

***No. 40-22-OR***

**AN ORDINANCE**

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.06, entitled "Prohibitions," to repeal §5-301.06.A. in order to eliminate reference to the "resign to run" requirement that formerly existed in the Home Rule Charter of Allegheny County.

**Whereas**, Article III, §6(b) of the Home Rule Charter of Allegheny County formerly prohibited all County Council members from seeking other elected office without first having resigned from County Council; and

**Whereas**, this broadly drafted restriction was unique to County Council members, and did not apply to any other elected official governed by the terms of the Home Rule Charter; and

**Whereas**, it was – and remains - the judgment of Council that imposing prohibitions upon the ability of members of Council to seek other elected office without first resigning serves no meaningful purpose, insofar as a member of Council seeking other office does not impair the function or operations of County government; and

**Whereas**, requiring the resignation of a Council member before he or she can seek other elected office on its face also functions to thwart the will of the voters who elected the Council member in question, rather than allowing the electorate to determine where an individual can best serve the needs of his or her constituents; and

**Whereas**, as part of its 2016 report, the Allegheny county Government Review Commission expressly recommended that the same provisions relating to seeking and holding other elected offices should apply to both the Chief Executive and Council members; and

**Whereas**, Article III, §6(b) of the Home Rule Charter was repealed via referendum question approved by the voters of Allegheny County on November 8, 2022; and

**Whereas**, it is accordingly the desire of Council to render the Administrative Code entirely consistent with the clearly expressed will of the people of the County, by eliminating reference to the "resign to run" provision that has been removed from the Charter;

***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.        Amendment of the Code.**

The Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.06, entitled "Prohibitions," is hereby amended as follows:

**§ 5-301.06. Prohibitions.**

- ~~A.        County Council members shall not be a candidate for nomination or election to any elected public office other than that of County Council without having first resigned as a member of Council.~~
- B.        County Council members shall not hold any other elected public office and, except as specifically allowed by the Charter, shall not receive any salary, stipend or other compensation from the County or any County authority.

**SECTION 3.        Effective Date.**

The provisions of this Ordinance shall become effective immediately upon 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: COUNCIL MEMBER MACEY**

**CO-SPONSOR(S): COUNCIL MEMBER DUERR**

Enacted in Council, this 6<sup>th</sup> day of December, 2022

Council Agenda No. 12513-22



Patrick Catena  
President of Council

Attest: 

Jared E. Barker  
Chief Clerk of Council

Chief Executive Office December 8<sup>th</sup>, 2022

Approved: 

Rich Fitzgerald  
Chief Executive

Attest: 

~~Sonya Dietz~~ Jennifer M. Liptak  
~~Executive's Secretary~~ Chief of Staff