Allegheny County Council

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Legislation Details (With Text)

File #:	11820-21	**Version:**	1	**Name:**	
Type:	Motion			**Status:**	Defeated
File created:	3/19/2021			**In control:**	Chief Clerk
On agenda:	3/23/2021			**Final action:**	3/30/2021
Title:	Motion of the Council of Allegheny County overriding Allegheny County Chief Executive Rich Fitzgerald's veto of Bill No. 11481-20, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 5: Health and Sanitation, through the creation of a new Chapter 575, entitled "Paid Sick Days Act," in order to improve the public health by granting paid sick time to employees in the County."				
Sponsors:	Bethany Hallam, Anita Prizio				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
3/30/2021	1	County Council	Defeated	Pass

Motion of the Council of Allegheny County overriding Allegheny County Chief Executive Rich Fitzgerald's veto of Bill No. 11481-20, "An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 5: Health and Sanitation, through the creation of a new Chapter 575, entitled "Paid Sick Days Act," in order to improve the public health by granting paid sick time to employees in the County."

Whereas, Bill No. 11481-20, an ordinance providing for, *inter alia*, the accrual and use of paid sick time by employees within Allegheny County, was introduced on April 21, 2020; and

Whereas, multiple informational sessions were conducted by the Committee on Health and Human Services regarding the subject matter of the bill from the late spring through the autumn of 2020; and

Whereas, the Committee on Health and Human Services met to discuss and vote upon proposed amendments to Bill No. 11481-20 on January 27, 2021, February 10, 2021, and March 3, 2021; and

Whereas, the Committee on Health and Human Services affirmatively recommended Bill No. 11481-20, as amended, to the full Council with an affirmative recommendation on March 3, 2021; and

Whereas, the full Council passed Bill No. 11481-20 by a vote of 10-4 (with one abstention) at its March 9, 2021 regular meeting; and

Whereas, passage of Bill No. 11481-20 was undertaken after obtaining the advice of Council's own solicitor, and was entirely consistent with that advice; and

Whereas, the Office of the Chief Executive, the Office of the County Manager, and the County Law Department all received notice of the introduction and full contents of Bill No. 11481-20, and also received notice of each and every Committee session relating to the bill, dating back to April 21, 2020; and

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Whereas, on March 16, 2021, Chief Executive Fitzgerald vetoed Bill No. 11481-20 on the basis of a concern relating to County compliance with the terms of the Local Health Administration Law (LHAL), 16 P.S. §12011, which requires that health regulations be developed by the Allegheny County Health Department and submitted to Council for approval once created, a concern which the Chief Executive first brought to Council's attention on the day before the final vote on the ordinance, and

Whereas, while the Council appreciates the Executive's concern, it is of the considered opinion that the provisions of §12011 of the LHAL would have been complied with in their entirety if the Chief Executive had simply designated the Allegheny County Health Department as the County's enforcement agency, which would have automatically bestowed regulation-making authority upon the Department, per the terms of §575-7 of the ordinance; and

Whereas, it is further the judgment of Council that the Allegheny County Health Department would have retained all necessary regulatory authority under the terms of the LHAL had the Executive simply opted to designate the Department as the enforcement agency, insofar as §575-13 of the ordinance clearly and unambiguously establishes that the ordinance could not and would not become effective until the 90th calendar day following the public notice of the implementation regulations, once developed by ACHD; and

Whereas, it is therefore the determination of Council that the Chief Executive's veto of Bill No. 11481-20 was unnecessary and, as the Chief Executive himself conceded in his veto message, following the path necessitated by such veto "means that it will be several more months before Allegheny County has its own paid sick leave regulations" even as the County continues to grapple with a global contagious disease pandemic, and remains under a declaration of emergency directly resulting from that pandemic; and

Whereas, pursuant to the terms of Article IV, §2(e) of the Home Rule Charter of Allegheny County, Allegheny County Council is expressly authorized to "override, by affirmative vote of at least two-thirds of the seated Members, any veto by the Chief Executive," provided that such override occurs within 30 days of the veto, consistent with the provisions of §5-311.07.D of the Administrative Code of Allegheny County; and

Whereas, the form of such veto override is not specified by the Charter or Administrative Code, and has traditionally been proposed in the form of a motion; and

Whereas, the deadline for an override of the instant veto is April 15, 2021.

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

The Allegheny County Chief Executive's veto of Bill No. 11481-20, delivered to Council on March 16, 2021, is hereby overridden. The provisions of Bill No. 11481-20 shall hereby become effective as established in §575-13 of the Ordinance.

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