



Allegheny County Council

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Legislation Details (With Text)

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Title: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 311, entitled "Official Actions of County Council," §5-311.04, entitled "Consideration," in order to clarify the requirement that all ordinances and resolutions be acted upon in either the affirmative or negative within 90 days of submittal.

Sponsors: Heather Heidelbaugh

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Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
8/26/2015	1	Committee on Government Reform	Withdrawn	
1/21/2015	1	Committee on Government Reform	Held in Committee	
9/3/2014	1	Committee on Government Reform	Held in Committee	Fail
4/8/2014	1	County Council	Referred by Chair	

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 311, entitled "Official Actions of County Council," §5-311.04, entitled "Consideration," in order to clarify the requirement that all ordinances and resolutions be acted upon in either the affirmative or negative within 90 days of submittal.

WHEREAS, §5-311.04.B of the Administrative Code of Allegheny County clearly establishes that "County Council shall act on all Ordinances and Resolutions in either the affirmative or negative within 90 days of submittal unless otherwise provided in the Charter or this Administrative Code, or unless tabled by a 2/3 majority of the seated members of Council";

WHEREAS, because §5-311.04.B. is drafted using "shall," rather than "may," the provisions of the section are mandatory and not subject to discretion, pursuant to §5-101.04.A. of the Administrative Code, which establishes rules of construction for the Code; and

WHEREAS, the apparent intent of the requirement contained within §5-311.04.B. is to prevent bills introduced by Members of Council to be referred to committee and left there without discussion or any chance of ever receiving a final vote from the full Council, thus enhancing both public debate and transparency;

WHEREAS, the conclusion that committees of Council are not to retain jurisdiction over bills indefinitely is bolstered by the fact that §5-311.04.B. only allows Council to avoid its requirements when it is required to do so by applicable law or when a bill is tabled by a supermajority of the full Council, and when it

is remembered that no provision is made within the Administrative Code, Rules of Council, or elsewhere that would permit a committee to prevent debate or a final vote on any ordinance or resolution on its own initiative; and

WHEREAS, because the Rules of Council effectively place the committee structure entirely within the discretion of the Members of Council belonging to the party that holds a majority of the seats on Council, the provisions of §5-311.04.B also function to render it more difficult for a majority of one party to use the committee structure as a tool for stifling debate on a given bill or topic by a minority party; and

WHEREAS, despite the clear presence of a statutory requirement that all bills receive final votes within 90 days of submittal, 111 bills expired without final votes by operation of rule at the conclusion of 2011; of these bills, 18 were motions and were not subject to the 90 day rule contained within §5-311.04.B., while 19 were resolutions and 74 were ordinances, both of which are subject to the 90 day rule; and

WHEREAS, of the 93 ordinances and resolutions that were permitted to expire by operation of rule without a final vote at the end of 2011, 57 (or 61%) were principally sponsored by Members of Council belonging to the minority party, while only 25 (or 26.9%) were principally sponsored by Members of Council belonging to the majority party, and 11 (11.8%) were principally sponsored by other elected officials; and

WHEREAS, at the conclusion of the 2012-13 session of Council, 60 bills expired without final votes by operation of rule; of these 60 bills, 17 were motions and thus not subject to the 90 day rule, while 28 were ordinances and 15 were resolutions, both of which are subject to the 90 day rule; and

WHEREAS, of the 43 ordinances and resolutions that were permitted to expire by rule at the end of 2013, 14 (or 32.6%) were principally sponsored by Members of Council belonging to the minority party; and

WHEREAS, these ratios were established during a time at which the majority party held 11 (or 73%) of the seats on County Council, while the minority party held only 4 (or 27%) of the seats; and

WHEREAS, the disproportionately high number of expired ordinances and resolutions that were principally sponsored by Members of Council belonging to the minority party gives rise to, at a minimum, a possibility that the committee structure could be seen as a tool for silencing debate and limiting action by the minority party; and

WHEREAS, in order to ensure compliance with the provisions of §5-311.04.B. and eliminate any appearance of political bias in the committee process, it is the desire of Council to establish a mechanism that functions to place all ordinances and resolutions on the agenda of the full Council for a final vote within 90 days of submittal;

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

Section 1.

The preamble to this ordinance is hereby incorporated by reference herein.

Section 2.

The Administrative Code of Allegheny County, Article 311, entitled “Official Actions of County Council,” §5-311.04, entitled “Consideration,” is hereby amended as follows:

§5-311.04. Consideration.

- A. No ordinance or resolution shall be voted on until it has been read by title and summary at two County Council meetings separated by at least seven days and the public has been given the opportunity to comment on the ordinance or resolution.
- B. County Council may act on a proposed ordinance or resolution at the same meeting as the second reading. Except for ordinances levying taxes, the requirement of a second reading may be waived by an affirmative vote of at least 2/3 of the seated members. County Council shall act on all ~~Ordinances~~ and ~~R~~ resolutions in either the affirmative or negative within 90 days of ~~submittal~~ introduction unless otherwise provided in the Charter or this Administrative Code, or unless tabled by a 2/3 majority of the seated members of Council. In the event that an ordinance or resolution is not released from any committee to which it was referred within 60 days of the date of introduction, the Clerk shall provide written notice to the chair of the committee having jurisdiction over such ordinance or resolution. In the event that an ordinance or resolution is not released from any committee to which it was referred within 75 days of the date of submittal, such ordinance or resolution shall be deemed referred to the full Council without recommendation, and the Clerk shall place such ordinance or resolution on the agenda for the next regularly scheduled meeting of Council.

Section 3.

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 4.

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 HEIDELBAUGH

CO-SPONSORS: