

Allegheny County Council

*County of Allegheny
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Committee Meeting Minutes

Wednesday, December 10, 2008

4:30 PM

Conference Room 1

Committee on Government Reform

*Rich Fitzgerald, Chair; Jim Burn, Jim Ellenbogen, Nick Futules, Vince Gastgeb,
Amanda Green, Bob Macey, and Chuck McCullough - Members*

I. Call to Order

Summary: *The meeting was called to order at 4:30*

Invited Guests:

Jim Flynn, County Manager

Michael Wojcik, County Solicitor

Summary: *Invited guests in attendance: Mr. Flynn*

Council Staff in attendance: John Mascio & Jared Barker

II. Roll Call

Roll Call: Present: Jim Burn, Nick Futules, Amanda Green, Rich Fitzgerald, and Committee Member Michael Finnerty

Absent: Jim Ellenbogen, Vince Gastgeb, Bob Macey, and Chuck McCullough

III. Approval of Minutes

4513-08 Motion to approve the Minutes of Council's Government Reform Committee meeting held on October 2, 2008.

Action: **A motion was made by Green, seconded by Fitzgerald, that this matter be Passed. The motion carried unanimously.**

IV. Agenda Items**Ordinances**

4339-08 An Ordinance amending the Allegheny County Code of Ordinances, Division 1, entitled "Administrative Code," Article 203, "County Authorities," in order to clarify the County's relation to the authorities designated as "County Authorities" within the Code.

Sponsors: Chuck McCullough, Vince Gastgeb, Matt Drozd and Jan Rea

Summary: *The Chair said that in the absence of the sponsor of the bill, he would provide the Committee with a summary of the bill. He said that the bill would add language to the Administrative Code that specifies that all County Authority Boards would consist of seven members, with appointees to serve a term of two years. No individual would be permitted to serve on the same governing board for more than three terms and no individual would be permitted to serve as an appointee for greater than six calendar years on any one governing board.*

In addition, two new sections would be added, including §5-203-10, entitled "Legislative approval for certain actions" and §5-203.11, entitled "Collective bargaining ratification," respectively. Regarding the first new section, Council along with the Chief Executive would be required to approve through legislation, certain County Authority actions. He also explained that the bill would provide that any collective bargaining agreements between County Authorities and any represented bargaining unit(s) would require a written approval from the Chief Executive together

with a fiscal note from the County's Director of Budget & Finance, and the reporting of same to County Council, prior to the agreement becoming effective.

The Chair said that he believed that the bill was not legal and that even if it were, Council would not have the time or the staff to carry out most of the provisions of the bill. He asked Mr. Barker to comment on the legality of the bill.

Mr. Barker said that there were layers of potential legal issues with the bill. He described the Municipal Authorities Act which governs authorities and said that there were inconsistencies with that law in the bill. He said that, according to the Act, the appointment process is generally an administrative function. He also said that there are legal questions as to whether the bill is in compliance with the Home Rule Charter, which commits contract power solely to the Chief Executive.

Mr. Burn asked Mr. Barker if he feels that the passing of this bill would be a violation of state law and the Home Rule Charter. Mr. Barker said that he tends to think it would be. The Chair reiterated that, legal issues aside, he did not think that County Council has the capability to implement the bill. Mr. Burn agreed with the Chair on that matter.

Mr. Flynn said that based on his discussions with the County Law Department, he believes that the bill is illegal and that if the bill were to be passed, the Chief Executive would veto it based on their opinion that it is illegal. He said that County Solicitor Mike Wojcik said that the bill would not withstand a legal challenge.

The Chair announced that he has scheduled a Government Reform Committee meeting for Monday, December 15, 2008 at 4:00 PM. He said that Steve Bland from the Port Authority would be present at the meeting to discuss some of the details of the recent Port Authority contract.

Action: **Held in Committee**

V. Adjournment

Summary: *The meeting adjourned at 4:50 PM*