



# Allegheny County Council

County of Allegheny  
436 Grant Street  
Pittsburgh, PA 15219  
Phone (412) 350-6490  
Fax (412) 350-6499

## Legislation Details (With Text)

**File #:** 12663-23      **Version:** 1      **Name:**

**Type:** Motion      **Status:** Expired by Rule

**File created:** 4/14/2023      **In control:** Executive Committee

**On agenda:** 4/18/2023      **Final action:** 12/31/2023

**Title:** Motion of the Council of Allegheny County amending and supplementing the Rules of Council, Article II, Rule F.2., in order to establish a mechanism for facilitating timely review and discussion of bills referred to any committee of Council, in accordance with applicable statutory requirements.

**Sponsors:** Tom Duerr, Suzanne Filiaggi

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/31/2023	1	Chief Clerk	Expired by Rule	
4/18/2023	1	County Council	Referred by Chair	

Motion of the Council of Allegheny County amending and supplementing the Rules of Council, Article II, Rule F.2., in order to establish a mechanism for facilitating timely review and discussion of bills referred to any committee of Council, in accordance with applicable statutory requirements.

**Whereas**, Allegheny County Council does, from time to time, amend the Rules of Council by which it operates; and

**Whereas**, as currently written, the Rules of Council do not place any particular deadlines upon the various committees' consideration of bills referred to them by the Council President; and

**Whereas**, §5-311.04.. of the Administrative Code of Allegheny County, however, does expressly require that "County Council shall act on all Ordinances and Resolutions in either the affirmative or negative within 90 days of submittal unless otherwise provided for in the Charter of this Administrative Code, or unless tabled by a 2/2 majority of the seated members of Council."; and

**Whereas**, it is accordingly the desire of Council to establish a mechanism to facilitate compliance with the statutory requirements of §5-311.04.B., while still allowing for thorough discussion of each ordinance and resolution through the Council's committee process;

***The Council of the County of Allegheny therefore hereby moves as follows:***

For the reasons delineated herein, the Rules of Council, Article II, Rule F.2., is hereby amended as follows:

\* \* \*

### F. Committee Meetings

1. The Chair of each standing committee may establish regular meeting days for the conduct of its business. Each such committee shall meet for the consideration of legislation pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee, and shall vote on such legislation if the rules regarding quorum and amendment are met.
2. The Chair of each standing committee may call and convene, as he or she considers necessary, additional and special meetings of the committee for the consideration of legislation pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose under the call of that chair, or upon written request of a majority of the seated members of the committee. Notice of said meeting shall be given according to Subsection B of this Article.
3. Whenever legislation or other matter has been referred to a committee, the Chair shall have full power and control over such legislation or other matter, except that such committee shall not change the subject. A committee shall not consider a bill or other matter which is not in its possession.
4. The committee is charged with reviewing, discussing, and, if the Chair deems necessary, investigating the legality of proposed legislation. Should a Chair or other Member of Council desire a legal opinion on any item of pending legislation or issue before the committee, such legal opinion shall be requested through the Clerk, regardless of whether the opinion is requested from the County Solicitor or Legal Counsel. Any required response date should also be communicated to the Clerk.
5. A quorum shall be deemed to be present for any committee meeting to proceed when both the Chair and at least one seated committee member are present. In any committee, a majority of the seated members is necessary for the committee to amend legislation. For the Executive Committee, a majority of the seated members of the committee shall constitute a quorum and an affirmative vote by the majority of seated members shall be required to pass any motion.
6. The Chair may, if appropriate, request a fiscal note from the Budget Manager. Such request shall be made formally and with notice provided to the President. The note shall be completed in ten (10) days and the fiscal note provided to the proper committee for consideration.
7. No person, other than Council Members or Council staff, shall be heard or seated at the committee table unless invited by the Chair. The County Manager will be advised of the agenda for all scheduled committee meetings. The agenda shall serve as notice to direct the appropriate or requested representatives from the Administration to attend the committee meeting to answer any questions relative to matters on the agenda.
8. During its deliberation, the committee may vote on the legislation as presented or may amend (provided that a majority of the seated members of the committee are present). Upon the completion of its deliberation, the Chair may call for a vote of the committee recommending the legislation to the full Council with a negative, positive, or neutral recommendation. Any legislation which receives a majority vote of the members present shall be presented to the full Council for vote with said recommendation. The legislation, if amended, shall be presented as amended to the full Council for vote.

9. The Committee may also hold or table any legislation in committee by vote. A motion to hold should, whenever practicable, include a specified time period or condition upon which the legislation will be before the committee for reconsideration and must be approved by a majority of the committee members present. A motion to untable the legislation must be approved by a vote of two-thirds of the seated members of the committee.
10. When a committee has recommended legislation to the full Council for a vote, the Chair of said committee shall make a report to Council regarding the deliberations of the committee prior to the vote.
11. Council Members may participate by electronic means (e.g. telephone, Microsoft Teams or similar) in any committee meeting of Council. Any Council Member that wishes to participate by electronic means must be connected prior to the first vote following roll call of committee members and be recognized by the Chair or presiding officer of the committee.
12. Committee Chairs may schedule an Informational Session to gather information and for educational purposes of Members instead of a voting committee meeting. The same rules will be followed during an Informational Session as a regular committee meeting except that no votes will be taken on any legislation.
13. Audio recordings shall be required for all meetings of the Council's committees. Appropriate disclosures of the recording of all committee meetings shall be conspicuously posted in any area (s) in which such committees meet, and the presiding officer for each committee meeting shall disclose the recording of such meeting immediately after calling the session to order, and provide an opportunity of any individual(s) who do not consent to the recording to leave the meeting. The provisions of this Section shall not apply to any committee or other meeting or portion thereof which is exempted from the public meeting provisions of the Pennsylvania Sunshine Act, 65 Pa.C.S.A. §701, et. seq., eg Executive Sessions.
14. Notwithstanding any other provision of these Rules, any two (2) members of a committee of Council may call a special session of that committee for the sole purpose of discussing and recommending an ordinance or resolution at least sixty (60) days after the introduction of that bill, provided that the two committee members calling the special session provide the relevant committee Chair, the President of Council, all members of the relevant committee, and the Chief Clerk with written notice at least seven (7) full calendar days prior to the proposed special session date and time. Such written notice shall specifically delineate the committee members making the request and the ordinance(s) and/or resolution(s) to be discussed at the special session. Under no circumstances shall any Council member discuss any item of business not specifically appearing upon the agenda for such special session of any committee; any attempt to do so shall be immediately ruled out of order by the presiding officer, and any motion made or vote taken in relation to any matter not specifically appearing on the special session agenda shall be a nullity and void of any effect and shall be recorded as such in the meeting minutes by the Chief Clerk. No agenda for a special session of any committee shall be amended by any vote of the committee or Council members, or at the request of the Chair or presiding officer, nor may special sessions be recessed under any circumstances. All other Rules of Council governing the conduct of Committee meetings and not conflicting with the terms of this Section shall apply to special sessions of any committee. Upon receipt of the written notice required herein, the Chief Clerk shall:

- i. Notify the special session requestors of the date and time at which their written notice was received. The date and time acknowledged by the Chief Clerk within this notification shall serve as the starting point for calculating the timelines contained in Subsections ii and iii. The Chief Clerk shall also inform the special session requestors if any ordinance or resolution contained within their written notice was introduced less than sixty (60) days prior to the requestors' proposed special session date, and shall not place any such ordinance or resolution on an agenda for any special session.
- ii. Within eight (8) hours of providing the notice required by Subsection i, the Chief Clerk shall attempt to communicate via e-mail with the Chair of the relevant committee in order to ascertain whether the Chair will be presiding over the special session or designating another member of the committee to preside in his/her place. The Chair's decision regarding a presiding officer shall be binding, but in the event that no response to this communication is received within seventy-two (72) hours of the Chief Clerk's acknowledged receipt of the written special session notice, the Chief Clerk shall designate the committee member whose name appears first in the written notice as the presiding officer for the special session; and
- iii. Within eight (8) hours of providing the notice required by Subsection i, the Chief Clerk shall attempt to communicate via e-mail with the primary sponsor(s) of each ordinance and/or resolution that was introduced at least sixty (60) days prior to the proposed special session date and that is identified within the written notice. In the event that the Chief Clerk does not receive written confirmation that all primary sponsors of a given bill consent to its discussion at the special session within seventy-two (72) hours of the Chief Clerk's acknowledged receipt of the written special session notice, such bill shall not be placed on the agenda for the special session; and
- iv. As soon as practicable after the timeframes established in Subsections ii and iii and provided that any ordinance(s) or resolution(s) remain after consent is sought from all primary sponsors, the Chief Clerk shall formulate a meeting agenda for the committee's special session, and shall provide public notice of such special session in accordance with these Rules and applicable law (including, but not limited to, the Commonwealth's Sunshine Act or successor statute). Such agenda shall specifically name the presiding officer for the special session, designated as provided for herein. Once public notice of a special session agenda has been provided by posting on the Council's website, no such agenda shall be amended or modified in any fashion, apart from correcting typographical or other technical or formal errors in the agenda itself. Such agenda shall not include:
  - a. Any discussion topic(s); or
  - b. Any motion(s), apart from motions approving the minutes of a previous meeting of the relevant committee; or
  - c. Any ordinance or resolution that was introduced less than sixty (60) days prior to the date of the written notice of the special session provided to the Chief Clerk; or
  - d. Any ordinance or resolution for which consent was not obtained from the primary sponsor(s) under the terms of Subsection iii.

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