

# **RULES OF THE ALLEGHENY COUNTY COUNCIL**

## **INTRODUCTION**

Rules of Council are based on the Home Rule Charter of Allegheny County, the Allegheny County Administrative Code, the Second Class County Code, other pertinent State Laws, and Robert's Rules of Order. The Rules of Council represent the procedures whereby the Council conducts its business.

The Rules of Council shall be adopted at a Regular Meeting of Council. Adoption of these rules shall be in the form of a motion and must receive an affirmative vote of the majority of the Seated Members of Council.

Robert's Rules of Order shall serve as the parliamentary authority for all procedures not expressly set forth in these rules.

## **ARTICLE I. ORGANIZATION OF COUNCIL.**

### **A. Organizational Meeting**

1. County Council shall organize itself on the first business day of January following each general municipal election at a time and location selected by the members and appropriately advertised. At each organizational meeting of Council, the at-large member of the party with the greatest number of Council seats shall serve as presiding officer over the meeting until Council elects one of its members as President in accordance with Section B of this Article.
2. The organizational meeting shall not be adjourned until a Council President is elected. If necessary, the meeting may be recessed until a later time.

### **B. Procedure for the Election of the President**

1. The Presiding Officer shall call for nominations from the floor. No second is required. No one may nominate more than one person for the office of President.
2. The Presiding Officer calls for nominations, repeats the name that was nominated, then declares that person nominated. To be considered for the presidency, a council member must be present at the meeting or submit a signed letter

indicating willingness to accept or decline the presidency. Such notification must be received by the Clerk prior to the meeting.

3. The Presiding Officer shall then ask if there are any further nominations until there are no further nominations. The Presiding Officer then declares that nominations for the office of President are closed without waiting for a motion to that effect.
4. After nominations have been closed, voting for the office of President takes place.
5. The Clerk shall then call the roll. The members, when called upon, shall declare their vote for one of the nominees. The Clerk will repeat the names to be sure of their accurate recordation and shall then record the vote.
6. When all seated members have voted, the Clerk shall announce if any one nominated candidate has the votes of a majority of the seated members of Council. The election to the office of President becomes final immediately if the candidate is present and does not decline. The elected candidate assumes the office immediately upon election and shall preside over the appointment of any subsequent officers or committee chairs. Should the elected candidate be absent during the time of his/her election, that person shall be notified in writing of the results of the election.
7. In the event that no nominated candidate has a majority of the seated members of Council, the Clerk announces that there is no election. The Clerk will then eliminate from the second round of voting the nominee with the least amount of votes. The Clerk then proceeds to call the roll for the second round of voting, and any subsequent rounds, following the same procedure until a President is selected.

#### **C. Terms and Powers of the Council President**

1. The President shall be elected by a majority of the seated members of Council and serves at the pleasure of the body. The election process will occur, but is not limited to, every January following the municipal election cycle.
2. The President shall have the following powers:
  - i. To preside at all meetings of Council;
  - ii. To refer all proposed legislation to the proper committee of Council and to sign all legislation passed by the Council;
    - ii.a. In the event that a bill is referred to a committee that has not been formed as of the date of referral or to a committee that ceases to exist before considering and issuing a recommendation on that bill,

the President may, at his or her discretion and with written notice to the Chief Clerk, re-refer that bill to another committee.

- iii. To appoint a Vice President;
  - iv. To establish and dissolve all committees of Council;
  - v. To appoint the chair and members of each committee;
  - ~~vi. To schedule public hearings of Council and to preside at such hearings;~~
  - vii. To enforce all rules adopted by Council for its operation;
  - viii. To perform such other duties and functions as Council may assign to the office.
3. In the event that the President is unable to exercise his or her duties, the Vice President shall exercise the powers of the President.
- ~~4. The President may appoint a member of Council as a presiding officer for public hearings.~~

#### **D. Terms and Powers of Council Vice President**

The term of the Vice President shall run concurrently with that of the President. In the absence of the President, the Vice President may sign legislation that has been passed by Council and serve as the presiding officer at meetings of Council.

#### **E. Committees of Council**

Committees are established to consider, investigate, or take action in regard to matters or subjects brought before Council and shall be organized and led by a Chair who shall be named by the President. The Committee Chair may convene a public forum to elicit public comment or input on issues under consideration by the committee. Committees shall present their findings to Council in either a formal or informal manner. The President is a non-voting *ex officio* member of each committee. Each committee shall be established to function during the term of each President. Unless re-established under the successive President, they shall cease to exist. Nothing shall prevent the President from dissolving a committee prior to the end of his or her term. No committee shall meet or be staffed unless called by the Chair of the committee according to these Rules.

1. **Standing Committees** – The President, upon election, shall establish the standing committees of Council and appoint the members and the chair of each committee. Standing committees shall meet Tuesdays, Wednesdays, and Thursdays beginning

no earlier than 4:00 p.m. When unable to attend a scheduled committee meeting, the chair of each committee may appoint a member of the committee to act as presiding officer. The number and scope of each committee shall be at the discretion of the President, except that the following shall always be established as standing committees:

- i. Executive Committee** – The Executive Committee shall make recommendations designed to improve and expedite the business and procedures of Council and its committees and to propose any amendments to the Rules deemed necessary. The Executive Committee shall also be charged with making recommendations and approving actions regarding personnel matters. The Executive Committee shall be a committee of the whole and a majority of seated members of the committee shall constitute a quorum. An affirmative vote by the majority of the seated members shall be required to pass any motion.
  - ii. Budget & Finance Committee** – The Budget & Finance Committee shall have the responsibility of reviewing and making recommendations regarding taxation, appropriations, and the pursuit of other revenues used for County operations, specifically those pertaining to the County’s Capital Budget, Operating Budget, and Grants and Special Accounts Budget.
- 2. Special Committee** – The President may appoint a special committee at his or her discretion. It shall address only items of business that relate to a single topic that is clearly defined when the committee is created and shall automatically be dissolved when ~~its final report is the items of business are rejected or~~ accepted by Council. Once established, a Special Committee shall follow the same rules as standing committees. A special committee shall not vote. The item of business, or anything involving essentially the same issue, may not be considered by Council or any other committee until the special committee makes its report, unless specifically requested by the Chair with the consent of the President. Reports of the committee shall be presented at a time designated by the President or upon completion of its charge and shall list the names of all the members of the committee. A minority report may also be presented. Upon presentation of the report, Council shall make a motion to accept the report at which time the committee will be discharged. A special committee may also be dissolved by vote of a majority of the seated members of Council.
- 3. Advisory Committee** – ~~The President may appoint advisory committees to Council, or at the request of a chair, to one of the committees of Council to augment the deliberations of council members with a body of expertise to improve their decision making process. Advisory committees shall not vote. Advisory committees will submit their recommendations to the President or Chair~~

~~as the situation warrants. Such recommendations may be shared with Council either formally or informally.~~

**F. Liaisons**

1. The President may name council members as liaisons to County authorities and agencies, as he or she deems appropriate. A liaison shall attend each meeting of the authority or agency or may have a staff person attend in their stead.
2. The liaison shall deliver a report on the meeting of the authority or agency at the next regularly scheduled meeting of Council. The report may be written and/or verbal but shall be a part of the Council agenda. As such, the liaison shall, following the rules regarding placing items on the Council agenda, advise the Clerk when a report is necessary.
3. At the discretion of the President, any matter relating to a county authority or agency that the liaison has brought forth as being of concern may be transformed into a special ~~or advisory~~ committee. The committee shall be charged with reporting back to Council and shall follow all rules regarding special meetings of Council.

**ARTICLE II. MEETINGS.**

**A. Public Meetings**

1. All regular, special, committee, and emergency meetings of Council shall be open to the public to the extent required by, and in accordance with, 65 P.S. 271 *et seq.*, commonly known as the Sunshine Act.
2. Council shall retain the right to establish physical boundaries beyond which may be limited to the members, officers, and staff of Council. Reporters and other news media are subject to the regulation of cameras, lights, flash equipment, and recording transmitting equipment such that they do not interfere with the orderly conduct of Council.
3. Every regular and special meeting of Council shall include a public comment period for County residents and taxpayers to comment on matters of concern, official action, or deliberations which are, or may be, before the Council subject to the limitations set forth in Article II. I.

**B. Public Notice**

1. Prior to the beginning of each calendar year, the Clerk shall advertise in a newspaper of general circulation, and post to the Allegheny County website, a

schedule of the dates, times, and place of all regular meetings of Council for that calendar year.

2. Upon establishment of standing committees, the Clerk shall advertise in a newspaper of general circulation, and post to the Allegheny County website, the days, times, and place at which such meetings will generally be held for that calendar year. In the event that a committee meeting is scheduled on a day other than that which appeared in the public notice, the Chair of the respective committee must give seven (7) days notice to the Clerk in order that public notice of the meeting may be given. Detailed notices regarding meetings will be posted at the Courthouse and made available on the Allegheny County website.
3. Special committee meetings shall also be advertised in a newspaper of general circulation, and posted to the Allegheny County website, at least twenty-four (24) hours prior to the meeting date.
4. Notice of meetings of Council and its committees shall be given in the manner provided by Section 307.01 of the Administrative Code and 65 P.S. 271 *et seq.*, commonly known as the Sunshine Act.
5. The President may ~~cancel~~ postpone or reschedule meetings of Council with the consent of the majority of the seated members of Council, except in cases deemed to be of an emergency nature. Committee Chairs may cancel meetings of committees at their discretion. In the event that a meeting is canceled, the information must be posted to the Allegheny County website and notice placed at the site of the meeting. Said notice should include any information regarding rescheduling of the canceled meeting, to the extent practicable.

#### **C. Regular Meetings**

Council shall establish the time, place, and conditions of its regular meetings and shall publish the schedule prior to the beginning of the year. Deviations from the published schedule shall require twenty-four (24) hour public notice. Section 307 of the Administrative Code provides that regular meetings of Council shall be held at least twice in each calendar month in separate weeks unless otherwise provided by ordinance. Council may, by ordinance, adopt a different schedule.

#### **D. Special Meetings**

Special meetings may be called by the President, the Chief Executive, or upon the written request of a majority of the seated members of Council, as directed to the President. A written notice of each special meeting shall be delivered to the mail slot of each Council member, the Chief Executive, the Clerk, Council Chief of Staff, and County Manager at least twenty-four (24) hours before said meeting is held. Such notice shall specify the time, place, and purpose of the special meeting. Only

business mentioned in the call of the special meeting can be transacted at such meeting. The presence of a member at the meeting constitutes a waiver of notice.

**E. Emergency Meetings**

1. Council may hold and take action at an emergency meeting. Such emergency meeting may be called by either the President or Chief Executive provided that:
  - i. A quorum is present as provided in the Charter;
  - ii. The meeting qualifies as an “emergency meeting” as set forth in 65 P.S. 271 *et seq.*, commonly known as the Sunshine Act, to wit, a meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property; and
  - iii. No other business shall be considered or transacted at such emergency meetings except for the matter for which the emergency meeting was called.

**F. Committee Meetings**

1. The Chair of each standing committee may establish regular meeting days for the conduct of its business. Each such committee shall meet for the consideration of legislation pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee, and shall vote on such legislation if the rules regarding quorum and amendment are met.
2. The Chair of each standing committee may call and convene, as he or she considers necessary, additional and special meetings of the committee for the consideration of legislation pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose under the call of that chair, or upon written request of a majority of the seated members of the committee. Notice of said meeting shall be given according to Subsection B of this Article.
3. Whenever legislation or other matter has been referred to a committee, the Chair shall have full power and control over such legislation or other matter, except that such committee shall not change the subject. A committee shall not consider a bill or other matter which is not in its possession.
4. The committee is charged with reviewing, discussing, and, if the Chair deems necessary, investigating the legality of proposed legislation. Should a Chair or other Member of Council desire a legal opinion on any item of pending legislation or issue before the committee, such legal opinion shall be requested through the Clerk, regardless of whether the opinion is requested from the County Solicitor or

Legal Counsel. Any required response date should also be communicated to the Clerk.

5. A quorum shall be deemed to be present for any committee meeting to proceed when both the Chair and at least one seated committee member are present. ~~with the exception of the Appointment Review Committee, for which the Chair alone may constitute a quorum.~~ In any committee, a majority of the seated members is necessary for the committee to amend legislation. For the Executive Committee, a majority of the seated members of the committee shall constitute a quorum and an affirmative vote by the majority of seated members shall be required to pass any motion.
6. The Chair may, if appropriate, request a fiscal note from the Budget ~~Director~~ Manager. Such request shall be made formally and approved with notice provided to the President. The note shall be completed in ten (10) days and the fiscal note provided to the proper committee for consideration.
7. No person, other than Council Members or Council staff, shall be heard or seated at the committee table unless invited by the Chair. The County Manager will be advised of the agenda for all scheduled committee meetings. The agenda shall serve as notice to direct the appropriate or requested representatives from the Administration to attend the committee meeting to answer any questions relative to matters on the agenda.
8. During its deliberation, the committee may vote on the legislation as presented or may amend (provided that a majority of the seated members of the committee are present). Upon the completion of its deliberation, the Chair may call for a vote of the committee recommending the legislation to the full Council with a negative, positive, or neutral recommendation. Any legislation which receives a majority vote of the members present shall be presented to the full Council for vote with said recommendation. The legislation, if amended, shall be presented as amended to the full Council for vote.
9. The Committee may also hold or table any legislation in committee by vote. A motion to hold should, whenever practicable, include a specified time period or condition upon which the legislation will be before the committee for reconsideration and must be approved by a majority of the committee members present. ~~A motion to table must be approved by a majority of the committee members present.~~ A motion to untable the legislation must be approved by a vote of two-thirds of the seated members of the committee.
10. When a committee has recommended legislation to the full Council for a vote, the Chair of said committee shall make a report to Council regarding the deliberations of the committee prior to the vote.



11. Council Members may participate by electronic means (e.g. telephone, Microsoft Teams or similar) in any committee meeting of Council. Any Council Member that wishes to participate by electronic means must be connected prior to the first vote following roll call of committee members and be recognized by the Chair or presiding officer of the committee.
12. Committee Chairs may schedule an Informational Session to gather information and for educational purposes of Members instead of a voting committee meeting. The same rules will be followed during an Informational Session as a regular committee meeting except that no votes will be taken on any legislation.
13. Audio recordings shall be required for all meetings of the Council's committees. Appropriate disclosures of the recording of all committee meetings shall be conspicuously posted in any area(s) in which such committees meet, and the presiding officer for each committee meeting shall disclose the recording of such meeting immediately after calling the session to order, and provide an opportunity of any individual(s) who do not consent to the recording to leave the meeting. The provisions of this Section shall not apply to any committee or other meeting or portion thereof which is exempted from the public meeting provisions of the Pennsylvania Sunshine Act, 65 Pa.C.S.A. §701, et. seq., eg Executive Sessions.

#### **G. Public Hearings**

1. Public hearings are formal proceedings of Council that shall be approved by a majority of the seated members of Council upon presentation of a motion that shall include the date, time, place, and purpose of the public hearing. The motion shall also detail the process for the hearing including the procedure for public testimony. In addition, the motion shall indicate the names of at least three Council Members who shall be committed to attending the hearing.
2. Public hearings are limited to those matters affecting public business within the jurisdiction of Council.
3. Once approved, the public hearing shall be publicly advertised by a posting no later than five (5) days in advance in a newspaper of general circulation. The notice must contain the date, time, place, and purpose of the hearing. Copies of the public hearing agenda shall be made available at the public hearing.
4. The President shall preside over the hearing or appoint a presiding officer. The decision as to whether security is needed or testimony shall be transcribed is at the discretion of the President.
5. Individuals wishing to speak must be registered prior to the meeting in accordance with the rules governing public comment at council meetings. Speakers invited by Council are considered to be registered. Written testimony will be accepted up

to five (5) calendar days after the final session of the hearings. The written testimony will be filed with the record of the hearing.

## **H. Executive Sessions**

Council may hold executive sessions in accordance with the provisions set forth in the Pennsylvania Sunshine Law. The executive session may be held prior to, during, or at the conclusion of an open meeting, or may be announced for a future time. The date and reason for holding the executive session must be announced ~~at the regular meeting of Council occurring prior to the executive session, or at the next regular meeting of Council occurring after the executive~~ the body that held the session. If the executive session is not announced for a future specific time, or called and held during the course of a meeting, members of Council shall be notified twenty-four (24) hours in advance of the time of the convening of the meeting, specifying the date, time, location, and purpose of the executive session. Council shall take no official action on any matter in an executive session. Council may, during the course of a regular meeting, recess that meeting and convene an executive session with an affirmative vote of the seated members of Council. Council may reconvene the regular meeting following the executive session.

## **I. Public Participation and Comment**

1. To be eligible to speak before Council, each prospective speaker must either complete a "Request to Comment at Advertised Meeting of the Allegheny County Council" form and submit it to the Clerk or speak directly with the Clerk at least 24 hours before the scheduled start of the meeting at which he or she desires to speak. The form may be obtained at Council's offices or in electronic form on Council's page of the Allegheny County website. A properly completed Request Form must contain the speaker's name, address, phone number, date of meeting at which they wish to speak, and the agenda item or subject matter they wish to address.
- ~~2. When submitted, the form will be reviewed by the Clerk for completeness and appropriateness. The Clerk will inform the speakers of their place on the agenda and inform the President of the names of the speakers and the topics to be addressed. Persons submitting the properly completed form may confirm the scheduled time and place of their appearance before Council by contacting the Clerk.~~
3. Speakers wishing to address unfinished business items on an agenda will be provided opportunity to comment prior to the full Council's consideration of scheduled business. Speakers wishing to address any other items will be provided opportunity to comment following the business portion of the meeting, prior to adjournment. The President and Council reserve the right to alter the length of

time for comment, the length of the comment period, and to schedule any overflow from such changes to another date.

4. Speakers may not allocate or defer their scheduled time to another speaker. A speaker's unavailability to proceed at the time his or her name is called will result in cancellation of the opportunity to speak at that meeting. The President may waive this rule in individual circumstances.
5. All remarks must be related to the issue and are limited to three (3) minutes. The Clerk or other Council staff member shall be responsible for clocking this time and alerting the President and speaker when the time has expired. The speaker is responsible for any type of audio-visual equipment or other visual or auditory aids, if needed for their presentation. All remarks should be made to the Council as a body and addressed through the President and not to a particular Council Member.
6. If submitting written testimony that will be presented or to supplement their oral testimony, speakers are ~~required~~ requested to provide twenty (20) copies of said testimony to the Clerk. Testimony is not to be disseminated to Council by the speaker.
7. The President shall maintain order in all matters during the public comment portions of the meeting. No speakers shall be allowed to use vulgar or offensive language, make slanderous remarks, or refuse to leave the podium after the allotted time. The President may rule any speaker doing so out of order and shall instruct the Allegheny County building guards to eject the speaker from the meeting. If ruled out of order, that speaker shall be barred from further speaking at that meeting unless a majority vote of the Council allows.
8. At the discretion of the President, persons offering public comment may be invited to present their commentary to a Council committee that is charged with the responsibility for the issue being addressed.

#### **J. Regular Meeting Procedure**

1. **Quorum** – A majority of seated members of Council shall constitute a quorum necessary to transact official business. A quorum must be present at the meeting site or by telephone in order to transact official business. Any Council Member arriving after the roll call has been completed shall be recorded by the Clerk as "Present, late" and at what point in the agenda the member was seated shall also be recorded. A Council Member who has answered roll call at any regular meeting of the Council shall not be permitted to absent himself from such meeting without notifying the President or other presiding officer. If a quorum is present, the President or Presiding Officer shall proceed with the order of business prescribed for the meeting.

2. **Lack of Quorum** – If, upon the call of the roll, a quorum is not present, the President or Presiding Officer shall order a recess for the period of not more than thirty (30) minutes. If a quorum is not present at the conclusion of the recess, the President or Presiding Officer shall declare the meeting canceled and reschedule.
3. **Loss of Quorum** – If, in the process of a meeting, it is determined that a quorum is not present, all business shall automatically stop. The Council may, by majority vote of those in attendance:
  - i. Fix another day at which to reconvene;
  - ii. Adjourn and return at the next regular meeting;
  - iii. Recess for not more than 30 minutes. If a quorum is not present at the conclusion of the recess, the President or presiding officer shall declare the meeting canceled and reschedule.

The names of those members present and their decision shall be recorded in the minutes, stating a quorum was not present and the time set for another meeting. If a day other than the next regularly scheduled meeting date is chosen, notice of such meeting shall be posted prominently in the Courthouse and on the Allegheny County website.

4. **Participation by Telephone** – Council Members may participate by electronic means (e.g. telephone, Microsoft Teams or similar) in any Regular, Special or Emergency meeting of Council. Any Council Member that wishes to participate by electronic means must be connected prior to the first vote following roll call of members and be recognized by the Chair or presiding officer of the meeting. Those Council Members wishing to participate in a regular or special meeting of Council must notify the Clerk no later than 12:00 noon on the day of the meeting. The number of Council Members who may participate by phone at any one meeting is limited to five. Phone participation will be via speakerphone in the council chambers. Any Council Member who wishes to participate by telephone must have his or her call connected no later than five minutes after the start of any meeting in order to take part in any vote or be recognized by the presiding officer. During a declaration of emergency by the county, state or federal levels, this limit may be waived by the President of Council.

#### **K. Parliamentarian & Parliamentary Authority**

Legal counsel to Council shall act as parliamentarian. Robert's Rules of Order shall serve as parliamentary authority for all Council proceedings not otherwise covered by these rules, the Administrative Code, the Home Rule Charter, or other applicable law.

**L. Conduct of Business**

1. The Clerk shall read the titles of ordinances, resolutions, and motions contained on the agenda and announce all decisions of the County Council.
2. The Clerk shall publicly acknowledge that correspondence accompanying a veto by the Chief Executive of a previously approved bill has been received and will publicly acknowledge any ordinance or resolution that has been previously approved by Council but not returned within seven (7) days by the Chief Executive, or returned unsigned.
3. The President or Presiding Officer shall decide all questions of order without debate. Any ruling by the President or the Presiding Officer may be overruled by a motion approved by a majority of the members present.

**M. Decorum in Meetings**

1. Robert's Rules of Order shall serve as the determinant of proper decorum.
2. Proper decorum shall be maintained while the President is speaking, while a citizen is speaking, or during a voting procedure.
3. A council member who has the floor shall refrain from dealing in personalities and impugning the motives of others. Reference to other members of the Council shall be by proper title, i.e. Mr. Chairman, the last Council Member who spoke, the last citizen who spoke, or the former speaker.
4. Council members shall confine their remarks to the question before the Council. If any council member was absent from a committee meeting where a particular subject was discussed, that council member shall be recognized for debate on that subject only twice. Any debate beyond the two opportunities shall be at the discretion of the President. This rule shall not apply to the Sponsor, Committee Chair, or either Caucus Chair.
5. If a council member expresses a conflict of interest, the member shall state the conflict and refrain from further participation in the matter.
6. No member shall be permitted to conduct discussion on a bill during voting, or to explain his or her vote, except for an abstention, in which case the member shall be permitted to explain the reason for the abstention.
7. When a speaker is called to order by the President, that person shall relinquish the floor immediately until the question of order is resolved.

8. Unless previously scheduled according to the procedures set forth for scheduling public comment contained within Section I of this Article, no person shall address the Council unless invited by a council member with the approval of the majority vote of the members present.
9. If any Council Member, in speaking or otherwise, transgresses the Rules of Council regarding decorum, the President or Presiding Officer, or any member through the President or Presiding Officer, shall call that Council Member to order, in which case the Council Member shall immediately fall quiet unless permitted by the Council to explain. The Council, upon appeal, shall decide the case without debate. If the decision is in favor of the Member, the Member may proceed. If the case requires, the Member shall be liable to censure or other punishment as the Council deems proper.
  - i. Censure by County Council is a formal motion reprimanding a person for conduct that falls below the guidelines established in the Rules of Council.

#### **N. Amendments**

Motions, ordinances, and resolutions may be amended by an affirmative vote of the majority of the seated members of Council. All amendments offered to any proposed ordinance, resolution, or written motion shall be presented in written form, with a clear indication that an amendment is being offered and noting all sponsors of the amendment, to the Council Members before the final vote is taken on the bill.

#### **O. Recording of Minutes & Voting**

1. At all regular, special, committee, informational sessions and emergency meetings, the Clerk shall be responsible for maintaining a record of all votes, minutes, and meeting summaries. Minutes shall include the date, time, and place of the meeting, the names of members present, the substance of all official actions and a record by individual member of the roll call taken, the names of all citizens who appeared officially, and the subject of their testimony. Corrections of the minutes may be made by a simple majority vote of the members present at the Council meeting at which said minutes are on the agenda for approval.
2. All proposed ordinances, resolutions, and motions introduced to Council for a final vote shall be passed by an affirmative vote of the majority of the seated members of Council, unless otherwise provided for by these Rules, the Administrative Code, the Home Rule Charter, or other applicable law.
3. When any bill, upon its final presentation, receives the affirmative or negative vote of a majority of the council members present, but not a majority of the seated members, such bill shall be considered held, and may be called up for further

action at the same or any subsequent meeting by an affirmative vote of the majority of the seated members of Council.

4. The President or Presiding Officer may call for a voice vote on any motion or appointment. If the vote is not unanimous, a roll call vote must be taken.
5. Roll call votes shall be called alphabetically by member with the President or Presiding Officer being last. Once a vote has been called for, all comments shall cease. The Clerk shall read the ordinance, resolution and motion title and conduct the vote.
6. Voting by secret ballot is prohibited.
7. A council member may abstain from voting only when the abstention is accompanied by an explanation.
8. The Clerk shall repeat all motions made from the floor, conduct the vote, and announce all decisions of Council. The President or Presiding Officer shall decide all questions of order without debate, subject to an appeal by any member. Any ruling by the President or Presiding Officer on a point of order may be overruled by a majority of members present.

### **ARTICLE III. COUNCIL AGENDAS.**

#### **A. Preparation of Agenda**

1. The agenda for regular or special meetings of Council shall be prepared by the Clerk in consultation with the President, or in his or her absence, the Vice-President or appointed Presiding Officer.
2. The agenda shall include the following items:
  - i. Proclamations, motions, resolutions, and ordinances, requested in writing, by any member of Council;
  - ii. Presentation of appointments, made in writing, by the Chief Executive;
  - iii. Resolutions and ordinances, requested in writing, and notification of executive actions relating to contracts by the County Manager;
  - iv. Resolutions and ordinances, requested in writing, by any Row Officer;
  - v. Resolutions and ordinances, requested in writing, by the Courts;

vi. All ordinances presented through agenda initiative petitions certified as sufficient by the Clerk in accordance with the provisions of Article VI of these rules.

3. The Clerk shall have available prior to the meeting a record of all matters to be presented at the meeting. The record shall consist of an agenda, copy of all ordinances and resolutions, appointments to be considered as well as other matters needing advance consideration. The date and time of the meeting shall be clearly stated on the agenda.

**B. Order of Agenda Items**

Following Call to Order, the order of business for each regular meeting of Council shall be as follows, unless a majority of the seated members of Council votes otherwise:

1. The Pledge of Allegiance
2. Optional Prayer, Invocation, or Moment of Silence
3. Roll Call
4. Addresses by the Chief Executive, reports of the County Manager, Independently Elected County Officials, the Courts, Committees, Liaisons, Special Advisory Groups, Agencies, or Speakers formally invited by Council
5. Proclamations and Certificates
6. Approval of Minutes
7. Public Comment on Unfinished Business Items
8. Presentation of Appointments
9. Official Action on Regular Business of Council: Reports of Committees and Ordinances, Resolutions, and Motions
10. Introduction of New Business of Council: Ordinances, Resolutions, and Motions
11. Good and Welfare
12. Public Comment on Any Other Items
13. Adjournment



**C. Procedure for Placing Items on the Agenda**

1. All items to be included on the agenda, except those submitted by Council Members, must be submitted in written and electronic form to the Clerk no later than 11:00 a.m. the Thursday prior to a regular meeting of Council in the format prescribed by these rules. Each item shall be accompanied by a cover letter from the requesting sponsor and a summary of the legislation being presented.
2. All items which fall under the jurisdiction of the Chief Executive shall be submitted to the Clerk through the County Manager.
3. All items to be included on the agenda sponsored by Council Members, must be submitted in written and electronic form to the Clerk no later than 11:00 a.m. the Friday prior to a regular meeting of Council in the format prescribed by these rules.
4. All pieces of legislation shall include a title that clearly indicates the purpose of the legislation. Legislation amending existing law shall also be noted as such in the title. All pieces of legislation shall include severability and repealer language and an appropriate page for enactment information, signatures and attestation as provided by the Clerk.
5. Legislation amending existing law shall be presented by ~~utilizing Microsoft Office Tools track changes~~ to indicate language that is being omitted and inserted. Amendment may also be reflected by providing the language within the existing law, followed immediately by noting the language that would replace it. ~~If utilizing this option, sponsors should also submit the existing law to the Clerk for reference.~~
6. Each piece of legislation shall state the sponsor of the legislation. If a council member is the sponsor of legislation and wishes to list another member as co-sponsor, the co-sponsor must communicate this to the Clerk. If a member wishes to co-sponsor another member's legislation, the sponsor has the option of accepting or rejecting co-sponsorship and must communicate this to the Clerk.

**D. Non-Agenda Items**

The Council may take action on ordinances, resolutions and motions not appearing on the posted agenda under any of the following conditions:

1. Legislation resulting from an emergency situation as defined in Section 307.01(D) of the Administrative Code;

2. Upon determination by the President or the Presiding Officer that there is a need to take immediate action and that the need to take action came to the attention of the Council subsequent to the agenda being posted;
3. Council members may introduce items not on the agenda by motion. The motion may be acted upon by the Council, referred to committee, or by majority vote of Council, postponed to another meeting.

**E. Posting of Agendas**

The agenda for ~~any~~ all regular meetings of Council shall be made available the Friday before the scheduled meeting. For rescheduled or special meetings shall be made available to the public no later than twenty-four (24) hours prior to the stated rescheduled or special meeting. In addition, the agenda for all meetings shall be posted in a conspicuous place in the Courthouse and on the Allegheny County website.

**ARTICLE IV. LEGISLATION & LEGISLATIVE ACTION.**

**A. Legislation**

Council shall take official action by ordinance, resolution, or motion. All legislation must be submitted to the Clerk in the proper format as determined by the Clerk and these Rules. All bills with the exception of general appropriations bills shall contain no more than one subject, clearly expressed in their titles. All bills shall be presented in one of the following forms:

1. **Ordinance** – An ordinance is the most formal of the actions presented to Council. Council Members, the County Manager, Independently Elected County Officials, and the Courts may sponsor ordinances and present them to the Council in writing. Members of the general public may also present ordinances through the Agenda Initiative Petition process described in the Administrative Code. Public notice must be given of the introduction and it must be read by title at two (2) general or special meetings of Council separated by at least seven (7) days.
2. **Resolution** – A resolution is a formal, written request for Council consideration sponsored by Council Members, the County Manager, an Independently Elected County Official, or the Courts. Introduced in written form, resolutions must be identified on the agendas of convened meetings of the Council. Public notice must be given of the introduction and it must be read by title at two (2) general or special meetings of Council separated by at least seven (7) days.
3. **Motion** – Motions shall be formal requests for some specifically identified action or shall express the sense of Council on specifically identified subject matter. Motions' shall not require public notification prior to passage, the approval of the

Chief Executive, or second or subsequent readings. A motion is adopted or defeated by simple majority vote of the seated members of Council. Motions are also used to receive and file correspondence from the Chief Executive and other elected and appointed County officials. The order of motion is governed by Robert's Rules of Order.

4. **Amendments** – Any member may move to amend legislation provided that the proposed amendment is germane to the subject of the original legislation. Amendments to ordinances, resolutions and written motions must be presented in writing. If amending existing law, such amendment shall indicate present language to be omitted and new language to be inserted pursuant to the provisions of these Rules. Amendments to formal verbal motions may be presented orally upon the consent of the sponsor to amend. Amendments made by committee shall not be subject to subsequent approval by the Council, but nothing shall preclude the amendment of such legislation on the floor.
5. **Emergency Ordinances & Resolutions** – Emergency ordinances and resolutions may be introduced by the Chief Executive, County Manager, or Council Members and shall contain a declaration that an emergency exists and clearly describe the emergency in specific terms. Emergency ordinances and resolutions must be accompanied by a motion to waive the second reading, may be adopted by a majority vote of Council without prior notice, and may be effective immediately. All emergency resolutions and ordinances shall expire after thirty (30) days unless re-enacted by a formal vote of Council at a general or special meeting. After initial adoption of an emergency ordinance or resolution, the Clerk shall follow the publication requirements for other legislation.
6. **Proclamations & Certificates** – Proclamations and certificates are ceremonial acknowledgements, sponsored by a council member, whereby Council recognizes some event, person, or group for an activity or outstanding achievement. Council members wishing to sponsor a proclamation or certificate must provide all information needed to compose the document. ~~to the appropriate staff person three (3) days prior to the date it is needed.~~ Council members may read the proclamation or certificate into the record, present it at a function other than a Council function, or send it to the recipient. If the proclamation or certificate is to be presented during a Council meeting, the deadlines established to place items on the agenda apply. If information is not available, and the appropriate staff person needs to contact someone, a reference person and telephone number should be given well in advance of the date that the proclamation or certificate is needed. See Section VII and Attachment A for additional information regarding proclamations and certificates.
7. **Appointments** – Council shall receive recommendations for appointments to Boards, Authorities, Commissions, and other units of County government made by the Chief Executive at a regularly scheduled meeting of Council. Council may

also make recommendations as permitted by applicable law. Recommendations shall be submitted to the Clerk in letter form, addressed to all members of Council, and shall contain no more than one name. The letter shall include the name, address, and phone number of the candidate and the term of office for which the candidate is recommended. ~~and the name of the person the candidate will replace.~~ Upon presentation of the appointment, the legislation will be referred to the appropriate committee for deliberation where all candidates will be interviewed, and the committee shall make a subsequent recommendation to the full Council. Council must, by motion, act to confirm or reject appointments within forty-five (45) days or the appointment shall be effective as though Council had confirmed it.

- a. Beginning February 1, 2008, to the extent that Council appoints at least one member of the Allegheny County Retirement Board under the terms of §5-1017.01 of the Administrative Code of Allegheny County or other applicable statute, Council's Budget Director shall be appointed to the Board by Council.

## **B. Legislative Action**

1. No ordinance or resolution shall be considered until it is given a first reading, referred to a committee, printed for the use of the members, returned from committee, and given second reading, unless:
  - i. A motion to waive the second reading is approved by two-thirds of the seated members of Council;
  - ii. A motion to pull a bill from committee is approved by two-thirds of the seated members of Council, if such motion is made fewer than sixty (60) days from the date of the first reading of the bill; or
  - iii. A motion to pull a bill from committee is approved by a majority of the seated members of Council, if such motion is made after sixty (60) days from the date of the first reading of the bill.
2. All proposed ordinances, resolutions, and motions introduced to Council for a final vote shall be passed by an affirmative vote of the majority of the seated members of Council unless the legislative action requires an affirmative vote of two-thirds (2/3) of the seated members of Council, as follows:
  - i. A motion intended to override a veto by the Chief Executive;
  - ii. A resolution to authorize inquiries and investigations; or
  - iii. An ordinance levying taxes.

- iv. An ordinance creating a new fee for county services or increasing an existing county fee.
3. In lieu of a vote of approval, Council may hold any piece of legislation until a future designated time by an affirmative vote of a majority of the seated members of Council. All motions to hold must contain a specified time period or condition upon which the bill will be brought before the full Council for reconsideration.
4. Council may also table any piece of legislation by an affirmative vote of a majority of the seated members of Council. An affirmative vote of two-thirds (2/3) of the seated members of Council is require to untable a bill.
5. All proposed motions, resolutions, and ordinances may be withdrawn by the primary sponsor or primary sponsors at any time before a vote is called. For the purposes of this section, a "primary sponsor" shall be defined as any Council Member who ~~participated in the~~ initially requested a bill to be drafted. If more than one member made the initial request, all such Members must request the ordinance, resolution, or motion be withdrawn. Any Council Member requesting to be added as a sponsor after a bill is either (1) circulated to the full Council for co-sponsorship or (2) placed upon the agenda for introduction shall be deemed to be a co-sponsor. Any other individual authorized to introduce legislation by these rules may also be a primary or cosponsor of legislation.

**C. Fiscal Notes**

1. Any Ordinance which contains specific language explicitly requiring an expenditure of County funds or 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 any ordinance 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.

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 Manager. Upon receipt of the request, the Budget Manager shall have ten (10) days to provide the Chair with a fiscal note pursuant to these Rules.
4. In preparing a fiscal note in accordance with the requirements of this Rule, the Budget Manager 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 Manager, 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.
6. The fiscal note shall accompany the subject legislation when reported from committee and shall be provided to all Council Members by the Chair of the appropriate committee immediately upon his or her receipt of the fiscal note from the Budget Manager. The fiscal note shall provide the following information as applicable:
  - i. A general statement of the fiscal effect that the proposed ordinance 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 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 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 for the

current year and each of the next two succeeding fiscal years; and

- v. 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 Manager 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.
  9. 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.

**D. Tax Increment Financing (TIF)**

1. When considering legislation authorizing participation in tax increment financing, Council will utilize tax increment financing:
  - a) Principally to facilitate the creation of high-quality employment opportunities;
  - b) For uses that are consistent with applicable comprehensive plans and the appropriate municipal land use ordinances, as they apply to the proposed project site; and taking into account environmental impact, the desired redevelopment of brownfields, and the fabric and general needs of the community to ensure that investments are made in the appropriate locations, that sustainable design is encouraged, and that green space and other community assets are strengthened and protected;

- c) Where its use adds aggregate value to the regional economy;
- d) In areas so designated by applicable comprehensive plans, and which take advantage of existing public infrastructure investment;
- e) Principally in areas suffering economic distress, such as deteriorated urban areas and brownfields;
- f) When there is a good faith effort on the part of the developer for participation in the project by existing Southwestern Pennsylvania residents, including individuals and small businesses;
- g) Where the project in question does not have substantial adverse environmental effects; and
- h) Only to assist with the financing of public improvements, public infrastructure, and such other appropriate uses as are detailed in the Tax Increment Financing Act, 53 P.S. § 6930.5.

~~2.~~ Participation in the tax increment financing will only be to the extent necessary to make a project viable and subject to the recommendation of the County's Department of Economic Development. ~~at a maximum participation rate of 60% unless:~~

- ~~a) A sliding scale for participation will be used depending on the proportion of retail uses within the project, as measured by square footage, with projects with little or no retail eligible for the County's maximum participation; and~~
- ~~b) Projects that create significant economic impact in depressed communities can have a maximum participation rate of 75%.~~

3. The Allegheny County Department of Economic Development shall request County Council to approve a Resolution of Intent to Participate in the preparation of a TIF Plan. Pursuant to the TIF Act, the resolution assigns the Department the responsibility to work as part of a TIF Committee composed of representatives from each of the taxing bodies to prepare the proposed TIF Plan. Where feasible, the TIF Committee shall also include the Council Member in whose district the proposed project is located.

4. Prior to determining whether to approve a TIF District and/or participate in another municipality's TIF District, the Department of Economic Development shall request County Council to approve a Resolution to Participate. Such action shall be discussed at two regular meetings of Council's Economic Development



Committee and two regular meetings of the full Council before action is taken. The request shall include, at a minimum a summary of the project benefits. ~~the following information:~~

- ~~a) A completed, standard and uniform Allegheny County Department of Economic Development Tax Increment Financing application form;~~
- ~~b) A detailed breakdown of the proposed uses of the proceeds from the tax increment financing agreement;~~
- ~~c) A preliminary site plan for the proposed development;~~
- ~~d) A report paid for by the developer, but commissioned by the Department, identifying the economic impacts of the project on the County, including projected and estimated direct and indirect revenues and costs; the conditions constituting blight; and a discussion of all other applicable policy considerations including public investments that will likely be induced by the approved TIF (road, water, sewer, public transportation, etc.);~~
- ~~e) Substantiation of compliance with provisions of applicable municipal and county comprehensive plans; and~~
- ~~f) A written recommendation from the Department Director on whether the County should approve a TIF District and/or participate in another municipality's TIF District.~~

5. Every TIF agreement shall include a plan or formula that would be applied if the owner sells the development during the term of the TIF. The plan or formula would result in a sharing of the revenues with Allegheny County, not to exceed the cost of the TIF to the County.
6. The Department and County Council shall have the prerogative to amend the percentage of the TIF when presented or grant an abatement instead, depending upon the merits of the project.

**ARTICLE V. BUDGET PROCESS.** *(Amended 8/30/05 – Bill No. 1939-05)*

The County budget year is coterminous with the calendar year. Balanced operating and capital budgets for the next fiscal year must be adopted by resolution of Council no later than twenty-five (25) days before the end of the current fiscal year.

**A. Presentation of the Comprehensive Fiscal Plan**

1. The Chief Executive must appear before Council to deliver a budget message and submit the Comprehensive Fiscal Plan (the Plan) containing proposed balanced operating and capital budgets no later than seventy-five (75) days before the end of each fiscal year.
2. The President will receive the Plan and refer it to the Budget & Finance Committee for review and analysis. A copy of the Plan as submitted will be available for public review in Council's offices. It is the responsibility of the County Manager to make available for public distribution summaries of the Plan and the budget message.

**B. Hearings** – The Budget & Finance Committee shall hold a minimum of two (2) public hearings at which County Officials, the Courts, and the Directors and Managers of major County expenditure centers will present their request for appropriation for the next fiscal year. Time will be allotted at each hearing for the public to address the committee. The hearings must be held at least two (2) weeks prior to the adoption of the budget.

**C. The Deliberation Process**

1. The Budget & Finance Committee will meet in session upon completion of the hearings to deliberate about the requests for appropriation. All Council Members shall be given the opportunity to attend and participate in these meetings. The committee will produce a series of recommendations resulting in balanced budgets that may consist of additions, deletions, increases, or decreases to any proposed appropriation. The committee will present their recommendations to Council in the form of a resolution calling for the adoption of the budgets as presented by the committee. The committee shall also prepare an ordinance, which will precede the budget resolution on the agenda, fixing the rates of taxation on real property taxable for County purposes that, together with all other estimated revenues, shall raise a sufficient sum to meet the expenditures contained in the operating budget. In fixing the rate of taxation in mills, the ordinance must also include a statement expressing in dollars and cents the rate of taxation on each one hundred dollars (\$100) of assessed valuation of taxable real property. The Budget Manager, at the direction of the Budget & Finance Committee Chair, will prepare the ordinances and resolutions.
2. The real estate property tax levied cannot exceed the rate of thirty-five (35) mills for general operating purposes, although an additional five (5) mills restricted to the Community College may also be levied. The rate of taxation for payment of interest and principal on any indebtedness incurred pursuant to the "Local Government Unit Debt Act" or any prior or subsequent act or ordinance governing the incurrence of indebtedness is unlimited. The latter is

generally referred to as the levy for debt service. The ordinance shall also fix the discount rate, if any, permitted on the payment of current real property tax paid during a specified period.

3. The ordinance shall also set the rates for penalties and interest on all current County real estate taxes which remain unpaid after the due date.

#### **D. Rules for Proposing Modifications to Budgets**

1. Council members may propose amendments to the budget legislation under consideration. All amendments must be submitted in writing to the Budget & Finance Committee Chair with a copy to the Budget Manager at least two (2) hours prior to the start of the meeting where the amendment will be introduced. ~~last scheduled committee meeting before the second reading of the tax ordinance and budget resolution at a meeting of Council.~~
  - i. All proposed changes to the budget must be in writing.
  - ii. All proposed changes submitted to the Budget & Finance Committee will be considered for inclusion. A simple majority vote of the seated committee members in the affirmative will amend the original legislation. The vote for recommendation will then be taken by the Committee on the amended budget pursuant to the provisions of the Home Rule Charter, the Administrative Code, and these Rules.
  - iii. Proposed amendments may be submitted in person at a committee or regular meeting. In the event that the person proposing the amendments cannot attend the meeting, they may submit the amendments through another committee member with a copy to the Council's Budget Manager. Amendments must address both expenditures and revenues in order to maintain a balanced budget unless the amendment is intended to reduce the overall spending level without affecting revenues. Amendments in committee shall not preclude the presentation of amendments at a regularly scheduled Council meeting, provided that the content of said amendments is in compliance with this Section.
2. A final vote will be taken by the entire Council at a meeting scheduled no less than seven (7) days after introduction of the ordinances and resolutions.

**ARTICLE VI. AMENDMENTS AND WAIVER OF THE RULES.**

- A. **Amendments** – All amendments to the Rules of Council shall be in the form of a motion and must receive an affirmative vote of the majority of the seated members of Council.
- B. **Waivers** – A motion to waive temporarily any specific rule of Council may be made at any scheduled meeting of Council. If seconded, such motion shall be voted upon without debate and must receive an affirmative vote of two-thirds of the seated members of Council.

**ARTICLE VII. SOLICITOR CONTRACT TERM**

Beginning in 2021, the contract for the solicitor will be for twelve months, unless contract identifies a different length, beginning on February 1<sup>st</sup> of each year and ending on January 31<sup>st</sup> of each following year.

**ARTICLE VIII. SOCIAL MEDIA**

County Council has a Facebook and Twitter page where information about Members and their districts are displayed. The following is adhered to when utilizing social media and Members are encouraged to adhere to these policies on personal social media pages when discussing Council business.

- Comments must relate to topic being discussed in the original post.

Comments must NOT contain:

- Profanity or vulgar language.
- Personal attacks of any kind against Council members or anyone associated with Allegheny County Council.
- Illegal activity of any kind.
- Support of particular services, products or political organizations/ideas.
- Personal information such as an address, medical information or social security number.
- Political endorsements of any particular candidate for office or a particular stance on a currently active ballot measure or specific legislation.