

No. 19-03-OR

AN ORDINANCE

Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing Article II, Section 207.07 (B) of the Administrative Code of the County of Allegheny, to provide prohibitions for contracted hearing officers retained by the Board of Property Assessment Appeals and Review.

Whereas, the Administrative Code of the County of Allegheny permits the Board of Property Assessment Appeals and Review to contract with independent hearing officers to dispose of appeals before the board; and

Whereas, the Administrative Code of the County of Allegheny requires certain disclosures by the independent hearing officers upon appointment as such with the Board of Property Assessment Appeals and Review; and

Whereas, certain hearing officers, simultaneous with their commission to the board as such, represent taxpayers before other contracted hearing officers; and

Whereas, this practice constitutes at the minimum an appearance of a conflict of interest, if not a direct conflict; and

Whereas, the County seeks to end the practice of independent hearing officers appealing on behalf of appellants while they are under contract with the Board of Property Assessment Appeals and Review.

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

Section 1 Article II, Section 207.07 (B) of the Administrative Code of the County of Allegheny is amended and supplemented to read as follows:

- B. Contracts, if necessary to fulfill its duties, with hearing officers to hear cases of appeals from assessments in accordance with the Assessment Appeals Standards and Practices Ordinance Sections as provided in Chapter 209 of this Administrative Code, and in which case such hearing officer shall:
1. In the case of hearings related to commercial and complex multi-family properties, be State Certified General Appraisers or have the equivalent professional appraisal expertise;
 2. In the case of hearings related to residential properties, be state Certified General or State Certified residential Appraisers or be real estate industry professionals or lawyers with residential valuation expertise;
 3. Disclose all property in which they have any ownership or business interest; and

4. Recuse themselves from any decision regarding the taxable value of property in which they have any ownership or business interest; and
5. Hearing Officers, while under contract with the Board of Property Assessment Appeal and Review, shall be prohibited from representing appellants before the Board of Property Assessment Appeals and Review and/or other hearing officers retained by the Board of Property Assessment Appeals and Review.
6. Hearing Officers, for a one-year period commencing upon the termination date of their contract, shall be prohibited from representing appellants before the Board of Property Assessment Appeals and Review and/or other hearing officers retained by the Board of Property Assessment Appeals and Review.

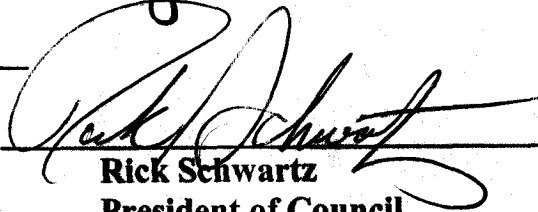
SECTION 2. This Ordinance shall take effect immediately.


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.*

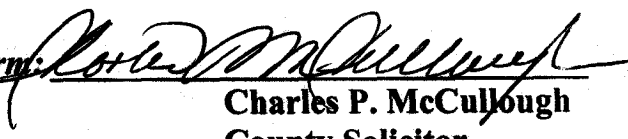
SECTION 4. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 21st day of May, 2003

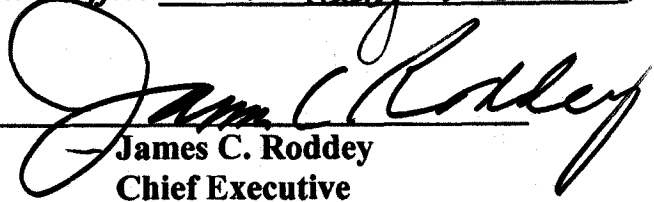
Council Agenda No. 1140-03



Rick Schwartz
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Approved as to form: 
Charles P. McCullough
County Solicitor

Chief Executive Office May 28, 2003

Approved: 
James C. Roddey
Chief Executive

Attest: 
Victoria Spence
Executive's Secretary