Government Review Commission

Agenda: Tuesday, December 15, 2015 3:00 p.m.
(Recessed and completed on January 8, 2016 5:00 p.m.)

1. Pledge of Allegiance

2. Roll Call: All members of the Commission were present except for Andrea Geraghty

3. Public Comment: Sam DeMarco, the newly elected At-Large member of County Council noted the significance of having an at-large member of Council so that an overall perspective of the issue would always be provided. More importantly, Mr. Demarco indicated that although he is relatively new to the process, he was in the process of visiting numerous other council districts to secure a deeper understanding of the needs of various communities. Also, Greg Yost, a constituent reiterated his position of having four (4) members of Council represent the City interests.

4. Opening Remarks by the Chair: Chairman Foerster reviewed some procedural issues such as the availability of parking for Commission members for the meetings and requested all members to request receipts for meetings if they sought any reimbursement.

With respect to the timetable for the next meetings, the Chair noted that the public meeting would be held on January 21, 2016 followed by a full Commission meeting on January 26, 2016 at which time voting would occur on all recommendations. As such, the Chair encouraged all to attend both meetings.
To ensure that the public is aware of the actions of the Commission, several actions were recommended including a press advisory, press releases, and County website that noted the recommendations currently being considered. It was agreed that final language needed to be available by January 8, 2016 so that the appropriate postings and releases could be developed.

5. Approval of September and October 2015 Minutes: After a motion by Aradhna Oliphant and a second by Jim Nowalk, the September minutes were approved unanimously. Subsequently, after a motion by Betsey Magley and a second by Aradhna Oliphant, the October minutes were approved unanimously.

6. Due to the depth and breadth of the recommendations, all recommendations were reviewed resulting in a recess on December 15, 2015 to January 8, 2016. It was agreed that the following recommendations would be open for public comment on January 21, 2016 in the Gold Room of the Courthouse and listed with respect to each committee or recommendation of the whole Commission.

7. Form of Government Committee Report: After a review of the recommendations, it was agreed that the following issues would be available for public comment:

Recommendation #1:
The Form of Government Committee recommends that the composition of County Council be changed from 13 members elected by district and 2 elected at large to 15 members elected by district and none elected at large.

Recommendation #2:
The Form of Government Committee recommends that the boundary lines for County Council districts be drawn by an impartial reapportionment commission similar to the one referenced in the Pennsylvania Municipal Reapportionment Act.

Recommendation #3:
The Form of Government Committee recommends that County Council adopt an ordinance increasing the aggregate annual per-meeting
stipends for a member of County Council to $9,450.00. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2018 for those members of County Council elected in the General Election of 2017 and in 2020 for those members of County Council elected in the General Election of 2019.

Recommendation #4:
The Form of Government Committee recommends that compensation received by members of County Council be restructured as follows. Compensation for members of County Council should be termed a salary and not per-meeting stipends. The provision that limits increases in compensation for members of County Council to five percent every five years should be eliminated. The compensation of members of County Council should be raised to a level which is comparable with other part-time county councils in Pennsylvania and other states that are similarly situated and then indexed to the Consumer Price Index for the metropolitan statistical area encompassing Allegheny County so that it increases (or decreases) as the cost of living changes.

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

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

Recommendation #5:
The Form of Government Committee recommends that any restrictions on a member of County Council or the Chief Executive becoming a candidate for another public office should be minimal and the same for both County offices. Both a Member of County Council and the Chief Executive should not be a candidate for nomination or election to more
than one County office at the same time. Neither a Member of County Council nor the Chief Executive should be required to resign from their office before becoming a candidate for nomination or election to any other elected political office.

Recommendation #6: The Form of Government Committee proposes that County Council establish an ad hoc committee for the purpose of reviewing and improving staffing levels, channels of communication, community resources, newly-elected council courses, educational programs and other means of promoting education and information-sharing among Council members. The overall goal of such a committee would be to strengthen County Council as a legislative body and enable the members of County Council to become the best legislators and representatives that they can be for the people of Allegheny County.

Recommendation #7: The Form of Government Committee recommends that the salary for the Office of Chief Executive be increased to $117,108.60, subject to the approval of the Allegheny County Law Department that such an increase does not exceed the “cumulative average of annual salary increases provided in all collective bargaining agreements of County employees” since the year 2000 when that Office’s present salary first went into effect, a limitation imposed by Section 5-401.08 of the Administrative Code of Allegheny County. Because Article III, Section 27 of the Pennsylvania Constitution bars any elected official from receiving a salary increase after that official is elected, this salary increase will not take effect until January of 2020.

Recommendation #8: The Form of Government Committee recommends that Allegheny County Council amend the Administrative Code of Allegheny County to include “procedures for adjusting the compensation of the Chief Executive” as required by the Allegheny County Home Rule Charter and concurrently, eliminate the artificial cap on salary increases for the Chief Executive presently found in the Administrative Code.

A) In the opinion of the Form of Government Committee, based upon its research, the best procedure for adjusting the compensation of the Chief Executive would be to index the Chief Executive’s salary either to the salary of the Governor of Pennsylvania as is the method of compensating the Chief Executive in Wayne County, Michigan or to the Consumer Price Index for the metropolitan statistical area encompassing Allegheny
County. Before the Chief Executive’s salary is indexed to an objective standard, County Council should raise the salary of the Chief Executive to a level which is comparable with chief executives in Pennsylvania and other states who are similarly situated.

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

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

Recommendation #9:
The Form of Government Committee recommends that the Office of County Treasurer continue to be an elective office and not become a department under the Office of Chief Executive as other row offices have become.

Recommendation #10:
The Form of Government Committee recommends that a task force be constituted for the purpose of determining whether the Allegheny County Bureau of Police should be merged with the Office of Sheriff and in conjunction with that inquiry, determine whether the head of that combined law enforcement agency should be an elected position or an appointed position similar to the State Police Commissioner. (Please refer to External Entities, Reviews and Independently Elected Officials Committee Recommendation #2)

8. Fiscal and Personnel Committee Report: After a review of the recommendations, it was agreed that the following issues would be available for public comment:

Recommendation 1:
The Fiscal and Personnel Committee recommends that Article XI, Section 2 of the Charter be amended to allow the Accountability, Conduct and
Ethics Commission to initiate investigations of its own volition, rather than merely being authorized to act on complaints delivered to it by others. The Committee further recommends that a comparable amendment be made to § 5-1013 of the Administrative Code.

Recommendation 2:
The Fiscal and Personnel Committee recommends that § 5-1013 of the Administrative Code be amended to detail the powers and duties of the Accountability, Conduct and Ethics Commission.

Recommendation 3:
The Fiscal and Personnel Committee recommends that § 5-1201.01 of the Administrative Code be amended to provide for a staggered review and evaluation of the need for and function of each County Department, spread across four years.

9. External Entities, Reviews and Independently Elected Officials Committee Report: After review of the recommendations, it was agreed that the following issues would be available for public comment:

Recommendation #1:
The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Manager and the County Sheriff should consult with one another and conduct research to determine if additional funding is available to provide necessary and updated training programs for all deputies in the Sheriff’s department to ensure the public safety of Allegheny County Court personnel, the public and other constituents protected by the Sheriff’s office.

Recommendation #2
The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Manager’s office should conduct in-depth research to determine if the functionality, cost benefits and increased public safety benefits related to the merger of the County Sheriff’s Office and the Allegheny County Police Department and if such benefits would be realized by consolidation of the two agencies. (Please refer to Form of Government Committee Recommendation #10)
Recommendation #3
The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Executive reintroduce Bill No. 8527-14 originally submitted to County Council on October 7, 2014, by the Allegheny County Minority, Woman and Disadvantaged Business Enterprise Office seeking to improve operations of the County’s MBE program. The Bill repeals the existing language in Chapter 435 of the County Code of Ordinances and replaces it with language to improve the operations of the County’s MBE Program.

Recommendation #4
The External Entities, Reviews and Independently Elected Officials Committee recommends that there is a requirement to have a centralized management of all monies received by the County from all county offices, agencies, and departments (as defined by the county code in § 5-101.03 of the County Code) be deposited with the County Treasurer’s office as consistent with § 5-813.01 of the County Code detailing the receipts of money for the County.

Recommendation # 5
The External Entities, Reviews and Independently Elected Officials Committee recommends that the County Treasurer and County Manager be encouraged to discuss the creation of a County Bond Board to ensure the transparency and fairness in the securing of bonds.

Recommendation # 6
The External Entities, Reviews and Independently Elected Officials Committee recommends that the County amends § 5-1204.01 et seq. of the County Code relating to the Diversity Audit to be a Diversity Report rather than an Audit.

It is recommended that a thorough review of the language of § 5-1204.01 et seq. be conducted to amend the language to:
• Amend all references to audit and replace with report; and
• Review the feasibility and reporting requirements for the authorities, agencies, and other entities, in the areas of:
  1. Age diversity
  2. Disability diversity
  3. Racial diversity
  4. Gender diversity
  5. Sexual Orientation Diversity
  6. Religious Diversity
  7. Diversity Maintenance Programs
We therefore recommend that all County departments self-report their diversity statistics by a date certain to the Controller’s office. If the statistics are not received by that date certain, then a formal request for the information will be forwarded to the department. Further, most County departments are currently maintaining diversity statistics related to current employees and job applicants. This information is presently available through the County Open Records Policy.

10. Draft Recommendations of all three committees pertaining to the Structure of the Allegheny County Government Review Commission

Recommendation #1:
The three committees of the Allegheny County Government Review Commission recommend that Article XIII, Section 5, Subsection b) be amended to increase the term of the members of the Commission as well as the time for submitting a report to the people of Allegheny County on the Commission’s findings and recommendations from one year to eighteen months.

Recommendation #2:
The three committees of the Allegheny County Government Review Commission recommend that a Subsection c) be added to Article XIII, Section 5 that would require County Council and the Chief Executive to hold a public hearing within one year and then five years after the Commission submits its report to the people of Allegheny County on the Commission’s findings and recommendations. The purpose of each hearing would be for County Council and the Chief Executive to report to the people of Allegheny County on what action has been taken to implement the recommendations of their Commission, as those recommendations pertain to their Office.

Recommendation #3:
Until such time as the Allegheny County Home Rule Charter is amended to require such hearings, the three committees of the Allegheny County Government Review Commission recommend that County Council and the Chief Executive voluntarily agree to hold hearings within one year and then five years to report to the people of Allegheny County on what action has been taken to implement the recommendations of their Commission, as those recommendations pertain to their Office.

Adjournment: The meeting was adjourned on Friday, January 8, 2016 at approximately 5:00 p.m. after unanimous approval by the Commission members.