



Allegheny County Council

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Legislation Details (With Text)

File #: 9136-15 **Version:** 1 **Name:**

Type: Ordinance **Status:** Expired by Rule

File created: 8/21/2015 **In control:** Chief Clerk

On agenda: 8/25/2015 **Final action:**

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 applicability of the law of Allegheny County as it relates to the consideration of ordinances and resolutions by County Council.

Sponsors: Nick Futules

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
8/26/2015	1	Committee on Government Reform	Held in Committee	
8/25/2015	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 applicability of the law of Allegheny County as it relates to the consideration of ordinances and resolutions by County Council.

WHEREAS, Allegheny County Council is designated as the legislative branch of the County's government pursuant to the terms of Article IV of the Home Rule Charter of Allegheny County; and

WHEREAS, pursuant to its power and duty to enact an Administrative Code to govern the operations of the County, established within Article IV, §6 of the Home Rule Charter, Council enacted Article 311 of the Administrative Code in 2000; and

WHEREAS, amongst the provisions of Article 311 is §5-311.04.B., which requires 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;" and

WHEREAS, various of the Members of Council have highlighted instances in which ordinances and resolutions subject to the requirements of §5-311.04.B. remained in committee without final votes for longer than 90- days; and

WHEREAS, §5-311.04.B. as currently written does not contain any mechanism to ensure that all bills are processed in accordance with its provisions, precisely because strict adherence may not be desirable in instances in which particularly controversial or factually complex issues require a lengthy due diligence process; and

WHEREAS, furthermore, the existing provisions of §5-311.04.B. do not account for instances in which bills become moot after introduction or in which the primary sponsor(s) of a particular bill do not wish for it to be considered within the confines of the 90 day rule; and

WHEREAS, it is accordingly the desire of Council to revise the 90 day rule in order to strike a practical, equitable balance between the competing interests that relate to the timelines upon which various bills are considered;

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 Administrative Code.

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 Resolutions in either the affirmative or negative within 90 days of submittal unless otherwise provided in the Charter or this Administrative Code, or unless:
1. The bill is tabled by a 2/3 majority of the seated members of Council; or
 2. All primary sponsors of the bill provide written notice to the appropriate committee chair and Council President of a desire to allow the bill to receive a final vote after 90 days have elapsed; or
 3. The bill is declared moot by a majority of the seated members of the committee to which the bill was referred or, in the case of bills not before a committee, by a majority of the seated Members of Council; or
 4. The bill is referred from committee to the full Council, but subsequently re-referred to the same or a different committee of Council without receiving a final vote; or
 5. A declaration of insufficient information is issued by the President of Council, the chair of the committee to which the bill was referred, or a majority of the seated Members of Council or the committee to which the bill was referred. Such declaration shall be made

in writing and filed with the Chief Clerk, who shall time and date stamp the declaration and notify all Members of Council of the declaration. The declaration shall specify the bill by number and title, the Member(s) of Council filing the declaration, and the information to be obtained prior to further deliberations on the bill, and shall function as a stay of the 90 day period specified by this Section as of the date of filing, and lasting until such time as all of the information specified in the declaration is received by the appropriate committee chair or Council President. Upon receipt of all specified information, the President or appropriate committee chair shall notify the Chief Clerk, who shall then notify all Members of Council that the 90 day period for the bill is once again running. Declarations may be invalidated at any time by motion approved by a majority of the seated Members of Council.

C. In the event that an ordinance or resolution not subject to one or more of the exceptions delineated in Subsections B.1 through B.5. above does not receive a final vote within 90 days of introduction, the bill shall be deemed released from committee without recommendation upon the 91st day after introduction, and the clerk shall place it on the agenda for the a second reading at the next regular meeting of Council.

Section 3. Effective Date and Applicability; No Retroactive Effect.

The provisions of this ordinance shall become effective immediately upon the date of final approval. The provisions of this ordinance shall not apply to any ordinance or resolution introduced prior to the effective date of this ordinance.

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: VICE PRESIDENT FUTULES