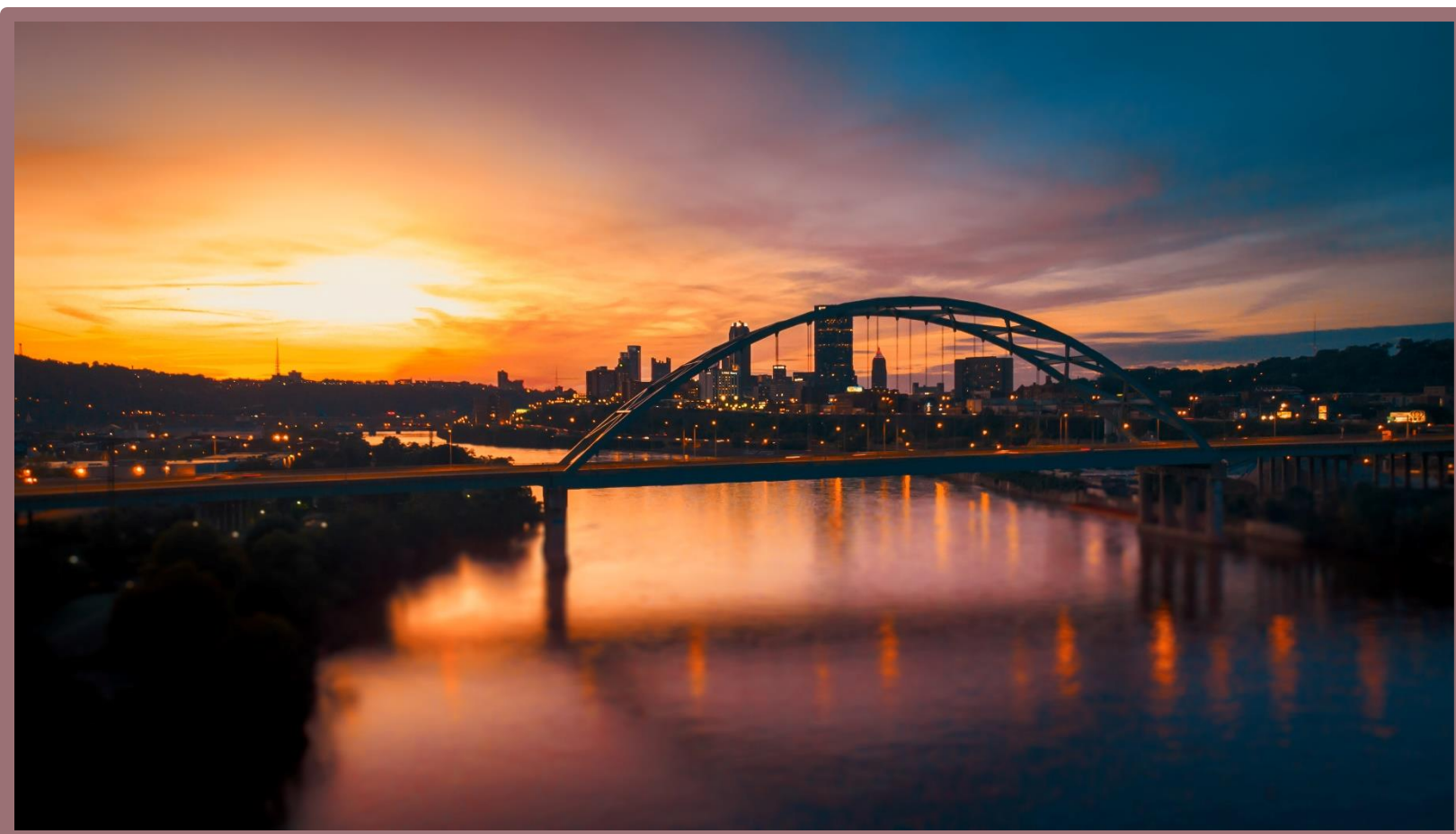


Allegheny County 2022 Sunset Review



Office of the County Manager

June 2022

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

June 30, 2022

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

Honorable Members of Council
Allegheny County Council
Courthouse – Room 119
436 Grant Street
Pittsburgh, PA 15219

Dear County Executive Fitzgerald and Members of Allegheny County Council:

In accordance with Article VI and Article VII of the Home Rule Charter and Article XII of the Administrative Code of the County of Allegheny, I respectfully submit the 2022 Sunset Review for your consideration.

While all the Departments reflect the full intent of the Charter, reviews were concluded that fulfill the charge of the Charter to “address issues of civil liberties” through the evaluation of the Departments of Court Records and Law and the Office of the Public Defender and enhance “organizational efficiencies and effectiveness” by review of the Departments of Budget and Finance and Human Resources and associated Boards and Commissions.

It is worth noting as a reminder that the reviews contained herein are neither a fiscal nor performance audit of these agencies; the reviews are intended to affirm whether each agency should continue as a unit of County government, in its current format, to administer the services it provides.

For each department reviewed, the recommendation is to continue.

I extend the deepest gratitude to all members of our government that contributed to this effort.

Thank you for your consideration.

Sincerely,



William D. McKain, CPA
County Manager

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Overview of Allegheny County Home Rule and Process of Sunset Review

Home Rule

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

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

To fulfill this charge, the Commissioner form of government was replaced by a new structure composed of an elected Chief Executive, a fifteen-member (15) County Council, and an appointed County Manager as specified in the Administrative Code of Allegheny County enacted on June 20, 2000. Under this new structure of government, the general duties of county government were retained despite separating legislative and executive functions. As such, authority for county government is vested with 1,250,578 residents (Census 2020) residing within the 130 municipalities in 731 square miles.

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

Sunset Review Process

To ensure the appropriate government review of functions under the “Home Rule” form of government, the Administrative Code includes Article XII entitled “Government Review” that establishes a Sunset Review which evaluates the “need for and function of each County Department” every four years on a staggered schedule and a Government Review Commission which studies the “Charter and County Government, including the organization, practices, and responsibilities of all County Departments and

Agencies every ten (10) years. Although it is recognized that the Charter clearly delineates the distinct functions of these two oversight processes, there are areas of congruence, as presently designed.

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

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

The focus in 2016 is related to “internal and external structural” issues of the Departments of Administrative Services and Facilities and “land and public spaces” involving the Departments of Parks and Public Works. Subsequently, the Departments related to public safety and public services involving Emergency Services, Jail, Medical Examiner, Police and Shuman will occur in 2017 followed by Departments of Court Records, Law, Public Defender addressing issues of civil liberties, and organizational efficiencies and effectiveness in the Departments of Budget and Finance and Human Resources in 2018.

Due to the comprehensive review of all Department and Authorities, Boards and Commissions as defined in the Code, in 2014 the decision was rendered to retain nineteen (19) Departments and their corresponding entities. Specifically, the 2014 Sunset Review recommended that due to the interrelationship of functions within the Department of Administrative Services and the Department of Real Estate, the transfer of the functions of the Department of Real Estate to the Department of Administrative Services was appropriately and subsequently approved by County Council. Additional changes to departmental structure have since taken place. The Division of Computer Services was separated from the Department of Administrative Services and became the Department of Information Technology in 2020. In 2021, the Shuman Center closed, and the Department of Children Initiatives was created. As a result, the number of departments slated for subsequent review stands at twenty (20).

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

Elements of the Sunset Review Process

To enhance the understanding of the congruence of Departmental functions and related entities, the Sunset Review crafted for each Department is followed by the Sunset Review of the related agency, authority, commission, or board that enhances the mission of the County. Additionally, as the Code allows the County Manager in the exercise of his best professional judgment to include other issues that would aid in the furtherance of making County government more competitive and performance-oriented, the Sunset Review for Departments also includes a vision and mission statement and lists the major achievements of the department since its last Sunset Review.

The review for Departments will be as follows:

- A. Vision
- B. Mission
- C. Overview
- D. Achievements of department since 2017 (2018 through 2021)
- E. Legal mandate or necessity for the department
- F. Determination of public need for the department's services
- G. 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
- H. Evaluation of whether county government is the most effective body to implement the department's programs
- I. 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
- J. Analysis showing the costs of compliance for individuals or other entities regulated by the department
- K. Efficiency with which formal public complaints filed with the department have been processed
- L. Recommendation

With respect to Agencies, Authorities, Commissions or Boards, the review will include the following elements as required by the Code:

- A. Legal mandate or necessity for the agency
- B. Determination of public need for the continued existence of the agency and its services
- C. 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
- D. Evaluation of whether the agency is the most effective body to implement the agency's programs
- E. 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
- F. Analysis showing the costs of compliance for individuals or other entities regulated by the agency

- G. Efficiency with which formal public complaints filed with the agency have been processed
- H. 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
- I. Recommendation

Methodology

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

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

Department of Budget and Finance

A. Vision

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

B. Mission

To responsibly steward Allegheny County taxpayer resources through sound budget development, budget oversight, and debt management.

C. Overview

The Department of Budget and Finance prepares annual comprehensive fiscal plans and budgets and presents them to County Council for enactment. Once the budgets are signed by the County Executive, the Department develops managerial and financial strategies to assist in fulfilling the budget commitments. Budget and Finance also prepares and submits fund usage reports required by the Commonwealth of Pennsylvania. As required by the Home Rule Charter, Allegheny County Council must adopt balanced annual operating and capital budgets for the coming year.

The Department works closely with all 20 executive departments, the courts, and the row offices, comprising all County government functions. A budget analyst is assigned to each department, monitoring revenue and expenditures during the year to ensure budgetary compliance, conduct monthly forecasts of year-end fund balance, and develop the next year's budget. Budgetary controls include a review and approval of out-of-county travel requests, position changes, and requests to fill vacancies.

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

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

D. Achievements of department since 2017 (2018 through 2021)

- **Managed the spending and reporting of the operating and capital budgets and large funding streams**
 - For the 20th time in 21 years, the 2022 Comprehensive Fiscal Plan accomplished the balanced budget mandate without an increase in the property tax millage rate. Additionally, County Council did not make any changes to the Operating Budget recommended by the Executive for the second consecutive year.
 - In 2020, Allegheny County received an allocation of \$212 million under the federal CARES Act relief package. The Department of Budget and Finance was responsible for managing the spending and reporting of this funding by the end of 2021. The County's spending

plan priorities ranged from vulnerable populations to local government services to county operations.

- Allegheny County received an allocation of \$380 million under the American Rescue Plan (ARP) Act in 2021. The Department of Budget and Finance manages expenditures and reporting of this funding. All funds must be committed by December 31, 2024. The County's spending plan for these funds aims to address issues ranging from public health to negative economic impacts to developments in infrastructure, such as water, sewer, and broadband.
- **Stabilized the financial outlook of the County via bond sale**
 - In 2020, Allegheny County successfully sold over \$401 million of bonds at some of the lowest interest rates ever to obtain funding for needed capital projects and to generate almost \$53 million of debt service savings. Despite the adverse impact of the COVID-19 pandemic on the County's budget, Moody's and Standard & Poor's both affirmed their Aa3 (Stable Outlook) and AA- (Stable Outlook), respectively. The rating agencies cited several factors in their rating reports, including a diversified local economy, increases in fund balances, and a strong management team at the County.
- **Reduced supply costs**
 - In collaboration with the Division of Purchasing, the Department of Budget and Finance continued supporting an initiative to cut supply costs by reducing the volume of ink toners departments are purchasing for stand-alone printers and by eliminating stand-alone printers altogether and redirecting volume to more cost-effective multi-function devices. In 2019, the Office of the Public Defender, Allegheny County Jail, and Department of Human Services were the first departments to implement multi-function devices as part of this project.
- **Implemented new technologies and workflows**
 - Budget and Finance completed the conversion from a paper voucher approval system to an electronic system, affecting over 51,000 vouchers. In collaboration with DIT, Budget and Finance created an electronic workflow for employee travel approvals, eliminating the manual paper process. The departments of Human Services, Emergency Services, and Health adopted the new system in 2018.
 - Starting in 2019, the Department of Budget and Finance played an integral part in implementing a new time management system for the executive departments, which resulted in increased timesheet accuracy, reduced manual entry, reduced overtime costs, and decreased payroll processing tasks. The Department continues to support Human Resources and the Department of Information Technology (DIT) in the testing, training, implementation, and monitoring of the system until all departments are completed.

E. Legal mandate or necessity for the department

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

F. Determination of public need for the department's services

The Department facilitates compliance with the legal mandates of Article VII, Section 2 of the Home Rule Charter regarding preparation of an annual Comprehensive Fiscal Plan, in conjunction with Chapter 5, Article 801-Comprehensive Fiscal Plan of the Administrative Code of Allegheny County. The Department also facilitates compliance with the legal mandates of Chapter 5, Article 803-Borrowing of Funds of the Administrative Code of Allegheny County.

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

G. Review of the methods used in the implementation of each department's programs and an analysis of alternative methods that may be employed to achieve the department's legal mandates

The County could contract out budgetary analyses, revenue/expenditure forecasting, and debt/cash management, but such a contract would likely incur a higher cost. Using the existing method to implement the Department's programs provides County management with continuous access to financial and budgeting expertise without contractual cost constraints.

H. Evaluation of whether county government is the most effective body to implement the department's programs

The County is the most effective entity to implement the Budget and Finance function because the Departmental effort is an internal function directed toward supporting the executive branch, row offices, and Court of Common Pleas.

I. Evaluation of whether the absence or reduction of the department or the department's provision of services would significantly harm or endanger the public health, safety, or welfare

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

J. Analysis showing the costs of compliance for individuals or other entities regulated by the department

The costs for this Department are referenced in the resolutions (Operating Budget #16-21-RE, Capital Budget #17-21-RE and the Special Revenues/Grants Budget #18-21-RE) signed by the County Executive on December 1, 2021. Additionally, the costs of compliance for the approved budget listed above are

delineated within the 2022 Adopted Budgets which can be referenced at:

<https://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

K. Efficiency with which formal public complaints filed with the department have been processed

Because the Department provides purely internal functions to County government, it does not deal with the public in a direct fashion. As such, specific public complaints regarding the Department are generally rare. During the 2018, 2019, 2020, and 2021 calendar years, 34 issues were forwarded to the Department for analysis and resolution. Documentation of issues is retained by the County Information Center/County Call Center, which is now part of the Department of Information Technology.

L. Recommendation

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

Department of Court Records

A. Vision

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

B. Mission

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

C. Overview

The Department of Court Records (DCR) was established on January 7, 2008 to perform the functions formerly performed by the row offices of Prothonotary, Clerk of Courts, and Register of Wills/Clerk of the Orphans' Court. The row offices were consolidated as a result of a ballot question approved by the electorate of Allegheny County in May 2005. With this mandate, the Department was created with three primary operational divisions and an administrative division. The divisions and their respective duties are as follows:

- The **Civil/Family Division** receives and maintains official documents and records for the Civil and Family Divisions of the Court of Common Pleas. The division accepts documents for filing, issues writs, initiates execution proceedings, accepts bonds in civil cases and processes appeals from the minor judiciary, Board of Viewers, and administrative agencies. DCR also processes all appeals from the Court of Common Pleas to the appellate courts of the Commonwealth of Pennsylvania. In addition, the division has miscellaneous record keeping duties such as recording municipal claims and tax liens.
- The **Criminal Division** receives and maintains official documents and records for the Criminal Division of the Court of Common Pleas. In this division, motions are filed, dockets are maintained, expungements are processed, summary appeals are filed, bail bonds are processed, case records are maintained and archived, court-ordered fines and costs are collected, and court-ordered restitution is paid to victims. Other services provided by this division include case intake, constable services, Driving Under the Influence (DUI) procedures, driver's license reinstatement, and responding to prisoners' correspondence. In addition, the division processes private detective licenses.
- The **Wills/Orphans' Court Division** receives and maintains official documents and records for the Orphans' Court Division of the Court of Common Pleas. In addition, this division probates wills and grants letters to representatives of estates. In some cases, this division has a duty to take testimony and enter decrees, or findings, when facts are disputed regarding a will. Those decrees

are appealable to the Orphans' Court. The cases that are heard in the Orphans' Court Division of the Court of Common Pleas include all matters involving decedents' estates, trusts, wills, guardians of the persons and estates of minors/incapacitated persons, powers of attorney, termination of parental rights and adoptions, civil commitments, marriage licenses, nonprofit associations and corporations, and inheritance and estate tax matters. The division also issues marriage licenses and maintains marriage records. Additionally, the division collects Pennsylvania Inheritance Taxes for the PA Department of Revenue and acts as an agent for U.S. Department of State to accept and transmit U.S. Passport applications.

- The **Administrative Division** centralizes the budgeting, purchasing, and record management functions of the Department.

The Department of Court Records charges fees for many court filings. The fees collected by DCR are set and approved by the President Judge of the Court of Common Pleas of Allegheny County. The collected fees are distributed to the Commonwealth of Pennsylvania, to other government entities, and to the County's General Fund based on state statutes or rules and orders of the court. Some filing fees are used for computer costs and for records storage and management in DCR. Additionally, some fees finance the childcare facilities operated by the courts, the county law library, and a Court Technology and Education Fund.

D. Achievements of department since 2017 (2018 through 2021)

- **Increased public access to services through technology**
 - In response to the pandemic, DCR expanded its remote service offerings. In 2021, DCR developed a new video conferencing process for the Probate Section. An attorney opening an estate can now have a client sworn in as an executor or administrator via Microsoft Teams. Additionally, the Marriage License Office started accepting online applications for marriage license using video conferencing in 2020.
- **Offered resources and services that address gaps in social equity**
 - The Pennsylvania Lawyers for Social Equity (PLSE) launched its Pardon Project in September 2018 to assist low-income people convicted of misdemeanors and felonies in obtaining a Governor's Pardon. Criminal records are a major factor in creating and perpetuating intergenerational poverty and a major barrier in obtaining employment and housing, but a pardon allows records for those cases to be expunged. In 2021, the District Attorney's Office, the Public Defender's Office, and the Allegheny County Bar Association met with DCR to develop a process for expediting requests for information from organizations supporting individuals who are applying for a pardon. At the same time, DCR staff developed forms to assist various volunteer groups with procuring the case records required to apply for a pardon. Other counties were so impressed by DCR's policies, procedures, and fillable forms that Allegheny County was mentioned in the December 2021 issue of *Pennsylvania Lawyer*.
 - DCR has worked with the court administration and the Administrative Office of Pennsylvania Courts (AOPC) in implementing the Clean Slate (Act 56 of 2018) procedures. Clean Slate uses technology to seal certain criminal records from public view and helps formerly incarcerated or arrested individuals get their lives back on track. DCR has added additional resources to assist individuals that are eligible under Act 56. By the end of

2019, Allegheny County had processed approximately 2.3 million records under the Clean Slate Law.

- **Implemented new procedures to maintain compliance**
 - In 2021, DCR worked in conjunction with the AOPC and the Court of Common Pleas to implement a newly amended policy to eliminate filing redacted and unredacted versions of documents containing confidential information. The Case Records Public Access Policy of the Unified Judicial System of Pennsylvania will now require filers to use a Confidential Information Form when filing documents containing confidential information. Thus, a redacted original and a Confidential Information Form must be filed instead of redacted and unredacted versions.
 - Beginning May 3, 2023, Pennsylvanians will need a REAL ID-compliant driver's license, photo ID card, or another form of federally-acceptable identification (such as a valid passport or military ID) to board a domestic commercial flight or enter a federal building or military installation that requires ID. DCR has continued to receive a substantial increase of walk-in and online requests for the documents necessary to apply for PA REAL ID. DCR added additional resources to assist citizens in getting the documents (marriage certificates, court orders, or divorce decrees) which are necessary in obtaining a PA REAL ID.
- **Upgraded internal docketing system**
 - Between 2019 and 2021, DCR completed upgrades to the Civil/Family and Wills/Orphans' Court filing system to streamline the new business processes in conjunction with the Courts on the filing of confidential information, procedures for housing court, and Petitions to Proceed In Forma Pauperis. All DCR divisions have completed the training sessions on this public access policy change. Further, the DCR added new security features, Edge web browser compatibility patches, and performance improvements to the e-filing system, which improved customer service and benefited DCR, courts, attorneys, and self-represented litigants.
- **Improved document and data management**
 - In 2019, DIT assisted DCR in migrating all of its disaster recovery site servers to the new data center, improving network security and server uptime. In addition, DCR worked with DIT to upgrade the hardware and software of the existing servers which also improved data security with enhanced software features.
 - Throughout 2020, DCR worked with the Department of Information Technology (DIT) to upgrade the document management system to a more advanced, secured, and efficient customized internal document management system. This upgrade has benefited DCR, DIT, and the courts—providing substantial cost savings to the County by eliminating a third-party vendor software, including over \$525,000 in software migration, license, and annual support costs.
- **Enabled e-filing and data exchange**
 - From 2019 to 2021, the DCR worked with the Pennsylvania Department of Revenue (DOR) and Department of Labor & Industry (DOL) to upgrade data transfer modules and enhance batch filings of unemployment compensation tax, personal income tax, business tax, and inheritance tax liens. This improved data accuracy and efficiency, benefitting DCR, the state departments, courts, attorneys, and customers. Batch filing also provided

additional cost savings to the County by reducing labor hours, eliminating a manual workflow process, and eliminating physical file storage costs. This upgrade replaced a manual process with a more efficient paperless e-document exchange with DOR and DOL.

- In 2019, DCR worked with the court administration and the AOPC in implementing the PACFile Court Electronic Filing System in the Criminal Division. The PACFile system permits attorneys and parties to file court pleadings electronically. This has improved data accuracy and efficiency as well as added new features like e-notifications. Additional features have been added to the current e-Filing system benefiting drawdown and automated clearing house accounts.

E. Legal mandate or necessity for the department

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

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

- Unified Judicial System of Pennsylvania Rule 6001.7 Confidential Information: The public access policy of case records of the appellate and trial courts stipulates that all documents filed with the court which contain confidential information as defined in section 7.0 of the Public Access Policy of the Unified Judicial System of Pennsylvania, case records of the appellate and trial courts shall be filed in duplicate with an unredacted original and a copy with all confidential information redacted. The unredacted original must be filed with a Fifth Judicial District un-redacted original cover sheet, available at the DCR, or if e-filing, by marking the document as an unredacted original document. Redacted copies need not be used in matters in which the documents filed by the parties are otherwise completely confidential by law or rule and unavailable for public access. A list of inclusions is mentioned in Rule 6001.7 regarding redacted copies. The Pennsylvania Supreme Court amended the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania, effective January 1, 2022. The next Sunset Review will reflect the policy change.
- Unified Judicial System of Pennsylvania Rule 6001.10 Limits on Remote Access to Case Records: In accordance with the Public Access Policy of the Unified Judicial System of Pennsylvania, case records of the appellate and trial courts, online access to the docket and case records should be restricted as follows. The public's online access to records shall be limited as set forth in section 6001.10. Attorneys listed as council of record who have entered their appearance on a Civil Division, Family Division, or Orphans' Court case and who have a verified login to the DCR online access portal shall have the same access to that case online as they would if they had appeared in person at the court facility where the records are kept, with the exceptions listed within Rule 6001.10.

At the local level, the following additional legal mandates are applicable:

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

F. Determination of public need for the department's services

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

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

G. Review of the methods used in the implementation of each department's programs and an analysis of alternative methods that may be employed to achieve the department's legal mandates

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

H. Evaluation of whether county government is the most effective body to implement the department's programs

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

I. Evaluation of whether the absence or reduction of the department or the department's provision of services would significantly harm or endanger the public health, safety, or welfare

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

J. Analysis showing the costs of compliance for individuals or other entities regulated by the department

The costs of compliance for this Department are referenced in the resolutions (Operating Budget #16-21-RE, Capital Budget #17-21-RE and the Special Revenues/Grants Budget #18-21-RE) signed by the County Executive on December 1, 2021. Additionally, the costs of compliance for the approved budget listed above are delineated within the 2022 Adopted Budgets which can be referenced at:

<https://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

K. Efficiency with which formal public complaints filed with the department have been processed

The County Information/Call Center directed inquiries it cannot resolve to the relevant employee within the department. During the calendar years of 2018, 2019, 2020, and 2021, a total of 10,297 issues were forwarded to Court Records from the Information/Call Center. In addition, the department responds to citizens through a webmaster process and traditional phone call inquiries. Through these modes of communication, the department fields approximately 3,000 webmaster inquiries annually and responds to roughly 1,000 phone calls weekly. Note that these are not all complaints but are primarily requests for records or other assistance that are resolved by the department staff on a daily basis in the order that they are received.

L. Recommendation

Acknowledging that this Department was created in response to the decision of the electorate to consolidate the previously elected row offices, retention in its current organizational design is appropriate to provide vital services to the residents of the County. In fact, as this Department facilitates the full exercise of rights guaranteed by the State Constitution, the absence or reduction would have a significant negative effect on the general public.

Department of Human Resources

A. Vision

To be a transformative organization focused on supporting our employees through collaboration, excellence, and reliability, while elevating Allegheny County as an employer of choice.

B. Mission

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

C. Overview

The Department of Human Resources services and supports Allegheny County's workforce of approximately 6,030 employees. Employees' collective knowledge, skills, and abilities are what drive the County's success in serving the public interest. To this end, the core functions of the Department include recruitment and staffing management, organizational and employee development, labor and employee relations, diversity and inclusion, recordkeeping, payroll, and compensation and benefits.

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

- **Policy Development, Implementation, and Review:** Develops, implements, and frequently reviews policies, procedures, and work rules to ensure compliance with applicable federal, state, and local laws and regulations and to incorporate best practice human resource models into the County's culture.
- **Recordkeeping:** Develops, manages, and maintains employment recordkeeping systems in accordance with established record retention schedules and legal frameworks to manage risk and minimize liability.
- **Staffing Management and Employee Development:** As required by the Administrative Code, the Department administers a personnel system in which appointments and promotions of employees are made on the basis of merit. The Department ensures that merit-based principles guide all the department's staffing management practices, which include recruitment, assessment and selection, onboarding, and retention. Additionally, through organizational and employee development initiatives, efforts are made to increase County department and individual employee performance.
- **Benefits, Compensation, and Payroll:** Responsibilities include the administration of all employee benefit plans including legal compliance and monitoring vendor contracts for quality, cost, and service; strategic management of the workers' compensation program; support for the timely and accurate processing of payroll; and administration of a fair and equitable compensation structure.
- **Employee and Labor Relations:** Promotes and fosters positive labor relations through fair and consistent application of contract provisions and by promoting dispute resolution processes. Positive employee relations are maintained by balancing employees' rights and needs, while supporting the strategic goals of the County. Recognizing the value of diversity within the

workforce, the Department promotes a culture of inclusion by leveraging varied and unique employee perspectives in support of collective objectives.

D. Achievements of department since 2017 (2018 through 2021)

- **Acquired and deployed new technology**
 - In 2019, Human Resources engaged in a vendor selection and implementation process for an automated benefits administration system. This new online system provides transparency, allows increased communication with employees, facilitates electronic record-keeping, and enhances reporting capabilities related to the county's health and welfare benefits programs. This system also increased efficiencies, streamlined workflow, eliminated paper-based processes, and reduced potential for error.
 - The implementation of Cornerstone, a centralized Learning Management System (LMS), throughout 2020 enabled the County to create a culture of continuous learning with the development and delivery of training to more than 6,000 users. In addition, the system allows the expedient dissemination and acknowledgment of new policies and procedures across the County. Customized curriculum in areas such as regulatory compliance, leadership, and supervisory competencies enhance individual and organizational success and can be accessed safely and on-demand.
 - Human Resources has continued to work with the Department of Information Technology to roll out the NOVATime Time and Attendance system. A majority of County departments are now utilizing the centralized time system, resulting in increased efficiencies in scheduling, tracking, and monitoring time and attendance.
 - In 2021, the HR Department assumed a lead role in the selection of an enterprise-wide human resource information system. The goal of acquiring this new software is to efficiently manage employee data and facilitate end-to-end HR processes including core HR functions, strategic workforce planning initiatives, employee self-service, and reporting and analytics. After selection of Infor CloudSuite HCM, HR has begun a multi-year implementation of the HRIS, utilizing the adoption of best practice business processes.
- **Adapted program and service delivery to address accessibility and accommodate remote operations**
 - In order to continue supporting employees, HR adapted the delivery and administration of employment-related programs and services to address the needs of department staff, employees, and the public during the pandemic and facilitated safe social distancing, as well as reduced group sizes in County offices and facilities. HR developed a Virtual New Hire Orientation program, trained staff, and delivered the program countywide via Microsoft Teams. Written and performance-based pre-employment testing sessions were adapted to allow for safe administration as well. Career information sessions and other community outreach activities were accomplished virtually. The annual onsite employee benefits fairs held prior to benefit open enrollment were reimagined, promoted, and provided to employees virtually through the online benefits administration system.
 - 2020 marked the 30th anniversary of the signing of the Americans with Disabilities Act (ADA). As the HR department celebrated this milestone through virtual events such as Disability Employment Awareness Month and Disability Mentoring Day, HR also

recognized that the ongoing pandemic posed some of the most difficult challenges to individuals with disabilities. As departments adapted and adjusted the way they deliver their services, HR's ADA Coordinator worked closely with them to ensure those programs and services remained accessible. This focus on accessibility was most evident in services and processes that were developed throughout the pandemic, such as providing relevant information in appropriate formats and securing safe personal protective equipment (PPE) to assist people of all abilities in effective communication. In addition, the ADA Coordinator served as an advisor/task force member in the purchase of new voting machines to accommodate individuals with disabilities more effectively during elections.

- **Conducted community outreach**

- Human Resources represented the County at numerous job fairs, career exploration events, information sessions, and outreach activities. In partnership with community agencies, organizations, and local educational institutions, these events focused on career opportunities, job readiness, and inclusiveness in employment opportunities. Additionally, in collaboration with the County's Marketing team, the department established an increased presence on social media, including a dedicated Facebook page which highlights Allegheny County career opportunities.

- **Improved facilities**

- In July 2018, HR relocated to a completely renovated and accessible office space on the 9th floor of the City-County Building. The new office includes enhanced technology for video presentations, audio conferencing, additional conference and meeting space and an open and collaborative workspace for staff.

E. Legal mandate or necessity for the department

The existence of the Department of Human Resources is authorized by Article XIII §1.13-1306 (d) of the Home Rule Charter. More specifically, according to Article VI §1.6-602 (d) of the charter, the County Manager is charged with the preparation and administration of a personnel system, which according to Article IX of the Charter, must be based on merit principles. Additionally, the Administrative Code states:

“The County Executive, through the County Manager and the Human Resources Division, shall be accountable for the development of personnel policies, procedures, and regulations for the career service of the County, which will embrace the concept of merit. They shall include, but not be limited to, the following principles and objectives, which shall guide the development of the County personnel system:

- Providing equal opportunity for employment and for the advancement and retention of employees without regard to race, religion, religious creed, national origin, age, disability, or gender.
- Recruiting, selecting, and promoting employees on the basis of their respective abilities, knowledge and skills required for the position, as determined through open and competitive means.
- Providing fair and competitive compensation and benefits for all employees.
- Training and developing employees to assure continuing high quality performance.

- Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and terminating the employment of employees whose inadequate performance has not been corrected.
- Instituting a position classification plan which fairly reflects the differences in job classes, such as level of difficulty, education and experience requirements, and skill requirements.
- Establishing high standards of integrity, conduct, and concern for the public interest.
- Protecting employees from political coercion.”

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

F. Determination of public need for the department's services

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

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

G. 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

Two possible alternative service delivery methods might include (i) decentralizing services so that each department administers human resource services and (ii) outsourcing human resource services so that services are delivered by an outside vendor. Both options would be more costly than the current service

delivery model. The current model ensures that there is no duplication of effort, economies of scale are achieved, and that all hiring is based on merit in an open and competitive process.

H. Evaluation of whether county government is the most effective body to implement the department's programs

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

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

I. Evaluation of whether the absence or reduction of the department or the department's provision of services would significantly harm or endanger the public health, safety, or welfare

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

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

J. Analysis showing the costs of compliance for individuals or other entities regulated by the department

The costs of compliance for this Department are referenced in the resolutions (Operating Budget #16-21-RE, Capital Budget #17-21-RE and the Special Revenues/Grants Budget #18-21-RE) signed by the County Executive on December 1, 2021. Additionally, the costs of compliance for the approved budget listed above are delineated within the 2022 Adopted Budgets which can be referenced at: <https://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

K. Efficiency with which formal public complaints filed with the department have been processed

Upon receipt of an inquiry or a concern by employees, applicants, external agencies, or members of the public in the Department of Human Resources, the appropriate staff member in the Department provides a timely response to the inquiry. When applicable, the Personnel Board may hear complaints related to employee suspensions, demotions, and discharges. The Allegheny County Ethics Commission may hear

complaints related to alleged violations of the Allegheny County Accountability, Conduct, and Ethics Code. The Allegheny County Human Relations Commission may hear complaints related to alleged discrimination made by any individual in the areas of employment, housing, and use of public facilities. Additionally, during the calendar years of 2018, 2019, 2020, and 2021, 891 inquiries were made to the Information Center/Call Center for guidance on a human resources-related issues.

L. Recommendation

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

Law Department

A. Vision

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

B. Mission

The mission of the Law Department is to provide a high level of professional legal services to the Allegheny County Executive and County departments in a timely, cost-effective, and ethical manner. Additionally, as a representative of clients, a lawyer serves a multitude of roles.

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

C. Overview

The Allegheny County Law Department is headed by the County Solicitor, an attorney admitted to practice in the Courts of the Commonwealth of Pennsylvania and who is a member in good standing of the Bar of the Supreme Court of Pennsylvania. Under the County's Home Rule Charter, the County Solicitor is appointed by the Chief Executive with the consent of Allegheny County Council. The County Solicitor supervises a staff of assistant solicitors and related administrative support personnel who assist the County Solicitor in the discharge of the duties of the office. The Law Department provides comprehensive legal services to the Chief Executive and all offices, departments, boards, commissions, and other administrative agencies under the Chief Executive. Some of the legal services provided by the Law Department include:

- Representing the County in all legal proceedings in federal and state courts and administrative agencies
- Rendering legal advice and opinions on a multitude of diverse legal questions presented by the operation of County government
- Preparing, reviewing, and approving County contracts, leases, deeds, ordinances, resolutions, and other legal documents

- Negotiating collective bargaining agreements and handling grievances and interest arbitrations involving the County's unionized employees
- Advising the County's property, casualty, and workers' compensation programs
- Providing oversight of the Allegheny County Law Library

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

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

D. Achievements of department since 2017 (2018 through 2021)

- **Fulfilled its mandate to provide high-quality legal services to the County**
 - The Law Department prevailed in every civil jury trial that occurred during the review period.
- **Used new technology improve processes, operate remotely, and better maintain data**
 - By successfully establishing a comprehensive relational database for all county leases of real estate, the Department can now use the related reports module to better understand and communicate this information.
 - New technology, including audio-visual capability and large screen smart televisions, was installed in Law Department conference rooms for the purpose of participating in video conferences and displaying exhibits during depositions.
- **Sustained the ongoing enhancement of departmental procedures**
 - DHS contracting processes continued to be refined for the duration of the review period.
 - The Department successfully transitioned to using DocuSign for most legal agreements.
- **Reduced paper waste**
 - The Department conducted a comprehensive purge of closed files, resulting in a significant reduction of retained paper files. A majority of the files were shredded and recycled.
 - The Law Department expanded the available online legal resources available to its attorneys, thereby reducing the number of printed legal resources to which the Department subscribes.

E. Legal mandate or necessity for the department

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

F. Determination of public need for the department's services

The need for a County Solicitor and Law Department is established by the provisions of the County's Home Rule Charter and the County's Administrative Code cited above. Section 405.03 of the Administrative Code states that the County Solicitor shall perform the following:

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

G. Review of the methods used in the implementation of each department's programs and an analysis of alternative methods that may be employed to achieve the department's legal mandates

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

H. Evaluation of whether county government is the most effective body to implement the department's programs

There has never been a formal evaluation to determine whether the legal functions performed by the County Solicitor and the Law Department should be performed by a private entity such as a private law

firm. However, past experience in the County strongly suggests that privatization of legal services is not a cost effective option.

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

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

Finally, it is doubtful that the multitude of legal services to the County's Department of Human Services could be effectively provided for by private attorneys at the cost that the County incurs to have a its own Law Department.

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

I. Evaluation of whether the absence or reduction of the department or the department's provision of services would significantly harm or endanger the public health, safety, or welfare

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

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

J. Analysis showing the costs of compliance for individuals or other entities regulated by the department

The costs of compliance for this Department are referenced in the resolutions (Operating Budget #16-21-RE, Capital Budget #17-21-RE and the Special Revenues/Grants Budget #18-21-RE) signed by the County Executive on December 1, 2021. Additionally, the costs of compliance for the approved budget listed above are delineated within the 2022 Adopted Budgets which can be referenced at:
<https://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

K. Efficiency with which formal public complaints filed with the department have been processed

The County Information/Call Center directed issues it cannot resolve to the relevant employee within the Department. During the 2018, 2019, and 2020, and 2021 calendar years, 28 issues were forwarded to the Department for analysis and resolution from the County Information/Call Center.

L. Recommendation

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

Office of the Public Defender

A. Vision

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

B. Mission

To defend our clients by providing skilled, aggressive, and passionate advocacy to preserve the rights guaranteed to all members of our community.

C. Overview

The Office of the Public Defender (OPD) works to provide competent and effective legal counsel to any indigent person in Allegheny County in any proceeding where representation is constitutionally required. In general, a person is entitled to legal counsel from the Office of the Public Defender whenever that individual's personal liberty is at stake. This would include capital crimes, felony offenses, and misdemeanor and summary offenses that carry a possible sentence of incarceration and commitment proceedings under the Mental Health Procedures Act. In Allegheny County, eligibility for public defender services is based on federal poverty guidelines. Income and family financial responsibilities are considered in determining qualification for legal representation by the public defender.

The Office of the Public Defender is comprised of six main divisions:

- **Pre-trial:** Charged with the representation of clients in the following proceedings including, but not limited to, preliminary arraignments, preliminary hearings, bond and bail matters, extradition proceedings, violations of Protection From Abuse orders, and involuntary commitments under the Mental Health Procedures Act.
- **Juvenile:** Responsible for representing anyone under 18 charged with a crime and anyone under 21 who is on Juvenile Court supervision. The department is also responsible for representing clients charged with Indirect Criminal Contempt.
- **Trial:** Tasked with providing representation for clients whose cases will be heard in the Allegheny County Court of Common Pleas Criminal Division.
- **Major Felony Unit:** A select group of highly skilled attorneys comprise this unit. They are responsible for representing clients charged with the county's most serious offenses. In the Major Felony Unit, a client has the same attorney from the preliminary hearing through the final disposition at the Court of Common Pleas.
- **Appellate:** Provides representation to clients in appellate matters before the Pennsylvania Commonwealth, Superior and Supreme Court, as well as post-conviction hearings at the appellate level.
- **Intake and Investigations:** Interviews clients to determine if they meet financial eligibility requirements and supports the attorneys by preparing Mitigation Reports, interviewing witnesses, and serving subpoenas.

D. Achievements of department since 2017 (2018 through 2021)

- **Provided efficient, effective, and cost-saving legal services to clients**
 - OPD started Project Reset in 2019 to provide expungements to former clients free of charge. Project Reset saves indigent clients at least \$272 in filing and administrative fees and provides guidance through a confusing and intimidating process. Expungement clinics were held in Homewood and McKeesport in October 2019 and January 2020, respectively. Project Reset expanded between 2019 and 2020 due to a grant received from The Heinz Endowments. The grant covers the \$22 cost of obtaining a Pennsylvania criminal history report, which is still required on expungement motions with underlying violent offenses. The Heinz Endowments grant gives OPD the ability to file expungement motions on all cases, no matter the underlying charge. In addition to receiving The Heinz Endowments grant, Project Reset now has a full-time intake clerk dedicated to preparing motions and contacting eligible clients, increasing the number of motions filed each month.
 - The Major Felony Unit was created in 2019 to assign the most experienced attorneys, investigators, intake staff, and defense team members to the most serious and complex cases. Clients are assigned an attorney and a team of OPD members not long after the preliminary arraignment, mere hours after charges have been filed, and represent the client throughout the entire life cycle of the case. Similar models in other Public Defender Offices have seen decreases in time-to-disposition, resulting in fewer jail bed days used.
- **Addressed systemic causes of interactions with the justice system**
 - OPD added a team of social workers to the office in 2018 with the understanding that the lives of clients are intertwined with systemic issues which often result in interactions with the justice system. Social workers are a part of the legal defense team and collaborate with attorneys and other advocates to provide a holistic legal defense strategy with clients based on their existing strengths and identified needs.
 - The Juvenile Division expanded its services by implementing the Educational Advocacy Project (EAP) in 2021. Grant funding allowed the division to hire three additional staff to spearhead the project, including an education attorney, an education advocate, and an additional attorney to represent children charged with summary offenses, including truancy citations. The education attorney's role includes tasks such as participating in Individualized Education Program (IEP) or Individual Support Plan (ISP) meetings, attending disciplinary and expulsion hearings, working with the parents and children to address disability-related educational needs, and attending juvenile court hearings to speak on the child's behalf. The education team also worked to develop partnerships with various community and advocacy organizations and other stakeholders.
- **Acquired grant funding to reduce the jail population**
 - The MacArthur Foundation Safety and Justice Challenge provided a \$2 million grant to safely reduce the Allegheny County Jail population through improved practices among government entities. A portion of the grant was used by the OPD to provide arraignment services outside of traditional business hours. These improvements have resulted in an increase in arraignment representation and a decrease in the use of cash bail since the expansion of arraignment services.

- **Offered learning opportunities to current and future attorneys**
 - In May 2018, OPD became an accredited provider for Continuing Legal Education (CLE) programs through the PA CLE Board. As an accredited provider of CLE courses, the office was able to provide *Bridge the Gap*, which is a 4-credit course required for all newly-admitted Pennsylvania attorneys.
 - Each year, every licensed attorney in Pennsylvania must attend 12 hours of continuing legal education. Recognizing the need to provide this education and training in-house, OPD expanded its Training Department in 2020. The accreditation that the OPD received extended only to in-person presentations. The Pennsylvania Supreme Court permitted providers to apply for accreditation for distance learning. The process required pre-planned, well-executed programs that meet the CLE Board’s rigorous requirements. OPD was accredited after the first five programs where a member of the Board attended and supervised.
 - OPD views the summer internship program as a valuable recruiting tool and vital to maintaining a talented and diverse class of future OPD attorneys. OPD held the internship program virtually in 2020, and students were able to see how OPD adapted its practice when confronted with a global pandemic. Interns attended nearly 250 hours of classroom-type presentations, were provided assignments to assist attorneys who were burdened by heavier than normal caseloads due to court closures, and attended virtual client meetings, virtual office meetings, and virtual court sessions. In a survey that was provided after the program, students routinely rated the program as excellent or exceeded expectations. Many of the ascending third year students who attended have applied and were considered for a position at OPD after graduation.

E. Legal mandate or necessity for the department

The Sixth Amendment of the United States Constitution provides that, “In all criminal prosecutions, the accused shall enjoy the assistance of counsel for his defense.” In 1963, the United States Supreme Court case, *Gideon v. Wainwright* established the doctrine that the Sixth Amendment right to counsel is a fundamental right, essential for a fair trial, and necessitates that the courts appoint lawyers for all indigent defendants, regardless of that defendant’s education or intelligence. The function of a public defender is to provide the due process safeguards that the Supreme Court deemed necessary for a constitutionally sound criminal justice system. Furthermore, the Public Defender’s Office in Allegheny County is mandated by the Public Defender Act of 1968, 16 P.S. §9906, to provide legal counsel in the following matters:

- Where a person is charged with juvenile delinquency
- Critical pretrial identification procedures
- Preliminary arraignments
- Preliminary hearings
- Bond modification hearings
- State habeas corpus proceedings
- State trials, including pre- and post-trial motions
- Post-conviction hearings at the trial and appellate levels

- Criminal extradition proceedings
- Probation and parole violation hearings
- Involuntary commitments under the Mental Health Procedures Act
- Any proceeding where life or personal liberty is in jeopardy

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

F. Determination of public need for the department's services

Thousands of citizens have benefited from the services of the Office. In 2021 alone, the Intake and Investigation Division of the Office of the Public Defender conducted approximately 13,400 client interviews. The Pre-Trial Division represented a total of 5,874 clients in preliminary arraignments. The Trial Division represented approximately 13,000 clients in adult criminal court proceedings. Additionally, the Juvenile Division took on 364 new juvenile client cases. The Office also represented 6,075 individuals in involuntary mental health commitment proceedings. The Appellate Division is praised and highly regarded by the Pennsylvania Appellate Courts, and the quality and level of expertise has risen dramatically over the last few years. Although all juveniles charged with a crime are entitled to representation by the Office of the Public Defender, adults charged with a crime must meet financial eligibility requirements to qualify for the department services. Approximately 90% of the juveniles facing criminal charges and 61% of the adults facing criminal charges in the Court of Common Pleas are represented by the Office of the Public Defender.

G. Review of the methods used in the implementation of each department's programs and an analysis of alternative methods that may be employed to achieve the department's legal mandates

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

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

H. Evaluation of whether county government is the most effective body to implement the department's programs

The Pennsylvania Public Defender Act charges each county with the duty to provide public defender services, thus county government participation is not elective. However, in many other states, the state government and not the county government has been determined to be the most effective body to implement indigent defense. Sixteen states fully administer and fund trial-level indigent defense services at the state level. A majority of states fund trial-level public defense services using a hybrid model, with the state covering some portion of the cost based on court level, case type, or other factors. Only five

states, including Pennsylvania, provide no state funding for trial-level public defense representation. Pennsylvania also does not provide state funding for appellate public defense services.

I. Evaluation of whether the absence or reduction of the department or the department's provision of services would significantly harm or endanger the public health, safety, or welfare

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

J. Analysis showing the costs of compliance for individuals or other entities regulated by the department

The costs of compliance for this Office are referenced in the resolutions (Operating Budget #16-21-RE, Capital Budget #17-21-RE and the Special Revenues/Grants Budget #18-21-RE) signed by the County Executive on December 1, 2021. Additionally, the costs of compliance for the approved budget listed above are delineated within the 2022 Adopted Budgets which can be referenced at: <https://www.alleghenycounty.us/budget-finance/county-budgets.aspx>

K. Efficiency with which formal public complaints filed with the department have been processed

The County Information Center/Call Center directs issues it cannot resolve to the relevant employee within the department. During the 2018, 2019, 2021 and 2021 calendar years, 194 issues were forwarded for analysis and resolution. Documentation of these issues are retained by the County Information Center. The Office of the Public Defender does not keep formal records of public complaints. However, all written and verbal concerns received by the Office are reviewed by management within a day of receipt. Management then addresses each complaint.

L. Recommendation

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

Accountability, Conduct, and Ethics Commission

A. Legal mandate or necessity for the agency

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

B. Determination of public need for the continued existence of the agency and its services

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

C. 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

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

- Reviews filed Public Disclosure of Interest statements
- Reviews evidence submitted by complainants
- Interviews witnesses
- Educates the public about the work and purpose of the Commission

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

D. Evaluation of whether the agency is the most effective body to implement the agency's programs

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

E. Evaluation of whether the absence or reduction of the agency or the agency's provision of services would significantly harm or endanger the public health, safety, or welfare

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

F. Analysis showing the costs of compliance for individuals or other entities regulated by the agency

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

G. Efficiency with which formal public complaints filed with the agency have been processed

The ACE Commission has received a total of 51 complaints since its inception in 2002, with each complaint being resolved within a matter of months depending on the complexity of the complaint. The Ethics Code, information about the ACE Commission and its members, and a complaint form are available on the County website.

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

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

I. Recommendation

Continue.

Personnel Board

A. Legal mandate or necessity for the agency

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

B. Determination of public need for the continued existence of the agency and its services

The Personnel Board performs five functions related to public need:

- Hear appeals of career service employees not covered by collective bargaining involving demotions, dismissals, and suspensions. Terminations during or at conclusion of probationary period may not be appealed. The Personnel Board may sustain the charges, reduce the length of suspension, or dismiss the charges. The Personnel Board shall render its decision, in writing, within 45 days of the receipt of the hearing transcript, unless this time limit is waived by all parties.
- Review and comment upon the rules and regulations established for the career service, and to make recommendations for changes and/or additions.
- Hear complaints regarding violations of the merit principles set forth in the Administrative Code.
- Monitor the faithful execution of provisions governing the career service and report any abuses to the Manager.
- 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.

C. 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

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

D. Evaluation of whether the agency is the most effective body to implement the agency's programs

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

E. Evaluation of whether the absence or reduction of the agency or the agency's provision of services would significantly harm or endanger the public health, safety, or welfare

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

F. Analysis showing the costs of compliance for individuals or other entities regulated by the agency

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

G. Efficiency with which formal public complaints filed with the agency have been processed

As directed by the rules and regulations established by the Personnel Board, the Board must render its decision in writing within 45 days of receiving the public hearing transcript, unless the time limit is waived by both parties. The Personnel Board has issued opinions in 35 cases since its inception pursuant to the enactment of the County's Administrative Code.

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

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

I. Recommendation

Continue.

Retirement Board

A. Legal mandate or necessity for the agency

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

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

B. Determination of public need for the continued existence of the agency and its services

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

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

C. 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

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

D. Evaluation of whether the agency is the most effective body to implement the agency's programs

While the retirement system and fund shall be under the sole direction of a Retirement Board as directed by the Second Class County Code, the effectiveness of this Board is illustrated by its recent performance results which included the following (as of January 1, 2021):

Fund Assets	\$1,004,906,958
Total Fund Status Ratio (TFSR)	70.6%
Assumed Return	7.75% annual interest rate (net of investment expenses)
Investment Returns	14.25% 1 year
	12.74% 3 year
	9.56% 5 year
	7.73% Inception (12/31/93)
Administrative Cost per Member	\$1,310,217(Expense)/12,381(Members) = \$105.82

E. Evaluation of whether the absence or reduction of the agency or the agency's provision of services would significantly harm or endanger the public health, safety, or welfare

The absence or reduction of the Retirement Board, which makes approximately \$10.2 million in monthly benefit payments, would compromise the public welfare of the 5,166 retirees and survivors receiving an average annuity benefit of \$23,693 per year (as of January 1, 2021). Additionally, given that there are currently 7,215 active members that could potentially receive benefits in their lifetime, the public welfare and economic security of future retirees is enhanced.

F. Analysis showing the costs of compliance for individuals or other entities regulated by the agency

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

G. Efficiency with which formal public complaints filed with the agency have been processed

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

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

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

I. Recommendation

Continue.

Appendix A: Sunset Review Schedule

The table below shows the schedule for Sunset Reviews by department through 2024.

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Administrative Services		X				X				X
Budget and Finance				X				X		
Children Initiatives***									X	
Court Records				X				X		
Economic Development	X				X				X	
Emergency Services			X				X			
Equity and Inclusion*	X				X				X	
Facilities Management		X				X				X
Health	X				X				X	
Human Resources				X				X		
Human Services	X				X				X	
Information Technology**		X				X				X
Jail			X				X			
Kane Community Living Centers	X				X				X	
Law				X				X		
Medical Examiner			X				X			
Parks		X				X				X
Police			X				X			
Public Defender				X				X		
Public Works		X				X				X
Shuman Center****			X				X			

* The Department of Minority, Women, Disadvantaged Business Enterprise was renamed the Department of Equity and Inclusion in 2020.

** The Division of Computer Services was separated from the Department of Administrative Services and became the Department of Information Technology in 2020.

*** The Department of Children Initiatives was created in 2021.

**** Shuman Center closed in 2021.