

MOTION OF THE COUNCIL OF ALLEGHENY COUNTY

Amending Rules of Council for Allegheny County Council.

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

That this Council hereby amends the Rules of Council as follows:

ARTICLE IV. LEGISLATION & LEGISLATIVE ACTION.

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C. Fiscal Notes

1. Any ~~legislation~~ Ordinance which ~~may require~~ contains specific language explicitly requiring an expenditure of County funds or may entail which contains specific language directly resulting in a loss of County revenue shall not be given a second reading until it receives a fiscal note or the requirement for a fiscal note has been waived pursuant to these Rules; except for emergency ordinances ~~and resolutions~~ and the any ordinance or resolution required by Article VII, Section 4 of the Home Rule Charter for adopting tax rates and balanced annual operating and capital budgets. For the purposes of this section, an ordinance shall be deemed to explicitly require an expenditure of County funds or directly result in a loss of revenue if and only if the ordinance contains language that clearly directs an expenditure from any County fund or that expressly results in a reduction of tax revenue collected by the County on its face. For the purposes of any ordinance pertaining to Tax Increment Financing, this Rule shall be deemed inapplicable, and the provisions of Article IV, Section D of these Rules shall be applied.
2. Legislation within the Budget & Finance Committee meeting the requirements of Subsection C.1. of this Rule shall receive a fiscal note as part of the committee process. ~~The committee may consider the fiscal impacts along with the merits of the bill itself.~~
3. The Chair of any committee, other than Budget & Finance, considering legislation requiring a fiscal note under the terms of Subsection C.1. of this Rule shall request such note from the Budget Director. Upon receipt of the request, the Budget Director shall have ten (10) days to provide the Chair with a fiscal note pursuant to these Rules.
4. ~~There shall be a three-member working group charged with the responsibility of preparing fiscal notes. The working group shall consist of Council's Budget Director, the Budget & Finance Director, and the County Controller (or designee). In the event that a bill for which a fiscal note is being prepared pertains to a County Official or the Courts, a~~

~~County Controller (or designee). In the event that a bill for which a fiscal note is being prepared pertains to a County Official or the Courts, a representative from the appropriate office shall be included in the working group to participate in the preparation of that fiscal note. If the working group is unable to reach consensus on a fiscal note, separate fiscal notes shall be prepared and shall be accompanied by a report from the working group indicating the items and reasons for disagreement. In preparing a fiscal note in accordance with the requirements of this Rule, the Budget Director may, but shall not be required to, consult with any administrative department head or independently elected County official or their designee(s). No department head or independently elected County official shall be entitled or required to concur with or otherwise approve a fiscal note prepared by the Budget Director, but they may submit their own information to the Chair of the appropriate committee.~~

5. Fiscal notes are to be provided for illustrative and informational purposes only, and shall not constitute a statement of County or Council policy, nor shall they be drafted or interpreted or recommend any particular action on any bill.

65. The fiscal note shall accompany the subject legislation when reported from committee and shall be provided to all ~~members~~ Council Members ~~upon its recommendation from committee by the Chair of the appropriate committee immediately upon his or her receipt of the fiscal note from the Budget Director.~~ The fiscal note shall provide the following information as applicable:

- i. A general statement of the fiscal effect that the proposed ordinance ~~or resolution~~ will have on the operating, capital, or grants budget for the current fiscal year and for each of the next two succeeding fiscal years and the Department, County Office, Row Office, or division of the Courts affected;
- ii. A quantitative estimate of the monies needed to implement the proposed ordinance ~~or resolution~~ and the assumptions used in preparing that estimate;
- iii. A statement on the extent to which current appropriations are available to finance implementation of the proposed ordinance ~~or resolution~~ if it is to be implemented within the current fiscal year;
- iv. An identification of the revenues from existing revenue sources or from funds currently available, or likely to be available, to implement the proposed ordinance ~~or resolution~~ for the current year and each of the next two succeeding fiscal years; and
- v. ~~The recommendation, if any, of the Budget & Finance Committee and the reasons therefore relative to the passage or defeat of the legislation; and~~

- vi. A reference to the source of the data from which the foregoing fiscal information was obtained, and an explanation of the basis upon which it is computed.

- 7. In the event that the information required by Subsection 5 of this Rule is not fully available or must be in whole or in part estimated, the fiscal note shall clearly indicate what necessary information is unavailable and/or the basis for the estimate(s). Under no circumstances may the Budget Director be required by any Council Member to revise a fiscal note in whole or in part for the purpose of including a different estimate or set of estimates.
- 8. For the purposes of any ordinance that may be required to permit the expenditure of grant funding entirely received from any non-County source, the requirement of a fiscal note shall be deemed satisfied if such fiscal note delineates only the grant source, the grant amount, the permissible uses of the grant funding, the use to which the expended funding will be put, and the amount expended under the terms of the ordinance.
- 96. The In addition to the ability of the full Council to waive its Rules, any standing or special committee of Council may, by an affirmative vote of two-thirds of the seated members, waive the necessity of a fiscal note on any bill which it deems to have a *de minimis* fiscal impact or which merely authorizes, rather than mandates, an increase in expenditures or an action that would result in a loss of revenue.

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PRIMARY SPONSOR: COUNCIL MEMBER ROBINSON

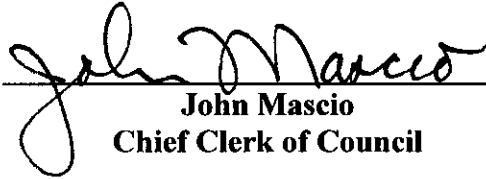
In Council August 21, 2007.

Read and Approved.



Rich Fitzgerald
President of Council

Attest:



John Mascio
Chief Clerk of Council