

ADMINISTRATIVE CODE OF ALLEGHENY COUNTY



Enacted June 20, 2000
Ordinance No. 08-00-OR

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Last Update: July 12, 2024

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Part 1
General Provisions

ARTICLE 101
Definitions and Construction

§ 5-101.01. Short title.

This chapter and all amendments hereto shall be known and may be cited as "The Administrative Code of Allegheny County."

§ 5-101.02. Purpose.

The purpose of this Administrative Code is to set forth the details for the administration and operation of Allegheny County Government, consistent with the provisions of the Home Rule Charter of Allegheny County as adopted on May 19, 1998, as amended from time to time, and all applicable laws of the Commonwealth of Pennsylvania.

§ 5-101.03. Definitions.

The following words, when used in this Administrative Code, shall, unless the context clearly indicates otherwise, or specifically redefined for purposes of a section or subsection, be defined as follows:

ADMINISTRATIVE MANUAL — Those documents specifying detailed operational matters of County units, including, but not necessarily limited to, descriptions of the duties and responsibilities of subordinate units, rules and regulations and appropriate administrative procedures, records, and reports.

ADMINISTRATIVE OFFICER — The County Solicitor or the director of any department or any division within the administrative service.

AGENCY — Any County-related board, commission, district, committee, council, or other governmental or quasi-governmental entity which has been created or established by the County or to which the Chief Executive or County Council has the power of appointment, except for any authority or unit of local government created pursuant to commonwealth law, and any voluntary advisory board established by the Chief Executive or by County Council. [**Amended 2-15-2005 by Ord. No. 11-05**]

AUTHORITY — An instrumentality of the Commonwealth of Pennsylvania and a body corporate and politic created pursuant to applicable law to perform an important governmental function.

BALANCED ANNUAL CAPITAL BUDGET — A budget in which the identified sources of funds equal the proposed capital expenditures.

BALANCED ANNUAL OPERATING BUDGET — A budget in which the beginning fund balances plus the estimated revenues must equal appropriated expenditures plus ending fund balances, where such fund balances are not less than \$0.

BUSINESS DAY — Any day that is not a Saturday, Sunday or legal holiday.

CANDIDATE — Any person seeking an elected public office who has filed the required nominating petitions with the appropriate Board of Elections, or in the case of a special election, has received the nomination of his or her respective political party. [Added 4-3-2001 by Ord. No. 36-01]

CHARTER — The Home Rule Charter of the County of Allegheny, Pennsylvania.

CHIEF EXECUTIVE — The Chief Executive elected by the voters pursuant to the Charter.

COMMONWEALTH — The Commonwealth of Pennsylvania.

COMPREHENSIVE FISCAL PLAN — The annual operating and capital budgets, the grants and special revenues budget, and agency funds budgets (e.g., County budgets based on the proceeds of and levy of the Hotel/Motel Tax and the Sales Tax for the Regional Asset District), the two-year projected operating budget, the five-year capital improvement plan and the budget message prepared by the Budget Director and submitted by the Chief Executive to Council.

CONSENT — An affirmative vote of at least a majority of the seated members of County Council.

COUNTY — The County of Allegheny, Pennsylvania, a Home Rule County and a political subdivision of the Commonwealth of Pennsylvania.

COUNTY COUNCIL — The County Council of the County of Allegheny County, Pennsylvania.

COUNTY MANAGER — The individual appointed by the Chief Executive with the consent of the County Council who is charged with the powers and duties set forth in Article VI, § 1.6-602, of the Charter.

COUNTY OFFICERS — The Chief Executive and the members of County Council.

COUNTY OFFICIALS — The independently elected officers having powers, duties and responsibilities over a separately constituted County Office. The term "County Officials" shall be synonymous with the term "Row Offices" or "Independently Elected County Officials."

COUNTY OFFICE — The office held by the Chief Executive and the members of County Council.

COURT OF COMMON PLEAS OR THE COURTS — The Court of Common Pleas of Allegheny County, including all other minor courts and offices which are presently a part of the 5th District of the Unified Judicial System of the Commonwealth of Pennsylvania.

DAYS — Calendar days.

DEPARTMENT — A unit within the Administrative Service.

DIRECTOR — The head of any department or division within the Administrative Service.

DISADVANTAGED BUSINESS ENTERPRISE — A for-profit small business concern that is at least 51% owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of the corporation, in which 51% of stock is owned by one or more such individual, and whose daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DIVISION — An identified subunit of a County department within the Administrative Service.

ELECTED POLITICAL OFFICE — Any federal, commonwealth, county or municipal position that is elected.

ENCUMBER — To appropriate a reserve estimated to meet as a yet unperformed obligation for goods or services.

FULL-TIME — Regular work of at least 35 hours a week.

GOVERNING BODY — The Chief Executive and County Council acting pursuant to their powers under the Charter.

INDEPENDENT COUNTY OFFICE — Each office headed by an Independently Elected County Official.

INDEPENDENTLY ELECTED COUNTY OFFICIAL — Includes the elected Clerk of Courts, Controller, Coroner, District Attorney, Jury Commissioner, Prothonotary, Recorder of Deeds, Register of Wills, Sheriff and Treasurer.

INITIATIVE — The filing of a petition containing a proposal for County Council action.

LAW — Shall refer to those laws of the United States of America and the Commonwealth of Pennsylvania, as may be in effect from time to time, that the County is required to observe and adhere to in the exercise of its home rule powers.

LOCALLY LEVIED TAX REVENUES — Those revenues derived from taxes levied by the governing body of the County.

MUNICIPALITY — Any county, city, borough, incorporated town, township, school district, home rule community or any other similar purpose unit of local government created by the General Assembly after July 12, 1972.

ORDINANCE — All ordinances of the County, including the Administrative Code.

Pa.C.S.A. — Used in legal citations under this Administrative Code shall mean that the referenced material can be found at the cited volume and section of Purdon's Pennsylvania Consolidated Statutes Annotated.

PERSON — Any individual, partnership, association or corporation, including those acting in a fiduciary or representative capacity whether appointed by a court or otherwise.

PERSONNEL SYSTEM — The rules and regulations established in and pursuant to this Administrative Code governing employment of County employees.

POLITICAL BODY — An independent group of electors that is not a political party but has filed proper nomination papers as required by law.

POLITICAL PARTY — Any political party or group of electors that has met the requirements set forth by law to be recognized as a political party.

PREAUDIT — To determine after goods are received or services are performed under a contract and at the time that payment is requested, that the expenditure is properly supported by requisition, purchase order and invoice, that the expenditures correspond to the proper account number.

PRESIDING OFFICER — The member of County Council temporarily chairing Council in the absence of the Council President.

P.S. — Used in legal citations under this Administrative Code shall mean that the references material can be found at the cited volume and section of Purdon's Pennsylvania Statutes Annotated.

PUBLISH — To print in a newspaper of general circulation in the County or to post on the Internet at an appropriate County-controlled Web site the entire document or a brief summary of the substantive provisions thereof with a listing of places where copies have been filed and times when they are available for public inspection. The failure of the Internet posting shall not constitute an invalidation of any publication.

REVIEW COMMISSION — The County Government Review Commission established pursuant to Article XIII, § 1.13-1305, of the Charter.

ROW OFFICES — The offices headed by County Officials.

SEATED MEMBERS — Members holding County Council seats that are not vacant.

SUNSET REVIEW — That all County departments, agencies and functions shall have a specified expiration date and shall not continue to exist beyond this date without the affirmative action of County Council.

TERM — A term of office. In the case of a County Officer appointed or elected to fill an unexpired term of two years or less, the unexpired portion of the term shall not be considered a term for any term limits as provided for in Article III of this Charter. In the case of a County Officer appointed or elected to fill an unexpired term of more than two years, the unexpired portion of the term shall be considered a term for any term limits as provided for in Article III of this Charter.

UNIT — Any County department.

VOTER — A person who is lawfully registered to vote.

WHOEVER — Any "person" as herein defined. Whenever used in any clause prescribing or imposing a penalty, the term "whoever" shall include any person who causes an act to be done, whether directly performed by himself or otherwise or who aids, abets, counsels, commands, induces or procures its commission.

§ 5-101.04. Rules of construction.

For the purposes of this Administrative Code, the following rules of construction shall be observed unless otherwise provided in the Code and unless the context clearly indicates otherwise and unless the application of such rules would result in a construction inconsistent with the manifest intent of Council:

- A. "Shall" is mandatory and "may" is permissive.
- B. The singular includes the plural, and the plural includes the singular. Words used in the masculine gender include the feminine and neuter. Words used in the past or present tense include the future.
- C. The arrangement and classification of the Code have been made for the purpose of a convenient and orderly arrangement. No inference, implication or presumption of legislative construction shall be drawn because of the location of any provision, nor shall any outline, analysis, index or descriptive matter relating to the contents of the Code be given any legal effect.
- D. Any word not specifically defined shall be construed according to its common usage unless the context or the manifest intent of Council clearly indicates otherwise.
- E. Title, article, part, section and section subdivision names are part of this Administrative Code. However, reference to titles, articles, parts, sections or section subdivisions are not intended to be exclusive, or to exclude other titles, articles, parts, sections or section subdivisions which may be applicable.
- F. Whenever a provision appears requiring the director of a department or division of the County to do something, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act unless the terms of the provision or section require otherwise.
- G. Unless otherwise provided in the Code, and unless the context or the manifest intent of Council clearly indicates otherwise, terms, phrases, words and their derivations not defined in the Code shall have the meanings ascribed to them in Subchapter F of Chapter 19 (Rules of Construction) of the Statutory Construction Act of 1972, as amended, 1 Pa.C.S.A. § 1991.

ARTICLE 103

Name, Boundaries and Seal

§ 5-103.01. Name.

The County of Allegheny shall continue to be a political subdivision of the Commonwealth of Pennsylvania under its present name "The County of Allegheny" or "Allegheny County." As used in this Administrative Code, "the County" shall refer to the County of Allegheny, a political subdivision of the Commonwealth of Pennsylvania and a home rule county under the laws of the Commonwealth of Pennsylvania.

§ 5-103.02. Boundaries.

The geographical boundaries of the County shall be the actual boundaries of the County existing at the time of the adoption of the Charter and shall remain the same unless changed in accordance with the applicable law.

§ 5-103.03. Seal.

- A. The County may adopt and use an Official Seal. The Seal shall be kept by the Chief Executive, the County Council, or their duly authorized representative or designee.
- B. Any document or record of the County certified by the Chief Executive, the County Council, or their duly authorized representative or designee, shall be admitted in evidence in any of the Courts of the Commonwealth.

ARTICLE 105
Powers of the County

§ 5-105.01. Grant of powers.

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.

§ 5-105.02. Construction.

The powers of the County under the Charter shall be construed broadly in favor of the County, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in the Charter. All possible powers of the County are to be considered as if specifically and individually set forth in the Charter whether such powers are presently available to the County or may hereinafter from time to time become available.

§ 5-105.03. Intergovernmental cooperation.

The County may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the United States Government or any agencies thereof, with the Commonwealth of Pennsylvania or any other state, or any unit, division or agency thereof, or with any municipality, authority or any local or regional agency or intergovernmental agency or council.

ARTICLE 107

Miscellaneous

§ 5-107.01. Severability.

The provisions of this Administrative Code are severable, and if any provision is held illegal, such illegality shall not affect the remaining provisions. It is the legislative intent of the Council that the Code would have been adopted if such illegal provision had not been included.

§ 5-107.02. Continuity.

Unless expressly or implicitly modified or repealed by the Charter or this Administrative Code, the provisions of the Second Class County Code and other applicable laws shall govern the operations of Allegheny County Government.

§ 5-107.03. Effective date.

Unless otherwise provided, this Administrative Code shall become effective in accordance with the provisions of the Home Rule Charter.

Part 2
Organization and Structure of County Government

ARTICLE 201
Organization of County Government

§ 5-201.01. Legislative Branch of County government.

The Legislative Branch of Allegheny County Government shall consist of a fifteen-member Council which shall be known as the "Allegheny County Council" or "County Council." The County Council shall have exclusive legislative power and shall exercise all its legislative powers and shall perform such functions and duties as are provided for in Article IV of the Charter.

§ 5-201.02. Executive Branch of County government.

The Executive Branch of Allegheny County Government shall consist of an elected Chief Executive and an Administrative Service of the County which shall be organized under an appointed County Manager who shall be responsible for the day-to-day operation of the Administrative Service.

§ 5-201.03. Independently elected County officials. [Amended 12-6-2004 by Ord. No. 38-04, approved 5-17-2005]

A. The following independent county offices shall be operated by County officials:

- (1) County Controller.
- (2) District Attorney.
- (3) Sheriff.
- (4) Treasurer.

B. Abolition and consolidation of certain independently elected County offices.

- (1) The elected Offices of the Clerk of Courts, Prothonotary, and Register of Wills are abolished effective the first business day of January 2008, and are replaced with the appointed office of Director of Court Records, who shall be selected pursuant to Article VI, § 1.6-602(c), of the Home Rule Charter. The Director of Court Records shall perform all of the duties and functions currently vested in the Offices of Clerk of Courts, Jury Commissioners (2), Prothonotary, and Register of Wills by applicable law as of the date that the office of Director of Clerk Records becomes effective, provided that such duties and functions are not inconsistent with the Home Rule Charter.
- (2) The Office of Jury Commissioner is abolished effective the first business day of January 2006. The duties and functions of the Office of Jury Commissioner shall be performed by the Director of Court Records; provided, however, that the functions and duties of the Office of Jury Commissioner shall be administered by the County Manager or his designees from the first business day of January 2006 until such time as the Director of Court Records is selected as provided in Subsection B(1) above.

- (3) The elected Office of the Recorder of Deeds is abolished effective the first business day of January 2008, and is replaced with the appointed office of Real Estate Manager, who shall be selected pursuant to Article VI, § 1.6-602(c), of the Home Rule Charter. The duties and functions of the Real Estate Manager shall be all of those currently vested in the Office of the Recorder of Deeds by applicable law as of the date that the office of Real Estate Manager becomes effective, provided that such duties and functions are not inconsistent with the Home Rule Charter.

§ 5-201.04. Judicial Branch of County government.

The Judicial Branch of Allegheny County Government shall consist of the Allegheny County Court of Common Pleas and all other minor courts and offices which are presently a part of the 5th District of the Unified Judicial System of the Commonwealth of Pennsylvania.

§ 5-201.05. Office of the Medical Examiner. [Added 12-6-2004 by Ord. No. 38-04, approved 5-17-2005]

- A. The Office of County Coroner is abolished effective the first business day of January 2006.
- B. The Chief Executive shall appoint a Medical Examiner, who shall serve a fixed term of five years, commencing on the first business day of January 2006.
- C. The Medical Examiner shall:
 - (1) Hold either a Medical Doctor degree or a Doctor of Osteopathy degree from an accredited institution;
 - (2) Possess a valid license to practice medicine in the Commonwealth of Pennsylvania;
 - (3) Be board certified, or board eligible, by the American Board of Pathology in forensic pathology; and
 - (4) Have had at least five years of experience as a practicing pathologist.
- D. The Medical Examiner, after expiration of his or her term, may be reappointed.
- E. The Medical Examiner may be removed for cause by the Allegheny County Court of Common Pleas after having been provided with a copy of the charges against him or her for at least 10 days and full hearing by the Court.
- F. If a vacancy shall occur by reason of death, disqualification, resignation, or removal, the Chief Executive shall appoint a successor to fill the remainder of the Medical Examiner's unexpired term.
- G. The Medical Examiner shall have all of the powers, functions, and duties previously vested in the elected office of Coroner as set forth in 16 Pa. Stat. §§ 4232-48 and 4250, including without limitation the power of inquest and the power of subpoena, as of the date that the office of Medical Examiner becomes effective. **[Amended 11-21-2006 by Ord. No. 35-06]**

ARTICLE 203
County Authorities

§ 5-203.01. List of County authorities.

The following are the current independent authorities singularly or jointly created by Allegheny County for the performance of important governmental functions:

- A. Sports and Exhibition Authority of Pittsburgh and Allegheny County.
- B. Port Authority of Allegheny County.
- C. Redevelopment Authority of Allegheny County.
- D. Allegheny County Industrial Development Authority.
- E. Allegheny County Residential Finance Authority.
- F. Authority for Improvements in Municipalities.
- G. Allegheny County Hospital Development Authority.
- H. Allegheny County Higher Education Building Authority.
- I. Allegheny County Housing Authority.
- J. Allegheny County Sanitary Authority.
- K. Allegheny County Airport Authority.

§ 5-203.02. Appointments to County authorities. [Amended 10-4-2005 by Ord. No. 42-05]

Unless otherwise provided by law, or the Charter, the Chief Executive shall make all appointments to the governing board of all authorities created singularly or jointly by the County. Such appointments shall expire at the end of the appointee's term unless otherwise provided by law. All appointments to the governing board of such authorities made by the Chief Executive shall be made with the consent of a majority of the seated members of County Council. In the event that County Council does not confirm or reject an appointment within 45 days of receipt at the first regularly scheduled meeting of County Council, the appointment shall be effective as though County Council confirmed it. Any appointment subject to the term expiration provisions of this section may be extended by the Chief Executive for a maximum of 90 days beyond the date on which the appointment expires, should such extension be necessary for the orderly conduct of the authority's business.

§ 5-203.03. Operation of County authorities.

All singularly or jointly created County Authorities listed in § 5-203.01 above shall operate in accordance with the requirements of the laws of the Commonwealth of Pennsylvania under which the Authorities were created.

§ 5-203.04. Authority meetings, agendas, and minutes. [Amended 10-9-2007 by Ord. No. 36-07]

Notices of Authority meetings and any existing agendas for those meetings shall be sent to the County Executive and County Council no less than five business days before the scheduled date of the meeting. Copies of any minutes of meetings shall be forwarded to the County Executive and County Council no less than five business days after they are finalized and in the possession of the Authority. Copies of financial statements when requested by County Council shall also be provided within 10 business days of the request. The appropriate documents are subject to review or audit for the County Controller when authorized by law.

§ 5-203.05. Authority appointment criteria.

In making appointments to Authorities, the racial, geographic, age and gender diversity of the County shall be a major consideration.

§ 5-203.06. Requirement of binding resolution for commitment of County funds. [Added 7-13-2004 by Ord. No. 20-04]

All singularly or jointly created County authorities listed in § 5-203.01 shall be required to obtain a binding resolution from the County of Allegheny authorizing the request of, application of, or acceptance of any state or federal funds requiring a County match from the Operating or Capital Budgets of the County of Allegheny prior to any such request, application, or acceptance of funds.

§ 5-203.07. Audit requirement. [Added 10-10-2006 by Ord. No. 26-06]

- A. All authorities created singularly or jointly by Allegheny County enumerated in § 5-203.01 above shall provide advice to the County Controller at the conclusion of each fiscal year in the selection of an independent auditor to conduct the authority's annual financial audit.
- (1) Such independent auditor shall be a member of the American Institute of Certified Public Accountants, and must have a minimum of five years' verifiable experience in performing audits of government funds for organizations with an annual budget comparable to or larger than that of the authority for which the auditor is being selected.
 - (2) The independent auditor shall not have been an employee or agent of the authority for which the auditor is being selected for a period of at least five years at the time at which he or she is selected.
 - (3) Final selection of the auditor shall be made by the Allegheny County Controller. The selection of the Controller need not be approved by the authority to be audited, nor shall the approval of the Chief Executive, Allegheny County Council, or other entity be required.
- B. Once selected, the independent auditor shall conduct a financial audit of the authority, and shall be given free and unfettered access to the financial records of the authority. Such audit shall be paid for in its entirety by funds from the operating budget of the authority.
- (1) The final audited financial statement shall be consistent with the generally accepted accounting principles prescribed by the American Institute of Certified Public

Accountants or its successor or by any other recognized authoritative body selected by the Allegheny County Controller and consistent with the financial reporting policies and standards promulgated by the federal government and state government which apply to government entities.

- (2) The audited financial statement required under Subsection B(1) shall, at a minimum, include:
 - (a) Results of the tests of the authority's accounting records and other procedures that are considered necessary to enable the independent auditor to express an opinion as to whether the authority's financial statements are fairly presented, in all material respects, consistent with the accounting principles set forth in Subsection B(1); and
 - (b) A schedule of expenses that presents all operating and capital expenses pertaining to the authority's activities; and
 - (3) The Allegheny County Controller shall review the audited financial statement of each authority to determine whether the public funds allocated to the authority have been expended in accordance with the accounting principles set forth in Subsection B(1). The Controller shall have 90 days from the receipt of an audited financial statement to review the audited financial statement and notify the independent auditor and the authority of any material failure to meet the requirements of this subsection.
 - (a) An authority that receives notice from the Controller under Subsection B(3) shall have 90 days from the receipt of such notice to submit a corrective action plan to the Controller.
 - (b) The Controller shall approve, reject or alter the corrective action plan within 30 days of submission. After the authority receives written notice of approval of the corrective action plan or agrees in writing to the Controller's alterations of the corrective action plan, the plan shall be implemented and binding on the authority. Implementation of the approved or agreed-upon corrective action plan shall be verified by an audit conducted by the Controller no later than the end of the fiscal year following the fiscal year during which the plan is implemented. If no agreed-upon corrective action plan is in place within one year after the date of the Controller's written notice under Subsection B(3), or if the agreed-upon corrective action plan has not been implemented within one year after the date of the Controller's written notice under Subsection B(3), then the Controller shall petition Allegheny County Council to adjust payments to the authority to collect any amounts due based upon the findings contained in the audit report.
 - (4) The Allegheny County Controller shall promulgate final-omitted regulations as necessary to implement this section.
 - (5) The Allegheny County Council may withhold funds appropriated to authorities as necessary to ensure that audit reports are submitted in the prescribed fashion.
- C. In addition to the annual financial audit of each authority, additional single audits may be performed in accordance with the above-listed procedures on an as-needed basis at any time. The final determination of the need for such an audit shall be made by the Allegheny County Controller.

- (1) If the governing body of the authority provides a written statement of agreement with the Controller as to the need for the single audit, such audit shall be paid for entirely by funds from the operating budget of the authority.
- (2) If the governing body of the authority does not provide a written statement of agreement with the Controller's determination of need, such audit shall be paid for by the Office of the Controller.

§ 5-203.08. Policies and objectives for participation by disadvantaged business enterprises. [Added 4-4-2007 by Ord. No. 12-07]

- A. Each County authority recognized in § 5-203.01 of this article shall develop policies to ensure the participation of minority-owned, women-owned, and disadvantaged business enterprises, as defined by the Department of Minority, Women and Disadvantaged Business Enterprises, in the contracting process, provided that:
 - (1) The policy or policies developed by any authority must be consistent with the County's policy for participation of minority-owned, women-owned, and disadvantaged business enterprises, and shall not reduce the participation guidelines contained within the County policy; and
 - (2) The policy or policies drafted by any authority under the requirement of this section shall be submitted in ordinance form for the approval of both County Council and the Chief Executive, and shall not be binding until such approval is given.
- B. The Department of Minority, Women and Disadvantaged Business Enterprises shall prepare and submit regular reports to both County Council and the Chief Executive on the progress of each County authority in ensuring participation by disadvantaged business enterprises. The first of the reports required under this section shall be submitted no later than January 1, 2007. Subsequent reports shall be submitted no less than quarterly thereafter. The County authorities shall provide the information required to complete this report on a schedule to be determined by the Department. The reports required under this section shall include the following:
 - (1) A listing of each contract awarded during the reporting period by each County authority, together with the aggregate value of the contract, a listing of the portions of the contract awarded to minority-owned, women-owned, and disadvantaged business enterprises, and the value of each portion of the contract awarded to these business enterprises.
 - (2) For any contract under which the authority's goals for participation of minority-owned, women-owned, or disadvantaged business enterprises was not met as of the date of the report, the report shall specifically address the reasons for the shortfall.
- C. Submissions by all County authorities shall be limited to the reporting subject matter specifically required by this section. Nothing in this section shall be construed to require that any County authority provide any information to the Department of Minority, Women and Disadvantaged Business Enterprises that is not relevant to the elements of the report required under the terms of this section, nor to require the submission of any information that exceeds what is necessary for the completion of the required report.

- D. Nothing in this section shall be construed to require the compliance of any County authority where such compliance would be contrary to any provision of applicable state or federal law.

§ 5-203.09. Budgetary information dissemination requirement. [Added 8-21-2007 by Ord. No. 30-07]

- A. Any authority created singularly or jointly by Allegheny County enumerated in § 5-203.01 above shall maintain at its offices and post on its Internet site a summary of budgetary information pertaining to that authority. Such summary shall be made available to the public at no charge, and shall include, but not be limited to, the following information:
- (1) A brief description of the service programs provided to the public by the authority in the current fiscal year;
 - (2) A description of goals for all existing service programs for the next fiscal year;
 - (3) A complete listing of the authority's operating budget line items and the amount of each line item for the current and previous three fiscal years;
 - (4) A complete listing of the authority's capital budget line items and the amount of each line item for the current and previous three fiscal years;
 - (5) A complete listing of the authority's personnel costs, specifically delineating total amounts paid for salary, health care, retirement, and other benefit costs for the current and previous three fiscal years; and
 - (6) Copies of all financial statements prepared by the authority pursuant to the terms of applicable federal, state or local law for the previous three fiscal years.
- B. An authority may substitute a copy of its annual report for some or all of the summaries required under the terms of this section. In the event that an authority's annual report does not include one or more of the summaries required under the terms of this section, the authority shall create a separate document for that summary.
- C. In the event that an authority listed in § 5-203.01 of this Administrative Code does not maintain its own Web site, the information required under the terms of this section shall be posted at no cost to the authority on the Allegheny County Web site by the County Division of Computer Services.

ARTICLE 205

Authorities, Boards and Commissions Operating Within Allegheny County
[Added 10-10-2006 by Ord. No. 26-06]

§ 5-205.01. Applicability of requirements.

- A. All entities having the word "authority," "board," or "commission" in their title and meeting the following conditions shall be deemed to be subject to the terms of this article: [Amended 11-21-2006 by Ord. No. 40-06]
- (1) The entity was formed in whole or in part by Allegheny County under the provisions of the Municipality Authorities Act (56 P.S. § 5601 et seq.) or any other enabling legislation; and
 - (2) The entity conducts its activities in whole or in part within Allegheny County; and
 - (3) The entity is funded, in whole or in part, by public funds received through or appropriated by Allegheny County; and
 - (4) The entity is defined as a body politic and corporate or as a quasi-governmental entity by either any statute(s) under which it was created or applicable case law; and
 - (5) The entity is not enumerated in § 5-203.01 of this Administrative Code.
- B. Entities meeting the criteria established in Section A shall be deemed exempt from the provisions of this article only to the extent that such exemption is specifically provided for by applicable federal or state law.

§ 5-205.02. Audit requirement.

- A. All authorities, boards or commissions as delineated in § 5-205.01 above shall provide advice to the County Controller at the conclusion of each fiscal year in the selection of an independent auditor to conduct the annual financial audit of the authority, board or commission.
- (1) Such independent auditor shall be a member of the American Institute of Certified Public Accountants, and must have a minimum of five years' verifiable experience in performing audits of government funds for organizations with an annual budget comparable to or larger than that of the authority, board or commission for which the auditor is being selected.
 - (2) The independent auditor shall not have been an employee or agent of the authority, board or commission for which the auditor is being selected for a period of at least five years at the time at which he or she is selected.
 - (3) Final selection of the auditor shall be made by the Allegheny County Controller. The selection of the Controller need not be approved by the authority, board or commission to be audited, nor shall the approval of the Chief Executive, Allegheny County Council, or other entity be required.
- B. Once selected, the independent auditor shall conduct a financial audit of the authority, board or commission, and shall be given free and unfettered access to the financial records of the authority, board or commission. Such audit shall be paid for in its entirety by funds from the operating budget of the authority, board or commission.

- (1) The final audited financial statement shall be consistent with the generally accepted accounting principles prescribed by the American Institute of Certified Public Accountants or its successor or by any other recognized authoritative body selected by the Allegheny County Controller and consistent with the financial reporting policies and standards promulgated by the federal government and state government which apply to government entities.
- (2) The audited financial statement required under Subsection B(1) shall, at a minimum, include:
 - (a) Results of the tests of the accounting records and other procedures of the authority, board or commission that are considered necessary to enable the independent auditor to express an opinion as to whether the entity's financial statements are fairly presented, in all material respects, consistent with the accounting principles set forth in Subsection B(1); and
 - (b) A schedule of expenses that presents all operating and capital expenses pertaining to the entity's activities; and
- (3) The Allegheny County Controller shall review the audited financial statement of each authority, board and commission to determine whether the public funds allocated to the entity have been expended in accordance with the accounting principles set forth in Subsection B(1). The Controller shall have 90 days from the receipt of an audited financial statement to review the audited financial statement and notify the independent auditor and the authority, board or commission of any material failure to meet the requirements of this subsection.
 - (a) An entity that receives notice from the Controller under Subsection B(3) shall have 90 days from the receipt of such notice to submit a corrective action plan to the Controller.
 - (b) The Controller shall approve, reject or alter the corrective action plan within 30 days of submission. After the authority, board or commission receives written notice of approval of the corrective action plan or agrees in writing to the Controller's alterations of the corrective action plan, the plan shall be implemented and binding on the entity. Implementation of the approved or agreed-upon corrective action plan shall be verified by an audit conducted by the Controller no later than the end of the fiscal year following the fiscal year during which the plan is implemented. If no agreed-upon corrective action plan is in place within one year after the date of the Controller's written notice under Subsection B(3) or if the agreed-upon corrective action plan has not been implemented within one year after the date of the Controller's written notice under Subsection B(3), then the Controller shall petition Allegheny County Council to adjust payments to the entity to collect any amounts due based upon the findings contained in the audit report.
- (4) The Allegheny County Controller shall promulgate final-omitted regulations as necessary to implement this section.
- (5) The Allegheny County Council may withhold funds appropriated to authorities, boards or commissions as necessary to ensure that audit reports are submitted in the prescribed fashion.

- C. In addition to the annual financial audit of each authority, board and commission, additional single audits may be performed in accordance with the above-listed procedures on an as-needed basis at any time. The final determination of the need for such an audit shall be made by the Allegheny County Controller.
- (1) If the governing body of the authority, board or commission provides a written statement of agreement with the Controller as to the need for the single audit, such audit shall be paid for entirely by funds from the operating budget of the authority.
 - (2) If the authority, board or commission does not provide a written statement of agreement with the Controller's determination of need, such audit shall be paid for by the Office of the Controller.

ARTICLE 207

New Board of Property Assessment Appeals and Review [Added 6-27-2000 by Ord. No. 15-00; amended 12-11-2001 by Ord. No. 80-01]

§ 5-207.01. New Board of Property Assessment Appeals and Review created; purposes.

There is hereby created as an agency of the County to become effective September 1, 2000, a new "Board of Property Assessment Appeals and Review" hereinafter referred to as the "Appeals Board." The previous Board of Property Assessment, Appeals and Review is abolished. The purpose of the Appeals Board shall be to:

- A. Hear and decide all appeals concerning the valuations of parcels of real property within the County; and
- B. Hear and decide all appeals of determinations of the tax exempt status of any parcel or real property within the County.

§ 5-207.02. Definitions.

The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

BASE YEAR — The year upon which real property market values are based for the most recent County-wide revision of assessment of real property, or other prior year upon which the market value of all real property of the County is based. Real property market values shall be equalized within the County and any changes by the Appeals Board shall be expressed in terms of such base year values.

COMMON LEVEL RATIO — The ratio of assessed value to current market value used generally in the County as last determined by the State Tax Equalization Board pursuant to the act of June 27, 1947 (P.L. 1046, No. 447), referred to as the State Tax Equalization Board Law, 72 P.S. § 4656.1 et seq.

ESTABLISHED PREDETERMINED RATIO — The ratio of assessed value to market value established in this Administrative Code and uniformly applied in determining assessed value in any year.

§ 5-207.03. Qualifications of Board Members; appointment; terms: organization of Appeals Board. [Amended 2-28-2024 by Ord. No. 01-24]

- A. The Appeals Board shall consist of seven members. In making appointments to the Appeals Board, the racial, geographic, age and gender diversity of the County shall be considered. All members shall have been registered voters for at least the immediate year preceding appointment and shall remain Registered Voters for the duration of their terms. In addition to the foregoing, the members of the Appeals Board shall meet the following special qualifications: three of the members shall have not less than 10 years practical experience as a registered real estate broker, or real estate appraiser or assessor; one member shall have not less than ten years practical experience as a building construction engineer, civil engineer or general contractor or assessor; and one member shall have not less than 10 years experience as a practicing attorney at law with residential valuation expertise.

- B. In order to maintain eligibility to serve on the Appeals Board, all members of the Board shall complete training as required pursuant to the terms of §5-207.04.B. of this Article within six (6) months of appointment, and in each even numbered year after the year in which they were appointed. Completion of such training shall also render members of the Appeals Board eligible to conduct appeal hearings, should any member(s) opt to do so. Failure of a board member to complete the training required under the terms of this Article shall result in disqualification of the member and shall create a vacancy. A new member shall be appointed to replace the disqualified member within 30 days of the effective date of the vacancy.
- C. Four members of the Appeals Board shall be appointed by the County Council. Three members of the Appeals Board shall be appointed by the Chief Executive, with the consent of at least a majority of the seated members of County Council. In order to achieve staggered terms, in the first year of its existence, by lot, three members shall serve a term of one year, two members shall serve a term of two years and the remaining members shall serve a term of three years. Thereafter, all terms shall be for three years. No member shall serve more than four consecutive terms. Reappointment must occur 30 days prior to the expiration of the current term. No member can serve as a member of the Appeals Board at the expiration of the term, unless reappointed.
- D. All appointments to fill vacancies happening in any manner other than by the expiration of a term shall be only for the remainder of the unexpired term. In each case, whether or not the vacancy happens by the expiration of a term or otherwise, all Appeals Board members so appointed shall meet the qualifications for serving on the Appeals Board set forth in § 5-207.03A above.
- E. The Appeals Board shall organize on the first business day of January of each year by electing one of its members as Chairman, one as Vice Chairman and one as Secretary.
- F. All of the members of the Appeals Board shall devote sufficient time to the duties of their office to fully discharge such duties but may hold employment or may engage in business outside of their position as members of the Appeals Board.
- G. No member shall be employed by the County or an elected official of a municipality or a school district nor hold an elected public office nor be a member of a school board.
- H. Appeals Board members shall disclose all property in which they have any ownership or business interest and shall recuse themselves from any decision regarding the taxable value of such property.
- I. Members of the Appeals Board shall receive a per meeting stipend not to exceed in the aggregate \$10,939 annually per member. Thereafter, the annual per meeting stipend aggregate limit for Board members shall not exceed the annual per meeting stipend aggregate limit for members of Allegheny County Council, as established in §5-301.09.B of this Administrative Code.

§ 5-207.04. Compliance with County procedures. [Amended 4-16-2002 by Ord. No. 15-02 and 2-28-2024 by Ord. No. 01-24]

- A. All members of the Appeals Board and all employees and hearing officers assigned to work for the Appeals Board shall abide by the Accountability, Conduct and Ethics Code, by the County fiscal procedures set forth in Article VIII of this Administrative Code, by the purchasing policy and procedures set forth in Article IX of this Administrative Code, by the personnel procedures set forth in Article X of this Administrative Code. All hearing officers shall be required to display a name tag and badge number in plain view at each conducted appeal.

B. Training required. Members of the Board and any hearing officer appointed pursuant to the terms of §5-207.07.B. of this Administrative Code shall be authorized to hear appeals only if they have completed training in accordance with this Subsection, subject to the following conditions and exceptions:

1. The Appeals Board shall notify County Council and the Chief Executive of the training completion status for all Board members and hearing officers as part of the Board's regular reporting process under the terms of §5-207.07.I. In the event that a Board member is rendered ineligible for continued service on the Board under the terms of §5-207.03.B., the Board shall immediately notify both County Council and the Chief Executive of the vacancy.
2. A hearing officer shall be authorized to hear appeals only upon completion of training required under the terms of this Subsection and subsequent re-completion of such training at least once every two (2) calendar years, beginning in 2024.
3. A member of the board or hearing officer who holds an active Certified Pennsylvania Evaluator certification shall not be required to complete the training under the terms of this Subsection.
4. A member of the board or hearing officer who holds an inactive Certified Pennsylvania Evaluator certification shall not be required to complete the training under Subsection 5.a.
5. The training required pursuant to the terms of this Section shall be that established by the County Commissioners Association of Pennsylvania (CCAP), in coordination with the Assessors' Association of Pennsylvania (AAP), for individuals conducting assessment appeal hearings throughout the Commonwealth of Pennsylvania. Training may be conducted electronically or remotely, and the curriculum shall include the following, or such other modules as established by CCAP and AAP under the terms of Act 155 of 2018 for such purposes:
 - a. Three hours of training on the assessment valuation process in this Commonwealth; and
 - b. Three hours of training on the legal and constitutional issues relating to the assessment process in this Commonwealth and the duties and responsibilities of board members; and
 - c. In the case of Board members, three hours of training on real estate exemptions.
6. Costs of the training for both Board members and hearing officers shall be paid via operating budget appropriation.

§ 5-207.05. Solicitor to the Appeals Board.

The Appeals Board may appoint a Solicitor to serve at its pleasure. Such Solicitor shall be an attorney at law admitted to practice in the Courts of the Commonwealth and shall be a member in good standing of the Bar of the Supreme Court of Pennsylvania. Such Solicitor shall advise, counsel and represent the Appeals Board in matters involving assessment law and procedure, in all litigation involving the Appeals Board, and in all other ordinary and customary legal matters.

§ 5-207.06. Rules and regulations for appeals. [Amended 2-28-24 by Ord. 02-24]

- A. The Appeals Board shall adopt rules and regulations for hearing and disposition of the following appeals:
- (1) Assessment appeals of the County certified valuation of real property;
 - (2) Appeals regarding the tax-exempt status of real property based upon applicable laws;
 - (3) Appeals of catastrophic loss values set by the Office of Property Assessment, through the Chief Assessment Officer;
 - (4) Appeals of preferential assessments made by the Office of Property Assessment, through the Chief Assessment Officer pursuant to the Pennsylvania Farmland and Forest Land Assessment Act (Clean and Green Law);
 - (5) Appeals from reassessments and exemptions under the Local Economic Revitalization Tax Assistance Act;
 - (6) Appeals from reassessments and exemptions under the New Home Construction Local Tax Abatement Act;
 - (7) Appeals from assessments of property under the Public Utility Realty Tax Act; and
 - (8) Appeals of such other assessment and exemption matters as may be provided by applicable laws or this Administrative Code.
- B. The rules and regulations adopted by the Appeals Board shall include, but not necessarily be limited to, the following:
- (1) Procedures for filing (including filing by mail and electronic filing), scheduling and hearing appeals;
 - (2) Required notices and postponement of hearings;
 - (3) Rules of evidence governing such appeals;
 - (4) The methodology by which appeals decisions are to be made by the Appeals Board, including appeals on base year valuation, which methodology shall be consistent with the valuation methods provided under state assessment laws for arriving at values for properties;
 - (5) The format and content of the Appeals Board's appeal decisions, including providing in the disposition notice an explanation of the rationale leading to any change in assessed value as a result of the hearing;
 - (6) Such special assessment appeal management orders that the Appeals Board, in its sound discretion, believes to be necessary and useful in order to address any manner or type of issue or claim, substantive or procedural, presented for adjudication as part of an appeal or group of appeals of the valuation of a property or the tax exemption status of a property or properties. The Appeals Board may adopt a special assessment appeal management order either upon its own motion, upon advice and recommendation of its Solicitor, or upon the motion of any party to any appeal filed and pending; and
 - (7) The Appeals Board, when considering an appeal on a base year valuation, shall make no reference to ratio in its decision and shall express its decision in terms of such base year value. All appeals filed while the County is under the base year form of assessment shall be deemed to include an appeal by the taxpayer of the base year valuation. In addition, the

appellant may elect to have the appeal heard solely on the issue of whether the base year value is correct or incorrect. So long as the County is under the base year form of assessment the Board may, but shall not be required to, determine the current fair market value of any property under appeal. Except to correct clerical or mathematical errors or to correct a base year value, the Board may not adjust a base year value unless it is established by clear and convincing evidence that there has been: (1) an addition or removal of improvements on the subject property; or (2) physical changes in the land of the subject property. In no case may the Board permit an increase in the base year value founded, in whole or in part, upon a sale in a year subsequent to the established base year.

- C. The rules and regulations adopted by the Appeals Board shall include provisions governing both the review of appeal recommendations made prior to Board adoption of final appeal results and processing such final results. These rules and regulations shall be formulated to expedite the appeal process while maintaining appropriate review procedures, consistent with the following:
- (1) For appeal hearings conducted by hearing officers, the Board's regulations shall require that such hearing officer's recommendations be reviewed by no more than one other hearing officer or one Board member prior to a vote on adoption by the Board in order to check for accuracy and consistency with applicable law and practice;
 - (2) For appeal hearings conducted by Board members, the Board's regulations shall require that such Board member's recommendations be reviewed by no more than one additional Board member prior to adoption by the Board in order to check for accuracy and consistency with applicable law and practice;
 - (3) The Board shall issue a final decision by vote of a majority of the Board's members no later than sixty (60) days after the hearing on any appeal not based in whole or in part upon tax-exempt status, applicability of any abatement or credit relating to real property taxation, or catastrophic loss; and
 - (4) The Board's final decision shall be entered into the County's records and notice provided to the appropriate County offices, taxing bodies and property owner(s) within thirty (30) days of the Board's vote to approve its final decision.
- D. The Appeals Board may modify or amend its rules. Notification of any changes must be made to the President of County Council and the Chief Executive. County Council will have 30 days from receipt to resolve that the changes shall not go into effect. If Council does not pass such a resolution within the 30 days, the changes will take effect.

§ 5-207.07. Powers and duties. [Amended 5-21-2003 by Ord. No. 19-03]

The new Appeals Board shall have the power and its duty shall be to:

- A. Hear all cases of appeals from assessments and tax exemption status determination in accordance with its rules and regulations governing appeals as provided in § 5-207.06 of this Administrative Code;
- B. Contract, if necessary to fulfill its duties, with hearing officers to hear cases of appeals from assessments in accordance with the Assessment Appeals Standards and Practices Ordinance sections as provided in Chapter 209 of this Administrative Code, and in which case such hearing officer shall:

- (1) In the case of hearings related to commercial and complex multifamily properties, be state-certified general appraisers or have the equivalent professional appraisal expertise;
 - (2) In the case of hearings related to residential properties, be state-certified general or state certified residential appraisers or be real estate industry professionals or lawyers with residential valuation expertise;
 - (3) Disclose all property in which they have any ownership or business interest;
 - (4) Recuse themselves from any decision regarding the taxable value of property in which they have any ownership or business interest; and
 - (5) While under contract with the Board of Property Assessment Appeal and Review, be prohibited from representing appellants before the Board of Property Assessment Appeals and Review and/or other hearing officers retained by the Board of Property Assessment Appeals and Review.
 - (6) For a one-year period commencing upon the termination date of their contract, be prohibited from representing appellants before the Board of Property Assessment Appeals and Review and/or other hearing officers retained by the Board of Property Assessment Appeals and Review.
- C. Render decisions of appeal hearings;
- D. Hear and decide all appeals of the Office of Property Assessment's determination concerning the tax exempt status of any property;
- E. Provide reports of hearings for distribution to the entire Appeals Board. Reports shall include, but not be limited to, findings of fact, conclusions of law and a recommendation to the Appeals Board;
- F. Ensure access to public records regarding assessments in accordance with § 1.10-1005 of the Charter, provided: **[Amended 11-20-2007 by Ord. No. 48-07]**
- (1) Such access shall not include the ability to search the Allegheny County Real Estate Website using the first, last or middle name of any property owner.
- G. Perform and exercise such other powers and duties as may be conferred or imposed upon it by applicable Law and the provisions of this Administrative Code;
- H. Adopt rules and regulations, within six months of formation, consistent with applicable laws; and
- I. Report annually to the Chief Executive and County Council regarding the activities of the Appeals Board.

§ 5-207.08. Filing of appeals. [Amended 11-15-2005 by Ord. No. 52-05, 1-26-23 by Ord. No. 03-23 and 7-20-23 by Ord. 22-23]

- A. Appeals and exemption applications may be filed through March 31; provided, however, that if March 31 in any succeeding year is a Saturday, Sunday or legal holiday, then appeals may be filed with the Appeals Board until the close of business on the next business day of the year in which the assessment was certified, except for the 2001 tax year in which appeals may be filed on or before June 1, 2001. So long as an appeal remains pending before the Appeals Board, the appeal will also constitute an appeal for any assessment subsequent to the filing of such appeal and prior to the determination of the appeal by the Appeals Board. If an appeal extends into successive years, the Appeals Board shall determine the value for each tax year in question.

- B. Notwithstanding any provision of Article 207 of the Administrative Code (governing appeal deadlines, rules, and procedures) to the contrary, there is hereby established a special appeal period for 2022. Appeals based in whole or in part upon 2022 fair market value may be filed no later than March 31, 2023.
- C. Notwithstanding any provision of Article 207 of the Administrative Code (governing appeal deadlines, rules, and procedures) to the contrary, there is hereby established a conditional special appeal period for 2023. In the event that the common level ratio applied to 2023 fair market values is adjusted from the currently certified 63.6, appeals based in whole or in part upon 2023 fair market value may be filed no later than sixty (60) days after the date upon which such adjustment is made. Nothing contained within this Subsection shall be read, interpreted, or otherwise deemed to preclude the filing of any appeal of 2023 assessed value prior to the existing March 31, 2023 deadline established within Subsection A.
- D. The special appeal windows established in Subsections B and C of this Section shall apply to all properties, regardless of prior filing, status, settlement, disposition, or other resolution of any previous appeal(s) of assessed value in reliance upon an incorrect Common Level Ratio. BPAAR shall hear and decide all timely filed applications.

§ 5-207.09. Catastrophic loss. [Amended 11-5-2003 by Ord. No. 56-03]

- A. Property owners who have suffered catastrophic losses to their real property shall have the right to request an appropriate reduction in valuation from the Office of Property Assessments. Such request for an appropriate reduction in valuation shall be filed with the Office of Property Assessments within the remainder of the calendar year in which the catastrophic loss occurred, or within six months of the date on which the catastrophic loss occurred, whichever time period is longer. Upon receipt of a request for a reduction in valuation due to catastrophic loss, the Chief Assessment Officer shall establish a new value of the property in the following manner: the value of the property before the catastrophic loss based on the percentage of the calendar year for which the property stood at its former value, added to the value of the property after the catastrophic loss, based on the percentage of the calendar year for which the property stood or will stand at its reduced value. Property owners who are dissatisfied with the new value of the property as determined by the Chief Assessment Officer shall have 30 days from the date of the Chief Assessment Officer's determination of the new value to appeal such determination to the Appeals Board. Any property improvements made subsequent to the catastrophic loss in the same calendar year shall not be included in the revaluation as herein described for that calendar year. Any adjustment in the valuation of real property pursuant to this section shall be reflected by the appropriate taxing authorities as follows:
 - (1) If a tax notice for the real property which suffered the catastrophic loss either has not been issued by the appropriate taxing authorities or has not been paid by the property owner, then a new tax notice for such property shall be prepared and the taxes due and owing on the property which suffered the catastrophic loss shall be calculated and paid by the property owner based upon:
 - (a) The percentage of the calendar year that the property stood at its value before the catastrophic loss; and

- (b) The percentage of the calendar year that the property stood or will stand at its value after the catastrophic loss;
 - (2) If a tax notice for the real property which suffered the catastrophic loss was issued and paid prior to the occurrence of the catastrophic loss, then the appropriate taxing authorities shall issue a refund of taxes paid to the property owner based upon:
 - (a) The percentage of the calendar year that the property stood at its value before the catastrophic loss; and
 - (b) The percentage of the calendar year that the property stood or will stand at its value after the catastrophic loss.
- B. A reduction in assessed value for catastrophic loss due to inclusion or proposed inclusion of residential property on either the National Priority List under the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767), 42 U.S.C.A. § 9601 et seq., as amended, or the State Priority List under the act of October 18, 1988 (P.L. 756, No. 108), known as the Hazardous Sites Cleanup Act, 35 P.S. § 60201.101 et seq., shall be in effect until remediation is completed. For purposes of this section, "catastrophic loss" shall mean any loss due to mine subsidence, fire, flood or other disaster which affects the physical state of the real property and which exceeds 50% of the market value of the real property prior to the loss. For purposes of this section, the "catastrophic loss" shall also mean any loss which exceeds 50% of the market value of the real property prior to the loss incurred by residential property owners who are not deemed responsible parties under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the Hazardous Sites Cleanup Act and whose residential property is included or proposed to be included as residential property on:
 - (1) The National Priority List by the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; and
 - (2) The State Priority List by the Department of Environmental Resources under the Hazardous Sites Cleanup Act.

§ 5-207.10. Effect of appeal; refunds.

- A. No appeal taken from any assessments made shall affect the validity of any taxes assessed, nor shall it prevent the collection of the taxes based upon the assessment if such assessment shall thereafter be reduced, and exoneration shall be granted for the proper amount to equalize such reduction, if the taxes based upon such assessment have not been paid, and if the taxes based upon such assessment have been paid, the excess taxes collected shall be refunded to the Person having made such payment. Such refund, except as provided in § 5-207.10B, shall be made within 30 days after the taxing body has been notified by mail by the Appeals Board of the reduction made in the assessment by the Appeals Board or by the court, and such refunds shall include interest at the legal rate commencing one year after the date of the receipt by the taxing bodies of the mailed reduction notice from the Appeals Board. No such appeal shall operate to relieve the appellant from liability for accrued interest and penalties on any unpaid taxes based upon the assessment as finally established.
- B. The Appeals Board shall present to County Council quarterly reports of revisions in assessments. Such reports shall include, at a minimum, the property location and dollar amount of all revisions.

§ 5-207.11. Continuation of other assessment laws.

Unless otherwise modified by this Administrative Code, all other provisions relating to tax assessments appeals set forth in the Second Class County Assessment Law, 72 P.S. § 5452.1 et seq., and applicable provisions of the General County Assessment Law, 72 P.S. § 5020-101 et seq., shall remain in full force and effect.

§ 5-207.12. Preservation of rights of appeal.

Nothing herein this article or this Administrative Code shall be construed or interpreted to in any way adversely affect, modify, repeal or change the right of any owner of real estate or taxable property or any taxing body, which may feel aggrieved by any decision concerning the valuation of property or the tax exempt status of a property, or any other assessment or exemption decision made by the Appeals Board under applicable law from appealing such decision to the Court of Common Pleas as provided by General County Assessment Law, the Second Class County Assessment Law or other applicable laws.

ARTICLE 209

Office of Property Assessments

[Added 6-27-2000 by Ord. No. 15-00; amended 12-11-2001 by Ord. No. 80-01]

§ 5-209.01. Functions of the Office of Property Assessments.

The Office of Property Assessment, through the Chief Assessment Officer, shall make and supervise the making of all assessments and valuations of all subjects of real property taxation and make the determination of tax exempt status for any parcel of real property. The Office of Property Assessment, through the Chief Assessment Officer, shall also make such other assessment and exemption determinations as required by other applicable laws. The Chief Assessment Officer shall play a key role by providing technical expertise, experience and knowledge to accomplish all these functions.

§ 5-209.02. Organizational location of Office of Property Assessments.

The Office of Property Assessments shall be in the Executive Branch of County government.

§ 5-209.03. Compliance with County procedures.

All employees of the Office of Property Assessment shall abide by the Accountability, Conduct and Ethics Code, by the County fiscal procedures set forth in Article VIII of this Administrative Code, by the purchasing policy and procedures set forth in Article IX of this Administrative Code and by the personnel procedures set forth in Article X of this Administrative Code.

§ 5-209.04. Responsibilities of the Office of Property Assessment.

The Office of Property Assessment shall:

- A. Establish internal policies, practices and procedures within a time period deemed prudent in order to implement and maintain a computer assisted mass assessment system in the County;
- B. Ensure that notices of changes in assessments based on the Office's monthly determinations of assessments on new or improved property are sent to all taxing jurisdictions within 30 days.
- C. Serve as the County's contact with the community, individuals and taxing bodies for information and complaints, other than appeals, about assessment policies and practices;
- D. Maintain the established lot and block system;
- E. Ensure the establishment and maintenance of records of an adequate description of properties to assist in the determination of the value of those properties, and to permit inspection thereof by the public at all times during office hours;
- F. Make the determination as to whether property shall be exempt from real estate taxation after recommendation by the Chief Assessment Officer and consultation with the County Law Department;
- G. Ensure the defense of assessed values in coordination with the Chief Assessment Officer. The Manager of the Office of Property Assessment may direct an assessor(s) to be present at any appeal hearing to defend the assessed value;

- H. Ensure the maintenance in its office records, electronic or otherwise, of the present valuation of all real property, including all additions thereto and changes thereof;
- I. Receive from the Recorder of Deeds a report of every deed or conveyance of land entered in the office for recording, which record shall set forth the following information, to wit: The recording date of the deed or conveyance, the names of the grantor and grantee in the deed, the location of the property as to city, borough, ward, town, or township mentioned. It shall be the further duty of the Recorder at intervals to file the aforesaid report in the Office of Property Assessments together with a certificate appended thereto that such record is correct;
- J. Prepare and maintain manuals and other necessary guidelines consistent with nationally recognized standards to perpetuate a current inventory of all properties within the County;
- K. Ensure access to public records regarding assessments in accordance with Article X, § 1.10-1005, of the Charter;
- L. Perform such other duties as may be assigned or delegated by the County Manager in consultation with the Oversight Board;
- M. Administer all abatement programs, including special acts; and
- N. Process and schedule all appeals for the Appeals Board.

§ 5-209.05. Chief Assessment Officer; duties and responsibilities. [Amended 4-26-24 by Ord. 05-24]

- A. The Chief Assessment Officer shall be appointed by the County Manager with the consent of at least a majority of the seated members of Allegheny County Council.
- B. The Chief Assessment Officer shall be an IAAO Certified Assessment Evaluator (CAE) or hold the highest-ranking Commonwealth appraiser's license. The Chief Assessment Officer shall have had a minimum of 10 years of progressively responsible professional experience in the management of property valuation. The Chief Assessment Officer shall have a firm command of assessment and taxation practices.
- C. The Chief Assessment Officer shall perform the following duties and responsibilities:
 - 1. Oversee the making of all assessments and make the final determination of the value of all subjects of taxation in accordance with law, ordinance and industry standards.
 - 2. Ensure the revision and equalization of all such assessments and valuations;
 - 3. Provide information at least quarterly to the Chief Executive, County Manager, and County Council regarding activities within the Office of Property Assessments, including but not limited to assessment roll correction, assessment roll certification, calculations and data gathering relating to the common level ratio and other statistical factors relevant to the assessment system, new property assessments, property tax exemptions and abatements, catastrophic property losses, and any other factor(s) deemed relevant to the operations of the Office;
 - 4. Certify values for properties in the County in the form and within the time period set forth in the County's Assessment Standards and Practices Ordinance;

5. Recommend to the County Council such elements of an Assessment Standards and Practices Ordinance as the Chief Assessment Officer deems appropriate;
6. Ensure that revisions and equalizations are done in accordance with law, ordinance and industry standards at the lowest cost per parcel;
7. Promulgate guidelines for use by County assessors in applying the cost approach, sales approach and income approach to property valuation as part of the County's computer assisted mass appraisal system;
8. Provide advice and assistance in public relations efforts;
9. Assist in establishing policies and procedures for the Office of Property Assessment;
10. Set assessment values for properties which have suffered catastrophic losses; and
11. Supervise and direct the activities of the assessors.
12. Report on administrative matters to the County Manager through the Manager of the Office of Property Assessment and perform other administrative duties as assigned by the County Manager.
13. Before submitting County real estate sales information to the State Tax Equalization Board ("STEB") for calculation of the Common Level Ratio ("CLR"), the Chief Assessment Officer shall first confirm that the sales are arm's length transactions by reviewing the sales transaction information available from West Penn Multi-List, Inc. ("West Penn") When submitting the real estate information to STEB to be used for calculation of the CLR, the Chief Assessment Officer shall supply a copy of the information submitted to the President of County Council with the West Penn sales transactions relied upon, and shall provide such information in the format requested by the Council President.

§ 5-209.06. Professional requirements.

Any assessor or appraiser hired in the Office of Property Assessment after the enactment of this Administrative Code who is involved in determining real property values shall, at a minimum, be a Certified Pennsylvania Evaluator or equivalent.

§ 5-209.07. Established predetermined ratio.

The established predetermined ratio shall be 100% of market value beginning with certification of assessments for the 2001 tax year.

§ 5-209.08. Real property revenue limitations.

- A. The County shall not derive windfall benefits from annual property reassessments of the valuation of real property or from changes in the predetermined ratio of assessed valuation to market value of real estate. Following any annual reassessment or change in the predetermined ratio, the total amount of real estate tax revenue that can be received by reason of the reassessment or change in the ratio by the County from existing land, buildings and structures, shall not exceed 105% of the total amount of real estate tax revenue received by the County in the preceding year from that land, and those buildings and structures. If necessary, the County shall reduce the real estate tax rate to comply with this revenue limitation.

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

§ 5-209.09. Determination of market value.

In arriving at market value, the price at which any property may actually have been sold shall be considered but shall not be controlling. In arriving at the market value, all three methods, namely, cost (reproduction or replacement, as applicable, less depreciation and all forms of obsolescence), comparable sales and income approaches, must be considered in conjunction with one another.

§ 5-209.10. Assessment Standards and Practices Ordinance.

The Chief Executive shall, after considering the recommendations of the Property Assessment Oversight Board and of the Chief Assessment Officer, present to County Council a proposed ordinance for adoption that shall:

- A. Set forth a methodology for the valuation of properties for taxation purposes;
- B. Set standards for property assessments that shall include, at a minimum, an acceptable limit on the deviation of the common level ratio from the 100% predetermined ratio, an acceptable limit on the coefficient of dispersion, and an acceptable range for the price-related differential. These standards shall be applied to the assessments within each taxing jurisdiction and, in the City of Pittsburgh, to the assessments within each ward. The measurements against the standards shall be calculated following nationally recognized practices;
- C. Require an annual reassessment through a professionally developed and maintained Computer Assisted Mass Appraisal system (CAMA);
- D. Require that the annual reassessment be applied to all properties, including tax exempt property, public utility property, and residential trailers;
- E. Establish standards for recommending tax exemption for properties; and
- F. Establish procedure for changing values on an administrative basis (e.g. catastrophic loss, errors in data, initial recommendation on tax exemption, etc.).

§ 5-209.11. Incorrect assessments; administrative corrections. [Amended 9-7-2004 by Ord. No. 32-04, effective 1-1-2005]

Whenever, through factual, mathematical or clerical error, an incorrect assessment is made it shall be corrected by the Office of Property Assessment through the Chief Assessment Officer. If taxes are paid on such incorrect assessment, the Office of Property Assessment, upon discovery of such error and correction of the assessment, shall so inform the appropriate taxing bodies. The County shall make a refund to the taxpayer or taxpayers for the period of the error or six years, whichever is less, from the date of application for refund or discovery of such error by the Office of Property Assessment. Furthermore, in accordance with the Office of Property Assessment procedures, the Office shall conduct site visits at the request of property owners to correct factual, mathematical, or clerical errors, subject to the following conditions:

- A. Property owners shall be informed of their right to request a site visit when notified of an assessment;

- B. Site visits shall be requested in writing through the Office of Property Assessment by April 30 of each tax year;
- C. Requests for site visits shall not be granted while a property is the subject of the formal appeal process for that year;
- D. Upon request by the property owner, the following conditions will be considered to determine whether an assessor shall be sent to the property for a site visit:
 - (1) Whether an assessor had previously visited the home within the last three years; and
 - (2) Whether the data is objectively factual and deemed by the assessor to be significant to property value, such as building grade and/or square footage of land and/or building;
- E. Site visits will be conducted and updates will be made to the system during the third and fourth quarters of each taxing year;
- F. Nothing herein shall preclude the existing right of a property owner to appeal his or her assessment value.

§ 5-209.12. Continuation of other assessment laws.

Unless otherwise modified by this Administrative Code, all provisions relating or governing tax assessments set forth in the Second Class County Assessment Law, 72 P.S. § 5452.1 et seq., and applicable provisions of the General County Assessment Law, 72 P.S. § 5020-101 et seq., and all other applicable law shall remain in full force and effect.

§ 5-209.13. Spot reassessment prohibition.

The Office of Property Assessments shall not engage in the practice of spot reassessment.

§ 5-209.14. Effective date.

Upon the abolition of the Board of Property Assessments, Appeals and Review as currently constructed pursuant to Article 207 of this Administrative Code, the establishment of a new Board of Property Assessment Appeals and Review pursuant to Article 207 and the establishment of a Property Assessment Oversight Board pursuant to Article 205, Article 209 shall become effective.

§ 5-209.15. Ombudsman Program. [Added 2-19-2002 by Ord. No. 04-02]

The Office of Property Assessments will create a program titled the Ombudsman Program to provide staff to be available to help the elderly, the disabled, and the Homebound to understand and deal with the bureaucratic structure including completion and submittal of necessary forms in the property assessment appeals process.

ARTICLE 210

Assessment Standards and Practices

[Added 3-4-2003 by Ord. No. 06-03; amended 9-7-2004 by Ord. No. 33-04; 2-15-2005 by Ord. No. 10-05, effective 9-7-2004; 3-15-2005 by Ord. No. 15-05; 5-18-2005 by Ord. No. 28-05; 10-18-2005 by Ord. No. 45-05]

§ 5-210.01. Definitions.

- A. The following terms, when used in this article or in Articles 205, 207 or 209 of this Administrative Code shall, unless the context clearly indicates otherwise, or unless specifically redefined for purposes of a specific chapter, article or section, have the following meanings:

ACTUAL VALUE — The same as "market value" or "fair market value."

ADMINISTRATIVE CODE — The administrative code mandated under the Allegheny County Home Rule Charter, Article IV, § 1.4-406, adopted by County Council as Ordinance No. 8, effective June 20, 2000, and all subsequent amendments thereof, which provides a plan of organization, departmental structure and operation of County Government.

APPEALS BOARD — The Allegheny County Board of Property Assessment Appeals and Review created pursuant to § 5-207.01 of the Administrative Code.

APPLICABLE LAWS — The same as the definition of "laws" set forth in § 5-101.03 of the Administrative Code.

ARITHMETIC MEAN — A measure of central tendency; the result of adding all the values of a variable and dividing by the number of values.

ASSESSED VALUE — The value of an object of taxation arrived at by applying the established predetermined ratio to the valuation.

ASSESSMENT — The same as "assessed value."

ASSESSMENT PROGRESSIVITY (REGRESSIVITY) — An appraisal bias that high-value properties are appraised higher (or lower) than low-value properties in relation to market value.

ASSESSMENT ROLL — A list compiled by the Office of Property Assessments in paper or electronic form setting forth all taxable and exempt properties in the County for a tax year.

BASE YEAR — The year upon which real property market values are based for the most recent Countywide revision of assessment of real property, or other prior year upon which the market value of all real property of the County is based. Real property market values shall be equalized within the County, and any changes by the Appeals Board shall be expressed in terms of such base year values.

BUSINESS DAY — The same as the definition set forth in § 5-101.03 of the Administrative Code.

CAMA — Computer assisted mass appraisal.

CATASTROPHIC LOSS — The same as the definition set forth in § 5-207.09 of the Administrative Code.

CENTRAL TENDENCY — The tendency of most kinds of data to cluster around some typical or central value such as the mean or median.

CERTIFICATION — The official declaration of the Chief Assessment Officer of the valuation of all parcels of real property on the assessment rolls of Allegheny County for the use of all taxing bodies within the County for the purpose of levying property taxes.

CHIEF ASSESSMENT OFFICER — The individual within the Office of Property Assessments who is vested with the responsibilities set forth in § 5-209.05 of the Administrative Code. In the event that the position of Chief Assessment Officer is vacant, the Manager of the Office of Property Assessments shall fulfill the responsibilities until a replacement is confirmed.

COD — Coefficient of dispersion.

COEFFICIENT OF DISPERSION — The average deviation of a group of numbers from the median expressed as a percentage of the median. In ratio studies, the term "coefficient of dispersion" shall mean the average percentage deviation from the median ratio.

COMMON LEVEL RATIO — The ratio of assessed value to current market value used generally in the County as last determined by the State Tax Equalization Board pursuant to the act of June 27, 1947 (P.L. 1046, No. 447), referred to as the State Tax Equalization Board Law, 72 P.S. § 4656.1 et seq.

COST APPROACH — One of the three recognized methods of valuation under the laws of the Commonwealth of Pennsylvania for determining the actual value of property by calculating the cost to reproduce or replace the improvements made to land less depreciation and all forms of obsolescence.

COUNTYWIDE REVALUATION OR REASSESSMENT — The setting of the actual value of every object of taxation within the County by the Office of Property Assessments by using the cost approach, the income approach or the sales approach, using a computer-assisted mass appraisal system (CAMA), and implemented in accordance with the standards set forth in the Article 210 of the Administrative Code. [**Amended 1-17-2006 by Ord. No. 02-06**]

ESTABLISHED PREDETERMINED RATIO — The ratio of assessed value to market value established in § 5-210.03 of this Administrative Code and uniformly applied in determining the assessed value in any year.

FAIR MARKET VALUE — The same as "market value."

IAAO — The International Association of Assessing Officers.

INCOME APPROACH — One of the three recognized methods of valuation provided under the laws of the Commonwealth of Pennsylvania for determining the actual value of property based upon the present value of the projected income produced by the property.

MARKET VALUE — The price which a purchaser, willing but not obligated to pay, would pay an owner, willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might in reason be applied.

MEAN — The same as "authentic mean."

MEDIAN — A measure of central tendency. The value of the middle item in an uneven number of items arranged or arrayed according to size; the authentic average of the central items in an even number of items similarly arranged.

METHOD OF VALUATION — A manner for arriving at the actual value of property required by the laws of the Commonwealth of Pennsylvania.

OBJECTS OF TAXATION — All subjects to be valued and assessed and subject to taxation for all county, city, borough, town, township, home rule municipality or school district purposes included within the definition of "real estate" set forth in Section 5020-201(a) of the General County Assessment Law, 72 P.S. § 5020-201(a) (2000) or any successor legislation. "Object of taxation" shall also mean the same as "property."

OFFICE OF PROPERTY ASSESSMENTS — The County office created and vested with the functions set forth in § 5-209.01 of the Administrative Code.

PRD — Price-related differential.

PRICE-RELATED DIFFERENTIAL — The mean divided by the weighted mean. In ratio studies, price-related differentials above 1.03 tend to indicate assessment regressivity and price-related differentials below 0.98 tend to indicate assessment progressivity.

PROGRESSIVITY — The same as "assessment progressivity."

PROPERTY — Real estate or real property. "Property" shall also mean the same as the "objects of taxation."

REGRESSIVITY — The same as "assessment regressivity."

SALES APPROACH — One of the three recognized methods of valuation provided under the laws of the Commonwealth of Pennsylvania for determining the actual value of property through comparisons with comparable, recently sold properties.

SPOT REASSESSMENT — The reassessment of a property or properties that is not conducted as part of a Countywide revaluation or reassessment and which creates, sustains or increases disproportionality among properties' assessed values.

TAXING BODY — Any unit of local government or any school district within Allegheny County possessing the legal power to levy taxes on property.

VALUATION — The determination of the fair market value of property for the purpose of levying property taxes by all taxing bodies in Allegheny County.

VARIABLE — An item of observation that can assume various values, such as square feet, sales price or sales ratios.

- B. Except as otherwise provided in Subsection A above, the definitions contained in the IAAO's Standard on Ratio Studies or any successor standard published by the IAAO are hereby incorporated in their entirety herein.

§ 5-210.02. Valuation; method of valuation.

- A. It shall be the duty of the Chief Assessment Officer, through the Office of Property Assessments and its staff of assessors, to rate and value all objects of taxation, whether for County, city, borough, town, township, home rule municipality or school district purposes, according to a base year market value as set forth in § 5-210.04.
- B. In arriving at such value for an object of taxation for the base year, the Chief Assessment Officer, through the Office of Property Assessments and its staff of assessors, shall consider all appropriate relevant factors, including, without limitation, the price at which any property may have sold, but

such selling price shall not be controlling. Instead, such selling price, estimated or actual, shall be subject to revision by increase or decrease to accomplish equalization with similar properties within the County.

- C. In arriving at the actual value of an object of taxation, the Chief Assessment Officer, through the Office of Property Assessments and its staff of assessors, shall consider the cost approach, the sales approach and the income approach, in conjunction with one another. Value shall be based upon the fee simple value, which shall include the value of the fee simple estate, including the lease fee estate and the leasehold estate as may be applicable. **[Amended 1-17-2006 by Ord. No. 02-06]**
- D. In the event that a single company, group of companies, or other entity or entities construct a housing development within Allegheny County, each home constructed within the development shall be added to the County's tax rolls no later than the date upon which the occupancy permit is issued for the home, and the Chief Assessment Officer shall apply the cost approach, the sales approach, and the income approach in conjunction with one another and in the same fashion for each comparable home constructed within the housing development. Under no circumstances shall the sale of a home to an individual purchaser constitute grounds for assessing such home differently than any comparable home for which the constructor or developer of the housing development retains ownership. For the purposes of Subsections D and E, a "housing development" shall mean any area in which single-family dwellings are constructed on five (5) or more contiguous or adjoining parcels of property. **[Added 9-20-2011 by Ord. No. 19-11]**
- E. Any company, group of companies, or other entity or entities constructing a housing development to which the provisions of Subsection D apply shall, within 14 days of the issuance of an occupancy permit for any structure within such housing development, file a copy of such occupancy permit with the Allegheny County Chief Assessment Officer. Failure to comply with the provisions of this subsection shall be punishable by an administrative penalty of \$500. For the purposes of this subsection, each structure for which the required filing is not made shall constitute a separate violation, and each week or portion thereof for which the required filing is not made shall constitute a separate violation. **[Added 9-20-2011 by Ord. No. 19-11]**

§ 5-210.03. Established predetermined ratio; common level ratio.

The Office of Property Assessments, at the direction of the Chief Assessment Officer, shall assess all objects of taxation within the County at a value based upon 100% of the actual value, subject to base year equalization in years between County-wide reassessments, beginning with the Certification for the 2001 tax year and all succeeding tax years; provided however, that the Chief Assessment Officer through the Office of Property Assessments shall assess all objects of taxation within the County based upon a common level ratio whenever the use of a common level ratio in the County is required in order to conform with the requirements of the State Tax Equalization Law or other successor state laws.

§ 5-210.04. Performance of Countywide reassessment. [Amended 1-17-2006 by Ord. No. 02-06]

The Office of Property Assessments, under the general supervision of the Chief Assessment Officer, shall revise and equalize the valuations of all objects of taxation in the County by increasing or decreasing the same as in its judgment may seem reasonable and appropriate. The valuation shall be performed in

accordance with the three methods of valuation (cost approach, income approach, or sales approach) through a computer-assisted mass appraisal system (CAMA) operated in accordance with standards prescribed in § 5-210.05.

§ 5-210.05. Operation of CAMA system.

- A. The County's CAMA system shall be operated in accordance with reasonable and appropriate standards and practices.
- B. The Chief Assessment Officer, as soon as reasonably possible, shall:
 - (1) Prescribe and modify, as he or she sees fit, the guidelines for use by County assessors in applying the cost approach, sales approach and income approach, as part of the County's CAMA system in performing the valuations; **[Amended 1-17-2006 by Ord. No. 02-06]**
 - (2) Prepare, modify and maintain the manuals and other necessary guidelines consistent with reasonable and appropriate standards, reflecting the standard methods and techniques to perpetrate a current inventory of the objects of taxation; and
 - (3) Establish and modify all other internal policies, practices and procedures to implement any and all aspects of the CAMA system for performing a valuation.

§ 5-210.06. Revisions of assessment roll.

- A. The Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall, in the tax years for which there is no Countywide revaluation or reassessment, revise the assessment rolls of the appropriate taxing bodies according to right and equity by correcting errors and by adding thereto any property, improvements or objects of taxation that may have been omitted or any new property, improvements or objects of taxation that may have come into being since the last Countywide revaluation or reassessment. Any property, improvements or object of taxation which may have been omitted shall be made subject to taxation for the period during which said property, improvements or objects of taxation shall have been omitted but in no event to exceed the period of five calendar years preceding the year in which the property, improvements or objects of taxation omitted is first added to the assessment roll. Any such valuations as are made pursuant to the provisions of this section shall be subject to appeal in the same manner as other assessments made pursuant to this act. Taxes levied on any such valuation shall not be made subject to the payment of any interest and penalties otherwise provided by law, except as the same are computed from the date of such correction or additions made pursuant to this section. No bona fide purchaser of any property or subject of taxation without knowledge that the property or object of taxation was omitted from the assessment rolls for purposes of taxation shall be subject to any taxation based upon the additional valuation made pursuant to this section.
- B. The Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall also revise assessments and valuations in the tax years for which there is no Countywide revaluation or reassessment by increasing or decreasing the same where the value of the property or objects of taxation assessed or valued has changed by reason of any change of conditions thereon or adjacent thereto or in the vicinity thereof, or for the reason that the property assessed or valued has been subdivided or laid out into a plan of lots of other subdivisions, or for the reason that

improvements have been placed thereon or added thereto, or for the reason that any public or other improvement has been made adjacent thereto or in the vicinity thereof, or where, for any other reason whatsoever, the value of the property has changed and it seems to the Chief Assessment Officer necessary and equitable to make a change in the valuation thereof. The Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall also in the tax years between Countywide reassessments or revaluations in all cases where it is apparent that any assessment is not in accord with the generality or uniform standard of assessments, revise and correct the same by increasing or decreasing the same where the value of the property or objects of taxation assessed do not conform to the generality or uniform standard of assessments.

§ 5-210.07. Spot reassessment prohibited.

Neither the Chief Assessment Officer nor the Office of Property Assessments shall engage in the practice of spot reassessment.

§ 5-210.08. Certification of Countywide revaluation or reassessment.

For all Countywide revaluations or reassessments performed after 2006, the following procedure for certification of the same is hereby established:

- A. Certification. On or before the 15th day of January of the preceding year, the Chief Assessment Officer shall certify the assessment rolls after first verifying that the Countywide revaluation or reassessment has been performed in accordance with applicable law, unless such day falls on a weekend or holiday day, in which case the certification shall occur on the next business day thereafter.
- B. Notice of certification.
 - (1) Upon completion of the certification, three copies of the certification will be provided to the Chief Executive and County Council. The certification shall include a list of the total value of all property broken down by municipality (and in the case of the City of Pittsburgh by ward) and a list of the total value of all non-tax-exempt property broken down by municipality (and in the case of the City of Pittsburgh by ward).
 - (2) Upon completion of the certification, the Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall provide copies of the certificate assessment roll for the upcoming Countywide reassessment to each taxing body within the County for their review and use in the preparation of a budget and in the levying of property taxes for the upcoming tax year.
 - (3) On or before the 15th day of February in the year preceding the implementation of a Countywide revaluation or reassessment, the Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall mail to all owners of objects of taxation within the County, at the change notice address on record with the Office of Property Assessments, a notice of the certified assessed value of the property, unless such day falls on a weekend or holiday day, in which case the mailing of the notice shall occur on the next business day thereafter. In such notice, the Chief Assessment Officer shall inform the

owner of the property's valuation on the assessment roll for the current tax year and the property's assessed value on the assessment roll for the upcoming tax year covered by the Countywide revaluation or reassessment. The notice shall further state that any person aggrieved by any change in assessment and any applicable taxing body may appeal such change in assessed value to the Appeals Board.

- C. Appeals. All appeals of any assessment shall be filed with the Appeals Board by the 31st day of March in the year preceding the implementation of a Countywide revaluation or reassessment, unless such day falls on a weekend or holiday day, in which case the appeal period shall expire on the next business day thereafter.
- D. Disposition by Appeals Board; revision of assessment roll.
 - (1) The Appeals Board shall oversee the scheduling and resolution of hearings of appeals of assessments for the next Countywide revaluation or reassessment and shall continue to schedule and dispose of all appeals from time to time until all appeals have been heard or otherwise resolved.
 - (2) All appeals shall be handled by the Appeals Board in accordance with its rules and regulations adopted pursuant to § 5-207.06 of this Administrative Code.
 - (3) Nothing herein shall prohibit any owner of an object of taxation or taxing body from appealing any assessment in accordance with applicable law.
- E. Final establishment of assessment roll for use in year of Countywide revaluation or reassessment.
 - (1) When the Appeals Board has completed its hearings of assessment appeals to determine the values to be used in the next Countywide revaluation or reassessment and has entered an order of disposition in each case, the Chief Assessment Officer shall direct the Office of Property Assessments to make such changes in the assessment roll for the upcoming Countywide revaluation or reassessment as will conform to such orders. The Appeals Board shall enter orders of dispositions in all appeals on or before the first day of December in the year preceding the implementation of the Countywide revaluation or reassessment.
 - (2) If the Appeals Board is unable to hear and act upon all appeals prior to the first day of December, the assessment as set forth in the certification for all properties for which appeals have been filed and for which orders of disposition have not been entered by the Appeals Board shall remain in effect for purposes of preparation of a final assessment roll; provided, however, that such appeals shall be considered to be on-going pursuant to § 5-207.07 (of this Administrative Code) and subject to revision by the Appeals Board as it shall determine after hearing and final disposition of the appeal.
 - (3) On or before the 15th day of December in the year preceding the implementation of a Countywide revaluation or reassessment, the Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall provide a final and revised assessment roll to all taxing bodies within the County, unless such day falls on a weekend or holiday day, in which case the provision of the assessment roll shall occur on the next business day thereafter, provided that, for the 2009 tax year only:
 - (a) The Chief Executive has provided for the retention of a qualified expert not otherwise employed by any agency of or municipal authority or government within the County to conduct a detailed study of the existing property assessment

system in Allegheny County, with such study to include, but not be limited to, the topics of:

- [1] The validity of all factors and variables used in the existing assessment system;
 - [2] Any inequities that may exist in the existing system;
 - [3] Whether the existing system meets "accepted assessment standards" and ensures "access to public records regarding assessments," in accordance with Article X, § 1.10-1005, of the Home Rule Charter of Allegheny County;
 - [4] Qualitative and quantitative analyses of the actual effects of the existing system on property owners within the County.
- (b) The qualified expert should begin his or her duties no later than February 1, 2008, and shall not be compensated in excess of \$50,000 for his or her services.
 - (c) The final report of the qualified expert retained by the Chief Executive under this subsection shall be delivered to both the Chief Executive and County Council no later than 60 days before the final certification roll is provided to taxing bodies under § 5-210.08E(3) of the Administrative Code of Allegheny County.
 - (d) Should the report of the qualified expert retained by the Chief Executive under this subsection not be delivered in accordance with the time requirements of this section, copies of the final assessment roll shall not be distributed to taxing bodies under § 5-210.08E(3) until at least 60 days after the date on which such report is delivered.

§ 5-210.09. Certification in non-Countywide revaluation or reassessment tax years. [Amended 6-11-23 by Ord. 06-24]

- A. Certification. On or before the 15th day of January of the preceding year, the Chief Assessment Officer shall certify the assessment, unless such day falls on a weekend or holiday day, in which case the certification shall occur on the next business day thereafter.
- B. Notice of certification.
 - (1) Upon certification for a non-Countywide revaluation or reassessment year, the Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall provide copies of the assessment roll to each taxing body within the County for their review and use in the preparation of a budget and in the levying of property taxes for the upcoming tax year. In the certification, the Chief Assessment Officer shall include a statement that the assessment roll has been revised by any appeals and administrative corrections made pursuant to this Administrative Code or revised as deemed necessary and proper to equalize valuations from the base year.
 - (2) Copies of the certification will be provided to the Chief Executive and County Council. The certification shall include a list of the total value of all property broken down by municipality (and in the case of the City of Pittsburgh by ward) and a list of the total value of all non-tax-exempt property broken down by municipality (and in the case of the City of Pittsburgh by ward).

- (3) If the assessed value of an object of taxation is changed from the previous tax year and the owner has not been previously notified of such change, then the Office of Property Assessments, at the direction of the Chief Assessment Officer, shall mail to the owner of such objects of taxation within the County, at the change notice address on record with the Office of Property Assessments, a notice of the change in assessed value. In such notice, the Chief Assessment Officer shall inform the owner of the property's assessed value on the assessment roll for the current tax year and the property's assessed value on the assessment roll for the upcoming tax year. The notice shall further state that any person aggrieved by any change in assessment and any applicable taxing body may appeal such change in assessment to the Appeals Board.
- C. Appeals. All appeals of any assessment for the 2025 tax year shall be filed with the Appeals Board by October 1, 2024. In all subsequent non-Countywide revaluation or reassessment years, appeals for a given tax year shall be filed with the Appeals Board by September 1 of the prior year, unless such day falls on a weekend or holiday day, in which case the appeal period shall expire on the next business day thereafter. Appeals for all non-Countywide revaluation or reassessment years shall not be filed more than sixty (60) days prior to the deadline for such filings.
- D. Disposition by Appeals Board; revision of assessment roll.
- (1) The Appeals Board shall oversee the scheduling and resolution of hearings of assessment appeals to be used for the upcoming non-Countywide revaluation or reassessment tax year and shall continue to schedule and dispose of all appeals from time to time until all appeals have been heard or otherwise resolved.
 - (2) All appeals shall be handled by the Appeals Board in accordance with its rules and regulations adopted pursuant to § 5-207.06 of this Administrative Code.
 - (3) Nothing herein shall prohibit any owner of an object of taxation or taxing body from appealing any assessment in accordance with applicable law.
- E. Final establishment of assessment roll for use in year of non-Countywide revaluation or reassessment.
- (1) When the Appeals Board has completed its hearings of assessment appeals to be used in the upcoming non-Countywide revaluation or reassessment tax year and has entered an order of disposition in each case, the Chief Assessment Officer shall direct the Office of Property Assessments to make such changes in the assessment roll for the upcoming non-Countywide revaluation or reassessment tax year as will conform to such orders. The Appeals Board shall enter orders of dispositions in all appeals on or before the first day of December.
 - (2) If the Appeals Board is unable to hear and act upon all appeals prior to the first day of December, the assessment as set forth in the certification for all properties for which appeals have been filed and for which orders of disposition have not been entered by the Appeals Board shall remain in effect for purposes of preparation of a final assessment roll; provided, however, that such appeals shall be considered to be on-going pursuant to § 5-207.07 (of this Administrative Code) and subject to revision by the Appeals Board as it shall determine after hearing and final disposition of the appeal.

- (3) On or before the 15th day of December, the Office of Property Assessments, at the direction of the Chief Assessment Officer, shall provide a final and revised assessment roll to all taxing bodies within the County for use in the upcoming non-Countywide revaluation or reassessment tax year.
- (4) Nothing herein shall prohibit any owner of an object of taxation or taxing body from appealing any valuation in the final and revised assessment roll in accordance with applicable law.

§ 5-210.10. Exemptions from taxation.

Property within the County shall not be subject to taxation by any taxing body if the property qualifies for exemption under Article VIII of the Pennsylvania Constitution, Section 5020-204 of the General County Assessment Law or other applicable laws.

§ 5-210.11. Application for determination of tax-exempt status.

The Chief Assessment Officer, through the Office of Property Assessments, shall receive in the first instance: all applications from a legal or equitable owner to have property declared exempt from taxation; and all applications from a taxing body within which a property formerly determined to be exempt from property taxation is located that the property no longer meets the standards under Article VIII of the Pennsylvania Constitution, Section 5020-204 of the General County Assessment Law or other applicable laws for property tax exemption. The Chief Assessment Officer is directed to adopt reasonable rules and regulations governing the submission and consideration of applications for the grant or removal of property tax-exempt status.

§ 5-210.12. Determination of tax-exempt status.

- A. Based upon a review of the application for the grant or removal of tax-exempt status and such other materials and information submitted by the legal or equitable owner or by the taxing body or bodies and after such consultation with legal counsel as deemed necessary and prudent, the Chief Assessment Officer shall make a determination concerning whether the property qualifies or continues to qualify for property tax-exempt status. The staff of the Office of Property Assessments shall provide written notice of the determination of the property's tax-exempt status to the legal or equitable owner of the property and to all taxing bodies within which the property is located.
- B. All properties granted tax-exempt status by the Chief Assessment Officer under the provisions of the Institutions of Purely Public Charity Act, 10 P.S. § 371 et seq., shall be subjected to a parcel review by the Chief Assessment Officer in accordance with the provisions of 10 P.S. § 375(h) at least once every three years. In the course of the periodic parcel review required by this section, the Chief Assessment Officer shall determine whether each property or any portion thereof continues to qualify for tax-exempt status, and shall forward written notice of this determination to the legal or equitable owner of the property and to all taxing bodies within which the property is located. Determinations made by the Chief Assessment Officer pursuant to the periodic parcel review required by this section shall be subject to the appeal provisions of § 5-210.13. **[Added 11-20-2007 by Ord. No. 49-07]**

§ 5-210.13. Appeal of determination of property tax-exempt status.

Any determination of the Chief Assessment Officer concerning whether a property qualifies or continues to qualify for property tax-exempt status may be appealed to the Appeals Board by the legal or equitable owner of the property or by any taxing body within which the property affected by the grant or denial of property tax-exempt status is located.

§ 5-210.14. Adoption of rules concerning catastrophic loss.

The Chief Assessment Officer shall promulgate, as soon as conveniently possible, rules and regulations for use in the consideration of requests for reduction of the valuation of objects of taxation as a result of catastrophic loss.

§ 5-210.15. Adoption of rules concerning incorrect assessments.

The Chief Assessment Officer shall promulgate, as soon as conveniently possible, rules and regulations for use whenever the valuation of any object of taxation is discovered to have been made erroneously because of some factual, mathematical or clerical error.

§ 5-210.16. Special transition rules: certification and appeal deadlines for the 2003, 2004 and 2005 tax years.

- A. Use of 2002 County-wide reassessment in 2003 tax year. The 2002 County-wide reassessment performed by the Office of Property Assessments, at the direction of the Chief Assessment Officer, as modified by any appeals and administrative corrections made pursuant to § 5-209.08 of this Administrative Code during the 2002 tax year and thereafter, shall be considered to be and shall be the property values used in the 2003 tax year.
- B. 2003 and 2004 tax years: certification; notice; appeals.
 - (1) Certification. On or before the second day of January in the 2003 and 2004 tax years, respectively, the Chief Assessment Officer shall certify the assessment rolls.
 - (a) Copies of these assessment rolls will be provided to the Chief Executive and County Council. The rolls shall include a list of the total value of all property broken down by municipality (and in the case of the City of Pittsburgh, by ward) and a list of the total value of all taxable property broken down by municipality (and in the case of the City of Pittsburgh, by ward).
 - (b) The Chief Executive and County Council shall also, for the 2004 tax year, be provided with a statement from the Chief Assessment Officer that the assessment roll has been revised by any appeals and administrative corrections made pursuant to § 5-209.08 of this Administrative Code; and has been revised as deemed necessary and proper to equalize valuations as of the 2003 base year.

- (2) Notice of certification.
 - (a) Upon certification for the 2003 and 2004 tax years, respectively, the Office of Property Assessments, at the direction of the Chief Assessment Officer, shall provide copies of the assessment roll for the upcoming tax year to each taxing body within the County.
 - (b) If the value of an object of taxation is changed from the value in the previous tax year and the owner has not been previously notified of such change, then the Office of Property Assessments, at the direction of the Chief Assessment Officer, shall cause to be mailed to the owner of such objects of taxation within the County, at the change notice address on record with the Office of Property Assessments, a notice of the change in valuation. Such notice shall be mailed on before the 31st day of January of the current tax year. In such notice, the Chief Assessment Officer shall inform the owner of the property's valuation on the assessment roll for the previous tax year and the property's valuation on the assessment roll for the current tax year. The notice shall further state that any person aggrieved by any change in valuation and any applicable taxing body may appeal such change in valuation to the Appeals Board.
- (3) Appeals of certified valuations. All appeals of certified valuations to be used in the 2003 and 2004 tax years, respectively, shall be filed with the Appeals Board on or before the 30th day of April in the years 2003 and 2004, respectively; provided, however, that if the 30th day of April is not a business day as defined under this Administrative Code, then appeals may be filed until the close of business on the next business day.

C. 2005 tax year: certification; notice; appeals.

- (1) Certification.
 - (a) On or before the tenth day of February in 2004, the Chief Assessment Officer shall certify the assessment rolls for tax year 2005. Copies of these assessment rolls will be provided to the Chief Executive and County Council.
- (2) Notice of certification.
 - (a) Upon certification for the 2005 tax year, the Office of Property Assessments, at the direction of the Chief Assessment Officer, shall provide copies of the assessment roll for the 2005 tax year to each taxing body within the County.
 - (b) If the value of an object of taxation is changed from the value in the previous tax year and the owner has not been previously notified of such change, then the Office of Property Assessments, at the direction of the Chief Assessment Officer, shall cause to be mailed to the owner of such objects of taxation within the County, at the change notice address on record with the Office of Property Assessments, a notice of the change in valuation. Such notice shall be mailed on or before the first day of March, 2004. In such notice, the Chief Assessment Officer shall inform the owner of the property's valuation on the assessment roll for the previous tax year and the property's valuation on the assessment roll for the current tax year. The notice shall further state that any person aggrieved by any change in valuation and any applicable taxing body may appeal such change in valuation to the Appeals Board.

- (3) Appeals of certified valuations. All appeals of certified valuations to be used in the 2005 tax year shall be filed with the Appeals Board on or before the 30th day of April, 2004.

§ 5-210.17. Transitional provisions related to 2006 only.

- A. Certification. Within five days of the passage of this article, the Chief Assessment Officer shall certify the assessment rolls pursuant to § 5-210.09 of this Administrative Code.
- B. Notice of certification.
 - (1) Upon certification, the Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall provide copies of the assessment roll to each taxing body within the County for their review and use in the preparation of a budget and in the levying of property taxes for the upcoming tax year. In the certification, the Chief Assessment Officer shall include a statement that the assessment roll has been revised by any appeals and administrative corrections made pursuant to this Administrative Code.
 - (2) Copies of the certification will be provided to the Chief Executive and County Council. The certification shall include a list of the total value of all property broken down by municipality (and in the case of the City of Pittsburgh by ward) and a list of the total value of all non-tax-exempt property broken down by municipality (and in the case of the City of Pittsburgh by ward).
 - (3) Within 14 days after certification, the Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall mail to all owners of objects of taxation within the County, at the change notice address on record with the Office of Property Assessments, a notice of the certified assessed value of the property. In such notice, the Chief Assessment Officer shall inform the owner of the property's valuation on the assessment roll for the 2005 tax year and the property's assessed value on the assessment roll for the 2006 tax year. The notice shall further state that any person aggrieved by any change in assessment and any applicable taxing body may appeal such change in assessed value to the Appeals Board.
- C. Appeals. All appeals of any assessment shall be filed with the Appeals Board by the 31st day of March 2006. **[Amended 11-1-2005 by Ord. No. 50-05; 1-3-2006 by Ord. No. 01-06]**
- D. Disposition by Appeals Board; revision of assessment roll.
 - (1) The Appeals Board shall oversee the scheduling and resolution of hearings of appeals of assessments for the 2006 tax year and shall continue to schedule and dispose of all appeals from time to time until all appeals have been heard or otherwise resolved.
 - (2) All appeals shall be handled by the Appeals Board in accordance with its rules and regulations adopted pursuant to § 5-207.06 of this Administrative Code.
 - (3) Nothing herein shall prohibit any owner of an object of taxation or taxing body from appealing any assessment in accordance with applicable law.
- E. Final establishment of assessment roll for use in year of Countywide revaluation or reassessment.
 - (1) When the Appeals Board has completed its hearings of assessment appeals to determine the values to be used and has entered an order of disposition in each case, the Chief Assessment Officer shall direct the Office of Property Assessments to make such changes

in the assessment roll as will conform to such orders. The Appeals Board shall enter orders of dispositions in all appeals on or before the 31st day of December, 2005, or as soon as practicable thereafter.

- (2) The Office of Property Assessments, under the supervision of the Chief Assessment Officer, shall provide a final and revised assessment roll to all taxing bodies within the County as soon as practicable after the Appeals Board enters all of the orders of disposition as set forth above.

- F. Sunset provision. Unless otherwise extended by ordinance, this § 5-210.17 shall expire as of December 31, 2006.

§ 5-210.18. Transitional provisions related to 2013 only. [Added 2-5-2013 by Ord. No. 3-13]

All appeals of any assessment for the 2013 tax year shall be filed with the Appeals Board by the first day of April 2013.

ARTICLE 211
Board of Elections

§ 5-211.01. Membership.

- A. Pursuant to Article X, § 1.10-1006, of the Charter and § 2641 of the Pennsylvania Election Code, 25 P.S. § 2641, there is hereby created and constituted an Allegheny County Board of Elections.
- B. The Allegheny County Board of Elections shall consist of three members: the Chief Executive and the two elected at-large members of the County Council.
- C. If a member of the Board of Elections becomes a candidate for any nomination or election to any office, the member shall not act as a member of the Board of Elections. The President Judge of the Court of Common Pleas shall appoint a voter of the County who has the same political party affiliation as the member or, in the case of a member of no political party affiliation, a voter of the County who has no political party affiliation, to serve while the member is a candidate.

§ 5-211.02. Powers and duties.

The Allegheny County Board of Elections shall exercise all of the powers and perform all of the duties of a Board of Elections provided by § 2642 of the Pennsylvania Election Code, 25 P.S. § 2642.

ARTICLE 213

County Retirement Board

§ 5-213.01. Membership of the Allegheny County Retirement Board.

The County's employees' retirement system shall be under the sole direction of the Allegheny County Retirement Board. The Retirement Board shall consist of the following seven members: the Chief Executive; one member who shall be a member of the retirement system, appointed by the Chief Executive with the consent of a majority of the seated members of the

County Council; one member who shall be a member of the retirement system, appointed by a majority of the seated members of the County Council; the Controller; the Treasurer; and two members selected by a vote of the County's employees and retirees.

§ 5-213.02. Operations of the Allegheny County Retirement Board.

The Allegheny County Retirement Board shall operate and perform its functions in accordance with the provisions of Article X of this Administrative Code.

ARTICLE 215

Retained County Agencies

§ 5-215.01. List of retained County agencies.

As required by applicable law or regulation, or as a requirement for the receipt of funds, the following are presently county agencies:

- A. The Allegheny County Prison Board.
- B. Air Pollution Control Advisory Committee.
- C. Air Pollution Hearing Board.
- D. Allegheny Regional Asset District.
- E. Allegheny County Board of Health.
- F. Children, Youth and Families Advisory Board.
- G. Three Rivers Workforce Investment Board.
- H. Community College of Allegheny County.
- I. Allegheny County Conservation District Board.
- J. Drug and Alcohol Planning Council.
- K. Local Emergency Planning Committee.
- L. Mental Health/Mental Retardation Advisory Board.
- M. Plumbing Advisory Board.
- N. Self Insurance Board.
- O. Senior Companion Program Advisory Council.
- P. Allegheny County Vacant Property Review Committee.
- Q. Area Agency on Aging/Adult Services Advisory Board.
- R. Private Industry Council.
- S. Community Services Advisory Council.
- T. Head Start Parents Advisory Council.

§ 5-215.02. Operation of County agencies. [Amended 10-4-2005 by Ord. No. 41-05]

Appointments to the County agencies listed in § 5-215.01 of this chapter shall be made in accordance with the provisions set forth in applicable federal or state laws or regulations governing each agency. If such laws or regulations do not address an appointee's term, any appointment shall expire at the end of the appointee's term. The operations of the County agencies listed in § 5-215.01 of this chapter shall be conducted in accordance with requirements set forth in applicable federal or state laws or regulations governing each agency. Appointments subject to the term expiration provisions of this section may be

extended by the Chief Executive for a maximum of 90 days beyond the date on which the appointment expires, should such extension be necessary for the orderly conduct of agency business.

§ 5-215.03. County and non-County nonprofit corporations and associations. [Amended 10-4-2005 by Ord. No. 43-05]

- A. The following is a representative list of County-sponsored or County-supported nonprofit corporations or voluntary unincorporated associations:
- (1) Allegheny League of Municipalities.
 - (2) Carnegie Library Board.
 - (3) Emergency Medical Service Institute.
 - (4) HDCAC 202 Corporations.
 - (5) Human Service Center Corporation.
 - (6) Kane Foundation.
 - (7) Pittsburgh Allegheny County Thermal.
 - (8) Regional Trail Corporation.
 - (9) Southwestern PA Regional Development Council.
 - (10) Local Government Academy.
- B. Appointments to the board of a nonprofit corporation or voluntary association which the County may be entitled to make shall be made by the Chief Executive with the consent of a majority of the seated members of County Council. Such appointments shall expire at the end of the appointee's term unless otherwise provided by law.
- C. Appointments subject to the term expiration provisions of this section may be extended by the Chief Executive for a maximum of 90 days beyond the date on which the appointment expires, should such extension be necessary for the orderly conduct of the business of the corporation or association.

§ 5-215.04. Audit requirement. [Added 10-10-2006 by Ord. No. 26-06]

- A. All County agencies delineated in § 5-215.01 above and all County and non-County nonprofit corporations and associations delineated in § 5-215.03 above shall provide advice to the County Controller at the conclusion of each fiscal year in the selection of an independent auditor to conduct the annual financial audit of the agency or nonprofit entity.
- (1) Such independent auditor shall be a member of the American Institute of Certified Public Accountants, and must have a minimum of five years' verifiable experience in performing audits of government funds for organizations with an annual budget comparable to or larger than that of the agency or nonprofit entity for which the auditor is being selected.
 - (2) The independent auditor shall not have been an employee or agent of the agency or nonprofit entity for which the auditor is being selected for a period of at least five years at the time at which he or she is selected.

- (3) Final selection of the auditor shall be made by the Allegheny County Controller. The selection of the Controller need not be approved by the agency or nonprofit entity to be audited, nor shall the approval of the Chief Executive, Allegheny County Council, or other entity be required.
- B. Once selected, the independent auditor shall conduct a financial audit of the agency or nonprofit entity, and shall be given free and unfettered access to the financial records of the agency or nonprofit entity. Such audit shall be paid for in its entirety by funds from the operating budget of the agency or nonprofit entity.
- (1) The final audited financial statement shall be consistent with the generally accepted accounting principles prescribed by the American Institute of Certified Public Accountants or its successor or by any other recognized authoritative body selected by the Allegheny County Controller and consistent with the financial reporting policies and standards promulgated by the federal government and state government which apply to government entities.
 - (2) The audited financial statement required under Subsection B(1) shall, at a minimum, include:
 - (a) Results of the tests of the accounting records and other procedures of the agency or nonprofit entity that are considered necessary to enable the independent auditor to express an opinion as to whether the entity's financial statements are fairly presented, in all material respects, consistent with the accounting principles set forth in Subsection B(1); and
 - (b) A schedule of expenses that presents all operating and capital expenses pertaining to the entity's activities; and
 - (3) The Allegheny County Controller shall review the audited financial statement of each agency or nonprofit entity to determine whether the public funds allocated to the entity have been expended in accordance with the accounting principles set forth in Subsection B(1). The Controller shall have 90 days from the receipt of an audited financial statement to review the audited financial statement and notify the independent auditor and the agency or nonprofit entity of any material failure to meet the requirements of this subsection.
 - (a) An entity that receives notice from the Controller under Subsection B(3) shall have 90 days from the receipt of such notice to submit a corrective action plan to the Controller.
 - (b) The Controller shall approve, reject or alter the corrective action plan within 30 days of submission. After the agency or nonprofit entity receives written notice of approval of the corrective action plan or agrees in writing to the Controller's alterations of the corrective action plan, the plan shall be implemented and binding on the entity. Implementation of the approved or agreed-upon corrective action plan shall be verified by an audit conducted by the Controller no later than the end of the fiscal year following the fiscal year during which the plan is implemented. If no agreed-upon corrective action plan is in place within one year after the date of the Controller's written notice under Subsection B(3) or if the agreed-upon corrective action plan has not been implemented within one year after the date of the Controller's written notice under Subsection B(3), then the Controller shall

petition Allegheny County Council to adjust payments to the entity to collect any amounts due based upon the findings contained in the audit report.

- (4) The Allegheny County Controller shall promulgate final-omitted regulations as necessary to implement this section.
- (5) The Allegheny County Council may withhold funds appropriated to an agency or nonprofit entity as necessary to ensure that audit reports are submitted in the prescribed fashion.

C. In addition to the annual financial audit of each agency or nonprofit entity, additional single audits may be performed in accordance with the above-listed procedures on an as-needed basis at any time. The final determination of the need for such an audit shall be made by the Allegheny County Controller.

- (1) If the governing body of the agency or nonprofit entity provides a written statement of agreement with the Controller as to the need for the single audit, such audit shall be paid for entirely by funds from the operating budget of the entity.
- (2) If the agency or nonprofit entity does not provide a written statement of agreement with the Controller's determination of need, such audit shall be paid for by the Office of the Controller.

Part 3
Legislative Branch

ARTICLE 301
County Council

§ 5-301.01. Authority and powers.

The legislative power of the County shall be vested in a County Council. The County Council shall possess all of the powers and authority set forth in Article IV, § 1.4-402, of the Home Rule Charter.

§ 5-301.02. Number of Council members.

The County Council shall be made up of 15 members, of whom 13 members shall be elected from districts established throughout the County, and two members from the County at-large.

§ 5-301.03. County Council districts. [Amended 7-12-2022 by Ord. No. 21-22 and 12-27-2023 by Ord. 38-23]

A. The County Council districts shall be as follows:

- (1) District No. 1: Avalon Borough, Ben Avon Borough, Ben Avon Heights Borough, Crescent Township, Emsworth Borough, Findlay Township, Glenfield Borough, Glen Osborne Borough, Haysville Borough, Kilbuck Township, Moon Township, Neville Township, Ohio Township, Ross Township and West View Borough.
- (2) District No. 2: Aleppo Township, Bell Acres Borough, Bradford Woods Borough, Edgeworth Borough, Franklin Park Borough, Leet Township, Leetsdale Borough, Marshall Township, McCandless Township, Pine Township, Richland Township, Sewickley Borough, Sewickley Heights Borough, and Sewickley Hills Borough.
- (3) District No. 3: Aspinwall Borough, Etna Borough, Fox Chapel Borough, Hampton Township, Indiana Township, Millvale Borough, O'Hara Township, Reserve Township, Shaler Township, Sharpsburg Borough and West Deer Township.
- (4) District No. 4: Carnegie Borough, Collier Township, Coraopolis Borough, Kennedy Township, McDonald Borough, McKees Rocks Borough, North Fayette Township, Oakdale Borough, Pennsbury Village Borough, Robinson Township, South Fayette Township, Stowe Township, and Thornburg Borough.
- (5) District No. 5: Bethel Park Municipality, Dormont Borough, Mount Lebanon Township and Upper St. Clair Township.
- (6) District No. 6: Baldwin Borough, Baldwin Township, Brentwood Borough, Castle Shannon Borough, Clairton City, Jefferson Hills Borough, Pleasant Hills Borough, South Park Township and Whitehall Borough.

- (7) District No. 7: Blawnox Borough, Brackenridge Borough, Chalfant Borough, Cheswick Borough, Churchill Borough, East Deer Township, Fawn Township, Frazer Township, Harmar Township, Harrison Township, Oakmont Borough, Penn Hills Township, Springdale Borough, Springdale Township, Tarentum Borough, Verona Borough, and Wilkins Township.
- (8) District No. 8: Braddock Borough, East McKeesport Borough, East Pittsburgh Borough, Monroeville Municipality, North Braddock Borough, North Versailles Township, Pitcairn Borough, Plum Borough, Rankin Borough, Swissvale Borough, Trafford Borough, Turtle Creek Borough, Wall Borough and Wilmerding Borough.
- (9) District No. 9: Dravosburg Borough, Duquesne City, Elizabeth Borough, Elizabeth Township, Forward Township, Glassport Borough, Liberty Borough, Lincoln Borough, McKeesport City, Munhall Borough, Port Vue Borough, South Versailles Township, Versailles Borough, West Elizabeth Borough, West Mifflin Borough, Whitaker Borough, White Oak Borough.
- (10) District No. 10: Braddock Hills Borough, City of Pittsburgh Wards 3, 4, 5, 8, 11, 12 and 13, Edgewood Borough, Forest Hills Borough, and Wilkesburg Borough.
- (11) District No. 11: City of Pittsburgh Wards 7, 14, 15, 16, 29 and 31, Homestead Borough, Mount Oliver Borough, and West Homestead Borough.
- (12) District No. 12: Bridgeville Borough, City of Pittsburgh Wards 19, 20, 28 and 32, Crafton Borough, Green Tree Borough, Heidelberg Borough, Ingram Borough, Rosslyn Farms Borough, and Scott Township.
- (13) District No. 13: Bellevue Borough and City of Pittsburgh Wards 1, 2, 6, 9, 10, 17, 18, 21, 22, 23, 24, 25, 26, 27 and 30.

B. Reapportionment of Council districts. It shall be the mandatory duty of Council to reapportion the County Council districts within one year after the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census. The reapportionment of the council districts shall be done in the following manner: Each district shall be composed of compact and contiguous territories as nearly equal in population as practicable as officially reported in the federal census. Unless absolutely necessary, no city, borough, township or ward shall be divided in forming council districts. No city block shall be divided into more than one district. A municipality shall be divided into as few County Council districts as possible. The number of wards whose territory is divided into more than one Council district shall be as small as possible. The aggregate length of all Council district boundaries shall be as short as reasonably practicable. No "election district," as that term is defined in the Pennsylvania Election Code,³⁵ shall be divided into more than one district. At the expiration of the one-year period, if Council shall have failed to reapportion the Council districts, then the reapportionment shall be conducted in accordance with the provisions of the Pennsylvania Municipal Reapportionment Act, 53 Pa.C.S.A. § 901 et seq. If the mandatory reapportionment results in a County Council member being placed out of the district from which he was elected, then the County Council member shall be permitted to complete his term of office.

C. Advisory Reapportionment Commission. Beginning with the 2030 decennial census and following each census thereafter, within forty-five (45) days of the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census,

Allegheny County Council shall appoint an advisory Reapportionment Commission. Such Commission shall be comprised of members as provided in this Subsection, and shall be charged with developing reapportionment recommendations pursuant to all provisions of applicable law, subject to the following:

1. Eligibility. Appointees to the Commission must be at least eighteen (18) years of age, must be registered to vote within Allegheny County, and shall have been residents of Allegheny County for at least one year prior to appointment and throughout their service on the Commission. Appointees may belong to any political party, regardless of the fashion in which they are appointed under the terms of Subsection 3.
2. Prohibitions. No Commission member shall be or shall have a parent, spouse, or child who is an employee of Allegheny County. At no time during their service shall any Commission member hold any elected office, serve on or at the pleasure of any committee organized by any candidate for election, serve at the pleasure of any candidate for election and/or their campaign manager or other campaign staff, or be a voting member of any committee established by or for the benefit of a political party.
3. Appointment. Members of the Commission shall be appointed by caucuses established by Council members of various parties as follows:
 - a. Two (2) Commission members shall be appointed by each party-affiliated caucus to which at least one member of Council belongs. For the purposes of this Section, in order to belong to a party-affiliated caucus, a Council member must:
 - i. Be registered as a voter within Allegheny County with a party affiliation; however, members of Council registered with no affiliation shall be deemed to be Independent party members solely for the purposes of this Subsection; and
 - ii. Meet regularly with any other Council members of the same party affiliation to discuss matters relevant to those members; and
 - iii. Not meet regularly with any other established party caucus to discuss matters relevant to members of that other caucus. In the event that a member of Council having a party affiliation under the terms of this Section does meet regularly with a caucus of another affiliation, such member of Council shall be deemed a member of the caucus with which the member more frequently meets.
 - b. One (1) Commission member shall be appointed by vote of the full Council after introduction of nomination(s), interview of the nominee(s) by the Committee on Appointment Review, and recommendation of the Committee. This member shall serve as the Commission Chair.

- c. No individual appointed pursuant to the terms of Subsection A shall be subject to interview by the Committee on Appointment Review (or equivalent committee of Council), or to confirmation by the full Council, but written notice of all appointments shall be provided to the Chief Clerk and all appointments shall be announced by the chair of the appointing caucus during the public portion of a regular meeting of Council. No appointment pursuant to the terms of Subsection A shall be deemed effective prior to the notice and announcement required by this Subsection.
 - d. The terms of all initial appointments timely made pursuant to the terms of this Section shall be deemed to commence upon the forty-sixth (46th) day after the official and final publication of the population of the County by the United States Bureau of the Census, and shall expire one hundred and eighty (180) days from the date of such publication. The term of any appointment made after the forty-sixth (46th) day after the official and final publication of the population of the County by the United States Bureau of the Census shall be deemed to commence upon its announcement or approval by the seated members of Council (as required under the terms of this Section), and shall expire upon the same date as all timely initial appointments.
 - e. Upon appointment and at all times throughout their service, all Commission members shall be deemed "Covered Persons" within the meaning of §5-1013.03 of this Administrative Code, shall be subject to the entirety of Article 1013 of this Administrative Code (relating to Accountability, Conduct and Ethics), and shall file annual disclosures of interest for the year(s) during which they serve, in accordance with the provisions of §5-1013.05.
 - f. In the event of a vacancy, a replacement Commission member shall be selected in the same fashion as the departed Commission member, within twenty one (21) days of the seat becoming vacant.
 - g. Once appointed, Commission members may be removed only upon violation of the terms of this Section or other applicable law, by a vote of a majority of the seated members of Council and with prior notice and hearing afforded to the Commission member in question.
4. Commission meetings. The Commission shall meet to adopt operating rules and procedures as soon as is practicable after the forty-sixth (46th) day after the official and final publication of the population of the County by the United States Bureau of the Census. Notwithstanding any rule or procedure adopted by the Commission, for the purposes of conducting Commission business a quorum shall consist of at least a majority of the seated members of the Commission in attendance. The Commission shall be deemed an "agency" as defined within the Pennsylvania Sunshine Act (65 Pa.C.S. §701, *et. seq.*) and Commission meetings shall be open to the public in accordance with the provisions of

that Act. The Commission shall keep minutes as required by the Act, and shall also make full and complete audio recordings of all of its proceedings that are open to the public. Copies of such recordings shall be made available to any individual upon request, at no cost to the requestor.

5. Commission duties. The Commission shall be charged with formulating one or more recommendations regarding reapportionment and providing such recommendation(s) to Allegheny County Council no later than 180 days from the date of the Commission's first meeting. At all times, the Commission shall strictly adhere to all applicable Commonwealth and other Constitutional provisions, statutory law, caselaw, and regulations, including (but not limited to) the Municipal Reapportionment Act (53 Pa.C.S.A. §901, *et. seq.*). Throughout the process of formulating recommendations, the Commission shall provide weekly written updates to all Council members regarding progress, methodologies employed, and issues to be resolved. The Commission may, if necessary, consult with Council's solicitor regarding legal matters pertaining to reapportionment, but shall not, under any circumstances, discuss reapportionment with or seek advice relating to reapportionment from the County Law Department, the Chief Executive or any employee(s) of the administrative branch of the County's government (except as provided in Subsection C.6.), any individual member(s) of Allegheny County Council or its full time staff (except as provided for in Subsection C.6.), or any independently elected County official (as delineated in §5-201.03.A. of this Administrative Code) or any member(s) of their staff.
6. Staffing. The County shall provide the Commission with appropriately located office space and public meeting facilities together with necessary office supplies, equipment and furnishings. Notwithstanding any other provision of this Section, the Commission may also at any time seek assistance from Allegheny County Council staff regarding entirely ministerial functions, including but not limited to meeting notice publication, meeting recording, remote attendance by Commission members, and streaming or otherwise broadcasting commission meetings to the public.
7. Content of Commission recommendations. The Commission shall submit one or more recommendations to County Council upon an affirmative vote of a majority of the seated Commission members. Such recommendation(s) shall include both a map visually depicting the recommended new Council districts and a list of the recommended new districts, together with a clear delineation of the population of each proposed district, broken down by community (or portion thereof) within the proposed districts. Any recommendation(s) developed by the Commission pursuant to the terms of this Section shall be deemed purely advisory in nature, and shall have no legal effect unless/until adopted by the Council in the form of an ordinance amending to §5-301.03.A. of this Administrative Code.
8. Council procedure. Upon receipt, the Chief Clerk shall format the recommendation(s) as an ordinance amending §5-301.03.A. of this Administrative Code, and place the ordinance for introduction on the agenda for the next regular meeting of Council. Notwithstanding any Rule of Council to the contrary, no sponsor need be designated within such ordinance. Once introduced, the ordinance may be discussed in committee prior to the second reading,

but shall not be subject to amendment prior to the Council's final vote on the ordinance. In the event that three (3) Commission recommendations are not approved via final vote, or after one hundred and eighty (180) days from the date of the Commission's first meeting (whichever occurs first), County Council may introduce its own ordinance(s) to accomplish reapportionment, provided, however, that nothing within this Section shall be deemed to lengthen, shorten, or in any other way alter reapportionment deadlines or approval procedures established by applicable law, including (but not limited to) the Commonwealth's Municipal Reapportionment Act, (53 Pa.C.S.A. §901, *et. seq.*). Any reapportionment ordinance(s), when introduced, shall comport with all applicable law.

§ 5-301.04. Election of Council members; term.

A. Initial term of office; Council members elected by district.

- (1) The following County Council Members shall be elected at the general municipal election in the year 1999 and shall serve an initial term of office for two years beginning on the first business day of January of the year 2000: Districts 1, 3, 4, 8, 9, 12.
- (2) The following County Council Members shall be elected at the general municipal election in the year 1999 and shall serve an initial term of office for four years beginning on the first business day of January of the year 2000: Districts 2, 5, 6, 7, 10, 11, 13 and Council members elected at-large.
- (3) After the initial terms of office as noted above, the term of office for a Member of County Council shall be four years commencing on the first business day of January following the general municipal election, except for the filling of unexpired terms in which case the term shall commence upon the swearing in of the County Council member.

§ 5-301.05. Qualifications of Council members.

All members of County Council shall be a citizen of the United States of America, shall be a resident of the County for at least one year prior to election to office, shall be at least 18 years of age when elected to office, and shall remain a voter of the County during their term of office. County Council members elected by district, in addition to fulfilling the qualifications set forth above, shall be and shall remain residents of the district from which they have been elected. If, however, reapportionment results in a district County Council member being placed out of the district from which the member was elected, the member shall be permitted to complete the term.

§ 5-301.06. Prohibitions. [Amended 12-8-22 by Ord. 40-22]

County Council members shall not hold any other elected public office and, except as specifically allowed by the Charter, shall not receive any salary, stipend or other compensation from the County or any County authority.

§ 5-301.07. Oath of office.

A. The oath to be taken by any person holding the office of member of County Council shall be as follows:

I, _____ (name) _____, do solemnly swear (or affirm) that I will faithfully execute the office of Member of Council of the County of Allegheny, and will to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania. (So help me God).

B. The foregoing oath of office shall be administered by any person authorized to administer oaths.

§ 5-301.08. Vacancies. [Amended 1-18-2005 by Ord. No. 03-05]

If a County Council seat becomes vacant due to death, resignation, forfeiture of office or failure to assume office after election within 30 days after the scheduled commencement of the term, the other members of County Council shall appoint an interim County Council member within 30 days. The interim County Council member shall be qualified under the Home Rule Charter to be elected to such office and shall have the same political party affiliation as the former County Council member or, in the case of a seat held by a person of no political party affiliation, shall have no political party affiliation. If a seat was held by a person having a political party affiliation, nomination of the individual to serve as interim County Council member shall be made only by the Caucus Chair of that political party. The interim County Council member shall hold the vacated seat in accordance with the provisions of Subsection B, of Article III, § 1.3-309, of the Charter. In the event that County Council is unwilling or unable, for any reason whatsoever, to fill any vacancy within 30 days after the vacancy occurs, then the Court of Common Pleas, upon petition of 100 registered voters of the same political party and district as the former County Council member or, in the case of an at-large vacancy, the petition of 100 registered electors of the County and same political party, shall fill the vacancy.

§ 5-301.09. Compensation and expenses.

A. County Council members shall receive a salary not to exceed the aggregate \$10,939 annually per member. The limitation imposed under the terms of this Subsection shall automatically increase by five percent (5%) on January 1, 2025 and every fifth year thereafter. **[Amended 11-30-2016 by Ord. 43-16 and 12-6-2023 by Ord. 34-23]**

B. County Council members shall not be entitled to receive any indirect compensation for their services as County Council member. Such indirect compensation shall include funding for personal staff, local district offices or fringe benefits such as health and life insurance, pensions and personal motor vehicles.

C. Members of County Council shall be entitled to reimbursement for actual and necessary expenses incurred; provided, however, that the expenditure:

- (1) Is related to the performance of official duties including, but not limited to, business related meals, parking, mileage, and costs related to the distribution to constituents of information regarding Council business;
- (2) Is submitted prior to payment with such detail as may be required by established County fiscal management policies; and

- (3) Shall not exceed \$3,646 per County Council member per year. The limitation imposed under the terms of this Subsection shall automatically increase by five percent (5%) on January 1, 2025 and every fifth year thereafter. [Amended 11-30-2016 by Ord. 42-16]

§ 5-301.10. Forfeiture of office.

A member of County Council shall forfeit office if, during the term of office, the other 2/3 seated members of Council determine that the member:

- A. Lacks any qualification prescribed by law or by the Charter;
- B. Has been convicted of embezzlement of public monies, bribery, perjury or other infamous crimes;
- C. Has been found to be incapacitated by an appropriate Court; or
- D. Has failed to perform the duties of office as required by law, ordinance, or the Charter for a period of 60 consecutive days unless detained by sickness or prevented by necessary absence from the County. No such office shall be declared forfeited for failure to perform required duties until the member shall have been given a hearing before the other seated members of County Council, at which time the member of Council may show cause why he should not forfeit office.

ARTICLE 303

Organization of Council

§ 5-303.01. Organizational meetings.

- A. Organizational meeting. County Council shall organize itself on the first business day of January following each general municipal election. [Amended 12-16-2003 by Ord. No. 63-03]
- B. Election of Council President and Council officers. At each organizational meeting of County Council, the at-large member of the party with the greatest number of County Council seats shall chair the meeting until the Council elects one of its members as President. Thereafter the President shall preside over the election of any subsequent officers or committee chairs as provided for by Council.

§ 5-303.02. Council President; term and powers.

The President of County Council shall serve at the pleasure of the other seated members of Council. The President of County Council shall have the following powers:

- A. To preside at all meetings of County Council and to refer all proposed ordinances and resolutions to the proper committee of Council;
- B. To establish and to dissolve with the consent of a majority of the other seated members of Council all committees of County Council and to appoint the chair and members of each committee;
- C. To schedule public hearings of County Council and to preside at such hearings;
- D. To enforce all rules adopted by County Council for its operation; and
- E. To perform such other duties and functions as County Council may assign to the office.

§ 5-303.03. Committees of County Council.

The County Council may at any time provide for standing and ad hoc committees to assist with the carrying out of its functions. Following the organization of County Council, the election of a President of County Council and the establishment of committees of Council, the President of Council shall promptly appoint the members and chair of each committee. All members of County Council may attend and participate in committee meetings, but only Committee Members shall be permitted to vote. All committees established by Council shall, thereafter, report to the Council at the regular stated meetings of Council.

ARTICLE 305

Council Support

[Amended 4-26-2007 by Ord. No. 15-07]

§5-305.01. County Council staff.

- A. County Council shall employ a staff to serve County Council in fulfillment of its duties. Council staff shall serve as at-will employees at the pleasure of the Council.
- B. County Council shall employ a County Council staff to provide assistance and advise the Chief of Staff regarding the operations of the Office of County Council and actions undertaken by the Council. County Council staff shall report to and be supervised by the Chief of Staff; however, nothing contained within this Article shall be construed or interpreted to prohibit any Council Staff member from directly seeking the advice and/or action of the Executive Committee when appropriate or necessary. **[Amended 5-25-2017 by Ord. 13-17]**
- C. The appropriation in each annual operating budget for County Council's per meeting, stipends, expenses, total staff compensation and office expenses shall not exceed 0.4% of the County's annual locally levies tax revenues as detailed in the most recent annually audited report of the County.

§ 5-305.02. Duties of County Council staff.

- A. County Council Staff shall perform such duties as assigned by the President of Council and the Chairpersons of the Council Committees through the Chief of Staff or the Council Clerk. Council Members.
- B. The Chief of Staff shall propose procedures for the operations of the Office of County Council and shall be responsible for implementing such procedures once they are adopted by the Executive Committee or Council, consistent with the Rules of Council, Article I, Rule E.1.i.. **[Amended 5-25-2017 by Ord. 13-17]**
- C. The duties of the County Council Clerk shall include, but not be limited to, the following:
 - (1) Assure that accurate minutes of County Council are recorded and maintained.
 - (2) Have custody of all papers which may be presented to County Council.
 - (3) Transmit papers from County Council to a committee of County Council.
 - (4) File all papers and any matter on which final action may have been taken by County Council.
 - (5) Record and file in his office all Ordinances and Resolutions and publish all those requiring publication.
 - (6) Act as Clerk to all committees of County Council.
 - (7) Keep accurate minutes of all actions of the committees to which he shall be Clerk.
 - (8) Keep the books and papers under custody and control, which shall be kept open during normal business hours.
 - (9) Furnish all transcripts, orders and certificates called for by any person, and authenticate the same by his official signature under his Seal.

- (10) Transmit all adopted ordinances and resolutions to the Chief Executive within three business days of adoption or as otherwise provided in this Administrative Code.
- (11) Receive from the Chief Executive and keep on file all signed or vetoed ordinances or resolutions.
- (12) Administer oaths or affirmations to any business relating to County Council or its committees.

ARTICLE 307

Operations of County Council

§ 5-307.01. Meetings.

- A. Public notice. Notice of meetings of County Council and committees thereof shall be given in the manner provided by this Administrative Code and 65 P.S. § 701 et seq., commonly known as the "Sunshine Act."
- B. Regular meetings. Regular meetings of County Council shall be held at least twice in each calendar month in separate weeks unless otherwise provided by ordinance. County Council shall establish the time, place and conditions thereof. The schedule for regular County Council meetings shall be published at the beginning of the year.
- C. Special meetings. Special meetings may be called by the President of County Council, the Chief Executive or upon the written request from the majority of the members of County Council as directed to the President of County Council. A written notice of each special meeting shall be delivered to each County Council member, the Chief Executive and the Manager at least 24 hours before a special meeting is held. Such notice shall specify the time and place of the special meeting and the business to be transacted. County Council shall consider no other business at such meeting. The presence at the meeting by a Member of County Council constitutes a waiver of notice. Public notice of special meetings shall be also given in accordance with 65 P.S. § 271 et seq., commonly known as the "Sunshine Act."
- D. Emergency meetings. County Council may hold and take action at an emergency meeting. Such emergency meeting may be called by either the Chief Executive or the President of County Council, provided that:
 - (1) A quorum is present as provided in the Charter;
 - (2) The meeting qualifies as an "emergency meeting" as set forth in 65 P.S. § 701 et seq., commonly known as the "Sunshine Act," to wit, a meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property; and
 - (3) No other business shall be considered or transacted at such emergency meeting except for the matter for which the emergency meeting was called.

§ 5-307.02. Open meetings.

All regular, special, committee and emergency meetings of the County Council shall be open to the public to the extent required by and in accordance with 65 P.S. § 701 et seq., commonly known as the "Sunshine Act."

§ 5-307.03. Executive sessions.

County Council may hold executive sessions in accordance with 65 P.S. § 701 et seq., commonly known as the "Sunshine Act." County Council shall take no official action on any matter in executive session.

§ 5-307.04. Quorum.

A quorum of County Council necessary to transact official business shall consist of at least a majority of seated members of County Council. A quorum must be present in chambers or by telephone in order to transact official business.

§ 5-307.05. Public participation and comment.

County Council shall adopt a written public participation and comment policy as required by 65 P.S. § 701 et seq., commonly known as the "Sunshine Act."

§ 5-307.06. Recording of votes and minutes.

At all regular, special, committee and emergency meetings, the County Council Clerk shall record all votes and keep minutes. Minutes shall include the date, time and place of the meeting, the names of members present, the substance of all official actions and a record by individual member of the roll call taken, the names of all citizens who appeared officially and the subject of their testimony.

§ 5-307.07. Agenda.

- A. The proposed agenda for regular meetings of the County Council shall be prepared by the County Council Clerk in consultation with County Council President and shall include all items requested in writing by any member of County Council, all ordinances or resolutions proposed by the Chief Executive, and all Ordinances presented through agenda initiative petitions certified as sufficient by the County Council Clerk of Staff in accordance with the provisions of Article XI of this Administrative Code.
- B. The title of any ordinance or resolution to be considered shall be included as part of the public agenda.
- C. The agenda for any regular meeting shall be available to all members of County Council and be available to the public no later than 24 hours prior to the stated regular meeting. In addition, the agenda for the stated regular meetings shall be posted in a conspicuous place in the Allegheny County Courthouse and on the Internet at an appropriate County-controlled Web site.

§ 5-307.08. Conduct of business.

- A. At the time appointed for any meeting of the County Council, the President shall take the chair and call the meeting to order. If a quorum is present, the President shall proceed with the order of business prescribed for the meeting. If, upon the call of the roll, a quorum is not present, the President shall order a recess for the period of not more than 30 minutes. If a quorum is not present by that time, the President shall declare the meeting adjourned.
- B. Unless a majority of the seated members of County Council votes otherwise, the order of business for each regular meeting shall be as follows:
 - (1) The Pledge of Allegiance.
 - (2) Optional Prayer or Invocation.
 - (3) Roll Call.

- (4) Approval of the minutes of the previous meeting.
 - (5) Public comments on specific agenda items.
 - (6) Report of County Manager, directors, independently elected County officials, the Courts, committees or special advisory groups as requested by Council.
 - (7) Official action on:
 - (a) Proclamations.
 - (b) Motions.
 - (c) Resolutions.
 - (d) Ordinances.
 - (8) Public comments on general items.
 - (9) Adjournment.
- C. If the Chief Executive shall request to address the County Council, this shall be permitted immediately following the public comments on specific agenda items.
- D. The Allegheny County Chief Executive shall attend one regularly scheduled meeting of Allegheny County Council in each of the months of March, June, September and December of every calendar year. The Chief Executive may select which regular meetings fulfilling the requirement of this subsection he wishes to attend, provided that he submits written notice of his selection no later than 30 days prior to the scheduled date of the selected regular meeting. In the event that the Executive fails to submit such written notice, he shall be deemed to have selected the second meeting in the appropriate month. Council may, upon written request by the Chief Executive, grant the Executive an extension of time to appear of no more than 30 days, provided that such extension is offered in the form of a motion and approved by at least a majority of the seated members of Council. The requirements of this subsection shall not be deemed to be met by the Chief Executive's attendance at any meeting to present the County's Comprehensive Fiscal Plan or make any appearance otherwise required by the Home Rule Charter or Allegheny County Code of Ordinances. **[Amended 9-22-2009 by Ord. No. 35-09]**
- E. County Council may require, as it deems necessary, the attendance of the Manager at County Council meetings and have the Manager provide such information as may be required.

§ 5-307.09. Rules and regulations.

- A. The President or the presiding officer shall be responsible for the orderly conduct of business at each County Council meeting and shall preserve order and decorum at such meetings.
- B. The County Council at its organization meeting shall adopt rules governing its procedure. The President or the presiding officer shall announce all decisions of the County Council and shall decide all questions of order without debate, subject, however, to an appeal by any County Council member. Any ruling by the President or the presiding officer may be overruled by a majority of the members present.
- C. A roll call vote shall be taken on any item not receiving a unanimous voice vote either in the affirmative or negative.

- D. The roll of members shall be called alphabetically, except that the President shall be called last. There shall be no secret balloting on any items.
- E. Once a roll call vote is commenced, no member shall comment further on the issue except to announce his affirmative or negative vote, or his abstention.

ARTICLE 309

County Councilmanic Inquiries and Investigations

§ 5-309.01. Inquiries and investigations.

The County Council shall have the power by resolution adopted by 2/3 majority of the seated members to authorize inquiries and investigations to be conducted by the entire body or by any of its committees in aid of its legislative powers.

§ 5-309.02. Power to compel the attendance of witnesses.

The County Council shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents and other evidence at any meeting of County Council or any of its committees. All subpoenas shall be issued in the name of the County and shall be signed by President of County Council or the chair of the applicable committee.

§ 5-309.03. Oaths of witnesses.

The President of County Council, the chair of any of its committees or the County Council Clerk shall have the power to administer oaths to witnesses.

§ 5-309.04. Investigations to be public.

All inquiries and investigations conducted by County Council or any of its committees shall be open to the public unless otherwise provided by applicable law or unless a majority of County Council or its committee conducting the inquiry or investigation determines that an executive session is required.

§ 5-309.05. Rights of witnesses and others.

Any witness or other person appearing before County Council or any of its committees may be represented by legal counsel. Any person whose actions or conduct is the subject of any inquiry or investigation shall be given the opportunity to appear before County Council or any of its committees with or without legal counsel to respond to charges or criticisms made during the inquiry or investigation.

§ 5-309.06. Conduct of proceedings; costs.

The conduct of proceedings at County Councilmanic inquiries and investigations shall be subject to such rules as the majority of County Council members may prescribe. Any and all costs associated with any County Councilmanic inquiry or investigation shall be paid from the annual operating budget appropriation provided for County Council's per meeting stipends, expenses, total staff compensation and office expenses as provided for in the Charter.

ARTICLE 311

Official Actions of County Council

§ 5-311.01. Official action defined.

County Council shall take official action by ordinance, resolution or motion. All actions shall be taken by an affirmative vote by at least a majority of the seated members.

§ 5-311.02. Ordinance and resolution form.

- A. Every proposed ordinance and resolution shall be submitted to the County Clerk in the form required in the Rules of Council.
- B. No ordinance or resolution shall contain more than one subject.
- C. The title of every ordinance and resolution shall clearly express the subject.

§ 5-311.03. Introduction procedure.

- A. Any member of County Council may introduce ordinances and resolutions by placing them on the agenda as provided in the Administrative Code in accordance with the adopted Rules of Council.
- B. The Chief Executive may submit ordinances and resolutions by placing them on the agenda as provided in this Administrative Code.
- C. The registered voters may propose ordinances as provided for in Article XI of this Administrative Code.
- D. The County Council Clerk shall distribute copies of proposed ordinances and resolutions to each County Council member and to the Chief Executive, and shall make a copy available in the Office of the County Council for public inspection.

§ 5-311.04. Consideration.

- A. No ordinance or resolution shall be voted on until it has been read by title and summary at two County Council meetings separated by at least seven days and the public has been given the opportunity to comment on the ordinance or resolution.
- B. County Council may act on a proposed ordinance or resolution at the same meeting as the second reading. Except for ordinances levying taxes, the requirement of a second reading may be waived by an affirmative vote of at least 2/3 of the seated members. County Council shall act on all Ordinances and Resolutions in either the affirmative or negative within 90 days of submittal unless otherwise provided in the Charter or this Administrative Code, or unless tabled by a 2/3 majority of the seated members of Council.

§ 5-311.05. Public notice.

The County Council Clerk shall post by title each proposed ordinance and resolution in a conspicuous place in the County Courthouse and on the Internet at an appropriate County-controlled Web site. The notice shall indicate a site at which the ordinances and resolutions are available to the public.

§ 5-311.06. Emergency ordinances and resolutions.

In the event of a public emergency declared by the Chief Executive affecting life, health, safety or property, County Council may adopt by an affirmative vote of at least a majority of the seated members one or more emergency ordinances or resolutions. Such emergency ordinances or resolutions may be adopted without prior notice and may be effective immediately. An emergency ordinance or resolution shall be introduced in the form prescribed for ordinances and resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. After its adoption the ordinance or resolution shall be published as prescribed for other such ordinances or resolutions. All emergency ordinances and resolutions shall expire after 30 days unless reenacted by County Council.

§ 5-311.07. Presentation of ordinance or resolution to Chief Executive; veto.

- A. Except as provided in Article VIII of this Administrative Code (relating to the adoption or amendment of the balanced annual operating budget and balanced annual capital budget), all adopted ordinances and resolutions shall be signed by the President of County Council or presiding officer and delivered by the County Council Clerk to the Chief Executive within three business days of adoption. The County Council Clerk shall make an official record of the date and time of the delivery of any adopted ordinance or resolution to the Chief Executive.
- B. If the Chief Executive approves the ordinance or resolution, then the Chief Executive shall sign the ordinance or resolution and return it to the County Council Clerk within seven days after receiving it. The County Council Clerk shall make an official record of the Chief Executive's approval of the ordinance or resolution and distribute a copy of the adopted ordinance or resolution to the Law Department. Upon the signature of the Chief Executive the ordinance or resolution shall become effective according to the terms of the ordinance or resolution.
- C. If the Chief Executive disapproves the adopted ordinance or resolution, then the Chief Executive shall veto it by returning it unsigned to County Council Clerk within seven days after receiving it with any and all written objections. The objections shall be part of County Council proceedings. The County Council Clerk shall make an official record of the Chief Executive's veto and return of the ordinance or resolution.
- D. County Council, by an affirmative vote of at least 2/3 of the seated members, may override any veto by the Chief Executive. With the exception of vetoes of any budget line item as provided in Article VIII of this Administrative Code, the override vote must occur within 30 days of the veto.
- E. Any ordinance or resolution not returned by the Chief Executive with his signature or veto within seven days after receiving the ordinance or resolution from the County Council Clerk shall be effective in the same manner as if the Chief Executive had signed it. The County Council Clerk shall distribute a copy of the adopted ordinance or resolution to the Law Department. The ordinance or resolution shall become effective according to the terms of the ordinance or resolution.

- F. Emergency ordinances and resolutions shall be signed by the President or presiding officer and delivered by the County Council Clerk to the Chief Executive immediately upon adoption. The County Council Clerk shall make an official record of the date and time of delivery of any adopted emergency ordinance or resolution to the Chief Executive. The Chief Executive shall sign and return the ordinance or resolution or veto the ordinance or resolution by returning it unsigned to County Council Clerk within 24 hours. Any emergency ordinance or resolution not returned within 24 hours shall be effective in the same manner as if the Chief Executive had signed it. The County Council Clerk shall distribute a copy of the adopted ordinance or resolution to the Law Department. The ordinance or resolution shall become effective according to the terms of the ordinance or resolution.
- G. Pursuant to Article XII of the Charter, any ordinances adopted by voter referendum shall become effective in accordance with the terms of the Ordinance and shall not be subject to veto by the Chief Executive and shall not be amended or repealed by County Council for two years following approval.
- H. The County Council Clerk shall distribute a copy of each approved ordinance or resolution to the County Controller within three days of the ordinance or resolution becoming effective.

§ 5-311.08. Implementation of ordinances and resolutions; reports. [Added 5-21-2003 by Ord. No. 20-03]

- A. County officers, County officials, administrative officers, agencies, authorities and whoever else may be charged with the implementation of enacted ordinances and resolutions shall provide a written report to County Council and the Chief Executive 90 days following the law's enactment date. Such report shall include a statement as to whether a law has been fully implemented, partially implemented or not implemented. It shall also include information on steps taken to date, outstanding actions or issues and, if appropriate, a timeline for when implementation will be complete.
- B. If the status of the law's implementation is partially implemented or not implemented, the individual reporting on the implementation shall be required to provide a written report to County Council and the Chief Executive every 90 days hence until the law is fully implemented.
- C. Upon written request of the County Council or Chief Executive, the County officer, County official, administrative officer, agency, authority or whoever else may be charged with the implementation, shall appear before the requesting body at a time and place designated in the request. Such request may be made to request further information, question the written report or to provide feedback to the individual reporting on the implementation.
- D. County Council staff shall be responsible for keeping track of laws that have been implemented, the person or entity responsible for implementation and the ninety-day threshold for the written report. Any violations of this section shall be provided in written form to County Council and the Chief Executive for appropriate action.

§ 5-311.09. Fee-setting legislation. [Added 9-11-2007 by Ord. No. 34-07]

To the extent permissible by applicable state or federal law or the Home Rule Charter of Allegheny County, any bill creating, setting, or in any fashion altering any fee charged or collected by the County shall only be approved upon an affirmative vote by two thirds (2/3) of the seated members of the Allegheny County Council.

Part 4
Executive Branch

ARTICLE 401
Chief Executive

§ 5-401.01. Elected Chief Executive.

The Executive Branch of Allegheny County Government shall be headed by an elected, full-time Chief Executive.

§ 5-401.02. Powers and duties of Chief Executive.

The Chief Executive shall exercise all of the powers and perform all of the duties as enumerated in Article V, § 1.5-502, of the Charter. The Chief Executive shall exercise the veto powers granted under the Charter in accordance with the procedures set forth in Articles III and VIII of this Administrative Code.

§ 5-401.03. Qualifications for Office of Chief Executive.

No person shall be eligible to serve as Chief Executive unless he fulfills the following requirements:

- A. Citizenship. The Chief Executive shall be a citizen of the United States of America.
- B. Age. The Chief Executive shall be at least 25 years of age at the time of taking office.
- C. Residency/voter status. The Chief Executive shall have been a resident and voter of the County for at least one year immediately preceding election to the office, or in the case of an appointment to fill a vacancy in office, for at least one year immediately preceding appointment. The Chief Executive shall remain a resident and voter of the County during his term of office.

§ 5-401.04. Election of Chief Executive; term of office.

The initial Chief Executive of Allegheny County shall be elected at the general municipal election in 1999 and shall serve a term of office of four years beginning on the first business day of January of the year 2000 and ending when a successor is elected and sworn into office. Every four years thereafter, an election for the office of Chief Executive shall be held during the general municipal election and the individual so elected shall serve a term of office of four years beginning on the first business day of January following the general municipal election and ending when a successor is elected and sworn into office.

§ 5-401.05. Term limits.

No Person shall be elected to more than three consecutive terms as Chief Executive. The appointment or election of an individual to serve as Chief Executive to fill a vacancy with an unexpired term of two years or less shall not be considered a term of office for purposes of the term limitations set forth in Article III of the Charter. The appointment or election of an individual to serve as Chief Executive to fill a vacancy

with an unexpired term of more than two years shall be considered a term of office for purposes of the term limitations set forth in Article III of the Charter.

§ 5-401.06. Oath of Office.

- A. The oath to be taken by any person holding the office of Chief Executive shall be as follows:
I, _____ (name) _____, do solemnly swear (or affirm) that I will faithfully execute the office of Chief Executive of the County of Allegheny, and will to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania. (So help me God).
- B. The foregoing oath shall be administered by any person authorized by law to administer oaths.

§ 5-401.07. Prohibitions.

- A. The Chief Executive shall not be a candidate for nomination or election to more than one County office at the same time.
- B. The Chief Executive shall not hold any other elected political office and, except as specifically allowed by the Charter, receive any salary, stipend or other compensation from the County or any County authority.
- C. The Chief Executive shall not hold any paid, appointed position in any federal, state, county or local government.

§ 5-401.08. Salary of Chief Executive; expenses.

- A. Beginning with calendar year 2020, the salary of the Chief Executive shall be increased to an amount equal to sixty-eight percent (68%) of the salary of the Governor of the Commonwealth of Pennsylvania for calendar year 2020. The salary of the Chief Executive shall be adjusted annually thereafter effective as of January 1st in each succeeding year by the annual percentage change, if any, in the Consumer Price Index (CPI) for urban consumers applicable to Pittsburgh, PA, for the most recent twelve month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date that the annual percentage adjustment is due to take effect; provided however, that the annual percentage adjustment based upon the CPI shall not exceed the cumulative average of annual salary increases provided in all collective bargaining agreements of County employees in the year of the annual percentage adjustment. The Chief Executive's annual salary shall not decrease during any Chief Executive's term of office. **[Amended 11-30-2016 by Ord. 44-16]**
- B. Expenses.
 - (1) The Chief Executive shall be allowed and reimbursed for actual and necessary expenses incurred in the discharge of the Chief Executive's official duties or in the performance of any service, obligation or duty imposed upon the Chief Executive by the Charter or this Administrative Code; provided however, that the expense: is related to the performance of official duties; and is submitted prior to payment with such detailed information as may be required under established County fiscal management policies. The balanced annual operating budget of the County shall include a line item for such expenses incurred by the

Chief Executive. The total amount of expenses incurred by the Chief Executive shall be included in and shall not exceed the budget limitations for the office of Chief Executive set forth in Article III, § 1.3-307(g), of the Charter.

- (2) The appropriation in each annual operating budget for the Chief Executive's compensation, expenses, total staff compensation and office expenses shall not exceed 0.2% of the County's annual locally levied tax revenues as detailed in the most recent audited financial report of the County.

§ 5-401.09. Staff organization and appointments.

- A. The Chief Executive shall have the authority to hire such personnel and staff as the Chief Executive deems necessary to discharge the duties and responsibilities of the office. The costs for the salaries, benefits and expenses of the personnel and staff of the Chief Executive shall be paid from the balanced annual operating budget appropriation for such personnel and staff as provided for in the Charter. The total amount of compensation and expenses for the personnel and staff of the Chief Executive shall be included in and shall not exceed the budget limitations for the Office of Chief Executive set forth in Article III, § 1.3-307(g), of the Charter.
- B. In consultation with the Chief Executive, the Manager shall establish the Table of Organization of all departments and agencies, and shall appoint the directors of all Departments who shall be available to provide information and advice to members of County Council upon request. County Council shall be given the opportunity to interview all final candidates for Directors of departments and make recommendations to the Chief Executive.
- C. The Chief Executive, without County Council confirmation, shall have the authority to appoint such voluntary advisors, and voluntary advisory boards and committees, as the Chief Executive deems necessary. The aforementioned advisors, advisory boards and committees shall only be established by the Chief Executive to provide advice and recommendations. The Chief Executive shall notify Council when a committee or board is created along with the names of the appointees. This provision shall not apply to any specific advisory boards and committees established by this Administrative Code.
- D. The Chief Executive and County Council may jointly establish and appoint such voluntary advisors, and voluntary advisory boards and committees as they deem necessary to make recommendations on issues which require County Council review and approval.

§ 5-401.10. Forfeiture of office.

The Chief Executive shall forfeit office if, during the term of office, County Council by an affirmative vote of at least 2/3 of the seated members determines that the Chief Executive:

- A. Lacks any qualification prescribed by law or by the Charter;
- B. Has been convicted of embezzlement of public monies, bribery, perjury or other infamous crime as determined by County Council;
- C. Has been found to be incapacitated by an appropriate Court; or
- D. Has failed to perform his duties of office as required by law, ordinance or this Charter for a period of 60 consecutive days unless detained by sickness or prevented by necessary absence from the

County. The office of Chief Executive shall not be declared forfeited for failure to perform required duties until the Chief Executive shall have been given a hearing before County Council, at which time the Chief Executive may show cause why he should not forfeit the office.

§ 5-401.11. Temporary absence/disability of Chief Executive.

- A. When the Chief Executive transmits to the County Manager his written declaration that either: the Chief Executive will be absent from Allegheny County for a period of more than 20 days, or that the Chief Executive is unable to discharge the duties of office due to temporary disability resulting from illness or other good cause, then the Chief Executive shall designate, in writing, the County Manager or such other administrative officer of the County temporarily to exercise the powers and perform the duties of the Chief Executive during his absence or disability. The County Manager or such administrative officer of the County designated to act as the temporary Chief Executive shall exercise the powers of the office of Chief Executive within the limitations set forth in § 5-401.11C below. Upon the end of such temporary absence or disability, the Chief Executive shall transmit to the County Manager or such other Administrative Officer of the County his written declaration certifying his return and the end of any prior delegation of authority.
- B. In the event that the Chief Executive either fails to transmit: a written declaration of temporary inability to discharge the duties of his office due to absence or temporary disability as provided in § 5-401.11A above; or a written declaration designating the County Manager or other Administrative Officer of the County to temporarily exercise the powers and perform the duties of the Chief Executive during his absence or disability, then the County Manager shall become the temporary Chief Executive upon an affirmative vote of 2/3 of the seated members of the County Council designating him to serve in such capacity. The County Manager shall exercise the powers and duties of the office of Chief Executive within the limitations set forth in § 5-401.11C below. The County Manager shall continue to act as temporary Chief Executive until the Chief Executive shall transmit to the County Manager his written declaration certifying the end of his absence or temporary disability and the present ability to resume the exercise of the powers and duties of the office.
- C. The County Manager, so designated by the Chief Executive to act as temporary Chief Executive pursuant to the § 5-401.11A above or so elected by County Council to act as temporary Chief Executive pursuant to the § 5-401.11B above, or such other Administrative Officer of the County, so designated by the Chief Executive to act as temporary Chief Executive pursuant to the § 5-401.11A above, shall exercise the duties and responsibilities of the Office of Chief Executive subject to the following limitations and restrictions:
 - (1) In the event of any vacancies in the office of County Solicitor or in any Directors within the County's Administrative Service, the County Manager or such other Administrative Officer of the County so designated temporarily to act as Chief Executive may appoint an acting County Solicitor or acting Directors in the County's Administrative Service subject to the provision of § 5-401.09 of this Administrative Code. The acting County Solicitor and/or acting Directors in the Administrative Service of the County's Executive Branch appointed by the County Manager, or such other Administrative Officer of the County so designated temporarily to act as Chief Executive, shall serve in their respective positions until appointed to permanent status or removed by a duly elected Chief Executive.

§ 5-401.12. Vacancy in Office of Chief Executive.

If the office of Chief Executive becomes vacant because of death, resignation, forfeiture or the failure of the elected individual to assume the office within 30 days of the scheduled commencement of the Chief Executive's term of office, the County Manager shall serve as the temporary Chief Executive until County Council, by an affirmative vote of the majority of its seated members, shall appoint an interim Chief Executive until the vacancy is filled at the next available municipal election. If County Council fails to appoint an interim Chief Executive within 30 days from the date of the vacancy, then the President Judge of the Court of Common Pleas shall appoint an interim Chief Executive who shall serve until the vacancy is filled at the next available municipal election. During his service in the position, the appointed interim Chief Executive shall have all the powers and authority granted to the elected Chief Executive under the Charter. The person elected at the next available municipal election shall take office as soon as possible after the certification of the results of the election and shall serve the unexpired portion of the vacated term.

ARTICLE 403
County Manager

§ 5-403.01. Appointment of County Manager.

The Chief Executive shall, with the consent of a majority of the seated members of the County Council, appoint a County Manager. Upon receiving the consent of County Council for his appointment to the position, the County Manager shall serve as an at-will employee at the pleasure of the Chief Executive.

§ 5-403.02. Qualifications of County Manager.

The County Manager shall be selected for the position based upon administrative abilities as determined through professional preparation and relevant work experience in public service or private industry. The Manager shall devote full-time to the duties of the office.

§ 5-403.03. Powers and duties of Manager.

The Manager shall serve as the Chief Administrative Officer of the County and shall exercise all the powers and perform all duties as set forth in Article VI, § 1.6-602, of the Charter.

§ 5-403.04. Temporary absence/disability of Chief Executive; powers.

The Manager, if so designated by the Chief Executive, shall exercise the powers and perform the duties of the Chief Executive during periods of absence or disability as set forth in § 5-401.11 of this Administrative Code.

§ 5-403.05. Manager as temporary Chief Executive during vacancy.

The Manager shall exercise the powers and perform the duties of the Chief Executive during periods of vacancy as set forth in § 5-401.12 of this Administrative Code.

§ 5-403.06. Organization of the Office of the Manager.

The Manager shall have the authority to organize the Office of the Manager and to hire such personnel and staff, as the Manager deems necessary.

ARTICLE 405
County Solicitor

§ 5-405.01. Appointment of County Solicitor.

The Chief Executive shall, with the consent of a majority of seated members of County Council, appoint a County Solicitor. Upon receiving the consent of County Council to appointment to the position, the County Solicitor shall serve in such capacity at the pleasure of the Chief Executive.

§ 5-405.02. Qualifications of County Solicitor.

The County Solicitor shall be an attorney at law admitted to practice in the Courts of the Commonwealth of Pennsylvania and shall be a member in good standing of the Bar of the Supreme Court of Pennsylvania. The Solicitor shall devote full-time to the legal affairs of the County.

§ 5-405.03. Duties and responsibilities.

The County Solicitor shall be the Director of the Law Department and shall perform the following duties and responsibilities:

- A. Provide, upon request of the Chief Executive or Council, legal opinions on any legal matter or question pertaining to the County;
- B. Prepare and revise ordinances or resolutions as requested from time to time by the Chief Executive or Council;
- C. 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;
- D. With the authority of the Chief 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 execution of the agreement;
- E. Prepare, or cause to be prepared, as directed by the Manager, and/or approve as to form all contracts, agreements, leases, surety bonds or other legal documents on behalf of the County;
- F. Oversee the operations of the Allegheny County Law Library; and
- G. 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.

Part 5
Judiciary

ARTICLE 501
General Provisions

§ 5-501.01. Authority.

- A. In accordance with applicable law, the Judicial Branch is vested in the Allegheny County Court of Common Pleas and the Magisterial Districts which together comprise the 5th Judicial District of the unified Court system of the Commonwealth of Pennsylvania.
- B. Nothing contained herein is intended to alter or diminish the respective responsibilities of the President Judge or Administrative Judges as set forth in the Rules of Judicial Administration as promulgated by the Supreme Court of Pennsylvania.

§ 5-501.02. Compliance with fiscal procedures.

Unless otherwise provided by applicable law, the Courts shall abide by the prescribed fiscal procedures as outlined in Article VIII of this Administrative Code.

§ 5-501.03. Compliance with County purchasing policies and procedures.

Unless otherwise provided by applicable law, the Courts shall abide by the purchasing policies and procedures as outlined in Article IX of this Administrative Code.

§ 5-501.04. Personnel.

The Courts shall be responsible for the hiring, supervising and terminating of all personnel within the Judicial Branch.

§ 5-501.05. Collective bargaining.

The County shall be the exclusive representative of management in representation proceedings and collective bargaining under Act 195 involving Court employees paid from County funds.

Part 6
Independently Elected County Officials

ARTICLE 601
General Provisions

§ 5-601.01. Authority.

- A. The following Independent County Offices shall be operated by County Officials:
- (1) County Controller.
 - (2) District Attorney.
 - (3) Sheriff.
 - (4) Treasurer.
- B. Abolition and Consolidation of Certain Independently Elected County Offices.
- (1) The elected Offices of the Clerk of Courts, Prothonotary, and Register of Wills are abolished effective the first business day of January 2008, and are replaced with the appointed office of Director of Court Records, who shall be selected pursuant to Article VI, Section 2(c) of the Home Rule Charter. The Director of Court Records shall perform all of the duties and functions currently vested in the Offices of Clerk of Courts, Jury Commissioners (2), Prothonotary, and Register of Wills by applicable law as of the date that the office of Director of Clerk Records becomes effective, provided that such duties and functions are not inconsistent with the Home Rule Charter.
 - (2) The Office of Jury Commissioner is abolished effective the first business day of January 2006. The duties and functions of the Office of Jury Commissioner shall be performed by the Director of Court Records; provided however, that the functions and duties of the Office of Jury Commissioner shall be administered by the County Manager or his designees from the first business day of January 2006 until such time as the Director of Court Records is selected as provided in Section B (1) above.
 - (3) The elected Office of the Recorder of Deeds is abolished effective the first business day of January 2008, and is replaced with the appointed office of Real Estate Manager, who shall be selected pursuant to Article VI, Section 2(c) of the Home Rule Charter. The duties and functions of the Real Estate Manager shall be all of those currently vested in the Office of the Recorder of Deeds by applicable law as of the date that the office of Real Estate Manager becomes effective, provided that such duties and functions are not inconsistent with the Home Rule Charter.
- C. An independently elected official shall devote full-time to the duties of the office. The official is not precluded from engaging in other compensated employment.
- D. Nothing contained herein is intended to alter or diminish the respective responsibilities or functions of the independently elected county officials and their independent elected offices except as specifically noted in this Administrative Code.

§ 5-601.01.A. Office of the Medical Examiner.

- A. The Office of County Coroner is abolished effective the first business day of January 2006.
- B. The Chief Executive shall appoint a Medical Examiner who shall serve a fixed term of five (5) years, commencing on the first business day of January 2006.
- C. The Medical Examiner shall: (1) hold either a Medical Doctor degree or a Doctor of Osteopathy degree from an accredited institution; (2) possess a valid license to practice medicine in the Commonwealth of Pennsylvania; (3) be board certified, or board eligible, by the American Board of Pathology in forensic pathology; and (4) have had at least five (5) years of experience as a practicing pathologist.
- D. The Medical Examiner, after expiration of his or her term, may be reappointed.
- E. The Medical Examiner may be removed for cause by the Allegheny County Court of Common Pleas after having been provided with a copy of the charges against him or her for at least ten (10) days and full hearing by the Court.
- F. If a vacancy shall occur by reason of death, disqualification, resignation, or removal, the Chief Executive shall appoint a successor to fill the remainder of the Medical Examiner's unexpired term.
- G. The Medical Examiner shall have all of the powers, functions, and duties previously vested in the elected office of Coroner as set forth in 16 Pa. Stat. §§ 4232-48, including without limitation the power of inquest and the power of subpoena, as of the date that the office of Medical Examiner becomes effective.

§ 5-601.02. Personnel.

On or before January 1, 2001, each independently elected County official shall establish and publish criteria for merit hiring and promotions for their respective independent elected offices. They shall be responsible for the hiring, supervising and terminating of all personnel within their respective offices.

§ 5-601.03. Compliance.

All functions and responsibilities of the independently elected County officials and their respective independent elected offices shall be consistent with the provisions of the Second Class County Code, the Pennsylvania Constitution, and other applicable State Laws. Any conflict in this Administrative Code shall render the applicable provision of this Administrative Code null and void.

§ 5-601.04. Compliance with general County procedures.

- A. Unless otherwise provided by applicable law, each independently elected County official shall abide by the proscribed fiscal procedures as outlined in Article VIII of this Administrative Code. They shall also abide by the purchasing policy and procedures as outlined in Article IX of this Administrative Code, as well as the management information systems procedures dealing with County services and operations. Lastly, independently elected County officials and their independent elected County offices shall abide by the Accountability, Conduct and Ethics Code.

- B. Each independently elected official shall provide semiannual reports to the Chief Executive and County Council regarding any material changes in administration and/or operation of the office.
- C. Provide annual plans to the Chief Executive and the County Council regarding the operational and budgetary objectives of the office for the following calendar year.
- D. Provide annual reports to the Chief Executive and the County Council calling attention to all perceived long-range opportunities for improvement of services and cost savings.
- E. Shall provide Council with a listing of the nature and amount of all fees as follows:
 - (1) Presently.
 - (2) For the last five years.
 - (3) Projected for the next year.

§ 5-601.05. Salary.

The salaries of the independently elected County officials may be adjusted by ordinance adopted by County Council in accordance with the Pennsylvania Constitution, Pennsylvania Law, and the provisions governing adoption of ordinances set forth in Article 311 of this Administrative Code. Provided that the adjustment shall not exceed the cumulative annual average of salary increases provided in all collective bargaining agreements of County employees and also provided that the annual salary shall not decrease during the term of office of the independently elected County official.

§ 5-601.06. Fees.

Independently elected County officials shall be permitted to charge fees for services rendered and performed by their offices. The services for which a fee may be charged by an independently elected County official, the amount of the fee which can be charged for any service performed, and the procedure by which fees and charges for a particular independent elected County office shall be established, increased, decreased, modified or eliminated shall be in accordance with the provisions of applicable law. Independently elected County officials shall maintain an accounting of fees collected and establish depository accounts in accordance with the Second Class County Code.

Part 7
Properties

ARTICLE 701

Grounds, Properties and Buildings

§ 5-701.01. Record maintenance.

The County Manager shall identify the department, which shall maintain a record of all grounds, properties and buildings to permit identification of all property now owned, leased, or hereafter acquired or leased. Within six months of the adoption of this Administrative Code, a complete inventory of fixed assets shall be completed. A complete inventory of fixed assets shall be completed within the final six months of each Chief Executive's administration and shall be made available to the incoming Chief Executive's administration.

§ 5-701.02. Acquisition of real property.

- A. The County may acquire any real property necessary for carrying out any of its functions.
- B. The County shall have authority to obtain title to or possession of land and buildings, and construct to new buildings.
- C. The approval of County Council shall be required for any action authorized by this section.
- D. The approval of the Court of Common Pleas shall not be required for any action authorized by this section.
- E. Directors shall first seek authorization from the Manager to enter into any action permitted under this section. The Law Department shall review the proposed action and advise the Manager regarding the terms and conditions.

§ 5-701.03. Authority to sell or lease County-owned real property.

- A. The County may sell or lease any County-owned real property necessary for carrying out any of its functions.
- B. In the case of any lease of real property, any improvements shall be subject to taxation.
- C. The approval of County Council shall be required for any action authorized by this section.
- D. The approval of the Court of Common Pleas shall not be required for any action authorized by this section.
- E. In the case of a sale or lease to a private party, the Manager shall first determine that it is no longer in the interest of Allegheny County to maintain the property. Secondly, the Manager shall have the property appraised by an independent appraiser to determine fair market value. All costs associated with the appraisal and transaction shall be borne by the private party.
- F. Directors shall first seek authorization from the Manager to enter into any action permitted under this section. The Law Department shall review the proposed action and advise the Manager regarding the terms and conditions. County Council shall approve by ordinance any sale or lease.

§ 5-701.04. Authority to acquire personal property.

- A. The County may acquire any personal property necessary for carrying out any of its functions.
- B. Personal property shall be acquired in accordance with the provisions of Article IX of this Administrative Code.

§ 5-701.05. Authority to sell, lease or dispose of County-owned property other than real property.

- A. The County may sell at private sale any County-owned property other than real property valued at not more than \$5,000, under terms and conditions prescribed and approved by ordinance.
- B. The County may sell any County-owned property other than real property valued at more than \$5,000 at public sale under terms and conditions prescribed and approved by ordinance.
- C. The County may dispose of any County-owned property other than real property determined by the Controller to have nominal value. All County-owned personal property having nominal value shall be disposed in such manner as shall be approved by the Manager.
- D. The County may lease any County-owned property other than real property under terms and conditions prescribed and approved by County Council.

§ 5-701.06. Authority to raze or demolish existing buildings.

- A. The County may raze or demolish any existing County building that may be no longer necessary for the carrying out of any of its functions under terms and conditions prescribed and approved by ordinance.
- B. The approval of the Court of Common Pleas shall not be required for any action authorized by this section.

ARTICLE 703
Bridges and Roads

§ 5-703.01. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BRIDGE — Includes embankments, causeways, viaducts, approaches and any other improvements related to bridge (structure.

ROAD — Includes any right-of-way, cartway, berm, drainage facility, manhole, slope, easement, sidewalk or any other improvement related to a highway.

§ 5-703.02. Records.

The Department of Public Works shall maintain a record of all County bridges and roads which shall include appropriate historical information, surveys, plans and drawings.

§ 5-703.03. Bridges on boundaries between two Counties.

- A. Any expenses related to the erection, construction, repair, relocation, alteration, improvement, maintenance and inspection of bridges or roads, between two counties shall be borne equally by the respective counties or in such proportion as the parties may agree.
- B. Each County shall be required to follow the procedures applicable to its respective governing authority in connection with competitive procurement and approvals.
- C. The approval of the Court of Common Pleas shall not be required for any action undertaken by the County authorized by this section.
- D. The right and authority to exercise the power of eminent domain as that heretofore exists at law shall not be deemed modified, diminished or enlarged by this section.
- E. The use of eminent domain powers shall require final approval by a majority of the seated members of County Council for any project involving direct or indirect public subsidy.
- F. The procedure for the determination of damages for the taking of private property for any action authorized by this section shall be governed by the provisions of the Eminent Domain Code of 1964, as amended.

§ 5-703.04. Vacation and abandonment of bridges and roads. [Amended 12-11-2001 by Ord. No. 82-01)

- A. The County may vacate, abandon or remove any County bridge or road, or any portion thereof, that is not useful to the County, not safe for travel or which is no longer necessary for current County needs or operations.
- B. The vacation of a County bridge or road authorized by this section may be made directly to an adjoining landowner without the consent of the local governmental unit in which such bridge or road is located. All public right in and to such bridge or road or portion thereof shall cease upon such vacation.

- C. At its election, the County may also vacate any bridge or road to the local government unit in which such bridge or road is located upon the request and acceptance of the governmental unit to assume future ownership and maintenance responsibilities for such bridge or road.
- D. All action taken under this section shall be by ordinance duly adopted by County Council.
- E. Upon vacation of any such road, bridge or portions thereof, the Director of Public Works shall remove said road, bridge or portion thereof from County records and shall notify the Manager of such removal.
- F. Nothing contained herein shall prohibit the Director of Public Works from closing any County road or County bridge in the event of an emergency or in any situation related to public safety.
- G. The approval of the Court of Common Pleas shall not be required for any action authorized by this section.

§ 5-703.05. Acceptance of donated bridges and roads.

County Council may by ordinance accept a bridge or road donated by any municipality, private party, railroad or utility.

§ 5-703.06. Intergovernmental agreements.

The Chief Executive may execute an intergovernmental cooperation agreement with a governmental unit for maintenance of a bridge or road.

§ 5-703.07. Miscellaneous.

- A. Nothing in this Article shall supersede any applicable federal or state law, including any approvals that may be required relating to the navigable waters of the United States or to the jurisdiction of the Pennsylvania Public Utility Commission.
- B. The right and authority to exercise the power of eminent domain as heretofore exists at law shall not be deemed modified, diminished or enlarged by this section.

ARTICLE 705

Naming Rights

[Added 3-4-2008 by Ord. No. 8-08]

§ 5-705.01. Philanthropic naming rights.

A. Scope of policy. The philanthropic naming rights policy contained within this section is established to provide guidance in approving philanthropic naming rights for County-owned or -controlled property or facilities, recognizing financial contributions by any individual or entity. This policy shall not apply to corporate naming rights, which are addressed as provided in the Allegheny County Sponsorship Policy or Honorary Naming Rights Policy.

B. Definitions. For the purposes of this section, the following words will have the meaning ascribed to them herein:

CIVIC OR CHARITABLE GROUP — A nonprofit entity, family, or group that has made a substantial contribution to the community, either through civic involvement, involvement in historic events relevant to specific County property, or to the geographical location of specific County property; or made a financial and/or in-kind donation to support a specific public service or County property. For-profit entities of any type shall not be considered a civic or charitable group.

CORPORATE NAMING RIGHTS — A mutually beneficial business arrangement between the County and an external entity (individual, for-profit, or not-for-profit organization), wherein the external entity provides goods, services, or financial support to the County in return for access to the commercial and/or marketing potential associated with the public display of the external entity's name on Allegheny County property. Corporate naming rights are addressed as provided in the Allegheny County Sponsorship Policy.

COUNTY PROPERTY — County-owned or -controlled real property, public facilities such as buildings or parks, features or attributes of a facility such as a bench, tree, bridge, walkway, hallway or room, or other public venue.

HONORARY NAMING RIGHTS — The naming of County property to honor the service, commitment, or other type of participation by an individual, or civic or charitable group. Honorary naming rights are addressed as provided in the Allegheny County Honorary Naming Rights Policy.

INDIVIDUAL — A person who has made a financial and/or in-kind donation to support a specific public service or County property.

PHILANTHROPIC NAMING RIGHTS — The naming of County property due to a charitable donation from an individual, civic or charitable group, or other entity or organization that is intended to enhance the community by financial and/or in-kind support for a specific public service or County property.

C. Process. The process to establish philanthropic naming rights for County property shall be as follows: County departments, boards or agencies may develop philanthropic naming rights opportunity plans, in conjunction with the County Manager or his/her designee, to be implemented as approved by the County Council by resolution. For philanthropic naming rights not covered by an approved naming rights opportunity plan, a philanthropic naming rights plan shall be developed. In developing said plans, or in reviewing nominations for philanthropic naming rights as provided herein, the following criteria shall be complied with:

- (1) Philanthropic naming rights opportunity plans shall establish an aggregate campaign goal. Factors to be considered in development of the goal shall include, but not be limited to, capital costs, annual operating and maintenance costs, and desirability and marketability of the opportunity. Each campaign goal shall be developed on a case-by-case basis.
- (2) All assets for which naming opportunities will be offered shall be valued as a function of the aggregate campaign goal within the philanthropic naming rights opportunity plan. Factors to be considered in the valuation of each asset shall include desirability and marketability, exposure associated with the naming of the asset, and relative value as compared with other assets that are part of the campaign.
- (3) In-kind donations of real property shall be valued at the fair market value of the real property. In-kind donations of personal property shall be valued at 50% of the retail cost of the personal property; provided, however, if the property donated was budgeted for acquisition by the County, the personal property shall be valued at the County's cost to acquire the personal property.
- (4) All naming rights shall be approved for a specific term, which shall not be longer than the useful life of the property or facility, as determined by the County, unless otherwise established in the naming rights opportunity plan or in a donor contract approved by the County and the donor.
- (5) Naming rights opportunity plans shall establish a review process either by a standing committee (the composition shall be identified in the plan) or by department employee(s), and shall be approved by the County Council by resolution before implementation of the plan, and specific grants of naming rights under the terms of this section shall be accomplished by ordinance of County Council made in consideration of the review committee's recommendations.
- (6) The review committee established in the plan shall consider compliance with the established naming rights policy; whether the donation is from a potentially controversial source (e.g., tobacco, alcohol, etc.); appropriate signage; compliance with the required approval process for accepting donations; whether a donor contract is appropriate, and if so, the terms thereof; citizen input; and any other relevant factors.

§ 5-705.02. Honorary naming rights.

- A. Scope of policy. The honorary naming rights policy contained within this section is established to provide guidance in approving honorary naming rights for County-owned or -controlled property or facilities, honoring individuals or civic or charitable groups, as defined herein. This policy shall not apply to corporate naming rights, which are addressed as provided in the Allegheny County Sponsorship Policy or Philanthropic Naming Rights Policy.
- B. Definitions. For the purposes of this section, the following words will have the meaning ascribed to them herein:

CIVIC OR CHARITABLE GROUP — A nonprofit entity, family, or group that has made a substantial contribution to the community, either through civic involvement, involvement in historic events relevant to specific County property, or to the geographical location of specific County property; or made a financial and/or in-kind donation to support a specific public service or County property. For-profit entities of any type shall not be considered a civic or charitable group.

CORPORATE NAMING RIGHTS — A mutually beneficial business arrangement between the County and an external entity (individual, for-profit, or not-for-profit organization), wherein the external entity provides goods, services, or financial support to the County in return for access to the commercial and/or marketing potential associated with the public display of the external entity's name on Allegheny County property. Corporate naming rights are addressed as provided in the Allegheny County Sponsorship Policy.

COUNTY PROPERTY — County-owned or -controlled real property, public facilities such as buildings or parks, features or attributes of a facility such as a bench, tree, bridge, walkway, hallway or room, or other public venue.

HONORARY NAMING RIGHTS — The naming of County property to honor the service, commitment, or other type of participation by an individual, or civic or charitable group.

INDIVIDUAL — A person who has made a substantial contribution to the community, either through civic involvement, involvement in historical events relevant to the specific County property, or to the geographical location of specific County property. Such person must have been deceased for a period of five years or more.

PHILANTHROPIC NAMING RIGHTS — The naming of County property due to a charitable donation from an individual, civic or charitable group, or other entity or organization that is intended to enhance the community by financial and/or in-kind support for a specific public service or County property. Philanthropic naming rights are addressed as provided in the Allegheny County Philanthropic Naming Rights Policy.

C. Process. The process to establish honorary naming rights for County property shall be as follows: Any nomination for honorary naming rights shall be considered as provided in this subsection. Any independently elected County official, citizen, group of citizens, or entity or organization may submit an honorary naming rights proposal to name County property after an individual, civic or charitable group, or other entity or organization. The naming rights proposal shall be in writing and shall be reviewed by the County Manager or his/her designee, and if found to be in compliance with applicable County policies, shall be referred to a naming rights committee established as provided herein, to consider the nomination as follows:

(1) The County Manager shall establish an ad hoc honorary naming rights committee ("Committee"), including designating the chair, to review and make a recommendation on the nomination. Existing boards or committees shall be designated whenever possible, i.e., the Councils of Friends, for nominations involving park facilities. If an existing board or committee is not appropriate, the membership of the Committee shall be comprised of representatives from departments, advisory groups, or friends, foundations, or recognized support groups with an interest in the property or facility to be named. The Committee chair shall convene meetings as necessary. The Committee shall complete its review process within 90 days of its establishment and report its recommendation to the County Council, and disband when Commission action is taken to accept or reject the recommendation of the Committee.

(2) The Committee shall hold at least one advertised public meeting in the vicinity of the County property or facility to secure public input on the nomination. A notice of intent to consider honorary naming of County property shall be published in a newspaper of general circulation for the noticed public meeting posting. The notice shall indicate the location of

the property or facility, any historical significance of the property or facility, and inform the public of the time, date and place of the noticed public meeting.

- (3) Prior to making a final recommendation, the Committee shall fully investigate the nomination, and shall consider compliance with this policy and any other factor the Committee deems relevant to the nomination.
- (4) The final recommendation of the Committee shall be for either approval or denial of the nomination. The Committee may also recommend conditions, including the specific term, for the naming rights. A recommendation for approval shall require an affirmative vote of a majority plus one of the total Committee membership.
- (5) The County Council shall consider the Committee recommendation. The approval of any honorary naming rights nomination shall be by ordinance of the County Council.

§ 5-705.03. Sponsorship Policy.

A. Purpose.

- (1) The aim of this policy is to create an authorized environment for entering into sponsorship agreements with third parties where such sponsorships are mutually beneficial to both parties in a manner that is consistent with all applicable policies set by Allegheny County. The purpose of the policy and procedures as outlined is to:
 - (a) Uphold the County's stewardship role to safeguard the County's assets and interests;
 - (b) Provide employees with guidelines and procedures based on best practices; and
 - (c) Protect Allegheny County from risk.
- (2) This policy provides an enabling environment for the County to enter into sponsorship agreements within set guidelines and procedures for the purpose of optimizing non-tax revenue sources. Under the conditions of this policy, the Allegheny County Chief Executive or his designee(s) may solicit such sponsorship agreements. The County shall not relinquish to the sponsor any aspect of the County's right to manage and control the County's assets or facilities. This policy is not applicable to philanthropic contributions, grants, or unsolicited donations in which no benefits are granted to the sponsor and where no business relationship exists.

B. Scope.

- (1) This policy applies to all County business units, departments and divisions.
- (2) This policy does not apply to:
 - (a) Independent foundations or registered charitable organizations from which the County may receive benefit.
 - (b) Philanthropic contributions or unsolicited donations to the County.
 - (c) Funding obtained from other orders of government through formal grant programs.
 - (d) County sponsorship support of external projects where the County provides funds to an outside organization.

- (e) Third parties who lease County property or hold permits with the County for activities or events.

C. Definitions. For the purposes of this section, the following words will have the meaning ascribed to them herein:

IN-KIND SPONSORSHIP — A sponsorship received in the form of goods and/or services rather than cash.

NAMING RIGHTS — A type of sponsorship in which a third party purchases the exclusive right to name a whole asset or venue. The naming of a component of an asset or venue (e.g., bench in a park, specific room in a building) is not considered to be naming rights for the purposes of this policy and would be categorized as per Subsection F (Type 1, 2 or 3). Sponsorship naming rights are considered in the commercial context only, where the naming right is sold or exchanged for significant cash or other revenue support. This arrangement must be documented in an agreement signed by the interested parties and shall have a specified end date to the contractual obligations. This policy shall not apply to honorary and philanthropic naming rights, which are addressed as provided in the Allegheny County Honorary and Philanthropic Naming Rights Policies.

NAMING RIGHTS AGREEMENT — A written contract evidencing the right to name or rename County-owned facilities or land that contains terms acceptable to the County. Indemnification and termination clauses should be required as part of the agreement. All such agreements are to be reviewed by the County Attorney prior to finalization to ensure that the County's legal interests are protected. Dates indicating the term of the agreement should be indicated.

PHILANTHROPIC CONTRIBUTION — A contribution to Allegheny County from a third party for which there is no reciprocal commercial and/or marketing benefit expected or required from the County. Such contributions are separate and distinct from sponsorship and shall be governed by a separate County policy.

REQUEST FOR SPONSORSHIP (RFS) — An open and competitive process whereby third parties may express their interest in participating in sponsorship opportunities with the County. Requests for sponsorship should include a summary of the sponsorship opportunity, benefits for participation, and a description of the open and competitive procedure for expressing interest in participating in sponsorship opportunities.

SPONSOR — A third party that enters into a sponsorship agreement with the County.

SPONSORSHIP — A mutually beneficial business arrangement between the County and a third party, wherein the third party provides cash and/or in-kind services to the County in return for access to the commercial and/or marketing potential associated with the County. Sponsorships may include sponsorship of one or more of the County's services, projects, events, facilities or activities.

SPONSORSHIP AGREEMENT — A mutually beneficial, contractual agreement that reflects the business arrangement for the exchange of commercial and/or marketing benefits between the County and a third party for a specified period of time.

D. Restrictions.

- (1) In general, the following industries and products are not eligible for sponsorships with Allegheny County: police-regulated businesses; faith-based and political organizations;

companies whose business is substantially derived from the sale of alcohol, tobacco, firearms or adult use. Sponsorships by sponsors that fall into one of the above-stated categories shall be subject to review and approval by the County Council.

- (2) Allegheny County shall reject advertising that does not comply with the standards set forth in this policy. All full advertising graphic designs must be submitted in sufficient detail to determine content and final general appearance to the County Manager or his/her designee for review and approval before application. The approval process for advertising design shall not exceed 10 business days from time of submittal.
- (3) The following standards for advertising are adopted and will not be displayed:
 - (a) Is false, misleading or deceptive;
 - (b) Relates to an illegal activity;
 - (c) Is explicit sexual material, obscene material, or material harmful to minors;
 - (d) Advertises tobacco products;
 - (e) Includes language which is inappropriate for the proposed setting;
 - (f) Depicts violence and/or antisocial behavior.

E. Limitation. Sponsorships will not result in any loss of Allegheny County jurisdiction or authority.

F. Sponsorship categories.

- (1) Type 1: Individual Sponsorship: sponsorship of an individual Allegheny County event, program or asset. Events, programs or assets shall be limited to those coordinated or managed by a single departmental entity.
- (2) Type 2: Multiple Sponsorship: sponsorship of a series of Allegheny County events, programs or assets or sponsorship of an individual event, program or asset coordinated or managed by multiple departmental entities.
- (3) Type 3: Naming Rights Sponsorship: any sponsorship that falls into the definition for naming rights.

G. Procedures and authority.

- (1) All sponsorship projects must be submitted in writing by County department heads to the County Administrator or his/her designee.
- (2) A request for sponsorship (RFS) shall be developed and forwarded to County Manager or his/her designee for approval. Upon approval, RFS must be publicly noticed for a minimum of 10 business days prior to any designated closing date for submission of proposals. Public notice shall consist, at a minimum, of posting on the County's website.
- (3) All sponsorship proposals must be submitted in writing.
- (4) All approved sponsorship agreements must include:
 - (a) Signatures by authorized representatives of the County and the sponsor.
 - (b) Term of the agreement, including provisions for termination.

- (c) Details of the exchange of benefits, including what will be provided to the County by the sponsor and what will be provided by the County to the sponsor.
- (5) A report summarizing each approved sponsorship agreements shall be submitted to County Council, together with an ordinance approving the agreement, in accordance with Article IV, § 1.4-402(k), of the Home Rule Charter of Allegheny County.
- (6) Solicitation and negotiation of sponsorships will be conducted by County staff who are specifically designated by the Chief Executive, who shall be responsible for ensuring that staff understand the requirements of this policy and that they are provided with appropriate guidance and/or training related to sponsorship practices.

§ 5-705.04. Adopt-A-Highway Program. [Added 6-7-2011 by Ord. No. 9-11]

Notwithstanding any other provision of this article, the Director of the County Department of Public Works and County Manager may, at their discretion, implement and administer an Adopt-A-Highway Program through which County-owned roads and bridges would be fitted with signage produced and fined by the Department of Public Works indicating that such roads or bridges have been adopted by an individual or other entity, or in memory of any individual resident(s) of the County, in exchange for financial and/or in-kind contributions of volunteer services to the County by County residents and/or corporate or other entities located within the County. In the event that a program is implemented pursuant to this section, the Director of the Department of Public Works or Manager shall provide notice of all signage placed to Council within 30 days of placement.

Part 8
Fiscal Affairs

ARTICLE 801
Comprehensive Fiscal Plan

§ 5-801.01. Fiscal year.

The fiscal year of the County shall begin on the first day of January and end on the last day of December of each year unless changed by ordinance.

§ 5-801.02. Preparation of comprehensive fiscal plan; components defined.

Under the general supervision of the County Manager, the Director of the Department of Budget and Finance shall be responsible for the preparation of the annual Comprehensive Fiscal Plan for the County. The annual Comprehensive Fiscal Plan prepared by the Director of the Department of Budget and Finance shall consist of the following components:

- A. An annual operating budget providing for the financing, expenditure and control of the day-to-day costs of providing governmental services. The annual operating budget shall include, among other items deemed appropriate by the Director of the Department of Budget and Finance, the following:
 - (1) A summary of major revenue sources and plans for expenditures;
 - (2) Details of all estimated income and proposed expenditures by fund, department, division, office, agency, program and activity;
 - (3) A statement of the debt position and debt payment plans; and
 - (4) A proposed real property tax levy.
- B. A two-year operating budget with projected revenues and expenditures.
- C. An annual capital budget providing for funding and fiscal control of specific facilities, equipment and construction/rehabilitation projects. The annual capital budget shall include, among other items deemed appropriate by the Director of the Department of Budget and Finance:
 - (1) Identification of proposed construction and rehabilitation projects which will result in the acquisition, replacement or rehabilitation of major fixed assets such as buildings, bridges or roads;
 - (2) Identification of proposed equipment and machinery purchases having a useful life of greater than five years and a unit cost in excess of \$25,000; and
 - (3) The source and expenditure controls for annual capital expenditures.
- D. A grants and special revenue budget providing for the expenditure of proceeds from specific revenue sources that are legally restricted to specific purposes. The grants and special revenues budget shall include, among other things deemed appropriate by the Director of the Department of Budget and Finance, the provider of the grant or special revenue and the purpose of the funds.

- E. An agency fund budget which accounts for funds held by the County on behalf of others. The agency budget shall include among other things deemed appropriate by the Director of the Department of Budget and Finance, the detail of all anticipated expenditures of discretionary amounts to be made during the fiscal year.
- F. A five year capital improvement plan identifying needed capital projects and the coordination of the financing and timing of expenditures on a long-term basis.
- G. A recommendation to Council of the rate of discount for payment of taxes before the due date.
- H. A budget message for review and approval by the Chief Executive explaining key policies, programs and fiscal issues.

§ 5-801.03. Preparation of comprehensive fiscal plan.

- A. In preparation of the comprehensive fiscal plan, the Director of the Department of Budget and Finance shall:
 - (1) In consultation with the Manager, establish and promulgate a process for the preparation of the budget;
 - (2) Obtain from the departments and divisions, the President of County Council, independently elected County officials, the Court of Common Pleas and such other governmental or other agencies that desire County appropriations, such information as shall be necessary to prepare and submit to the Chief Executive and the Manager the comprehensive fiscal plan; and
 - (3) Based upon the information received, prepare the comprehensive fiscal plan.
- B. The operating budget portion of the comprehensive fiscal plan shall be:
 - (1) Prepared in accordance with nationally recognized governmental budgetary preparation standards, practices, recommendations or criteria;
 - (2) Based on the premise that no operating budget appropriation in any given fiscal year is automatically continued into a subsequent fiscal year; and
 - (3) Balanced at the time of its submission to the Chief Executive and Manager for review and submission to County Council.

§ 5-801.04. Presentation of comprehensive fiscal plan to Council.

The Chief Executive shall appear before County Council to present the budget message and to submit the Comprehensive Fiscal Plan and the annual operating and capital budgets no later than 75 days before the end of each fiscal year.

§ 5-801.05. Public hearings.

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

and after adoption. Summaries of the proposed budgets, the budget message and adopted budgets shall be made available by the County Manager for public distribution.

§ 5-801.06. Adoption of budgets.

- A. Upon completion of the public hearings required in § 801.05 of this Administrative Code, but no later than 25 days before the end of the current fiscal year, County Council shall adopt, by resolution, balanced annual operating, capital, grants and special revenues, and agency fund budgets for the next fiscal year. Before adoption of the budgets, County Council may add, delete, increase or decrease any appropriation item contained therein. Adoption of the annual operating budget shall constitute the appropriation of the amounts specified as expenditures from the funds indicated.
- B. Prior to the adoption of the annual operating and capital budgets, County Council shall fix such rates of taxation upon the valuation of the real property taxable for County purposes that, together with all other estimated revenue, shall raise a sufficient sum to meet the expenditures contained in the annual operating budget. The County Council shall fix the rate of property taxation in such amounts and in such a manner as provided in Article 809 of this Article.

§ 5-801.07. Submission of adopted annual budgets to Chief Executive; line item veto.

- A. On adoption of the annual operating and capital budgets or the amendment(s) to the adopted annual operating and capital budgets by County Council, the adopted budgets or amendments to the budgets shall be signed by the President of Council or Presiding Officer and delivered by the Council Clerk to the Chief Executive within three business days of adoption. The Council Clerk shall make an official record of the date and time of delivery of any adopted budget(s) or amendment(s) to the budget(s) to the Chief Executive.
- B. If the Chief Executive approves the adopted budget(s) or amendment(s) to the adopted budget(s), then the Chief Executive shall sign the adopted budget(s) or amendment(s) to the adopted budget(s) and return it to the County Council Clerk within seven business days after receiving it. The County Council Clerk shall make an official record of the approval of the adopted budget(s) or amendment(s) to the budget(s).
- C. If the Chief Executive disapproves of any item in the adopted budget(s) or amendment(s) to the adopted budget(s), then the Chief Executive may veto any such item by striking or otherwise indicating disapproval of such item and by returning the budgets or amendment(s) to the budgets within seven Business Days after receiving it to the Council Clerk with an attached writing indicating the specific line items which are disapproved and the objections to such items. The objections shall be part of County Council proceedings. The Council Clerk shall make an official record of the line item veto(s) and return of the budget(s) or amendment(s) to the budget(s). Any parts of the budget(s) or amendment(s) to the budget not vetoed shall enter into effect.
- D. Any adopted budget(s) or amendment(s) to the budget(s) not returned by the Chief Executive with a signature or veto within seven Business Days after receiving the adopted budget(s) or amendment(s) to the budget(s) from the Council Clerk shall be effective in the same manner as if the Chief Executive had signed it.
- E. Council may override a Chief Executive's veto of any line item by a 2/3 affirmation vote of the seated members within seven days of notification by the Chief Executive of the veto.

§ 5-801.08. Amendment of budgets following adoption.

A. Amendments of operating budget.

- (1) Technical errors and omissions. County Council may, by resolution, amend the annual operating budget during the first 35 days of each fiscal year in order to correct technical errors and omissions; provided, that any such amendment to correct technical errors or omissions shall result in a balanced budget.
- (2) Municipal election re-opener. County Council may, by Resolution, amend the annual operating budget during the first 35 days of the fiscal year following a general municipal election; provided, that any such amendment shall result in a balanced budget. Council shall hold at least one public hearing on the proposed amendment(s) prior to adoption.
- (3) General amendment during fiscal year. At any other time during any fiscal year, County Council may amend the annual operating budget by resolution by an affirmative vote of at least 2/3 of the seated members and with the Chief Executive's approval; provided that any such amendment shall result in a balanced budget. The amendment process shall be in accordance with § 5-801.07 of this Administrative Code.

B. Amendment of capital budget. County Council may, by resolution, amend the annual capital budget in accordance with the five year capital improvement plan at any time during the fiscal year. Upon approval of such resolution, the amended capital budget shall be balanced.

§ 5-801.09. Restrictions on expenditures.

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

§ 5-801.10. Control and monitoring of expenditures.

- A. The Director of the Department of Budget and Finance shall prepare and supply to the Manager, Chief Executive and County Council, the independently elected officers and the Courts such information as will enable the Manager, Chief Executive and County Council, the independently elected officers and the Courts to keep currently acquainted with the financial conditions and prospective receipts and expenditures during the current fiscal year in order to control expenditures in such a manner as to avoid deficits.
- B. If at any time during the fiscal year it appears probable to the Chief Executive that the revenues or fund balances available will be insufficient to finance expenditures for which appropriations have been authorized, the Chief Executive shall report such situation to County Council and to the County Controller in writing. The Chief Executive shall indicate the estimated amount of the deficit, take remedial action and recommend other necessary steps. County Council shall take such appropriate action as it deems necessary to prevent or reduce any deficit.

§ 5-801.11. Lapse of appropriations. [Amended 8-30-2011 by Ord. No. 16-11]

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

- B. For the purposes of this section and Article VII, § 8, of the Home Rule Charter of Allegheny County, any capital project scheduled, planned, or otherwise anticipated to take place in whole or in part within the boundaries of any County park shall be deemed to be abandoned if less than 25% of the total capital appropriation(s) relating to the project is expended for the purpose of advancing or completing the project within three years of the enactment of the first capital appropriation relating to the project, and Council approves the lapse via duly enacted resolution.

§ 5-801.12. Certain general appropriations forbidden. [Added 8-30-2011 by Ord. No. 16-11]

All capital appropriations of greater than \$200,000 for any project scheduled, planned, or otherwise anticipated to take place in whole or in part within the boundaries of any County park shall only be made in one or more capital budget line items containing language specifically identifying the project for which the appropriation is made. Under no circumstances shall any capital budget appropriation or portion thereof be expended on any project anticipated to take place in whole or in part within the boundaries of any County park absent the identifying language required pursuant to the terms of this section. The provisions of this section shall not be deemed to apply to any capital appropriation made for the purposes of building or maintaining County-owned roads or bridges located within a County park.

ARTICLE 803
Borrowing of Funds

§ 5-803.01. Authorization to borrow money; bonds.

- A. The County may borrow monies on its credit in anticipation of receipt of future taxes and revenues. The County may issue bonds for the purposes of, but not limited to, financing capital projects, refunding debt to minimize legal and financial risks inherent in a particular financing structure and reduce the costs of outstanding debt. Long-term debt shall require a pledge of the general taxing ability of the County without limit, and/or the pledge of certain revenues to be generated by projects for which the capital is raised.
- B. The County may also borrow monies on its credit in anticipation of taxes and revenues to be collected for the current fiscal year and issue a certificate of indebtedness payable on a certain date.
- C. All borrowings shall be authorized by the Chief Executive and approved by a majority vote of the seated members of County Council. The Local Government Unit Debt Act, 53 Pa. C.S.A. § 8001 et seq., shall govern borrowings unless otherwise provided for in the Charter and this Administrative Code.

ARTICLE 805

Transfer of Funds

§ 5-805.01. Operating budget appropriation transfers.

Upon the recommendation of the Chief Executive, County Council, by resolution may make transfers within and between departments, offices and agencies or to any new account at any time. Transfers are the reallocation of approved appropriations in the operating budget and among capital projects and within grants.

- A. Interdepartmental appropriation transfers. Upon the recommendation of the Chief Executive, County Council, by resolution, may make operating budget appropriation transfers between departments, offices and agencies, or to any new account at any time during the fiscal year.
- B. Intradepartmental appropriation transfers. County Council may authorize by resolution that operating budget appropriation transfers which are within the same department, office or agency, may be approved by the joint signatures of the County Controller, Director of the Department of Budget and Finance and Budget Director of County Council. Approval of these transfers shall not alter the total approved budgeted appropriation allocated to a department, but shall merely reallocate resources within a department's, office's, or agency's approved budget.

§ 5-805.02. Cash management transfers.

- A. The Chief Executive may make cash management transfers at any time. The purpose of a cash transfer is to provide expendable cash to meet the approved appropriation obligation.
- B. Cash management transfers shall include the following:
 - (1) Equity transfers between self-balancing sets of accounts (funds) as maintained by the County Controller;
 - (2) Capital Budget transfers in accordance with § 5-805.04; and
 - (3) Temporary internal loans.

§ 5-805.03. Year-end transfers.

- A. The Chief Executive may authorize the transfer up to 20% of any unencumbered funds within the operating budget appropriation of a Department, Office or Agency during the last four months of the fiscal year. The Chief Executive shall notify County Council of such internal transfers before they occur.
- B. Between the period commencing with the last County Council meeting in December, and the last day the books of the County, as maintained by the County Controller, remain open, the Budget Transfer Committee, consisting of the County Controller, the Director of the Department of Budget and Finance and the Budget Director of County Council shall be appointed by Council to make all operating budget appropriation transfers, including appropriation required to clear post-closing entries, between and within any departments, offices or agencies for the purpose of complying with

generally accepted accounting principals related to the matching of expenditures with the appropriate fiscal period. Such transfers are subject to ratification by County Council at their earliest appropriate meeting of the subsequent fiscal year. The net result of said transfers shall not increase the availability of appropriated funds for the year in question.

§ 5-805.04. Capital budget transfers.

- A. Upon the recommendation of the Chief Executive County Council may transfer appropriation and cash from one capital project to another capital project within the capital project's fund in order to establish expenditure control for capital projects, to fund newly created capital projects when necessary, to provide additional funding for capital projects, to cover temporary appropriation and cash deficiencies within a specific capital project or to return excess appropriation and/or cash from completed capital projects to an appropriate reserve status or another project. The Chief Executive shall inform County Council of the effect of such transfers on impacted projects.
- B. Transfers that involve only the redistribution of cash among approved capital appropriations may be done in accordance with § 5-805.02 and do not require Council approval.

§ 5-805.05. Temporary internal loans.

The Chief Executive may authorize the Treasurer to make temporary, noninterest bearing, internal loans of cash between any funds of the County or between the County's General Fund and any capital project, grant project or trust account, to cover temporary cash flow deficiencies. Any temporary, noninterest bearing, internal loan must be fully repaid by the close of the County's fiscal year. The Chief Executive shall notify County Council of such temporary, noninterest bearing, internal loans.

ARTICLE 807

Emergency Appropriations

§ 5-807.01. Procurements during state of emergency declarations.

In the event of a state of emergency declared by the Chief Executive affecting life, health, safety or property, or in the event of an acute, unforeseen situation which requires emergency competitive procurements, as provided for in § 5-903.03 of this Administrative Code, or the payment of other unbudgeted expenses, the Chief Executive shall call an emergency meeting of County Council as provided in § 5-311.06 of this Administrative Code to transfer unencumbered appropriations for these purchases and expenses. The Chief Executive shall notify Council as to the nature of the emergency, the reasons why the purchases and expenditures were required, the amount of funds transferred to meet the emergency and the source of the funds.

ARTICLE 808

Taxation

[Added 9-11-2007 by Ord. No. 33-07]

§ 5-808.01. Tax levies and rates.

- A. The County shall, subject to applicable law, by ordinance adopted in the manner provided for in this Administrative Code, fix the rate of taxation on all subjects of taxation authorized by law for the purpose of raising revenues necessary to pay for the operation of County governmental services and programs.
- B. Any ordinance which implements a new tax or which changes the rate of taxation on any subject of taxation authorized by law from the rate of taxation levied during the prior fiscal year shall be enacted only upon the affirmative vote of at least $2/3$ of the seated members of County Council.

ARTICLE 808A

Alcoholic Beverage Taxation
[Added 12-4-2007 by Ord. No. 54-07]

§ 5-808A.01. Definitions.

For the purposes of this article, the following definitions shall apply, unless the context clearly indicates otherwise:

CONTROLLER — The Allegheny County Controller.

LIQUOR — Any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures, and reused, recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than 1/2 of 1% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

MALT OR BREWED BEVERAGES — Any beer, lager beer, ale, porter or similar fermented malt beverage containing 1/2 of 1% or more of alcohol by volume, by whatever name such beverage may be called, and shall mean alcoholic cider.

PERSON — Any individual, limited partnership, partnership, limited-liability company, association or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment or both, the term "person" as applied to "limited partnership" or "partnership" shall mean the partners thereof, as applied to "limited-liability company" and "association" shall mean the members thereof, as applied to "corporation," the officers thereof, except that, as to incorporated clubs, the term "person" shall mean such individual or individuals who, under the bylaws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

PURCHASER — A person who acquires liquor or malt and brewed beverages through sale at retail.

SALE AT RETAIL - Any transfer at retail for a consideration in any manner or by any means whatsoever of liquor and malt and brewed beverages, but the. The term shall not include any transaction which is subject to tax by the Commonwealth under the Tax Act of 1963 for Education or Article II of the Tax Reform Code of 1971.; provided however, that, pursuant to Section 2 (h) (3) of Act 13 of 2019, sales by a manufacturer of malt or brewed beverages directly to the ultimate consumer for consumption on or off the manufacturer's premises shall remain a sale at retail upon which the County shall continue to impose and collect an alcoholic beverage tax under Act 44. [Amended 9-12-2019 by Ord. 24-19]

TAX COLLECTOR — The Allegheny County Treasurer.

TAX YEAR — The year commencing January first of the calendar year and ending December 31 of the calendar year.

VENDOR — Any person maintaining a place of business in the County of Allegheny and licensed by the Commonwealth of Pennsylvania to sell or dispense liquor or malt and brewed beverages, the sale of which is subject to the tax authorized by this article, but not including an employee who in the ordinary scope of employment renders services to his employer in exchange for wages or salaries.

§ 5-808A.02. Imposition of alcoholic drink tax. [Amended 12-2-2008 by Ord. No. 28-08]

A tax is hereby imposed upon the sale at retail in the County of liquor and malt and brewed beverages, which are sold or dispensed during Tax Year 2008, or any part thereof, and for each tax year thereafter, by any person licensed by the Commonwealth of Pennsylvania to sell or dispense liquor or malt or brewed beverages. The tax shall be levied at the rate of 7% of the sale price of each beverage meeting the definition of "liquor" or "malt or brewed beverages" contained within this article.

§ 5-808A.03. Collection of alcoholic drink tax.

- A. Every vendor shall collect the tax as agent for the County of Allegheny from the purchaser at the time of making the sale and shall remit the tax to the Tax Collector.
- B. Any vendor required under this section to collect tax from another person, who shall fail to collect the proper amount of tax, shall be liable for the full amount of the tax which he should have collected, and in addition shall be subject to any other remedies at law or in equity.

§ 5-808A.04. Returns and payments of alcoholic drink tax.

Each vendor shall file returns with and remit payments to the Tax Collector on a monthly basis and in accordance with such rules and regulations promulgated in furtherance of this article. Forms for the return shall be provided by the Tax Collector. The failure of any vendor to procure or receive any report form shall not excuse him from making a return and paying the taxes collected.

§ 5-808A.05. Powers and duties of Tax Collector.

- A. It shall be the duty of the Tax Collector to collect and receive the taxes, fines and penalties imposed by this article. It shall also be his duty to keep a record showing the amount received from each person or business paying the tax and the date of such receipt.
- B. The Tax Collector is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article. All rules and regulations adopted or amended pursuant to this section shall be approved by Allegheny County Council. A copy of such rules and regulations currently in force shall be available for public inspection.
- C. The Tax Collector and the Controller, and their designee(s), are hereby authorized to examine the books, papers, and records of any vendor or any individual or entity whom the Tax Collector or the Controller, or their designee(s), reasonably believes to be a vendor, in order to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every vendor and every person or entity whom the Tax Collector or the Controller, or their designee(s), reasonably believes to be a vendor shall be required to give to the Tax Collector or the Controller, or their designee(s), the means, facilities and opportunity for such examination and investigations as are hereby authorized.
- D. Any information gained by the Tax Collector, Controller, or their designee(s), as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this article

shall be confidential, except for official purposes and except in accordance with a proper judicial order, or as otherwise provided by law.

- E. Revenue derived from the imposition of the tax authorized by this article shall be deposited into a restricted account of the County.

§ 5-808A.06. Review and appeal.

The Tax Collector shall provide a method of appeal from any assessments by the Tax Collector. The methods and procedure for review and appeals shall be the same as those governing reviews and appeals with respect to other local taxes.

§ 5-808A.07. Penalties and enforcement.

In addition to any other remedy provided by law or in equity:

- A. Any person who willfully fails or refuses to appear before the Tax Collector or Controller in person with his or her books, records or accounts for examination when required by the Tax Collector or Controller to do so; or to permit inspection of the books, records or accounts in his custody or control when required by the Tax Collector or Controller; or who willfully makes any false or untrue statement on his or her return; or who willfully fails or refuses to file a return required by this article or to collect and pay over to the Tax Collector any tax imposed herein shall be liable to pay a fine of \$300.
- B. Any person who, on more than one occasion, fails to keep or make any record, return or report required by this article, or keeps or makes any false or fraudulent record, return or report, or who shall refuse the Tax Collector, County Controller or other duly authorized representative of the Tax Collector or Controller to examine his or her books and records in order to verify the accuracy of his payment of the tax authorized by this article, shall be guilty of a separate offense of repeat violation, and for each such repeat violation shall be subject to a fine of not more than \$300, or imprisonment for not more than 90 days, or both. A person shall be guilty of a repeat violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate repeat violation offense.
- C. Any person who fails to pay the taxes collected on or before the last date prescribed for payment shall be liable to pay a penalty of 1% per month or fraction thereof on such tax from the time the tax became due and interest at the rate of 1/2 of 1% per month or fraction thereof. The penalties and interest provided for in this article shall be added to the tax assessed and collected at the same time, in the same manner, and as a part of the tax.
- D. The penalty and interest on unpaid taxes imposed by this section shall be paid to the County of Allegheny.

§ 5-808A.08. Suit for collection.

- A. It shall be the duty of the Tax Collector to sue for the recovery of all taxes due hereunder not paid when due.
- B. Any suit to recover any tax, together with interest and penalties, authorized hereunder, from any person, shall be commenced within six years after such tax is due or within six years after a return has been filed, whichever date is later; but this limitation shall not apply:
 - (1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of this article; there shall be no limitation.
 - (2) Where an examination of the declaration or return filed by any person, or of other evidence relating to such declaration or return in the possession of the Tax Collector, reveals a fraudulent evasion of taxes; there shall be no limitation.
 - (3) In the case of substantial understatement of tax liability of 25% or more and no fraud; suit shall be begun within six years.
 - (4) Where any person has deducted taxes under the provisions of this article, and has failed to pay the amounts so deducted to the Tax Collector, or where any person has willfully failed or omitted to make the deductions required by this section; there shall be no limitation.
 - (5) This section shall not be construed to limit the governing body from recovering delinquent taxes by any other means provided by applicable statute.
- C. The Tax Collector may sue for recovery of an erroneous refund, provided such suit is begun two years after making such refund, except that the suit may be brought within five years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

ARTICLE 808B

Rental Vehicle Taxation

[Added 12-4-2007 by Ord. No. 55-07]

§ 5-808B.01. Definitions.

For the purposes of this article, the following definitions shall apply, unless the context clearly indicates otherwise:

CONTROLLER — The Allegheny County Controller.

PERSON — Any individual, limited partnership, partnership, limited-liability company, corporation or other association.

RENTAL VEHICLE — A private passenger motor vehicle designed to transport 15 or fewer passengers, or a truck, trailer or semitrailer used in the transportation of property other than commercial freight, that is rented without a driver, is part of a fleet of five or more rental vehicles that are used for that purpose and owned or leased by the same person or entity, and is rented for a period of 29 or fewer consecutive days. The term “rental vehicle” shall not include a motorcycle, motor-driven cycle or scooter. [Amended 9-23-2020 by Ord. 22-20]

TAX COLLECTOR — The Allegheny County Treasurer.

TAX YEAR — The year commencing January 1 of the calendar year and ending December 31 of the calendar year.

VEHICLE RENTAL COMPANY — Any business entity engaged in the business of renting motor vehicles in the Commonwealth of Pennsylvania.

§ 5-808B.02. Imposition of rental vehicle tax. [Amended 3-17-2009 by Ord. No. 11-09, effective 1-1-2010]

- A. There is hereby imposed an excise tax on the rental of rental vehicles in the County of Allegheny during Tax Year 2008, or any part thereof, and for each tax year thereafter. For purposes of this section, the rental of a rental vehicle in the County of Allegheny occurs whenever a person enters into a contract for and/or takes possession of a rental vehicle in the County of Allegheny from a vehicle rental company.
- B. The tax imposed by this article shall be collected by a vehicle rental company at the time a rental vehicle is rented by that vehicle rental company, and shall be remitted by the vehicle rental company to the County in accordance with the requirements of this article and any rules and regulations to be promulgated in furtherance of this article.
- C. The rate of tax shall be \$2 per day, or part of a day, on which a rental vehicle is rented within Allegheny County.
- D. Any individual or entity that is exempt from taxation by the commonwealth for the purposes of vehicle rental transactions shall receive the same exemption(s) from the County rental vehicle tax.

§ 5-808B.03. Collection of rental vehicle tax.

- A. Every vehicle rental company, as agent of the County of Allegheny, shall collect the tax from the renter at the time of the vehicle rental and shall immediately remit the tax to the Tax Collector.
- B. Any vehicle rental company required under this section to collect tax from any person who shall fail to collect the proper amount of tax shall be liable for the full amount of the tax which such vehicle rental company should have collected, and in addition shall be subject to a penalty of 10% per annum and interest of 6% per annum on such unpaid amounts as well as all costs of collection, including, without limitation, reasonable attorneys' fees.

§ 5-808B.04. Returns and payments of rental vehicle tax.

Each vehicle rental company shall file returns with and remit payments to the Tax Collector on a monthly basis and in accordance with such rules and regulations promulgated in furtherance of this article. Forms for the return shall be provided by the Tax Collector. The failure of any vendor to procure or receive any report form shall not excuse him from making a return and paying the taxes collected.

§ 5-808B.05. Powers and duties of Tax Collector.

- A. It shall be the duty of the Tax Collector to collect and receive the taxes, fines and penalties imposed by this article. It shall also be his duty to keep a record showing the amount received from each person or business paying the tax and the date of such receipt.
- B. The Tax Collector is hereby empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this article. All rules and regulations adopted or amended pursuant to this section shall be approved by Allegheny County Council. A copy of such rules and regulations currently in force shall be available for public inspection.
- C. The Tax Collector and the Controller, and their designee(s), are hereby authorized to examine the books, papers, and records of any vehicle rental company or any individual or entity whom the Tax Collector or the Controller, or their designee(s), reasonably believes to be a vehicle rental company, in order to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every vehicle rental company and every person or entity whom the Tax Collector or the Controller, or their designee(s), reasonably believes to be a vehicle rental company shall be required to give to the Tax Collector or the Controller, or their designee(s), the means, facilities and opportunity for such examination and investigations as are hereby authorized.
- D. Any information gained by the Tax Collector, Controller, or their designee(s), as a result of any declarations, returns, investigations, hearings or verifications required or authorized by this article shall be confidential, except for official purposes and except in accordance with a proper judicial order, or as otherwise provided by law.
- E. Revenue derived from the imposition of the tax authorized by this article shall be deposited into a restricted account of the County.

§ 5-808B.06. Review and appeal.

The Tax Collector shall provide a method of appeal from any assessments by the Tax Collector. The methods and procedure for review and appeals shall be the same as those governing reviews and appeals with respect to other local taxes.

§ 5-808B.07. Penalties and enforcement.

In addition to any other remedy provided by law or in equity:

- A. Any person who willfully fails or refuses to appear before the Tax Collector or Controller in person with his or her books, records or accounts for examination when required by the Tax Collector or Controller to do so; or to permit inspection of the books, records or accounts in his custody or control when required by the Tax Collector or Controller; or who willfully makes any false or untrue statement on his or her return; or who willfully fails or refuses to file a return required by this article or to collect and pay over to the Tax Collector any tax imposed herein shall be liable to pay a fine of \$300.
- B. Any person who, on more than one occasion, fails to keep or make any record, return or report required by this section, or keeps or makes any false or fraudulent record, return or report, or who shall refuse the Tax Collector, County Controller or other duly authorized representative of the Tax Collector or Controller to examine his or her books and records in order to verify the accuracy of his payment of the tax authorized by this article, shall be guilty of a separate offense of repeat violation, and for each such repeat violation shall be subject to a fine of not more than \$300, or imprisonment for not more than 90 days, or both. A person shall be guilty of a repeat violation regardless whether the second or subsequent violation occurs before or after a judicial finding of a first or previous violation. Each violation, after the first, shall constitute a separate repeat violation offense.
- C. Any person who fails to pay the taxes collected on or before the last date prescribed for payment shall be liable to pay a penalty of 1% per month or fraction thereof on such tax from the time the tax became due and interest at the rate of 1/2 of 1% per month or fraction thereof. The penalties and interest provided for in this article shall be added to the tax assessed and collected at the same time, in the same manner, and as a part of the tax.
- D. The penalty and interest on unpaid taxes imposed by this section shall be paid to the County of Allegheny.

§ 5-808B.08. Suit for collection.

- A. It shall be the duty of the Tax Collector to sue for the recovery of all taxes due hereunder not paid when due.
- B. Any suit to recover any tax, together with interest and penalties, authorized hereunder, from any person, shall be commenced within six years after such tax is due or within six years after a return has been filed, whichever date is later; but this limitation shall not apply:
 - (1) Where no declaration or return was filed by any person although a declaration or return was required to be filed by him under provisions of this article; there shall be no limitation.

- (2) Where an examination of the declaration or return filed by any person, or of other evidence relating to such declaration or return in the possession of the Tax Collector, reveals a fraudulent evasion of taxes; there shall be no limitation.
 - (3) In the case of substantial understatement of tax liability of 25% or more and no fraud; suit shall be begun within six years.
 - (4) Where any person has deducted taxes under the provisions of this article, and has failed to pay the amounts so deducted to the Tax Collector, or where any person has willfully failed or omitted to make the deductions required by this section; there shall be no limitation.
 - (5) This section shall not be construed to limit the governing body from recovering delinquent taxes by any other means provided by applicable statute.
- C. The Tax Collector may sue for recovery of an erroneous refund, provided such suit is begun two years after making such refund, except that the suit may be brought within five years if it appears that any part of the refund was induced by fraud or misrepresentation of material fact.

ARTICLE 809
Real Property Taxation

§ 5-809.01. Authority to levy tax on real property.

The County shall have the authority to levy a tax on the valuation of real property determined to be subject to such tax. The tax on real property so levied shall be for the purpose of paying expenses incurred for the operation of County governmental services and programs.

§ 5-809.02. Tax levy and rates.

- A. The County Council shall, by ordinance adopted in the manner provided in this Administrative Code, fix the rate of taxation on the valuation of taxable real property for the fiscal year for the purpose raising of revenues necessary to pay for the operation of County governmental services and programs.
- B. Any ordinance which changes the rate of taxation on the valuation of taxable real property from the rate of taxation levied during the prior fiscal year shall be enacted only upon the affirmative vote of at least 2/3 of the seated members of County Council.
- C. Real estate property tax levied by the County shall not exceed the rate limitations previously established under law for counties of the second class as of May 20, 1997. The real estate property tax levied by the County shall not exceed the rate of 40 mills (which is based on 25 mills formerly authorized for general purposes, 10 mills formerly authorized for purposes of the former Allegheny County Institution District, and five mills for the Community College of Allegheny County pursuant to the Community College Act), on every dollar of the assessed valuation of taxable real property; provide, however, that the rate of taxation for payment of interest and principal on any indebtedness incurred pursuant to 53 Pa.C.S.A. § 8001 et seq., known as the "Local Government Unit Debt Act" or any prior or subsequent act or ordinance governing the incurrence of indebtedness shall be unlimited. In fixing the rate of taxation, if the rate is fixed in mills, the enacting ordinance shall include a statement expressing the rate of taxation in dollars and cents on each \$100 of assessed valuation of taxable real property.

§ 5-809.03. Real property revenue limitations. [Amended 10-4-2005 by Ord. No. 40-05]

- A. The County shall not derive windfall benefits from annual property reassessments of the valuation of real property or from changes in the predetermined ratio of assessed valuation to market value of real estate. Following any annual reassessment or change in the predetermined ratio, the total amount of real estate tax revenue that can be received by reason of the reassessment or change in the ratio by the County from existing land, buildings and structures shall not exceed the total amount of real estate tax revenue received by the County in the preceding year from that land, and those buildings and structures. If necessary, the County shall reduce the real estate tax rate to comply with this revenue limitation.
- B. In calculating the limit, the amount to be levied on newly constructed buildings or structures, or from increased valuations based on new improvements made to existing buildings and structures, shall not be considered.

- C. This section shall not be construed to prohibit receiving increased tax revenue. The County may raise the real estate tax rate pursuant to § 5-809.02, but only after an appropriate reduction of the real estate tax rate is made to comply with the limitations of this section.

§ 5-809.04. Discounts and additions to tax.

Unless otherwise provided by ordinance:

- A. Upon any taxpayer's payment of County real property taxes levied for the current fiscal year during the period from the first of January to the 31st day of March, a discount of a portion of the whole amount of the tax due and owing shall be allowed. County Council shall, as part of the adoption of the Comprehensive Fiscal Plan, fix the rate of the discount.
- B. Upon any taxpayer's payment of County real property taxes levied for the current fiscal year during the period from the first day of April to April 30, no discount on the whole amount of the tax shall be allowed.
- C. After the last day of April, all County real estate taxes which are unpaid shall be considered delinquent. County Council shall, as part of the adoption of the Comprehensive Fiscal Plan, fix the rates for penalties and interest.

ARTICLE 811

Disbursal of County Monies

§ 5-811.01. Submission of requisition.

The Manager and the Controller shall give approval for payments only upon receipt of a requisition or invoice from the county officer or independently elected County official, the department or division or agency to which appropriation was made against which payment is requested. Except as provided by Article 807 and § 5-903.04 of this Administrative Code, approval shall require an appropriation in the Comprehensive Fiscal Plan against which payment can be made.

§ 5-811.02. Approval of requisition.

If the Manager and the Controller approves a requisition or invoice, the Controller shall issue an order to the Treasurer approving the payment. If the Controller does not approve the requisition, he or she shall attach a memorandum thereto setting forth the specific objections to the requisitioning county officer, independently elected County official, department or division or agency.

§ 5-811.03. Payments by Treasurer.

The Treasurer shall prepare and issue payments only with the prior authorization of the Controller.

ARTICLE 813

County Depositories

§ 5-813.01. The duties of Treasurer; receipts of money for the County.

The Treasurer shall receive all monies due or accruing to the County. The Treasurer shall keep a just and true account of all monies received and disbursed. The books of the Treasurer shall at all times during office hours be open to the inspection of the Controller and the Manager. The Treasurer shall report daily to the Controller and Manager all monies received for the County, the person by whom, and on what account they were paid. The Treasurer shall give a receipt for all monies paid into the County Treasury.

§ 5-813.02. The Depository Board.

The Chief Executive, Controller, and Treasurer shall constitute a majority quorum and the Chief Executive shall then appoint two additional members to the Board subject to the approval of the majority of the seated members of Council. All five members shall comprise the Depository Board of Allegheny County for the purpose of selecting depositories for the funds.

§ 5-813.03. Meeting; number of depositories.

The Board shall meet at the Office of the Controller not later than noon of the third Wednesday after the first Monday of January following the election of the Treasurer, and thereafter as may be necessary, and shall there organize and elect a chairperson and decide upon the number of banks and banking institutions, as depositories of County funds, for such period of time as the Board may determine, but not to exceed the term for which the Treasurer is elected.

§ 5-813.04. Designation and qualifications of depositories.

- A. At said meeting or at any subsequent meeting agreed upon, said Board shall designate the depositories.
- B. Depositories so designated shall, upon receipt of notice of their selection as a depository of County funds, furnish collateral to secure payment of deposits and interest to the County by depositing in escrow securities to be approved by the Board. Such securities shall be of the kind and in the amount to be fixed by the Board. Substitution of such securities may be made with the approval of the Board in each case. The Board may designate a branch bank of the Federal Reserve Bank of the district, located within the County, as escrow agent for the keeping of securities and to perform such functions as the Board may prescribe.
- C. The Treasurer, upon the designation of such depository or depositories, shall immediately transfer thereto all County funds to be deposited, and shall thereafter keep such deposits solely in such depository or depositories, in the name of the County. Withdrawals from such depository shall be only drawn by the Treasurer upon properly authorized checks or by other commercially accepted methods for County fund transfers.

§ 5-813.05. Investment of monies.

- A. The Treasurer shall have the power, subject to § 5-813.05B and the hereinafter stated conditions and limitations, to invest and reinvest the monies of the General Fund and special funds in accordance with the prudent investment rule consistent with sound business practice, subject, however, to the exercise of that degree of judgment, skill and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence, who are familiar with such matters, exercise in the management of their own affairs not in regard to speculation, but in regard to the permanent disposition of the funds, considering the probable income to be derived therefrom as well the probable safety of their capital.
- B. A Board of Investment is hereby created. Said Board shall be composed of three members, to-wit: the Treasurer who shall act as Chairman of the Board; the County Executive; and the Controller. The Board shall provide for an investment program, including temporary investments in accordance with the prudent investment rule. The Treasurer shall make investments in conformity with the Board's investment program. Within 30 days of the enactment of the investment program, the Board shall provide County Council with a copy of said program.
- C. The investment program shall authorize the types of investments that shall be used for County funds and the limitations on the use of each type of investment.
- D. In making investments of County funds, the Treasurer shall have authority:
 - (1) To combine monies from more than one fund under County control for the purchase of a single investment, provided that each of the Funds combined for the purpose shall be accounted for separately in all respects and that the earnings from the investment are separately and individually computed and recorded, and credited to the accounts from which the investment was purchased.
 - (2) To join with one or more other political subdivisions in accordance with the Act of July 12, 1972 (P.L. 762, No. 180), entitled "An Act Relating to Intergovernmental Cooperation," in the purchase of a single investment, provided that the requirements of § 5-813.05D(1) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to.
- E. All income earned on any of the aforesaid investments shall inure to the benefit of the County and shall be placed in the General Fund.
- F. All accounts now existing or established in the future for the receipt of funds from a third party by an independently elected official shall be invested in accordance with the investment policies adopted by the Board of Investment.

Part 9
Competitive Procurement and Contracting

ARTICLE 901

Division of Purchasing and Supplies

§ 5-901.01. Functions of the Division.

The Division of Purchasing and Supplies shall be responsible for contracting for the purchase or lease of all materials, supplies, furnishings, equipment, insurance and surety and fidelity bonds or other personal property and nonprofessional services.

§ 5-901.02. Purchasing Officer.

The Purchasing Officer shall head the Division of Purchasing and Supplies. The Purchasing Officer shall be a certified Public Purchasing Officer and meet the requirements established by the National Institute of Governmental Purchasing. A minimum of five years of supervisory experience in public and/or private purchasing operations within eight years preceding the date of employment may be substituted for certification.

§ 5-901.03. Purchasing Officer's duties and responsibilities.

- A. The Purchasing Officer shall adopt rules and procedures covering the general operation and administration of purchasing. Such rules and procedures shall include, but shall not be limited to the following:
- (1) Specification and standardization.
 - (2) Bidder's lists.
 - (3) Competitive and noncompetitive purchasing.
 - (4) Issuance, receipt, tabulation and award of bids subject to the verification of the tabulation by the County Controller.
 - (5) Intergovernmental and cooperative purchasing plans and compliance with applicable state and federal regulations pertaining to procurement.
 - (6) Bonding requirements.
 - (7) Publication procedures.
 - (8) Contract terms and conditions.
 - (9) Request for proposals and quotations.
 - (10) Emergency purchases.
 - (11) Purchase order process, including evidence of receipt of material.

- (12) Electronic bidding and the use of systems designed to reduce the cost of the purchasing process without restricting access and objectivity.
 - (13) Inventory of property.
 - (14) Delivery of purchases.
- B. The Purchasing Officer will be authorized to analyze, develop and implement innovative purchasing procedures, including, but not limited to "on-line" purchases via computers.
- C. The purchasing rules and procedures adopted pursuant to this Administrative Code shall be included in a Purchasing Manual, prepared, reviewed and periodically revised by the Purchasing Officer in consultation with the Department of Law. The Purchasing Manual shall be prepared within six months of the adoption of this Administrative Code.

§ 5-901.04. Requisitions.

- A. Units of the Executive Branch, County Officers, Independently Elected County Officials, the Courts and Agencies which require materials, supplies, furnishings, equipment, insurance, surety and fidelity bonds, other personal property, and nonprofessional services shall submit a requisition to the Purchasing Officer describing the type and quantity of goods or services required.
- B. Unless otherwise provided for in this Administrative Code in § 5-805.02, Budget Transfers, and § 5-903.03, Emergency Competitive Procurement Process, the Purchasing Officer shall not approve a requisition and proceed with a contract or purchase unless there is a current appropriation in the Comprehensive Fiscal Plan against which requisition can be made. If the Purchasing Officer does not approve the requisition, the Purchasing Officer shall attach a memorandum thereto setting forth the specific objections to the requisitioning County officer or independently elected County official, department or division, within the Executive Branch, or other board, commission or agency.
- C. Except as otherwise provided in this Administrative Code, all purchases, leases or rentals, of materials, supplies, furnishings, equipment, insurance, surety and fidelity bonds, other personal property and nonprofessional services shall be coordinated and requested through the Division of Purchasing and Supplies.
- D. The Purchasing Officer may delegate purchasing authority and prepare policies and procedures governing the delegation of purchasing authority, including the manner in which such activities shall be monitored and controlled by the Purchasing Officer. The policies and procedures shall cover, at a minimum the following:
- (1) The identification and timing of needs;
 - (2) The preparation of appropriate purchasing forms;
 - (3) The selection of vendors and contractors and the award of contracts;
 - (4) The inspection of commodities, supplies and materials;
 - (5) The use of blanket purchase orders and price agreements;
 - (6) The receipt and payment process; and
 - (7) The prompt payment of all obligations incurred in the purchasing process.

ARTICLE 903

Formal Procurement Process

§ 5-903.01. Review by County Council.

All capital, operating, maintenance, and professional service contracts and change orders let by Allegheny County and its Departments and Agencies shall be subject to notification to County Council prior to or contemporaneous with the execution of the agreement.

§ 5-903.02. Purchases over \$30,000. [Amended 3-6-2007 by Ord. No. 8-07; 7-10-2012 by Ord. No. 18-12]

A. Except as provided below, all contracts or purchases in excess of \$30,000 shall be in writing after being published at least one time, not less than seven days prior to the date fixed for opening of bids. The successful bidder shall be the lowest responsible responsive bidder meeting specifications, with full consideration of cost, quality and performance. In the event that the County receives two completely identical responsive responsible bids, the award shall be made in accordance with the Purchasing Manual.

1. The term "lowest responsible responsive bidder" shall not include any bidder who has obtained any goods or products offered for sale, lease, rental or consignment to the County which were made under sweatshop conditions, as defined under this Section.
 - a. Goods and products are not made in sweatshop conditions if all of the following conditions apply in the manufacturing facility in which the goods were made:
 1. Wages and Benefits. The manufacturer or employer must pay wages which enable its workers to meet their basic needs for food, shelter, clothing and medical care. The manufacturer or employer also must provide all benefits required by law in their country and must compensate workers for overtime. Vendors and their subcontractors shall ensure that workers work overtime hours only voluntarily.
 2. Hours of Work. Workers must not be required to work more than forty-eight (48) hours per week, or less if the law of the country in which the manufacturer or employer is located sets a shorter work week.
 3. Worker's Rights. Workers must have the right to speak about and/or protest conditions in the factories in which they work without fear of retaliation and must have the right to form and join unions of their own choosing without fear of retaliation.
 4. Health and Safety. The manufacturer or employer must provide a safe and healthy working environment.

5. Treatment of Workers. No worker may be subjected to physical, sexual or verbal harassment. No worker may be discriminated against in employment in any way on the basis of sex, race, religion, age, disability, sexual orientation, national origin, political opinion or social or ethnic origin.
 6. Child Labor. The manufacturer or employer must not employ any individual younger than the legal age for children to work in the country in which the facility is located, and, regardless of legal age, must not employ any individual younger than the age of fifteen (15).
 7. Forced Labor. The manufacturer or employer must not use forced labor (including, but not limited to, prison labor, indentured labor, or bonded labor) of any kind.
 8. Legal Compliance. Vendors and subcontractors shall comply with all applicable local laws and workplace regulations in force in the jurisdiction in which their facilities are located, including those regarding wages and benefits, workplace health and safety, environmental safety and freedom of association.
- b. For the purposes of this section, a manufacturing facility shall be deemed to be a factory, shop, or any other location, whether indoors or not, in which goods or products are either manufactured from raw materials or assembled from component parts manufactured at another location.
 - c. The requirements of this section shall be satisfied by the execution of a signed statement by the vendor, in a form prescribed by the Chief Purchasing Officer and submitted with any bid packet tendered to the County, that the vendor is unaware of any circumstance or fact that lead it to believe that any of the conditions proscribed in §5-903.02.A.1.a. exist in any of the facilities involved in its manufacturing process. The signed statements required by this subsection shall be retained by the Division of Purchasing and supplies for a period of at least five years.
- B. The Purchasing Officer, in advertising the bids, shall have discretion to let bids on an item-by-item basis and/or on a total package basis in order to obtain the most favorable bid proposals for the County.
 - C. The Controller shall receive all bids in a timely fashion and deliver same to the Purchasing Officer. The Purchasing Officer shall announce all bid figures publicly, and all bids thereafter shall be referred to the Division of Purchasing and Supplies for tabulation. The Purchasing Officer shall keep a record of all bids received. Whenever, for any reason, the bid opening shall not be held, the same business may be transacted at the identical time on the next business day or at any time and place announced at the time of the scheduled bid opening. The County shall reserve the right to reject any and all bids and to rebid a contract or purchase.

- D. The Purchasing Officer may require, after consultation with the Manager, that bids shall be accompanied by a cashier's check or money order, in an amount not exceeding 5% of the bid, by a bond with corporate surety in an amount not exceeding 5% of the amount bid, or by an irrevocable letter of credit in such form as previously approved by the Purchasing Officer issued by a bank or other financial institution duly recognized and authorized to do business in the Commonwealth in an amount not exceeding 5% of the bid. The good faith deposits by cashier's check or money order, bond or letter of credit, shall be held by the Purchasing Officer to be returned to the unsuccessful bidders when the contract is awarded or when the County determines that it is necessary to reject all bids. In the event that any bidder shall, upon award of the contract, fail to comply with the requirements hereinafter stated as to a bond guaranteeing the performance of a contract, or fail or refuse to enter into a contract, or otherwise fail or refuse to render the services required, the good faith deposit, cashier's check or money order, bond or letter of credit shall be forfeited to the County as liquidated damages, and the contract subsequently may be awarded to the next lowest responsive responsible bidder, who shall manifest acceptance of such contract by giving a good faith deposit in the amount and manner set forth in this subsection above on or before the third business day after the award of the contract to such bidder and otherwise comply with the provisions of this section.
- E. The successful bidder, when advertising is required herein, may be required to furnish a bond with suitable reasonable requirements guaranteeing performance of the contract, with sufficient surety in the amount of 100% of the amount of the contract, within 30 days after the contract has been awarded, unless the Purchasing Officer shall prescribe a shorter period or unless the Purchasing Officer shall waive the bond requirement in the bid specification. Upon failure to furnish any required bond within such time, the previous awards shall be void, and the contract may be awarded to the next lowest responsive responsible bidder meeting specifications.
- F. The Purchasing Officer shall combine requisitions for similar contracts and purchases of materials, supplies, furnishings, equipment, insurance, and other personal property and nonprofessional services without regard to the potential total cost of the contract or purchase. Contracts and the purchase shall not be divided into separate contracts and purchases to avoid the financial threshold for the competitive bidding process.
- G. The Chief Purchasing Officer, in cooperation with the Division of Veterans Services, shall create a procedure which incorporates a five-percent government-wide goal for participation in the formal procurement process by small business concerns owned and controlled by veterans.
- (1) For the purposes of this subsection, a "veteran" is an individual who is currently serving or has served on active or reserve duty in the United States Army, Navy, Air Force, Marines, Coast Guard or Merchant Marine, and who has not been dishonorably discharged from that service.
 - (2) For the purposes of this subsection, "owned and controlled by veterans" means a business:
 - (a) Not less than 51% of which is owned by one or more veterans or, in the case of any publicly owned business, not less than 51% of the stock of which is owned by one or more veterans; and

- (b) The management and daily business operations of which are controlled by one or more veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of a veteran.
- (3) The Chief Purchasing Officer shall define "small business" in any fashion he or she deems appropriate for effective administration of this requirement.
- (4) The policy created by the Chief Purchasing Officer shall require that a copy of United States Department of Defense Form DD214 or current service identification card(s) for any veteran(s) establishing any business as owned and controlled by veterans under this subsection must be submitted with any bid proposal, together with any proof of business ownership deemed appropriate by the Chief Purchasing Officer.
- (5) In the event that the Chief Purchasing Officer determines that the five-percent participation goal is unattainable in the context of a particular procurement transaction, the remaining formal procurement requirements will still be applicable to that transaction.
- (6) For the purposes of this subsection, "Chief Purchasing Officer" shall mean only the individual designated to exercise direct supervisory authority over the Division of Purchasing and Supplies or any successor County office or division, and shall not include the Director of any County department or any individual holding elected County office.

§ 5-903.03. Electronic auction bidding.

When the Manager determines that electronic bidding is in the best interest of the County, the Manager may require bidders to submit their bid prices electronically in an auction-style manner. When the County uses electronic bidding, the bid opening will last for a previously disclosed period of time during which the bidders' prices will be made public. Bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening.

§ 5-903.04. Exceptions to formal procurement process.

- A. Procurements that shall not require advertising or bidding as herein before provided in § 5-903.02 are as follows:
 - (1) Contracts let in cases of emergency as set forth in § 5-903.05 below;
 - (2) Those made for improvements, repairs and maintenance of any kind made or provided by the County through its own employees; provided, that this exception shall not apply to construction materials used in a street and bridge improvement;
 - (3) Those where the unique types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are patented and manufactured products or copyrighted products, insofar as their essential function is concerned;
 - (4) Those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission;

- (5) Those made with another political subdivision or a county, Commonwealth, the United States Government, any agency of the Commonwealth or the United States Government, or any authority, including the sale, leasing or loan of supplies or materials by the Commonwealth or the United States Government or their agencies, but the price thereof shall not be in excess of that fixed by the Commonwealth, the United States Government or their agencies;
 - (6) Those involving personal or professional services;
 - (7) Those involving client services provided by nonprofit agencies;
 - (8) Those involving the purchase of milk; and
 - (9) Purchase through intergovernmental or cooperative purchasing plans.
- B. Procurement of personal or professional services shall be made in accordance with §§ 5-903.01 and 5-905.03 of this Administrative Code. The Manager shall establish policies for the procurement of all other items listed above.

§ 5-903.05. Emergency competitive procurement process.

- A. In the event that the emergency purchase or rental of materials, supplies, furnishings, equipment and other personal property and nonprofessional services where the amount thereof exceeds the sum of \$30,000 is required for the health, safety and welfare of the people or for the protection of property, and that there is a present, immediate and existing emergency which could not reasonably be foreseen, this emergency competitive bid procedure shall be used in lieu of the formal competitive bid procedure set forth in § 5-903.02 above.
- B. In order to invoke the emergency competitive bid procedure, the Chief Executive or his designee shall set forth in writing the nature of the emergency, the reasons why the purchase or rental is required for the health, safety and welfare of the people and/or the protection of property, and a statement that there is a present, immediate and existing emergency which could not reasonably be foreseen. This writing shall be filed in the office of the Purchasing Officer and the County Council Clerk.
- C. Upon the required showing of an emergency, the Division of Purchasing and Supplies, shall solicit bids by telephone or any other expedient means of communication from as many known suppliers of the materials, supplies, furnishings, equipment or other personal property, as is practical under the circumstances of the emergency.
- D. The Division of Purchasing and Supplies may accept oral bids for the necessary materials, supplies, furnishings, equipment or other personal property and nonprofessional services and shall award the contract to the lowest responsible responsive bidder meeting the specifications with full consideration of cost, quality and performance. Such award, however, shall not be effective until the successful bidder submits a signed, written memorandum to the Purchasing Officer, confirming the oral bid. A written contract between the successful bidder and the County shall be executed as soon as practical. The written memorandum shall be filed in the office of the Purchasing Officer and a written contract shall be filed in the office of the Controller. The County, however, shall have the right to reject any and all bids and to waive defects as to form with respect to such contracts.

- E. The Division of Purchasing and Supplies shall cause a record to be kept of all contracts with suppliers with whom bids were solicited for emergency purchases setting forth the nature of the solicitation, person contacted, the date of the contact, the person submitting bids, the amount of each bid, and the award made thereon. This record shall be filed in the Division or Purchasing and Supplies.
- F. Upon the required showing of an emergency the Purchasing Officer after consultation with the Manager may waive any requirements for applicable bonding and insurance.

ARTICLE 905
Nonformal Procurement

§ 5-905.01. Quotation procedure for purchases \$30,000 or less.

- A. All contracts for the purchase or rental of materials, supplies, furnishings, equipment or other personal property and nonprofessional services where the amount thereof is \$30,000 or less, may be awarded without advertising for bids. In such cases where the estimated cost is between \$10,000 and \$30,000 the Purchasing Officer shall solicit quotations from at least three vendors.
- B. The Purchasing Officer may use discretion to negotiate with proposed suppliers in order to get the lowest quotations for the goods and services to be purchased or rented.
- C. In accordance with the policies, practices and procedures set forth in the Purchasing Manual, the Purchasing Officer shall keep a record of all quotations received, setting forth the dates thereof, the persons who submitted the quotations, and the awards made thereon.

§ 5-905.02. Small purchases.

Contracts for the purchase or rental of materials, supplies, furnishings, equipment or other personal property and nonprofessional services where the amount thereof does not exceed \$10,000 may be made through the use of a purchasing card. The Purchasing Officer shall establish guidelines for the purchase of such goods and services by use of purchasing cards in the Purchasing Manual.

§ 5-905.03. Procurement of professional services.

- A. To review and evaluate proposals received for professional services there is hereby created a Professional Services Review Committee. The Committee will review and evaluate proposals for professional services for architects, engineers, financial consultants, legal services, and medical consulting. The Committee shall be comprised of five members: the County Executive or his designee, the County Manager or his designee, two members appointed by the President of Council and one appointed by the Chief Executive with the consent of Council. An additional member will be designated by the County Official and/or the President Judge of the Court of Common Pleas, if the professional service contract being acted upon was requested by the respective office or the Court.
- B. In addition to compliance with any other terms, conditions and requirements set forth in a request for proposals, the Committee shall consider the following criteria:
 - (1) Summary of costs;
 - (2) Experience record;
 - (3) Technical expertise;
 - (4) Resources and capabilities;
 - (5) Organization and management plan;

- (6) Disadvantaged business enterprise utilization; and
 - (7) Such other criteria as the Committee shall deem prudent.
- C. After review and evaluation the Committee shall provide an agreed upon short list of at least three acceptable individuals or firms to either the County Executive, County Official, President Judge, or Council, for final selection. If there are three or less proposals received, all shall be submitted. The office which makes the final selection shall notify the Committee and County Council of the final selection.

§ 5-905.04. Allegheny County Professional Services Review Committee reporting obligations. [Added 4-4-2007 by Ord. No. 14-07]

- A. The Professional Services Review Committee shall, in addition to the duties delineated in § 5-905.03 of this article, report on professional services contracts to the Council and Chief Executive as follows:
- (1) The Committee shall, for every contract for which it receives proposals under § 5-905.03, create a report that identifies:
 - (a) The purpose of the contract for which proposals were considered;
 - (b) The aggregate value of the contract for which proposals were considered;
 - (c) The business(es) or individual(s) that submitted each proposal that was considered for final selection by name; and
 - (d) The M/W/DBE status of each listed individual or business, as classified by the Department of Minority, Women and Disadvantaged Business Enterprises.
 - (2) The reports required under Subsection A(1) shall be created immediately upon the provision of short lists of candidates for further consideration, as required by § 5-905.03 of the Administrative Code. Copies of the reports required under the terms of this section shall be forwarded to the Office of the Chief Executive and the Office of Allegheny County Council within seven days of the date upon which short lists of candidates are provided by the Committee.
 - (3) The Committee shall, with the assistance and cooperation of the Allegheny County Division of Computer Services, create and maintain a Web site upon which the reports required by this section shall be posted immediately upon issuance. Access to this Web site shall be granted to all individuals at no charge.
 - (4) All businesses or individuals submitting proposals which are identified by the Committee for final selection shall receive a letter from the Committee informing them of their continued consideration.
 - (5) All businesses or individuals submitting proposals which are not identified by the Committee for final selection shall receive a letter from the Committee informing them that their proposal will receive no further consideration, together with the reasons for the Committee's decision.
 - (6) The Committee shall, within seven days of the award of any professional services contract or alteration in any term of any professional services contract, provide written notice

describing the award or alteration to the Chief Executive and County Council. Such written notice shall include a delineation of the M/W/DBE status of each party to the awarded or altered contract, as classified by the Department of Minority, Women and Disadvantaged Business Enterprises, as well as a description of the M/W/DBE status of any subcontractors known at the time of the award or alteration. [Added 4-21-2009 by Ord. No. 16-09]

- (7) County Council shall be deemed in receipt of any report required under the terms of this section on the date that such report is received by the Chief Clerk. [Added 4-21-2009 by Ord. No. 16-09]

B. Nothing in this section shall be read to fix, alter, or redefine in any fashion the prerogative of the Chief Executive to enter contracts on behalf of the County, as described in Article V of the Home Rule Charter of Allegheny County, or by other applicable law.

ARTICLE 907

Intergovernmental Purchases

§ 5-907.01. Purchases from state, municipal or authority contracts.

The County may participate in or purchase from purchase contracts entered into by a governmental or quasi-governmental entity.

§ 5-907.02. Purchases from County contracts.

The County shall permit any governmental or quasi-governmental entity to participate in or purchase from contracts for materials, supplies, furnishings, equipment, other personal property and nonprofessional services entered into by the County with its vendors. The Purchasing Officer shall be responsible for drafting and implementing regulations governing the participation of any other governmental or quasi-governmental entity in and the purchase from contracts for materials, supplies, furnishings, equipment or other personal property and nonprofessional services entered into by the County and its vendors.

ARTICLE 909

Revenue-Producing Contracts

§ 5-909.01. Revenue contracts.

Contracts involving the payment of money or monies to the County shall be awarded and made in accordance with the procedures set forth in this Administrative Code unless otherwise provided by the Charter.

§ 5-909.02. Procedures for entering into revenue contracts.

- A. Units of the Executive Branch, County officers, independently elected officials, the courts or the agency proposing the contract shall prepare specifications and/or guidelines that shall be used to award a revenue contract, which shall include but not be limited to:
- (1) Purpose of the contract;
 - (2) Method of payment (flat rate, percentage, minimum payment or percentage, whichever is higher, etc.);
 - (3) Contract term;
 - (4) Quantity and/or quality of service to be provided; and
 - (5) A list of vendor's business references.
- B. Units of the Executive Branch, County officers, independently elected officials, the courts or the agency proposing the contract shall prepare a recommended procedure and criteria to be used in selecting a vendor.
- C. Units of the Executive Branch, County officers, independently elected officials, the courts or the agency proposing the contract shall submit the recommended specifications and/or guidelines and the recommended procedure and criteria to be used in awarding said revenue contract to the Purchasing Officer for review, modifications, if any, and approval.
- D. The Purchasing Officer shall then follow the approved procedure and criteria in selecting a vendor.
- E. The Purchasing Officer shall award said contract in accordance with the aforesaid approved specifications and/or guidelines and the approved procedure and criteria.

§ 5-909.03. Written revenue contract.

All contracts that produce revenue for the County shall be made pursuant to a written contract which shall be in such form and includes such terms as may be required by the County Solicitor and Purchasing Officer and which shall be executed by the Chief Executive or his authorized representative or delegate. Copies of all revenue contracts shall be maintained on file by the County Controller.

§ 5-909.04. Contract modifications and amendments.

- A. The units of the Executive Branch, County officers, independently elected officials, the courts or the agency proposing the revenue contract may submit in writing to the Purchasing Officer a request to modify or amend the revenue contract which shall state the reason for said modification or amendment and how it shall benefit the County, if approved.
- B. The Purchasing Officer, in conjunction with the County Solicitor's Office shall review and provide their recommendation to the Manager for his/her approval.
- C. All said modifications or amendments shall be in writing and executed by the vendor and the Chief Executive or his authorized representative or delegate.

ARTICLE 911

Contracts

§ 5-911.01. Written contracts.

All purchases or rentals of materials, supplies, furnishings, equipment, or nonprofessional services in excess of \$30,000 shall be made pursuant to a written contract. All contracts for the purchase or rental of materials, supplies, furnishings, equipment, professional services, insurance, surety and fidelity bonds, other personal property and nonprofessional services by the County shall be in such form and include such terms as may be specified by the County Solicitor. All purchases or rentals of materials, supplies, furnishings, equipment, professional services, insurance, surety and fidelity bonds, other personal property and nonprofessional services where the cost thereof is less than \$30,000 may be made by note, memorandum, letter agreement or purchase order which shall be in such form and include such terms as may be specified by the County Solicitor.

§ 5-911.02. Execution of contracts.

All contracts for the purchase or rental of materials, supplies, furnishings, equipment, professional services, insurance, surety and fidelity bonds, other personal property and nonprofessional services in excess of \$30,000 by the County shall be executed by the Chief Executive or an authorized representative or delegate. All notes, memoranda, letter agreements or purchase orders for the purchase or rental of materials, supplies, furnishings, equipment, professional services, insurance, surety and fidelity bonds, other personal property and nonprofessional services where the cost thereof is less than thirty thousand dollars \$30,000 shall be executed by the Chief Executive or an authorized representative or delegate.

§ 5-911.03. Specific contract requirements.

- A. Except for agreements entered into with any department, bureau, or agency of the United States government or the Commonwealth of Pennsylvania, unless specifically waived by the County Executive with notification to County Council prior to or contemporaneous with the execution of the agreements, the County shall not enter into any agreement that contains a provision requiring the County to indemnify or hold harmless any person, partnership, association, corporation or other entity.
- B. To the greatest fiscally responsible extent the County shall give preference to American made or American-manufactured products. The Purchasing Officer shall establish guidelines to govern the implementation of a "buy American" policy in the purchase or procurement of materials, supplies, furnishings, equipment or other personal property and nonprofessional services.
- C. To the greatest fiscally responsible extent, the County shall develop and implement a policy to ensure participation by disadvantaged business enterprises.

ARTICLE 912

E-Verification

[Added 7-5-2011 by Ord. No. 12-11]

§ 5-912.01. Definitions.

For the purposes of this article, the following terms shall have the definitions indicated, unless the context clearly requires otherwise:

CONTROLLER — The Allegheny County Controller.

E-VERIFY PROGRAM — The electronic employment verification program created in Public Law 104-208 and expanded in Public Law 108-156, as amended, and jointly administered by the United States Department of Homeland Security and the Social Security Administration, or any successor program designated by the federal government for verification of whether an employee has the necessary employment authorization(s).

CONTRACT —

- A. Any public contract for services between the County and a contractor; or
- B. Any contract or a purchase authorization between the County and a contractor for construction, alteration, improvement, repair, maintenance or demolition of any public building or public work by or on behalf of the County.

CONTRACTOR — A person having a contract with the County, but shall not include vendors who are parties to contracts solely for the sale of goods or other tangible materials to the County.

COUNTY SUBSIDY — Any grant, loan that is forgiven or discounted below the market rate over the life of the loan, bond financing, infrastructure improvements related to a project, below-market sale or lease of property, or other form of financial assistance related to a project with an aggregate value of at least \$100,000, but shall not include an educational or training grant.

KNOWINGLY EMPLOY AN UNAUTHORIZED ALIEN — Shall have the meaning prescribed under the terms of 8 U.S.C. § 1324(a), and shall be interpreted consistently with such section and any federal rules or regulations applicable thereto.

NEWLY HIRED FOR EMPLOYMENT — Hired to work in the United States since the effective date of the contract.

UNAUTHORIZED ALIEN — An alien that is not authorized to be employed within the United States pursuant to the terms of 8 U.S.C. § 1324a(h)(3), and shall be interpreted consistently with such section and any federal rules or regulations applicable thereto.

§ 5-912.02. Verification and certification of employment eligibility under County contracts and County-subsidized projects.

- A. Prior to executing a contract, each prospective County contractor or contractor desiring to work on a County-subsidized project shall certify that, at the time of the certification, it does not knowingly employ or contract with an unauthorized alien who will perform work under the contract and that

the contractor will participate in the e-verify program in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the contract.

- B. Each contract shall include a provision that the County contractor or contractor desiring to work on a County-subsidized project shall not:
- (1) Knowingly employ or contract with an unauthorized alien to perform work under any contract, whether with the County or County-subsidized entity; or
 - (2) Enter into a contract with a subcontractor that fails to certify to the contractor that the subcontractor shall not knowingly employ or contract with an unauthorized alien to perform work under the contract with the County or County-subsidized entity.
- C. Each contract with the County or contractor desiring to work on a County-subsidized project shall include the following provisions:
- (1) A provision stating that the contractors have confirmed the employment eligibility of all employees who are newly hired for employment to perform work under the contract through participation in the e-verify program;
 - (2) A provision that prohibits the contractors from using the e-verify program procedures to undertake pre-employment screening of job applicants while the contract is being performed and that otherwise requires the contractor to comply with any and all federal requirements related to use of the e-verify program, including, but not limited to, all program requirements related to employee notification and preservation of employee rights;
 - (3) A provision requiring that, if the contractors desiring to work or working on a County-subsidized project obtain actual knowledge that a subcontractor performing work under the contract knowingly employs or contracts with an unauthorized alien, the contractors shall be required to:
 - (a) Notify the subcontractor and the County within three days that the contractor has actual knowledge that the subcontractor is employing or contracting with an unauthorized alien; and
 - (b) Terminate the subcontract with the subcontractor if, within three days of receiving the notice required pursuant to Subsection C(3)(a), the subcontractor does not stop employing or contracting with the unauthorized alien; except that the contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an unauthorized alien.
 - (4) A provision that requires the contractor to comply with any reasonable request by Controller made in the course of an investigation that the Controller is undertaking pursuant to the terms of this article.
- D. If a contractor violates a provision of the contract required pursuant to Subsection B or C of this section, the County may terminate the contract for a breach of the contract. If any contract is so terminated, the contractor or entity to which the County subsidy is provided shall be liable for actual and consequential damages to the County. Any such termination of a contract due to a violation of this section may also, at the discretion of any County department or agency responsible

for soliciting contract bids and proposals or any County department or agency responsible for awarding County subsidies, constitute grounds for disqualifying the violator from submitting bids or proposals for future contracts with the County, working on future County-subsidized projects, or from receiving future County subsidies.

§ 5-912.03. Verification and certification of employment eligibility for entities receiving County subsidies.

Any entity receiving a County subsidy that is equal to or greater than the aggregate of \$100,000 shall provide a list of the contractors or subcontractors on the County-subsidized project to the County and Controller. Any and all of these contractors shall meet all the verification and certification requirements under this article. The entity shall also notify the general contractor(s) on the County-subsidized project to make sure the general contractor(s) is aware of the requirements of this article as well as any all other contractors and subcontractors. A failure of the entity to which a County subsidy is provided to meet either of these requirements may, at the discretion of the County Manager, result in the entity being subject to the provisions of § 5-912.02D.

§ 5-912.04. Powers of Controller.

- A. The Controller shall receive complaints of suspected violations of a provision of a contract required pursuant to the terms of § 5-912.02, and shall have discretion to determine which complaints, if any, are to be investigated.
- B. The Controller may investigate whether a contractor is complying with the contract provisions required pursuant to the terms of § 5-912.02. During such investigation, the Controller may inspect, audit or examine any and all documents, records, books, correspondence and other evidence, including on-site inspections pertaining to the citizenship of any person performing work on the contract, or take any other reasonable steps that are necessary to determine whether a contractor is complying with the provisions of the contract required pursuant to the terms of § 5-912.02.
- C. The Controller shall notify the head of the department or agency responsible for administering the contract if the Controller suspects that there has been a breach of a provision in the contract required pursuant to § 5-912.02.

§ 5-912.05. Reporting requirements.

If any contract is terminated pursuant to § 5-912.02D, the head of the department or agency administering the contract shall report the termination to the Immigration and Customs Enforcement Division of the United States Department of Homeland Security or its successor agency.

§ 5-912.06. Compliance with federal law.

- A. The County shall not deem a contractor, subcontractor, or entity to which a County subsidy is provided to be in material breach of a contract if such entity establishes that it has complied with the employment verification provisions prescribed by federal law and the e-verification requirement prescribed by this article.

- B. When investigating a complaint, performing an audit, or otherwise enforcing the requirements of this article, the County shall not attempt independently to make a final determination on whether an employee is authorized to work in the United States, recognizing that any such determination must be made by federal officials in accordance with federal law.
- C. A contractor or entity to which a County subsidy is provided that establishes that it has complied in good faith with the employment verification requirements set forth in federal law and the e-verification requirements set forth in this article shall, in any action to enforce the requirements of this article, have an affirmative defense that the employer did not knowingly employ an unauthorized alien.
- D. Nothing in this article shall be construed as requiring a contractor or entity to which a County subsidy is provided to violate any terms of participation in the e-verification program.

§ 5-912.07. No private right of action.

Nothing contained within this article shall be construed to create any private right of action for enforcement of its provisions or to authorize any person to file suit to recover damages or seek equitable relief for any violation of the terms of this article.

ARTICLE 913

Public Works Contracts

§ 5-913.01. Public works defined.

As used in this article, the term "public works" shall mean any structure, building, monument, highway, road, guide way, trail, viaduct, culvert, park grounds, park shelter, comfort station, facility or other betterment, work, improvement or facility, whether of a permanent or temporary nature, which is owned by the County.

§ 5-913.02. Supervision over public works contracts.

- A. Notwithstanding any other provision of this Article to the contrary, the Department of Public Works, through its Division of Engineering and Construction, shall be responsible for the letting and administration of all contracts involving the construction, reconstruction, alteration, repair and improvement of Public Works, including contracts for which funding has been provided in whole or in part by the United States Government and/or the Commonwealth, for the construction, reconstruction, alteration, repair and improvement of a Public Work.
- B. The Division of Engineering and Construction may utilize the professional services of architects, engineers and such other technical consultants that it deems necessary in order to carry out its duties and responsibilities for the supervision of County public work's contracts subject to the provisions of §§ 5-903.01 and 5-905.03 of this Administrative Code.
- C. The County Controller shall attend all prebid conferences, perform inspection of work in progress, and make final inspections prior to the release of final payment on all Public Works projects.

§ 5-913.03. Public works contracts rules and procedures.

- A. With the assistance of the Division of Purchasing and Supplies, the Division of Engineering and Construction shall prepare and adopt rules and procedures covering the operation and administration of Public Works contracts. Such rules and regulations shall include but shall not be limited to the following:
 - (1) Preparation of specifications, including special terms and provisions;
 - (2) Standardization of contract procedures in both competitive and noncompetitive contracts;
 - (3) Bidders lists;
 - (4) Preparation of bid documents;
 - (5) Disadvantaged business enterprise utilization;
 - (6) Tabulation of bids subject to the verification of the tabulation by the County Controller;
 - (7) Award of contracts;
 - (8) Administration and oversight of awarded contracts;
 - (9) Inspection of work in progress;
 - (10) Liquidated damages, delay damages and interest payments;

- (11) Final inspection;
- (12) Interim and final payment to contractors; and
- (13) Final closeout.

B. The rules and procedures governing the operation and administration of contracting for Public Works shall be set forth in a written Public Works Contracting Manual. The Public Works Contracting Manual shall be prepared, reviewed and periodically revised by the Division of Engineering and Construction and the Purchasing Officer in consultation with the Department of Law, and shall be finally approved by the Director of Administrative Services.

§ 5-913.04. Compliance with Steel Products Procurement Act.

Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of Public Works shall comply with the provisions of the Act of March 3, 1978 (No. 3), known as the "Steel Products Procurement Act" and shall comply with the provisions of August 15, 1961 (P.L. 97) as amended, known as the "Pennsylvania Prevailing Wage Act."

§ 5-913.05. Execution of public works contracts.

Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of Public Works shall be executed by the Chief Executive or an authorized representative or delegate.

ARTICLE 914

Clean Construction

[Added 6-10-2020 by Ord. 16-20]

§5-914.01. Definitions.

The following words and phrases shall have the meanings provided herein, except when context and usage clearly indicate otherwise:

- A. Authorized Partner means an entity that enters into a written contract with Allegheny County to work with the County and/or on its behalf on a County Construction Project, as defined in Subsection D. For purposes of this Chapter, Authorized Partner is not meant to include another governmental entity.
- B. Best Available Retrofit Technology (“BART”) means technology verified by the United States Environmental Protection Agency (“US EPA”) or the California Board Resources Board (“CARB”) that achieves reductions in particulate matter emissions at the highest classification level for verified diesel emission control strategies for particulate matter (VDECS) and is applicable to a particular engine and application. Such technology shall not result in a net increase in nitrogen oxides.
- C. County Asset means existing County-owned or County-controlled property or property to be built by or for the County, including but not limited to a building, structure, tunnel, excavation, roadway, park, or bridge involved in a County Construction Project.
- D. County Construction Project means a stand-alone construction project having a total cost of Two million, five hundred thousand dollars (\$2,500,000.00) or more, involving the abatement, construction, demolition, rehabilitation, renovation, restoration, or repair of any County Asset or the preparation or close-out work pertaining to any project involving a County Asset. The term is not intended to include fixed-price, fixed-term, indefinite quantity County contracts, such as general asphalt paving or milling. The term shall include an otherwise eligible project involving a County Asset that is undertaken in whole or in part by an Authorized Partner pursuant to a written contract with the County.
- E. Covered Contract means a contract awarded by the County or an Authorized Partner for a County Construction Project.
- F. Covered Contractor means any entity or person who: 1) enters into a Covered Contract with the County; 2) enters into a Covered Contract with an Authorized Partner; or 3) enters into a contract with a prime contractor (i.e. another Covered Contractor) to perform construction work related to County Construction Project.
- G. Waiver means a waiver granted to Contractors to allow otherwise Covered Equipment to be excused from some or all of the requirements of this Article, granted pursuant to the procedures established herein.
- H. Covered Equipment means Non-road Construction Equipment or On-road Vehicles subject to the provisions of this Article.
- I. Non-road Construction Equipment means a vehicle or equipment that is powered by a diesel engine fifty (50) horsepower and greater, and that is not a motor vehicle or a vehicle used solely for competition, which shall include, but not be limited to, backhoes, bulldozers, compressors, cranes,

excavators, generators, and similar equipment; non-road vehicles do not include locomotives or marine vessels. Non-road Construction Equipment does not include a stationary source, except that this term shall apply to diesel-powered Stationary Generators, compressors, or similar equipment used in any County Construction Project.

- J. On-road Vehicle means a self-propelled vehicle designed for transporting persons or property on a street or highway that operates on diesel fuel and that has a gross vehicle weight rating of fourteen thousand (14,000) pounds or more. For purposes of this Article, On-road Vehicle requirements shall only be applicable to concrete delivery trucks and dump trucks.
- K. Solicitation means any process used to communicate procurement requirements and to request responses from interested vendors or contractors.
- L. Stationary Generator means a non-mobile machine that uses diesel fuel to produce electrical energy.
- M. Ultra-low sulfur diesel fuel means diesel fuel that has a sulfur content of no more than fifteen (15) parts per million.

§5-914.02. Applicability and costs of compliance.

- A. On and after January 1, 2021, any Solicitation(s) for County Construction Project(s) and all Covered Contracts entered into as a result of such Solicitation shall include a requirement that all Contractors must meet the applicable requirements of this Article. The County will also include a requirement for compliance with the terms of this Article in contracts with Authorized Partners working on County Construction Projects.
- B. All incremental equipment retrofitting and/or installation costs necessary to meet the requirements imposed pursuant to this Article shall be the responsibility of the selected Covered Contractors. No additional time or monies will be granted to the Covered Contractor(s) for compliance with the requirements imposed pursuant to this Article or any rules, regulations, policies, or contract terms promulgated pursuant to this Article.

§5-914.03. Required use of ultra low sulfur diesel fuel and best available retrofit technology; waiver; exemptions.

- A. In the performance of a County Construction Project as defined herein, a Covered Contractor shall, as of January 1, 2021:
 - (1) Use ultralow sulfur diesel fuel in diesel-powered Covered Equipment on the applicable project site; and
 - (2) Comply with the following requirements:
 - (a) Install the applicable BART as required in any County Regulations promulgated pursuant to the terms of this Article; and

- (b) Not operate any diesel Covered Equipment on a project site unless that Covered Equipment has installed the BART that is properly maintained and operational and such compliance has first been verified by the County.
- B. A Covered Contractor may apply for a Waiver from the Department of Public Works for specified equipment or vehicles under conditions set forth in the Regulations authorized under the terms of §5-914.05 of this Article.
- C. BART will not be required under this Section for non-Covered Equipment with engines of less than 50 horsepower; Construction Equipment used for emergency responses and/or vehicles used exclusively for snow removal; and for vehicles with engines using gasoline rather than diesel fuel as further set forth in the Regulations authorized under the terms of §5-914.05 of this Article.

§5-914.04. Compliance and Enforcement

- A. In the Regulations promulgated pursuant to §5-914.05 of this Article, the Director of the Department of Public Works is authorized to include specific requirements for Contractor-reporting of compliance with the BART required in this Section and for on-site inspections by the County.
- B. Each Solicitation by the County for a County Construction Project subject to this Article, each Covered Contract entered into as a result of such Solicitation and each contract between the County and an Authorized Partner relating to a County Construction Project shall include provisions authorizing enforcement of the requirements of this Article.
- C. Violations of any of the requirements of this Article as inserted in the applicable contract shall be deemed to be a material breach of that contract, and the County shall have available all remedies resulting from such a breach, including but not limited to liquidated damages if set forth therein.
- D. In addition to any applicable contractual remedies for breach, any person who knowingly makes a false statement of material fact to the County with respect to compliance with any of the requirements set forth in this Article shall be subject to a fine of up to \$300.00 for each such false statement.

§5-914.05. Regulations.

No later than October 1, 2020, the Director of the Department of Public Works shall develop regulations implementing the provisions of this Article. These regulations shall be submitted to Council for approval in the form of a resolution, and shall become effective on the date of final approval of such resolution. Upon approval, the regulations promulgated pursuant to the terms of this Section shall be posted on the County's website, made a part of all Solicitations, and incorporated into all applicable Covered Contracts and applicable contracts with Authorized Partners.

§5-914.06. Annual reporting.

The County Controller shall provide County Council, the Chief Executive, and the County Manager with an annual report that includes the number of pieces of Covered Equipment retrofitted in compliance with this Section. Such report shall be provided no later than December 31 of any calendar year.

§5-914.07. Scope.

This Section shall not apply to any contracts to the extent that the requirements imposed by this section are inconsistent with procedures or standards required by any law or regulation of the United States or the Commonwealth of Pennsylvania to the extent such inconsistency is not permitted under the home rule powers of the County.

ARTICLE 915

Transfer of County Work

§ 5-915.01. Policy.

- A. It shall be the policy of Allegheny County in contracting out services performed by County employees to any private or non-County entity, that this be done in a manner which is fully accountable to and serves the public interest and provides quality public services.
- B. Services or work that is presently performed by County employees shall not be transferred to any private or non-County entity unless an appropriation for such services or work has been approved by County Council.
- C. When proposing the transfer of services or work to a private or non-County entity, the Chief Executive shall present to Council for consideration;
 - (1) Full cost of contracts, including transition costs, costs of mandatory auditing and monitoring;
 - (2) Evaluation of the potential for improvements of services and/or a determination of cost savings;
 - (3) Examination of the proposed non-County entity to assure its ability to perform, past performance and compliance with applicable federal, state, and local laws;
 - (4) The impact of such action on existing County employees; and
 - (5) Assurances of access to information to permit periodic assessments of the performance of services and/or determination of cost savings by such non-County entity.
- D. There shall be no transfer of work or duties from existing County employees to any private or non-County entity without the prior advice, consent and approval of County Council.

§ 5-915.02. Prevailing wages.

It shall be County policy that in any Tax Increment Financing (T.I.F.) in which the County is a participant, the County's portion of the T.I.F. shall be used only to finance and build the public works infrastructure portion of the project. Infrastructure construction is subject to the provisions of the Act of August 15, 1961 (P.L. 987) as amended, known as the "Pennsylvania Prevailing Wage Act."

ARTICLE 917
Economic Policy

§ 5-917.01. Prevailing wages.

In order to assure a fair wage being paid to employees any portion of a project financed with public funds and built as a result of Tax Increment Financing (T.I.F.) shall comply with the provisions of the Act of August 15, 1961 (P.L. 987) as amended, known as the "Pennsylvania Prevailing Wage Act."

§ 5-917.02. Goals and objectives.

- A. It shall be the goal of Allegheny County to promote living wages for all employees supported by tax dollars.
- B. It shall be the goal of Allegheny County to operate under a balanced budget.
- C. It shall be the goal of Allegheny County to provide the best services possible in a cost-effective manner.
- D. It shall be the goal of Allegheny County to apply a substantial portion of its annual budget to long-term capital investment to enhance the quality of life in Allegheny County.
- E. It shall be the goal of Allegheny County to protect and enhance the natural resources and environment of Allegheny County.
- F. It shall be the goal of Allegheny County to keep taxes as low as reasonably possible.

ARTICLE 919

Mental Retardation/Development Disabilities Reporting
[Added 5-17-2006 by Ord. No. 10-06]

§ 5-919.01. Policy.

- A. It shall be the policy of Allegheny County that persons with mental retardation have the same rights and should be afforded the same opportunities to live, work, and find recreation in the same environments as other Allegheny County citizens.
- B. In keeping with the principles of the Department of Human Services, all services will be high quality, readily accessible, strengths-based, culturally competent, individually tailored and empowering, and holistic.
- C. Assuring that consumers, families, and workers within the County are afforded sufficient information to make informed choices about where to seek services, to assess the health of the community-based system, and to participate in ongoing discussions about system transformation shall be a priority of the County.

§ 5-919.02. Definitions.

The following words and phrases, when used in this article, shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

COMMUNITY-BASED MR SYSTEM — Pennsylvania's County-run mental retardation service system established by the 1966 Mental Health and Mental Retardation Act.

CONSUMER — An individual who is registered with the County mental retardation program or who receives supports or services from facilities licensed by the Department of Public Welfare's Office of Mental Retardation, or both.

DIRECT CARE WORKER — Workers in the Community-Based MR System whose primary contact is with consumers of services. This term shall also apply to those employees who are designated as Specialist Assistant 1, 2, 3 or 4 within the personnel action plan filed with the County.

INTEGRATED EMPLOYMENT — Employment of a person with a developmental disability where the employer is not related to the pre-vocational facility; sometimes called "competitive employment."

PROVIDER — An entity that receives funds pursuant to a contract with Allegheny County, specifically with the Allegheny County Department of Human Services, either directly or indirectly, to provide or secure supports or services for individuals authorized to receive services from a County mental retardation program.

VOCATIONAL FACILITY — A premises in which rehabilitative, habilitative, or handicapped employment or employment training is provided to one or more disabled clients for part of a twenty-four-hour day, as defined by 55 Pa. Code. Chapter 2390.

§ 5-919.03. Availability of information.

- A. The Department of Human Services shall make the following information, as it pertains to providers under contract with the Office of Mental Retardation/Developmental Disabilities, available to the public, both as hard copies upon request and through posting to the County's Web site, beginning no later than January 1, 2007:
- (1) A copy of the application for admission of new providers filed by each provider with whom the Department contracts;
 - (2) A copy of each workstatement document prepared by each provider with which the Department contracts;
 - (3) A copy of each departmental on-site review and monitoring report completed by the Department for any provider with whom the Department contracts, together with supporting documents, including, but not limited to, the provider's personnel action plan;
 - (4) A copy of all universal Allegheny County Supplemental Schedules completed by any provider with whom the Department contracts;
 - (5) A copy of all findings of noncompliance and questioned costs prepared by or at the request of the Department pertaining to any provider with whom the Department contracts;
 - (6) A copy of all corrective action plans in the possession of the Department pertaining to any provider with which the Department contracts;
 - (7) A copy of all County incident management reports filed in accordance with the requirements of 55 Pa. Code § 6000.985; and
 - (8) Any information regarding staff turnover and salary of the provider's chief executive officer or individual with equivalent duties, submitted by providers for inclusion, provided that such submissions are entirely voluntary.
- B. Each document referenced by this section may, only to the extent required by applicable law, be redacted in order to prevent the disclosure of information that would permit the identification of individual employees of or individuals receiving services from any provider.

§ 5-919.04. Provider reports.

In addition to the documents delineated in § 5-919.03, the Department of Human Services shall also generate and make available to the public, both in hard copy upon request and through posting to the County's Web site, beginning no later than January 1, 2007, a provider report summarizing the data available to the County for each provider under contract with the Office of Mental Retardation/Developmental Disabilities, which shall include the following:

- A. General information:
- (1) Provider's name, business address, and telephone number;
 - (2) Contact person and phone number;
 - (3) Name of program, type of service provided, and goals of program; and
 - (4) Hours of operation, licensed consumer capacity, and current consumer enrollment.

- B. Business information:
- (1) A copy of the provider's Allegheny County Supplemental Schedule of Functional Expenditures by Cost Center;
- C. Vocational facilities data:
- (1) Number of consumers working in vocational facilities; and
 - (2) Number of consumers in previous year who moved from vocational facilities to integrated employment.
- D. Information submitted voluntarily by the provider:
- (1) Annual aggregate turnover rate amongst provider's direct care workers employed to provide contracted services;
 - (2) The salary of the provider's chief executive officer or individual with equivalent duties;
 - (3) For providers not supplying information under Subsection D(1) or (2), the Department shall note "Provider supplied no information" on the topic(s) to which it applies in its summary.
- E. Incident information:
- (1) The number of Home and Community Services Information System (HCSIS) incident reports that have been reviewed and approved by the County as described in 55 Pa. Code § 6000.971 for which investigation was required, broken into incident categories consistent with 55 Pa. Code § 6000.925; and
 - (2) A statement to be drafted by the Department explaining the relevance and appropriate use of incident data, noting the possibility for variable interpretations of incident data, and directing the consumer to other sources, including the provider and the consumer's supports coordinator, for additional information;
 - (3) In all information released to the public, names of consumers and other information by which a consumer could be identified, as well as confidential health information as defined by the Health Insurance Portability and Accountability Act (HIPAA), shall be removed or struck out by the County prior to release to the public.

§ 5-919.05. Notice to public.

- A. Notice of the availability of provider reports and their location shall be made available for posting at vocational rehabilitation centers located in Allegheny County, at Intermediate Service Coordination Units (ISCUs), offices of Pennsylvania Protection and Advocacy, and in the appropriate transition planning offices of area school systems and charter schools.
- B. All provider reports, both in hard copy and those made accessible on the Web site, shall remain accessible as public documents for a period of three years.

ARTICLE 921

Sustainable and Socially Responsible Procurement
[Added 2-3-2023 by Ord. 04-23]

§5-921.01. Definitions.

The following words and phrases shall have the meanings established within this Section, unless the context clearly indicates to the contrary:

- A. APPROPRIATE SUSTAINABILITY STAFF – any County staff member(s) designated by the Allegheny County Manager to fulfil the functions assigned under the terms of this Ordinance.
- B. COUNTY OF ALLEGHENY or COUNTY - the independently elected officials and employees of Allegheny County.
- C. ENVIRONMENTALLY PREFERABLE PRODUCT – a product or service that has a lesser effect on the environment and human health when compared with competing products, as identified pursuant to the terms of §921.04.
- D. LIFE CYCLE ASSESSMENT or LCA - a comprehensive inspection of a product's environmental impacts through its lifetime, including the extraction of the material, transportation, manufacturing, use, and disposal.
- E. LIFE CYCLE COST ASSESSMENT or LCCA - the accounting of the total cost of ownership, including initial costs, operational and energy costs, durability, performance, and disposal costs.
- F. PRACTICABLE - sufficient in performance and available at a reasonable price.
- G. RECYCLABLE PRODUCT - a product which, after being used, can mostly be diverted from the County's solid waste stream for use in the production of another product.
- H. RECYCLED MATERIAL - material that has been diverted or recovered from solid waste, and used in place of raw virgin material in producing a product. It is made from post-consumer recycled material, industrial and manufacturing waste, and other waste material.
- I. SOCIALLY RESPONSIBLE PROCUREMENT - a framework of measurable policies and procedures and resulting behavior designed to benefit the workplace and, by extension, the individual, the organization, and the community.
- J. SOCIALLY RESPONSIBLE PRODUCT - a product or service provided by a supplier that works to advance the outcomes of inclusion, diversity, equity and well-being.

- K. SUSTAINABILITY PROFILE – a statement provided as part of the formal and nonformal procurement processes by prospective vendors of goods or services, describing their policies, practices, and/or history of success in providing environmentally preferable products and/or socially responsible products in sustainable and/or socially responsible procurement processes. Information submitted to the Department of Equity and Inclusion during the County’s DBE certification program shall be deemed part of a vendor’s Sustainability Profile.
- L. SUSTAINABLE PROCUREMENT - buying products and services that have a lesser effect on the environment and human health when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
- M. VIRGIN MATERIAL - any material occurring in its natural form that has not been used as material in any product prior to use. Virgin material is used in the form of raw material in the manufacture of new products.

§5-921.02. Interpretation.

- A. Nothing contained within this Article shall be construed or otherwise interpreted to:
 - 1. Require that a department or office procure products that do not perform adequately or are not available at a reasonable price and/or in a reasonable time period; or
 - 2. Abrogate or alter any existing procurement procedure that is required by applicable Federal or Commonwealth law.
- B. The requirements of this Article shall apply to both the formal (as established in Article 903) and nonformal (as established in Article 905) procurement processes for both goods and services.

§5-921.03. General requirements.

The County of Allegheny shall:

- A. Procure environmentally preferable products where criteria have been established by governmental or other recognized authorities, as recommended by the County’s appropriate sustainability staff.
- B. Consider the following purchasing guidelines when criteria have not been established by governmental or other recognized authorities:
 - 1. Replace disposable products with reusable and/or recyclable products;
 - 2. Support companies that focus on reducing consumption and/or perform eco-labeling by buying products with such labels in preference to others, when practicable;
 - 3. Evaluate, when appropriate, the environmental performance and social responsibility of vendors ; and

- 4. Any other guideline as recommended by the County's appropriate sustainability staff.
- C. Take into account the Life Cycle Assessment (LCA) and Life Cycle Cost Assessment (LCCA) of the products that it purchases;
- D. Work to raise staff awareness about the requirements of this section of Code, as well as environmental and social issues surrounding procurement through training and education programs;
- E. Comply with all regulatory and environmental requirements in procuring products and services.

§921.04. Environmentally preferable product identification.

All County departments and offices shall identify and purchase the most environmentally preferable products and services that are practicable. Factors that should be considered when determining environmentally preferable goods and services include, but are not limited to:

- 921. Minimization of virgin material used throughout life cycle;
- B. Maximization of recycled material;
- C. Reuse or repurposing of existing products or materials;
- D. Product recyclability;
- E. Minimization of packaging;
- F. Reduction of energy and water consumption during manufacturing and the operational use of the product;
- G. Toxicity reduction or elimination;
- H. Sustainable forestry practices for all wood and paper products;
- 921. Durability and maintenance requirements;
- J. Reduction in transportation distance to reduce carbon emissions;
- K. Ultimate disposal of the product; and
- L. Any other factor as recommended by the County's appropriate sustainability staff.

§5-921.05. Procurement evaluation.

The County Division of Purchasing staff and individual departmental and independently elected official office personnel who have purchasing authority shall work with the County's appropriate sustainability staff to:

- A. Evaluate each requested product or service to determine the extent to which specifications could include an environmentally preferable and/or socially responsible option;
- B. Make certain that contracts issued by the procurement office and individual agents include environmentally preferable and/or socially responsible products when practicable; and
- C. Ensure to their best ability that all purchases have been made with all guidelines contained within this Article in mind.

§5-921.06. Bid solicitation requirements.

The County's Division of Purchasing staff and individual departmental and independently elected official office personnel who have purchasing authority shall:

- A. Include in all bid and/or quotation solicitations issued under the terms of Article 903 or 905 of this Administrative Code a requirement for vendors to provide a Sustainability, ~~Diversity and Inclusion~~ Profile as part of their proposal submission(s); and
- B. Ensure that each prospective vendor's Sustainability Profile is given weight and considered during the evaluation process; and

§5-921.07. Vendor reporting.

All County-approved vendors providing goods or services to the County via the formal and/or nonformal procurement process(es) shall report the County's purchases on an annual basis in terms of environmental performance and social responsibility. A form for completing this process shall be developed and made available electronically by the Chief Purchasing Officer.

§5-921.08. Specifications.

The Division of Purchasing staff and individual departmental and independently elected official office personnel who have purchasing authority shall work with the County's appropriate sustainability staff to include the following requirements in their solicitations, to the extent that the requirement(s) apply to a given procurement, to the extent reasonable and practicable:

- A. Office and Operational Supplies
 - 1. Paper -All paper products, when reasonable and practicable, must achieve Forest Stewardship Council Certification or other best available certification, and contain a minimum of thirty (30) percent post-consumer recycled content and must be processed chlorine-free. Vendors must certify that papers meet these post-consumer content and chlorine-free specifications. Vendors shall be encouraged to provide products that contain a higher percentage of post-consumer content than the thirty (30) percent minimum.

2. Styrofoam-Polystyrene Foam - Styrofoam products shall not be purchased for food or drink. Food service providers/caterers shall be strongly encouraged to eliminate the use of Styrofoam when catering County events. Goods with the least amount of Styrofoam packaging in comparison to competing brands shall be purchased when reasonable and practicable.
3. Single Use Plastics - Single use plastic products, such as plastic bags, plastic drinking containers and straws, and cutlery shall not be purchased when reasonable and practicable.
4. Packaging - Products with reusable, recyclable, compostable, and/or minimal packaging shall be purchased when reasonable and practicable.

B. Facilities and Construction Materials

1. Lighting - When reasonable and practicable, interior and exterior lighting shall be replaced with energy-efficient lighting using light-emitting diodes (LED) and/or the best available technology and shall adhere to dark sky lighting principles to the extent practicable where appropriate.
2. Water Fixtures - When reasonable and practicable, the most water efficient fixtures shall be purchased. These include, but are not limited to: low-flow faucets and showerheads, aerators, high performance toilets, and waterless urinals. Use of plumbed water filter dispensers should be used where practicable in all County facilities.
3. Wood Products - When reasonable and practicable all wood and wood contained within purchased products shall meet standards equivalent to, or stricter than, those of the Forest Stewardship Council certification.
4. Heating and Cooling Equipment - All heating, cooling, and ventilation equipment shall contribute to the goal of net zero energy efficiency in any major rehabilitation, maintenance, and/or new construction when reasonable and practicable. All efforts shall be made to purchase the most energy-efficient equipment available, with the most recent efficiency functions.
5. Cleaning supplies - When reasonable and practicable, certified green cleaning products and supplies, or best available certified products are preferred.
6. Cleaning equipment - When reasonable and practicable, to reduce and prevent injury, low VOC emitting and ergonomically appropriate equipment such as, but not limited to, sprayers, mops, dusters, blowers, mowers, brooms, vacuums, cleaners, toters, shovels, and spreaders should be replaced with or equipped with the appropriate air pollution filters or equipment upgrades, hand grips, wheels, and mounts designed to reduce exposure to volatile organic compounds (VOCs), fine particulate matter (PM 2.5), excessive knee, back, elbow, and/ or hand strain.
7. Recycling - Ensure staff and suppliers are educated and supplied with recycling receptacles for paper, cardboard, paperboard, plastics, cans, and bottles in accordance

with the County's current recycling guidelines as established by the Department of Sustainability. Facilities Management must be notified to collect hard to recycle items such as televisions, batteries, and non-LED lightbulbs (such as fluorescent and compact fluorescent (CFL) lightbulbs).

C. Electronics

1. All energy-using products purchased by the County shall meet the U.S. EPA Energy Star certification, an international standard for energy efficient consumer products, when practicable. When Energy Star products are unavailable, purchasing units shall buy products that meet the best available certification.
2. The purchase of all computers and monitors shall take into consideration the criteria established by the Electronic Product Environmental Assessment Tool (EPEAT), an evaluation tool Institute of Electrical and Electronics Engineers Family of Standards for Environmental Assessment of Electronic Products. All purchases of such equipment shall reach, at minimum, bronze designation contained in the IEEE 1680 Standard for the Environmental Assessment of Personal Computer Product, when reasonable and practicable, as specified at: <http://www.epeat.net>.
3. All copiers and printers purchased shall be compatible with recycled content and remanufactured products, and shall be programmed by the Department Information & Technology to automatically copy/print double-sided, to the extent possible.
4. The Departments of Information & Technology shall periodically consult with the Department of Sustainability to update the County's plan for recycling electronics.

§5-921.09. Additional departmental duties and requirements.

- A. The Department of Sustainability shall work towards procurement of carbon-free energy to offset County electricity consumption, with a goal of 100% carbon-free electricity by 2028.
- B. Departments, offices and divisions involved in the procurement of fleet or County-owned vehicles shall work in cooperation with the Department of Sustainability in such procurements, and shall procure electric or sustainably fueled fleet vehicles where the technology exists and where reasonable and practicable.
- C. The Department of Sustainability shall develop policies governing procurement of electric or sustainably fueled landscaping and other equipment and tools, where the technology exists and where reasonable and practicable.
- D. The Department of Sustainability shall explore alternative surfacing and other construction materials to work towards incorporating recyclable, cooling, permeable and other best practices.
- E. The Department of Sustainability shall review departmental purchases annually for EPP compliance and compliance with this policy. The Department of Sustainability shall work with each department and various contracting agencies in order to improve EPP purchases.

- F. The Office of the County Manager shall implement a public-facing website to track the County's progress toward its sustainable procurement goals.
- G. The County Manager shall comprehensively review the County's progress toward more energy-efficient and environmentally friendly procurement no less than once every three (3) years. Upon completion of such review, the County Manager shall provide a report to the Chief Executive and County Council proposing necessary and/or recommended amendments or additions to the provisions of this Article.

Part 10
Personnel

ARTICLE 1001

Allegheny County Personnel System

§ 5-1001.01. Scope.

The Personnel System shall cover all employees under the jurisdiction of the County Officers unless otherwise provided by the Allegheny County Home Rule Charter, this Administrative Code, or other applicable law.

§ 5-1001.02. Function.

Consistent with all applicable laws and contracts, the County Manager shall prepare and administer a unified personnel system for Allegheny County. Such system shall be based on merit principles and, to the extent possible, shall be designed to meet all of the merit system requirements established by the federal and state governments for the receipt of federal and state funds.

§ 5-1001.03. Merit principles and objectives.

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:

- A. 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.
- B. 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.
- C. Providing fair and competitive compensation and benefits for all employees.
- D. Training and developing employees to assure continuing high quality performance.
- E. 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.
- F. 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.
- G. Establishing high standards of integrity, conduct, and concern for the public interest.
- H. Protecting employees from political coercion.

§ 5-1001.04. Division of responsibility.

The basic duties and responsibilities associated with the structuring and functioning of the County personnel system shall be divided among the Chief Executive, the County Manager, Human Resources Director, the Controller and the County Personnel Board, as follows:

- A. Chief Executive. The Chief Executive shall monitor the efficiency and effectiveness of the personnel system, and the faithful execution of the merit concept called for in the Charter and this Administrative Code.
- B. County Manager. The County Manager shall:
 - (1) Oversee the implementation of a merit personnel system and other personnel provisions mandated by the Charter and this Administrative Code;
 - (2) Establish overall personnel policies; and
 - (3) Give final approval to the personnel rules and regulations developed by the Human Resources Director.
- C. Human Resources Director. The Human Resources Director shall be prepared through education and experience in the field of human resources management to assume the duties and responsibilities of the office. The Human Resources Director shall:
 - (1) Plan, organize, direct and control the day-to-day operations of the Human Resources Division;
 - (2) Develop and recommend to the Manager the policies and the rules and regulations that will govern the personnel system and which are needed to fully implement the personnel provisions of the Charter and this County Administrative Code, including the merit principles and objectives as set forth in the Charter;
 - (3) Develop an operating manual for the Human Resources Division, which shall guide the day-to-day functioning of the office;
 - (4) Determine and recommend to the Manager the structure of the Human Resources Division (e.g. offices or bureaus, and the respective duties of each);
 - (5) Determine and recommend staffing requirements for the Human Resources Division;
 - (6) Develop and implement the recruitment and examination function of the personnel system;
 - (7) Develop and implement a position classification and a pay plan;
 - (8) Handle such employment complaints as are not within the scope of the Personnel Board or other grievance procedures, to include appropriate investigation and referral;
 - (9) Prepare a quarterly report for the Chief Executive, County Council and Manager regarding the work of the Department and such other periodic reports as the Manager requires;
 - (10) Coordinate personnel functions with other Departments and operations; and
 - (11) Perform such other duties as may be assigned or delegated by the Manager or Director of the Department of Administration.
- D. Controller. The Controller shall maintain the payroll system relative to required additions, deletions, and changes in individual positions.

E. Personnel Board. The Personnel Board:

- (1) May hear appeals of Career Service employees not covered by collective bargaining involving demotions, dismissals and suspensions in excess of three days. Terminations during or at conclusion of probationary period may not be appealed;
- (2) 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;
- (3) Shall hear complaints regarding violations of the merit principles set forth in this Administrative Code;
- (4) Shall monitor the faithful execution of provisions governing the career service, and report any abuses to the Manager; and
- (5) 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.

ARTICLE 1003
County Career Service

§ 5-1003.01. Composition of County Career Service.

- A. The County Career Service shall be a permanent service to which the provisions of this article shall apply. It shall comprise all positions in the County Government now existing, or hereafter established, excluding exempt categories of personnel.
- B. Exempted positions in career service shall consist of the following personnel:
- (1) Chief Executive and staff to the Chief Executive;
 - (2) Council Chief of Staff, Council Clerk and staff;
 - (3) County Manager and staff;
 - (4) Department Directors, Deputy Directors, and Division Managers;
 - (5) Members of County agencies and authorities;
 - (6) One confidential secretary or confidential clerk to each Department Director or Division Manager;
 - (7) Any person appointed for the duration of a special study, project, or internship, which is scheduled to be completed after a fixed or limited period of time;
 - (8) Part-time, occasional, casual, temporary or seasonal employees.
- C. Employees of County Officials and the Courts shall not be covered by the personnel system and shall not be considered County Career Service employees, provided, however, that any newly created position must be created consistent and within the total budget of their respective Office or Department subject to verification by the Manager and Controller.

§ 5-1003.02. Assumption of Civil Service Commission responsibilities by the Personnel Board.

The Civil Service Commission is abolished, and its responsibilities, as set forth in 16 P.S. §§ 4502 through 4525 and §§ 4221.1 through 4221.16, are incorporated by reference as responsibilities of the Personnel Board except as herein provided.

§ 5-1003.03. Other merit systems.

If any provision of this article is in conflict with the Commonwealth of Pennsylvania Civil Service System or the Health Department Merit System, the provisions of the respective Civil Service Systems shall be controlling for employees covered by those Civil Service Systems.

§ 5-1003.04. Task force to study integration of all merit systems.

The County Manager shall appoint a task force within six months of adoption of this Administrative Code which shall study the feasibility and advisability of incorporating all employees now covered by State Civil Service or the Health Department Merit System (Article I) into the personnel system. The County Manager shall set a time limit for the task force to make final recommendations.

§ 5-1003.05. Existing collective bargaining agreement.

If any of the provisions of this Article are in conflict with an applicable collective bargaining agreement, the provisions of the collective bargaining agreement shall be controlling for employees covered by that collective bargaining agreement. Employees who have recourse to grievance procedures through collective bargaining are required to use those procedures rather than appealing to the Personnel Board.

ARTICLE 1005

Personnel Board

§ 5-1005.01. Composition.

The Chief Executive, with the consent of a majority of the seated members of County Council, shall, within 30 days of the adoption of this Administrative Code, and thereafter, within 30 days of the first organizational meeting of the new County Government, 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.

§ 5-1005.02. Offices incompatible with membership on Personnel Board.

- A. No member of the Personnel Board shall, at the same time, be an employee of Allegheny County, an officer or agent of any bargaining agency representing employees of the County, or hold an elected or appointed office under the United States Government, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth.
- B. No member of the Personnel Board shall hold an office in a political party, or be a family member of any official or employee of Allegheny County. Family members shall be defined as a spouse, child, brother, sister or parent.

§ 5-1005.03. Terms; limitations on terms.

- A. Each appointment to the Board shall be for a period of three years; provided, however, that any member of the Board whose appointed term has expired shall continue to hold office until such time as his successor is duly appointed by the Chief Executive and approved by County Council. In making appointments to the first Board under these provisions, the Chief Executive shall designate two members to serve for a term of three years and three members to serve a term of two years. Thereafter, all succeeding appointments to the Board shall be for a period of three years, except where a member whom the new appointee is replacing has held over in office beyond the three-year term provided above. Where a member has held over in office, the new appointee shall serve a term of three years less the length of the time that the former Board member held over in office. **[Amended 5-3-2005 by Ord. No. 23-05]**
- B. No individual shall be eligible to serve on the Personnel Board for more than six consecutive years. An individual who has served on the Personnel Board shall be eligible to serve again after two years from the end of the individual's last term as a member.

§ 5-1005.04. Oath of Office.

The Oath to be taken by any person appointed to the Personnel Board shall be as follows:

I _____ (name), do solemnly swear (or affirm) that I will faithfully execute the duties of this office and to the best of my ability preserve, protect, defend and obey the Constitution of the United States of America and the Constitution and the laws of the Commonwealth of Pennsylvania and the Allegheny County Home Rule Charter.

§ 5-1005.05. Compensation.

Members of the Personnel Board shall receive no compensation except that they shall be reimbursed for travel and other expenses incurred in the course of Board business.

§ 5-1005.06. Vacancies.

In the case of a permanent vacancy on the Board caused by death, illness, physical incapacity, removal or resignation, the Chief Executive, with the consent of a majority of the seated members of County Council, shall appoint a successor to serve the balance of the unexpired term. Such replacements shall be appointed within 45 days after County Council receives the recommendation from the Chief Executive.

§ 5-1005.07. Removal.

A member of the Personnel Board may be removed by the Chief Executive only for cause. The Chief Executive shall notify the member, in writing, of the causes for removal, and the member shall have seven days after receipt of such notification to provide a written response. After such response, the Chief Executive may proceed to remove the member.

§ 5-1005.08. Organization and meetings of Board; quorum.

The Personnel Board first appointed shall organize within 10 days of its appointment and shall elect one of its members as chairperson and one as secretary. The Board shall thereafter meet and organize on the first business day of January of each year. Meetings of the Board shall be held at the call of the chairperson, or upon the petition of two members of the Board. The secretary of the Board shall give each member at least 24 hours notice of every meeting of the Board. Three members of the Board shall constitute a quorum, and no Board action shall occur except in the presence of a quorum.

§ 5-1005.09. Clerical assistance and supplies; office space.

The County Manager shall furnish to the Personnel Board, on its requisition, such clerical assistance and supplies as may be deemed reasonable for the work of the Board. The County Manager shall designate suitable office space for the use of the Board.

§ 5-1005.10. Minutes and records.

The secretary of the Personnel Board shall keep minutes of the Board's proceedings and records of other official actions, including hearing transcripts. Such records shall be kept and preserved in accordance with applicable law.

§ 5-1005.11. Hearing of appeals.

- A. Any employee who has successfully completed his/her probationary period in the Career Service who has been discharged, suspended without pay, or demoted to a position with a lower wage or salary shall have the right to appeal such action within seven days to the Personnel Board, except however, that performance appraisals cannot be grieved or appealed.
- B. The Personnel Board shall meet as soon as is conveniently possible for all parties and their counsel to hear and render a decision on every appeal properly brought before it to determine whether the action taken against the employee was legally proper and supported by substantial evidence as that term is used in proceedings under the Local Agency Law. At the discretion of the Board, the hearings may be conducted by the Board or the Board may appoint any member as a hearing officer who shall take testimony, receive evidence and make a recommendation to the Board concerning the disposition of the appeal. If an appeal is heard by a hearing officer, the Board shall meet as soon as is conveniently possible after the hearing to review the testimony, evidence and recommendation of the hearing officer and to render a decision on the appeal in accordance with § 5-1005.13. All parties shall have the right of further appeal as provided by applicable law. **[Amended 5-3-2005 by Ord. No. 23-05]**
- C. Where collective bargaining contracts have provisions governing such appeals as are covered in this section, the contract provisions shall govern and shall be the exclusive remedy for employees covered by those agreements.

§ 5-1005.12. Procedures governing appeals to Personnel Board.

- A. The first Personnel Board established under this Article shall, within 90 days of its organization, set forth the rules and procedures which shall govern appeals. Among other things, such rules and procedures shall provide for:
 - (1) The manner in which a request for a hearing is to be filed with the Board, including the time frame from the filing of charges to the granting of a hearing by the Board;
 - (2) Circumstances under which the hearing before the Board may be closed to the public and the transcript sealed;
 - (3) Due process;
 - (4) Procedures governing reinstatement upon acquittal; and
 - (5) Procedures for conducting hearings.
- B. Before adoption, the Personnel Board shall submit its rules and procedures, and any revisions or amendments thereto, to the County Solicitor for review and comment within 60 days.

§ 5-1005.13. Decisions of Personnel Board.

- A. The Personnel Board may sustain the charges, reduce the length of suspension or dismiss the charges.
- B. 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. **[Amended 5-3-2005 by Ord. No. 23-05]**

§ 5-1005.14. Investigations; subpoenas.

- A. The Personnel Board shall have the power to make investigations on all matters touching the administration and fulfillment of its powers and duties. The chair of the Board shall have the power to administer oaths and affirmations in connection with such investigations.
- B. The Board shall have the power to issue subpoenas over the signature of a Board Member to require the attendance of the witnesses, and the production of records and papers pertaining to any investigation or inquiry.
- C. All officers in public service and employees shall attend and testify when required to do so by the Board.
- D. If any person shall refuse or neglect to obey any subpoena issued by the Board, that subpoena may be enforced by petition to the Court of Common Pleas of Allegheny County.

ARTICLE 1007

Selection and Promotion of Career Service Employees

§ 5-1007.01. Policies; rules.

In addition to the provisions of this Part, the Human Resources Director shall establish such policies and rules, as he may deem necessary for a merit system of filling vacancies, and for recruiting highly qualified personnel for County Career Service positions.

§ 5-1007.02. Existing positions.

In accordance with Article IX, § 1.9-905, of the Charter, every employee holding a position with Allegheny County on the effective date of the Charter, January 1, 2000, shall continue in his position and shall not be subject to examination as a condition for continuation of employment in his current position.

§ 5-1007.03. Announcement of vacant positions.

All vacant Career Service positions which are to be filled shall be posted in the following manner:

- A. The appropriate department, division or agency director, or its designee, hereafter referred to as "appropriate County officer", shall initiate the hiring process by requesting the Human Resources Director to begin action to fill a vacant position within its jurisdiction.
- B. If a job description for the vacant position does not exist or is in need of revision, the appropriate County officer shall prepare a job description, subject to the approval of the Human Resources Director, outlining in detail the job responsibilities of the vacant position, salary or salary-range, and specific qualifications including, but not limited to, educational requirements, experience and, where appropriate, examination. Said job descriptions shall conform to the County's Classification Plan and Pay Plan and any applicable collective bargaining agreement.
- C. The Human Resources Director shall publicize the vacant position opening by posting an announcement for two weeks in the Human Resources Division and, at the Human Resources Director's discretion to convenience potential applicants, in other locations such as County buildings, job sites, the Internet at an appropriate County-controlled Web site, newspapers of general circulation, and trade journals.

§ 5-1007.04. Applications.

All applications for County career service employment, or for promotion, shall be filed with, and maintained by, the Human Resources Director.

§ 5-1007.05. Applicant fitness.

The relative fitness of applicants will be measured by examination of job-related knowledge, skills, integrity, and physical ability, where it is a bona fide occupational qualification for the position. The relative fitness of applicants will also be measured by the applicant's experience, education, training, licensure and job performance as may be applicable to the vacant position.

§ 5-1007.06. Examinations.

- A. The Human Resources Director, with the approval of the Manager, shall determine the form of examination to be used in the selection procedure for each position in the career service based on objective, job related criteria, to ascertain an applicant's fitness. The Human Resources Director, in consultation with the appropriate County officer, shall establish specific merit criteria governing the use of examinations, including, but not limited to, traditional written examinations, computer-based written examinations, job simulation, experience, or other appropriate criteria.
- B. All examinations, unless otherwise provided, shall be open to all persons who meet the minimum requirements for the positions within the classes for which the examinations are held.
- C. The Human Resources Director shall be charged with setting the passing grade for each position. All examinations shall be job related, based on an analysis of the requirements for each position or class.
- D. The ranking of each applicant passing the examination shall be publicly posted.

§ 5-1007.07. Public notice of examinations.

The Human Resources Director shall give public notice of all written, competitive examinations for positions or promotions in the career service at least two weeks in advance of the final date for filing applications for such examinations.

§ 5-1007.08. Selection.

- A. Selection of an individual to fill a vacant position shall be made from a pool of qualified candidates. Applicants with the highest examination scores shall qualify for the pool of candidates. The number of candidates in the pool shall be equal to the greater of the top 10% of the number of applicants examined or five. The pool shall never include applicants who failed the examination.
- B. The Department or Division Director shall recommend to the Manager one or more of the candidates from the pool to fill the vacant position. The Manager shall appoint a person from the pool to fill the vacant position.
- C. In the case of agencies, the Director or a designee shall select a candidate from the pool and appoint that person to fill the vacant position.
- D. Veterans Preference Act shall apply when applicable.

§ 5-1007.09. Rejection for fraud or failure to comply with requirements.

Applicants who fail to comply with job related requirements or who have attempted any deception or fraud in connection with any application or examination shall be rejected. If such deception or fraud is discovered after a person is hired, that person will be terminated and will not be eligible to become a candidate for employment for three years.

§ 5-1007.10. Probationary period.

- A. All newly hired persons entering the career service, or those promoted in the career service, shall serve a probationary period. The Human Resources Director shall determine the appropriate period for each position or class, in consultation with the Department Director or appropriate appointing authority, except where determined by an applicable collective bargaining agreement or state law.
- B. The Human Resources Director shall establish a policy providing for formal evaluation of the performance of persons during a probationary period, and which is directed to correcting inadequate performance.
 - (1) If during or at the end of the probationary period the newly hired employee's performance is considered not to be adequate, such person shall be terminated and notified in writing of the termination. There shall be no right of appeal to the Personnel Board from such probationary termination.
 - (2) In the case of promotions, if the employee is not permanently promoted at the end of the probationary period, that person shall be returned to his former position, or an equivalent position, and shall be deemed not to have been demoted for the purpose of appeal to the Personnel Board.

§ 5-1007.11. Residency.

- A. An applicant for County employment need not be a resident of the County at the time of application. However, within one year of appointment and acceptance of such appointment, such individual shall be required to move to and live within Allegheny County; provided however, that any person who was formerly an employee of a Regional Communications Center whose operations and function have been merged with or incorporated into the operations of the County's Emergency Communications/911 Center who is not a resident of Allegheny County and has been offered and accepted a position of employment in the County's Emergency Communications/911 Center shall not be required to become a resident of Allegheny County. **[Amended 4-3-2001 by Ord. No. 30-01]**
- B. Any person employed by the County who is not a resident of Allegheny County at the time of the adoption of this Amendment to the Administrative Code shall not be required to establish residency within Allegheny County to maintain his/her status as a County employee. No person employed by the County who is a resident of Allegheny County at the time of the adoption of this Amendment to the Administrative Code shall establish residency outside the County while continuing his/her employment by Allegheny County. **[Amended 4-3-2001 by Ord. No. 30-01]**
- C. The residency requirement set forth in Subsection A of this section requiring individuals to move to and live within Allegheny County within one year of appointment as a County employee shall not apply to applicants for the following positions: **[Added 7-10-2001 by Ord. No. 53-01; amended 10-9-2001 by Ord. No. 65-01]**
 - (1) Registered nurses at the John J. Kane Regional Centers.
 - (2) Licensed practical nurses at the John J. Kane Regional Centers.

- (3) All individuals performing their primary work function(s) at the Allegheny County Jail. [Added 7-31-2015 by Ord. 23-15 & Amended 3/22/23 by Ord. 05-23]
- (4) Telecommunications officers and shift commanders at the 911 communications division of the Allegheny County Department of Emergency Services. [Added 6-23-2022 by Ord. 17-22]

D. In the event that there are insufficient qualified applicants who reside in the County for the positions in the career service described herein, then the residency requirement set forth in § 5-1007.11A of this section requiring individuals to move to and live within Allegheny County within one year of appointment as a County employee shall not apply to applicants for the following positions: [Added 11-20-2001 by Ord. No. 73-01]

- (1) Lifeguards in the Public Works Department.
- (2) Caseworkers in all County departments.
- (3) Specific information technology positions in the Department of Computer Services who are currently under contract with the County.
- (4) Air Pollution Control Engineers and Coke Oven Technicians employed in the Air Quality Division of the Allegheny County Health Department. [Added 11-18-2008 by Ord. No. 26-08]

§ 5-1007.12. Undue influence prohibited.

No County Officer, County Official or County employee shall unduly exert, negatively or positively, his influence to gain, or attempt to gain, preferential treatment on behalf of an applicant for employment with Allegheny County.

§ 5-1007.13. Immediate family prohibited.

No County officer, County official, exempted career service person or other manager will employ an immediate family member who would be under their direct line of authority.

ARTICLE 1009
Personnel Policies

§ 5-1009.01. Preparation and contents of personnel policies.

- A. The Human Resources Director shall be responsible for preparing and promulgating personnel policies governing all employees serving under the jurisdiction of the County Officers. All policies shall be subject to the approval of the County Manager before they are implemented.
- B. Personnel policies shall cover, but not be limited to, the following subjects: equal opportunity, sexual harassment, holidays (as provided for within §5-1009.08 of this Article), vacation, employee benefits, family medical leave act, leaves of absence, affirmative action, drug free work place. **[Amended 10-22-2020 by Ord. 25-20, effective 1-1-2021]**
- C. The existing Allegheny County Policies and Procedures Manual shall continue in effect until amended or replaced. In cases of conflict between the wording of this Administrative Code and the existing Allegheny County Policies and Procedures Manual, this Administrative Code shall prevail.

§ 5-1009.02. Orientation.

- A. Within the three months after the Administrative Code becomes effective in the County, the Human Resources Director shall arrange meetings with all employees to provide an orientation to the new government and its policies.
- B. Within one year of the effective date of the Administrative Code, the Human Resources Director shall have in place a formal orientation program for all employees. The Human Resources Director shall decide the timing for orientation, the scope of the program, and those who will be involved.

§ 5-1009.03. Employee handbook.

- A. Prior to the start of the orientation program, the Human Resources Director shall cause to be prepared an employee handbook (policy guide) designed to provide information which will be helpful to the employee during his tenure with Allegheny County, and which makes clear the obligation which the individual undertakes as an employee of the County. The purpose shall be to encourage commitment to their job and to the County. The handbook will cover such areas as:
 - (1) Employee benefits;
 - (2) The Accountability, Conduct and Ethics Code;
 - (3) Performance evaluation system;
 - (4) Disciplinary system;
 - (5) Grievance procedure;
 - (6) Hours of work;
 - (7) Pay periods;
 - (8) Holidays (as provided for within §5-1009.08 of this Article), sick leave, leaves of absence, etc. **[Amended 10-22-2020 by Ord. 25-20, effective 1-1-2021]**

- B. Part of each orientation should be devoted to a discussion of the handbook, and each employee shall receive a personal copy. Each person may be asked to sign a statement to the effect that he or she has received such copy, understands its contents, and agrees to abide by established policies.

§ 5-1009.04. Performance evaluations.

- A. Within one year after the effective date of the Administrative Code, a Performance Evaluation System shall be established by the Human Resources Director and approved by the County Manager. Among other things, the procedures shall provide for the frequency of evaluation, the type of evaluation rating appropriate for each class of employees, the review process, and the opportunity for an employee to file objection to the evaluation.
- B. The evaluation system shall be performance-based and established on job related criteria. Its principal objectives shall be the development of personnel and the correction of poor performance, to the degree possible.
- C. The Human Resources Director shall arrange for training sessions for all persons responsible for evaluating others. Such sessions shall, among other things, guide evaluators in the use of rating forms, stress the importance of objectivity and professionalism in evaluating others, and the need to be familiar with the work and performance of the person being evaluated.

§ 5-1009.05. Employee development.

The Human Resources Director shall foster and develop programs for the improvement of employee development and effectiveness. The funds needed to support such programs shall be recommended in the balanced annual operating budget for the Human Resources Division. The recommended policy on employee development also shall include guidelines for participation in such programs.

§ 5-1009.06. Employee roster.

The Human Resources Director shall maintain a roster of County officials, County officers, all career service and exempted career service employees. Where applicable, such roster shall specify the class or title of the position held, the current salary and pay grade, any changes in class or title, salary or pay, and such other data as may be deemed useful.

§ 5-1009.07. Files and inspection of files.

- A. The Human Resources Director shall maintain the official personnel file of each employee.
- B. All personnel files shall be considered confidential and shall only be disclosed within the County to aid in personnel administration, and only with the approval of the Human Resources Director.
- C. No data in personnel files shall be disclosed to outside sources of inquiry except as required by law or with the consent of the employee.
- D. Each employee shall have the right to inspect those records, which have been or may be used in connection with any personnel action relating to that employee in accordance with applicable law. The Human Resources Director may establish rules in the furtherance of this provision.

§ 5-1009.08. Paid County Holidays. [Added 10-22-2020 by Ord. 25-20, effective 1-1-2021]

- A. County employees shall be granted paid holidays for the following days in each calendar year:
- (1) New Years Day, on January 1st;
 - (2) Dr. Martin Luther King Day, on the third Monday in January;
 - (3) Presidents' Day, on the third Monday in February;
 - (4) Memorial Day, on the last Monday in May;
 - (5) Juneteenth National Freedom Day, on June 19th;
 - (6) Independence Day, on July 4;
 - (7) Labor Day, on the first Monday in September;
 - (8) Columbus Day, on the second Monday in October;
 - (9) Veterans Day, on November 11th;
 - (10) Thanksgiving Day, on the fourth Thursday in November; and
 - (11) Christmas Day, on December 25th.
- B. In addition to the holidays designated in Subsection A., any independently elected official designated within this Administrative Code, the Allegheny County Court of Common Pleas, Allegheny County Council, and/or the Chief Executive of Allegheny County may, at their sole discretion, grant employees within their offices any one or any combination of the following paid holidays:
- (1) Primary Election Day, as designated by the Commonwealth of Pennsylvania;
 - (2) Good Friday, as designated annually;
 - (3) Flag Day, on June 14; or
 - (4) General Election Day, as designated by the Commonwealth of Pennsylvania.
- C. Should any of the dates delineated within this Section fall upon a weekend or other day on which County offices are generally closed, the County shall observe the holiday and grant paid leave to County employees on a date within three (3) calendar days of the delineated date. In the event that Juneteenth National Freedom Day falls upon a Tuesday or Wednesday, the holiday shall be observed on the Monday preceding June 19th, and in the event that such holiday falls on a Thursday, it shall be observed on the Friday following June 19th.
- D. Nothing contained herein shall be read or interpreted to supersede, preempt, or otherwise alter any provision of an in-force collective bargaining or other contractual agreement that applies to any County employee.
- E. In the event that the date of any holiday designated herein is altered by applicable Federal or Commonwealth law, observance of such holiday shall be in accordance with such statute(s).
- F. The abolition or discontinuance of the observation of any Federal or Commonwealth holiday shall have no effect upon the provisions of this Section in the absence of its amendment.

§5-1009.09. Non-salaried employee pay.

A. For the purposes of this Section:

1. "Employ" shall mean to suffer or permit to work; and
2. "Employee" shall mean any individual, regardless of number of hours worked or classification as a full time, part time, or seasonal employee, who is both employed by Allegheny County and paid by Allegheny County.
3. "Non-salaried Employee" shall mean any Employee who is not paid on a salary basis.
4. "Salaried Employee" shall mean any Employee who is paid on a salary basis.

B. For the purposes of this Section, in order for an Employee to be deemed to be paid on a salary basis, each of the following conditions must apply to that Employee:

1. The Employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis; and
2. The predetermined salary amount is not reduced because of variations in the quality or quantity of the Employee's work; and
3. The Employee receives their full salary for any week in which the Employee performs any work, regardless of the number of days or hours worked; provided, however, that Employees paid on a salary basis do not need to be paid for any work week in which they perform no work, except to the extent that they utilize paid leave offered by Allegheny County or pursuant to other applicable law during such work week.

Notwithstanding any other provision of this Subsection, in the event that the County makes deductions from an Employee's predetermined salary without such Employee's prior consent and/or not pursuant to any provision of applicable law rendering such deduction mandatory, that Employee shall not be deemed to be paid on a salary basis for the pay period(s) in which such deductions are made. If an Employee is ready, willing and able to work, such Employee shall not be deemed to be paid on a salary basis during any pay period in which any such deductions are made for time when work is not available.

C. All Salaried and Non-salaried Employees as defined herein shall be paid according to the following schedule:

1. Beginning January 1, 2024, no less than eighteen dollars (\$18) for each hour worked. All full time Salaried Employees as defined herein shall be paid no less than \$37,440 per year.
 2. Beginning January 1, 2025, no less than nineteen dollars (\$19) for each hour worked. All full time Salaried Employees as defined herein shall be paid no less than \$39,520 per year.
 3. Beginning January 1, 2026, no less than twenty dollars (\$20) for each hour worked. All full time Salaried Employees as defined herein shall be paid no less than \$41,600 per year.
- D. All Non-salaried Employees as defined herein shall be eligible for overtime pay at a rate not less than 1.5 times their base pay rate for any hours worked in excess of eight (8) hours in any single calendar day and/or any hours worked in excess of forty (40) hours in any single calendar week.
- E. The provisions of this Section shall not supersede the provisions governing pay contained within any collective bargaining agreement, contract, or other agreement lawfully in force as of the effective date. The County shall, however, abide by the provisions of this Section for all such agreements executed after the effective date.

ARTICLE 1011

Layoffs, Discharges and Suspension

§ 5-1011.01. Layoffs.

- A. If a reduction in force is necessary in the Career Service, no employee shall be laid-off while any probationary, part-time, occasional, casual, temporary or seasonal employee is employed in the same class in the same department or division.
- B. Layoffs may occur because of economic considerations, lack of work, abolition of position or reduction of state or federal funds.
- C. If there is in existence a Labor Agreement covering the manner in which employees are to be laid-off, the labor agreement shall be controlling.
- D. A laid-off employee shall have the right of return for five years from the date of layoff to any class and career service status which was previously held, provided such class is contained in the current classification plan of the department or division, or to any class and career service status in the same or lower grade, provided the employee meets the minimum qualifications given in the classification plan of the department or division.
- E. The Human Resources Director shall, with the approval of the County Manager, provide for rules governing the order of re-employment of laid-off employees. If such rules are in conflict with the terms of an existing collective bargaining agreement, the collective bargaining agreement shall be controlling.

§ 5-1011.02. Dismissals, suspensions and demotions.

- A. Within six months of the effective date of the Administrative Code, the Human Resources Director shall set forth the rules and procedures that establish a disciplinary system. The rules and disciplinary system shall be approved by the Manager. The rules shall, among other things, communicate performance expectations, expected standards of conduct, the responsibilities of employees and supervisors in the disciplinary process and the consequences for failure of any employee to meet expected standards.
- B. Any dismissal, demotion to a lower paid position, or suspension of any employee in the career service without pay shall be for just cause only. Just cause may be, but is not limited to:
 - (1) Inability to consistently perform required duties; or
 - (2) Absenteeism, delinquency, misconduct, incompetence or inefficiency.
- C. The disciplinary rules and procedures shall be incorporated into the employee handbook.
- D. The appeal of disciplinary actions shall be in accord with the rules of the Personnel Board or applicable collective bargaining agreement, whichever applies.

ARTICLE 1013

Political Activity; Accountability, Conduct And Ethics Code

[Added 4-3-2001 by Ord. No. 35-01; 6-12-2001 by Ord. No. 46-01; 6-12-2001 by Ord. No. 47-01; 11-5-2003 by Ord. No. 55-03; 11-18-2003 by Ord. No. 59-03; 4-5-2005 by Ord. No. 20-05; 5-3-2005 by Ord. No. 24-05; 12-19-2006 by Ord. No. 43-06; 8-21-2007 by Ord. No. 31-07; 12-18-2007 by Ord. No. 60-07]

§ 5-1013.01. Short title.

This article and all amendments hereto shall be known and may be cited as the "Accountability, Conduct and Ethics Code of Allegheny County" or simply the "Ethics Code."

§ 5-1013.02. Definitions.

The following words and phrases, when used in this code, shall have the meanings given to them in this section:

AUTHORITY OF OFFICE OR EMPLOYMENT — The actual power provided by law, the exercise of which is necessary to the performance of duties and responsibilities unique to a particular public office or position of public employment.

BUSINESS — Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

BUSINESS WITH WHICH HE/SHE IS ASSOCIATED — Any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or has a financial interest.

CANDIDATE — Any person seeking an elected public office, who has filed the required nominating petitions with the appropriate Board of Elections or, in the case of a special election, has received the nomination of his or her respective nominating party. The term shall include individuals nominated or elected as write-in candidates unless they resign such nomination or elected office within 30 days of having been nominated or elected.

COMMISSION OR ACE COMMISSION — The Accountability, Conduct and Ethics Commission.

CONFIDENTIAL INFORMATION — Information that is acquired in the course of official duties which is not available as a matter of public knowledge or public record or is not available by making inquiry to a publicly available source of information.

CONFLICT OR CONFLICT OF INTEREST — Use by a public official or public employee of the authority of his or her office or employment or any confidential information received through his or her holding public office or employment for the benefit of himself or herself, a member of his or her immediate family or a business or organization with which he/she or a member of his or her immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he/she or a member of his immediate family is associated.

CONTRACT — An agreement or arrangement for the acquisition, use or disposal by the County of consulting or other services or of supplies, materials, equipment, land or other personal or real property. The term shall not mean an agreement or arrangement between the County as one party and a public official or public employee as the other party, concerning his or her expense, reimbursement, salary, wage, retirement or other benefit, tenure or other matters in consideration of his or her current public employment with the County.

COUNTY OFFICIALS — Independently elected officers having powers, duties and responsibilities over a separately constituted County office. The term "County officials" shall be synonymous with the term "row offices" or "independently elected county officials."

COUNTY OFFICERS — The Chief Executive and members of County Council.

COVERED PERSONS — All elected and appointed County officers, County officials and all County employees and members of County agencies.

DE MINIMIS ECONOMIC IMPACT — An economic consequence that has an insignificant effect.

FAMILY MEMBER — Parent, step-parent, spouse, spouse's parent, spouse's step-parent, child, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, cousin, aunt, uncle, grandchild and grandparent.

FINANCIAL INTEREST — Any financial interest in a legal entity engaged in business for profit, which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

GIFT — Anything that is received without consideration of equal or greater value. The term shall not include a political contribution otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business.

HONORARIUM — Payment made in recognition of published works, appearances, speeches and presentations and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de minimis economic impact.

INCOME — Any money or thing of value received or to be received as a claim on future services or in recognition of services rendered in the past, whether in the form of a payment, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, reward, severance payment, proceeds from the sale of a financial interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon assumption of public office or employment or any other form of recompense or any combination thereof. The term refers to gross income and includes prize winnings and tax-exempt income. The term does not include gifts, governmentally mandated payments or benefits, retirement, pension or annuity payments funded totally by contributions of the public official or employee or miscellaneous, incidental income of minor dependent children.

MINISTERIAL ACTION — An action that a person performs in a prescribed manner in obedience to the mandate of legal authority, without regard to or the exercise of the person's own judgment as to the desirability of the action being taken.

NOMINEE — Any person whose name has been submitted to a public official or governmental body vested with the power to finally confirm or reject proposed appointments to public office or employment.

NONMINISTERIAL ACTIONS — An action in which the person exercises his or her own judgment as to the desirability of the action taken.

POLITICAL CONTRIBUTION — Any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, purchase of a ticket to a testimonial or similar fundraising affair, or subscription of money or anything of value, except volunteer services, in connection with a political campaign or for any partisan political purpose, and any contract, agreement, promise or other obligations, whether or not legally enforceable, to make a political contribution.

PUBLIC EMPLOYEE — Any individual employed by the County who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- A. Contracting or procurement;
- B. Administering or monitoring grants or subsidies;
- C. Planning or zoning;
- D. Inspecting, licensing, regulating or auditing any person; or
- E. Any other activity where the official action has an economic impact of a greater than de minimis nature on the interests of any person.

REPRESENT — To act on behalf of any other person in any activity which includes, but is not limited to, the following: personal appearances, negotiations, lobbying and submitting bid or contract proposals which are signed by or contain the name of a former public official or public employee.

§ 5-1013.03. Purpose.

- A. The purpose of this 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.
- B. 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, and to hold supervisors accountable for the enforcement of this Accountability, Conduct and Ethics Code.

§ 5-1013.04. Rules of construction.

For the purposes of this Accountability, Conduct and Ethics Code, the following rules of construction shall be observed unless otherwise provided in this Code and unless the context clearly indicates otherwise and unless the application of such rules would result in a construction inconsistent with the manifest intent of Council:

- A. "Shall" is mandatory and "may" is permissive.
- B. The singular includes the plural, and the plural includes the singular. Words used in the masculine gender include the feminine and neuter. Words used in the past or present tense include the future.

- C. The arrangement and classification of the code have been made for the purpose of a convenient and orderly arrangement. No inference, implication or presumption of legislative construction shall be drawn because of the location of any provision, nor shall any outline, analysis, index or descriptive matter relating to the contents of the code be given any legal effect.
- D. Any word not specifically defined shall be construed according to its common usage unless the context or the manifest intent of Council clearly indicates otherwise.
- E. Title, article, chapter, section and section subdivision names are part of this code. However, reference to titles, articles, chapters, sections or section subdivisions are not intended to be exclusive, or to exclude other titles, articles, chapters, sections or section subdivisions which may be applicable.
- F. Whenever a provision appears requiring the director of a department or division of the County to do something, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act unless the terms of the provision or section require otherwise.

§ 5-1013.05. Initial/Annual disclosure of interest.

- A. All elected and appointed County officers, County officials and public employees shall file with the County Manager a written statement in a form determined and published by the Ethics Commission, and listing at a minimum:
 - (1) All gifts, except those from a family member or close personal friend when it is clear that the motivation for the gift is based on the family relationship or traditional practices among close friends, valued over \$100 and the name of the person or entity that gave the gift;
 - (2) The names and addresses of corporations, fictitious names, partnerships, business entities or enterprises in which the individual has a financial interest or investment resulting in holding more than 5% of the equity or more than 5% of the assets of the economic interest of indebtedness;
 - (3) Every office or directorship held in any entity, either public or private, including any nonprofit entity;
 - (4) Street addresses of all real property owned in Allegheny County; upon application to the ACE Commission by an individual, this requirement may be waived for good cause; and
 - (5) If the individual has a family member who is employed by Allegheny County or any of its affiliated boards, agencies, or authorities, the first and last given names and addresses of those family members and their relationship to the individual.
- B. The initial disclosure statement must be filed with the County Manager within 90 days of the adoption and publication of a disclosure form by the ACE Commission. New employees who are required to file a disclosure statement shall do so within 30 days of their hire date.
- C. The annual disclosure statement must be filed with the County Manager on or before May 1 each calendar year.
- D. The requirements set forth in this Code do not replace those in the State Elections Law and do not constitute the filing of financial interest forms or expense reports as is otherwise required by law.

- E. Any individual who fails to file the disclosure statement required in this Code by the established deadline shall be given 30 days to file such statement and thereafter shall be subject to disciplinary actions found within § 5-1013.28, which may include the withholding of compensation until such time that the disclosure statement is filed with the County Manager.

§ 5-1013.06. Applicability of Code of Accountability, Conduct and Ethics.

All covered persons shall be subject to the provisions on restricted activities/standards of conduct set forth in this article.

§ 5-1013.07. General ethical obligations.

- A. All covered persons will be held accountable for adherence to the standards set forth in this Accountability, Conduct and Ethics Code. In matters of ethical dilemmas and conduct not covered under this code, all covered persons are expected always to reflect on, and serve, what they believe to be in the public interest and not to serve personal interests and gain.
- B. All persons are subject to and are expected to be familiar with this Accountability, Conduct and Ethics Code, and the Pennsylvania Public Official and Employee Ethics Law, Act 93, Chapter 11, of 1998.
- C. Individual departments and agencies may, as necessary, recommend conduct and procedures not inconsistent with this code specifically applicable to the work of the department or agency. Such standards and procedures shall be forwarded to the County Manager for submission to County Council for approval.

§ 5-1013.08. Notification to covered persons.

- A. The County Manager shall be responsible for communicating to all covered persons the provisions of this article. These provisions shall be covered as part of orientation for new and current employees and included in the employee handbook.
- B. Part of each orientation should be devoted to a discussion of the Accountability, Conduct and Ethics Code, and each person shall receive a personal copy. As a condition of continued employment, each person shall sign a statement to the effect that he or she has received such copy, understands its contents, and agrees to abide by established policies.

§ 5-1013.09. Standards of conduct.

All covered persons shall set and follow an example of proper conduct that shall include the following:

- A. Honor and integrity.
 - (1) Dedicate themselves to the highest ideals of honor and integrity in all public relationships in order to merit the respect and confidence of covered persons, and the public.

B. Serve the public interest.

- (1) Serve the best interests of the public at all times with the recognition that this is the chief function of government.
- (2) Seek to employ efficient and economical ways of accomplishing necessary tasks and functions.

C. Confidentiality and disclosure.

- (1) Other than in the performance of his or her official duties, no covered person shall disclose, for his or her benefit, or the benefit of others, confidential information acquired by reason of his or her public position. Confidential information shall include information concerning and related to personnel matters, collective bargaining and arbitration, the purchase or lease of real estate, litigation and potential litigation, investigations of violations of the law and quasi-judicial deliberations, and the non-property tax records of individuals.

D. Disclosure of financial interest.

- (1) The requirements for disclosure of financial interests shall be those set forth in § 5-1013.05 and any other applicable state or federal law.

E. Gifts, loans, benefits, and considerations; accepting improper influence.

- (1) No covered person shall solicit, directly or indirectly, a gift, loan, reward, promise of future employment, benefit or consideration from:
 - (a) A person or business having a financial relationship with the County;
 - (b) A person or business whose operations or activities are regulated or inspected by the County;
 - (c) A principal and/or attorney in proceedings in which the County is an adverse party; or
 - (d) Any person or business where the performance or nonperformance of any official duty may be influenced or affected.

F. Private business/financial interests; exerting improper influence.

- (1) No covered person shall engage in any business transaction or private employment, or have any financial or other private interest, direct or indirect, which is to the detriment of the proper discharge of his or her official duties.
- (2) No covered person shall use, or attempt to use, his or her position to obtain financial gain, a loan, a contract, license, privilege, or other personal advantage, either direct or indirect.
- (3) No covered person shall attempt to influence the course of proposed County Council legislation in which he or she, or a family member or business associate has a present or potential conflict of interest or private interest, direct or indirect.

G. Patronage/Nepotism.

- (1) No covered person shall unduly exert, negatively or positively, his or her influence to gain, or attempt to gain, preferential treatment on behalf of an applicant for employment or advancement with the County.
- (2) No family member of a County official or County officer shall be permitted to obtain full-time employment with the County or agency except through the election to a public office.
- (3) No covered person shall supervise a family member.
- (4) Exceptions:
 - (a) Where the family member is employed by the County prior to the election of a related County officer or County official or appointment of a related agency member;
 - (b) Where, after the County officer or County official has obtained elected office, or an agency member has been appointed, an individual employed by the County becomes a family member;
 - (c) Where individuals were employees prior to the adoption of this code; or
 - (d) For good cause shown, as established under this article, where the County would suffer hardship as a result of the prohibition.

H. Fees for service restriction.

- (1) No covered person shall, for a fee or other compensation, use the influence of his or her position to provide a special service or favor to an individual.

I. Offering special benefits.

- (1) No covered person shall grant, offer, or provide any privilege or service beyond that which is available to all other similarly situated persons, businesses or entities.

J. Honoraria.

- (1) No covered person shall accept an honorarium for any activity related to his or her official capacity. Covered persons may accept normal travel, meals and awards from civic or business groups.

K. Contracts.

- (1) No covered person, or a family member of a covered person, or a business or organization with which such individual is associated, may have an interest in a public contract if the covered person is authorized to exercise discretion over the contract.

L. Former association.

- (1) No former covered person shall represent a person, corporation or business with promised or actual compensation, on any governmental matter before the County government or any of its agencies with which he or she has been associated for one year after he or she leaves that body.

M. Voting conflict.

- (1) Every covered person shall publicly disclose any direct or indirect financial or other private interest in any proposed legislation on which he or she would be required to vote. Covered persons who, in the discharge of their official duties, would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of the interest as a public record.

N. Misuse of County resources. **[Amended 9-30-2015 by Ord. 30-15]**

- (1) No covered person shall use, request, or permit the use of County resources, including, but not limited to, motor vehicles, equipment, and materials, and/or employee time except for County purposes.
 - (a) Under no circumstance shall any covered person receive any reimbursement for mileage accrued during any vehicle usage for any purpose not authorized by this Section.
 - (b) To the extent required by applicable Federal or Commonwealth law or regulation, any covered person issued a County owned or leased motor vehicle shall receive an annual delineation of the value of the fringe benefit conferred by the use of the vehicle for income tax purposes.
 - (c) For the purposes of mileage reimbursement under the terms of this Section, participation in any partisan political function, including but not limited to, any campaign appearance by any candidate for any political office, events sponsored or undertaken by any political committee, or any event held in whole or in part to raise funds for use in support of any candidate's campaign for any political office, shall be deemed not to relate to any County purpose, and, accordingly, shall not be subject to reimbursement for mileage by Allegheny County. Travel to or from any polling place during any Primary, General or Special Election Day shall be subject to mileage reimbursement to the extent that such travel is undertaken within the scope of such covered person's employment with Allegheny County, including but not limited to functions such as delivering or servicing voting machines, delivering supplies, or otherwise aiding in the function of such polling place(s).
- (2) No covered person shall use County mail to transmit mail that is personal or political in nature.
 - (a) Official mail is mail which relates to the official duties of all applicable employees of the government of Allegheny County and which is authorized to be transmitted in the mail through the Department of Administrative Services, or through an outside vendor under contract with the County or County employee.
 - (b) Official mail and prohibitions thereof shall also include those definitions provided for within Ordinance No. 52-03-OR.

O. Political activity.

- (1) Employees shall have the right to hold membership in a political party, to vote, to express publicly or privately opinions on political subjects and candidates, to maintain political neutrality, and to otherwise participate in political meetings and activities. Employees must engage in all such activities as private citizens, away from County workplaces, out of uniform and during nonworking hours, except union officers in the normal conduct of union activities.
- (2) No covered person shall use the authority or influence of his or her office for the purpose of interfering with the result of an election.
- (3) No covered person shall solicit, directly or indirectly, any employee reporting to such covered person to engage in political activity or to suggest that such covered employee engage in such political activity. No covered person shall solicit, directly or indirectly, campaign contributions from a person reporting to such covered person.
- (4) County Council members are prohibited from being employed, in a confidential administrative capacity, in local, state or federal government. For the purposes of this section:
 - (a) An individual shall be deemed to be employed in government in a confidential administrative capacity if he or she:
 - [1] Is employed on the personal staff of any elected official in local, state or federal government, or is employed by any legislative body to function as personal staff for any elected official;
 - [2] Is appointed to any post in federal or state government for which confirmation by either house of the United States Congress or the Pennsylvania General Assembly is required;
 - [3] Is appointed to any cabinet-level post in federal or state government;
 - [4] Holds the post of Municipal Manager or an equivalent position in any municipality within Allegheny County;
 - [5] Is an individual elected to any office in federal or state government or in any municipality or school district located in Allegheny County.
 - (b) No individual shall be deemed to be employed in a confidential administrative capacity by virtue of employment with a government agency for the purpose of performing nondiscretionary or purely ministerial functions. Individuals subject to and protected by federal, state or local civil service regulations shall be deemed to perform purely ministerial functions within the scope of such civil service employment for the purposes of this section.
 - (c) Notwithstanding the provisions of this section pertaining to the ability of individuals to hold elected or appointed office, County Council members shall remain bound by all rules governing abstention or other ethical guidelines as they apply to the members' other government employment.

P. Discrimination.

- (1) No covered person shall, in any way, engage in discrimination on the basis of race, religion, creed, national origin, age, disability, sexual preference or gender; nor shall any official or employee engage in any actions which are oppressive or which constitute harassment.

Q. Whistleblowing.

- (1) Every covered person is encouraged to disclose any information which he or she believes evidences a violation of any law, rule or regulation.
- (2) Every covered person is encouraged to disclose any information which he or she believes evidences a clear misuse or waste of County funds, or an abuse of official authority, or which can result in a substantial and specific danger to the public's health or safety.
- (3) No covered person shall be penalized for, nor take any action to punish another, for whistleblowing.
- (4) Every covered person is encouraged to expose corruption wherever discovered.

§ 5-1013.10. Establishment of Accountability, Conduct and Ethics Commission.

- A. There is hereby established a five-member Accountability, Conduct and Ethics Commission, hereinafter the ACE Commission. The ACE Commission generally shall be empowered to receive, investigate and make findings and recommendations concerning complaints alleging the violation of this Accountability, Conduct and Ethics Code. The make-up of the ACE Commission shall consist of three members of the majority party of Council and two members of the minority party of Council.
- B. The minority caucus of County Council shall nominate candidates for two members and the majority caucus of Council shall nominate candidates for three members. Names of the nominees are to be submitted to the Chief Clerk for placement on Council's regular meeting agenda. Nominees shall be appointed by an affirmative vote of at least a majority of the seated members of Council.

§ 5-1013.11. ACE Commission member qualifications.

- A. Members of the Commission shall be voters of the County.
- B. No more than three of the members shall have the same political party affiliation.

§ 5-1013.12. ACE Commission prohibitions.

- A. Members of the Commission shall not be, nor for a period of four years prior to appointment have been, County officers or employees or employed or compensated by any County contractor.
- B. No member of the Commission may make any political contribution to any covered person or any candidate for County office while a member of the ACE Commission.

§ 5-1013.13. Terms of office of ACE Commission.

The initial members of the ACE Commission shall be appointed to the following terms of office: one member shall be appointed for a term of five years; one member shall be appointed for a term of four years; one member shall be appointed for a term of three years; one member shall be appointed for a term of two years; and one member shall be appointed for a term of one year. Thereafter, all members shall be appointed for terms of five years.

§ 5-1013.14. Filling of vacancies on ACE Commission.

In the case of a vacancy on the ACE Commission, the respective appointing body shall, within 90 days of the vacancy, make an appointment to fill the unexpired term.

§ 5-1013.15. Removal of ACE Commission members.

ACE Commission members may be removed only for cause by County Council. Any ACE Commission member so removed may request, and be granted, a hearing before the County Council, at which time such member may show cause why he or she should not be removed.

§ 5-1013.16. Organization of ACE Commission.

Within 30 days of the appointment of the ACE Commission, the President of the County Council shall be responsible for convening the appointed members of the ACE Commission. At this meeting, the ACE Commission shall elect one of its members as Chairperson. The President of the County Council, or his designee, shall preside until an ACE Commission Chairperson is elected.

§ 5-1013.17. Quorum for ACE Commission meetings.

Three ACE Commission members shall constitute a quorum for the transaction of business. The ACE Commission shall conduct no business except in the presence of a quorum.

§ 5-1013.18. Compensation of ACE Commission members.

Members of the ACE Commission shall receive no compensation for the performance of their duties. Members of the ACE Commission shall be reimbursed for travel and other necessary expenses incurred in the course of the performance of their duties.

§ 5-1013.19. Minutes and records of ACE Commission.

The Chairperson of the ACE Commission shall ensure that appropriate measures are taken to keep minutes of the Commission's proceedings and records of other official actions. Such records shall be kept and preserved in accordance with applicable law.

§ 5-1013.20. Rules and procedures of ACE Commission.

The ACE Commission shall adopt procedures and rules of conduct for its activities within 60 days of its first organizational meeting.

§ 5-1013.21. Administrative support for ACE Commission.

The County Manager shall furnish to the Commission such clerical assistance and supplies as may be deemed reasonable.

§ 5-1013.22. Complaint.

- A. Any individual who believes that an action or omission of a covered person is in violation of this Ethics Code shall have the right to lodge a formal complaint with the ACE Commission.
- B. A complaint alleging a violation of this article shall be in writing and filed with the Office of the Manager and the Chairperson of the ACE Commission, and shall contain the following before it will be considered by the ACE Commission:
 - (1) The name of the covered person (the Respondent) and the position or office held by the Respondent;
 - (2) The name, address and phone number of the person filing the complaint (Complainant);
 - (3) A statement of alleged facts and circumstances that the complainant believes in good faith constitutes a violation of this Ethics Code; and
 - (4) A sworn verification signed by the Complainant.
- C. Within five days of the receipt of the complaint, the Office of the Manager shall:
 - (1) Date stamp the complaint;
 - (2) Acknowledge, in writing, the receipt of the complaint to the complainant;
 - (3) Keep the substance of the complaint confidential;
 - (4) Submit the complaint to the ACE Commission; and
 - (5) Notify the Respondent.

§ 5-1013.23. Preliminary inquiries.

- A. The ACE Commission shall commence a preliminary inquiry regarding an alleged violation of this article within 30 days of the receipt of a complaint.
- B. A preliminary inquiry shall be terminated or opened as a full investigation within 45 days of the initiation thereof. A preliminary inquiry is considered initiated at the time when it is officially docketed with the ACE Commission.
- C. The Commission shall keep information, records and proceedings relating to a preliminary inquiry confidential.

- D. If, after preliminary inquiry, there is reason to believe that the Code of Accountability, Conduct and Ethics has been violated, the Commission shall commence an investigation. An investigation will be considered commenced when the Respondent is notified.
- E. If the preliminary inquiry establishes reason to believe that the Code of Accountability, Conduct and Ethics was violated, the Commission may initiate a full investigation.
- F. The Commission shall close the preliminary inquiry if any of the following applies:
 - (1) The occurrence giving rise to the complaint occurred prior to the adoption of the Accountability, Conduct and Ethics Code;
 - (2) There is no reason to believe that the Code of Accountability, Conduct and Ethics has been violated; or
 - (3) The Respondent is not a person subject to the Code of Accountability, Conduct and Ethics.
- G. If the preliminary inquiry is closed, the Commission shall notify the Complainant and the Respondent within five days.

§ 5-1013.24. Conduct of investigation.

- A. The Commission shall have the authority to conduct interviews, take statements, receive and inspect documents and records and otherwise obtain evidence and gather information by lawful means, including subpoena power.
- B. Within 60 days of commencing the investigation, the Commission will do one of the following:
 - (1) Terminate the investigation and notify the Complainant and the Respondent;
 - (2) Extend, upon a showing of need, the investigation for a period not to exceed 60 days; or
 - (3) Issue a findings report that sets forth the pertinent facts and affords the Respondent an opportunity to reply to the findings and to request an evidentiary hearing.
- C. The Respondent shall file a response to the findings report of the Commission within 30 days, unless an application for an extension is made to the Commission and granted for good cause shown. The Respondent shall admit to or deny the allegations.
- D. If an investigation indicates that no violation has been committed, the Commission will immediately terminate the investigation and send written notice of the determination to the Complainant and the person who was the subject of the investigation.
- E. The ACE Commission shall develop such other procedures and rules of conduct for its activities as it deems necessary.

§ 5-1013.25. Hearings.

- A. The Commission will conduct hearings upon the request of a Respondent. A Respondent shall request a hearing in his or her response to the findings report. Failure to request a hearing within the time period will be deemed a waiver.
- B. A hearing will be held within 45 days after the Respondent's answer to the findings report unless the time is extended upon application for good cause shown.

- C. A notice of hearing will be issued to the Respondent, unless represented by counsel, in which case to counsel, within a reasonable period of time prior thereto. The notice will advise of the date, time and location of the hearing, and of the hearing rights, privileges, process and procedures in this section.
- D. The Commission may establish such rules of conduct for hearings as it deems advisable in accordance with the normal procedures of due process.

§ 5-1013.26. Discovery.

- A. Upon request, the Respondent will be given access to evidence the Commission intends to use at the hearing, as well as any exculpatory evidence developed during the investigation.
- B. Access to evidence does not include information that is otherwise privileged.

§ 5-1013.27. Confidentiality.

The hearing and papers, records and disclosures therein will be confidential except for the contents of the final order.

§ 5-1013.28. Final action of Commission.

The Commission shall, upon finding of wrongdoing under the provisions of this article, recommend penalties as provided by this section:

- A. In cases where the violation of this article is also a violation of federal or state law, the matter shall be turned over to the proper authority for criminal prosecution.
- B. In cases where the violation is a violation of the rules of this article, the following penalties shall be available to the Commission:
 - (1) Admonition. A letter to the Respondent, the Complainant, County Council, and the Chief Executive or appropriate elected County official, indicating that the Respondent has been found to have violated this article.
 - (2) Censure. Notification to the Respondent, the Complainant, County Council, and Chief Executive, or appropriate elected County official, indicating that a violation of this article took place, and expressing strong disapproval of the Respondent's actions.
 - (3) Suspension. County and agency employees may be suspended without compensation in compliance with existing personnel practices and collective bargaining agreements.
 - (4) Expulsion/Dismissal. Revoke employment or contract with the County in compliance with existing personnel practices and collective bargaining agreements.
 - (5) Removal. Recommend the removal of elected officials under provisions of the Home Rule Charter or by law.

§ 5-1013.29. Disposition.

Upon receiving any findings, conclusions and recommendations from the ACE Commission for the imposition of sanctions or penalties under this provision, the County Council and Chief Executive or appropriate elected County official shall take appropriate action. The Chief Executive or appropriate elected County official shall notify the County Council and ACE Commission of the disposition of all recommendations within 30 days of receipt.

§ 5-1013.30. Appeal.

Upon disposition of the Commission's recommendation, any aggrieved party within 30 days may file an appeal to the Court of Common Pleas in accordance with applicable law.

§ 5-1013.31. Summary report to Council and Chief Executive.

The Commission shall report its conclusions and recommendations on all complaints to County Council and the Chief Executive. The Chairperson of the Commission shall be required to provide Council with an annual report.

§ 5-1013.32. Severability.

The provisions of this Accountability, Conduct and Ethics Code are severable, and if any provision is held illegal, such illegality shall not affect the remaining provisions. It is the legislative intent of the Council that the Code would have been adopted if such illegal provision had not been included.

§ 5-1013.33. Effective date.

Unless otherwise provided, this Accountability, Conduct and Ethics Code shall become effective immediately upon its approval in accordance with the provisions of the Home Rule Charter and the Administrative Code.

§ 5-1013.34. Application.

Nothing herein shall be construed or interpreted to in any way make the provisions of the Accountability, Conduct and Ethics Code applicable on a retroactive basis. All provisions of this Code shall be applied on a prospective basis.

ARTICLE 1015

Position Classification

§ 5-1015.01. Purpose.

- A. The Position Classification Plan shall consist of a complete inventory of all County career service positions, an accurate description of each position, and a grouping of all similar positions into appropriate classes with standardized titles which are to be paid in accordance with the Employee Pay Plan.
- B. The Position Classification Plan shall be designed to provide for an objective system of classifying jobs on the basis of difficulty of duties, level of responsibility, needed skills, education, and other qualifications and characteristics which distinguish one job from another.
- C. The Position Classification Plan shall be used as a guide in recruiting and examining candidates for employment and in determining appropriate salaries to be paid for various types of work.
- D. Position descriptions shall be interpreted as descriptive and explanatory, not necessarily inclusive of all duties performed. They shall not be held to exclude other duties or responsibilities of a similar nature. They shall not be deemed to limit or modify the authority of a Director or Supervisor to expand, eliminate or otherwise change the duties and responsibilities of a particular position; to assign additional duties; or otherwise direct and control the work to be performed.

§ 5-1015.02. Compensation.

The Position Classification Plan shall consist of the following:

- A. Position descriptions. A complete and accurate description of each job as currently performed and a preliminary description of all newly created positions.
- B. Position standards and requirements. The duties and responsibilities of each position shall be set forth along with a determination of the specific qualifications which must be possessed by the employee holding that position. In accordance with Article IX, § 1.9-905, of the Charter, every employee holding a position with Allegheny County on January 1, 2000 shall be deemed to possess the necessary qualifications for the particular job he or she is holding. All new employees must possess the necessary requirements for the position filled.
- C. Position categories. All similar positions shall be grouped by title. This grouping of jobs shall be based on similarities in duties, responsibilities and qualification requirements. All positions determined to be similar shall be designed as a class under one descriptive title.

§ 5-1015.03. Implementation.

The Human Resources Director, at the direction of the County Manager, shall be responsible for the development and implementation of the Position Classification Plan. This responsibility shall include the following:

- A. Preparation of accurate and complete position descriptions for all current positions;

- B. Examination of all duties and responsibilities of each existing position and assignment of all positions to the appropriate job classification;
- C. Preparation of preliminary position descriptions for new positions and assignment of each new position to the appropriate classification;
- D. Periodic revision of existing position descriptions and classifications.

§ 5-1015.04. Amendments and appeals.

- A. The Position Classification Plan may be amended by the Human Resources Director whenever there is a substantial change in a position and/or a class.
- B. When a Department or Division is reorganized, the Human Resources Director in conjunction with the Department Director shall amend the Position Classification Plan as required by the reorganization plan.
- C. Any employee who considers his position to be improperly classified may submit a written request for reclassification to the Department Director. The Department Director shall forward the reclassification request, along with his recommendation to the Human Resources Director. A written reply shall be provided to the employee by the Human Resources Director indicating what if any action is to be taken. As to all reclassification requests, the decision of the Human Resources Director shall be final.

§ 5-1015.05. Pay plan.

The Pay Plan shall be sequentially related to the Classification Plan, and shall provide, to the extent possible under budgetary constraints, for equal pay for equal work. Where possible, the Pay Plan shall also recognize external equity through periodic surveys of wage and salary scales in other comparable jurisdictions. The Pay Plan shall be consistent with provisions of labor contracts. The Director of the Department of Budget and Finance, with the approval of the Chief Executive, may make necessary modifications to the Pay Plan during the fiscal year.

ARTICLE 1016

Gender and Race Equity Audit
[Added 7-1-2009 by Ord. No. 29-09]

§ 5-1016.01. Purpose.

The gender and race equity audit shall be a detailed analysis of payroll data by the gender and race of employees and of human resource policies and practices to identify where gender and race pay differences and gender and race pay issues exist. A pay equity audit is an important first step in addressing workplace gender and race issues, as it provides information and data specific to the County workforce. After undertaking a pay equity audit, the County will be better able to identify where gender and race pay inequities exist within the workplace and can then adopt strategies to remove barriers to workforce participation and career progression for all employees. Identifying those areas where there are larger than average gender and race pay gaps can facilitate the development of targeted pay equity strategies.

§ 5-1016.02. Procedure.

- A. The County Manager and the Director of the Department of Human Resources, or their designees, shall, in accordance with the schedule promulgated herein and in the sound exercise of their sole discretion, conduct a gender and race equity pay audit.
- B. The gender and race equity pay audit should address the following areas of inquiry:
 - (1) A recruitment self-audit that will determine whether the County's hiring process seeks gender and race diversity in the qualified applicant pool for open positions.
 - (2) An evaluation of the County's compensation system for internal quality to determine whether the County:
 - (a) Follows a method to determine salaries and benefits;
 - (b) Retains written position descriptions;
 - (c) Seeks employee input to develop consensus for position descriptions;
 - (d) Follows a consistent performance evaluation system that scores or assigns jobs according to a grading system of standards that are consistent across gender and race; and
 - (e) Utilizes a method for ensuring consistent pay for employees with substantially similar levels of experience and education who hold jobs calling for substantially similar degrees of skill, effort, responsibility and working conditions, even though job titles may be different.
 - (3) An evaluation of the County's compensation system for competitiveness to determine whether the County:
 - (a) Has a method to determine the market rate for any given job and ensures that market rates are applied consistently;
 - (b) Would benefit from a fresh approach that updates position descriptions; assesses skill, effort, responsibility and working conditions of various jobs; assigns grades or scores; and ensures consistent application of market rates and external competitiveness;

- (c) Assigns consistent compensation to jobs within similar grades or scores; and
 - (d) Uses market rates and other external competitiveness factors consistently.
- (4) An evaluation of whether the County should conduct a new job evaluation system by determining if the County:
- (a) Has up-to-date position descriptions for all occupations;
 - (b) Has established criteria for assigning values to skill, effort, responsibility and working conditions of jobs;
 - (c) Challenges basic assumptions about the value of skills before assigning points or grades;
 - (d) Ensures agreement among worker representatives and management on criteria to evaluate jobs;
 - (e) Assigns scores or grades to jobs and allows worker input;
 - (f) Compares the County's system with market rates and other external competitiveness factors;
 - (g) Considers whether the market has undercompensated certain occupations or professions;
 - (h) Assigns consistent compensation to jobs within similar grades or scores; and
 - (i) Uses market rates and other external competitiveness factors consistently.
- (5) An examination of the County's compensation system that compares job grades or scores to determine:
- (a) How pay compares for positions with similar grades or scores;
 - (b) Whether, on average, women and minorities are paid similarly to men and non-minorities within the same grade or job score and whether there are legitimate reasons for any disparities in pay between jobs with similar grades or scores;
 - (c) Whether corrections can be made to ensure consistency in assigning grades or scores;
 - (d) How long men, women and minorities stay within job grades or scores before moving up;
 - (e) Whether men or non-minority workers move up faster;
 - (f) The reasons that some workers move up faster; and
 - (g) The actions that the County can take to ensure that all workers have equal opportunity for advancement.
- (6) A review of data for personnel entering the employ of the County to determine:
- (a) At what grades or positions men, women and minorities typically enter County employment and, within those grades and positions, whether salaries are consistent, or do men, women and minorities enter at different pay levels;

- (b) Whether negotiations affect entry-level salaries to determine if men and non-minorities are able to negotiate higher starting salaries than women or minorities;
 - (c) A comparison of the salary for new hires against those already working in the County in the same grades or positions, focusing on whether men, women and minorities entering the County get paid higher or lower than those who already hold the same positions or grades and whether there are differences by gender or race; and
 - (d) Whether changes are needed to ensure that new hires are treated consistently and incorporated into existing compensation systems on a compatible basis.
- (7) An assessment of how raises are awarded to determine whether:
- (a) There is a consistent method of evaluating performance for all workers; and
 - (b) Men, non-minorities, women and minorities receive consistent raises based on similar performance standards.
- (8) An evaluation of employee training, development and promotion opportunities by examining how workers are selected for participation in training opportunities or special projects that lead to advancement and whether there are differences by race or gender.
- C. Upon completion of the gender and race equity pay audit, the County Manager and the Director of the Department of Human Resources, or their designees, shall prepare a report that details the results of the gender and race equity pay audit and provide a copy of such report to the County Executive and County Council.

§ 5-1016.03. Audit schedule.

The initial gender and race equity pay audit shall be completed on or before December 31, 2010. Subsequent gender and race equity pay audits shall be completed every five years, on or before December 31 of each such year.

ARTICLE 1017

Employee Retirement System

§ 5-1017.01. Retirement Board.

The retirement system shall be under the sole direction of a Board, which shall consist of seven members: the Chief Executive; one member, who shall be a member of the retirement system, who shall be appointed by the Chief Executive with the consent of at least a majority of the seated members of County Council; one member, who shall be a member of the retirement system, appointed by at least a majority of the seated members of County Council; the Treasurer; the Controller; and two persons elected by ballot by the County's employees and retirees. The two members presently serving as members of the Board by election by the County's employees and retirees at the time of the adoption of this Administrative Code shall continue to serve the remainder of their elected terms of office. Following the completion of the terms of the members of the Board who are elected to the Board by the County's employees and retirees prior to the adoption of this Administrative Code, the stated terms of such members shall be four years. Ballots shall be mailed to each member of the retirement system at least 20 days prior to the date of the election. A vacancy occurring during the term of any member of the Board shall be filled for the unexpired term by the appointment or election of a successor in the same manner as the predecessor. A majority of the members of the Board shall constitute a quorum for the transaction of any business.

§ 5-1017.02. Retirement system.

The Allegheny County Retirement System established by the Second Class County Code Pension Provisions (16 P.S. § 4701 et seq.), and other applicable state and federal legislation and regulations shall remain in full force and effect.

Part 11
Agenda Initiative and Voter Referendum

ARTICLE 1101
General Provisions

§ 5-1101.01. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENDA INITIATIVE — The presentation to County Council a petition with at least 500 signatures of registered voters in Allegheny County proposing an Ordinance for Council's consideration and vote within the next 60 days. The proposed Ordinance must be germane to County Government and limited to one subject clearly expressed in its title. Pursuant to Article XII, § 1.12-1201, of the Charter, an agenda referendum petition is defined to be the same as an agenda initiative petition.

VOTER REFERENDUM — The filing with the applicable election officials on or before the 13th Tuesday prior to the next primary or general election a petition containing a proposed ordinance for referendum signed by registered voters comprising at least 5% of the number of registered voters in the County voting for the Office of Governor in the most recent gubernatorial general election. The applicable election official shall place the proposal on the ballot for decision by referendum at said election.

§ 5-1101.02. General authority.

- A. Agenda initiative. Pursuant to the Article XII, § 1.12-1201, of the Charter, registered voters of the County shall have the power to propose ordinances by petition for consideration by County Council.
- B. Voter referendum. **[Amended 7-15-2008 by Ord. No. 23-08]**
 - (1) Pursuant to Article XII, § 1.12-1202, of the Charter, the registered voters of the County shall have the power to propose ordinances by petition for consideration by the registered voters of the County.
 - (2) In addition to the authority recognized in Subsection B(1) above, the County shall also have the power to propose ordinances for consideration by the registered voters of the County. Any such referendum shall be initiated by ordinance in accordance with Article 311 of this Administrative Code.
- C. Restrictions on agenda initiative and voter referendum power.
 - (1) Each proposed Ordinance shall be germane to County Government and limited to one subject which shall be clearly expressed in its title.
 - (2) Every referendum question must be binding. Nonbinding referendum questions are expressly prohibited.

- (3) As the powers of the are determined by applicable law, the following areas cannot be the subjects of agenda initiative or of voter referendum:
- (a) The filing and collection of municipal tax claims or liens and the sale of real or personal property in satisfaction thereof;
 - (b) The procedures for exercising powers of eminent domain and the assessment of damages and benefits for property taken, injured or destroyed;
 - (c) Boundary changes;
 - (d) Regulation of public schools;
 - (e) Registration of electors and conduct of elections;
 - (f) The fixing of the subjects of taxation;
 - (g) The fixing of the rates of non-property or personal taxes levied upon non-residents;
 - (h) The assessment of real or personal property and persons for taxation purposes;
 - (i) Defining or providing for the punishment of any felony or misdemeanor;
 - (j) Municipal planning under the Pennsylvania Municipalities Planning Code;⁸⁶ and
 - (k) Property tax rate limits.
 - [1] Property tax rate limits established for the County as of May 20, 1997; and
 - [2] The Hotel Room Rental Tax (16 P.S. § 4970.2 et seq. and 16 P.S. § 3000.3061) and the optional Sale and Use Tax (16 P.S. § 6101 B. et seq.).
- (4) A voter referendum which proposes an amendment to the Charter must follow the procedure as set forth in the Home Rule Charter and Optional Plans Law (Act 62) (53 PA. C.S.A. § 2901 et seq.).
- (5) The County is further prohibited by applicable law from:
- (a) Engaging in any proprietary or private business except as authorized by statute;
 - (b) Exercising powers contrary to, in limitation or enlargement of, powers granted by statutes which are applicable in every part of this Commonwealth;
 - (c) Diminishing the rights or privileges of any former municipal employee entitled to benefits or any present municipal employee in his pension or retirement system;
 - (d) Enacting or promulgating any Ordinance or regulation with respect to definitions, sanitation, safety, health, standards or identity or labeling pertaining to the manufacture, processing, storage, distribution and sale of any foods, goods or services subject to any Commonwealth statutes and regulations unless the municipal Ordinance or regulation is uniform in all respects with the Commonwealth statutes and regulations thereunder;
 - (e) Enacting any provision inconsistent with any statute enacted prior to April 13, 1972, affecting the rights, benefits, or working conditions of any employee of a political subdivision of this Commonwealth;

- (f) Determining duties, responsibilities or requirements placed upon businesses, occupations and employers, including the duty to withhold, remit or report taxes or penalties levied or imposed upon them or upon persons in their employment, except as expressly provided by statutes which are applicable throughout the Commonwealth, or to all municipalities;
- (g) Enacting any ordinance or taking any other action dealing with the regulation or the transfer, ownership, transportation or possession of firearms; and
- (h) Retroactivity increasing any fee or change for any municipal service that has been provided.

§ 5-1101.03. Initiation of procedure.

- A. Agenda initiative. Any voter registered in Allegheny County may obtain the appropriate Agenda Initiative Petition and any other required forms from the County Council Clerk. An Agenda Initiative procedure shall be initiated upon presentation to the County Council Clerk of an Agenda Initiative Petition signed by at least 500 registered voters of Allegheny County proposing an Ordinance for consideration and vote by County Council. No Agenda Initiative Petition may be signed or circulated before the 21st day prior to filing the petition with the County Council Clerk.
- B. Voter referendum. Any resident of Allegheny County may obtain the appropriate Voter Referendum Petition blanks and any other required forms from the Division of Elections. A Voter Referendum procedure shall be initiated upon presentation to the Division of Elections a petition containing a proposed Ordinance for referendum signed by registered voters comprising at least 5% of the number of registered voters in the County voting for the Office of Governor in the most recent gubernatorial general election no later than the 13th Tuesday before the primary or general election. No Voter Referendum Petition may be signed or circulated prior to the 20th Tuesday neither before the election nor later than the 13th Tuesday before the election.

§ 5-1101.04. Agenda initiative; petition requirements.

- A. Form and content.
 - (1) All papers of an Agenda Initiative Petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the printed name and place of residence (house number, street or road, and municipality) of the signor and date of signing. Every Agenda Initiative Petition shall contain or have attached thereto throughout its circulation the full text of the proposed ordinance. Upon tender to the County Council Clerk, the petition shall be available for examination by any interested person.
 - (2) The proposed ordinance shall be germane to County government and limited to one subject that shall be clearly expressed in its title. The subject of the proposed ordinance shall be one that is permitted under Article XIII, § 1.13-1303, of the Charter.
 - (3) The proposed ordinance shall be drafted by the petitioner(s) in the format established by the County Council for the proposal of ordinances.

- B. Affidavit of circulator. Signatures on an Agenda Initiative Petition may be on separate sheets but each sheet shall have appended to it the affidavit of a qualified elector, not necessarily a signor of the petition, that to the best of the affiant's knowledge and belief, those persons whose signatures appear on the sheet are registered voters of the County, that they signed with full knowledge of the contents of the petition and their residences and dates of signing are correctly given.
- C. Number of signatures. Pursuant to Article XII, § 1.12-1201, of the Charter, an Agenda Initiative petition must be signed by at least 500 registered voters of the County.
- D. Time for filing petitions. No signature shall be counted as valid if it is dated more than 21 days prior to the date the petition is tendered to the County Council Clerk.
- E. Limitations on agenda initiative. Agenda Initiative Petitions proposing substantially similar ordinances cannot be considered more than once by County Council in a twelve-month period. The twelve-month period begins from the date of the last councilmatic action on the previous Agenda Initiative.

§ 5-1101.05. Voter referendum; petition requirements.

- A. Form and content.
 - (1) All papers of a Voter Referendum Petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the printed name and place of residence (house number, street or road, and municipality) of the signor and date of signing. Every Voter Referendum petition shall contain or have attached thereto throughout its circulation the full text of the proposed ordinance. Upon tender to the Board of Elections of Allegheny County, the petition shall be available for examination by any interested person.
 - (2) The proposed ordinance shall be germane to County government and limited to one subject that shall be clearly expressed in its title. The subject of the proposed Ordinance shall be one that is permitted under Article XIII, § 1.13-1303, of the Charter.
 - (3) The proposed ordinance shall be drafted by the petitioner(s) in the format established by the County Council for the proposal of ordinances.
 - (4) Every referendum question must be binding. A nonbinding referendum question is expressly prohibited.
- B. Affidavit of circulator. Signatures on a Voter Referendum Petition may be on a separate sheet but each sheet shall have appended to it the affidavit of a qualified elector, not necessarily a signor of the petition, that to the best of the affiant's knowledge and belief those persons whose signatures appear on the sheet are registered voters of the County, and they signed with full knowledge of the contents of the petition and their residences and dates of signing are correctly given.
- C. Number of signatures. Pursuant to Article XII, § 1.12-1202, of the Charter, a Voter Referendum petition must be signed by registered voters of the County comprising at least 5% of the number of registered voters in the County voting for the Office of Governor in the most recent gubernatorial general election.

- D. Time for filing, time limits for collecting signatures. No Voter Referendum petition may be signed or circulated prior to the 20th Tuesday neither before the election nor later than the 13th Tuesday before the election.

§ 5-1101.06. Filing procedure; agenda initiative petition.

- A. Tendering of petition for filing. Upon tender of an Agenda Initiative Petition to the County Council Clerk, the Clerk shall complete a notice of filing. The notice of filing shall indicate the name and mailing address of the person filing the petition, a brief description of the petition instrument including the proposed ordinance, signature and printed name of the person filing the petition, the signature and printed name of the receiving clerk, and the date and time of filing as indicated by a date/time stamp.
- B. Notice of filing. A copy of the notice of filing shall be distributed to the person filing the petition, the offices of the County Council President, the Chief Executive, the County Manager, the County Solicitor and the Division of Elections within one business day of the receipt of the petition by the County Council Clerk.
- C. Review for facial completeness. Upon receipt of the Agenda Initiative Petition, the County Council Clerk shall complete the review of the facial completeness of the petition within 10 business days of receipt.
- D. Transmittal of petition to county solicitor for legal review. Upon receipt of the Agenda Initiative Petition, the County Council Clerk shall transmit the petition to the County Solicitor for legal review of the instrument. The County Solicitor shall complete his review of the petition and report the result of his review to the County Council Clerk within 10 Business Days of receipt.

§ 5-1101.07. Filing procedure; voter referendum petition.

- A. Tendering of petition for filing. Upon tender of a Voter Referendum petition for filing to the County Board of Elections, Division of Elections personnel shall complete a notice of filing. The notice of filing shall indicate the name and mailing address of the person filing the petition, a brief description of the petition instrument including the proposed Ordinance, the signature and printed name of the receiving clerk and the date and time of filing as indicated by a date/time stamp.
- B. Notice of filing. A copy of the notice of filing shall be distributed to the person filing the petition, the offices of the County Council President, the Chief Executive, the County Manager, the County Solicitor and the Division of Elections within one Business Day of the receipt of the petition by the County Council Clerk.
- C. Facial completeness of petition instrument. Upon receipt of the Voter Referendum Petition, the Division of Elections shall commence its review of the facial completeness of the instrument. The Division of Elections shall complete its review of the petition and report the results of its review to the Board of Elections within 10 business days of receipt.
- D. Transmittal of petition to County Solicitor for legal review. Upon receipt of the Voter Referendum Petition, the Division of Elections shall transmit the petition to the County Solicitor for legal review of the instrument. The County Solicitor shall complete its review of the petition and report the result of its review to the Board of Elections within 10 business days of receipt.

§ 5-1101.08. Certification of petition; agenda initiative petition.

- A. Statement of certification. Within five days of concluding the facial completeness review and receiving the results of the legal review from the County Solicitor, the County Council Clerk shall issue a statement of certification to the person filing the petition. The statement of certification shall be distributed to the person filing the petition, the County Council President, the County Chief Executive, the County Manager, the County Solicitor and the Division of Elections.
- B. Petition certified sufficient. An Agenda Initiative Petition shall be certified sufficient if it meets all requirements for both facial completeness and legal review.
- C. Petition certified insufficient. An Agenda Initiative Petition shall be certified insufficient if it does not meet any of the requirements for either facial completeness or legal review. In this case, said petition shall be returned to the person filing the petition.
- D. Appeal of petition certified as insufficient. The decision of the County Council Clerk shall be subject to appeal to the Court of Common Pleas within seven days of the date of the statement of certification.
- E. Challenges to agenda initiative petitions certified as sufficient. The decision of the County Council Clerk shall be subject to appeal to the Court of Common Pleas within seven days of the date of the statement of certification.

§ 5-1101.09. Certification of petition; voter referendum petition.

- A. Statement of certification. Within five days of concluding the facial completeness review and receiving the results of the legal review from the County Solicitor, the Board of Elections shall issue a statement of certification to the person filing the petition. The statement of certification shall be distributed to the person filing the petition, the County Council President, the County Chief Executive, the County Manager, the County Solicitor and the Division of Elections.
- B. Petition certified sufficient. A Voter Referendum Petition shall be certified sufficient if it meets all requirements for both facial completeness and legal review.
- C. Petition certified insufficient. A Voter Referendum Petition shall be certified insufficient if it does not meet any of the requirements for either facial completeness or legal review. In this case, said petition shall be returned to the person filing the petition.
- D. Appeal of petition certified as insufficient. The decision of the County Board of Elections shall be subject to appeal to the Court of Common Pleas within seven days of the date of the statement of certification.
- E. Challenge to voter referendum petitions. Pursuant to 25 P.S. § 2937, Voter Referendum Petitions certified sufficient shall be deemed to be valid, unless, within seven days after the statement of certification by the Board of Elections concerning the Voter Referendum Petition, a petition is presented to the Court of Common Pleas specifically setting forth the objection thereto, and asking that the said Voter Referendum Petition be set aside. A copy of said petition shall, within said period, be served on the authorized representative of the Board of Elections with whom said petition was filed. Upon presentation of such petition, the Court shall follow the procedure set forth in 25 P.S. § 2937 regarding objections to petitions insofar as they may be applicable.

§ 5-1101.10. Action on agenda initiative petitions.

- A. Action by Council. No later than the 60th day from the date that the Agenda Initiative Petition has been certified as sufficient by the County Council Clerk, the County Council shall consider the ordinance being proposed by advertising the title and summary of the proposed ordinance in the manner provided in § 311.04 of this Administrative Code. The advertisement shall indicate that the proposed ordinance has been proposed through an Agenda Initiative.

§ 5-1101.11. Action on voter referendum petitions.

- A. Process for putting the referendum questions on the ballot. Following the certification of the Voter Referendum as sufficient, the Board of Elections shall cause the referendum to be placed on the ballot.
- B. Responsibility for framing the ballot question. The Division of Elections shall frame the ballot question consistent with the provisions of the Election Code.
- C. Responsibility for writing the explanation. The Elections Division, with the assistance of the Law Department, shall write the explanation of the ballot question consistent with the provisions of the Election Code.
- D. Ordinances passed by referendum cannot be vetoed. If a majority of the qualified registered voters voting on a referendum vote in its favor, it shall be considered adopted upon certification of the election results and shall become effective in accordance with its terms. Pursuant to Article XII, § 1.12-1202, of the Charter, any ordinance that has been approved by referendum shall not be subject to veto and shall not be amended or repealed by County Council for two years following its approval.

Part 12
Government Review

ARTICLE 1201
Sunset Review Procedures

§ 5-1201.01. Departmental sunset review [Amended 2-15-2005 by Ord. No. 11-05]

Pursuant to Article VII, § 1.7-711, of the Charter, the County Manager shall review and evaluate the need for and function of each County Department at least once every four years. The schedule for the evaluation of each County Department shall be established by the County Manager.

§ 5-1201.02. Departmental standards for evaluation. [Amended 2-15-2005 by Ord. No. 11-05]

In the course of the evaluation, the County Manager shall take into account the following specified factors:

- A. The legal mandate or necessity for the Department;
- B. A determination of public need for the Department's services;
- C. 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;
- D. An evaluation of whether County government is the most effective body to implement the Department's programs;
- E. 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;
- F. An analysis showing the costs of compliance for individuals or other entities regulated by the Department;
- G. The efficiency with which formal public complaints filed with the Department have been processed, and
- H. Any other written criteria that the County Manager believes in the exercise of his best professional judgment, would aid in the furtherance of making County government more competitive and performance-oriented.

§ 5-1201.03. Departmental input into evaluation.

The Director of each Department under review shall cooperate with the County Manager's evaluation of the Department. The Director shall provide such information and documentation that the County Manager may from time to time request during the course of the performance of the evaluation.

§ 5-1201.04. Public participation and comment in Departmental Review. [Amended 2-15-2005 by Ord. No. 11-05]

To assist in the evaluation of each Department, the County Manager may schedule a public hearing at which time the opinions and comments of the public and groups and organizations interested in or affected by the Department may be obtained.

§ 5-1201.05. Recommendations regarding Department.

- A. On or before June 30 of each year, the County Manager shall complete his evaluation regarding the need for County Departments subject to review and shall submit his recommendations regarding the continuation, abolition or reorganization of the Department. The County Manager shall submit his recommendations about the affected County Department in writing to the Chief Executive and County Council.
- B. Upon receipt of the County Manager's recommendation, County Council may adopt an ordinance or resolution on or before October 15 to either:
 - (1) Continue the existence of the affected Department for another four years;
 - (2) To abolish the Department; or
 - (3) Reorganize the Department subject to evaluation and review.
- C. Any ordinance or resolution submitted pursuant to Article IV, § 1.4-402(m), of the Allegheny County Home Rule Charter or proposing the abolition, reorganization, or modification of a County department, agency, or function shall be preceded by review under this article. **[Added 2-1-2005 by Ord. No. 06-05]**
- D. Any action taken under the authority of Article V of the Allegheny County Home Rule Charter in which the abolition, reorganization, or modification of a County department, agency, or function is made shall be preceded by review under this article. **[Added 2-1-2005 by Ord. No. 06-05]**

§ 5-1201.06. Continued effect of abolished Department's actions.

All orders, determinations, rules, regulations, permits, certificates, licenses, contracts, rates and privileges issued by a County department that has been or is subject to abolition will continue to be in effect according to the previous terms until modified, terminated, superseded, set aside or repealed by the successor Department, by a court of competent jurisdiction or by operation of law.

§ 5-1201.07. Agency sunset review. [Added 2-15-2005 by Ord. No. 11-05]

Pursuant to Article VII, § 1.7-711, of the Charter, the County Manager shall evaluate each County agency through a four-year staggered sunset review process. In order to provide adequate time for each review and resulting recommendations and to ensure review every four years, one-fourth of all existing County agencies shall be evaluated each year beginning in 2006.

§ 5-1201.08. Agency standards for evaluation. [Added 2-15-2005 by Ord. No. 11-05]

- A. In the course of the evaluation, the following specified factors shall be taken into account:
- (1) The legal mandate or necessity for the agency;
 - (2) A determination of public need for the continued existence of the agency and its services;
 - (3) 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;
 - (4) An evaluation of whether the agency is the most effective body to implement the agency's programs;
 - (5) 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;
 - (6) An analysis showing the costs of compliance for individuals or other entities regulated by the agency;
 - (7) The efficiency with which formal public complaints filed with the agency have been processed; and
 - (8) 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.
- B. The County Manager may also utilize any other written criteria that he believes, in the exercise of his best professional judgment, would aid in the furtherance of making the agency more competitive and performance-oriented.

§ 5-1201.09. Agency input into evaluation. [Added 2-15-2005 by Ord. No. 11-05]

The Executive Director, Board, President, Chief Executive Officer, or other appropriate head of an agency under review shall cooperate with the County Manager's evaluation of the agency by providing such information and documentation that may be requested during the course of the evaluation.

§ 5-1201.10. Public participation and comment in agency review. [Added 2-15-2005 by Ord. No. 11-05]

To assist in the evaluation of each agency, the County Manager may schedule a public hearing at which time the opinions and comments of the public and groups and organizations interested in or affected by the agency may be obtained.

§ 5-1201.11. Recommendations regarding agency. [Added 2-15-2005 by Ord. No. 11-05]

- A. On or before June 30 of each year, the County Manager shall complete his evaluation regarding the need for agencies subject to review and shall submit his recommendations regarding the continuation, abolition, or reorganization of the agency and whether further County support of the agency should be provided. All recommendations regarding the affected agency should be submitted in writing to the Chief Executive and County Council.

- B. Upon receipt of the County Manager's recommendations, County Council may adopt an ordinance or resolution on or before October 15 to either:
- (1) Continue the existence of the affected agency for another four years, if appropriate, or continue the relationship with the agency for another four years;
 - (2) Abolish the affected agency, if appropriate, or sever the relationship with the agency; or
 - (3) Reorganize the agency subject to evaluation and review, if appropriate, or alter the relationship with the agency.

ARTICLE 1203

Government Review Commission

§ 5-1203.01. County Government Review Commission established. [Amended 3-15-2005 by Ord. No. 19-05]

In accordance with Article XIII, § 1.13-1305, of the Charter, a County Government Review Commission shall be first established in 2005, and then every 10 years thereafter. The Review Commission shall study the Charter and County Government, including the organization, practices and responsibilities of all County departments and agencies. The Review Commission shall evaluate the effectiveness, efficiency and equity of the County government and Charter. The Review Commission may make recommendations to the people of the County on County government and may recommend amendments to the Charter.

§ 5-1203.02. Review Commission members.

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

§ 5-1203.03. Appointment of members. [Amended 1-4-2005 by Ord. No. 02-05; 1-18-2005 by Ord. No. 04-05]

- A. At a regularly scheduled meeting of Council in February of 2005, and every 10 years thereafter, the Council shall select and appoint five voters of the County to serve on the Review Commission.
- B. Within 15 days after Council has formally appointed the aforesaid five members of the Review Commission, the Chief Executive shall appoint four voters of the County to serve on the Review Commission. **[Amended 3-15-2005 by Ord. No. 19-05]**

§ 5-1203.04. Oath or affirmation. [Amended 3-15-2005 by Ord. No. 19-05]

Within 10 days of the final appointment of all nine members, the members of the Review Commission shall make oath or affirmation to support the Constitution of the United States and the Constitution of the Commonwealth, and to perform the duties of the office with fidelity.

§ 5-1203.05. Vacancies.

In the event that a member of the Review Commission is unwilling or unable to perform his duties, the Review Commission may declare the member's position vacant and request a new appointment by the individual or body that appointed the member. The Chief Executive or the County Council shall make the appointment within 15 days of receiving the request for a new appointment.

§ 5-1203.06. Organization.

- A. Within 15 days of appointment, the Review Commission shall organize and hold its first meeting to elect one of its members as Chairman and another member as Vice Chairman, to agree on rules and regulations governing the operation, and to establish a work plan and schedule for review.
- B. The rules and regulations governing the operation of the Review Commission shall provide for the keeping of records pertaining to its duties, the conduct of meetings and public hearings, and a periodic reporting to the County Council, Chief Executive and voters of the County.
- C. A majority of the members of the Review Commission shall constitute a quorum for the transaction of business.
- D. The final report of Review Commission shall be adopted only by a majority of the members of the Review Commission.

§ 5-1203.07. Meetings.

All Review Commission meetings and hearings shall be held in accordance with the "Sunshine Act."

§ 5-1203.08. Expenses. [Amended 3-15-2005 by Ord. No. 19-05]

- A. The members of the Review Commission shall serve without compensation, but shall be reimbursed by the County for their necessary travel expenses incurred in the performance of their duties. The Chief Executive shall request and the County Council shall approve appropriations necessary for such purpose in the balanced annual operating budget.
- B. Members of the Review Commission shall be entitled to reimbursement for actual and necessary travel expenses incurred; provided, however, that the expenditure is incurred for attendance at a regularly scheduled Review Commission meeting. The reimbursable travel expense, in accordance with the County's travel policy, shall be governed by the following:
 - (1) Reimbursable travel expenses include the use of a privately owned vehicle and shall include parking, mileage, and tolls;
 - (2) Reimbursable travel expense requests must be documented with an original itemized receipt, excluding mileage;
 - (3) Mileage reimbursable requests must include the travel date, origination, destination, number of roundtrip miles, and purpose;
 - (4) Reimbursements for mileage will be made at the prevailing Internal Revenue Service (IRS) rate; and
 - (5) Reimbursements shall not exceed \$500 per Government Review Commission member for the duration of the existence of the Commission.

§ 5-1203.09. Staff. [Amended 3-15-2005 by Ord. No. 19-05]

Provision shall be made by the Chief Executive and County Council for the contracting of an independent, professional staff for the Review Commission, whose roles and responsibilities shall be explicitly provided for within the contract. In the event that a legal opinion is required by the Review Commission, the members shall, to the extent possible, utilize the County Law Department. If the Commission deems it necessary to solicit an independent legal opinion, any resulting expense shall be subject to the availability of funds from the appropriation made for the Commission.

§ 5-1203.10. Activities of Review Commission.

- A. The Review Commission shall hold such public hearings as it deems necessary for the proper conduct of its review.
- B. The Review Commission shall have the power to conduct inquiries and investigations to aid in the performance of its duties.
- C. The County Council, the Chief Executive, the County Manager, County officials, and County agencies shall make available to the Review Commission all information, data, reports, records and other documents necessary for carrying out the duties of the Review Commission. This cooperation shall be provided in a timely fashion and may include the attendance of County officials, County officers, and Department Directors at meetings and hearings. **[Amended 3-15-2005 by Ord. No. 19-05]**
- D. In the event that a referendum question amending the County Home Rule Charter is to be considered during its term, the Review Commission shall also make recommendations based on whether the question is approved or defeated. **[Added 12-21-2004 by Ord. No. 39-04]**
 - (1) If the referendum is approved by a majority of electors and certified as such by the Board of Elections, the Review Commission shall consider the effect of the question and make recommendations regarding implementation of changes, including organization, practices, and responsibilities that are to be altered pursuant to the amendment. Such recommendations shall also include a time frame in which implementation could be accomplished.
 - (2) If the referendum is defeated, the Review Commission shall consider the question and make recommendations as to whether another question should be posed to the electorate or whether other action should be taken to effectuate the premise of the failed referendum.

§ 5-1203.11. Final report and discharge of Commission. [Amended 3-15-2005 by Ord. No. 19-05]

- A. The Review Commission shall issue its final report to the Chief Executive, County Council and voters of the County within one year of the initial appointment to the Review Commission.
- B. The final report shall be posted on the Internet at an appropriate County Web site. Copies of the final report shall be made available for public inspection in the County Manager's Office during normal business hours.
- C. Within 30 days following issuance of the report, the Review Commission shall file a statement sworn to by members of the Review Commission listing in detail the funds, goods, materials and services, both public and private used by the Review Commission in the performance of its work

and the preparation and filing of the report. The sworn statement shall be attached to the report of the Review Commission.

- D. Following the issuance of the final report and the filing of the sworn statement required in Subsection C, the Review Commission shall be discharged.

ARTICLE 1204

Diversity Review

[Added 8-21-2007 by Ord. No. 32-07]

§ 5-1204.01. Diversity audit of County authorities, agencies, and other entities.

The following requirements shall apply to all County authorities delineated in § 5-203.01, all County agencies delineated in § 5-215.01, all County and non-County nonprofit entities delineated in § 5-215.03 of this Administrative Code, and all administrative departments within the County government:

- A. No later than June 1, 2008, the Allegheny County Controller shall complete a diversity audit for all entities bound by the terms of this section, and shall forward copies of these audits to the Council, Chief Executive and County Manager.
- B. With respect to age diversity, the Controller's audit shall include but not be limited to the following evaluations:
 - (1) Whether the entity evaluated has communicated to all staff and students that age discrimination is unlawful in respect of work and study, and will not be tolerated;
 - (2) Whether the entity evaluated has reviewed employment policies and practices to ensure no age-related bias occurs at any stage of the process, from recruitment advertising to decision-making;
 - (3) Whether the entity evaluated has reviewed access to staff development and training to ensure that it is age neutral;
 - (4) Whether the entity evaluated has ensured that promoting age equality is a feature of its staff development program;
 - (5) Whether the entity evaluated has effectively evaluated whether age discrimination is taking place with regard to pay or benefits;
 - (6) Whether the entity evaluated has reviewed its normal retirement age;
 - (7) Whether the entity evaluated has implemented a retirement process, ensuring appropriate notification and providing guidance to managers about the retirement process;
 - (8) Whether the entity evaluated has considered extending flexible working options to all staff (if not currently available to all);
 - (9) Whether the entity evaluated has reviewed current performance management systems, including appraisal, to ensure age neutrality;
 - (10) Whether the entity evaluated has taken steps to ensure that it can provide an accurate age profile of staff across the organization to the extent permitted by applicable law, and whether it has considered how such a profile can be used to inform workforce planning;
 - (11) Whether the entity evaluated has considered the use of age-related monitoring data in recruitment; promotion; training and development; disciplinary, grievance, and exit procedures to the extent permitted by applicable law.
- C. With respect to disability diversity, the Controller's audit shall include but not be limited to the following evaluations:

- (1) Whether the entity evaluated has produced a written policy or procedure governing disability equality which sets out how it will meet the general and specific duties under applicable law;
- (2) Whether the entity evaluated has involved disabled people in the development and review of the disability equality policy or procedure;
- (3) Whether the entity evaluated has taken steps to ensure that employees understand what constitutes a disability under applicable law, and their responsibilities thereunder;
- (4) Whether the entity evaluated has taken a social model approach to disability, which focuses on barriers faced by disabled people;
- (5) Whether the entity evaluated has communicated with contractors about their responsibilities under applicable law to disabled individuals;
- (6) Whether the entity evaluated has considered the ways in which it can promote positive attitudes towards disabled people both within and outside the entity's organization, and the extent to which these have been implemented;
- (7) Whether the entity evaluated has established ways in which it can encourage the participation of disabled people in key decision-making bodies;
- (8) Whether the entity evaluated has ensured that all staff understand the concept of, and the reasons for making, reasonable adjustments in employment and in its daily activities;
- (9) Whether the entity evaluated has established a means for involving disabled individuals in monitoring and maintaining its disability policies and/or procedures;
- (10) Whether the entity evaluated has established a system for collecting and analyzing data pertaining to disability equality;
- (11) Whether the entity evaluated has established a system for reporting, both to employees and the public, on its progress in implementing its disability equality policies and/or procedures.

D. With respect to racial diversity, the Controller's audit shall include but not be limited to the following evaluations:

- (1) Whether the entity evaluated has developed a comprehensive race equality policy and a set of written procedures for implementing and maintaining that plan which sets out how it will continue to meet its duties under applicable law, and that includes and prioritizes desired outcomes, time frames, and identified those responsible for implementation;
- (2) Whether the entity evaluated has held regular reviews and communicated the findings to all stakeholders and the public;
- (3) Whether the entity evaluated has established a system for collecting and analyzing staff data at various stages of employment and study, consistent with the provisions of applicable law;
- (4) Whether the entity evaluated has actively communicated the requirements of its race equality policy and procedures to staff, the public, contractors with whom the entity works, and agents and others with whom the entity works;

- (5) Whether the entity evaluated has taken all reasonable steps to ensure its staff does not discriminate unlawfully;
 - (6) Whether the entity evaluated has considered the ways in which it can promote good relations between people of different racial groups, and acted on these ideas;
 - (7) Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of race in employment and the provision of services.
- E. With respect to gender diversity, the Controller's audit shall include but not be limited to the following evaluations:
- (1) Whether the entity evaluated has taken steps to ensure that it has a written gender equality policy in place;
 - (2) Whether the entity evaluated has made it clear within the entity's organization that less favorable treatment on the grounds of pregnancy and maternity leave constitutes sex discrimination;
 - (3) Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of sex in employment and the provision of services;
 - (4) Whether the entity evaluated has undertaken an equal pay audit to establish whether men and women in the same employment are paid the same for like work, work rated as equivalent, and/or work of equal value;
 - (5) Whether the entity evaluated has taken steps to eradicate any identified pay gaps.
- F. With respect to sexual orientation diversity, the Controller's audit shall include but not be limited to the following evaluations:
- (1) Whether the entity evaluated has created and made known policies or procedures for governing discriminatory practices based upon sexual orientation;
 - (2) Whether the entity evaluated has ensured that support is available to staff, and that there are appropriate channels to report discrimination on grounds of sexual orientation;
 - (3) Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of sexual orientation in all aspects of employment and the provision of services;
 - (4) Whether the entity evaluated has updated its arrangements for survivor pension or other benefits consistent with applicable law.
- G. With respect to religious diversity, the Controller's audit shall include but not be limited to the following evaluations:
- (1) Whether the entity evaluated has created and made known policies or procedures for governing discriminatory practices based upon religious beliefs;
 - (2) Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of religion or belief in all aspects of employment and the provision of services;
 - (3) Whether the entity evaluated has taken steps to ensure its programs and access to services provisions do not discriminate on grounds of religion or belief;

- (4) Whether the entity evaluated has ensured that there are appropriate channels for staff and the public to report instances of discrimination on the grounds of religion or belief.

H. With respect to diversity maintenance programs, the Controller's audit shall include but not be limited to the following evaluations:

- (1) Whether the entity evaluated has established working groups to steer and monitor progress on all aspects of equality;
- (2) Whether the entity evaluated has ensured that policies and practices affecting employment meet the requirements of applicable law as it evolves;
- (3) Whether the entity evaluated has established data collection and analysis mechanisms, and used these to meet any existing statutory monitoring and publishing requirements;
- (4) Whether the entity evaluated has identified a person or persons to review legislative requirements and identify developments affecting existing policy or practice;
- (5) Whether the entity evaluated has determined how, and to whom, it will convey information on legislative changes within the entity;
- (6) Whether the entity evaluated has established and made available to staff and/or the public procedures to deal with incidents of direct and indirect discrimination, victimization and harassment;
- (7) Whether the entity evaluated has established clear lines of responsibility, authority and accountability for diversity policy implementation, monitoring, maintenance and refinement within the entity;
- (8) Whether the entity evaluated has ensured that staff are trained on diversity requirements, appropriate to their role and level of responsibility;
- (9) Whether the entity evaluated has ensured that those involved in staff recruitment and providing services are trained to apply diversity requirements to these processes;
- (10) Whether the entity evaluated has ensured that all contractors are aware of the entity's diversity policies and expected standards of behavior while carrying out their functions;
- (11) Whether the entity evaluated has ensured its procurement policy and arrangements include diversity dimensions, including:
 - (a) A specific clause on diversity requirements in all procurement contracts.
 - (b) Encouragement to suppliers from under-represented groups to endeavor to provide the entity with goods and services through the entity's procurement process.
- (12) Whether the entity evaluated has ensured that plans are in place to consult staff, the public, trade unions, and other relevant groups when policies that may affect them and/or the people they represent are developed or reviewed;
- (13) Whether the entity evaluated has effectively managed the risk of noncompliance.

§ 5-1204.02. Consultants and other auditing agencies authorized.

The Allegheny County Controller shall hire outside auditors or other consultants as necessary to complete the audits required under the terms of this article.

§ 5-1204.03. Responsive comment to Controller's findings.

Any entity audited under the terms of this article shall have 90 days to send comments responsive to the audit required under the terms of this article to the Controller, Council, Chief Executive, and County Manager.

§ 5-1204.04. Consolidation, modification or creation of authorities.

No County administrative department may be consolidated, merged, modified, or created until the diversity audit required under the terms of this article is completed for the entity or entities that are to be involved in the consolidation, merger, modification or creation. In the event that a consolidation, merger, modification or creation of a County administrative department is partially completed on the effective date of this section, no additional action(s) may be completed until the diversity audit required under the terms of this article is completed for the entity or entities that are to be involved in the consolidation, merger, modification or creation. Any office, department or function altered under the provisions of § 5-201.03B of the Administrative Code of Allegheny County must comply with the provisions of this article and all applicable provisions of the Home Rule Charter of Allegheny County as a condition of funding the County budget, beginning with fiscal year 2008.

§ 5-1204.05. Subsequent diversity audit.

The Allegheny County Controller shall conduct additional diversity audits under the provisions of this article at least once every three years for each entity subject to the terms of this article.