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 #:	11372-20	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Withdrawn
File created:	1/17/2020			**In control:**	Committee on Government Reform
On agenda:	1/21/2020			**Final action:**	9/30/2020
Title:	An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question regarding the amendment of Article III, §5(b) of the Home Rule Charter of Allegheny County, which establishes term limits for certain independently elected County officials, be placed on the November 3, 2020 General Election ballot; and further amending Article 301 of the Administrative Code of Allegheny County, contingent upon the passage of the referendum question.				
Sponsors:	Nick Futules, Tom Duerr, Patrick Catena				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
9/30/2020	1	County Council	Withdrawn	
1/29/2020	1	Committee on Government Reform	Held in Committee	
1/21/2020	1	County Council	Referred by Chair	

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question regarding the amendment of Article III, §5(b) of the Home Rule Charter of Allegheny County, which establishes term limits for certain independently elected County officials, be placed on the November 3, 2020 General Election ballot; and further amending Article 301 of the Administrative Code of Allegheny County, contingent upon the passage of the referendum question.

Whereas, Article III, §5(b) of the Home Rule Charter of Allegheny County establishes that the Chief Executive of Allegheny County shall be limited to three consecutive terms of office; and

Whereas, this restriction is unique to the Chief Executive, and does not apply to any other elected official governed by the terms of the Home Rule Charter; and

Whereas, two of the foundational values justifying the change to home rule, as described in the preamble to the County's Home Rule Charter are diversity and inclusiveness: "[a] home rule government with a legislative County Council with Members elected by district and at large will represent the diversity of our County's citizens and provide better access to County government;" and

Whereas, these same themes were recently echoed during Council's re-organization, and it is the judgment of Council that diversity and inclusiveness will both be fostered by establishing the same limit of three consecutive four year terms for members of Council that is already in place for the Chief Executive; and

Whereas, the importance of a vital and inclusive legislative branch is further demonstrated by the Charter preamble: "[a] home rule government that separates the legislative and executive functions previously

powered by Legistar™

vested solely in the Board of County Commissioners will provide checks and balances on the powers of government and protect the rights, privileges and powers reserved or guaranteed to the people by the Constitutions of the United States of American and the Commonwealth of Pennsylvania."; and

Whereas, it is the judgment of Council that allowing the membership of the legislative branch of County government to remain stagnant over extended periods of time is both undesirable and contrary to the desire of the voters of the County as expressed through their enactment of the County's Charter, particularly insofar as such stagnation greatly limits or eliminates diversity, participation, efficiency, vision and creativity in County government; and

Whereas, it is further the judgment of Council that the same logic that applies to limiting the Chief Executive to three consecutive terms of office applies with equal force to the individuals elected to the co-equal legislative branch of County government; and

Whereas, it is accordingly the desire of Council to apply the same term limitations to the Council members, via Charter amendment;

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. Ballot Question.

Pursuant to the Second Class County Charter Law and the Home Rule Charter and Optional Plans Law, the Allegheny County Board of Elections is hereby directed to place the following question on the November 3, 2020 General Election Ballot for consideration and approval by the registered electors of the County:

> Shall Article III, §5(b) of the Home Rule Charter be amended such that the Chief Executive and Council Members shall both be limited to three consecutive terms of office?

SECTION 3. Contingent amendment of the Administrative Code of Allegheny County.

Immediately upon certification by the Board of Elections that the Charter amendment delineated within Section 2 of this Ordinance has been approved by the voters of Allegheny County, the Administrative Code of Allegheny County shall be amended and supplemented by the creation of a new §5-301.11, entitled "Term limits" and comprised as follows:

§5-301.11. Term limits.

No person shall be elected to more than three consecutive terms as a member of Council, regardless of whether such terms are for the same district or at-large seat. For the purposes of this Section:

A. The appointment or election of an individual to serve as a member of Council to fill a vacancy with an unexpired term of two years or less shall not be considered a term of office for purposes of the term limitations set forth in Article III of the Home Rule Charter of Allegheny County.

powered by Legistar™

B. The appointment or election of an individual to serve as member of Council to fill a vacancy with an unexpired term of more than two years shall be considered a term of office for purposes of the term limitations set forth in Article III of the Home Rule Charter of Allegheny County.

C. Any term of office of two years or longer in progress as of the effective date of this Section shall be deemed a member of Council's first term for the purpose of computing the term limits applicable to such member.

SECTION 4. Effective Date.

The provisions of this Ordinance shall become effective immediately upon final approval.

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 Ordinance.

powered by Legistar™