

**House Bill 329**  
**Article XXXI-C**  
**Second Class County Charter Law**  
*Outline*  
**May 12, 1997**

- I. The General Assembly has determined that there is a need for greater efficiency, economy and effectiveness in Allegheny County.
  
- II. This article shall be considered in "Pari Materia" with 53 PA.C.S. PT. III Subpart E (relating to home rule and optional plan government), except that:
  - A. The Charter Drafting Committee (CDC) shall serve in lieu of a government study commission and shall be appointed rather than elected.
  - B. Any vacancy in the membership of the CDC will be filled by appointment by the body that made the appointment that has been vacated. If the body fails to make an appointment within 20 calendar days the vacancy may be filled in the manner otherwise provided by law.
  - C. The CDC shall prepare a proposed charter for the county which provides for an elected executive, an appointed professional county manager and an elected county legislative council.
  - D. An ordinance may not be passed and a petition may not be filed for the election of a government study commission pursuant to 53 PA.C.S. 2911 (relating to submission of question for election of government study commission) while proceedings to prepare and adopt a charter are pending pursuant to this article.
  - E. The CDC shall prepare a charter and report it to the citizens of the county within the time set forth by this article.
  - F. The apportionment commission shall apportion the county into legislative districts pursuant to this article following the approval of the charter by the electors of the county.
  - G. Any vacancy in the membership of the apportionment commission shall be filled by appointment by the governing body following the provisions for nomination made for the appointment that has been vacated. If the vacancy is not filled within 20 days the remaining members of the commission shall fill it by appointing some other properly qualified elector of the county.
  
- III. The governing body may, by ordinance, establish a Charter Drafting Committee.
  - A. The CDC shall consist of eight members, each of whom shall

be a resident and registered voter of the county for at least 5 years, appointed by unanimous vote of the governing body.

1. One member shall be nominated by the president pro tempore of the senate, who shall be a person submitted by a member of one of the senate's legislative caucuses duly elected from the county.
  2. One member shall be nominated by the president pro tempore of the senate, who shall be a person submitted by a member of the other of the senate's legislative caucuses duly elected from the county.
  3. One member shall be nominated by the speaker of the house of representatives, who shall be a person submitted by a member of one of the house of representatives' legislative caucuses duly elected by the county.
  4. No more than two of the remaining appointees shall be of the same party.
  5. No member of the CDC shall be a candidate for nomination or election to the office of elected county executive during the drafting process or during the five years following the date the charter becomes effective.
  6. In making the appointments, the racial, geographic, age and gender diversity of the county shall be considered.
- IV. The members of the CDC shall serve without compensation, but shall be reimbursed by the county for necessary expenses incurred by them in the performance of their duties.
- V. The CDC shall prepare a charter and report it to the citizens and the governing body of the county within three months of the date of its appointment.
- A. By an affirmative vote of at least five members the CDC may, one time only, extend the time to prepare the charter for up to an additional 3 months
  - B. Adoption of the charter by the CDC shall require an affirmative vote of at least 6 members.
- VI. The charter shall provide for an elected county executive, an elected county legislative council, and an appointed professional manager.
- A. The county executive shall be limited to three consecutive terms of office.
  - B. The council shall consist of 13 to 15 members elected by district and 1 to 3 members elected at large so that the number of council members taken as a whole will be odd.
    1. If the number of at large members is less than 3 each political party will be entitled to 1 candidate and each qualified elector shall vote for no more than 1 at-large member.
    2. If there are 3 at large members each political party shall

be entitled to nominate 2 candidates and each qualified elector shall vote for no more than 2 at large members.

3. No council member shall be a candidate for nomination or election to any political office except for the office of member of council.

4. Council members shall not be salaried

a. The Charter may provide reimbursement for expenses and a per meeting stipend

b. The Charter shall provide reasonable limits on council staff and office expenses.

c. The Charter shall provide that there be no paid personal staff for individual council members.

A. The Charter shall not eliminate any elected county officers other than the County Commissioners.

VII. At least five public hearings shall be held by the CDC within 4 weeks of the organization of the Committee. At least five public hearings shall be held within 4 weeks of the adoption of the proposed charter by the CDC.

A. At a minimum, a public hearing shall be held in the northern, southern, eastern, and western parts of the county and in the largest municipality in the county.

B. Public hearings shall comply with the Sunshine Act, i.e. public notice shall be given at least one week in advance and the hearings shall be considered public meetings.

VIII. Charter Limitations

A. The Charter shall be subject to any limitations established by the Constitution of the United States and the Constitution of Pennsylvania.

B. The Charter shall include current property tax rate limits for the county that are in effect at the effective date of this article.

1. These limits are for general county purposes under section 1970 of the act, county institution districts under section 307 of the act of June 24, 1937 (the County Institution District Law) and community colleges under section 1909-A of the act of March 10, 1949 (the Public School Code of 1949).

A. The Charter shall include the assessment limitation provisions of section 3110-C of this act as they apply to the county.

A. The Charter shall not affect the hotel room rental tax or the sales and use tax under section 3152-B.

B. The Charter shall maintain the integrity of municipal boundaries and shall prohibit the county from forcing annexation, merger or consolidation of municipalities.

C. The Charter shall prohibit the county from exercising any power or function within a municipality that is being exercised by that

municipality if the municipality elects by ordinance to be excluded.

- D. The Charter shall be subject to 53 PA.C.S. CH. 29 SubCH. E (relating to general powers and limitations of home rule charter municipalities).
- E. Within these bounds, the Charter shall not give any power or authority to the county contrary to, or in limitation or enlargement of, powers granted by acts of the general assembly which are applicable to counties of the second class.
  - 1. The filing and collection of municipal tax claims or liens and the sale of real or personal property in satisfaction thereof.
  - 2. The procedure in the exercise of the powers of eminent domain, and the assessment of damages and benefits for property taken, injured or destroyed.
  - 3. Boundary changes of municipalities
  - 4. The regulation of public schools
  - 5. The registration of electors and the conduct of elections
  - 6. The fixing of subjects of taxation
  - 7. The fixing of rates of non-property or personal taxes levied upon residents
  - 8. The assessment of real or personal property and persons for taxation purposes
  - 9. Defining or providing for the punishment of any felony or misdemeanor
  - 10. Municipal planning under the provisions of the Pennsylvania Municipalities Planning Code
- I. No county shall:
  - 1. Engage in proprietary or private business except as authorized by the general assembly.
  - 2. Exercise powers contrary to, or limitation or enlargement of, powers granted by acts of the general assembly which are applicable in every part of this commonwealth.
  - 3. Be given the power to diminish the rights or privileges of any former employee entitled to benefits or any present employee that former or present employee's pension or retirement system.
  - 4. Enact or promulgate any ordinance or regulation with respect to definitions, sanitation, safety, Health, standards of identity or labeling pertaining to the manufacture, processing, storage, distribution and sale of any foods, goods or services subject to any commonwealth laws or regulations unless such ordinance or regulation is uniform in all respects with such commonwealth laws and regulations. Nothing contained in this article shall be construed to in any way affect the power of any county to enact and enforce ordinances relating to building codes or any other safety,

sanitation or health regulation pertaining thereto.

5. Enact any provision inconsistent with any statute heretofore enacted by the general assembly affecting the rights, benefits or working conditions of any employee of a political subdivision of the Commonwealth.
  - A. Acts of the General Assembly in effect on the effective date of this article that are uniform and applicable in every part of this Commonwealth shall remain in effect and shall not be changed or modified by this article. Acts of the General Assembly enacted after the effective date of this article that are uniform and applicable in every part of this Commonwealth shall supersede any ordinance or resolution of the same subject.
  - A. No county shall enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.
  - B. No county which adopts a home rule charter may retroactively increase any fee or charge for any service which has been provided.
- IX. The Chief Clerk of the county shall certify a copy of the report and proposed charter to the county board of elections within 5 days of its public report by the CDC.
  - A. The Charter shall be voted on by referendum at the next election occurring not less than 60 days after a copy is filed with the County Board of Elections.
  - B. The question shall be presented to the voters in accordance with the Pennsylvania Election Code.
  - C. The CDC shall frame the question to be placed on the ballot. The CDC may also provide an interpretive statement to accompany the question.
- X. If the Charter is adopted by the voters the governing body shall establish an Apportionment Commission to apportion the county into legislative districts.
  - A. The Apportionment Commission shall consist of five members
  - B. The members of the Commission shall serve without compensation, but shall be reimbursed by the county for their necessary expenses.
  - C. The Apportionment Committee shall appoint and consult with an Apportionment Advisory Committee
  - D. The Commission shall complete the apportionment within 120 days of electoral approval of the charter.
- XI. The election of the county executive and the county legislative council shall occur at either the municipal election occurring in 1999 or at the next election, as the case may be, following approval of the charter and apportionment as provided by this article.