

Bill No. 3795-08

No. 11-08-08

AN ORDINANCE

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the transfer of the County Bureau of Weights and Measures as an office under the County Chief Executive ("Chief Executive") to an office within and under the purview of the Office of the County Controller ("Controller").

WHEREAS, the Consolidated Weights and Measures Act (3 Pa.C.S.A. §§4101-4194) ("the Act") empowers and requires the Pennsylvania Department of Agriculture ("PDA") to inspect and test to ascertain if they are correct, weights and measures that are used in commerce within the Commonwealth of Pennsylvania ("Commonwealth"); and,

WHEREAS, Section 4121(b) of the Act authorizes PDA to delegate certain powers and duties to county sealers, and requires that any such delegation be fully-delineated in a memorandum of understanding ("MOA"); and,

WHEREAS, the PDA and Allegheny County ("County") have entered into an MOA, currently effective for July 1st, 2007 through June 30th, 2012, initially effectuated July 1, 2002, under which the PDA has delegated to the County the power and duty to operate its own Bureau of Weights and Measures ("Weights and Measures"); and,

WHEREAS, Weights and Measures presently exists as a bureau under the overall direction and supervision of the Chief Executive, and is appropriated for in the budget of the Office of the Chief Executive; and,

WHEREAS, the Chief Executive believes that the transfer of Weights and Measures as a bureau under his overall direction and supervision, to a bureau under the overall direction and supervision of the Office of the Controller will enhance the administration of Weights and Measures; and,

WHEREAS, in order to properly administer the bureau of Weights and Measures it is necessary to transfer the appropriations for Weights and Measures from the Office of the Chief Executive to the Office of the Controller, and the transfer is necessary for the appropriate administration of the bureau; and,

WHEREAS, the Controller is prepared to accept the transfer of Weights and Measures as a bureau within the administrative structure of the Office of the Controller, and to accept the transfer of the appropriation for Weights and Measures; and,

WHEREAS, Article IV, Section 2(m) of the Allegheny County Home Rule Charter authorizes County Council to enact an ordinance or resolution modifying or

eliminating any department, agency or function that no longer meets the needs of the County's taxpayers; and,

WHEREAS, Allegheny County Council finds that the transfer of Weights and Measures as a bureau and the appropriation for Weights and Measures, under the overall direction and supervision of the Chief Executive, to a bureau and appropriation within the administrative structure of the Office of the Controller is a proper modification of the operation of County government that is in the best interest of the County's taxpayers because it will enhance the administration of Weights and Measures and will result in increased efficiencies with respect to the overall operation of County government.

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

SECTION 1. *Incorporation of the Preamble.*

The provisions set forth in the Preamble to this Ordinance are incorporated by reference in their entirety herein as findings of fact made by County Council.

SECTION 2. *Transfer of Weights and Measures.*

The Allegheny County Bureau of Weights and Measures and the appropriation for the Bureau of Weights and Measures are hereby transferred as a bureau and appropriation under the overall direction and supervision of the Chief Executive, to a bureau and appropriation within the administrative structure of the Office of the Controller. This transfer is effective immediately.

SECTION 3. *Powers and Duties of Weights and Measures Unaffected.*

Nothing herein shall be construed or interpreted in any way as changing or modifying the MOA between PDA and the County concerning the delegation of authority to the County to operate its own bureau of weights and measures. All of the duties and responsibilities established under the Consolidated Weights and Measures Act (3 Pa.C.S.A. §§4101-4194) and delegated to Allegheny County pursuant to the existing Memorandum of Understanding between the Pennsylvania Department of Agriculture and Allegheny County shall remain in full force and effect.

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

PRIMARY SPONSORS: CONTROLLER MARK FLAHERTY, CHIEF EXECUTIVE DAN ONORATO, AND COUNCIL PRESIDENT RICH FITZGERALD

Enacted in Council, this 18th day of March, 2008.

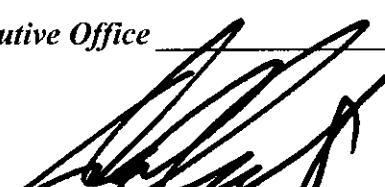
Council Agenda No. 3795-08



Rich Fitzgerald
President of Council

Attest: John Mascio
John Mascio
Chief Clerk of Council

Chief Executive Office MARCH 28, 2008.

Approved: 
Dan Onorato
Chief Executive

Attest: Donna Beltz
Donna Beltz
Executive Secretary



COUNTY OF ALLEGHENY

OFFICE OF THE CONTROLLER

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GUY A. TUMOLO
DEPUTY CONTROLLER

MARK PATRICK FLAHERTY
CONTROLLER

ALLEGHENY COUNTY COUNCIL

February 22, 2008

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The Honorable Rich Fitzgerald
President, Allegheny County Council
Room 119 Court House
436 Grant Street
Pittsburgh, PA 15219

Dear Council President Fitzgerald:

Attached is an ordinance we are submitting for Council's consideration at your next meeting. The ordinance affects the transfer of the Bureau of Weights and Measures from the administration of the County Executive to that of the County Controller. This move has been discussed and agreed to by the County Executive and the County Manager.

Thank you for your consideration.

Yours truly,

Mark P. Flaherty
Controller