

35-07-OR

Bill No. 3094-07

ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," Chapter 210, entitled "Authorities," by the creation of a new Article VI, governing the dissolution of existing County authorities.

WHEREAS, there are currently 69 active Authorities, Boards and Commissions created by or in part by Allegheny County to provide necessary services to the County's residents; and

WHEREAS, many of these authorities have come to provide services in an inefficient or uneconomical fashion, have developed accounting or other policies and procedures that are not in the best interests of the County's residents, or operate with a lack of transparency such that the County's residents are unable to discern the reasons for even the most significant of changes to the most vital of services and the authority has no accountability to the residents for its actions; and

WHEREAS, many authorities are created under the auspices of the Municipality Authorities Act, 53 P.S. §5601 *et. seq.*, which has been interpreted by the Courts to permit the municipality which created an authority to dissolve it by passage of the appropriate legislation, so long as the municipality assumes the obligations of the authority in the process; and

WHEREAS, the courts have also interpreted the Municipality Authorities Act to require that the municipality which created an authority to assume its revenues in connection with any function taken over pursuant to the dissolution of the authority, and that the municipality maintain those revenues in a separate fund used only for the maintaining or improving the assumed functions(s); and

WHEREAS, it is the desire of Allegheny County Council to provide a statutory delineation of the steps to be taken in dissolving any existing municipal authority formed by the County;

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

SECTION 1.

The Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," Chapter 210, entitled "Authorities," is hereby amended by the creation of a new Article VI as follows:

Article VI Dissolution of County Authorities

§210-19. Dissolution of Authorities Created by Allegheny County Pursuant to the Municipality Authorities Act.

Any authority delineated in §5-203.01 of the Administrative Code of Allegheny County or created wholly by Allegheny County under the terms of the Municipality Authorities Act, 53 P.S. §5601 *et. seq.*, shall be dissolved upon the enactment of a County ordinance containing the following elements:

- A. Explicit language accomplishing the dissolution of a specific, named authority created wholly by Allegheny County under the terms of the Municipality Authorities Act; and
- B. Specific delineation of the activity or activities of the authority to be assumed by the County; and
- C. Delegation of the assumed function(s) to one or more specific agencies or other entities within the County government; and
- D. Delineation of the revenues of the dissolved authority to be assumed by the County, and a description of the fund into which they will be deposited.
- E. The provisions of this section shall not be construed to authorize the dissolution of any authority where such dissolution would violate the express terms of an in-force contract, but the enactment of a dissolution ordinance under the terms of this section shall be deemed to both:
 - i. Preclude the extension, renewal, or any other lengthening of the term of an in-force contract subsequent to the date of enactment of the dissolution ordinance; and
 - ii. Automatically dissolve the named authority at the conclusion of the term of the in-force contract that was running at the time at which the ordinance was enacted, without further action by the County.

§210-20. Dissolution of Authorities Created Jointly by Allegheny County and One or More Other Municipalities Pursuant to the Municipality Authorities Act.

Any authority created by Allegheny County in conjunction with one or more other municipalities under the provisions of the Municipality Authorities Act, 53 P.S. §5601 *et. seq.*, shall be dissolved upon the enactment of ordinances containing and subject to the

elements required in §§210.19.A through E by every municipality that passed legislative enactments to create the authority.

§210-21. Dissolution of Authorities Created Pursuant to Other Statutes.

Dissolution of any authority created in whole or in part by Allegheny County under the terms of enabling legislation enacted by the Pennsylvania General Assembly shall be accomplished according to any procedures delineated within such enabling legislation. In the event that no such dissolution procedures are contained within the applicable enabling legislation, the County shall express its desire to dissolve an authority by enactment of a Resolution conveyed to the General Assembly and Governor.

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.

PRIMARY SPONSORS: COUNCIL MEMBERS REA and GASTGEB

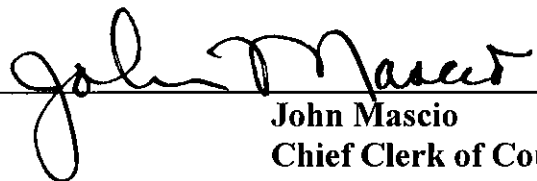
CO-SPONSORS: COUNCIL MEMBERS BURN, CALDWELL, DEFAZIO, DROZD, & FINNERTY

Enacted in Council, this 9th day of October, 2007,

Council Agenda No. 3094-07.

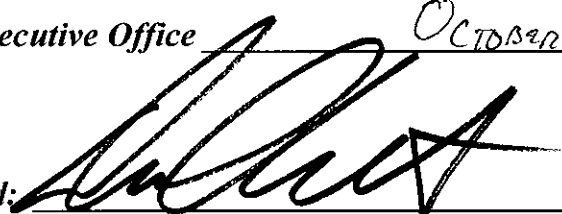


Rich Fitzgerald
President of Council

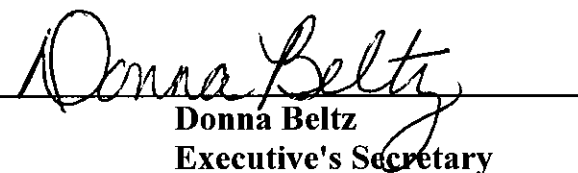
Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office October 19, 2007

Approved:  —

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary