



# Allegheny County Council

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## Legislation Details (With Text)

**File #:** 12208-22      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Vetoed

**File created:** 2/18/2022      **In control:** Committee on Government Reform

**On agenda:** 2/22/2022      **Final action:** 7/19/2022

**Title:** An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County, Part 4 entitled "Executive Branch," Article 401, §5-401.09, entitled "Staff organization and appointments" in order to implement a unified structure governing the appointment of departmental directors and equivalent positions.

**Sponsors:** Patrick Catena, Olivia Bennett, Bethany Hallam

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/19/2022	2	County Council	Veto Sustained	
7/12/2022	2	Chief Executive	Vetoed	
7/5/2022	2	County Council	Passed for Chief Executive Signature	Pass
6/30/2022	1	Committee on Government Reform	Amended and Affirmatively Recommended as Amended	Pass
6/22/2022	1	Committee on Government Reform	Held in Committee	
5/24/2022	1	County Council	Referred by Chair	
5/18/2022	1	Committee on Government Reform	Affirmatively Recommended	Pass
3/1/2022	1	Committee on Government Reform	Held in Committee	Pass
2/22/2022	1	County Council	Referred by Chair	

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County, Part 4 entitled "Executive Branch," Article 401, §5-401.09, entitled "Staff organization and appointments" in order to implement a unified structure governing the appointment of departmental directors and equivalent positions.

**WHEREAS**, the Home Rule Charter of Allegheny County, Article IV, §6 specifically vests Allegheny County Council with the power and duty to "adopt by ordinance, and amend as needed, an Administrative Code that shall provide a complete plan of organization, departmental structure and operation for the County government. The Administrative Code shall include, at a minimum...a personnel system...and a table of organization for all departments and agencies."; and,

**WHEREAS**, in order to permit Council to carry out these functions as directed by the Charter, §5-401.09.B. of the Administrative Code as currently drafted requires that "County Council shall be given the opportunity to interview all final candidates for Directors of departments and make recommendations to the Chief Executive."; and,

**WHEREAS**, because the existing language of §5-401.09.B. would necessarily require the disclosure of candidates' identities before an offer of employment is tendered, this process has the potential to limit the field of qualified applicants for departmental director positions, to the extent that an individual applicant may not wish for a current employer (or others) to become aware of their candidacy prematurely; and,

**WHEREAS**, it is the desire of Council to establish a new procedure that allows Council to exercise the authority and responsibility designated to it by the Charter, while protecting applicants' confidentiality to the greatest extent possible; and,

**WHEREAS**, it is accordingly the judgment of Council that implementing a structure of appointment and confirmation for departmental directors that is similar to the processes employed at the Commonwealth and Federal levels will effectuate this result;

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

### ***SECTION 1.***

The preamble to this Ordinance is hereby incorporated in its entirety herein.

### ***SECTION 2. Amendment of the Administrative Code***

The Administrative Code of Allegheny County, Part 4 entitled "Executive Branch," Article 401, §5-401.09, entitled "Staff organization and appointments" is hereby amended as follows:

#### **§ 5-401.09. Staff organization and appointments.**

- A. The Chief Executive shall have the authority to hire such personnel and staff as the Chief Executive deems necessary to discharge the duties and responsibilities of the office. The costs for the salaries, benefits and expenses of the personnel and staff of the Chief Executive shall be paid from the balanced annual operating budget appropriation for such personnel and staff as provided for in the Charter. The total amount of compensation and expenses for the personnel and staff of the Chief Executive shall be included in and shall not exceed the budget limitations for the Office of Chief Executive set forth in Article III, § 1.3-307(g), of the Charter.
- ~~B. In consultation with the Chief Executive, the Manager shall establish the Table of Organization of all departments and agencies, and shall appoint the directors of all Departments who shall be available to provide information and advice to members of County Council upon request. County Council shall be given the opportunity to interview all final candidates for Directors of departments and make recommendations to the Chief Executive.~~
- B. In consultation with the Chief Executive, the Manager shall maintain the Table of Organization of all departments and agencies, and provide any recommended revisions or alterations to such Table of Organization to County Council for approval and inclusion in this Administrative Code.
- C. For the purposes of this Subsection, the term "Director" shall be deemed to include any individual with

supervisory authority over a County department or over any other office, division, or other entity appearing on the Table of Organization, regardless of such individual's official title, but shall not include the County Manager or County Solicitor. All Directors shall be selected pursuant to the following procedure:

1. In consultation with the County Manager, the Chief Executive shall solicit applications when deemed appropriate, conduct any screening processes deemed appropriate, and designate a final candidate for the position of Director, as defined in this Subsection.
2. The Chief Executive shall provide the final candidate with a dated offer of employment, contingent upon confirmation by County Council. Pending such confirmation, the final candidate may, at the discretion of the Chief Executive and Manager, assume the normal duties of the Director's position, but shall in all instances be designated as an interim employee prior to confirmation.
3. The Chief Executive shall forward nominations of final candidates for all Director positions to County Council for confirmation within ten (10) days of the date appearing on the nominee's offer of employment. Such nomination shall:
  - a. Clearly indicate the position for which the nominee is nominated;
  - b. Include a delineation of whether the nominee, if confirmed, will be subject to any contractual or other negotiated terms governing the conditions of their employment with the County; and
  - c. Include the nominee's current contact information and a written description of the nominee's qualifications, such as a resume, *curriculum vitae*, biography, summary memorandum, or other document.
4. Nominations of Directors shall be referred to a committee of Council for review prior to a final vote by the full Council. No committee of Council shall return a nomination for a final vote without interviewing the nominee in person or via teleconference at least once.
5. Nominations made pursuant to the terms of this Section shall be deemed approved only upon receiving the affirmative vote of a majority of the seated members of Council at a regular meeting of Council.
6. Any nominee not confirmed by Council as provided in Subsection C.5. within 45 days of nomination shall be deemed unconfirmed. Unconfirmed nominees may remain County employees, but shall immediately be removed from consideration for the Director position for which they were nominated and shall not exercise any supervisory authority over any County department or over any other office, division, or other entity appearing on the Table of Organization.

D. The Chief Executive and County Manager shall make any individual(s) designated as having supervisory authority over any County department, office, division, or other entity appearing on the Table of Organization available to provide information and advice to members of County Council, upon request.

EE. The Chief Executive, without County Council confirmation, shall have the authority to appoint such voluntary advisors, and voluntary advisory boards and committees, as the Chief Executive deems necessary. The aforementioned advisors, advisory boards and committees shall only be established by the Chief Executive to provide advice and recommendations. The Chief Executive shall notify Council when a committee or board is created along with the names of the appointees. This provision shall not apply to any specific advisory boards and committees established by this Administrative Code.

~~D~~E. The Chief Executive and County Council may jointly establish and appoint such voluntary advisors, and voluntary advisory boards and committees as they deem necessary to make recommendations on issues which require County Council review and approval.

***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.***