

Bill No. 1669-04

No. 13-05-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance 23-04-OR enacted August 17, 2004 entitled, "Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing a process by which modification or elimination of County departments, agencies, or functions are conducted, in accordance with Article IV, § 2m of the Home Rule Charter of Allegheny County," by providing that any ordinance or resolution presented to Council pursuant to this Ordinance be preceded by an evaluation of the department, function, or agency pursuant to Article 1201 of the Administrative Code.

WHEREAS, Allegheny County Council acted to override the Chief Executive's veto of Bill No. 1600-04 on August 17, 2004, enacting Ordinance 23-04-OR which establishes a process for modification or elimination of County departments, agencies, or functions; and

WHEREAS, the County Home Rule Charter and Administrative Code have set forth a Sunset Review Process through which the County Manager is charged with the evaluation of existing departments, agencies, and functions and making subsequent recommendations regarding those departments, agencies, and functions to the Chief Executive and County Council; and

WHEREAS, providing for a connection between these two actions insures that the background and support for any action to eliminate or modify a department is established through a proven process.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1.

Ordinance 23-04-OR is amended by inserting a new § 2 as follows:

SECTION 2.

Any ordinance or resolution submitted pursuant to Article IV, § 2m) of the Allegheny County Home Rule Charter to comply with the provisions of this Ordinance shall be preceded by review of the department, agency, or function under Article 1201 of the Allegheny County Administrative Code.

SECTION 2.

Ordinance 23-04-OR, §§ 2-5 shall be renumbered accordingly.

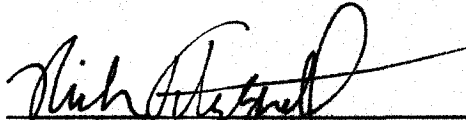
SECTION 3. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

SECTION 4. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

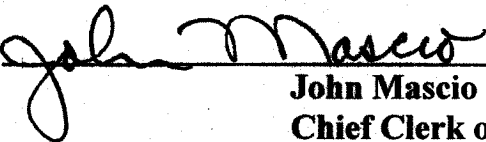
SPONSORED BY COUNCIL MEMBER ROBINSON

Enacted in Council, this 1st day of February, 2005

Council Agenda No. 1669-04



Rich Fitzgerald
President of Council

Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office _____, 2005

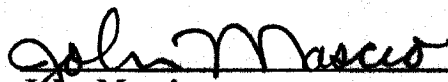
Approved: _____

Dan Onorato
Chief Executive

Attest: _____

Donna Beltz
Executive's Secretary

I do hereby certify that the foregoing Ordinance which was vetoed by the Chief Executive on February 11, 2005, was overridden by a two-thirds vote of said Council this 1st day of March, 2005.



John Mascio
Chief Clerk of Council



County of Allegheny

DAN ONORATO
CHIEF EXECUTIVE

101 COURTHOUSE ♦ 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-6500 ♦ FAX (412) 350-6512

RECEIVED
OFFICE OF THE
CHIEF EXECUTIVE
2005 FEB 11 PM 5:01

February 11, 2005

Honorable President and Members
Allegheny County Council
119 Courthouse
436 Grant Street
Pittsburgh, PA 15219

President and Members of Council:

I hereby return, with my veto, Council Bill 1669-04 that you forwarded to my office for consideration on February 4, 2005. This Bill amends Ordinance 23-04-OR, which Council passed over my veto on August 17, 2004. I vetoed this Bill because, like its original version, it illegally infringes upon the powers of the Chief Executive as granted by the Allegheny County Home Rule Charter.

Sincerely,

Dan Onorato
Allegheny County Chief Executive

cc: James M. Flynn, Jr.
Michael H. Wojcik, Esquire

RECEIVED

FEB 11 2005

Office of the Chief Clerk
Allegheny County Council



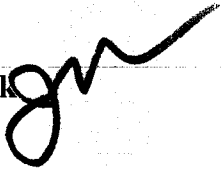
OFFICE OF THE COUNTY COUNCIL

County of Allegheny

ROOM 119 • 436 GRANT STREET • PITTSBURGH, PA 15219
PHONE (412) 350-6490 • FAX (412) 350-6499

MEMORANDUM

TO: All Members of Council

FROM: John Mascio, Chief Clerk 

DATE: February 14, 2005

SUBJECT: Chief Executive Dan Onorato's Veto of Council Bill 1669-04, entitled, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance 23-04-OR enacted August 17, 2004 entitled, 'Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing a process by which modification or elimination of County departments, agencies, or functions are conducted, in accordance with Article IV, § 2m of the Home Rule Charter of Allegheny County,' by providing that any ordinance or resolution presented to Council pursuant to this Ordinance be preceded by an evaluation of the department, function, or agency pursuant to Article 1201 of the Administrative Code."

This is to inform you that on Friday, February 11, 2005, Chief Executive Dan Onorato returned to me, with his veto, Council Bill 1669-04 referenced above.

Attached is a copy of the bill and Mr. Onorato's written objection to the bill.

Article IV, Section 5(b) of the Home Rule Charter provides that County Council may override a Chief Executive veto by an affirmative vote of at least two-thirds of the Seated Members of Council and that the override vote must occur within 30 days of the veto, which means that Sunday, March 13, 2005 is the last day you could consider a vote to override the veto, otherwise the veto would be sustained.

cc: Joe Catanese
Amie Downs
Jennifer Liptak
Jack Cambest

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

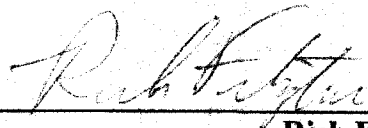
Overriding Chief Executive Dan Onorato's veto of Council Bill No. 1669-04, entitled, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance 23-04-OR enacted August 17, 2004 entitled, 'An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing a process by which modification or elimination of County departments, agencies, or functions are conducted, in accordance with Article IV, § 2m of the Home Rule Charter of Allegheny County,' by providing that any ordinance or resolution presented to Council pursuant to this Ordinance be preceded by an evaluation of the department, function, or agency pursuant to Article 1201 of the Administrative Code." submitted to Council on February 11, 2004.

NOW THEREFORE, IT IS MOVED, BY THE COUNCIL OF ALLEGHENY COUNTY,

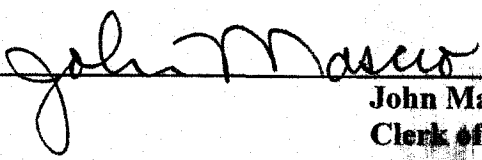
That the Council of Allegheny County hereby overrides Chief Executive Dan Onorato's veto of Council Bill No. 1669-04, entitled, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance 23-04-OR enacted August 17, 2004 entitled, 'An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing a process by which modification or elimination of County departments, agencies, or functions are conducted, in accordance with Article IV, § 2m of the Home Rule Charter of Allegheny County,' by providing that any ordinance or resolution presented to Council pursuant to this Ordinance be preceded by an evaluation of the department, function, or agency pursuant to Article 1201 of the Administrative Code.", submitted to Council on February 11, 2005.

SPONSORED BY COUNCIL MEMBER ROBINSON

In Council March 1, 2005, Read and Approved.



Rich Fitzgerald
President of Council

Attest: 

John Mascio
Clerk of Council