

Bill No. 1474-04

No. 13-04-0R

## AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the County Manager to take certain actions with respect to permitting the short-term use of County owned real property.

**Whereas**, Article IV, Section 2(k) of the Allegheny County Home Rule Charter (the "Charter") vests County Council with the power and duty by ordinance to lease or permit the use of County real property; and

**Whereas**, since the adoption of the Charter, County Council has processed numerous ordinances requested by various County departments, agencies, authorities, and other bodies, to approve the short-term use of County owned real property by third parties; and

**Whereas**, County Council desires to reduce the time needed for routine approvals of matters effecting short-term leases of County real estate that are inefficient and often result in schedule delays, inconvenience to the public and higher costs of administration; and

**Whereas**, County Council finds that approving a single ordinance with respect to authorizing the County Manager to enter into short-term leases for the use of County owned real property in certain circumstances will reduce overall delays and costs of administration and will result in increased efficiencies with respect to the operation of County government.

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

**SECTION 1. Incorporation of Preamble.**

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

**SECTION 2. Authorization to Enter into Short-Term Leases of County Owned Real Property.**

County Council does hereby authorize the County Manager to enter into agreements that would permit third parties to use County owned real property, so long as such actions shall promote public safety and welfare and shall not interfere with any existing or anticipated County governmental function. All such agreements shall be for a term not exceeding five (5) days, inclusive of all possible extensions, and shall be in writing. County Council does further authorize the County Manager, or his designee, to take any and all further actions as may be

necessary or proper to carry out the authorization granted herein. Notwithstanding the foregoing, County Council shall have the right to rescind or revoke any action taken under the authority granted herein.

**SECTION 3. Effective Date.**

This Ordinance shall become effective immediately upon signature of the County Executive.

**SECTION 4. Term of this Ordinance.**

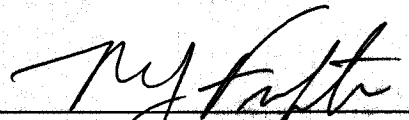
The authority granted by Section 2 of this Ordinance shall expire on December 31, 2004.

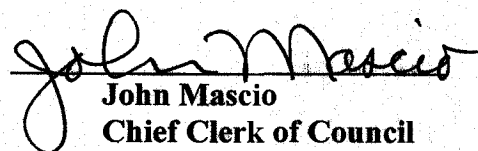
**SECTION 5. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

**SECTION 6. 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.***

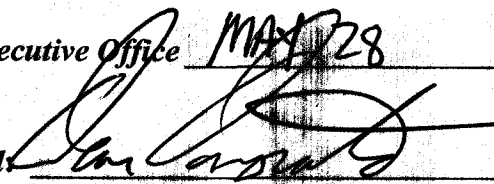
Enacted in Council this 18<sup>th</sup> day of May, 2004.

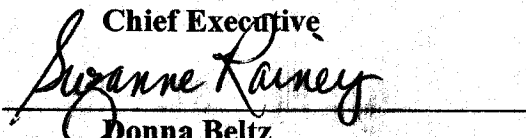
Council Agenda No. 1474-04

  
\_\_\_\_\_  
Rich Fitzgerald  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Chief Executive Office MAY 28, 2004.

Approved:   
\_\_\_\_\_  
Dan Onorato  
Chief Executive


Attest:   
\_\_\_\_\_  
Donna Beltz  
Executive Secretary

## Summary of Legislation

The attached proposed Ordinance would delegate County Council's authority to approve short-term leases of County real property, not exceeding five (5) days, to the County Manager. The purpose of the proposed Ordinance is to streamline the process of approving *de minimus* uses of County real estate, to provide more effective service to the public generally, and to reduce administrative costs and burdens. County Council specifically reserves the right to rescind any action that the County Manager might take under this proposed Ordinance. The authority granted under this proposed Ordinance would expire, by its terms, on December 31, 2004, and we would expect to request reauthorization on a yearly basis.

**MEMORANDUM**  
**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk

FROM: James M. Flynn, Jr.   
County Manager

DATE: March 11, 2004

RE: Proposed Ordinance

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Attached is a Proposed Ordinance authorizing the County Manager to take certain actions with respect to permitting the short-term use of County owned real property.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.