

Bill No. 2901-06

No. 06-07-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania directing that a referendum question amending Article III of the Allegheny County Home Rule Charter, pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law, be placed on the May, 2007 Municipal Primary ballot. (Sheriff)

Whereas, Allegheny County adopted a Home Rule Charter, effective January 1, 2000, which provided for a new form of County government; and

Whereas, the Allegheny County Chief Executive desires to submit to the electorate of Allegheny County a proposed ballot question that, if passed, would eliminate the elected office of Sheriff of Allegheny County and replace it with a Sheriff appointed by the Chief Executive, and to merge the functions, duties, employees, and all other aspects of the formerly elected Sheriff with the Allegheny County Police Department; and

Whereas, this change in the form of Allegheny County government will inure to the benefit of the citizens and taxpayers of Allegheny County in that it will provide for a more efficient, economical and effective delivery of governmental services to the public at large.

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

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Ballot Question.

The Allegheny County Board of Elections is directed to place the following question on the May, 2007 Municipal Primary Ballot:

Shall the Allegheny County Home Rule Charter be amended, effective January 1, 2010, to merge the functions, duties, employees, and all other aspects of the office of the Sheriff with the Allegheny County Police Department by replacing the elected Sheriff with a Sheriff appointed by the Chief Executive with the consent of County Council?

SECTION 3. Provisional Amendment of the Administrative Code

If the Board of Elections certifies that the ballot question set forth in Section 2 above has been approved by the registered electors of the County, then the Administrative Code shall be amended thirty (30) days following the Board of Elections' certification as follows:

- A. Article 201, §201.03 of the Administrative Code shall be amended as follows:

§ 5-201.03. Independently Elected County Officials.

- A. The following Independent County Offices shall be operated by County Officials:

- (1) County Controller.
- (2) District Attorney.
- (3) Treasurer.

- B. Article 201 of the Administrative Code shall be amended by the addition of a new §5-201.06, as follows:

§ 5-201.06. Office of Sheriff.

- A. The Office of County Sheriff is abolished effective the first business day of January 2010.
- B. The Chief Executive shall appoint a Sheriff, who shall serve in such capacity at the pleasure of the Chief Executive.
- C. The Office of Sheriff shall be merged with the Allegheny County Police Department effective January 1, 2010.
- D. The positions of Superintendent of Police and Sheriff may be held by the same individual.
- E. The appointed Sheriff must be a graduate of the Allegheny County Police Academy, or an equivalent institution, and must have police and supervisory experience in the Commonwealth of Pennsylvania. The appointed Sheriff must possess all qualifications currently required to be a police officer and a police chief in the Commonwealth of Pennsylvania.
- F. The appointed Sheriff shall have all of the powers, functions and duties previously vested in the elected office of Sheriff as set forth

in 16 Pa. Stat. Ann. §§ 4201-4212 and §§ 4214-4221.16, as amended, as of the date that the appointed office of Sheriff was created.

- G. All employees of the elected Sheriff, who are employed by the elected Sheriff at the time of the merger with the Allegheny County Police Department, shall retain their seniority, vacation, and sick time benefits.
- H. All employees of the Allegheny County Police Department at the time of the merger shall retain their seniority, vacation, and sick time benefits.
- I. After the merger of the office of the elected Sheriff with the Allegheny County Police Department, all employees shall be governed and controlled by the policies, practices, and collective bargaining agreements existing within the Allegheny County Police Department at the time of the merger, including without limitation, hiring practices, testing, job duties, and bidding to the extent that such policies and practices are not inconsistent with controlling state law.
- J. After the effective date of the merger, training of new hires will include training under Act 2 which is specific to the duties of Sheriff's in the Commonwealth of Pennsylvania.
- K. The job titles for the officers of the newly merged department will be determined prior to the effective date of January 1, 2010.

SECTION 4. Severability. *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.*

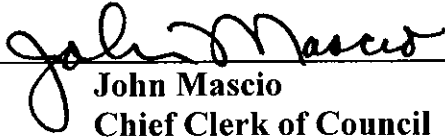
SECTION 5. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.*

Enacted in Council, this 6th day of February, 2007,

Council Agenda No. 2901-06

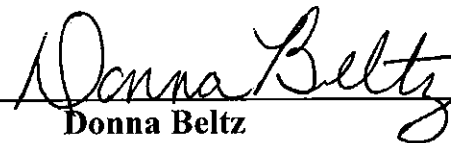


Rich Fitzgerald
President of Council

Attest: 
John Mascio
Chief Clerk of Council

Chief Executive Officer:  FEBRUARY 12, 2007

Approved: 
Dan Onorato
Chief Executive

Attest: 
Donna Beltz
Executive's Assistant