

No. 08-26-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, repealing the existing provisions of Article 1013 of the Administrative Code of Allegheny County, entitled “Political Activity; Accountability, Conduct And Ethics Code,” and replacing it with an updated Article 1013 governing the same subject matter and entitled “Ethics Code.”

Whereas, Allegheny County is required to have an Ethics Code, pursuant to the terms of Article XI, §1 of the Home Rule Charter of Allegheny County; and

Whereas, the County’s Ethics Code is currently codified at Article 1013 of the Administrative Code of Allegheny County; and

Whereas, while the County’s Ethics Code has been amended from time to time since its adoption in 2001, its provisions have never been comprehensively reviewed and amended in order to update its provisions to reflect current parlance and make adjustments to refine the procedures and provisions contained therein; and

Whereas, it is accordingly the desire of Council to undertake such comprehensive review;

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

SECTION 1. Repeal of the Existing Article 1013.

- A. Article 1013 of the Administrative Code of Allegheny County, entitled “Political Activity; Accountability, Conduct And Ethics Code,” originally enacted through passage of ordinance 35-01-OR and amended from time to time thereafter, is hereby repealed in its entirety.
- B. The terms of office of all members of the ACE Commission appointed under the terms of the prior version of this Article shall be deemed to have expired on the effective date of this Article, but prior terms shall be counted toward the service limitation established in §5-1013.13.C of the new Article 1013. Previous ACE Commission members shall be subject to all required qualifications and prohibitions contained in the new Article 1013, should they be appointed to the new ACE Commission.

SECTION 2. Enactment of New Article 1013.

The Administrative Code of Allegheny County is hereby amended and supplemented by the enactment of a new Article 1013, entitled "Ethics Code," and comprised as follows:

ARTICLE 1013

Ethics Code

§ 5-1013.01. Short title.

This article and all amendments hereto shall be known and may be cited as the "Ethics Code."

§ 5-1013.02. Definitions.

The following words and phrases, when used in this code, shall have the meanings given to them in this section:

AUTHORITY OF OFFICE OR EMPLOYMENT — The actual power provided by law, the exercise of which is necessary to the performance of duties and responsibilities unique to a particular public office or position of public employment.

BUSINESS — Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

BUSINESS WITH WHICH HE/SHE IS ASSOCIATED — Any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or has a financial interest.

CAMPAIGN FINANCE REPORT — Any report reflecting campaign finance information relating to any Primary, General, or Special Election that is filed with the Allegheny County Division of Elections.

CANDIDATE — Any person seeking an elected public office, who has filed the required nominating petitions with the appropriate Board of Elections or, in the case of a special election, has received the nomination of his or her respective nominating party. The term shall include individuals nominated or elected as write-in candidates unless they resign such nomination or elected office within 30 days of having been nominated or elected.

COMMISSION OR ACE COMMISSION — The Accountability, Conduct and Ethics Commission.

CONFIDENTIAL INFORMATION — Information that is acquired in the course of official duties which is not available as a matter of public knowledge or public record or is not available by making inquiry to a publicly available source of information. Provided, however, that all information received, generated, retained, or otherwise in the possession of the ACE Commission shall be subject to disclosure in accordance with the terms of the Commonwealth's Right to Know Act. Under no circumstances shall this definition be read to permit the redaction of any portion of any document or other record provided to a Complainant or Respondent in a given ACE Commission action to any extent, other than to remove home addresses, personal e-mail addresses, and private phone numbers of individuals involved.

CONFLICT OR CONFLICT OF INTEREST — Use by a public official or public employee of the authority of his or her office or employment or any confidential information received through his or her holding public office or employment for the benefit of himself or herself, a member of his or her immediate family

or a business or organization with which he/she or a member of his or her immediate family is associated. The term does not include an action having a *de minimis* economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he/she or a member of his immediate family is associated. For the purposes of this Article, this term shall include benefits to Economic Interests, Financial Interests, or Personal Interests, as defined herein. For the purposes of this Article, Direct Conflict of Interest shall be deemed to refer to conflicts of interest relating to the public official or public employee himself or herself, and Indirect Conflict of Interest shall be deemed to refer to conflicts of interest relating to any family member or business associate of the public official or public employee.

CONTRACT — An agreement or arrangement for the acquisition, use or disposal by the County of consulting or other services or of supplies, materials, equipment, land or other personal or real property. The term shall not mean an agreement or arrangement between the County as one party and a public official or public employee as the other party, concerning his or her expense, reimbursement, salary, wage, retirement or other benefit, tenure or other matters in consideration of his or her current public employment with the County.

COUNTY OFFICIALS — Independently elected officers having powers, duties and responsibilities over a separately constituted County office. The term "County officials" shall be synonymous with the Controller, District Attorney, Sheriff, and/or Treasurer.

COUNTY OFFICERS — The Chief Executive and members of County Council.

COVERED PERSONS — All elected and appointed County officers, County officials and all County employees and members of County agencies. For the purposes of this Chapter, the term shall in all instances be deemed to include members of the Allegheny County Ethics (ACE) Commission.

DE MINIMIS ECONOMIC IMPACT — An economic consequence that has an aggregate economic impact that is less than the threshold for reporting gifts in the annual Allegheny County disclosure of financial interest or annual Commonwealth disclosure of financial interest, whichever is lower.

ECONOMIC INTEREST — Any economic consequence that has an aggregate economic impact that is not *de minimis*, as defined in this Section. For the purposes of this Article, this term shall be deemed to include (but not be limited to) any non-*de minimis* financial gain, loan, contract, license, or privilege.

FAMILY MEMBER — Parent, step-parent, spouse, spouse's parent, spouse's step-parent, child, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, cousin, aunt, uncle, grandchild and grandparent.

FINANCIAL INTEREST — Any financial interest in a legal entity engaged in business for profit, which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

GIFT — Anything that is received without consideration of equal or greater value. The term shall not include a political contribution otherwise reported as required by law or a commercially reasonable loan made in the ordinary course of business.

HONORARIUM — Payment made in recognition of published works, appearances, speeches and presentations and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of *de minimis* economic impact.

INCOME — Any money or thing of value received or to be received as a claim on future services or in recognition of services rendered in the past, whether in the form of a payment, fee, salary, expense,

allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, reward, severance payment, proceeds from the sale of a financial interest in a corporation, professional corporation, partnership or other entity resulting from termination or withdrawal therefrom upon assumption of public office or employment or any other form of recompense or any combination thereof. The term refers to gross income and includes prize winnings and tax-exempt income. The term does not include gifts, governmentally mandated payments or benefits, retirement, pension or annuity payments funded totally by contributions of the public official or employee or miscellaneous, incidental income of minor dependent children.

MINISTERIAL ACTION — An action that a person performs in a prescribed manner in obedience to the mandate of legal authority, without regard to or the exercise of the person's own judgment as to the desirability of the action being taken.

NOMINEE — Any person whose name has been submitted to a public official or governmental body vested with the power to finally confirm or reject proposed appointments to public office or employment.

NONMINISTERIAL ACTIONS — An action in which the person exercises his or her own judgment as to the desirability of the action taken.

OFFICIAL DUTY – Any duty, obligation, power, or authority conferred to any Covered Person pursuant to County, Commonwealth, or Federal law or regulation.

PERSONAL INTEREST – Any non-economic factor(s) that may influence a Covered Person in the exercise of their official duties. For the purposes of this Article, Personal Interests shall include (but not limited to) negotiated exchanges of votes or support of legislative matters, committee assignments or appointments to unpaid seats on any County board, authority or agency, tax incentives, licensing and/or inspections, and infrastructure or other improvements in a given Council district or location. The term shall not, however, include personal philosophical, religious or professional beliefs.

POLITICAL CONTRIBUTION — Any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, purchase of a ticket to a testimonial or similar fundraising affair, or subscription of money or anything of value, except volunteer services, in connection with a political campaign or for any partisan political purpose, and any contract, agreement, promise or other obligations, whether or not legally enforceable, to make a political contribution.

PUBLIC EMPLOYEE — Any individual employed by the County who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- A. Contracting or procurement;
- B. Administering or monitoring grants or subsidies;
- C. Planning or zoning;
- D. Inspecting, licensing, regulating or auditing any person; or
- E. Any other activity where the official action has an economic impact of a greater than de minimis nature on the interests of any person.

REPRESENT — To act on behalf of any other person in any activity which includes, but is not limited to, the following: personal appearances, negotiations, lobbying and submitting bid or contract proposals which are signed by or contain the name of a former public official or public employee.

§ 5-1013.03. Purpose.

- A. The purpose of this Ethics Code is to set forth the details for the accountability, conduct and ethics of Allegheny County (County) government consistent with the provisions of the Home Rule Charter of Allegheny County as adopted on May 19, 1998, and all applicable laws of the Commonwealth of Pennsylvania.
- B. Allegheny County's elected and chief appointed officials set the ethical tone and environment that will prevail in the County. It is the special obligation of these officials to set the example of proper comportment, to communicate to all County personnel the ethical conduct that is expected, and to hold supervisors accountable for the enforcement of this Ethics Code.

§ 5-1013.04. Rules of construction.

For the purposes of this Accountability, Conduct and Ethics Code, the following rules of construction shall be observed unless otherwise provided in this Code and unless the context clearly indicates otherwise and unless the application of such rules would result in a construction inconsistent with the manifest intent of Council:

- A. "Shall" is mandatory and "may" is permissive.
- B. The singular includes the plural, and the plural includes the singular. Words used in the masculine gender include the feminine and neuter. Words used in the past or present tense include the future.
- C. The arrangement and classification of the code have been made for the purpose of a convenient and orderly arrangement. No inference, implication or presumption of legislative construction shall be drawn because of the location of any provision, nor shall any outline, analysis, index or descriptive matter relating to the contents of the code be given any legal effect.
- D. Any word not specifically defined shall be construed according to its common usage unless the context or the manifest intent of Council clearly indicates otherwise.
- E. Title, article, chapter, section and section subdivision names are part of this code. However, reference to titles, articles, chapters, sections or section subdivisions are not intended to be exclusive, or to exclude other titles, articles, chapters, sections or section subdivisions which may be applicable.
- F. Whenever a provision appears requiring the director of a department or division of the County to do something, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act unless the terms of the provision or section require otherwise.

§ 5-1013.05. Initial/Annual disclosure of interest.

- A. All elected and appointed County officers, County officials and public employees shall file with the County Manager a written statement in a form determined and published by the Ethics Commission, and listing at a minimum:
 - (1) All gifts, except those from a family member or close personal friend when it is clear that the motivation for the gift is based on the family relationship or traditional practices among close friends, valued over \$100 and the name of the person or entity that gave the gift;
 - (2) The names and addresses of corporations, fictitious names, partnerships, business entities or enterprises in which the individual has a financial interest or investment resulting in

holding more than 5% of the equity or more than 5% of the assets of the economic interest of indebtedness;

- (3) Every office or directorship held in any entity, either public or private, including any nonprofit entity;
 - (4) Street addresses of all real property owned in Allegheny County; upon application to the ACE Commission by an individual, this requirement may be waived for good cause; and
 - (5) If the individual has a family member who is employed by Allegheny County or any of its affiliated boards, agencies, or authorities, the first and last given names and addresses of those family members and their relationship to the individual.
- B. The initial disclosure statement must be filed with the County Manager within 90 days of the adoption and publication of a disclosure form by the ACE Commission. New employees who are required to file a disclosure statement shall do so within 30 days of their hire date.
- C. The annual disclosure statement must be filed with the County Manager on or before May 1 each calendar year.
- D. The requirements set forth in this Code do not replace those in the State Elections Law and do not constitute the filing of financial interest forms or expense reports as is otherwise required by law.
- E. In the event that any Covered Person experiences a change in conditions that would alter reporting of information under Subsections A.2. through A.5., such Covered Person shall, within 90 days, file an amended disclosure of interest reflecting the change with the Ethics Commission. The Commission shall attach all amended disclosures to the original filing for the calendar year in which the change is filed.
- F. Any individual who fails to file the disclosure statement required in this Code by the deadlines established in this Section shall be given 30 days to file such statement and thereafter shall be subject to disciplinary actions found within § 5-1013.28, which may include the withholding of compensation and/or expense reimbursements until such time that the disclosure statement is filed with the County Manager.
- G. The ACE Commission may review documents filed under the terms of this Section at its own discretion.

§5-1013.05.A. Campaign Finance Reports.

Within 30 days of the deadline for filing campaign finance reports, the Division of Elections shall forward electronic copies of all campaign finance reports (as defined in this Article) filed to the ACE Commission. In addition to any penalties prescribed by applicable County, Commonwealth, or Federal law, failure to file any Campaign Finance Report required by County law shall also constitute a violation of this Article. The ACE Commission may review documents filed under the terms of this Section as provided for in §5-1013.22.D.

§ 5-1013.06. Applicability of Code of Accountability, Conduct and Ethics.

All Covered Persons shall be subject to the provisions on restricted activities/standards of conduct set forth in this article.

§ 5-1013.07. General ethical obligations.

- A. All Covered Persons will be held accountable within the structure of their respective Department(s), Division(s), or Office(s) for adherence to the standards set forth in this Section. In matters of ethical dilemmas and conduct not covered under this code, all covered persons are expected always to reflect on, and serve, what they believe to be in the public interest and not to serve personal interests and gain.
- B. All Covered Persons are subject to and are expected to be familiar with this Ethics Code, and the Pennsylvania Public Official and Employee Ethics Law, Act 93, Chapter 11, of 1998.
- C. Individual departments and agencies may, as necessary, recommend conduct and procedures not inconsistent with this code specifically applicable to the work of the department or agency. Such standards and procedures shall be forwarded to the County Manager for submission to County Council for approval.
- D. Honor and integrity.
 - (1) Dedicate themselves to the highest ideals of honor and integrity in all public relationships in order to merit the respect and confidence of covered persons, and the public.
- E. Serve the public interest.
 - (1) Serve the best interests of the public at all times with the recognition that this is the chief function of government.
 - (2) Seek to employ efficient and economical ways of accomplishing necessary tasks and functions.
- F. Under no circumstance shall an alleged violation of the general ethical obligations contained within this Section serve as the foundation for any complaint or action by the ACE Commission, or result in any recommendation for remedial action by the ACE Commission. Only actions specifically proscribed or required under the terms of §5-1013.05, §5-1013.05.A., or §5-1013.09 shall be grounds for any such complaint, action, or recommendation.

§ 5-1013.08. Notification to covered persons.

- A. The County Manager shall be responsible for communicating to all covered persons the provisions of this article. These provisions shall be covered as part of orientation for new and current employees and included in the employee handbook.
- B. Part of each orientation shall be devoted to a discussion of the Accountability, Conduct and Ethics Code, and each person shall receive a personal copy. As a condition of continued employment, each person shall sign a statement to the effect that he or she has received such copy, understands its contents, and agrees to abide by established policies.

§ 5-1013.09. Standards of conduct.

All covered persons shall set and follow an example of proper conduct that shall include the following:

- A. Confidentiality and disclosure.
 - (1) Other than in the performance of his or her official duties, no covered person shall disclose, for the benefit of his or her Economic Interest or Personal Interest, or for the benefit of the Economic or Personal Interest of others, confidential information acquired by reason of his

or her public position. Confidential information shall include information concerning and related to personnel matters, collective bargaining and arbitration, the purchase or lease of real estate, litigation and potential litigation, investigations of violations of the law and quasi-judicial deliberations, and the non-property tax records of individuals.

B. Financial disclosures.

- (1) The requirements for disclosure of financial interests shall be those set forth in § 5-1013.05 and any other applicable state or federal law.
- (2) The requirements for disclosure of campaign finances shall be those set forth in § 5-1013.05.A and any other applicable state or federal law.

E. Gifts, loans, benefits, and considerations; accepting improper influence.

- (1) No covered person shall solicit, directly or indirectly, or accept a gift, loan, reward, promise of future employment, benefit or consideration in exchange for any exercise of his/her Official Duty from:
 - (a) A person or business having a financial relationship with the County, whether established by contract or other agreement, or by the exchange of any payment(s), good(s) or service(s) provided to the County;
 - (b) A person or business whose operations or activities are regulated or inspected by the County;
 - (c) A principal and/or attorney in proceedings in which the County is a party;
 - (d) Any person or business where the performance or nonperformance of any official duty may be influenced or affected;
 - (e) Any person or business receiving a tax abatement or exemption from the County. For the purposes of this Subsection, this shall include (but not be limited to) temporary or permanent exemptions under the terms of the Tax Increment Financing Act, the Local Economic Revitalization Tax Assistance Act, the Institutions of Purely Public Charities Act, or any other applicable Commonwealth or Federal statute; or
 - (f) Any entity during the negotiation or term of any payment in lieu of taxes (PILOT) agreement with the County.

F. Private business/financial interests; exerting improper influence.

- (1) No covered person shall engage in any business transaction or private employment, or have any Conflict of Interest which is to the detriment of the proper discharge of his or her Official Duties.
- (2) No covered person shall use, or attempt to use, his or her position to obtain financial gain, a loan, a contract, license, privilege, or other personal advantage, either direct or indirect.
- (3) No covered person shall attempt to influence the course of proposed County Council legislation in which he or she, or a family member or business associate has a present or potential Conflict of Interest.
- (4) No covered person shall offer any item(s) or action(s) in order to influence any covered person's exercise of discretion in his or her official duties.

- (5) No covered person shall threaten any action(s) perceived to be disadvantageous by a covered person in order to influence that covered person's exercise of discretion in his or her official duties.

G. Patronage/Nepotism.

- (1) No Covered Person shall exert, negatively or positively, his or her influence to gain, or attempt to gain, preferential or detrimental treatment on behalf of an applicant for employment or advancement with the County.
- (2) No Family Member of a County Official or County Officer shall be permitted to obtain full-time employment with the County or agency except through election to a public office.
- (3) No Covered Person shall directly or indirectly supervise a Family Member.
- (4) Exceptions:
 - (a) Where the Family Member is employed by the County prior to the election of a related County Officer or County Official or appointment of a related agency member;
 - (b) Where, after the County Officer or County Official has obtained elected office, or an agency member has been appointed, an individual employed by the County becomes a Family Member;
 - (c) Where individuals were employees prior to the adoption of this code; or
 - (d) For good cause shown, as established under this article, where the County would suffer hardship as a result of the prohibition.

- H. Fees for service restriction. No Covered Person shall, for a fee or other financial or in-kind compensation, use the influence of his or her position to provide a special service or favor to an individual.
- I. Offering special benefits. No Covered Person shall grant, offer, or provide any privilege or service beyond that which is available to all other similarly situated persons, businesses or entities.
- J. Honoraria. No Covered Person shall accept an honorarium for any activity related to his or her official capacity. Covered Persons may, however, accept normal travel, meals and awards from civic or business groups.
- K. Contracts. No Covered Person, or a Family Member of a Covered Person, or a business or organization with which such individual is associated, may have an interest in a public contract if the Covered Person is authorized to exercise discretion over the contract.
- L. Former association. No former Covered Person shall represent a person, corporation or business with promised or actual compensation, on any governmental matter before the County government or any of its agencies with which he or she has been associated for two years after he or she leaves that body.
- M. Voting conflict. Every Covered Person shall publicly disclose any direct or indirect Conflict of Interest in any proposed legislation on which he or she would be eligible to vote. Covered Persons who, in the discharge of their official duties, would be eligible to vote on a matter that would result in a direct or indirect Conflict of Interest shall abstain from voting and, prior to the vote being

taken, publicly announce and disclose the nature of the Conflict of Interest as a public record. In the event that the nature of the interest is not disclosed prior to a Covered Person casting a vote on any legislative item, such Covered Person's vote on that item shall be deemed invalid and not counted for the purposes of tabulating the results.

N. Misuse of County resources.

- (1) No Covered Person shall use, request, or permit the use of County resources, including, but not limited to, motor vehicles, equipment, and materials, and/or employee time except for County purposes.
 - (a) Under no circumstance shall any Covered Person receive any reimbursement for mileage accrued during any vehicle usage for any purpose not authorized by this Section.
 - (b) To the extent required by applicable Federal or Commonwealth law or regulation, any Covered Person issued a County owned or leased motor vehicle shall receive an annual delineation of the value of the fringe benefit conferred by the use of the vehicle for income tax purposes.
 - (c) For the purposes of mileage reimbursement under the terms of this Section, participation in any partisan political function, including but not limited to, any campaign appearance by any candidate for any political office, events sponsored or undertaken by any political committee, or any event held in whole or in part to raise funds for use in support of any candidate's campaign for any political office, shall be deemed not to relate to any County purpose, and, accordingly, shall not be subject to any form of reimbursement by Allegheny County. Travel to or from any polling place during any Primary, General or Special Election Day shall be subject to mileage reimbursement to the extent that such travel is undertaken within the scope of such Covered Person's employment with Allegheny County, including but not limited to functions such as delivering or servicing voting machines, delivering supplies, or otherwise aiding in the function of such polling place(s).
- (2) No Covered Person shall use County mail to transmit mail that is personal or political in nature.
 - (a) Official mail is mail which relates to the official duties of all applicable employees of the government of Allegheny County and which is authorized to be transmitted in the mail through the Department of Administrative Services, or through an outside vendor under contract with the County or County employee.
 - (b) Official mail and prohibitions thereof shall also include those definitions provided for within Ordinance No. 52-03-OR.

O. Political activity.

- (1) Employees shall have the right to hold membership in a political party, to vote, to express publicly or privately opinions on political subjects and candidates, to maintain political neutrality, and to otherwise participate in political meetings and activities. Employees must engage in all such activities as private citizens, away from County workplaces, out of uniform and during nonworking hours, except union officers in the normal conduct of union activities.

- (2) No Covered Person shall use the authority or influence of his or her office for the purpose of interfering with the result of an election. For the purposes of this Section, expression of personal preferences for a particular result in an election shall not be deemed use of authority, but the passage of any legislative item or exercise of any Official Duty endorsing any specific outcome shall be deemed use of authority.
 - (3) No Covered Person shall solicit, directly or indirectly, any employee reporting to such Covered Person to engage in political activity or to suggest that such covered employee engage in such political activity. No Covered Person shall solicit, directly or indirectly, campaign contributions from a person reporting to such Covered Person.
 - (4) County Council members may be employed in local, state or federal government, provided that County Council members so employed shall remain bound by all rules governing abstention or other ethical guidelines as they apply to the members' other government employment. For the purposes of determining whether conflicts of interest arise under the terms of this Subsection, both the elected official(s) for whom the Council member works and the branch of government in which they are employed shall be deemed businesses with which the Council member is associated.
- P. Discrimination. No Covered Person shall, in any way, engage in discrimination on the basis of actual or perceived race, religion, creed, national origin, age, disability, gender or LGBTQIA+ status; nor shall any Covered Person engage in any actions which are oppressive or which constitute harassment on the basis of such factors.
- Q. Whistleblowing.
- (1) Every Covered Person is encouraged to disclose any information which he or she believes may evidence a violation of any County, Commonwealth, or Federal law, rule or regulation.
 - (2) Every Covered Person is encouraged to disclose any information which he or she believes may evidence a clear misuse or waste of County funds, or an abuse of official authority, or which may result in articulable danger to the public's health or safety.
 - (3) Every Covered Person is encouraged to expose corruption wherever discovered.
 - (4) No Covered Person shall be penalized for, nor take any action to punish or otherwise disadvantage in any fashion whatsoever any individual – regardless of whether that individual is a Covered person - for engaging in any activity described in Subsections Q.1., Q.2., or Q.3.

§ 5-1013.10. Establishment of Accountability, Conduct and Ethics Commission.

- A. There is hereby established a five-member Accountability, Conduct and Ethics Commission, hereinafter the ACE Commission. The ACE Commission generally shall be empowered to receive, investigate and make findings and recommendations concerning complaints alleging the violation of §5-1013.05, §5-1013.05.A, or §5-1013.09 of this Accountability, Conduct and Ethics Code.
- B. At all times and during all proceedings and other activities authorized under the terms of this Article, the Commission shall comport itself as an impartial factfinding body. Under no circumstances shall the Commission undertake the role of advocating for, against, or on behalf of any Complainant or Respondent; the Commission may ask questions of Complainants, Respondents, and witnesses, but the Commission's duty is to receive and evaluate factual information in relation to the provisions of this Article in an entirely objective fashion.

- C. The ACE Commission is an advisory body; any action taken relating to the Commission's recommendations shall be by the appropriate County Officers or County Officials, and must be undertaken in accordance with all existing Federal, Commonwealth, and County laws, regulations, and policies, as well as collective bargaining or other contractual obligations to the extent that they are applicable.
- D. Appointment
 - (1) Two members of the ACE Commission shall be nominated by the Chief Executive and shall be deemed confirmed with a majority vote of the seated members of Council;
 - (2) Two members shall be nominated by Council members individually specified in the nomination document, and shall be deemed confirmed with a vote of 2/3 majority of the seated members of Council;
 - (3) One member shall be nominated jointly by the Chief Executive and Council, and shall be deemed confirmed with a vote of a majority of the seated members of Council; and
 - (4) All appointments shall expressly include both a beginning and ending date of the term for which an individual is appointed to the ACE Commission, and under no circumstances may any such appointment delineate a term of longer than three (3) years. ACE Commission members shall not be eligible to serve on any date not within the term of office established in his or her appointment document.

§ 5-1013.11. ACE Commission member qualifications.

- A. Members of the Commission shall be voters of the County.
- B. No more than three of the members shall have the same political party affiliation.
- C. Each member of the Commission shall be at least 25 years of age and a resident of Allegheny County prior to appointment and throughout their term.
- D. Prior to appointment, each member of the Commission shall have at least five (5) years of demonstrable experience in considering and/or deciding issues of professional or government ethics. A master's, doctoral, or similar advance degree in ethics studies may be substituted for up to two (2) years of prior experience. General legal, judicial, governmental, or other similar general experience shall not be substituted for experience required by the terms of this Subsection under any circumstances.
- E. Appointments to the ACE Commission shall, to the extent practicable, reflect the geographic, ethnic, racial, and other diversity of the County.

§ 5-1013.12. ACE Commission prohibitions.

- A. Members of the Commission shall not be, nor for a period of five years prior to appointment have been, Covered Persons, or employees or employed or compensated by any County contractor.
- B. No member of the Commission may make any political contribution to any covered person or any candidate for County office while a member of the ACE Commission.
- C. Under no circumstances shall any ACE Commission member participate in the review, investigation, discussion, deliberation or resolution of any complaint in which that member is a Complainant, Respondent, or witness, or in which the Council member(s) or Chief Executive that

nominated that Commission member for appointment to the ACE Commission is a Complainant, Respondent, or witness. Under such circumstances the Commission member with the conflict shall publicly acknowledge the nature of such conflict and recuse himself/herself from all proceedings relating to such complaint.

- (1) In the event that a Commission member recuses himself/herself under the terms of this Section, the Commission shall immediately request that an interim replacement be named for the sole purpose of taking part in the complaint from which the conflict arose. The interim replacement must meet all of the eligibility requirements contained within this Article, and shall be appointed on an interim basis through the same procedure by which the recused member was appointed. Notwithstanding any other provision of this Article, proceedings relating to the complaint that gave rise to the conflict may be stayed for a maximum of forty five (45) days pending the appointment of an interim replacement.
- (2) In the event that a Commission member with a conflict does not recuse himself/herself as required by this Section, the complaint giving rise to the conflict shall be dismissed with prejudice immediately if the conflict becomes known before the Commission makes a recommendation. If the conflict becomes known after the Commission makes a recommendation, such recommendation shall be null and void, and shall be stricken from the Commission's records.
- (3) In the event that a Commission member with a conflict does not recuse himself/herself as required by this Section, such member(s) shall be deemed to have resigned their seat, effective on the date on which the complaint giving rise to the conflict was filed, and shall be ineligible for any future appointment to the Commission. The provisions of this Subsection shall be self-executing, and not subject to review, alteration, or reversal under the terms of §5-1013.15 (relating to removal of Commission members).
- (4) Any covered person aggrieved by unpaid suspension or termination made upon recommendation by the ACE Commission pursuant to a complaint for which one or more Commission members did not recuse themselves pursuant to the requirements of this Section shall be entitled to file suit against the Commission member(s) for recovery of lost wages, benefits, and any other County compensation. In such suits, the court may also in its sole discretion assess additional damages not to exceed \$10,000 against the Commission member(s) who did not recuse themselves as required.

§ 5-1013.13. Terms of office of ACE Commission.

- A. The initial members of the ACE Commission shall be appointed to the following terms of office: the jointly appointed member shall be appointed for a term of one year; one member appointed by the Chief Executive and one member appointed by Council member(s) shall be appointed for a term of two years; ¶ and the remaining two members shall be appointed for a term of three years.
- B. Thereafter, all members shall be appointed for terms of three years.
- C. Under no circumstances may any individual serve more than six years on the Commission, and no Commission member may serve on any date not included within the term for which they are appointed.

§ 5-1013.14. Filling of vacancies on ACE Commission.

In the case of a vacancy on the ACE Commission apart from recusals under the terms of §5-1013.12, the respective appointing body shall, within 90 days of the vacancy, make an appointment to fill the unexpired term. Individuals nominated under the terms of this Section must meet all eligibility requirements established in this Article.

§ 5-1013.15. Removal of ACE Commission members.

ACE Commission members may be removed only for cause, upon approval by at least a two thirds (2/3) majority of the seated members of County Council. In any instance not involving failure of a Commission member to recuse themselves under the terms of §5-1013.12.C., notice of the pending removal shall be given to the Commission member(s) to be removed at least twenty one (21) days prior to a final vote on the removal. Any ACE Commission member to be removed may request, and upon request shall be granted, a hearing before the County Council, at which time such member may show cause why he or she should not be removed. Such hearings shall be held in public session, with a stenographer present.

§ 5-1013.16. Organization of ACE Commission.

Within 30 days of the appointment of the ACE Commission, the Commission shall hold its first meeting. At such meeting and at all times thereafter, the jointly appointed Commission member shall serve as the Commission's Chair. The Commission may select a Vice Chair, to serve in the Chair's capacity in the event of a recusal under the terms of §5-1013.12.C.3. or other unavailability of the Chair.

§ 5-1013.17. Quorum for ACE Commission meetings.

Three ACE Commission members shall constitute a quorum for the transaction of business. The ACE Commission shall conduct no business except in the presence of a quorum.

§ 5-1013.18. Compensation of ACE Commission members.

Members of the ACE Commission shall receive no compensation for the performance of their duties. Members of the ACE Commission shall be reimbursed for travel and other necessary expenses incurred in the course of the performance of their duties.

§ 5-1013.19. Minutes and records of ACE Commission.

- A. The Chairperson of the ACE Commission shall ensure that appropriate measures are taken to keep minutes of the Commission's proceedings and records of other official actions. Such records shall be kept and preserved in accordance with applicable law.
- B. Written verbatim minutes and/or audio recordings shall be kept of all proceedings of the Commission, regardless of whether such proceedings are open to the public, for at least two years after the date of such proceedings. Failure to keep all such minutes as established under the terms of this Section shall immediately vacate any resolution reached by the Commission in the matter for which the non-memorialized proceedings were held, and shall render all subsequent proceedings and/or recommendations made by the Commission related to the matter null and void.

§5-1013.19A. Testimony to ACE Commission.

All written and verbal testimony provided to the ACE Commission, regardless of the type of proceeding at which it is provided or the individual providing it, shall be given under oath and subject to penalties established pursuant to Commonwealth law, including but not limited to 18 Pa.C.S.A. §4903.

§ 5-1013.20. Rules and procedures of ACE Commission.

The ACE Commission shall adopt procedures and rules of conduct for its activities within 120 days of its first organizational meeting, provided that notice of any and all such procedures and rules is provided to both Council and the Chief Executive at least thirty (30) days prior to adoption. Such rules and procedures shall be public documents, and shall be made available to all Complainants and Respondents upon the initiation of any investigation by the Commission, and to any other individual(s) immediately upon request.

§ 5-1013.21. Administrative support for ACE Commission.

- A. The County, on behalf of the Commission, may retain the services of such agents and contractors, permanent or temporary, as may be requested from time-to-time by the Commission to serve as staff to assist the Commission in the performance of Commission's responsibilities under this Ordinance. The County shall determine the qualifications and necessity of such agents and contractors in cooperation with the Commission, but under no circumstances shall such agents or contractors be subject to direction or supervision by any individual or entity other than the Commission.
- B. The County, on behalf of the Commission, also shall provide the services of a solicitor for the Commission to be selected by the Commission and paid by the County. The County shall have the authority to place a reasonable limit on the amount allowed each year for the services of the Commission solicitor. Under no circumstances shall the Board solicitor be a County employee or a party to any contract with the County during their service as Commission solicitor.
- C. The County Manager shall furnish to the Commission such additional clerical assistance and supplies as may be deemed reasonable, provided, however, that when a matter has been or is the subject of a complaint with or review by the County's Department of Human Resources, that Department shall not in any way provide staffing assistance to the Commission in relation to that matter.
- D. The County shall provide the Commission with appropriately located office space and public hearing facilities together with necessary stenography and other services and office supplies, equipment and furnishings.

§ 5-1013.22. Complaint.

- A. Any individual who believes that an action or omission of a Covered Person is in violation of this Ethics Code shall have the right to lodge a formal complaint with the ACE Commission. To the extent that such complaint involves a covered person's alleged noncompliance with the provisions of Chapter 220 of the Allegheny County Code of Ordinances, the Commission's jurisdiction and authority regarding such complaint shall be limited to the delineation of such jurisdiction and authority contained within §§220-6.B and C. Complaints must be filed within ninety (90) days of the earliest violation(s) asserted or the date of the Complainant becoming aware of such asserted violation(s), whichever is later in time. In cases in which a Complainant asserts timeliness of a

formal complaint based upon the date on which he/she became aware of the violation(s) alleged, the Complainant must specifically document the date on which he/she became aware of such violation(s) in the initial filing, and shall also provide any existing evidence of the means by which he/she became aware of such violation(s) with the initial filing.

- B. A complaint alleging a violation of this article shall be in writing and filed with the Office of the Manager and the Chairperson of the ACE Commission. Complaints may not be amended after filing, and all complaints shall contain the following before they may be considered by the ACE Commission:
- (1) The name of the Covered Person (the Respondent) and the position or office held by the Respondent;
 - (2) The name, address and phone number of the person filing the complaint (Complainant);
 - (3) A statement of alleged facts and circumstances that the Complainant believes in good faith constitutes a violation of this Ethics Code;
 - (4) Any supporting documentation referenced in the complaint;
 - (5) A statement indicating whether the appropriate County department or elected official(s) have previously reviewed the substance of the complaint; and
 - (6) A notarized, sworn verification signed by the Complainant indicating that the facts and ascertains contained within the complaint are true to the knowledge of the Complainant, and acknowledging that the Complainant may be subject to penalties should the complaint contain false information as provided for under Commonwealth law, including but not limited to 18 Pa.C.S.A. §4904.
- C. At all times, the Office of the Manager shall keep all contents and substance of the complaint confidential. Within five (5) days of the receipt of the complaint, the Office of the Manager shall:
- (1) Date stamp the complaint;
 - (2) Acknowledge, in writing, the receipt of the complaint to the Complainant;
 - (3) Submit the complaint to the ACE Commission; and
 - (4) Notify the Respondent of the initial filing. Such notice shall include notice to the Respondent that the filing of the complaint does not in and of itself guarantee that the Commission will initiate an investigation, and that prior to any such investigation (if it takes place) the Commission is required to provide a complete, unredacted copy of the complaint and any supporting documentation filed with it to the Respondent.
- D. The ACE Commission may, upon the affirmative vote of at least four (4) members, initiate its own process in relation to violations of the provisions this Article, subject to the jurisdictional limitations contained in §5-1013.7.F. Initiation of such process must be based upon reasonable articulable suspicion that one or more violations of Chapter 220 or this Article have, in fact, taken place and are subject to the jurisdiction of the Commission. In such instances, the Commission shall designate one of its members to serve as the Complainant. The Commission member so designated shall immediately recuse themselves from participating in any of the proceedings related to such complaint, and shall be bound by all provisions of this Article as they apply to Complainants, including but not limited to complaint filing procedures, providing all testimony under oath, and Respondents' rights of confrontation and cross examination. ~~Such~~ An articulation of the suspicion giving rise to the complaint and designation of the Commission member serving as the Complainant must be announced at a public meeting, immediately prior to voting upon

process initiation, and both the announcement and vote must be included in the minutes of such meeting. In the event that the Commission initiates proceedings under the terms of this Section, it shall immediately move to the investigation process under the terms of §5-1013.24 of this Administrative Code. The Commission shall never, under any circumstances, initiate such process at the request of any Covered Person, elected body, or other individual or entity in the absence of a formal, timely complaint filed in accordance with the terms of this Section. Conducting any investigatory or other factfinding proceedings and issuing findings of fact or recommendations in the absence of a formal, timely complaint shall constitute a violation of this Article by all Commission members taking part in the resulting proceedings.

§5-1013.22A. Transitory provisions.

Notwithstanding the provisions of §5-1013.23.D(1), any complaint filed under the former Article 1013 and which remained pending before the Commission as of the effective date of this Article shall be deemed dismissed as of that effective date, provided, however, that any such pending complaint for which the Commission has rendered neither a final finding of fact nor any recommendation(s) under the terms of the former Article 1013 may be re-filed by the Complainant without prejudice within forty-five (45) days of the first meeting of the Commission after such effective date. Within fifteen (15) days after its first meeting after the effective date of this Article, the Commission shall provide written notice of the dismissal and special filing period for any Complainant(s) eligible to re-file their complaint under the terms of this Section. Under no circumstances may the Commission re-initiate or continue any form of proceedings in relation to any previous complaint filed under the terms of the former Article 1013 on its own initiative.

§5-1013.23. Respondents' rights.

- A. Within three (3) business days of receiving a complaint from the Office of the County Manager, the ACE Commission shall provide written notice to all Respondents that, throughout the duration of any ACE Commission activities in relation to the complaint:
 - (1) Respondents have the right to be accompanied and represented by counsel of their own choosing. No Commission member or any County employee or contractor providing assistance to the Commission shall, under any circumstances, directly contact any Respondent who is known to be represented by counsel;
 - (2) Respondents shall not, under any circumstances, be compelled to offer testimony against themselves, or be offered or promised any form of benefit in exchange for offering testimony against themselves;
 - (3) The Commission may not act in any fashion to abridge, limit, or violate any Respondent's rights under the United States or Pennsylvania Constitutions, Federal or Commonwealth law or regulation, County law, or the terms of any in-force contract to which the County and Respondent (or bargaining unit representing the Respondent) are parties; and
 - (4) No Commission member or any County employee or contractor providing assistance to the Commission shall engage in *ex parte* communications with any Complainant(s) during the pendency of their complaint, unless such communications are transcribed verbatim, undertaken with the Complainant under oath, and provided in unredacted and unedited form to the Respondent(s) within three (3) business days of the communication taking place.

- B. The entire content of any complaint and supporting documents filed with such complaint (apart from information identifying the Complainant by name or title) shall be provided to the Respondent(s) prior to the initiation of any investigatory activities by the Commission under the terms of §5-1013.25.
- C. Failure to strictly adhere to any of the provisions of this Section shall immediately vacate any action taken or resolution reached by the Commission in relation to the Respondent(s) whose rights under the terms of this Section were violated, and shall render all subsequent proceedings and/or recommendations made by the Commission related to such matters null and void.

§ 5-1013.24. Preliminary inquiries.

- A. The ACE Commission shall commence a preliminary inquiry regarding an alleged violation of this article within thirty (30) days of the receipt of a complaint. Preliminary inquiries shall take place solely to determine the facial adequacy and timeliness of a complaint and jurisdiction of the Commission. Accordingly, the Commission shall not conduct interviews, take statements, receive or inspect any documents or records apart from the complaint itself and any supporting materials filed contemporaneously with it, or otherwise obtain any evidence not directly related to the completeness and timeliness of the complaint under the terms of §5-1013.22 and the jurisdiction of the Commission over the complaint.
- B. A preliminary inquiry shall be terminated or opened as a full investigation within forty five (45) days of the initiation thereof. A preliminary inquiry is considered initiated at the time when it is officially docketed with the ACE Commission.
- C. The Commission shall keep information, records and proceedings relating to a preliminary inquiry confidential, provided, however, that the entire content of such records and information shall be provided to the Respondent prior to the initiation of any investigatory activities by the Commission.
- D. The Commission shall close the preliminary inquiry if any of the following applies:
 - (1) The occurrence giving rise to the complaint occurred prior to the adoption of this Ethics Code;
 - (2) The complaint was not filed in accordance with all of the requirements established in §5-1013.22;
 - (3) The substance of the complaint has already been reviewed the appropriate County department or elected official(s);
 - (4) A majority of the Commission members do not agree that the complaint, taken in the light most favorable to the Complainant, establishes reasonable suspicion that that the Code of Accountability, Conduct and Ethics has been violated; or
 - (5) The Respondent is not a person subject to the Ethics Code.
- E. If the preliminary inquiry is closed, the Commission shall notify the Complainant and the Respondent within five (5) business days.
- F. If, after the preliminary inquiry, a majority of the ACE Commission members find that there is reasonable suspicion that the Code of Accountability, Conduct and Ethics has been violated, the Commission shall commence an investigation pursuant to the terms of §5-1013.25. An investigation will be considered commenced when the Respondent is notified and all documentation required under the terms of this Article are provided to the Respondent.

- G. Under no circumstances shall the Commission collect any information, hear any testimony, or make any findings of fact or law regarding the merits of a complaint during the preliminary inquiry.
- H. Violation of any portion of this Section by the Commission or any Commission member shall immediately vacate any resolution reached by the Commission in the complaint for which the proceedings were held, and shall render all prior and subsequent proceedings, findings of fact or law, and/or recommendations made by the Commission related to that complaint null and void. The complaint shall be deemed dismissed with prejudice as of the date of the violation.

§ 5-1013.25. Conduct of investigation.

- A. The Commission shall have the authority to conduct interviews, take statements, receive and inspect documents and records and otherwise obtain evidence and gather information by lawful means. The Commission may request that the Court of Common Pleas authorize the issuance of subpoenas to the extent that such issuance is both reasonable and necessary for the Commission to perform its duties. Subpoenas must be authorized by the Court of Common Pleas with written notice to all Complainant(s) and Respondent(s) at least ten (10) days prior to issuance by the Commission.
- B. Within sixty (60) days of commencing the investigation, the Commission shall do one of the following:
 - (1) If a majority of the seated Commission members do not find that the investigation has established clear and convincing evidence that the provisions of this Article have been violated by the Respondent(s), the Commission shall immediately terminate the investigation and send written notice of the determination to all Complainants and Respondents;
 - (2) Extend, upon a showing of need, the investigation for a period not to exceed thirty (30) days; or
 - (3) Issue a findings report that sets forth the Commission's findings of fact and affords the Respondent an opportunity to reply to the findings and to request an evidentiary hearing.
- C. The Respondent may file a response to the findings report of the Commission within thirty (30) days of issuance, unless an application for an extension is made to the Commission and granted for good cause shown. In his/her response, the Respondent shall be afforded the opportunity to dispute any allegation(s) contained within the complaint, findings of fact made by the Commission, completeness or timeliness of the complaint under the terms of §5-1013.22., jurisdiction of the Commission, procedure followed in the inquiry or investigation, content of the complaint, or any other factor related to the complaint, preliminary inquiry, or investigation. In such response, the Respondent may also request a hearing on the Commission's finding report in accordance with the provisions of §5-1013.25.
- D. Under no circumstances may the Commission ever include a final finding of violation(s) or any recommendation for sanctions at any phase of an investigation or in its findings report.
- E. The ACE Commission shall develop such procedures and rules of conduct for its investigation activities as it deems necessary, provided that notice and the full contents of any and all such procedures and rules of conduct is provided to both Council and the Chief Executive at least thirty (30) days prior to adoption. Such rules and procedures shall be public documents, and shall be made available to all Complainants and Respondents upon the initiation of any investigation by the Commission, and to any other individual(s) immediately upon request.

- F. Any violation of the provisions of this Section by the Commission or any Commission member shall immediately vacate any resolution reached by the Commission in the complaint for which the proceedings were held, and shall render all prior and subsequent proceedings, findings of fact or law, and/or recommendations made by the Commission related to that complaint null and void. The complaint shall be deemed dismissed with prejudice as of the date of the violation.

§ 5-1013.26. Hearings.

- A. The Commission will conduct hearings upon the request of any Respondent. A Respondent shall request a hearing in his or her response to the findings report. Failure to request a hearing within the time period will be deemed a waiver.
- B. A hearing will be held within forty five (45) days after the Respondent's response to the findings report unless the time is extended upon application for good cause shown. Extensions of time may be granted under the terms of this Subsection, but in all cases the total extension of time shall be no longer than ninety (90) days.
- C. A notice of hearing will be issued to all Complainants and Respondents and any counsel representing any Complainant, Respondent, or witness in a given matter, at least 30 days prior thereto. The notice will advise of the date, time and location of the hearing, and of the hearing rights, privileges, process and procedures in this section.
- D. The Commission may establish such rules of conduct for hearings as it deems advisable in accordance with the normal procedures of due process, provided, however, that notice and the full contents of any and all such procedures and rules of conduct is provided to both Council and the Chief Executive at least thirty (30) days prior to adoption. Such rules and procedures shall be public documents, and shall be made available to all Complainants and Respondents upon the scheduling of any hearing by the Commission, and to any other individual(s) immediately upon request.
- E. Notwithstanding any rule or procedure developed by the Commission under the terms of Subsection D, all Respondents shall be afforded the right to call witnesses of his or her own choosing, and to confront and cross examine all witnesses offering testimony at the hearing.

§ 5-1013.27. Discovery.

- A. At least fifteen (15) days prior to any hearing, the Respondent will be provided copies of all evidence that may be presented at the hearing, as well as any and all exculpatory evidence in the possession of the Commission, regardless of whether such exculpatory evidence was developed during the investigation. True, correct, and complete copies of all evidence shall be provided; redaction of evidence by the Commission shall be limited to personal addresses, personal e-mail addresses, and personal telephone numbers.
- B. Access to evidence does not include information that is otherwise subject to any legal privilege recognized by the courts of the Commonwealth of Pennsylvania; however any information claimed as privileged by the Commission shall not be presented in the course of any hearing or relied upon by the Commission in making its final findings and/or recommendations.

§ 5-1013.28. Confidentiality.

The hearing and papers, records and disclosures therein will be confidential except for the contents of the final order, provided, however, that all records maintained by the Commission shall be subject to discovery to the extent that it is permissible or required under the terms of the Commonwealth's Right to Know Law.

§ 5-1013.29. Final action of Commission.

If, after preliminary inquiry, investigation, findings report, and hearing have all been completed under the provisions of this Article, a two-thirds (2/3) majority of the seated members of the Commission determine that a violation of this Article occurred beyond a reasonable doubt, the Commission shall issue a final report, and may recommend penalties as provided by this section.

- A. In cases where the violation of this article is also a violation of federal or state law, all of the Commission's records of the matter shall be turned over to the Allegheny County District Attorney.
- B. In cases where the violation is of the rules of this article, the following recommendations shall be available to the Commission:
 - (1) Admonition. The Commission may send a letter to County Council, and the Chief Executive or appropriate elected County Official, indicating that the Respondent(s) has been found to have violated this article and recommending that the Respondent(s) be admonished for their actions.
 - (2) Censure. The Commission may send a letter to County Council, and Chief Executive, or appropriate elected County official, indicating that a violation of this article took place, and recommending that the Respondent(s) be censured in a fashion that expresses strong disapproval of their actions.
 - (3) Suspension. The Commission may recommend that a Respondent be suspended with or without compensation in compliance with existing personnel practices and collective bargaining agreements, and provided that such sanction is both proportionate to sanctions recommended by the Commission in previous complaints and consistent with all applicable County procedures, including the step discipline process.
 - (4) Expulsion/Dismissal. The Commission may recommend revocation of employment or contract with the County in compliance with existing personnel practices and collective bargaining agreements, and provided that such sanction is both proportionate to sanctions recommended by the Commission in previous complaints and consistent with all applicable County procedures, including the step discipline process.
- C. Any recommendation(s) made by the Commission shall be accompanied by final findings which specifically delineate the allegation(s) made by the Complainant, evidence relied upon by the Commission in reaching its recommendation(s), any determinations of credibility made by the Commission, and all reasoning employed by the Commission in reaching its recommendation(s).
- D. If, after preliminary inquiry, investigation, findings report, and hearing have all been completed under the provisions of this article, less than a two-thirds (2/3) majority of the seated members of the Commission determine that a violation of this Article occurred beyond a reasonable doubt, the complaint shall be dismissed and notice of the dismissal shall be provided to all Complainants and Respondents.

§ 5-1013.30. Appeal.

- A. Upon issuance of the Commission's final report and recommendation(s), any aggrieved party may file an appeal to the Court of Common Pleas in accordance with applicable law within thirty (30) days of their actual receipt of the final findings and recommendation. Review of the Commission's activities and final report and recommendations shall be *de novo*. The Court shall notify the Commission, all Complainants and all Respondents of the appeal filing, and the Commission shall forward an unredacted copy of its entire record of the case to the Court for review.
- B. If, at any time during the appeal process, the Court determines that the Commission in any fashion abridged, limited, or violated any Respondent's rights under the United States or Pennsylvania Constitutions, Federal or Commonwealth law or regulation, County law, or the terms of any in-force contract to which the County and Respondent (or bargaining unit representing the Respondent) are parties, the Court shall immediately vacate all of the Commission's findings and recommendations in the matter at issue, and the complaint(s) at issue in the appeal shall be deemed dismissed with prejudice.

§ 5-1013.31. Disposition.

Upon receiving any findings, conclusions and advisory recommendations from the ACE Commission for the imposition of sanctions or penalties under this provision, and after the expiration of the appeal window or final disposition of all appeals, the County Council, Chief Executive or appropriate elected County Official may at their own discretion pursue any course of action in relation to the Commission's findings or recommendations. Provided, however, that in all cases in which an appeal has been filed and decided by the Court, the Court's determinations shall control.

§ 5-1013.32. Summary report to Council and Chief Executive.

The Commission shall report its conclusions and recommendations on all complaints to County Council and the Chief Executive. The Chairperson of the Commission shall be required to provide Council with an annual report.

§ 5-1013.33. Severability.

The provisions of this Ethics Code are severable, and if any provision is held illegal, such illegality shall not affect the remaining provisions. It is the legislative intent of the Council that the Code would have been adopted if such illegal provision had not been included.

§ 5-1013.34. Effective date.

Unless otherwise provided, this Ethics Code shall become effective immediately upon its approval in accordance with the provisions of the Home Rule Charter and the Administrative Code.

§ 5-1013.35. Application.

Nothing herein shall be construed or interpreted to in any way make the provisions of this Article applicable on a retroactive basis. All provisions of this Article shall be applied on a prospective basis.

SECTION 3. - Effective Date.

The terms of this Ordinance shall become effective immediately upon the date of final approval.

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 Ordinance.

PRIMARY SPONSOR(S): PRESIDENT CATENA

CO-SPONSOR(S): COUNCIL MEMBER FILIAGGI

Enacted in Council, this 24th of March, 2026.

Council Agenda No. 13813-26.



Patrick Catena
President of Council

Attest: 

Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office March 27, 2026.

Approved: 

Sara Innamorato
Chief Executive

Attest: 
