



# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## Government Review Commission

**Agenda: Tuesday, January 26, 2016  
8:30 a.m. - 11:41 a.m.**

1. Pledge of Allegiance
2. Roll Call: Members that were present to constitute a quorum were Chairman Foerster, Andrea Geraghty, Rick Schwartz and Jim Nowalk.
3. Opening Remarks by the Chair:
  - a. To accomplish the task as assigned, The Chair indicated that the presentation of the report to County Council would occur on March 22 and subsequently to the County Executive on March 29, 2016.
  - b. The Chair reviewed the elements of the Public Hearing and thanked the participants for their attendance.
  - c. The Chair expressed acknowledgement of the work and gratitude for Bryant Andrews-Nino who had served the Commission by providing meeting minutes throughout the process.
4. Review of the Recommendations: It was decided by the assembled that the recommendations as presented would be reviewed and a vote would be cast and recorded. (**N.B.: Final recommendations as approved are noted in bold**)

5. General Recommendations related to the activities of the Government Review Commission were reviewed and yielded the following:

**Recommendation #1: Approved 5-0**

After a review of the recommendation by Jim Nowalk, a motion was made by Rick Schwartz and seconded by Andrea Geraghty. The motion was approved 5-0.

**The three committees of the Allegheny County Government Review Commission recommend that Article XIII, Section 5, Subsection b) be amended to increase the term of the members of the Commission as well as the time for submitting a report to the people of Allegheny County on the Commission's findings and recommendations from one year to eighteen months.**

**Recommendation #2: Approved 5-0.**

After a review of the recommendation by Jim Nowalk, a motion was made by Rick Schwartz and seconded by Andrea Geraghty. The motion was approved 5-0.

**The three committees of the Allegheny County Government Review Commission recommend that a Subsection c) be added to Article XIII, Section 5 that would require County Council and the Chief Executive to hold a public hearing within one year and then five years after the Commission submits its report to the people of Allegheny County on the Commission's findings and recommendations. The purpose of each hearing would be for County Council and the Chief Executive to report to the people of Allegheny County on what action has been taken to implement the recommendations of their Commission, as those recommendations pertain to their Office.**

**Recommendation #3: The motion was approved 5-0.**

After a review of the recommendation by Jim Nowalk, a motion was made Rick Schwartz and seconded by Andrea Geraghty. The motion was approved 5-0.

**Until such time as the Allegheny County Home Rule Charter is amended to require such hearings, the three committees of the Allegheny County Government Review Commission recommend that County Council and the Chief Executive voluntarily agree to hold hearings within one year and then five years to report to the people of Allegheny County on what action has been taken to implement the recommendations of their Commission, as those recommendations pertain to their Office.**

6. Fiscal and Personnel Committee report

Committee Chair Andrea Geraghty reviewed the recommendations as developed.

In the review, Jim Nowalk asked for a clarification of the duties that will be referenced in the recommendation. With a delineation of the items in the two companion recommendations, Jim Nowalk moved that Recommendations #1 and #2 be accepted with a second by Jay Hagerman. Both were approved 5-0.

**Recommendation 1: Approved 5-0**

**The Fiscal and Personnel Committee recommends that Article XI, Section 2 of the Charter be amended to allow the Accountability, Conduct and Ethics Commission to initiate investigations of its own volition, rather than merely being authorized to act on complaints delivered to it by others. The Committee further recommends that a comparable amendment be made to § 5-1013 of the Administrative Code.**

**Recommendation 2: Approved 5-0**

**The Fiscal and Personnel Committee recommends that § 5-1013 of the Administrative Code be amended to detail the powers and duties of the Accountability, Conduct and Ethics Commission.**

**Recommendation 3: Approved 5-0**

After a review which included a confirmation that the process reflects the current method used in the Sunset review, a motion by Rick Schwartz with a second by Jay Hagerman for the following recommendation was approved unanimously.

**The Fiscal and Personnel Committee recommends that § 5-1201.01 of the Administrative Code be amended to provide for a staggered review and evaluation of the need for and function of each County Department, spread across four years.**

7. External Entities, Reviews and Independently Elected Officials Committee report

After a review of Recommendation #1 that “ The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Manager and the County Sheriff should consult with one another and conduct research to determine if additional funding is available to provide necessary and updated training programs for all deputies in the Sheriff’s department to ensure the public safety of Allegheny County Court personnel, the public and other constituents protected by the Sheriff’s office” , Commissioner Geraghty recommended that the county police should be added to the item rather than limiting it to research for training for Sherriff’s department. Jay Hagerman concurred with this.

Additional discussion focused on the inclusion of the Superintendent of the Police in addition to the County manager. While some members thought it to be advantageous, other members believed that as the Superintendent reports to the County Manager it would be his decision to determine the level of involvement. After a motion by Rick Schwartz to amend the recommendation with the inclusion of the Superintendent

and second by Jim Nowalk, the motion was defeated 3-2 with Commissioners Hagerman, Geraghty, and Nowalk voting “No” and Schwartz and Foerster voting “yes”. Subsequently a motion was made to accept the recommendation as follows:

**Recommendation #1: Approved, as amended 5-0**

**The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Manager and the County Sheriff should consult with one another and conduct research to determine if additional funding is available to provide necessary and updated training programs for all deputies in the Sheriff’s department and the Department of the County Police to ensure the public safety of Allegheny County Court personnel, the public and other constituents protected by the Sheriff’s office and the Allegheny County Police.**

The motion passed 5-0.

**Recommendation #2: Held for further discussion**

Due to the fact that this recommendation related to Recommendation #10 of the Form of Government, it was agreed that that **following recommendation be held** until discussion later in the meeting.

**The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Manager’s office should conduct in-depth research to determine if the functionality, cost benefits and increased public safety benefits related to the merger of the County Sheriff’s Office and the Allegheny County Police Department and if such benefits would be realized by consolidation of the two agencies.**

### **Recommendation #3: Approved 5-0**

After a motion by Rick Schwartz and a second by Jim Nowalk, the following motion passed unanimously.

**The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Executive reintroduce Bill No. 8527-14 originally submitted to County Council on October 7, 2014, by the Allegheny County Minority, Woman and Disadvantaged Business Enterprise Office seeking to improve operations of the County's MBE program. The Bill repeals the existing language in Chapter 435 of the County Code of Ordinances and replaces it with language to improve the operations of the County's MBE Program.**

### **Recommendation #4: Approved 5-0**

After a motion by Jay Hagerman and a second by Andrea Geraghty, the following motion passed unanimously.

**The External Entities, Reviews and Independently Elected Officials Committee recommends that there is a requirement to have a centralized management of all monies received by the County from all county offices, agencies, and departments (as defined by the county code in § 5-101.03 of the County Code) be deposited with the County Treasurer's office as consistent with § 5-813.01 of the County Code detailing the receipts of money for the County.**

### **Recommendation # 5: Approved 5-0**

After a motion by Jim Nowalk and a second by Jay Hagerman, the following motion passed unanimously.

**The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Treasurer and County Manager be encouraged to discuss the creation of a County Bond Board to ensure the transparency and fairness in the securing of bonds.**

## **Recommendation # 6: Approved as amended 5-0**

In reviewing the following, it was the consensus of the group that the recommendation should be amended to include the voluntary participation of the Independently Elected Officials. To accomplish this, Jim Nowalk made a motion and seconded by Andrea Geraghty that the EEOE Committee should draft language to **amend the recommendation to reflect the inclusion of voluntary participation. Additionally, Jim Nowalk motioned and was seconded by Rick Schwartz that the voluntary participation should occur until the Administrative Code was changed.** To accomplish this, it was the consensus that the committee should also make these changes to the final recommendation. (As the chair of the EEOE committee was unavailable, this language will be cited in the final report)

**The External Entities, Reviews and Independently Elected Officials Committee recommends that the County amends § 5-1204.01 et seq. of the County Code relating to the Diversity Audit to be a Diversity Report rather than an Audit.**

**It is recommended that a thorough review of the language of § 5-1204.01 et seq. be conducted to amend the language to:**

- **Amend all references to audit and replace with report; and**
- **Review the feasibility and reporting requirements for the authorities, agencies, and other entities, in the areas of:**
  - o **Age diversity**
  - o **Disability diversity**
  - o **Racial diversity**
  - o **Gender diversity**
  - o **Sexual Orientation Diversity**
  - o **Religious Diversity**
  - o **Diversity Maintenance Programs**

**We therefore recommend that all County departments self-report their diversity statistics by a date certain to the Controller's office. If the statistics are not received by that date certain, then a formal request for the information will be forwarded to the department. Further, most County departments are currently maintaining diversity statistics**

**related to current employees and job applicants. This information is presently available through the County Open Records Policy.**

**Recommendation # 7 Approved, as amended 5-0**

After consensus that the intent of the recommendation was housing to be both affordable and accessible, Andrea Geraghty motioned and a second was made by Rick Schwartz to accept the recommendation as amended. The motion passed 5-0

**The External Entities, Reviews and Independently Elected Officials Committee recommends that Allegheny County Economic Development (ACED) should consult with local research agencies to determine and/or research the affordable and accessible housing in Allegheny County and provide a comprehensive list of affordable and accessible housing options needs (government subsidized and income-based housing) in the County. This information is needed to ensure that affordable and accessible housing options are available in the County as many neighborhoods shift from affordable communities to investment communities.**

8. Form of Government Committee report

**Recommendation #1: Defeated, as amended 3-2  
(Geraghty, Hagerman, Schwartz voted “No” while Foerster and Nowalk voted “yes”)**

After a review of the Recommendation #1 of:

“The Form of Government Committee recommends that the composition of County Council be changed from 13 members elected by district and 2 elected at large to 15 members elected by district and none elected at large”, Jim Nowalk indicated that based on testimony presented at the public hearing he had revised the recommendation to address the fact that at-large members serve as members of the Board of Elections and therefore he proposed that County Council elect a president and Vice-president of different political affiliations.

Upon reflection, Rick Schwartz indicated that the purpose of the requirement for at-large was to assure the citizens that the minority voice would be heard and this would be counterproductive to change this requirement. Ms. Geraghty disagreed with the recommendations as she could not determine any benefit to the county with the elimination of

an at-large member nor did she accept the argument that the smaller district increased service significantly. Mr. Hagerman concurred with Ms. Geraghty in that he thought that the greater good should prevail and that the effect indicated in the amended version did not reap any legislative benefit. Mr. Foerster on the other hand noted that he believed a smaller district was advantageous to the citizens.

After a motion by Jim Nowalk and a second, the revised recommendation which read as follows was defeated 3-2:

**The Form of Government Committee recommends that the composition of County Council be changed from 13 members elected by district and 2 elected at large to 15 members elected by district and none elected at large. In conjunction with this change, County Council should be required to elect a Vice-President who is registered and was elected in a political party other than the President. The County Council President and Vice President would replace the members of County Council elected at large on the Board of Elections.**

**Recommendation #2: Approved 5-0**

After a motion by Jay Hagerman and a second by Andrea Geraghty, the motion as follows was approved unanimously:

**The Form of Government Committee recommends that the boundary lines for County Council districts be drawn by an impartial reapportionment commission similar to the one referenced in the Pennsylvania Municipal Reapportionment Act.**

**Recommendation #3: Approved 5-0, as amended**

After reviewing the original recommendation, The Form of Government Committee recommends that County Council adopt an ordinance increasing the aggregate annual per-meeting stipends for a member of County Council to \$9,450.00. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2018 for those members of County Council

elected in the General Election of 2017 and in 2020 for those members of County Council elected in the General Election of 2019, Jim Nowalk indicated that the recommendation was amended to add the word “immediately”

After a motion by Andrea Geraghty and a second by Rick Schwartz, the following motion was approved unanimously:

**The Form of Government Committee recommends that County Council immediately adopt an ordinance increasing the aggregate annual per-meeting stipends for a member of County Council to \$9,450.00. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2018 for those members of County Council elected in the General Election of 2017 and in 2020 for those members of County Council elected in the General Election of 2019.**

**Recommendation #4: Approved 5-0, as amended**

After a review of the recommendation,

“Compensation for members of County Council should be termed a salary and not per-meeting stipends. The provision that limits increases in compensation for members of County Council to five percent every five years should be eliminated. The compensation of members of County Council should be raised to a level which is comparable with other part-time county councils in Pennsylvania and other states that are similarly situated and then indexed to the Consumer Price Index for the metropolitan statistical area encompassing Allegheny County so that it increases (or decreases) as the cost of living changes.

A) A lesser alternative would be for County Council to enact procedures requiring Council to annually review the salaries of all of the elected, non-judicial officials, including the County Council as part of its budget process for the purpose of determining whether a cost of living adjustment is in order. If a cost of living adjustment is identified as such, it should not be subject to the provisions of Article III, Section 27 of the Pennsylvania Constitution prohibiting salary increases during a public official’s term of office.

B) Because of the provisions of Article III, Section 27 of the Pennsylvania Constitution, County Council should also thoroughly review the salaries of County officials whose offices are up for election in the following year to determine if a salary increase, as opposed to a cost of living adjustment, is warranted. A “salary increase” would not take effect until after the election in the following year.

Mr. Nowalk presented a revised recommendation that more clearly delineates the process which reads as follows:

**The Form of Government Committee recommends that compensation received by members of County Council be restructured as follows:**

**(a) Compensation for members of County Council should be termed a salary and not per-meeting stipends.**

**(b) The separate reimbursement of expenses should be eliminated and the amount allocated for such reimbursement (i.e. \$3,000.00) should be added to the salary of a member of County Council. Thereafter, any expenses incurred by members of County Council could only be reimbursed if specifically authorized by County Council.**

**(c) The provision that limits increases in compensation for members of County Council to five percent (5%) every five years should be eliminated.**

**(d) The compensation of members of County Council should be set at ten percent (10%) of the salary of the Chief Executive and increased whenever the salary of the County Executive is raised. Any salary increase would be subject to the provisions of Article III, Section 27 of the Pennsylvania Constitution.**

Upon review, Jim Nowalk made a motion that was seconded by Andrea Geraghty to accept the text, as amended. The motion passed unanimously.

**Recommendation #5: Approved, as amended 5-0 and split into 2 recommendations.**

After a review of the recommendation at the public hearing that indicated that recommended:

“The Form of Government Committee recommends that any restrictions on a member of County Council or the Chief Executive becoming a candidate for another public office should be minimal and the same for both County offices. Both a Member of County Council and the Chief Executive should not be a candidate for nomination or election to more than one County office at the same time. Neither a Member of County Council nor the Chief Executive should be required to resign from their office before becoming a candidate for nomination or election to any other elected political office”, Mr. Nowalk presented the revision for consideration the following:

The Form of Government Committee recommends that any restrictions on a member of County Council or the Chief Executive becoming a candidate for another public office or being employed in a confidential administrative capacity, in local, state or federal government should be minimal and the same for both County offices as follows:

- (a) Both a Member of County Council and the Chief Executive should not be a candidate for nomination or election to more than one County office at the same time.
- (b) Neither a Member of County Council nor the Chief Executive should be required to resign from their office before becoming a candidate for nomination or election to any other elected political office.
- (c) Neither a Member of County Council nor the Chief Executive should be required to resign from their office because they are employed in a confidential administrative capacity, in local, state or federal government.

After review of the amended recommendation, Ms. Geraghty indicated that to remove ambiguity the term of “confidential administrative capacity” be removed which was supported by Mr. Hagerman. Additionally, due to the nature of the recommendation, Mr. Schwartz asked that a separate recommendation be formulated.

Because of this, a motion was made by Mr. Nowalk and seconded by Rick Schwartz to accept the recommendation as follows:

**The Form of Government Committee recommends that any restrictions on a member of County Council or the Chief Executive**

**becoming a candidate for another public office or being employed in local, state or federal government should be minimal and the same for both County offices as follows:**

**(a) Both a Member of County Council and the Chief Executive should not be a candidate for nomination or election to more than one County office at the same time.**

**(b) Neither a Member of County Council nor the Chief Executive should be required to resign from his or her office before becoming a candidate for nomination or election to any other elected political office.**

**The recommendation was passed unanimously.**

**Recommendation #5.1: Approved, as amended 5-0 (Separated recommendation)**

For clarification purposes and consistency with the Administrative Code, Ms. Geraghty asked that Section 5-1013.09(O) (4) of the Administrative Code should be deleted and be referenced in the final recommendation. As such, Ms. Geraghty motioned and with a second by Mr. Hagerman the revised recommendation was approved unanimously as follows:

**Neither a Member of County Council nor the Chief Executive should be required to resign from his or her office because she or he is employed in local, state or federal government. Accordingly, Section 5-1013.09(O) (4) of the Administrative code should be deleted to reflect this change.**

**Recommendation #6: Approved 5-0**

With a motion by Ms. Geraghty and a second by Mr. Nowalk, the following recommendation passed unanimously:

**The Form of Government Committee proposes that County Council establish an ad hoc committee for the purpose of reviewing and**

**improving staffing levels, channels of communication, community resources, newly-elected council courses, educational programs and other means of promoting education and information-sharing among Council members. The overall goal of such a committee would be to strengthen County Council as a legislative body and enable the members of County Council to become the best legislators and representatives that they can be for the people of Allegheny County.**

**Recommendation #7: Approved, as amended 5-0**

After a review of testimony with respect to the recommendation that:

“The Form of Government Committee recommends that the salary for the Office of Chief Executive be increased to \$117,108.60, subject to the approval of the Allegheny County Law Department that such an increase does not exceed the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees” since the year 2000 when that Office’s present salary first went into effect, a limitation imposed by Section 5-401.08 of the Administrative Code of Allegheny County. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2020.”, Mr. Nowalk submitted the following amended recommendation:

“The Form of Government Committee recommends that the salary for the Office of Chief Executive be immediately increased to \$117,108.60, subject to confirmation by the Allegheny County Human Resources Department that such an increase does not exceed the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees” since the year 2000 when that Office’s present salary first went into effect, a limitation imposed by Section 5-401.08 of the Administrative Code of Allegheny County. Because Article III, Section 27 of the Pennsylvania Constitution bars

any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2020”

After minimal discussion and an agreement to insert the “Department of Budget and Finance”, the following recommendation was approved:

**The Form of Government Committee recommends that the salary for the Office of Chief Executive be immediately increased to \$117,108.60, subject to confirmation by the Allegheny County Departments of Human Resources and Budget and Finance that such an increase does not exceed the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees” since the year 2000 when that Office’s present salary first went into effect, a limitation imposed by Section 5-401.08 of the Administrative Code of Allegheny County. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2020.**

**Recommendation #8: Approved 5-0, as amended**

After a review of the testimony at the public hearing, it was the consensus of the assembled that a more specific recommendation should be considered with respect to the specific percentages. After discussion on the possible options, it was the consensus of the group that the Mr. Nowalk would refine the recommendation and passed the measure unanimously.

Specifically, the recommendation is as follows:

**The Form of Government Committee recommends that Allegheny County Council amend the Administrative Code of Allegheny County to include “procedures for adjusting the compensation of the Chief Executive” as required by the Allegheny County Home Rule Charter and concurrently, eliminate the artificial cap on salary increases for the Chief Executive presently found in the Administrative Code. The procedures for increasing the salary of the Chief Executive should be self-executing and indexed against a reasonable standard. The following three standards are recommended in order of preference:**

**(a) The Chief Executive's salary should be sixty-eight percent (68%) of the salary of the Governor of Pennsylvania which was the case whenever the Allegheny County Home Rule Charter went into effect. If this procedure were adopted and implemented by applying the percentage of sixty-eight percent (68%) to the salary of the Governor today (\$190,823.00), the salary of the Chief Executive would be \$129,760.00.**

**(b) The Chief Executive's salary should be increased from the effective date of the Allegheny County Home Rule Charter, and annually thereafter, using the Consumer Price Index – All Urban Consumers, known as CPI-U, or, if information is available, using the Consumer Price Index for the metropolitan statistical area encompassing Allegheny County. If this procedure were adopted and implemented by applying the percentage change in consumer prices (140%) to the salary of the Chief Executive in 2000, the salary of the Chief Executive would be \$126,000.00 today.**

**(c) The Chief Executive's salary should be eighty percent (80%) of the salary of the District Attorney of Allegheny County, which was the approximate percentage whenever the Allegheny County Home Rule Charter went into effect. If this procedure were adopted and implemented by applying the percentage of eighty percent (80%) to the salary of the District Attorney today (\$175,571.00), the salary of the Chief Executive would be \$140,457.00.**

**Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase would not take effect until January of 2020.**

#### **Recommendation #9:**

After a review of the recommendation, it was the opinion of the group that this issue be referenced in the report as "other issues" for consideration rather than as a recommendation.

**The Form of Government Committee recommends that the Office of County Treasurer continue to be an elective office and not become a department under the Office of Chief Executive as other row offices have become.**

**Recommendation #10:** Approved 5-0, as amended

With the consensus that Recommendation #10 of the Form of Government Committee and the External Entities, Reviews and Independently Elected Officials Committee had similar recommendations, it was determined that the language should be merged into one recommendation.

Therefore, after a motion by Mr. Nowalk and a second by Ms. Geraghty the following recommendation was passed unanimously:

**The Form of Government Committee recommends that a task force be constituted for the purpose of determining whether the Allegheny County Bureau of Police should be merged with the Office of Sheriff taking into consideration factors such as functionality, cost benefits and increased public safety benefits.**

**In conjunction with this inquiry, a determination should be made as to whether the head of that combined law enforcement agency should be an elected position or an appointed position similar to the State Police Commissioner.**

9. Public Comment : No members of the public opted to speak
10. Action Items:
  - i. The final draft of the report will be available at 3:00 p.m. at the February 23, 2016 meeting. It is expected that all members will attend.
  - ii. Chairman Foerster in an effort to respect that although the final report is to “the people of the county” within the timelines of the Commission as highlighted by Mr. Schwartz proposed that the report should be given to County Council at their meeting on March 22 with a subsequent submission to the County Executive on March 29.
  - iii. Chairman Foerster reiterated that the final language as discussed with respect to recommendations 5,7, 8, and 10 will be referenced in the final report after submission by the Chair of the respective committee.

- iv. It was the consensus of the assembled that no other recommendations would be entertained. As such, Mr. Nowalk motioned and Mr. Hagerman seconded that the final report will be issued by reflecting the actions of the meeting held on January 26. The motion passed unanimously.