

Bill No. 1760-04

No. 38-04-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania directing that a referendum question amending Article III of the Allegheny County Home Rule Charter, pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law, be placed on the May 17, 2005 Municipal Primary ballot; and, further amending Article 201 of the Administrative Code of Allegheny County, contingent upon the passage of the referendum question.

WHEREAS, the citizens of Allegheny County adopted a Home Rule Charter, effective January 1, 2000, which provided for, among other things, a new form of County government as required by the Second Class County Charter Law consisting of an elected chief executive, an elected county council and the Independently Elected County Officials known as "the Row Officers"; and

WHEREAS, the Charter prohibited any amendments that would alter this new form of county government for five (5) years; and

WHEREAS, it has been judicially determined that the five (5) year restriction on altering the structure of Allegheny County government expires on January 1, 2005; and

WHEREAS, the Allegheny County Council and Chief Executive desire to submit a proposed ballot question to the citizens of Allegheny County which, if passed, would reduce the number of Allegheny County Independently Elected Officials; and

WHEREAS, the approval of a ballot question reducing the Independently Elected Offices in Allegheny County also would necessitate certain amendments to the Administrative Code including, without limitation, providing for the qualifications and additional regulations applicable to the new position of Medical Examiner, that would promote the independence of that office to the greatest extent possible, and for the assignment of the duties and responsibilities of the abolished Row Offices; and

WHEREAS, the proposed ballot question and the accompanying amendments to the Administrative Code, if passed, would provide for the orderly transition from the abolished Row Offices to the newly established appointed administrative positions by permitting those elected officials who currently hold the Row Offices that are being abolished to serve the remainder of their respective terms; and

WHEREAS, these changes in the form of Allegheny County government will inure to the benefit of the citizens and taxpayers of Allegheny County by providing for a more efficient, economical, and effective delivery of governmental services to the citizens of Allegheny County.

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.

SECTION 2. Ballot Question.

Pursuant to the Second Class County Charter Law and the Home Rule Charter and Optional Plans Law, the Allegheny County Board of Elections is directed to place the following question on the May 17, 2005 Municipal Primary Ballot for consideration and approval by the registered electors of the County:

Shall the Allegheny County Home Rule Charter be amended to: a) replace the Clerk of Courts, Jury Commissioners, Prothonotary, and Register of Wills with an appointed Director of Court Records; b) replace the Coroner with an appointed Medical Examiner, retaining all powers enumerated in 16 Pa. Stat. §§ 4232-48; and c) replace the Recorder of Deeds with an appointed Real Estate Manager; each appointment by the County Manager commencing upon expiration of the elected officials' current term?

SECTION 3. Provisional Amendment of the Administrative Code.

If the Board of Election certifies that the ballot question set forth in Section 2 above has been approved by the registered electors of the County, then the Administrative Code shall be amended thirty (30) days following the Board of Elections' certification as follows:

A. Article 201, § 201.03 of the Administrative Code shall be amended as follows:

§ 5-201.03. Independently Elected County Officials.

A. The following Independent County Offices shall be operated by County Officials:

(1) County Controller.

(2) District Attorney.

(3) Sheriff.

(4) Treasurer.

B. Abolition and Consolidation of Certain Independently Elected County Offices

- (1) The elected Offices of the Clerk of Courts, Prothonotary, and Register of Wills are abolished effective the first business day of January 2008, and are replaced with the appointed office of Director of Court Records, who shall be selected pursuant to Article VI, Section 2(c) of the Home Rule Charter. The Director of Court Records shall perform all of the duties and functions currently vested in the Offices of Clerk of Courts, Jury Commissioners (2), Prothonotary, and Register of Wills by applicable law as of the date that the office of Director of Clerk Records becomes effective, provided that such duties and functions are not inconsistent with the Home Rule Charter.
- (2) The Office of Jury Commissioner is abolished effective the first business day of January 2006. The duties and functions of the Office of Jury Commissioner shall be performed by the Director of Court Records; provided however, that the functions and duties of the Office of Jury Commissioner shall be administered by the County Manager or his designees from the first business day of January 2006 until such time as the Director of Court Records is selected as provided in Section B (1) above.
- (3) The elected Office of the Recorder of Deeds is abolished effective the first business day of January 2008, and is replaced with the appointed office of Real Estate Manager, who shall be selected pursuant to Article VI, Section 2(c) of the Home Rule Charter. The duties and functions of the Real Estate Manager shall be all of those currently vested in the Office of the Recorder of Deeds by applicable law as of the date that the office of Real Estate Manager becomes effective, provided that such duties and functions are not inconsistent with the Home Rule Charter.

B. The following § 5-201.05 is added to the Administrative Code:

§ 5-201.05. Office of the Medical Examiner.

- A. The Office of County Coroner is abolished effective the first business day of January 2006.

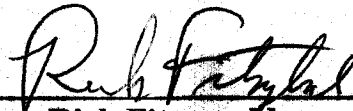
- B. The Chief Executive shall appoint a Medical Examiner who shall serve a fixed term of five (5) years, commencing on the first business day of January 2006.
- C. The Medical Examiner shall: (1) hold either a Medical Doctor degree or a Doctor of Osteopathy degree from an accredited institution; (2) possess a valid license to practice medicine in the Commonwealth of Pennsylvania; (3) be board certified, or board eligible, by the American Board of Pathology in forensic pathology; and (4) have had at least five (5) years of experience as a practicing pathologist.
- D. The Medical Examiner, after expiration of his or her term, may be reappointed.
- E. The Medical Examiner may be removed for cause by the Allegheny County Court of Common Pleas after having been provided with a copy of the charges against him or her for at least ten (10) days and full hearing by the Court.
- F. If a vacancy shall occur by reason of death, disqualification, resignation, or removal, the Chief Executive shall appoint a successor to fill the remainder of the Medical Examiner's unexpired term.
- G. The Medical Examiner shall have all of the powers, functions, and duties previously vested in the elected office of Coroner as set forth in 16 Pa. Stat. §§ 4232-48, including without limitation the power of inquest and the power of subpoena, as of the date that the office of Medical Examiner becomes effective.

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 Resolution.

Enacted in Council, this 6th day of December, 2004,

Council Agenda No. 1760-04



Rich Fitzgerald
President of Council

Attest: John Mascio

John Mascio
Chief Clerk of Council

Chief Executive Office December 15, 2004

Approved: Dan Onorato

Dan Onorato
Chief Executive

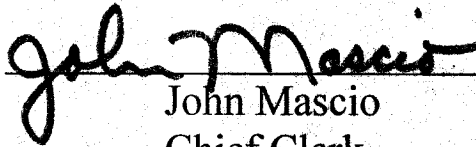
Attest: Donna Beltz

Donna Beltz
Executive's Assistant

C E R T I F I C A T I O N

I, the undersigned, Chief Clerk of County Council of Allegheny, Pennsylvania, **HEREBY CERTIFY** that the foregoing is a true and correct copy of Ordinance No. 38-04-OR, duly enacted by the affirmative vote of a majority of the members of Allegheny County Council at the Regular Meeting held on the 6th day of December, 2004, and signed into law by the Chief Executive on the 15th day of December, 2004, as the same appears in the Minutes of said meeting duly recorded in the Office of County Council.

Witness my hand and seal hereto affixed this 24th day of January, 2005.



John Mascio
Chief Clerk
Allegheny County Council

[SEAL]

OFFICE OF THE COUNTY COUNCIL

County of Allegheny

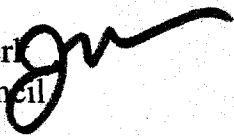
ROOM 119 • 436 GRANT STREET • PITTSBURGH, PA 15219

PHONE (412) 350-6490 • FAX (412) 350-6499



MEMORANDUM

To: Mark Wolosik, Manager
Elections Division
Department of Administrative Services

From: John Mascio, Chief Clerk
Allegheny County Council 

Date: January 24, 2005

Subject: **Ordinance No. 38-04-OR – Row Office Referendum Question**

Attached is a certified copy of Ordinance No. 38-04-OR, entitled, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania directing that a referendum question amending Article III of the Allegheny County Home Rule Charter, pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law, be placed on the May 17, 2005 Municipal Primary ballot; and, further amending Article 201 of the Administrative Code of Allegheny County, contingent upon the passage of the referendum question. This was passed in Council on December 6, 2004 and signed by the Chief Executive on December 15, 2004.

Your attention to this Ordinance is requested.



County of Allegheny

DEPARTMENT OF ADMINISTRATIVE SERVICES
ELECTIONS DIVISION

TIMOTHY H. JOHNSON
DIRECTOR

MARK WOLOSIK
DIVISION MANAGER

January 27, 2005

John Mascio, Chief Clerk
Allegheny County Council
119 Courthouse
Pittsburgh, PA 15219

In Re: Allegheny County Home Rule Charter Amendment/May 17, 2005 Municipal
Primary

Dear Mr. Mascio:

This letter will acknowledge receipt of Ordinance No. 38-04-OR requesting that an Allegheny County Home Rule Charter Amendment referendum question be placed upon the upcoming May 17, 2005 Municipal Primary ballot.

Following past practice, this matter has been referred to the Allegheny County Law Department.

I will advise you of the final disposition of this matter subsequent to its review by the Allegheny County Law Department.

Very truly yours,

Mark Wolosik, Division Manager
Department of Administrative Services
Elections Division

(Enclosure provided to those individuals listed below)

cc: Honorable John P. DeFazio, Chairman, Board of Elections
Honorable Dan Onorato, Board of Elections
Honorable Dave Fawcett, Board of Elections
Jim Flynn, County Manager
Michael Wojcik, County Solicitor
Tim Johnson, Director
Allan J. Opsitnick, Asst. County Solicitor

604 COUNTY OFFICE BUILDING ♦ 542 FORBES AVENUE ♦ PITTSBURGH, PENNSYLVANIA 15219-2953
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