



**REPORT OF THE  
ALLEGHENY COUNTY GOVERNMENT REVIEW COMMISSION  
TO THE PEOPLE OF ALLEGHENY COUNTY**

**March 29, 2016**

**Submitted by the Allegheny County  
Government Review Commission:**

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# TABLE OF CONTENTS

	<u>Page #</u>
I. ACKNOWLEDGMENTS .....	1
II. EXECUTIVE SUMMARY .....	3
III. HISTORICAL OVERVIEW OF THE RESPONSIBILITIES OF THE GOVERNMENT REVIEW COMMISSION .....	6
IV. METHODOLOGY .....	11
V. COMMISSION ISSUES AND RECOMMENDATIONS .....	17
A. <u>Recommended Amendments to the Home Rule Charter</u> .....	18
<b>Recommendation A-1</b> – Investigations of the Accountability, Conduct and Ethics Commission .....	18
<b>Recommendation A-2</b> – Restructuring of County Council Compensation .....	19
<b>Recommendation A-3</b> – Amending Restrictions on Members of County Council or the Chief Executive Running for Another Public Office .....	22
<b>Recommendation A-4</b> – Term Extension for Commission Members .....	25
<b>Recommendation A-5</b> – Mandatory Public Hearings on Findings and Recommendations .....	26
B. <u>Recommended Amendments to the Administrative Code</u> .....	27
<b>Recommendation B-1</b> – Investigations of the Accountability, Conduct and Ethics Commission .....	27

**Recommendation B-2 – Powers and Duties of Allegheny County Ethics Commission (“ACE”)..... 28**

**Recommendation B-3 – Staggered Sunset Review of each County Department ..... 29**

**Recommendation B-4 – Reapportionment Commission ..... 30**

**Recommendation B-5 – Restructuring of County Council Compensation ..... 33**

**Recommendation B-6 – Procedures for Adjusting Compensation of the Chief Executive ..... 36**

**Recommendation B-7 – Employment Restrictions ..... 40**

**Recommendation B-8 – County Departments Self-Reporting Diversity Reports ..... 41**

C. Recommendations that do not Require Amendment to the Charter or Administrative Code..... 43

**Recommendation C-1 – Sheriff’s Department’s Costs Associated with Deputy Training ..... 43**

**Recommendation C-2 – Government Involvement with Allegheny County Minority, Women and Disadvantaged Business Enterprise (“MWDBE”) ..... 43**

**Recommendation C-3 – Centralization of Monies Coming into the County ..... 44**

**Recommendation C-4 – Creation of County Bond Board .... 44**

**Recommendation C-5 – County Economic Development Office Completing Affordable and Accessible Housing List ... 44**

**Recommendation C-6 – Increase Allotted Amount for Stipends ..... 45**

**Recommendation C-7 – Improving Communication between County Branches of Government ..... 46**

**Recommendation C-8 – Committee to Review Proposed Merger of County Police and Sheriff’s Office ..... 48**

**Recommendation C-9 – Current Salary of the Chief Executive ..... 50**

**Recommendation C-10 – Voluntary Public Hearings on Findings and Recommendations ..... 51**

**VI. APPENDICES ..... 52**

Appendix A – Allegheny County Government Review Commission Oath of Office

Appendix B – Comparison of Compensation of Non-Judicial Elected Officials in Allegheny County

Appendix C – Maximum Salary Increase for Chief Executive

Appendix D – General Acknowledgments

Appendix E – Overview of Recommendations and their Corresponding Code and/or Charter Section



**REPORT OF THE  
ALLEGHENY COUNTY GOVERNMENT REVIEW COMMISSION**

**ACKNOWLEDGMENTS**

## **ACKNOWLEDGMENTS**

Given the significant depth and breadth of this report, it is clear that the level of research and compilation of the actions of the Government Review Commission members done by the student interns in the Urban Development Practicum of the Duquesne University School of Law under the direction of Professor Joseph Sabino Mistick, Esq. has facilitated the creation of a report that is comprehensive in scope and fulfills the mandate of the Home Rule Charter. As such, we are extremely grateful for the contributions and significant amount of volunteer time of Court Hower, Justin Leonelli, Chelsea Mague, Margaret McGannon, Emily Seelman and Elizabeth Tuttle.

Additionally, we acknowledge the diligence and work of Bryant Andrews-Nino, a law student in the University of Pittsburgh School of Law for his volunteer time in capturing the actions of the Commission each month through the creation of minutes for public distribution.

Recognizing that the members of the Commission were appointed by Chief Executive Rich Fitzgerald and members of the Allegheny County Council, we appreciate the support and guidance given by Joe Catanese of behalf of the Allegheny County Council and Austin Davis and Mary Esther Van Shura, Ed. D. representing the Office of the Chief Executive.



**REPORT OF THE  
ALLEGHENY COUNTY GOVERNMENT REVIEW COMMISSION**

**EXECUTIVE SUMMARY**

## EXECUTIVE SUMMARY

The Allegheny County Government Review Commission was responsible for conducting a comprehensive review of Allegheny County's Home Rule Charter and Administrative Code.<sup>1</sup> It studied the organization, practices, and responsibilities of the county departments and agencies, and also evaluated the effectiveness, efficiency, and equity of county government and its Charter. After the review, the Commission was tasked with making written recommendations of proposed changes to the Charter and the Code. The Commission was divided into three subcommittees: the Fiscal and Personnel Committee; the Form of Government Committee; and the External Entities, Reviews and Independently Elected Officials Committee.

After a comprehensive review of the Charter, Administrative Code and functions and operations of various county departments and entities, the Commission submitted twenty-two (22) recommendations to the people of Allegheny County requiring changes to the Home Rule Charter, Administrative Code or other appropriate recommendations to improve efficiency and effectiveness. The recommendations focused on:

- 1. Investigations of the Accountability, Conduct, and Ethics Commission**
- 2. Restructuring of County Council Compensation**
- 3. Amending Restrictions on Members of County Council or the Chief Executive Running for Another Public Office**
- 4. Term Extension for Commission Members**
- 5. Mandatory Public Hearings on Findings and Recommendations**

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<sup>1</sup> . To refer to the Allegheny County Home Rule Charter and Allegheny County Administrative Code see the following link:

<http://www.alleghenycounty.us/commissions/government-review/about.aspx>



- 6. Investigations of the Accountability, Conduct and Ethics Commission through amending the Code**
- 7. Powers and Duties of Allegheny County Ethics Commission (“ACE”)**
- 8. Staggered Sunset Review of each County Department**
- 9. Reapportionment Commission**
- 10. Procedures for Adjusting Compensation of the Chief Executive**
- 11. Employment Restrictions**
- 12. County Departments Self-Reporting Diversity Reports**
- 13. Sheriff’s Department’s Costs Associated with Deputy Training**
- 14. Government Involvement with Allegheny County Minority, Women and Disadvantaged Business Enterprise (“MWDBE”)**
- 15. Centralization of Monies Coming into the County**
- 16. Creation of County Bond Board**
- 17. County Economic Development Office Completing Affordable and Accessible Housing List**
- 18. Increase Allotted Amount for Stipends**
- 19. Improving Communication between County Branches of Government**
- 20. Committee to Review Proposed Merger of County Police and Sheriff’s Office**
- 21. Salary of the Chief Executive**
- 22. Voluntary Public Hearings on Findings and Recommendations**



**REPORT OF THE  
ALLEGHENY COUNTY GOVERNMENT REVIEW COMMISSION**

**HISTORICAL OVERVIEW OF THE RESPONSIBILITIES OF THE  
GOVERNMENT REVIEW COMMISSION**

## **HISTORICAL OVERVIEW OF THE RESPONSIBILITIES OF THE GOVERNMENT REVIEW COMMISSION**

In 1998, the voters of Allegheny County approved a Home Rule Charter for Allegheny County. The Charter took effect on January 1, 2000. Home Rule brought two key changes to county government. The most visible change was the elimination of the three-member Board of Commissioners, which was replaced by an elected Chief Executive, an appointed County Manager, and a fifteen member elected County Council. A second key change was the county's grant of 'residual powers,' that is, the county government was authorized by the Charter to do anything not prohibited by Pennsylvania law, rather than being authorized to do only those powers specified by Pennsylvania law. Thus, the Home Rule Charter replaced the Second Class County Code as Allegheny County's basic set of governing laws.

Pursuant to these 'residual powers,' the Charter provides for the establishment of a periodic review of county government. Article XIII, Section 5(a) of the Charter states:

A County Government Review Commission shall be established five years after the effective date of this Charter and every ten years thereafter. The Commission shall study the Charter and County government, including the organization, practices and responsibilities of all County departments and agencies. The Commission shall evaluate the effectiveness, efficiency and equity of County government and this Charter. The Commission may make recommendations to the people of the County on County government and may recommend amendments to this Charter.

Therefore, the Charter directed the County Government Review Commission to undertake a comprehensive analysis of the Charter and the various aspects of county government. The Commission makes these recommendations to the people of Allegheny County on County Government and recommends amendments to the Charter.

It was also one of the first orders of business to adopt the County Administrative Code. Chapter 203, Section 8 specifies the process for making amendments to the Code:

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the County Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. The County Solicitor, upon the request of the Chief Clerk of Allegheny County Council, shall make the final determination concerning whether any particular ordinance was intended to be of general and permanent application and effect and should be incorporated into the Code.

Thus, based on the recommendations of the Commission, County Council determines whether such changes should be included in the Code.

While the purview of the Government Review Commission is broad, its authority is limited. The Commission is strictly advisory and its recommendations are not binding upon the county. Although the Commission may recommend changes to the county's Home Rule Charter, it does not have the authority to directly cause a public referendum on these recommendations. Moreover, only matters pertaining to the Charter and county government are to be reviewed and evaluated; municipal governments, school districts, matters of state law, and other topics outside the realm of county government are beyond the scope of the Commission.

Appointments to the Commission are provided for by Article XIII, Section 5(b) of the Charter:

The Commission shall be composed of nine members who shall serve one-year terms. The members shall be voters of the County, five of whom shall be appointed by County Council and four of whom shall be appointed by the Chief Executive. The political party affiliation, racial, geographic, age and gender diversity of the County shall be considered in the appointment process. No County officer, employee, or member of an agency shall be a member of the Commission. The Commission shall submit a final report to the people of the County on the Commission's findings and recommendations within one year after appointment of the Commission.

As required by Article XIII, Section 5(a) of the County Charter, the Commission members "shall be voters of the County, five of whom shall be appointed by County Council and four of whom shall be appointed by the Chief Executive." On February 15, 2005, in compliance with that

charge, County Council appointed five members, and Chief Executive Dan Onorato appointed four additional members. The nine members were Don Linzer, Chair; Kathleen Gallagher, Vice-Chair; Ted Black; Rosemary Bradley; Michael Crossey; James Klingensmith; Charles P. McCullough; Ronald Potter; and Kenn Thomas.

Given the limited time frame to complete its charge, the 2005 Commission determined that it would be impossible to attempt a detailed analysis of every aspect of County government. Such an understanding would also be redundant in light of the County Manager's duty to conduct a "Sunset Review" of every County department, agency, and function, as set forth in Article VI, Section 2(h) of the Charter.

Accordingly, the 2005 Government Review Commission decided, preliminarily, to review thirteen issues that were not addressed in the County's 2003 Sunset Review Report. From these, the Commission focused on the following issues, which comprised the body of its report and recommendations:

- Minority Issues
- Budget Process
- Real Property Assessment
- County Economic Development
- County Authorities
- Government Merger Issues
- Form of Government
- County Personnel Issues
- Improvements to the Government Review Commission
- Clarification of the Home Rule Charter

In 2015, County Council made the following appointments with the Chair being elected by the Commission:

1. Mark Foerster (Chair of the Commission)
2. Jay Hagerman, Esq.
3. Jim Nowalk, Esq.
4. Doug Price, Esq.
5. Rick Schwartz

Whereas, Chief Executive Rich Fitzgerald appointed the following on March 30, 2015, with the Vice-Chair being elected by the Commission:

1. Aradhna Oliphant (Vice-Chair)
2. Andrea Geraghty, Esq.
3. Betsy Bechtolt Magley
4. Tracey McCants Lewis, Esq.

Subsequently, at the first meeting of the Commission, Mark Foerster was elected the Chair of the Commission and Aradhna Oliphant was elected as Vice-Chair.



**REPORT OF THE  
ALLEGHENY COUNTY GOVERNMENT REVIEW COMMISSION**

**METHODOLOGY**

## METHODOLOGY

In keeping with the official duties of the Commission, all the members of the Commission were officially sworn in on April 14, 2015 (See Appendix A), indicating that they will fulfill their charge with “fidelity and will” in all duties to ensure the final report’s submission occurred within one year of their appointment. The first official business of the Commission was electing Mark Foerster as Chair and Aradhna Oliphant the Vice-Chair of the Commission.

To fulfill the charge of the Commission, as delineated in Article XIII, Section 5(a) to “evaluate the effectiveness, efficiency and equity of County government and this Charter,” the Commission opted to form three (3) committees: the Fiscal and Personnel; Form of Government; and External Entities, Reviews and Independently Elected Officials.

Subsequently, the Commission assigned the following areas of focus for each committee:

### **The Fiscal and Personnel Committee:**

Article II: Tax Limitation

Article VII: Budget and Finance

Article VII: Competitive Procurement

Article IX: Personnel

Article XI: Accountability, Conduct and Ethics

### **The Form of Government Committee:**

Article III: Form of Government; Elected Officials

Article VI: Legislative Branch

Article V: Executive Branch

Article VI: Manager



## **The External Entities, Reviews and Independently Elected Officials Committee:**

Article X: Authorities and Agencies

Article XII: Agenda Initiative, Voter Referendum and Charter Amendment

Article XIII: General Provisions

Article XIV: Transitional Provisions.

The Commission, having charged the committees with making appropriate recommendations to the Home Rule Charter of Allegheny County and the Allegheny County Administrative Code, created and adopted a uniform template to make recommendations. The Government Review Commission engaged six (6) Duquesne University School of Law students to conduct research, prepare the appropriate materials, and compile the final report of recommendations for submission to the people of Allegheny County.

Given the depth and breadth of the process, the Commission met monthly as a whole and each committee met separately from April 2015 through December 2015. On January 21, 2016, the Commission held a public meeting to hear Allegheny County citizens' input on the published recommendations. Then the Commission held a meeting on January 26, 2016, at which time the final vote for all recommendations occurred.<sup>2</sup> The final draft of the report was reviewed, approved, and subsequently adopted by the Commission on February 23, 2016, and was submitted to Allegheny County Council on March 22, 2016, and presented to the Allegheny County Chief Executive on March 29, 2016.

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<sup>2</sup> To refer to Meeting Agendas and Minutes on the County website see the following link: <http://www.alleghenycounty.us/commissions/government-review/index.aspx>.

## **Fiscal and Personnel Committee**

The Fiscal and Personnel Committee used county resources to collect relevant data to analyze the current Allegheny County Administrative Code and Home Rule Charter of Allegheny County for ambiguities to address concerns from the public, county employees and County Council. The Committee also conducted research by comparing the Codes and Charters of other counties, both within and outside the Commonwealth of Pennsylvania.

## **Form of Government Committee**

The Form of Government Committee developed recommendations by interviewing current and former officials of Allegheny County. The recommendations made by this Committee are supported by information and data received from nine other Home Rule Counties. The Committee reviewed seven counties in Pennsylvania (Delaware County, Erie County, Lackawanna County, Lehigh County, Luzerne County, Northampton County and Philadelphia County) that operate under a Home Rule Charter and two counties in other states (Cuyahoga County, Ohio and Wayne County, Michigan) that operate under a Home Rule Charter. Information and data received from these counties were collected by directly communicating with officials in each county and through information and data accessed from their websites. Further information and data was collected from local, state, and federal websites and from numerous websites of various associations and organizations.

The Committee analyzed this quantitative and qualitative data to investigate the suggestions and complaints made by Allegheny County officials and citizens regarding the functionality of the current county government. The Committee also held numerous public meetings to discuss the committee's recommendations and to promote public awareness and encourage public input in the Government Review process.

## **External Entities, Reviews and Independently Elected Officials**

The External Entities, Reviews and Independently Elected Officials Committee conducted research into the costs associated with training deputies in the Allegheny County Sheriff's Office by contacting Sheriff's Offices across the Commonwealth of Pennsylvania to obtain information regarding the number of deputies on staff, the process for increasing the number of staff, and the final costs and requirements of deputy training.

The Committee also obtained information regarding the Allegheny County Department of Minority, Women, and Disadvantaged Business Enterprises (MWDBE). The Committee focused their research on how to involve more government officials at MWDBE events, the MWDBE certification process, the status of potential Allegheny County Administrative Code amendments and how those amendments may affect the MWDBE, and the effectiveness of the enforcement arm of the MWDBE.

Additionally, the committee researched the costs associated with the task of collecting, and enforcement of, the specialty tax collection, the number of Allegheny County Departments that maintain individual bank accounts and whether or not tax returns may be signed by both the Treasurer and the Controller. This information was obtained by contacting various employees of the Allegheny County Treasury Department.

The committee also determined whether Allegheny County was equipped to complete a Diversity Audit, as mandated by the Allegheny County Administrative Code, by contacting various individuals within the Allegheny County Controller's Office and the Department of Human Resources. Finally, the committee researched housing needs in Allegheny County by reaching out to the Allegheny County Economic Development Department and to local research agencies.

After a comprehensive review by the respective committees, recommendations were crafted with respect to those recommendations that required an amendment to the Charter

(Category A Recommendations), those that required an amendment to the Administrative Code (Category B Recommendations) and those recommendations that did not require an amendment to the Home Rule Charter or the Administrative Code (Category C Recommendations), but would enhance the efficiency and effectiveness of the County operations if they were adopted.

### **Future of the Allegheny County Government Review Commission**

Pursuant to Article XIII §1.13-1305(a) of the Home Rule Charter of Allegheny County, requiring the establishment of the Government Review Commission every ten years, the next Government Review Commission will be convened in January of 2025.



**REPORT OF THE  
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**COMMISSION ISSUES AND RECOMMENDATIONS**

## COMMISSION ISSUES AND RECOMMENDATIONS

### Requirements for Amendments to the Home Rule Charter:

Article XII, Section 3 requires that, “[t]his Charter may be amended by a referendum that is initiated by ordinance or by petition of the voters of the County in conformity with the provisions of the Pennsylvania Home Rule Charter and Optional Plans Law, as amended from time to time.”

### A. RECOMMENDED AMENDMENTS TO THE HOME RULE CHARTER

#### Recommendation A-1 – Investigations of the Accountability, Conduct and Ethics Commission:

**In accordance with Recommendation B-1, the Commission recommends that Article XI, Section 2 of the Charter be amended to allow the Accountability, Conduct and Ethics Commission to initiate investigations of its own volition, rather than merely being authorized to act on complaints delivered to it by others.**

#### Implicated Charter Section:

Home Rule Charter: Article XI, Section 2, Accountability, Conduct and Ethics Commission.

#### Current Language:

a) County Council, by ordinance, shall establish a five member Accountability, Conduct and Ethics Commission. Individuals who believe they have been aggrieved by an action or omission of a County officer, employee or member of an agency shall have the right to lodge a formal complaint. The Accountability, Conduct and Ethics Commission shall be empowered to receive complaints and investigate violations of the Code of Accountability, Conduct and Ethics by any County officer, employee or member of an agency. The Commission shall commence proceedings within 30 days of receipt of a complaint. The Commission shall have the power of subpoena as provided in Article XIII, § 1.13-1307. The ordinance shall provide penalties and sanctions for violations of the Code of Accountability, Conduct and Ethics.

#### Government Review Commission’s Recommendation to Change the Charter:

The Review Commission recommends Article XI, Section 2(a) of the Home Rule Charter be amended to read as follows:

a) County Council, by ordinance, shall establish a five member Accountability, Conduct and Ethics Commission (ACE). Individuals who believe they have been aggrieved by an action or omission of a County officer, employee or member of an agency shall have the right to lodge a formal complaint. The Accountability, Conduct and Ethics Commission shall be empowered to initiate and receive complaints and investigate violations of the Code of Accountability, Conduct and Ethics by any County officer, employee or member of an agency. The Commission shall commence proceedings within 30 days of receipt of a complaint. The Commission shall have the power of subpoena as provided in Article XIII, § 1.131307. The ordinance shall provide penalties and sanctions for violations of the Code of Accountability, Conduct and Ethics

Considerations:

1. **Clarity:** Current ACE Commission member testimony indicated a concern regarding the scope of the ACE Commission’s powers of investigation, and a need to clarify such scope.
2. **Other Counties:** Research conducted revealed that other Home Rule counties empower their comparable county ‘Ethics Commissions’ to initiate investigations of alleged ethics code violations *sua sponte* — without receiving a complaint first.
3. **Confidentiality:** The Commission believes the ACE Commission should have a power to initiate investigations to address concerns that persons with knowledge of possible ethics code violations do not currently come forward out of a fear that their identity will not be kept confidential.
4. **Efficiency:** The ACE Commission should be empowered to address ethics concerns it discovers without waiting for a complaint to be filed, creating greater efficiency and ensuring such violations are addressed when discovered.
5. **Abuse:** The Commission addressed concerns of abuse of such a power by the ACE Commission, and concluded that such a concern was outweighed by the need for a power to initiate investigations.

**Recommendation A-2 – Restructuring of County Council Compensation:**

**In accordance with Recommendation B-5, the Commission recommends that compensation received by members of County Council be restructured as follows:**

- (a) Compensation for members of County Council should be termed a salary and not per-meeting stipends.**
- (b) The separate reimbursement of expenses should be eliminated, and the amount allocated for such reimbursement (i.e. \$3,000.00) should be added to the salary of a member of County Council. Thereafter, any expenses incurred by members of County Council could only be reimbursed if specifically authorized by County Council.**

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

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

Implicated Charter Section:

Home Rule Charter: Article III, Section 7 a) and 7 e), Compensation, Staff and Expenses.

Current Language:

a) County Council Members shall not receive a salary but may receive per-meeting stipends not to exceed in the aggregate \$9,000 annually per Member. The aggregate stipend may by ordinance be increased by up to five percent every five years.

e) Elected officers may be reimbursed for actual and necessary expenses incurred in the performance of their official duties in accordance with procedures established in the Administrative Code. The reimbursement of the expenses of County Council Members shall not exceed \$3,000 per County Council Member per year. The expense limit may by ordinance be increased by up to five percent every five years.

Government Review Commission's Recommendation to Change the Charter:

a) County Council Members shall receive a salary equal to ten percent of the salary of the Chief Executive.

Considerations:

1. Every municipal code, regardless of the type of municipality (i.e., boroughs, cities, counties, town and townships) refers to the compensation paid to its legislative body as a salary. It does not matter whether the council or commission is full-time or part-time or how many meetings its members attend, the compensation paid to the legislators is termed a salary. Allegheny County Council functions in the same manner as these legislative bodies and has significantly more responsibility than most municipal legislative bodies. Consequently, the compensation paid to members of County Council should be termed a salary.
2. Per-meeting stipends, which are how members of Council are currently paid under the Home Rule Charter and Administrative Code of Allegheny County, suggest that there is a correlation between the number of meetings attended by a member of County Council and the compensation paid to that member. The reality is that every member of County



Council realizes the same amount of compensation every year despite the fact that they may attend a different number of meetings throughout the year.

3. Compensation through per-meeting stipends is confusing, susceptible to multiple interpretations and unnecessary. What constitutes a “meeting”? How long does a member have to stay at a meeting in order to receive the per-meeting stipend? Compensation in this manner likely requires more administrative time and expense to keep track of which members are attending what meetings and for how long.
4. Like the change from per-meeting stipends to a salary, eliminating the annual personal allocation of reimbursement for expenses for members of County Council is consistent with the manner in which other part-time municipal officials in boroughs, cities and townships are compensated. For most part-time municipal officials, reimbursement of expenses is allocated in the budget for specific activities such as conferences; it is not allocated to individual officeholders. Likewise, any expenses related to constituents are regarded by other municipal officials as personal and payable from their salaries. It should be the same for members of County Council.

Eliminating the annual personal allocation of reimbursement for expenses will have two other benefits. First, it will reduce or eliminate the administrative time and cost of accounting for and auditing the payment of such reimbursements. Secondly, this change justifies the recommendation that the salary of a member of County Council be set at ten percent of the Chief Executive.

5. Limiting increases in compensation for members of County Council to five percent every five years is unsupportable, unnecessary, and impractical. It is unsupportable because it is not economically based. Determining fair, adequate and appropriate compensation for public officials is a legitimate and important function of government. If County Council finds that a certain salary will fairly, adequately and appropriately compensate their members for their service, as well as, attract civic-minded individuals to run for office, Council should not be constrained from so doing.

The five percent/five year limitation is unnecessary as there is an overall limitation on the total operating budget for County Council of “four-tenths of one percent of the county’s annual locally levied tax revenues as detailed in the most recent audited financial report of the County.” Additionally, the electoral process provides enough incentive for County Council to act wisely in this area. The politicizing of legislative decisions to increase compensation most likely explains why County Council has not raised its compensation in 16 years.

The five percent/five year limitation is impractical because Article III, Section 27 of the Pennsylvania Constitution prevents any increase in compensation from going into effect during the term of the members of County Council if the increase occurred after their election.

6. The fact that the compensation of members of County Council has not been increased in 16 years is indicative of how awkward and difficult it is for any legislative body to raise the salary of its members. No matter how reasoned the decision is, a legislative body will always be concerned that the public will consider their salary increase as self-serving and the members of the legislative body not worthy of re-election. On the other hand, a legislative body has a duty to provide for adequate compensation for government employees and officeholders including themselves. In the case of County Council, it is unfair that all other elected officials in Allegheny County (other than the Chief Executive) have received raises between 145% to 156% during the 16 year period in which County Council has received no increase in compensation.

**Recommendation A-3 – Amending Restrictions on Members of County Council or the Chief Executive Running for Another Public Office:**

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

- (a) Both a Member of County Council and the Chief Executive should not be a candidate for nomination or election to more than one County office at the same time.**
- (b) Neither a Member of County Council nor the Chief Executive should be required to resign from his or her office before becoming a candidate for nomination or election to any other elected political office.**

**Implicated Charter Section:**

Home Rule Charter: Article III, Section 6 a) and 6 b), Requirements; Prohibitions.

**Current Language:**

- a) The Chief Executive shall not be a candidate for nomination or election to more than one County office at the same time.
- b) A County Council Member shall not be a candidate for nomination or election to any elected political office other than that of County Council without having first resigned from County Council.

## Government Review Commission's Recommendation to Change the Charter:

The prohibition in Article III, Section 6, Subsection a) should also apply to a Member of County Council and subsection a) should be so amended.

The prohibition in Article III, Section 6, Subsection b) should not be applied to the Chief Executive. Rather, it should be eliminated completely for members of County Council. Once revised, Article III, Section 6 should read as follows:

- (a) *Both* a Member of County Council and the Chief Executive should not be a candidate for nomination or election to more than one County office at the same time.
- (b) *Neither* a Member of County Council nor the Chief Executive should be required to resign from his or her office before becoming a candidate for nomination or election to any other elected political office.

### Considerations:

1. There are no sound public policy reasons to differentiate a member of County Council from the Chief Executive with respect to restrictions on becoming a candidate for another public office. Whatever restrictions there are should be reasonable and applicable to *both* the Chief Executive and members of County Council.
2. Restricting a candidate from running for two offices at the same time is a reasonable restriction for both the Chief Executive and members of County Council. Candidates cannot hold two offices in Allegheny County if they win both elections, so it follows that they should not be able to run for two county offices at once. The situation of a candidate running for two offices in the same municipal government is confusing to the public and it forces the candidate to make an awkward choice after the election as to which office the candidate will accept and which office will be declined. For these reasons, Article III, section 6, subsection a) of the Home Rule Charter of Allegheny County prohibiting the Chief Executive from being a candidate for multiple county offices should also be applicable to members of County Council.
3. The Pennsylvania Constitution has several provisions which, when read together, suggest that Pennsylvania citizens have a *fundamental right to run for and hold public office* without being subjected to a civil penalty for doing so. Article I, headed "Declaration of Rights", contains two of these provisions. Section 1, entitled "Inherent rights of mankind" reads: All [persons] are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of *pursuing their own happiness.*" Section 5 titled "Elections" states "Elections shall be free and equal; and *no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.*" In Article VI, headed "Public Officers," there is a Section 7 which reads in part: "All civil officers shall hold their offices on the condition that they behave themselves well while in office, and *shall be removed on conviction of misbehavior*

*in office or of any infamous crime...All civil officers elected by the people, except the Governor, the Lieutenant Governor, members of the General Assembly and judges of the courts of record, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.”*

4. The constitutional provisions expressed in paragraph 3 above, when read together, strongly suggest that a member of County Council duly elected by the voters of the member's County Council district cannot be removed from office merely because he or she chose to exercise a right to run for another public office.
5. If Allegheny County were not a home rule community, there would be no restrictions on any elected County official *running* for any other public office. Restrictions, if any, would only occur if, *and only if*, the elected County official chose to hold two offices which were deemed by law to be incompatible with one another. The incompatibility statute applicable to Allegheny County officials under the prior Second Class County Code reads:

Section 3402. Incompatible Offices

(a) No elected county officer shall at the same time serve as a member of the legislative body of any city, borough, town, or township of any class, nor as school director of any school district, nor as a member of any board of health.

(b) No member of Congress from this State nor any person holding or exercising any office or appointment of trust or profit under the United States shall at the same time hold or exercise any county office in this State to which a salary fee, or perquisites are attached

6. In view of the fact that members of County Council are part-time public officials with significant legal responsibilities, not the least of which is the adoption of budgets totaling almost one billion dollars, every effort should be made to encourage experienced members of County Council to remain in office. Conversely, every effort should be made to encourage talented Allegheny County residents who are interested in government and public service to run for the office of member of County Council. Forcing members of County Council to resign their seats solely because they chose to run for another office (if constitutionally permissible) is not in the best interest of Allegheny County residents who want the most experienced and talented legislators to represent them.
7. The prohibition in Subsection b) of Article III, Section 6 barring a member of County Council from becoming a candidate for nomination or election to any elected political office without first having resigned from County Council, should be eliminated. For the same reasons it should not be made applicable to the Chief Executive.

**Recommendation A-4 – Term Extension for Commission Members:**

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

**Implicated Charter Section:**

Home Rule Charter: Article XIII, Section 5, Subsection b), County Government Review Commission.

**Current Language:**

The Commission shall submit a final report to the people of the county on the Commission's findings and recommendations within one year after appointment of the Commission.

**Government Review Commission’s Recommendation to Change the Charter:**

The Commission shall submit a final report to the people of the county on the Commission's findings and recommendations within eighteen months after appointment of the Commission.

**Consideration:**

The Commission realizes that the previous Commission recommended this change to the Charter, but it has not yet been implemented. Therefore, based on the research done by the Commission this term, it also recommends this change.

**Recommendation A-5 – Mandatory Public Hearings on Findings and Recommendations:**

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

**Implicated Charter Section:**

Home Rule Charter: Article XIII, Section 5, County Government Review Commission.

**Current Language:**

Currently there is not a Subsection (c) to Article XIII, Section 5 of the Home Rule Charter.

**Government Review Commission’s Recommendation to Change the Charter**

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

## **B. RECOMMENDED AMENDMENTS TO THE ADMINISTRATIVE CODE**

### **Requirements for Amendments to the Administrative Code:**

In the Home Rule Charter, to amend the Administrative Code the County Council must pass and adopt additions, deletions, amendments, or supplements to the Code. The County Solicitor shall make the final determination as to its incorporation into the Code.

### **Recommendation B-1 – Investigations of the Accountability, Conduct and Ethics Commission:**

**In accordance with Recommendation A-1, The Commission recommends that Section 5-1013 of the Administrative Code be amended to allow the Accountability, Conduct and Ethics Commission to initiate investigations of its own volition, rather than merely being authorized to act on complaints delivered to it by others.**

#### **Implicated Code Section:**

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

#### **Current Language:**

- A. There is hereby established a five-member Accountability, Conduct and Ethics Commission, hereinafter the ACE Commission. The ACE Commission generally shall be empowered to receive, investigate and make findings and recommendations concerning complaints alleging the violation of this Accountability, Conduct and Ethics Code. The make-up of the ACE Commission shall consist of three members of the majority party of Council and two members of the minority party of Council.

### **Government Review Commission's Recommendation to Change the Administrative Code:**

The Review Commission recommends that § 5-1013.10 of the Administrative Code be amended to read as follows:

- A. There is hereby established a five-member Accountability, Conduct and Ethics Commission, hereinafter the ACE Commission. The ACE Commission generally shall be empowered to initiate investigations and receive complaints,

investigate, and make findings and recommendations concerning alleged violations of this Accountability, Conduct and Ethics Code. The make-up of the ACE Commission shall consist of three members of the majority party of Council and two members of the minority party of Council.

Considerations:

1. **Clarity:** Current ACE Commission member testimony indicated a concern regarding the scope of the ACE Commission’s powers of investigation, and a need to clarify such scope.
2. **Other Counties:** Research conducted revealed that other Home Rule counties empower their comparable county ‘Ethics Commissions’ to initiate investigations of alleged ethics code violations *sua sponte* — without receiving a complaint first.
3. **Confidentiality:** The Fiscal and Personnel Committee believes the ACE Commission should have a power to initiate investigations to address concerns that persons with knowledge of possible ethics code violations do not currently come forward out of a fear that their identity will not be kept confidential.
4. **Efficiency:** The ACE Commission should be empowered to address ethics concerns it discovers without waiting for a complaint to be filed, creating greater efficiency and ensuring such violations are addressed when discovered.
5. **Abuse:** The Fiscal and Personnel Committee addressed concerns of abuse of such a power by the ACE Commission, and concluded that such a concern was outweighed by the need for a power to initiate investigations.

**Recommendation B-2 – Powers and Duties of Allegheny County Ethics Commission (“ACE”):**

**In accordance with Recommendation A-1, the Commission recommends that Article 1013 of the Administrative Code be amended to detail the powers and duties of the Accountability, Conduct and Ethics Commission.**

Implicated Code Section:

Administrative Code: § 5-1013.\_\_\_\_, Powers and Duties of the ACE Commission.

Current Language:

There is no current language detailing the powers and duties of the Accountability, Conduct and Ethics Commission.



Government Review Commission's Recommendation for an Addition to the Administrative Code:

The Review Commission recommends the following provision be added to Article 1013 of the Administrative Code regarding the powers and duties of the ACE Commission:

The ACE Commission shall have the power and duty to:

- A. Initiate and receive complaints of violations of the provisions of the Accountability, Conduct and Ethics Code.
- B. Determine whether to investigate or act upon any particular complaint.
- C. Conduct investigations, inquiries and hearings concerning any complaint alleging violations of the Accountability, Conduct and Ethics Code.
- D. Conduct interviews, take statements and otherwise obtain evidence and gather information by lawful means, including subpoena power.
- E. Recommend various penalties for violations of the Accountability, Conduct and Ethics Code.
- F. Render recommendations concerning the provisions of the Accountability, Conduct and Ethics Code.
- G. Provide an annual report to County Council and the Chief Executive with respect to the actions of the ACE Commission during the preceding calendar year.
- H. Conduct itself in any manner consistent with the Accountability, Conduct and Ethics Code.

Considerations:

1. **Clarity:** Current ACE Commission member testimony indicated a concern regarding the scope of the ACE Commission's powers and duties, and a need to clarify such scope.
2. **Other Counties:** Research conducted revealed that other Home Rule counties provide a general overview provision indicating the powers and duties of their respective Ethics Commissions.

**Recommendation B-3 – Staggered Sunset Review of each County Department:**

**The Commission recommends that Article 1201.01 of the Administrative Code be amended to provide for a Staggered Sunset Review and evaluation of the need for and function of each County Department, spread across four years.**

Implicated Code Section:

Administrative Code: Article 1201.01, Department Sunset Review.

Current Language:

Pursuant to Article VII, § 1.7-711, of the Charter, the County Manager shall review and evaluate the need for and function of each County Department at least once every four years. The schedule for the evaluation of each County Department shall be established by the County Manager.

Government Review Commission's Recommendation to Change the Administrative Code:

The Review Commission recommends that Article 1201.01 of the Administrative Code be amended to read as follows:

Pursuant to Article VII, § 1.7-711, of the Charter, the County Manager shall review and evaluate the need for and function of each County Department through a fouryear staggered Sunset Review process. In order to provide adequate time for each review and resulting recommendations and to ensure review every four years, the County Manager shall designate the specific existing County Departments to be evaluated each year.

Considerations:

1. **Efficiency:** Previous experience demonstrates that a staggered review process is the most efficient process for the Sunset Review of county departments and agencies.
2. **Consistency:** The comparable Code provision for Agency Sunset Review Article 1201.01 provides that the process should staggered.

Recommendation B-4 – Reapportionment Commission:

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

Implicated Code Section:

Administrative Code: Article 301.03, Subsection B, County Council districts.

Current Language:

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

Government Review Commission's Recommendation to Change the Administrative Code:

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

## Considerations:

1. Article XIV, Section 2 of the Home Rule Charter of Allegheny County provides that “the initial boundaries of the 13 County Council districts created by [the] Charter are to be determined by an Apportionment Commission as provided by law.” The Charter does not address how boundary lines are to be drawn after each decennial census.
2. Under Section 304(b) of the Pennsylvania Municipal Reapportionment Act, the Court of Common Pleas of Allegheny County, upon receiving a petition to reapportion, appoints “*three impartial persons as commissioners.*” The commissioners appointed are required under Section 304(c) to “make a report to the Court within the time the court directs and ...include with it a plot showing the boundaries of the present districts and a plot showing the districts as proposed by them, along with pertinent information relating to population and area of the proposed districts.” Upon presentation, the court, under Section 304(d), would “confirm the report nisi and ...direct that notice of the filing of the report ...be given by publication once in a newspaper of general circulation stating that exceptions may be filed to the report within 30 days after the report was filed. If no exceptions are filed or if the court dismisses the exceptions, the court shall confirm the report absolutely and issue a decree. The court in its decree shall designate a number for each of the districts.”
3. It is a conflict of interest for any legislative body to determine the boundaries of the legislative districts from which its members will run for election in the future. The common good of the people cannot be reconciled with the partisan and personal influences that inevitably affect the drawing of legislative districts.
4. There is a belief among political scholars that the gerrymandering of legislative districts is responsible for the gridlock in the General Assembly of Pennsylvania and the Congress of the United States of America among other political ills. One such scholar, Dennis Jett, a professor of international affairs at Penn State University wrote an article on this subject in the Pittsburgh Post-Gazette entitled “Rise up Pennsylvanians! Gerrymandering made a mess of our state.”
5. There is a bipartisan effort in the Senate of the General Assembly of Pennsylvania to amend the Pennsylvania Constitution to reform the way that state legislative and congressional districts are drawn. The legislation, Senate Bill 484 of Session 2015, would establish a Citizen’s Redistricting Commission to realize independence in the redistricting process.
6. In the 2015 General Election in the state of Ohio, there was a ballot measure to address gerrymandering. It provided for a bipartisan redistricting commission and strict rules for redrawing maps. The measure was approved by 70% of the voters
7. There is no reason to believe people of Allegheny County are any different than the people of Ohio with respect to the manner in which legislative districts are drawn. It is incumbent upon Allegheny County government, whose slogan is “Always Inspiring,” to

lead in the area of “good government” by mandating the use of an impartial reapportionment commission and inspire the Commonwealth to do the same.

8. In establishing an impartial reapportionment commission, it is suggested that County Council identify all of the stakeholders in the reapportionment process and give each stakeholder a voice on the commission. The obvious stakeholders are County Council, Pittsburgh City Council (which has an interest in what City wards are in which of the four County Council districts), the 129 remaining municipalities and the voters. The latter two stakeholders could be represented by the Allegheny County League of Municipalities and the League of Women Voters. Added to the stakeholders’ representatives could be representatives from other civic organizations such as the Allegheny Conference, Common Cause, the Pennsylvania Economy League and the like.

#### **Recommendation B-5 - Restructuring of County Council Compensation:**

**In accordance with Recommendation A-2, the Commission recommends that compensation received by members of County Council be restructured as follows:**

- (a) Compensation for members of County Council should be termed a salary and not per-meeting stipends.**
- (b) The separate reimbursement of expenses should be eliminated and the amount allocated for such reimbursement (i.e. \$3,000.00) should be added to the salary of a member of County Council. Thereafter, any expenses incurred by members of County Council could only be reimbursed if specifically authorized by County Council.**
- (c) The provision that limits increases in compensation for members of County Council to five percent (5%) every five years should be eliminated.**
- (d) The compensation of members of County Council should be set at ten percent (10%) of the salary of the Chief Executive and increased whenever the salary of the Chief Executive is raised. Any salary increase would be subject to the provisions of Article III, Section 27 of the Pennsylvania Constitution.**

#### **Implicated Code Section:**

Administrative Code: Article 301.09, Subsection A and B, Compensation and expenses.

Current Language:

- A. County Council members shall not receive a salary.
- B. County Council shall establish by resolution, a per meeting stipend to be received by County Council members not to exceed the aggregate \$9,000 annually per member.

Government Review Commission's Recommendation to Change the Administrative Code:

Amend the Administrative Code accordingly to reflect changes made to Article III, Section 7a) of the Allegheny County Home Rule Charter. See Recommendation A-2.

Considerations:

1. Every municipal code, regardless of the type of municipality (i.e., boroughs, cities, counties, town and townships) refers to the compensation paid to its legislative body as a salary. It does not matter whether the council or commission is full-time or part-time or how many meetings its members attend, the compensation paid to the legislators is termed a salary. Allegheny County Council functions in the same manner as these legislative bodies and has significantly more responsibility than most municipal legislative bodies. Consequently, the compensation paid to members of County Council should be termed a salary.
2. Per-meeting stipends, which are how members of Council are currently paid under the Home Rule Charter and Administrative Code of Allegheny County, suggest that there is a correlation between the number of meetings attended by a member of County Council and the compensation paid to that member. The reality is that every member of County Council realizes the same amount of compensation every year despite the fact that they may attend a different number of meetings throughout the year.
3. Compensation through per-meeting stipends is confusing, susceptible to multiple interpretations and unnecessary. What constitutes a "meeting"? How long does a member have to stay at a meeting in order to receive the per-meeting stipend? Compensation in this manner likely requires more administrative time and expense to keep track of which members are attending what meetings and for how long. The method of paying members of County Council by per-meeting stipends should be eliminated in favor of the compensation model found in every municipal code – a salary.
4. Like the change from per-meeting stipends to a salary, eliminating the annual personal allocation of reimbursement for expenses for members of County Council is consistent with the manner in which other part-time municipal officials in boroughs, cities and townships are compensated. For most part-time municipal officials, reimbursement of expenses is allocated in the budget for specific activities such as conferences; it is not allocated to individual officeholders. Likewise, any expenses related to constituents are regarded by other municipal officials as personal and payable from their salaries. It should be the same for members of County Council.

Eliminating the annual personal allocation of reimbursement for expenses will have two other benefits. It will reduce or eliminate the administrative time and cost of accounting for and auditing the payment of such reimbursements. Secondly, it justifies the recommendation that the salary of a member of County Council be set at ten percent of the Chief Executive.

5. Limiting increases in compensation for members of County Council to five percent every five years is unsupportable, unnecessary, and impractical. It is unsupportable because it is not economically based. Determining fair, adequate and appropriate compensation for public officials is a legitimate and important function of government. If County Council finds that a certain salary will fairly, adequately and appropriately compensate their members for their service, as well as, attract civic-minded individuals to run for office, Council should not be constrained from so doing.

The five percent/five year limitation is unnecessary as there is an overall limitation on the total operating budget for County Council of “four-tenths of one percent of the County’s annual locally levied tax revenues as detailed in the most recent audited financial report of the County.” Additionally, the electoral process provides enough incentive for County Council to act wisely in this area. The politicizing of legislative decisions to increase compensation most likely explains why County Council has not raised its compensation in 16 years.

The five percent/five year limitation is impractical because Article III, Section 27 of the Pennsylvania Constitution prevents any increase in compensation from going into effect during the term of the members of County Council if the increase occurred after their election.

6. The fact that the compensation of members of County Council has not been increased in 16 years is indicative of how awkward and difficult it is for any legislative body to raise the salary of its members. No matter how reasoned the decision is, a legislative body will always be concerned that the public will consider their salary increase as self-serving and the members of the legislative body not worthy of re-election. On the other hand, a legislative body has a duty to provide for adequate compensation for government employees and officeholders including themselves. In the case of County Council, it is unfair that all of the other elected officials in Allegheny County (other than the Chief Executive) have received raises of between 145% to 156% during the 16 year time period in which County Council has received no increase in compensation. For all of the above reasons, it is recommended that the salary of a member of County Council be set at ten percent of the salary of the Chief Executive as it was when the Home Rule Charter of Allegheny County was adopted and as it has continued to be for the past 16 years.

## **Recommendation B-6 - Procedures for Adjusting Compensation of the Chief Executive:**

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

(a). The Chief Executive’s salary should be re-implemented and retained at sixty-eight percent (68%) of the salary of the Governor of Pennsylvania which was the case whenever the Allegheny County Home Rule Charter went into effect in 2000. If this procedure were adopted and implemented by applying the percentage of sixty-eight percent (68%) to the salary of the Governor today (\$190,823.00), the salary of the Chief Executive would be \$129,760.00.

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

(c). The Chief Executive’s salary should be eighty percent (80%) of the salary of the District Attorney of Allegheny County, which was the approximate percentage whenever the Allegheny County Home Rule Charter went into effect 2000. If this procedure were adopted and implemented by applying the percentage of eighty percent (80%) to the salary of the District Attorney today (\$175,571.00), the salary of the Chief Executive would be \$140,457.00.

Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase would not take effect until January of 2020.<sup>3</sup>

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<sup>3</sup> Attachments for Recommendation are found in Appendix B and C of this Report.



Implicated Code Section:

Administrative Code: Article 401.08, Subsection A, Salary of Chief Executive; expenses.

Current Language:

Salary. The Chief Executive's initial annual salary shall be \$90,000. The Chief Executive's salary may be adjusted by ordinance adopted by County Council in accordance with the Pennsylvania Constitution and the provisions governing adoption of ordinances set forth in Article 311 of this Administrative Code; provided, however, that the adjustment shall not exceed the cumulative average of annual salary increases provided in all collective bargaining agreements of County employees. Chief Executive's annual salary shall not decrease during the Chief Executive's term of office.

Government Review Commission's Recommendation to Change the Administrative Code:

This subsection specifies the amount of the initial salary of the Chief Executive and it imposes an artificial cap on any subsequent adjustments; however, it is devoid of any "procedures" for adjusting the compensation of the Chief Executive" up to the artificial cap as required by of the Home Rule Charter. This must be corrected. Part of the correction should be to eliminate the artificial cap.

Considerations:

1. Article V, Section 6 of the Home Rule Charter of Allegheny County mandates that the Administrative Code include, *at a minimum*, "procedures for adjusting the compensation of the Chief Executive." This provision of the Home Rule Charter has never been implemented which may be the biggest singular reason why the salary of the Chief Executive has never been adjusted since the Home Rule Charter was adopted over 16 years ago.
2. In establishing procedures for adjusting the compensation of the Chief Executive, County Council should recognize that efforts to fairly, adequately and appropriately compensate elected officials are often politicized by candidates seeking the offices of those officials. Therefore it is incumbent upon Council to consider procedures that would make it more difficult for candidates for public office to unfairly criticize the exercise of this legitimate and necessary function of government. Additionally, said procedures should remove the

Chief Executive from the process of determining his or her salary. It is awkward and arguably self-serving for the Chief Executive to submit a comprehensive fiscal plan to the County Council with a raise for the Chief Executive.

3. County governments are often the administrative arms of the Commonwealth of Pennsylvania for numerous state programs. Because of this historic governmental relationship, it would be reasonable and appropriate for County Council to determine the salary of the Chief Executive of Allegheny County as a percentage of the salary of the Governor of Pennsylvania, the state chief executive. In Wayne County, Michigan, the salary of the Chief Executive for Wayne County is a percentage of the salary of the Governor of Michigan.

The Chief Executive's salary was sixty-eight percent (68%) of the salary of the Governor of Pennsylvania whenever the Allegheny County Home Rule Charter went into effect in 2000. If the application of this percentage to the Governor's salary were adopted by County Council as the procedure for adjusting the compensation of the Chief Executive, the salary of the Chief Executive would be \$129,760.00 today.

4. The second preferable procedure which County Council could adopt to adjust the compensation of the Chief Executive would be to utilize the Consumer Price Index. Again a comparison with the Governor of Pennsylvania is instructive. The Governor's salary is "increased by an annual cost-of-living increase calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics immediately prior to the date the adjustment is due to take effect, to the then current salary amount."

If County Council were to enact this procedure for adjusting the compensation of the Chief Executive, the Chief Executive's salary should be increased from the effective date of the Allegheny County Home Rule Charter, and annually thereafter, using the Consumer Price Index – All Urban Consumers, known as CPI-U, or, *if information is available*, using the Consumer Price Index for the metropolitan statistical area encompassing Allegheny County. Adjusting the salary of the Chief Executive in this way should raise the salary of the Chief Executive by 140% to \$126,000.00 today.

5. The third preferable procedure which County Council could implement to adjust the compensation of the Chief Executive would be to establish the salary of the Chief Executive as a percentage of another Allegheny County elected official – the District Attorney. By statute, the salary of the District Attorney is determined by the salary of the President Judge of the Court of Common Pleas of Allegheny County. Because this adjustment in District Attorney's salary is self-executing and the District Attorney is an elected County official like the Chief Executive, there are reasons to legislate the salary of the Chief Executive as a percentage of the salary of the District Attorney.

In 2000, the salary of the Chief Executive was approximately eighty percent (80%) of the salary of the District Attorney of Allegheny County. If this procedure were adopted by County Council and implemented today, the salary of the Chief Executive would be \$140,457.00. Because of Article III, Section 27 of the Pennsylvania Constitution, this procedure as well as both of the other alternatives would not affect the salary of the Chief Executive until after the election for this office in 2019.

6. Whatever procedures for adjusting the compensation of the Chief Executive are adopted by County Council, clearly the existing cap on salary adjustments imposed by Section 5401.08, Subsection A of the Administrative Code should be eliminated. The cap on adjustments to the salary of the Office of Chief Executive is artificial. There is no rational relationship between the salary of an elected executive and the hourly wages and salary arrangements found in various collective bargaining agreements such that relating the two would result in adequate and appropriate compensation for the elected executive.
7. The artificial cap on adjustments to the salary of the Office of Chief Executive is difficult to calculate. There are 28 collective bargaining unit agreements in Allegheny County. The agreements are not negotiated at the same time. The compensation packages are dissimilar. Some result in annual dollar amounts; others in annual percentages. When the Form of Government Committee asked the Allegheny County Department of Human Resources to calculate the “cumulative average of annual salary increases provided in *all* collective bargaining agreements of County employees,” that Department expressed some doubt in its own calculation by deferring to the Budget Department for a second opinion.
8. An artificial cap on adjustments to the salary of the Office of Chief Executive based upon the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees” also results in a conflict of interest for the Chief Executive. One of the powers and duties of Chief Executive under Article V, Section 2, Subsection i) of the Home Rule Charter of Allegheny County is to “negotiate, award and sign, or cause to be negotiated awarded and signed on behalf of the County all [collective bargaining] contracts, agreements and other instruments.” As the elected official with the power and duty under Article V, Section 2, Subsection f) of the Home Rule Charter to “submit to County Council the comprehensive fiscal plan,” the Chief Executive has an incentive to negotiate conservative increases. Conversely, as an official whose salary is limited by the increases negotiated, the Chief Executive has an incentive to negotiate liberal increases. This situation is a conflict of interest that should be eliminated. One of the three procedures outlined above will do so.

**Recommendation B-7 – Employment Restrictions:**

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

Implicated Code Section:

Administrative Code: § 5-1013.09 (O)(4), Standards of conduct.

Current Language:

County Council members are prohibited from being employed, in a confidential administrative capacity, in local, state or federal government.

Government Review Commission’s Recommendation to Change the Administrative Code:

This prohibition should not be applied to the Chief Executive. Rather, it should be eliminated completely for members of County Council.

Considerations

1. Many of the considerations expressed in support of Recommendation B-3, are also applicable to Recommendation B-7. As such those Considerations are incorporated herein and made a part hereof as if more fully set forth at length.
2. In addition to the considerations set forth in Recommendation B-3 above, the circumstances in which a member of County Council employed in a confidential administrative capacity, in local, state or federal government would face a conflict of interest, would be rare. A member of County Council is only one of fifteen members and unlikely to exert significant influence on any one issue. Neither of these situations would be enough to overcome the significant detriments of County Council losing an experienced member and the electorate of a County Council district losing the representative in whom they had placed their trust.
3. In the rare event that a member of County Council would face a conflict of interest because of his/her employment, there is already a law in place which adequately addresses what a member of County Council must do. It is Section 1103(j) of the Public Official and Employee Ethics Act. Subsection (j) reads:

**(j) Voting conflict.**--Where voting conflicts are not otherwise addressed by the Constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, provided that whenever a governing body would be unable to take any action on a matter before it because the number of members of the body required to abstain from voting under the provisions of this section makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if disclosures are made as otherwise provided herein.

**Recommendation B-8 – County Departments Self-Reporting Diversity Reports:**

**The Commission recommends that the County amend Article 1204.01 *et. seq.* of the County Code relating to the Diversity Audit to be a Diversity Report, rather than an Audit.**

**Implicated Code Section:**

Administrative Code: § 5-1204.01 *et. seq.*, Diversity audit of County authorities, agencies, and other entities.

**Government Review Commission’s Recommendation to Change the Administrative Code:**

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

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

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

With respect to the other independently elected officials, the offices should voluntarily comply until this requirement is formally changed by the Administrative Code.

Further, most county departments are currently maintaining diversity statistics related to current employees and job applicants. This information is presently available through the County Open Records Policy.

Considerations:

1. **Timeliness:** A Diversity Audit has not been conducted since § 5-1204.01 *et. seq.* was enacted in 2008. A mandatory Diversity Report will be easier to administer because many of the county departments currently maintain diversity records.
2. **Funding:** While an audit requires county monies to be allocated, a departmental self report does not. A departmental self-report would also ease the administrative burden on the Controller's Office.
3. **Transparency:** A mandatory departmental self-report streamlines the process of maintaining diversity statistics and would continue to be available through the County Open Records Policy.

**C. RECOMMENDATIONS THAT DO NOT REQUIRE AMENDMENT TO THE CHARTER OR ADMINISTRATIVE CODE**

**Recommendation C-1 – Sheriff’s Department’s Costs Associated with Deputy Training:**

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

**Considerations:**

1. **Other Counties:** Research conducted revealed little, as most other Home Rule counties were unresponsive to the committee’s repeated requests for information.

**Recommendation C-2 – Government Involvement with Allegheny County Minority, Women and Disadvantaged Business Enterprise (“MWDBE”):**

The Commission recommends that the Chief Executive reintroduce Bill No. 8527-14, originally submitted to County Council on October 7, 2014, by the MWDBE Office seeking to improve operations of the County’s MWDBE program. The Bill repeals the existing language in Chapter 435 of the County Code of Ordinances and replaces it with language to improve the operations of the County’s MWDBE Program.

**Considerations:**

1. **Continued Success:** The current certification process utilized by the Allegheny County Minority, Women and Disadvantaged Business Enterprise Office serves as a model across the Commonwealth for MWDBE certification. Bill No. 8527-14 will maintain and strengthen the current certification process.

**Recommendation C-3 – Centralization of Monies Coming into the County:**

The Commission recommends adherence to the existing requirement to have a centralized management of all monies received by the County from all county offices, agencies, and departments (as defined by the County Code in § 5-101.03) be deposited with the County Treasurer’s Office as consistent with § 5-813.01 of the County Code detailing the receipts of money for the County.

**Considerations:**

1. **Efficiency:** Centralized administration of all county monies will provide county departments with a streamlined process for financial management.
2. **Transparency:** Centralized administration of all county monies will provide greater transparency regarding the financial management of government funds.

**Recommendation C-4 – Creation of County Bond Board:**

The Commission recommends that the County Treasurer and County Manager be encouraged to discuss the creation of a County Bond Board to ensure the transparency and fairness in the securing of bonds.

**Considerations:**

1. **Efficiency:** A County Bond Board will provide county departments with a streamlined process for financial management.
2. **Transparency:** A County Bond Board will provide greater transparency regarding the financial management of government funds.

**Recommendation C-5 – County Economic Development Office Completing Affordable and Accessible Housing List:**

The Commission recommends that Allegheny County Economic Development (ACED) should consult with local research agencies to determined and/or research the



**affordable and accessible housing in Allegheny County and provide a comprehensive list of affordable housing options needs (government subsidized and income-based housing) in the County. This information is needed to ensure that affordable and accessible housing options are available in the County as many neighborhoods shift from affordable communities to investment communities.**

Consideration:

1. **Community Sustainability:** As communities change and grow, a comprehensive understanding of affordable and accessible housing options are necessary to ensure continued community sustainability and success in Allegheny County.

**Recommendation C-6 - Increase Allotted Amount for Stipends:**

**In accordance with Recommendations A-2 and B-5, the Commission recommends that County Council immediately adopt an ordinance increasing the aggregate annual per-meeting stipends for a member of County Council to \$9,450.00. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2018 for those members of County Council elected in the General Election of 2017 and in 2020 for those members of County Council elected in the General Election of 2019.<sup>4</sup>**

Considerations:

1. Article III, Section 7a) of the Home Rule Charter of Allegheny County states “County Council Members shall not receive a salary but may receive per-meeting stipends not to exceed in the aggregate \$9,000 annually per Member. The aggregate stipend may by ordinance be increased by up to five percent every five years.” *Since January 1, 2000, the date when the Home Rule Charter went into effect, the annual aggregate per-meeting stipends for members of the County Council have never been increased in over 16 years.*
2. From January 1, 2000 through December 31, 2015, the Consumer Price Index has increased from 168.800 to 236.525 or 40.12144 percent. Had the annual aggregate permeeting stipends for members of County Council been adjusted in accordance with

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<sup>4</sup> Attachments for Recommendation are found in Appendix B and C of this Report.

the Consumer Price Index, commonly referred to as a cost of living adjustment, the aggregate stipends would be \$12,610.93 today.

3. Since January 1, 2000, four of the elected, non-judicial offices in Allegheny County government; namely the Controller, District Attorney, Sheriff and Treasurer have received cumulative salary increases ranging from 145% (Controller and Treasurer) to 156% (District Attorney). Had the annual aggregate per-meeting stipends for a member of the County Council been increased by 145% to 156%, the aggregate stipends would range from \$13,050 to \$14,040. (See Appendix B entitled “Comparison of Compensation of Non-Judicial Elected Officials in Allegheny County 2000 and 2015”)
4. Because Article III, Section 7a) of the Home Rule Charter of Allegheny County bars County Council from increasing the annual aggregate per-meeting stipends paid to its members by more than five percent, the maximum amount that Council can increase its salary is \$450.00 per year. Unless the Home Rule Charter is changed, this increased salary must remain in effect for at least five years after its effective date.

#### **Recommendation C-7 – Improving Communication between County Branches of Government:**

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

#### **Considerations:**

1. The Preamble to the Home Rule Charter of Allegheny County explains why County Council was created. It reads: “A home rule government that separates the legislative and executive functions previously vested solely in the Board of County Commissions will provide *checks and balances* on the powers of government and protect the rights, privileges and powers reserved or guaranteed to the people by the Constitutions of the United States of America and the Commonwealth of Pennsylvania.” Later the Preamble states: “A home rule government with a legislative County Council with Members elected by district and at large will represent the diversity of our County’s citizens and *provide better access to County government.*”

2. To be sure the members of County Council have enormous responsibilities in county government. One of the best illustrations of the importance of their work is that County Council adopted an \$854.8 million dollar operating budget and a \$91.7 million dollar capital budget – budgets of almost one billion dollars total.
3. In what seems to be a contradiction to the lofty objectives in the Preamble and the vital work that County Council actually does, there are many provisions in the Home Rule Charter of Allegheny County and the Administrative Code of Allegheny County which constrain County Council from fully realizing the objectives of the Preamble and performing their legislative duties as well as could be.
4. Under Article III, Section 7c) of the Charter, “County Council Members shall not be entitled to receive any County funding for personal staff, local district offices or fringe benefits including ...personal motor vehicles.” The members of every other municipal legislative body in the Commonwealth of Pennsylvania, no matter how many meetings they attend in a month, receive a *salary*. Under Article III, Section 7 a) of the Charter, members of County Council receive *per-meeting stipends* not to exceed \$9,000 that cannot be increased more than 5% every 5 years. There are similar limitations with respect to reimbursement of expenses in Article III, Section 7 a).
5. “County Council may hire Council staff under Article III, Section 7 b); however, all of its expenses from staff to stipends cannot exceed “four-tenths of one percent of the county’s annual locally levied tax revenues under Article III, Section 7b). Pursuant to Article IV, Section 3, members of County Council may seek only *information* and *advice* from the Executive Branch; beyond that, they must deal exclusively through the Chief Executive or Manager.
6. Because of the constraints on County Council in the Home Rule Charter and Administrative Code of Allegheny County, it is incumbent upon County Council to maximize the resources which are available to it as well as the time that its members have to devote to the business of county government.
7. New County Council members should be able to take courses to educate themselves on their duties and responsibilities under the Charter and Code. All members of Council should be able to attend workshops and seminars on issues facing County government.
8. Allegheny County is fortunate to have great institutions of learning, a vibrant non-profit sector and a civic-minded business community. Efforts by County Council should be ongoing to assess what resources are available outside of Allegheny County government to assist County Council with specific legislative issues. A recent example of the use of outside resources is the assistance which was rendered to the Government Review Commission by the students from Duquesne University School of Law.
9. At the meeting that the Form of Government Committee held on County Council, at least one member of Council questioned whether County Council had sufficient staff. Some members were critical of the lines of communication. County Council has the capability

of resolving any such issues internally as a legislative entity. It is recommended that these issues be addressed openly through ad hoc committee whose larger goal would be to strengthen County Council as a legislative body and enable the members of County Council to become the best legislators and representatives that they can be for the people of Allegheny County.

**Recommendation C-8 – Committee to Review Proposed Merger of County Police and Sheriff’s Office:**

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

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

**Potential Implications to the Home Rule Charter and Administrative Code:**

A merger of the Allegheny County Bureau of Police and the Office of Sheriff in which the combined law enforcement agency is headed by someone other than an *elected* Sheriff would require a change in Article III, Section 3 of the Home Rule Charter and Section 5201.03 of the Administrative Code of Allegheny County. Both of these sections specify that the Sheriff shall be one of the *elected* officers of Allegheny County.

**Considerations:**

1. In Article V, Section 2a) of the Home Rule Charter, the Chief Executive is given the powers and the duties to “enforce the ordinances and resolutions of the County, the provisions of the Charter, and the laws of the United State of America and the Commonwealth of Pennsylvania pertaining to the government of the County”. To carry out these statutory powers and duties, the Chief Executive utilizes the Allegheny County Bureau of Police, which was established in 1932 under the previous three commissioner form of government. Among other powers, the County Police have jurisdiction anywhere within Allegheny County to make arrests, without warrant, for all violations of the law which they may witness and to serve and execute warrants issued by the proper authorities. The County Police investigate all criminal activity which occurs on county-owned property, and provide assistance to local police departments and criminal justice agencies, in the form of manpower or specialized services such as homicide and narcotics investigations.

2. The Sheriff is an independently elected official who oversees a department that primarily provides court, warrant, bailiff, and jail/prisoner transport services for the Court of Common Pleas of Allegheny County. At times, the Sheriff's Office will supplement local law enforcement by providing reserve forces for backup. Allegheny County is the only county in the Commonwealth of Pennsylvania where the personnel in the Sheriff's Office are trained to be police officers as well as deputy sheriffs.
3. Neither the Commonwealth of Pennsylvania nor any municipal government within the Commonwealth of Pennsylvania maintains two police agencies. Consequently, it may be duplicative and unnecessary for Allegheny County to maintain two police agencies. Consolidation of these police agencies and/or their law enforcement and municipal support functions could result in better service to the public, reduced costs and increased public safety.
4. In 2006, the Chief Executive proposed to County Council that the elected office of Sheriff be eliminated and replaced with a Sheriff appointed by the Chief Executive. In proposing this change, the Chief Executive represented that the change would provide for a more efficient, economical and effective delivery of governmental services to the public at large. This proposal became Bill No. 2901-06. If it had been approved, the functions, duties, employees and all other aspects of the Office of the Sheriff of Allegheny County would have been merged with the Allegheny County Police Department. Bill No. 2901-06 was passed unanimously by County Council on February 6, 2007 but the question of consolidation was never placed on the ballot because the timing was sooner than five years after the date of other Home Rule Charter changes. A similar bill was not proposed thereafter.
5. For all of the above reasons, a task force should be convened to reconsider a merger between the Office of Sheriff of Allegheny County and the Allegheny County Police Department. Because municipal governments are dependent upon the Allegheny County Police Department for specialized police services and the Allegheny County Court of Common Pleas relies upon the services of the Sheriff's Office, representatives of these stakeholders should be among the members of the task force.
6. One of inquiries of the task force should be to determine whether the head of the combined law enforcement agency should be an elected position or an appointed position similar to every other law enforcement agency of every other branch of government. The State Police Commissioner is nominated by the Governor and confirmed by the Senate. In cities, the chief of police is nominated by the mayor and appointed by council. In boroughs and townships, the chief of police is appointed by the council or commissioners in consultation with the mayor, if there is one. At the national level, the head of the Federal Bureau of Investigation is nominated by the President and confirmed by the Senate.
7. The head of a law enforcement agency should have police training, knowledge and experience, especially for an agency of the combined size of the Allegheny County

Police Department and Sheriff's Office. A candidate is presently not required by law to have any of these qualifications when he or she runs for the Office of Sheriff.

### **Recommendation C-9 – Current Salary of the Chief Executive:**

**In accordance with Recommendations A-3 and B-6, the Commission recommends that the salary for the Office of Chief Executive be immediately increased to \$117,108.60, subject to confirmation by the Allegheny County Human Resources Department that such an increase does not exceed the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees” since the year 2000 when that Office’s present salary first went into effect, a limitation imposed by Section 5-401.08 of the Administrative Code of Allegheny County. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2020.<sup>5</sup>**

### **Considerations:**

1. Because the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees” is a complicated factual calculation, Recommendation C-11 should be reviewed and approved by the Allegheny County Human Resources Department and the Budget and Finance Department.
2. Article III, Section 7 of the Home Rule Charter of Allegheny County set the annual salary of the Office of Chief Executive at \$90,000 stating it “may be adjusted annually as provided in the Administrative Code.” Since January 1, 2000, the date when the Home Rule Charter went into effect, the salary of the Chief Executive has not been increased for 16 years.
3. From January 1, 2000 through December 31, 2015, the Consumer Price Index has increased from 168.800 to 236.525 or 40.12144 percent. Had the salary of the Office of Chief Executive been adjusted in accordance with the Consumer Price Index, commonly referred to as a cost of living adjustment, the salary of the Office of Chief Executive would be \$126,109.29 today.
4. Since January 1, 2000, all of the elected, non-judicial, full-time offices in Allegheny County government; namely the Controller, District Attorney, Sheriff and Treasurer have received cumulative salary increases ranging from 145% (Controller and Treasurer) to 156% (District Attorney). Had the salary of the elected, non-judicial, full-time Office of Chief Executive been increased by 145% to 156%, the salary of the Office of Chief Executive

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<sup>5</sup> Attachments for Recommendation are found in Appendix B and C of this Report.

would range from \$130,500.00 to \$140,400.00. (See Appendix B entitled “Comparison of Compensation of Non-Judicial Elected Officials in Allegheny County 2000 and 2015”)

5. Section 5-401.08 of the Administrative Code of Allegheny County provides that adjustments to the salary of the Chief Executive shall not exceed “the cumulative average of annual salary increases provided in all collective bargaining agreements of County employees.” Had the Office of Chief Executive received salary increases equal to the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees,” the salary of the Office of Chief Executive would be \$117,108.60. (See Appendix C) Consequently, a salary increase for the Office of Chief Executive is limited by said Administrative Code to \$117,108.60.
6. For all of the above reasons, County Council should increase the salary of the Chief Executive to \$117,108.60. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2020.

**Recommendation C-10 – Voluntary Public Hearings on Findings and Recommendations:**

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



**REPORT OF THE  
ALLEGHENY COUNTY GOVERNMENT REVIEW COMMISSION**

**APPENDICES**



APPENDIX A



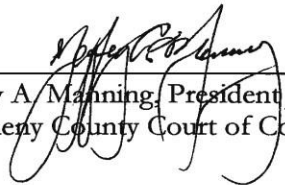
# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Mark Foerster of 1412 Macon Avenue, Pittsburgh, PA 15218, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Mark Foerster



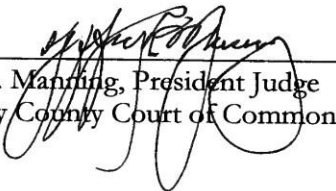
# County of Allegheny

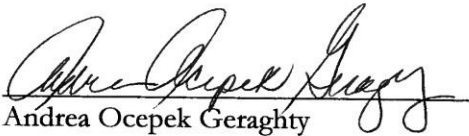
436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Andrea Ocepek Geraghty of 6930 Rosewood Street, Pittsburgh, PA 15208, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Andrea Ocepek Geraghty



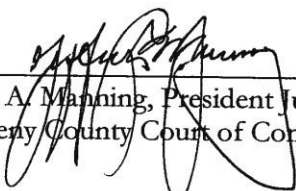
# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Jay Hagerman of 5080 Lakewood Drive, Gibsonia, PA 15044, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Jay Hagerman



# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Betsy Bechtolt Magley of 621 S. Linden Avenue, Pittsburgh, PA 15208, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Betsy Bechtolt Magley




# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Tracey McCants Lewis of 1308 Sheffield Street, Pittsburgh, PA 15233, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
Sonya L. Dietz, Notary of the Public

  
Tracey McCants Lewis



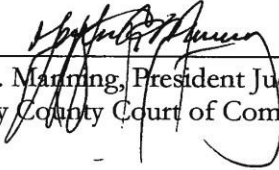
# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Jim Nowalk of 4715 Baldwin Manor Drive, Pittsburgh, PA 15227, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Jim Nowalk



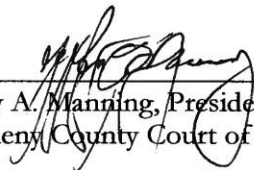
# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Aradhna Oliphant of 6649 Kinsman Road, Pittsburgh, PA 15217, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Aradhna Oliphant



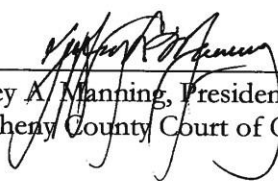
# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Doug Price of 116 Walker Ridge Road, Presto, PA 15142, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Doug Price





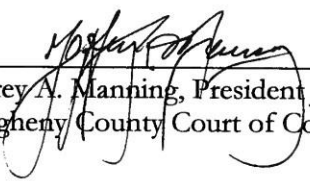
# County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

## *Allegheny County Government Review Commission 2015 Oath of Office*

I, Rick Schwartz of 1309 Freeport Road Rear, Cheswick, PA 15024, do solemnly swear that I will faithfully perform the duties of the County Government Review Commission with fidelity and will, to the best of my ability, preserve, protect, defend, obey, and support the Constitutions of the United States and of this Commonwealth.

Sworn and Subscribed  
Before Me This 14<sup>th</sup>  
Day of April, 2015

  
\_\_\_\_\_  
Jeffrey A. Manning, President Judge  
Allegheny County Court of Common Pleas

  
\_\_\_\_\_  
Rick Schwartz

**APPENDIX B**

**COMPARISON OF COMPENSATION OF NON-JUDICIAL  
ELECTED OFFICIALS IN ALLEGHENY COUNTY 2000 AND 2015**

<b>Elected Official</b>	<b>Compensation 2000</b>	<b>Compensation 2015</b>	<b>Percentage Increase</b>
Controller	\$66,500.00	\$96,580.00	145%
County Council	\$9,000.00	\$9,000.00	0%
Chief Executive	\$90,000.00	\$90,000.00	0%
District Attorney	\$112,789.00	\$175,571.00	156%
Sheriff	\$64,000.00	\$96,580.00	151%
Treasurer	\$66,500.00	\$96,580.00	145%

**APPENDIX C**

**THE MAXIMUM SALARY INCREASE WHICH COULD BE GIVEN TO  
THE OFFICE OF CHIEF EXECUTIVE UNDER THE ALLEGHENY  
COUNTY HOME RULE CHARTER, SUBJECT TO ARTICLE III,  
SECTION 27 OF THE PENNSYLVANIA CONSTITUTION**

2000	$\$90,000 + \$894.40$	\$90,894.40
2001	$\$90,894.40 + \$894.40$	\$91,788.80
2002	$\$91,788.80 + \$894.40$	\$92,683.20
2003	$\$92,683.20 + \$894.40$	\$93,577.60
2004	$\$93,577.60 + \$894.40$	\$94,472.00
2005	$\$94,472.00 + \$894.40$	\$95,366.40
2006	$\$95,366.40 + \$894.40$	\$96,260.80
2007	$\$96,260.80 + \$894.40$	\$97,155.20
2008	$\$97,155.20 + \$894.40$	\$98,049.60
2009	$\$98,049.60 \times 2.57\% =$ $\$2,520$	\$100,569.60
2010	$\$100,569.60 \times 2.57\% = \$2585$	\$103,154.60
2011	$\$103,154.60 \times 2.57\% = \$2651$	\$105,805.60
2012	$\$105,805.60 \times 2.57\% = \$2719$	\$108,524.60
2013	$\$108,524.60 \times 2.57\% = \$2789$	\$111,313.60
2014	$\$111,313.60 \times 2.57\% =$ $\$2861$	\$114,174.60
2015	$\$114,174.60 \times 2.57\% =$ $\$2934$	\$117,108.60

## APPENDIX D

### **GENERAL ACKNOWLEDGEMENTS**

In the course of the work of the Government Review Commission, numerous individuals provided oral and/or written testimony, engaged in panel discussions with the three committees, conducted research, and general support. Given this, we are most appreciative of the contributions of the following:

#### Current and Former County Officials:

1. Rich Fitzgerald, Allegheny County Chief Executive (current)
2. William P. Mullen, County Sheriff (current)
3. Chelsa Wagner, County Controller (current)
4. John Weinstein, County Treasurer (current)
5. William McKain, County Manager (current)
6. Dan A. Onorato, Chief Executive (former)
7. James C. Roddey, Former Chief Executive (former)
8. Robert B. Webb, Former County Manager (former)

#### Current and Former County Council Officials:

1. John DeFazio, President and At-Large Member of County Council (current)
2. Samuel DeMarco III, At-Large Member of County Council (current)
3. Thomas Baker, Member of County Council, District 1 (current)
4. James R. Ellenbogen, Member of County Council, District 12 (current)
5. David Fawcett, At-Large Member of County Council (former)
6. Michael J. Finnerty, Member of County Council, District 4 (current)
7. Nick Futules, Vice-President and Member of County Council, District 7 (current)
8. Cindy Kirk, Member of County Council, District 2 (current)
9. Heather S. Heidelbaugh, At-Large Member of County Council (former)
10. Edward Kress, Member of County Council, District 3 (current)
11. Paul Klein, Member of County Council, District 11 (current)
12. Robert J. Macey, Member of County Council, District 9 (current)
13. Dr. Charles Martoni, Member of County Council, District 8 (current)
14. Sue Means, Member of County Council, District 5 (current)
15. John F. Palmiere, Member of County Council, District 6 (current)
16. Denise Ranalli Russell, Member of County Council, District 13 (current)
17. DeWitt Walton, Member of County Council, District 10 (current)

County Personnel or Members of County Entities and Commissions:

1. Jared E. Barker, Chief Clerk and Director of Legislative Services, Allegheny County Council
2. Ruth Byrd-Smith, Director of the Department of Minority, Women and Disadvantaged Business Enterprises
3. William Graham, Deputy Director of the Allegheny County Department of Human Resources
4. Robert Hurley, Director the Allegheny County Department of Economic Development
5. Brad Korinski, Chief Legal Counsel, Office of the Controller
6. George Janocsko, Deputy Solicitor, Allegheny County Law Department
7. Jennifer Liptak, Chief of Staff for Allegheny County Chief Executive Rich Fitzgerald
8. Michael Louik, Esq. Allegheny County Accountability, Conduct and Ethics Commission
9. Timothy Moury, Chair, Allegheny County Accountability, Conduct and Ethics Commission
10. Raymond A. Petrisko SPHR, Manager of Employment and Compensation, Department of Human Resources
11. Mary Soroka, Director, Department of the Department of Budget and Finance
12. Andrew Szefi, Allegheny County Solicitor
13. Jerry Tyskiewicz, Director of the Department of Administrative Services
14. Mark Wolosik, Division Manager, Elections Division
15. Laura Zaspel, Director, Department of Human Resources

The Government Review Commission would also like to thank Jennifer Halaszynski, Chief of Staff for State Representative William (Bill) Kortz for her research and materials related to the activities of the Form of Government Committee.

Special acknowledgement is extended to the League of Women Voters of Greater Pittsburgh, Inc. especially Ms. Annette Schimer who attended the vast majority of the meetings of the Commission and provided a historical context for some of the discussions.

**APPENDIX E**

**OVERVIEW OF RECOMMENDATIONS AND  
THEIR CORRESPONDING CODE AND/OR CHARTER SECTION**

RECOMMENDATION	CODE SECTION MODIFIED	CHARTER SECTION MODIFIED	NO MODIFICATION TO CHARTER OR CODE
A-1	Article 5-1013.10	Article XI, § 2 a)	
A-2	Article 301.09 (A), (B)	Article III, §7 a), e)	
A-3		Article III, §6 a), b)	
A-4		Article XIII, §5 b)	
A-5		Article XIII, §5	
B-1	Article 5-1013.10	Article XI, § 2 a)	
B-2	Article 5-1013		
B-3	Article 1201.01		
B-4	Article 301.03 (B)		
B-5	Article 301.09 (A), (B)	Article III, §7 a), 7 e)	
B-6	Article 401.08 (A)		
B-7	Article 5-1013.09 (O)(4)		
B-8	Article 5-1204.01 <i>et. seq.</i>		

C-1			X
C-2			X
C-3			X
C-4			X
C-5			X
C-6			X
C-7			X
C-8			X
C-9			X
C-10			X