

Bill No. 1835-05

No. 11-05-OR

## AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Part 12, Article 1201 of the Administrative Code to provide for sunset review of agencies and functions as provided for within Article VII, Section 11 of the Allegheny County Home Rule Charter.

WHEREAS, Article VII, Section 11 of the Home Rule Charter provides that "The need for each County department, agency and function shall be evaluated through a four year staggered sunset review process. The procedures for the sunset review shall be established in the Administrative Code."; and

WHEREAS, Part 12, Article 1201 of the Administrative Code provides for the sunset review of each County Department, but does not address the procedures for County agencies or functions; a need that has been overlooked since the formation of the new government;

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

### SECTION 1.

Article 101, § 5-101.03 of the Administrative Code shall be amended as follows:

AGENCY – Any County-related Board, Commission, District, Committee, Council, or other governmental or quasi-governmental entity which has been created or established by the County or to which the Chief Executive or County Council has the power of appointment, except for ~~Agency shall not include any Authority or unit of local government created pursuant to applicable Commonwealth law, and or any nonprofit corporation or voluntary advisory board association to which the County has the right to appoint board members.~~ established by the Chief Executive or by County Council.

### SECTION 2.

Article 1201, §§ 5-1201.01, 5-1201.02, and 5-1201.04 of the Administrative Code shall be re-titled as follows:

- A. § 5-1201.01. **Departmental Sunset-sunset review.**
- B. § 5-1201.02. **Departmental Standards-standards for evaluation.**
- C. § 5-1201.04. **Public participation and comment in Departmental review.**

### **SECTION 3.**

Article 1201 of the Administrative Code shall be amended to add the following sections:

A. **§ 5-1201.07. Agency sunset review.**

Pursuant to Article VII, § 11 of the Charter, the County Manager shall evaluate each County agency through a four year staggered sunset review process. In order to provide adequate time for each review and resulting recommendations and to ensure review every four years, one-fourth of all existing County agencies shall be evaluated each year beginning in 2006.

B. **§ 5-1201.08. Agency standards for evaluation.**

In the course of the evaluation, the following specified factors shall be taken into account:

- (1) The legal mandate or necessity for the agency;
- (2) A determination of public need for the continued existence of the agency and its services;
- (3) A review of the methods used in the implementation of each agency's functions and an analysis of alternative methods that may be employed to achieve the agency's legal mandates;
- (4) An evaluation of whether the agency is the most effective body to implement the agency's programs;
- (5) An evaluation of whether the absence or reduction of the agency or the agency's provision of services would significantly harm or endanger the public health, safety, or welfare;
- (6) An analysis showing the costs of compliance for individuals or other entities regulated by the agency;
- (7) The efficiency with which formal public complaints filed with the agency have been processed; and
- (8) In the case of an agency that has received appropriations from the County's operating budget in any of the five years prior to the sunset review, a financial audit of the agency performed by an entity independent of the county.

The County Manager may also utilize any other written criteria that he believes, in the exercise of his best professional judgment, would aid in the furtherance of making the agency more competitive and performance-oriented.

C. **§ 5-1201.09. Agency input into the evaluation.**

The Executive Director, Board, President, Chief Executive Officer, or other appropriate head of an agency under review shall cooperate with the County Manager's evaluation of the agency by providing such information and documentation that may be requested during the course of the evaluation.

D. **§ 5-1201.10. Public participation and comment in agency review.**

To assist in the evaluation of each agency, the County Manager may schedule a public hearing at which time the opinions and comments of the public and groups and organizations interested in or affected by the agency may be obtained.

E. **§ 5-1201.11. Recommendations regarding the agency.**

A. On or before June 30 of each year, the County Manager shall complete his evaluation regarding the need for agencies subject to review and shall submit his recommendations regarding the continuation, abolition, or reorganization of the agency and whether further County support of the agency should be provided. All recommendations regarding the affected agency should be submitted in writing to the Chief Executive and County Council.

B. Upon receipt of the County Manager's recommendations, County Council may adopt an ordinance or resolution on or before October 15 to either:

- (1) Continue the existence of the affected agency for another four years, if appropriate, or continue the relationship with the agency for another four years;
- (2) To abolish the affected agency, if appropriate, or sever the relationship with the agency; or
- (3) To reorganize the agency subject to evaluation and review, if appropriate, or alter the relationship with the agency.

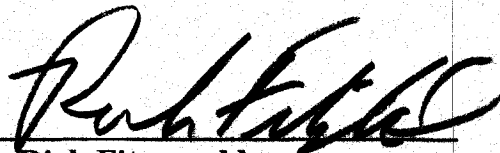
**SECTION 2. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

**SECTION 3. 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 MEMBERS REA & GASTGEB**

Enacted in Council, this 15<sup>th</sup> day of February, 2005

Council Agenda No. 1835-05



**Rich Fitzgerald**  
President of Council

Attest: John Mascio  
**John Mascio**  
Chief Clerk of Council

Chief Executive Office February 24, 2005

Approved: Dan Onorato  
**Dan Onorato**  
Chief Executive

Attest: Donna Beltz  
**Donna Beltz**  
Executive's Secretary