ACE) under Article XI Section 2. The County's Administrative Code includes an Accountability, Conduct and Ethics Code for all elected and appointed County Officers, County Officials, and all County employees and members of County Agencies. The Accountability, Conduct and Ethics Commission was established on April 17, 2001 as part of the Ordinance adopting the Ethics Code consistent with provisions of the Home Rule Charter.

A Determination of Public Need for the Continued Existence of the Agency and its Services

The Commission provides an objective forum for any individual who believes that an action or omission of a covered person is in violation of the County Ethics Code, and can present their concerns.

A Review of the Methods Used in the Implementation of the Agency's Functions and an Analysis of Alternative Methods that may be Employed to Achieve the Agency's Legal Mandates

The ACE Commission meets formally several times throughout the year to discuss incoming complaints and other related business. In the furtherance of its mission and purpose, the Commission performs the following:

- ◆ Review Public Disclosure of Interest Statements filed;
- ◆ Review evidence submitted by Complainants;
- ◆ Interview witnesses; and
- ◆ Educate the public about the work and purpose of the Commission.

To accomplish this mission, the Commission receives staff support from the Department of Human Resources.

An Evaluation of Whether the Agency is the Most Effective Body to Implement the Agency's Programs

The purpose of the Accountability, Conduct and Ethics Code is to set forth the details for the accountability, conduct and ethics of Allegheny County (County) government consistent with the provisions of the Home Rule Charter of Allegheny County as adopted on May 19, 1998 and all applicable laws of the Commonwealth of Pennsylvania. Allegheny County's elected and chief appointed officials set the ethical tone and environment that will prevail in the County. It is the special obligation of these officials to set the example of proper comportment, to communicate to all County personnel the ethical conduct that is expected. The ACE Commission is thought to be the most effective body to implement ACE Commission goals and objectives, as the Commission operates independently of the County.

An Evaluation of Whether the Absence or Reduction of the Agency or the Agency's Provision of Services Would Significantly Harm or Endanger the Public Health, Safety, or Welfare

The absence or reduction of the Accountability, Conduct and Ethics Commission would not significantly impact public health, safety, or welfare. However, the ACE Commission supports 'accountable and ethical' behavior among covered persons. If the Commission was eliminated and individuals went directly to the Courts in search of a remedy, it could result in increased costs to the taxpayer.

An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Agency

Due to the public nature of this agency, if it was determined that a fee would be appropriate, the agency would adopt the fee in a public meeting

The Efficiency with which Formal Public Complaints Filed with the Agency Have Been Processed

The ACE Commission has received a total of 35 complaints since its inception in 2002, with each complaint being resolved within a few to several months, depending on the complexity of the complaint. The Ethics Code, information about the ACE Commission, its members and a Complaint Form is available on the County's website.

In the Case of an Agency that Has Received Appropriations from the County's Operating Budget in Any of the Five (5) Years Prior to the Sunset Review, a Financial Audit of the Agency Performed by an Entity independent of the County.

As this Commission did not receive an appropriation from the County's Operating budget, this review is not applicable.

Recommendation: Continue



**Allegheny County
Human Relations
Commission**

The Legal Mandate or Necessity for the Agency

On July 1, 2009, Allegheny County Council enacted Ordinance Number 26-09-OR that established the Human Relations Commission of Allegheny County. The Human Relations Commission consists of seven (7) members appointed by the Chief Executive and confirmed by County Council. All members of the Commission shall be residents of the County at the time of appointment and throughout their service. All appointments shall be for terms of four years.

A Determination of Public Need for the Continued Existence of the Agency and its Services

The mission of the Human Relations Commission is to assure that all persons regardless of race, color, religion, national origin, ancestry or place of birth, sex, gender identity or expression, sexual orientation, disability, marital status, familial status, age or use of a guide or support animal because of blindness, deafness or physical disability enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and use of public accommodation facilities. The need to treat all persons fairly within the context of the above areas continues to exist.

Review of the Methods Used in the Implementation of the Agency's Functions and an Analysis of Alternative Methods that may be Employed to Achieve the Agency's Legal Mandates

The work of the Commission is performed by seven volunteer Commissioners, with an elected chairperson and Vice-Chairperson who, pursuant to Section 215-36(B)(7) of the above noted Ordinance “rely upon staff employed by the Allegheny County Law Department and Human Resources Department, to the extent necessary for the accomplishment of its powers and duties”. The Commission holds regular monthly meetings. Each Commission member is assigned to one of two sections within the Commission – the Compliance Review Section consults confidentially with the Solicitor regarding the processing and investigation of complaints filed under the Ordinance, and the Hearing Section presides at public hearings when necessary.

An Evaluation of Whether the Agency is the Most Effective Body to Implement the Agency's Programs

The Commission was enacted by ordinance to provide an objective forum to which any individual can present their concerns in regard to employment, housing and public accommodations within Allegheny County. As such, the Commission is the most effective body to implement its programs.

An Evaluation of Whether the Absence or Reduction of the Agency or the Agency's Provision of Services Would Significantly Harm or Endanger the Public Health, Safety, or Welfare

If the Commission was eliminated or its provision of services reduced, public health, safety or welfare would not be significantly impacted. However, if individuals took their concerns to the Courts in search of a remedy, the judicial process could result in increased costs to the taxpayer. In addition, the resolution of the complaint could be significantly delayed.

An Analysis Showing the Costs of Compliance for Individuals or Other Entities Regulated by the Agency

Due to the public nature of this agency, if it was determined that a fee would be appropriate, the agency would adopt the fee in a public meeting.

The Efficiency with which Formal Public Complaints Filed with the Agency Have Been Processed

Since its enactment in 2010, the Human Relations Commission has received 58 formal complaints. All complaints have been or are in the process of being resolved, either through closure or dismissal by the Commission, withdrawal by the complainant or notice of cross-filing by the complainant to another agency

**In the Case of an Agency that Has Received Appropriations from the County's Operating Budget in
Any of the Five (5) Years Prior to the Sunset Review,
a Financial Audit of the Agency Performed by an Entity independent of the County.**

This agency did not receive an appropriation from the County's Operating Budget . As such, an audit is not required.

Recommendation: Continue



**Personnel
Board**

The Legal Mandate or Necessity for the Agency

Previously, a 1996 Civil Service Organization conducted hearings now held by the Board. In 2001, as part of the change to Home Rule, the Civil Service Commission was abolished, and its responsibilities, as set forth in 16 P.S. §§ 4502 through 4525 and §§ 4221.1 through 4221.16, were incorporated by reference as responsibilities of the Personnel Board

A Determination of Public Need for the Continued Existence of the Agency and its Services

The Personnel Board fulfills five aspects related to public need which involves the following activities:

- ◆ May hear appeals of Career Service employees not covered by collective bargaining involving demotions, dismissals and suspensions. Terminations during or at conclusion of probationary period may not be appealed;
- ◆ Shall have the opportunity to review and comment upon the rules and regulations established for the career service, and to make recommendations for changes and/or additions;
- ◆ Shall hear complaints regarding violations of the merit principles set forth in this Administrative Code;
- ◆ Shall monitor the faithful execution of provisions governing the career service, and report any abuses to the Manager; and
- ◆ Shall prepare for the Chief Executive and County Council an annual report of activities and such other reports as the Executive may require or the Board considers appropriate. The Personnel Board may sustain the charges, reduce the length of suspension or dismiss the charges. The Personnel Board shall render its decision, in writing, within 45 days of the receipt of the hearing transcript, unless this time limit is waived by all parties.

**A Review of the Methods Used in the Implementation of the Agency's
Functions and an Analysis of Alternative Methods that may be
Employed to Achieve the Agency's Legal Mandates**

The Chief Executive, with the consent of a majority of the seated members of County Council, shall appoint from the registered voters a Personnel Board composed of five members. Not more than three members shall be of the same political party. At least one member shall be experienced in labor. The Board meets as necessary to hear cases and render decisions in said cases.

**An Evaluation of Whether the Agency is the
Most Effective Body to Implement the Agency's Programs**

The Personnel Board may hear appeals of career service employees not covered by a collective bargaining agreement regarding demotions, dismissals and suspensions. The personnel board provides an objective forum where these employees can present their concerns, since no member of the personnel board or their families can be an employee of Allegheny County.

**An Evaluation of Whether the Absence or Reduction
of the Agency or the Agency's Provision of Services Would
Significantly Harm or Endanger the Public Health, Safety, or Welfare**

If the Personnel Board was eliminated or its provision of services reduced, public health, safety or welfare would not be significantly impacted. Appeals of this type could be heard by members of the Department of Human Resources, however, this may not be viewed as objective by employees; or, employees could address their concerns through the legal system in Common Pleas or Federal Court. If the Personnel Board was eliminated and employees went directly to the Courts in search of a remedy it would result in increased costs to the taxpayer.

**An Analysis Showing the Costs of Compliance
for Individuals or Other Entities Regulated by the Agency**

Due to the public nature of this agency, if it was determined that a fee would be appropriate, the agency would adopt the fee in a public meeting

**The Efficiency with which Formal Public Complaints
Filed with the Agency Have Been Processed**

The Rules and Regulations established by the Personnel Board direct the Board, after a public hearing, to render its decision, in writing, within 30 days of receipt of the hearing transcript, unless the time limit is waived by both parties. It should be noted that the Personnel Board has heard 25 cases since its inception pursuant to the enactment of the County's Administrative Code.

**In the Case of an Agency that Has Received Appropriations from the County's Operating Budget in
Any of the Five (5) Years Prior to the Sunset Review,
a Financial Audit of the Agency Performed by an Entity independent of the County.**

This agency did not receive an appropriation from the County's Operating Budget. Therefore, this review is not applicable.

Recommendation: Continue



**Retirement
Board**

The Legal Mandate or Necessity for the Agency

Established by the County Commissioners in 1915, this Board is required by the Pennsylvania Second Class County Code (16 P.S. §§ 4701 – 4716, Article XVII Employees Retirement System) to administer the provisions of the retirement system for Allegheny County.

To fulfill this mandate of the Second Class County code, the Board consists of seven (7) members including: County Executive, County Controller, County Treasurer and two (2) members elected by the County employees and retirees, one (1) appointed by the County Executive and one (1) appointed by County Council all of whom serve for serve a four (4) year term.

A Determination of Public Need for the Continued Existence of the Agency and its Services

Recognizing that the Board shall be the trustees of the retirement fund, and shall have exclusive control and management of the said fund with full power to invest the money or any part thereof, subject to the terms, conditions, limitations and restrictions that are provided by law for investments of trust funds by fiduciaries or the retention or sale of certain investments in the hands of fiduciaries (Source: Pennsylvania Second Class County Code 16 P.S. §§ 4701 – 4716, Article XVII. Employees” Retirement System, the fulfillment of the public need is established.

To accomplish this objective, The Board shall keep a register of all county employees containing the names, ages, residence, nature of employment, time of entering employ, and such other information as the board deems necessary in the performance of its duties. The board may adopt, amend, revise and abolish such rules and regulations as it deems necessary, not inconsistent with this act.

A Review of the Methods Used in the Implementation of the Agency's Functions and an Analysis of Alternative Methods that may be Employed to Achieve the Agency's Legal Mandates

As the methods for the implementation of the agency's functions are required by the Pennsylvania Second Class County Code, the Board shall have power and authority to pay all necessary expenses in the administration of the retirement system, employ one solicitor and necessary assistants, who shall receive such compensation as the board shall fix, which shall be paid from the retirement fund on warrants of the board. Because of this charge, no other alternative exists to achieve the legal mandates.

An Evaluation of Whether the Agency is the Most Effective Body to Implement the Agency's Programs

While the retirement system and fund shall be under the sole direction of a Retirement Board as directed by the Second Class County Code, the effectiveness of this Board is illustrated by its recent performance results which included the following:

Fund Assets	\$857,770,000
Total Fund Status Ratio (TFSR)	73.4%
Assumed Return	7.75% annual interest rate (net of investment expenses)
Investment Returns	8.49% 1 year, 4.95 3 year, 8.18% 5 year, 7.58% Inception (12/31/93)
Administrative Cost per Member	$\$1,381,567(\text{Expense})/12,268(\text{Members}) = \112.62

**An Evaluation of Whether the Absence or Reduction
of the Agency or the Agency's Provision of Services Would
Significantly Harm or Endanger the Public Health, Safety, or Welfare**

The absence or reduction of the Retirement Board which makes approximately \$7.58 million in monthly benefit payments would compromise the public welfare of the 4,790 retirees and survivors receiving an average annuity benefit of \$19,512 per year. Additionally, given that there are currently 7,246 active members that could potentially receive benefits in their lifetime, the public welfare and economic security of future retirees is enhanced.

**An Analysis Showing the Costs of Compliance for Individuals
or Other Entities Regulated by the Agency**

Due to the public nature and organizational intent of this entity, the costs of compliance is not applicable.

The Efficiency with which Formal Public Complaints Filed with the Agency Have Been Processed

The established protocols of the Retirement Board allow for public comments to be received at the regular, monthly meetings of the Board. Additionally, the Board's website contains policies and procedures in accordance with Pennsylvania's Right to Know Law.

(Right To Know Policy: <http://www.county.allegheny.pa.us/retirement/rtk2009.pdf>)

In the Case of an Agency that Has Received Appropriations from the County's Operating Budget in Any of the Five (5) Years Prior to the Sunset Review, a Financial Audit of the Agency Performed by an Entity independent of the County

While the Retirement Board does not receive appropriations from the County's Operating Budget, due to the functions of this agency, an audit was performed by Case Sabatini which can be accessed at: <http://www.alleghenycounty.us/retirement/reports/reports.aspx>

Recommendation: Continue

APPENDIX A

Staggered Schedule for Future Sunset Reviews

As adopted in 2014 and recommended by the Government Review Commission of 2016, a four year staggered process will be implemented for Departments and related agencies, commissions and/or boards and authorities, as follows:

	2003	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Administrative Services	x	x				x		x				x				x
Budget	x	x				x				x				x		
Court Records *	N/A	x				x				x				x		
Economic Development	x	x				x	x				x				x	
Emergency Services	x	x				x			x				x			
Facilities**	N/A	N/A				x		x				x				x
Health	x	x				x	x				x				x	
Human Resources	x	x				x				x				x		
Human Services	x	x				x	x				x				x	
Jail/Bureau of Corrections	x	x				x			x				x			
Kane Regional Centers	x	x				x	x				x				x	
Law	x	x				x				x				x		
Medical Examiner*	N/A	x				x			x				x			
Minority, Women, Disadvantaged Business Enterprise (MWD BE)	x	x				x	x				x				x	
Parks	x	x				x		x				x				x
Police	x	x				x			x				x			
Public Defender	x	x				x				x				x		
Public Works	x	x				x		x				x				x
Real Estate***	N/A	x				x										
Shuman Juvenile Detention Center	x	x				x			x				x			
Total						20	5	4	5	5	5	4	5	5	5	5

* Exists as 2008

**Exists as of 2013

***Merged with Administrative Services