

## **WHAT IS HOME RULE?**

With home rule, Pittsburgh will no longer have to go to the State Legislature in Harrisburg to seek permission for actions it should be able to decide on its own.

In the future, home rule will allow the City to do everything not expressly forbidden by state law or the Constitution.

Moreover, the new charter will establish a more flexible, efficient and responsible government.

There are certain matters that the Study Commission was not allowed to change. The state law authorizing the Commission forbids any changes in pensions, benefits or working conditions now enjoyed by city employees, subjects of taxation, property assessments, eminent domain, public schools, or election laws. Therefore, this charter can only do part of the task of modernizing city government. Many other needed changes will have to come through the General Assembly of the Commonwealth.

Many essential changes, however, are made in this new charter. Particularly, it provides for a flexible, easy-to-change structure, and for improved access and response for citizens.

**NOTE:** The Home Rule Charter was approved by the electorate of the City of Pittsburgh in the election held November 5, 1974.

The Home Rule Charter has been recorded in Ordinance Book Volume 74; and also in the Municipal Record of the Council of the City of Pittsburgh Volume 108.

**LINDA M. JOHNSON-WASLER**  
City Clerk

### **AS AMENDED:**

<b>November 2, 1982</b>	<b>Section 204(4)</b>	<b>November 2, 1993</b>	<b>Section 305</b>
<b>April 10, 1984</b>	<b>Section 310(h)</b>	<b>March 2, 1994</b>	<b>Section 707</b>
<b>May 19, 1987</b>	<b>Section 302</b>	<b>January 16, 1996</b>	<b>Section 309</b>
<b>November 8, 1988</b>	<b>Section 206</b>	<b>May 20, 1997</b>	<b>Sections 228-230</b>
<b>November 7, 1989</b>	<b>Section 303</b>	<b>November 2, 1999</b>	<b>Sections 515 &amp; 516</b>
<b>November 7, 1989</b>	<b>Section 710</b>	<b>August 7, 2000</b>	<b>Section 705</b>
<b>November 5, 1991</b>	<b>Section 404(d)</b>	<b>December 31, 2000</b>	<b>Article 6</b>
<b>November 3, 1992</b>	<b>Section 223</b>		<b>Dissolution of CAB's</b>
<b>November 3, 1992</b>	<b>Section 322</b>		<b>Ord. 25 of 2000</b>

**GOVERNMENT STUDY COMMISSION**

**CITY OF PITTSBURGH**

## **Elected November 7, 1972**

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## **FINDINGS OF THE COMMISSION**

While Pittsburgh traces its history back to a frontier fort first established in 1754, it was incorporated as a borough in 1794, and as a city in 1816. From that time it has been subject to close supervision and rule by the Commonwealth of Pennsylvania.

The present "charter" of the City is a series of state laws and amendments dating back to the 19th Century, with a comprehensive charter act passed in 1901, major amendments made in 1911, and lesser amendments enacted since that time. It fills 550 pages.

Prior to 1901, the major powers of local government were placed in common and select councils which had numerous members, elected from districts throughout the City.

The acts passed from 1901 to 1911 shifted more city government powers to the mayor, and replaced the large district councils with a single council of nine members elected at-large.

From its study of the government of the City of Pittsburgh, the Commission made these findings:

- A. Close supervision and rule of the City by the Commonwealth makes for cumbersome, inflexible and less responsive government.
- B. Pittsburgh's strong-mayor form of government dating back to 1911 is a basically sound form, but needs to be strengthened in three areas.
- C. The first area in need of strengthening is checks and balances, that is sufficient strength needs to be provided for each of the various branches of city government to prevent any single branch from abusing its power in the future.
- D. The second area is accessibility. Mechanisms need to be provided to ensure citizens the means to communicate with city government and to participate in its processes.
- E. The third area is accountability. Adequate provisions need to be made for officials to report to the citizenry what they are doing to carry out their duties, to ensure that officials are responsive to the public will.

The new charter proposed by this Commission seeks to provide for home rule, distribution of powers, access mechanisms, and accountability provisions as called for by these findings.

**NOTE:** Robert Rade Stone resigned February 5, 1973 upon becoming a member of Council. He was replaced by Arthur C. Holloway as a commission member.

## **SUMMARY OF THE HOME RULE CHARTER**

**ARTICLE ONE** establishes home rule powers for the City, demands that the City's powers be construed broadly by the courts, and confirms the City's boundaries. Some important terms used in the charter are defined.

**ARTICLE TWO** states the qualifications for the mayor who shall serve a four year term of office and shall administer the affairs of the City.

If there is a vacancy in the office of mayor, the president of council shall serve as mayor until the next election, at which time an election shall be held for the unexpired portion of the term.

To make the structure of City government flexible, the mayor and council shall have the power to establish, change, or abolish commissions, boards, or units of government (e.g., departments).

The mayor shall appoint, with the approval of council, the heads of the major administrative units of government. However, the mayor may remove these officers at will.

The mayor, with council's approval, shall appoint a city solicitor who shall act as the City's attorney.

The mayor must make an annual state of the city message, and the heads of major administrative units of government must provide council and the mayor all information asked of them.

There shall be a fifteen member human relations commission with a staff, attorney and subpoena powers. Members of the commission shall be appointed by the mayor with the approval of council, but cannot be removed except for just cause and with council's consent.

**ARTICLE THREE** states that there shall be a nine member council elected from the City at large.

Council can by ordinance change itself so that all its members are elected from separate districts to be drawn by the Court of Common Pleas.

Council's president shall be elected by the members of council and shall establish and abolish all committees of council, schedule public hearings, and preside at council meetings.

Article three states that there shall be a nine (9) member council elected from the City at large, with all vacancies filled by a special election.

Council has the power to investigate any legislative or administrative matter.

This article also outlines the legislative process: the submission of ordinances or resolutions, holding mandatory public hearings, submission of legislation for veto or approval by the mayor, and the procedure for overriding a mayor's veto.

All actions of council are to be done publicly.

All city ordinances shall be reviewed, codified, and made available to any citizen.

**ARTICLE FOUR** establishes the office of controller who shall be elected to serve a four year term. The controller will continue to perform pre-audits and post audits of all city accounts.

To assure that the people get the services they pay for, the controller must do a performance audit of any unit of government that receives city funds, at least once every four years.

**ARTICLE FIVE** outlines the fiscal operation of the City. It calls for annual operating and capital budgets to be submitted to council approximately 7 weeks in advance of the end of the fiscal year, and for a six year capital program that shall be reviewed and updated annually.

All ordinary contracts shall be by bids and shall be awarded to the lowest responsible bidder.

**ARTICLE SIX** creates community advisory boards which shall maintain a guaranteed channel of communication for citizens with city government.

The mayor shall draw the boards' boundaries. Each board will be created only if the people in the community want it. The boards will cost the City nothing, but will ensure that the people elected to a board by a community shall be consulted on all

physical, social or zoning matters that might affect the community.

**ARTICLE SEVEN** calls for a uniform city personnel system based on fitness and merit.

There shall be no discrimination in city government personnel policies or practices.

No city employee shall engage in political activity on city property or during working hours, nor shall an employee be compelled to contribute to any fund (other than one required by law).

This article contains a strict conflict of interest provision.

**ARTICLE EIGHT** requires elected officials to make an annual disclosure of all businesses or associations in which they have financial interests, the amount of any surplus campaign funds, and the names of all creditors of debts in excess of \$1,000.

This article lists crimes which if committed by an elected official shall cause immediate forfeiture of office. The grounds for impeachment are set forth as are the impeachment procedures.

All city records are open to the public, except in cases where disclosure would violate a person's right to privacy, hinder law enforcement or divulge legally privileged information.

All candidates for city office must file a preliminary accounting of all campaign expenditures and contributions at least five days before election day.

In order to achieve increased independence for city government, and more power over local matters, the people of Pittsburgh adopt this home rule charter as an instrument of progress and hope.

It has been created in a long labor, open to all citizens and participated in by many.

The purpose of this charter is a responsible city. A responsible city is one which seeks to ensure that all of its citizens' needs are met, whether from public or private, city, county, state or national sources.

A responsible city is one which expects aggressive action from its officials toward the achievement of dignified housing, useful employment, pure air and water, efficient transportation excellent education, health, safety, recreation and culture, and the other conditions conducive to human growth.

It is one which provides equal protection of the law for all citizens, with no one denied the enjoyment of civil, economic or political rights, or discriminated against in the exercise thereof because of race, color, creed, national origin, age, handicap or sex.

It is one where all citizens have reasonable access to records and officials and where police power is under civil direction at all times.

It is one where citizens generously accept service in government, participate thoughtfully in public decisions, support public employees in the performance of lawful duties, avoid frivolous use of their rights and supply their government with sufficient resources to meet its responsibilities.

The achievement of the purpose of this home rule charter depends upon the constant interest and concern of citizens.

## **PREAMBLE**

**ARTICLE I  
HOME RULE POWERS - DEFINITIONS**

**101. HOME RULE POWERS**

The City of Pittsburgh has all home rule powers and may perform any function and exercise any power not denied by the Constitution, the laws of Pennsylvania, or this charter whether such powers or functions are presently available to the City or may in the future become available. The powers of the City shall be construed liberally in favor of the City, and the specific mention of particular powers in this charter shall not be construed as limiting in any way the general power stated in this article. All possible powers of the City, except as limited above, are to be considered as if expressly set forth in this article whether such powers are presently available to the City, or may in the future become available.

**102. DEFINITION OF CERTAIN TERMS**

As used in this charter:

"Agencies" means authorities and also all organizations which receive city funds but are not a part of city government.

"Major Administrative Unit" means a subdivision of city government, whose head reports directly to the mayor, excluding boards, commissions and magistrate courts.

"Law" means the Pennsylvania Constitution or an act of the general assembly.

"Unit of Government" means any subdivision of city government including any department, bureau, division, board, commission or magistrate court.

**103. BOUNDARIES**

The boundaries of the City shall be the actual boundaries of the City at the time this charter takes

effect, and as they may in the future be lawfully changed.

**ARTICLE 2  
EXECUTIVE BRANCH**

**201. THE MAYOR**

The executive, administrative and law enforcement powers of the City shall be vested in the mayor. The mayor shall control and be accountable for the executive branch of city government, as provided by this charter.

**202. QUALIFICATIONS OF THE MAYOR**

The mayor shall have been a resident of the City for at least three years immediately preceding election, unless absent on the public business of the United States or this Commonwealth, and shall reside in the City while serving as mayor.

**203. ELECTION AND TERM OF THE  
MAYOR**

The mayor shall be chosen by the qualified electors of the City at the municipal election, and shall serve for a term of four years from the first Monday of January following election until a successor is elected and qualified.

**204. POWERS AND DUTIES OF THE  
MAYOR**

The mayor shall have the following additional powers and duties:

- a. to provide leadership for the advancement of the City and achievement of the goals set forth in the Preamble of this charter;
- b. to execute and enforce the provisions of this charter, the ordinances and resolutions of the City and the laws of this Commonwealth;

c. to inform council at least once a year concerning the finances and general conditions of the City;

d. to provide council with information concerning the administration and conditions of the City as requested by council;

e. to call meetings with council when necessary;

f. to submit proposed legislation to any member of council for introduction;

g. to make long and short range plans for the improvement of the economic, physical and social condition of the City and its neighborhoods;

h. to supervise all city employees and officers except as otherwise provided by this charter;

i. to promote intergovernmental relations generally and specifically by:

1. initiating as well as cooperating in working relationships with other governments, public and quasi-public agencies for the promotion of public services, economic development and cultural activities of mutual benefit to all concerned;

2. aggressively seeking funds for city programs from federal, state and county sources;

3. making periodic public reports on the current status of the City's present and prospective relations with other governments, public and quasi-public agencies;

4. The mayor shall present an annual report on the tax monies paid per capita and the citizens of the City of Pittsburgh to the federal government that is allocated to military spending. The report shall include an analysis of the impact of the military budget on the City's economy in relation to jobs and social services. The mayor shall advertise this analysis in two prominent daily newspapers in the City.

j. to take such action as may be necessary to ensure that no inequities exist in any unit of city government and that each unit operates in a manner which provides every citizens full and equal access to government and a like opportunity to render goods and services to the City; and

k. to perform other duties and exercise other powers as stated in this charter or assigned by law, ordinance or resolution.

## **205. STATE OF THE CITY MESSAGE**

The mayor shall deliver a state of the city message each year in public. The state of the city message may be delivered at the same time as the mayor's budget proposal to council or within three months thereafter.

## **206. VACANCY IN THE OFFICE OF THE MAYOR**

A vacancy in the mayor's office shall be filled at the next election permitted by law. The person elected shall be a resident of the city of Pittsburgh and shall take office as soon as possible after the certification of election and shall serve the remaining portion of the vacated term.

Until the vacancy is filled by an election, the president of council shall serve as Mayor. If the president of council accepts the position of mayor, he/she shall immediately relinquish his/her position as council member. Council shall then elect a new president of council.

If the president of council shall be unable or unwilling to serve as mayor, a mayor shall be elected by a majority vote of all the members of council. The person elected shall be a resident of the city of Pittsburgh. If a member of council is elected and accepts the position of mayor, he/she shall immediately relinquish his/her position as council member.

## **207. DEPUTY MAYOR**

The mayor may appoint a non-elected major administrative unit head to act as deputy mayor while the mayor is necessarily absent from the City or temporarily disabled. The mayor shall file a notice of the appointment in the office of council. The deputy mayor shall have all the powers and discharge all the duties of the mayor during the mayor's absence or temporary disability except the power of appointment or removal. The deputy mayor shall serve without additional compensation and post bond with the controller in an amount approved by council.

## **208. ORGANIZATIONAL STRUCTURE**

All units of government, except those mandated by this charter, may be established, revised or abolished by ordinance. Such an ordinance may be introduced by the mayor or council. If the ordinance is introduced by council, council shall immediately notify the mayor, who shall within thirty days of receipt of notice submit a recommendation to council. Council shall take no action on the ordinance until a recommendation is received or the thirty day period expires.

## **209. APPOINTMENT AND TERM OF HEADS OF MAJOR ADMINISTRATIVE UNITS**

The mayor shall appoint the heads of all major administrative units subject to approval of council. Unless removed, all major administrative unit heads shall hold office during the term for which the mayor is elected and until their successors are appointed and qualified.

## **210. REMOVAL OF HEADS OF MAJOR ADMINISTRATIVE UNITS**

The mayor may remove the head of any major administrative unit at will. A removal shall not be effective until the mayor transmits reasons to council in writing.

## **211. INFORMATION REQUIRED OF UNITS OF GOVERNMENT**

All heads of units of government shall furnish the mayor or council such information as the mayor or council shall demand at any reasonable time and shall make an annual public report in writing to the mayor and council.

## **212. CITY SOLICITOR**

The mayor shall appoint, subject to approval of council, a city solicitor. The solicitor shall be a major administrative unit head. The city solicitor shall be an attorney qualified to practice law before the Supreme Court of Pennsylvania.

## **213. DUTIES OF CITY SOLICITOR**

The city solicitor shall:

- a. act as attorney for the City as a municipal corporation, for council, and for any city unit of government, except when council or a unit of government authorized to do so by this charter chooses to use its own counsel;
- b. prepare all contracts to which the City or any of its units is a party; and,
- c. audit, in connection with the election of the controller, the preliminary account of campaign contributions and expenses required by section 802 of this charter, to publish the results of the audit, and to inform the proper authorities of any violation of law revealed by the audit.

**214. APPOINTMENT AND TERM OF MEMBERS OF BOARDS AND COMMISSIONS**

The mayor shall appoint the members of all boards and commissions subject to approval of council. They shall serve for terms as provided by law, this charter or ordinance.

**215. REMOVAL OF MEMBERS OF BOARDS AND COMMISSIONS**

The mayor may remove any member of a board or commission at will except as otherwise provided by this charter. A removal shall not be effective until the mayor transmits reasons to council in writing.

**216. HUMAN RELATIONS COMMISSION**

The mayor shall appoint a fifteen member human relations commission. Each member shall serve for a term of four years or until a successor is appointed and qualified. The commission shall:

- a. investigate complaints of unlawful discrimination against any person in the enjoyment of the civil rights guaranteed by law, this charter or ordinance and secure those rights without discrimination;
- b. secure the rights of citizens to services from city government without discrimination;
- c. submit an annual written report to the mayor summarizing the year's activities and making recommendations;
- d. hold public hearings as necessary to make determinations on all matters within its jurisdiction; and,

e. perform other duties and exercise all powers including enforcement powers as conferred by law or ordinance.

**217. HUMAN RELATIONS COMMISSION STAFF**

The commission may employ and supervise a staff including a solicitor. The solicitor for the commission shall be an attorney qualified to practice law before the Supreme Court of Pennsylvania. The solicitor shall be responsible to the chief staff officer of the commission and provide legal representation to the commission on legal matters within its jurisdiction.

**218. REMOVAL OF HUMAN RELATIONS COMMISSION MEMBERS**

The mayor may remove a commission member only for just cause and with the approval of council. The mayor shall submit reasons constituting cause in writing to the commission and council.

**219. APPOINTMENT AND TERM OF MEMBERS OF AUTHORITIES**

The mayor shall appoint all members of authorities subject to approval of council except as otherwise required by law. They shall serve for terms as provided by law.

**220. COMPOSITION OF AUTHORITY BOARDS**

A member of council shall serve on each authority board. However, no member of council may serve on more than one authority board at the same time.

**221. REMOVAL OF AUTHORITY MEMBERS**

The mayor may remove any member of an authority at will except as otherwise provided by law. A removal shall not be effective until the mayor transmits reasons to council in writing.

**222. VACANCIES ON AUTHORITIES, BOARDS AND COMMISSIONS**

Should the mayor fail to nominate a person to fill any vacancy, however created, on any authority, board or commission within sixty days after an office becomes vacant, council may fill the vacancy unless prohibited by law.

**223. APPOINTMENT AND TERM OF MAGISTRATES**

The mayor shall appoint city magistrates subject to approval of council. They shall serve for terms of four years. However, the initial terms of magistrates appointed following adoption of this charter shall be staggered so that their appointment is distributed over four year periods as evenly as possible. If the mayor fails to nominate a person to fill a city magistrate's position within 60 days after the expiration of a magistrate's term, the name of the person currently holding that magisterial position shall, upon the person's consent, automatically be re-nominated for an additional term.

**224. CHIEF MAGISTRATE - STAFF**

The mayor shall designate one magistrate to serve as chief magistrate. The chief magistrate shall employ and supervise a staff which shall be responsible to the chief magistrate. The chief magistrate shall be responsible for the scheduling of

cases, assigning magistrates to various courts and maintaining proper decorum in court at all times.

**225. REMOVAL OF MAGISTRATES**

Magistrates may be removed as provided by law and this charter.

**226. ORGANIZATION AND JURISDICTION OF MAGISTRATE COURTS**

Except as otherwise provided in this charter or by ordinance, the organization, jurisdiction, powers, procedures and practices of the magistrate courts shall be in accordance with the law.

**227. TABLE OF ORGANIZATION**

The executive branch shall file a table of organization in the office of city clerk. The table of organization shall be kept current at all times and shall be available for inspection by the public during regular work hours.

**228. INDEPENDENT CITIZEN REVIEW BOARD**

There is established an Independent Citizen Review Board, comprised of seven members reflecting Pittsburgh's diversity, for the purpose of receiving, investigating and recommending appropriate action on complaints regarding police misconduct and for the purpose of improving the relationship between the police department and the community. The members shall serve four year staggered terms and serve until the appointment of their successors. Four of the seven appointments shall be made from a list of nine nominations submitted to the Mayor by City Council. Members shall be residents of the City, shall not be employed

by the City or any of its Authorities, and shall serve without compensation.

**229. POWERS OF INDEPENDENT CITIZEN REVIEW BOARD.**

The Board shall:

- a. Investigate selected complaints filed by individuals alleging police misconduct;
- b. Establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation;
- c. Provide advice and recommendations to the Mayor and the Chief of Police on policies and actions of the Police Bureau, including recommendations on police training, hiring and disciplinary policies and specific recommendations of discipline for individual officers; provided, however, the Mayor and the Chief of Police shall retain full and ultimate authority to set disciplinary policies or take other actions deemed appropriate relative to the Police Bureau.
- d. Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith require the production of evidence relating to any other matter under investigation or any questions before the board and do all other things necessary to fulfill its purpose.

The Board shall employ and supervise a staff including a solicitor, as necessary. The Board shall adopt procedures and rules necessary to fulfill its purpose. City Council may by ordinance adopt regulations to effectuate this Charter provision.

**230. RESPONSE TO RECOMMENDATIONS OF INDEPENDENT CITIZEN REVIEW BOARD.**

Within thirty (30) days of submission of a recommendation by the Board to the Mayor and the chief of Police, they shall respond in writing as to whether such recommendations are accepted, rejected or will be implemented with modifications.

**ARTICLE 3  
LEGISLATIVE BRANCH**

**301. THE COUNCIL**

The legislative power of the City shall be vested in a council.

**302. COMPOSITION**

Council shall consist of nine members. All members shall be elected by districts. Each of the districts shall be represented by one member who shall reside in that district.

**303. QUALIFICATIONS OF COUNCIL MEMBERS**

A council member shall have been a resident of his or her respective district one year next before his or her election, unless absent on the public business of the United States or this Commonwealth, and shall reside in said district of the City while serving as a council member.

**304. TERMS**

Council members shall serve for a term of four years from the first Monday of January following their election. Terms of council members shall be staggered so that four are elected at the same time as the mayor.

### **305. ORGANIZATION OF COUNCIL**

Council shall organize on the first Monday of January following each municipal election. At its organization meeting, council shall, by a majority vote of all council members, elect one member to serve as president for the ensuing legislative term of council. Council shall have the power to remove the president by a 2/3 majority vote in the event of misfeasance, malfeasance or nonfeasance, after due notice and an opportunity to be heard. Council shall fill any vacancy in the office of President by a like vote.

### **306. POWERS OF COUNCIL PRESIDENT**

The powers of the council president shall be:

- a. to preside at all meetings of council and to refer all proposed legislation to the proper committee;
- b. to establish and appoint all committees of council and appoint the chairperson of all committees;
- c. to dissolve a committee at any time;
- d. to schedule public hearings of council and preside at them;
- e. to endorse all rules adopted for the government of council; and,
- f. to perform other duties which council may assign to the office.

### **307. COMMITTEES**

The president of council shall promptly following election appoint any necessary committees. Committees shall be composed of at least three

members, who shall serve for the term of the council president unless the committee is earlier dissolved by the president. All members of council may attend and participate in committee meetings, but only committee members shall be permitted a vote.

### **308. PROHIBITIONS**

Members of council shall not:

- a. hold any office, position or employment in any corporation holding or applying for franchises from the City;
- b. have a personal or private interest in any legislation proposed or pending before council, unless they;
  1. disclose the fact to council; and,
  2. refrain from voting or participating in the discussion of the matter;
- c. hold any other office, position or employment in the government of the United States, the Commonwealth of Pennsylvania, the City of Pittsburgh or Allegheny County; except:
  1. officer or member in the federal reserve;
  2. officer or member in the National Guard of Pennsylvania; or
  3. member of any authority as limited by section 220. Members of council who violate any of the above provisions shall immediately forfeit their office.

### **309. VACANCIES**

A vacancy on Council shall be filled in a special election within one hundred twenty (120) days of the filing of a Writ of Election.

Within three (3) calendar days of the death, resignation, or removal of a Member of Council, the Council President shall instruct the City Clerk to issue a Writ of Election.

The Clerk shall issue the Writ of Election within four (4) calendar days for a special election to be held within sixty (60) days of the issuance of the writ,

Providing that:

The Writ of Election shall not be issued on the day of a primary, municipal or general election.

A Writ of Election shall not be issued less than sixty (60) days prior to primary, municipal or general election.

A Writ of Election issued to fill a vacancy occurring less than one-hundred (120) days but more than fifty-nine (59) days prior to a primary, municipal or general election shall direct that the special election shall coincide with said primary, municipal, or general election.

The special election shall be held on any day other than a weekend or an official federal, state, or local holiday.

The person elected shall take office as soon as possible after certification of election and shall serve the unexpired portion of the vacated term.

### **310. POWERS OF COUNCIL**

Council shall have the following additional powers:

a. to employ or retain its own staff and consultants including a city clerk and an attorney

qualified to practice law before the Supreme Court of Pennsylvania, who may act as legal advisor to council, and may represent council as a body in legal proceedings. Council's attorney shall not represent the City as a municipal corporation in any legal proceeding;

b. to conduct investigations in accordance with the provisions of this charter;

c. to approve appointments as provided by this charter, except as otherwise mandated by law;

d. to exercise the power of removal as provided by this charter;

e. to override the veto of the mayor by a two-thirds vote of all the members;

f. to call a meeting at any time between council and the mayor jointly to discuss legislation or the business of the City in general, and to compel the attendance of the mayor at a council hearing;

g. to authorize the sale of city services outside the City so long as services to the City are not impaired;

h. to fix, by resolution, the salary of all elected city officials, but no elected city official shall receive a salary increase that exceed the average percentage of increase in salaries and wages paid to all city employees as based on the previous year's salary. Further, the salary paid to elected city officeholders shall not be diminished during their term of office.

i. to exercise other powers conferred by this charter, by law or ordinance, consistent with the provisions of this charter.

### **311. REMOVAL POWER**

Council shall have the power to remove from office for cause any person appointed to office with the required approval of council. Commission of any

corrupt act or practice, malfeasance, or the willful commission of any fraud upon the City shall constitute cause for removal. Council shall give any person charged due notice and an opportunity to be heard. Removal shall be effective upon passage of a resolution which receives the affirmative vote of a majority of all council members.

### **312. INVESTIGATIONS**

Council shall have the power, by resolution, to authorize investigations to be conducted by council or by a committee of council. Investigations may deal with legislative or administrative matters. The subject of the investigation shall be stated in the resolution authorizing the investigation. Council may reopen the budget to provide funds for the investigation. The presiding officer of council or the committee shall have the power to administer oaths to witnesses.

### **313. PUBLIC MEETINGS**

Council and its committees shall exercise its powers only at meetings which shall be open for public attendance.

### **314. ROLL CALL VOTES**

All final action in adopting legislation shall be by roll call vote, and the vote of each member of council shall be entered in the minutes of the meeting.

### **315. CONDUCT OF BUSINESS**

Council shall conduct and hold meetings at which legislation may be introduced and passed at least fifty weeks during the calendar year.

### **316. LEGISLATION**

Council may legislate by ordinance or resolution. Ordinances shall deal with general rules of continuing effect. Resolutions shall deal with specific matters such as authorization of contracts, salaries, appropriations and budget transfers. All ordinances and resolutions introduced shall be kept in a place accessible to the public at all reasonable times.

### **317. LEGISLATION REQUIREMENTS IN GENERAL**

Every ordinance shall have a title clearly expressing its subject. Every ordinance and resolution shall contain only one main subject, shall contain the date of its enactment and shall be signed by the presiding officer of the meeting at which final action is taken. Failure of the presiding officer to sign an ordinance or resolution shall not in any way invalidate an otherwise valid ordinance or resolution.

### **318. TIME AND NOTICE REQUIRED BETWEEN INTRODUCTION AND FINAL PASSAGE OF LEGISLATION**

Council shall not take final action on any legislation until a minimum of seven days has elapsed from the date of its introduction, unless council finds and declares that an urgent reason exists requiring earlier final action. Council shall give public notice of the introduction of legislation within twenty-four hours after it is introduced. Notice shall consist of posting the proposed legislation or its title in a conspicuous public place readily observable by citizens entering the building occupied by council and also by posting in the office of the city clerk.

### **319. LEGISLATION REQUIRING PRIOR PUBLIC HEARING**

Council shall not take final action on the following types of legislation without a public

hearing which shall be held not less than ten days following public notice published in a newspaper circulated generally in the City:

- a. salary;
- b. appropriation or budget matter;
- c. land use control, such as zoning, subdivision or planning;
- d. new taxes or increases in the rate of existing taxes;
- e. creation of an authority or quasi-public agency;
- f. increase in the amount making a sealed bid procedure unnecessary on contracts; or
- g. election of all council members at large or by district.

### **320. CITIZENS RIGHT TO BE HEARD**

Council shall grant a public hearing to residents of the City:

- a. on pending legislation, if they deliver a petition requesting a public hearing to the city clerk no later than three days, after notice of the introduction of the proposed legislation, signed by at least twenty-five qualified electors who reside in the City which includes a statement that all petitioners intend to attend the public hearing. Council shall not vote on the proposed legislation until a public hearing is held in response to a properly submitted petition.
- b. on any matter other than pending legislation providing they deliver a petition meeting all of the above requirements to the city clerk. Council shall schedule the public hearing within a reasonable time after the petition is received by the city clerk.

### **321. SUBMISSION OF LEGISLATION TO MAYOR AND VETO POWER**

Council shall submit all proposed legislation to the mayor for approval prior to its effective date. The mayor shall sign the legislation within ten days if approved, but if not, shall return it to council stating objections. Council, at its next meeting, shall reconsider any legislation disapproved by the mayor and may pass it in spite of the mayor's disapproval by a two-thirds vote of all the members. If the mayor fails to sign or return legislation to council with reasons for disapproval, it shall become law as of its effective date, ten days after submission to the mayor. The mayor may disapprove any item in the operating budget or capital budget, subject to reconsideration by council in the same manner as other legislation.

### **322. PUBLICATION AND EFFECTIVE DATE OF LEGISLATION**

The effective date of an ordinance or resolution shall be the date of recording in the permanent ordinance or resolution record book. Provided, however, that the effective date may be a later date if specifically provided in the ordinance or resolution. Within thirty days after passage, the title or a general summary of each ordinance, conditional use and historic preservation resolution shall be published once in a newspaper circulating generally within the City.

### **323. RECORDING OF LEGISLATION**

All ordinances and resolutions shall be contained verbatim in permanent separate record books. However, any ordinance may incorporate by reference any standard technical regulation or code or part thereof provided that at least one copy is kept with the permanent record books. The ordinance book and resolution book shall be open and available for inspection by the public during regular business hours.

**324. CODIFICATION OF ORDINANCES**

Within two years after the effective date of this charter, the city solicitor shall review all general ordinances of the City and submit recommendations to council for change or repeal. The city solicitor shall also submit a proposed city code to council for adoption based on the review and recommendations. Following adoption of the code, council shall, with the assistance of the city solicitor, classify all proposed ordinances for inclusion in the code.

**325. PUBLICATION OF CODE AND CHARTER**

Council, after approval, shall publish the city code. Council shall at least annually thereafter publish supplements to the code. Council shall make the code and its supplements available for distribution to any interested citizen. Council shall supply a copy of the city's charter upon request without charge to any citizen of the City.

**ARTICLE 4  
CONTROLLER**

**401. CREATION OF OFFICE**

There shall be an office of controller.

**402. QUALIFICATIONS OF THE CONTROLLER**

The controller shall have been a resident of the City for at least three years immediately preceding election, unless absent on the public business of the United States or this Commonwealth, and shall reside in the City while serving as controller.

**403. ELECTION AND TERM**

The controller shall be chosen by the qualified electors of the City at a non-mayoralty municipal election. The controller shall serve for a term of four years from the first Monday of January following election until a successor is elected and qualified.

**404. POWERS AND DUTIES**

The controller shall have the following powers and duties:

- a. to inspect, revise and prescribe the form of reports and accounts of council, all units of government and trusts;
- b. to audit the accounts of council, units of government and all agencies and trusts;
- c. to conduct performance audits of all agencies, trusts, council and units of government whenever the controller decides it is necessary or is directed to conduct such an audit either by the mayor or by council, but in any event no less than once every four years;
- d. to submit an annual verified report to council showing revenues, receipts and expenditures; the sources from which the revenues and funds are derived and how they have been disbursed no later than May 1 of each year. All agencies, trusts and units of government shall comply in a timely manner to requests from the Controller's Office for financial records, statements and any other information required to complete the audit;
- e. to conduct at least once each fiscal year an audit of the annual inventory required by the charter and submit a verified report of the audit to council and the mayor;
- f. to keep separate accounts for each item or appropriation for council and each unit of

government and require all warrants to state specifically against which item the warrant is drawn;

g. to accompany each account by a statement in detail of each appropriation, the amount drawn on each appropriation, the unpaid contracts charged against it and the balance outstanding;

h. to make certain that no appropriation is overdrawn and that no appropriation for one item is used for any other purpose or by any unit of government other than that authorized;

i. to make certain that sufficient funds from which the warrant is payable are actually on hand; and

j. to audit, except for election of the controller, preliminary accounts of campaign contributions and expenses required in section 802 of this charter; the controller shall publish the results of these audits and inform the proper authorities of any violation of law revealed by the audit.

#### **405. NOTICE OF DISAPPROVAL**

No warrant shall be paid unless approved by the controller. If any warrant presented to the controller is disapproved for any reason the controller shall notify the appropriate official.

#### **406. LIABILITY**

The controller and all sureties shall be jointly and severally liable if a warrant is approved contrary to law, this charter, ordinance or resolutions.

#### **407. EXAMINATION OF CLAIMS**

The controller may require evidence that the amount of a claim is justly due and for that purpose may summon any officer, agent or employee of any unit of government or any other person and examine them under oath or affirmation.

#### **408. MONTHLY STATEMENTS**

Council and each unit of government shall provide detailed statements of receipts and expenditures to the controller on the third Monday of each month.

#### **409. AUDIT OF OFFICER'S ACCOUNT**

The controller shall audit the accounts of all elected officials and officers upon their death, resignation, removal from office or expiration of their term and at the end of each fiscal year. If an elected official or officer should be indebted to the City, the controller shall take appropriate legal action to secure repayment of the indebtedness.

#### **410. DEPUTY CONTROLLER**

The controller shall appoint a deputy controller who in case of a vacancy in the office or the illness, absence or inability of the controller to act shall have the same powers and perform the same duties as the controller.

#### **411. SOLICITOR**

The controller may appoint a solicitor who shall hold office at the pleasure of the controller and shall be an attorney qualified to practice law before the Supreme Court of Pennsylvania. The solicitor shall act as legal adviser to the controller and shall at the controller's request represent the controller in any litigation involving that office.

### **ARTICLE 5 BUDGET AND FISCAL MATTERS**

**501. FISCAL YEAR**

The fiscal year of the City shall begin on the first day of January and end on the last day of December on each year unless changed by ordinance.

**502. OPERATING AND CAPITAL BUDGET**

There shall be an annual balanced operating budget and an annual capital budget.

**503. FORM OF OPERATING BUDGET**

The proposed operating budget shall be a line item budget or another type of budget authorized by ordinance and shall contain sufficient information on intended accomplishments to allow adequate appraisal of the work of each unit of government during the fiscal year.

**504. PREPARATION OF OPERATING AND CAPITAL BUDGETS**

The operating and capital budgets shall be prepared by the mayor. The mayor or a representative of the mayor shall conduct public hearings to obtain the advice of other officials and citizens as part of the preparation of both budgets. The mayor shall, at least ten days in advance of the commencement of public hearings, provide notice of the time and place of the hearings by publication in a newspaper circulated generally in the City.

**505. PRESENTATION AND ADOPTION OF BUDGETS**

On the second Monday of the eleventh month of each fiscal year, the mayor shall present both proposed budgets to council with a message explaining them. Council shall adopt by resolution an operating budget and a capital budget before the end of each fiscal year.

**506. EFFECT OF BUDGET ADOPTION**

The adoption of the capital or operating budget shall constitute an appropriation or setting apart of funds from general resources of the City for the purpose set forth in the budget.

### **507. AMENDMENT OF BUDGET**

Council may amend by resolution the operating budget within five weeks after the close of the fiscal year, but not thereafter except with the approval of the mayor. Council at all times may by resolution transfer funds from one code account to another if the total budget amount is not exceeded. The operating budget shall, in any event, remain balanced at all times. The capital budget may by resolution be amended by council at any time.

### **508. CAPITAL PROGRAM**

The capital budget shall be based on a proposed six year capital program which shall be updated each year and submitted to council by the mayor at least thirty days prior to the day the capital budget is submitted.

### **509. JOINT TAX COLLECTION**

The city may cooperate and join with other governments in collecting taxes.

### **510. CONTRACTS**

Every contract relating to city affairs shall be authorized by resolution of council. No contract shall be entered into or executed directly by council or any committee of council.

### **511. COMPETITIVE BIDS**

All contracts shall be awarded to the lowest responsible bidder except:

- a. purchases at public sale or governed by tariffs on file with Pennsylvania Public Utility Commission;
- b. contracts for personal or professional services;

- c. contracts with political subdivision, the Commonwealth of Pennsylvania, the United States Government, or any quasi-public agency or authority; or

- d. purchases of personal property where by reason of patents or copyrights the required type of item is available from only one seller.

### **512. BIDDING PROCEDURE**

Unless the amount is increased by ordinance, each contract subject to competitive bids exceeding two thousand dollars shall be awarded by sealed bid procedure. Invitations for bids shall include reasonable public notice by advertisement in a newspaper circulated generally in the City. All bids shall be filed sealed in the controller's office and shall be opened for the first time and announced publicly at the time and place designated in the notice. Unless the amount is increased by ordinance, a contract subject to competitive bids involving two thousand dollars or less may be awarded on oral or letter bids, or on specific prices set forth in the seller's literature.

### **513. ENFORCEABILITY OF CONTRACTS**

No contract entered into by the city after the effective date of this charter shall be enforceable in any manner against the City unless the contract is in compliance with law and the provisions of this charter. However, council, by resolution approved by two-thirds of its members and the mayor, may authorize payment of a claim for services rendered or materials furnished in reliance on contracts made by city officers or agents in good faith without authority or in excess of authority so long as the contract could have been properly authorized.

**514. WAIVER OF PERFORMANCE**

Council, by ordinance, may establish standards for the waiver of any performance bond required of a contractor provided that the contractor is responsible and pays to the City upon award of the contract an amount equal to the prevailing premium rates. All payments shall be deposited in the general fund of the City.

**515. DESIGNATION OF EMPLOYEES IN COVERED CONTRACTS**

Thirty-five percent (35%) of all employee works hours performed under Covered Contracts shall be performed by City residents.

Covered Contracts are construction contracts exceeding \$200,000 where the City is a party, funded by City or non-City funds.

The City shall encourage employment goals consistent with its current equal opportunity practices.

**516. ESTABLISHMENT OF EQUAL OPPORTUNITY REVIEW COMMISSION**

Council shall, by ordinance, designate and establish an Equal Opportunity Review Commission, enumerating its powers and duties, to review and approve construction contracts and contractors' compliance with city policies regarding minority and women participation.

**ARTICLE 6  
COMMUNITY ADVISORY BOARDS**

**601. DESIGNATION OF COMMUNITY ADVISORY BOARD DISTRICTS**

Within one year after the effective date of this charter, the mayor shall submit to council a

recommended division of the City into community advisory board districts for the purpose of establishing community advisory boards. The division shall be in accordance with the following criteria:

a. In designing districts, the mayor shall consider areas of the City recognized as neighborhoods because of historical, geographic or other factors.

b. Each community advisory board district shall consist of an entire voting district or contiguous undivided voting districts.

Council may reject or adopt the mayor's recommendations but shall adopt, by ordinance, only a division recommended by the mayor.

**602. ESTABLISHMENT OF COMMUNITY ADVISORY BOARDS**

Council shall, by ordinance, designate and establish a community advisory board, after receipt of a petition for establishment of a community advisory board for a district designated by ordinance under section 601 which is signed by the qualified electors residing within the district at least equal to ten percent of those who voted in the last preceding municipal election.

**603. ORGANIZATION OF A COMMUNITY ADVISORY BOARD**

An ordinance establishing a community advisory board shall prescribe its organization, including the number of board members and other offices as stated in a general ordinance adopted in accordance with this section. Various community advisory boards may have different number of members, and community advisory board districts may contain differing populations, but throughout the City each elected member of a community advisory

board shall represent approximately the same number of residents of a community advisory board district. Following each federal census, the mayor shall promptly review each community advisory board district and recommend changes to council in the number of elected members of community advisory boards needed to maintain equality. Council shall then amend the appropriate community advisory board ordinance so that equality is maintained in this regard. In addition to elected members, each community advisory board shall have delegated board members appointed or elected by community organizations of the district. The number of delegated board members and the recognition of community organizations shall be as stated in the general ordinance, which shall also provide for periodic review of the recognition of community organizations. A delegated board member shall have a vote equal to that of an elected board member.

**604. ELECTION AND QUALIFICATIONS OF COMMUNITY ADVISORY BOARD MEMBERS**

Each elected member of a community advisory board shall be chosen at a municipal election to serve for a term of two years. An elected member shall take office on the first Monday of January following the election. No member of a community advisory board shall have held, with the year immediately preceding commencement of a term, any other elected position with the city, county or state governments. No person who was a candidate for city or county office may be a member of a community advisory board until after the expiration of one year following the election in which that person was a candidate. Elected community advisory board members shall reside in the community board district which they serve.

**605. POWERS AND DUTIES OF COMMUNITY ADVISORY BOARDS**

The powers and duties of each community advisory board shall be:

- a. to review and advise council and the mayor on proposed zoning changes in the district;
- b. to review and advise council and the mayor on the social and physical plans for the district;
- c. to review and advise council and the mayor on the distribution of city services to the district;
- d. to meet annually with the mayor and council to discuss problems, needs and public affairs of the districts;
- e. to mandate, by a majority vote of all its members, a meeting within two weeks with the appropriate head of a major administrative unit of the City to discuss a specific district problem.

Council may, by ordinance, give additional powers and duties to community advisory boards. Each community advisory board shall hold public meetings, after reasonable public notice within the district, not less than four times each year to afford an opportunity to district residents to make known their views and needs.

**606. PROCEDURES OF COMMUNITY ADVISORY BOARDS**

Council shall, by general ordinance, prescribe procedures for the exercise of the powers and duties of community advisory boards.

**607. FUNDS AND EXPENSES OF COMMUNITY ADVISORY BOARDS**

Community advisory boards shall receive no grants from city tax funds and community advisory board members shall serve without compensation. Community advisory boards may, however, accept donations and grants from any other source.

**608. REVISION OF COMMUNITY ADVISORY BOARDS**

Council may, upon receipt of a petition with signatures as required in section 602, amend the appropriate ordinance to revise the organization and procedures of a community advisory board. District boundaries shall be revised only as provided by section 601.

**609. DISSOLUTION OF COMMUNITY ADVISORY BOARDS**

Council may, by ordinance, dissolve all community advisory boards as of the end of any fiscal year. A particular community advisory board shall be dissolved only by a petition signed by the same number of qualified electors residing in the community advisory board district required by section 602 and an ordinance adopted after a public hearing by council with public notice to that community advisory board district.

**ARTICLE 7.  
PERSONNEL**

**701. PERSONNEL SYSTEM**

The mayor shall propose a personnel system to council for approval and adoption by ordinance. The system shall be uniform for all employees. It shall include written procedures for appointment, promotion and removal based on merit and fitness as

demonstrated by examination or other evidence of competence, with due consideration for seniority, insofar as permitted by law. Appointments, promotions and removals of subordinate officers and employees within major administrative units shall be made by the major administrative unit head on the basis of the system adopted. The right of collective bargaining for employees is recognized in accordance with law.

**702. APPEALS BOARD**

The personnel system shall include an appeals board which, unless changed by ordinance, shall consist of three persons: one appointed by the mayor, one by council and one by the controller. Appeals board members shall be removed only for just cause and with the approval of two of the three appointing authorities.

**703. AGE RESTRICTIONS**

No person who has reached the age of eighteen shall be denied employment by the City because of age.

**704. RECRUITMENT**

In order that every eligible citizen of Pittsburgh has the opportunity of being employed by the City, council and all units of government shall recruit for employment, persons from every sector of the City's population, with special effort towards the recruitment of women, handicapped persons and persons from disadvantaged minority groups until such time as the human relations commission finds that no city resident is denied employment for any other reason than inability to perform the job sought.

**705. POLITICAL ACTIVITY OF EMPLOYEES - GIFTS**

Employees of the City are prohibited from engaging in political activity during working hours and at all times in city offices. City employees may not hold an elected public office wherein they would receive an annual salary, unless a leave of absence is taken without pay. Certain described classes of city employees and officers may be required, by ordinance, to take a leave of absence without pay while a candidate for elected public office. City employees shall not be permitted to accept any gift or thing of value in connection with their employment other than their salary, nor be compelled to contribute to any fund other than that required by law. No solicitation shall be made of a city employee for any purpose during working hours. Nothing contained in this section shall affect the right of city employees to support a political party, to vote as they choose, to hold party office or to express publicly and privately their opinions on political subjects and to attend political meetings.

#### **706. PROHIBITIONS IN GENERAL**

No elected official, officer or employee shall in any manner receive benefit from the profits or emoluments of any contract, job work or service for the City, or accept any service or thing of value directly or indirectly upon more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City. No elected official, officer, or employee shall solicit or receive any compensation, gratuity or other thing for any act done in the course of public work. This section shall be broadly construed and strictly enforced. Any violation of this section shall cause the offending official, officer, or employee to forfeit office or employment.

#### **707. MULTIPLE EMPLOYMENT PROHIBITED**

No person shall hold more than one compensated position in City government and no

compensated city employee shall hold a compensated position in any other government except as follows:

- a. officer or member of the Pennsylvania National Guard or federal reserve:
- b. the controller may also serve as controller for the city school district; and the deputy controller may also serve as deputy controller for the city school district.
- c. a treasurer, or person serving in that capacity, may also serve as treasurer for the city school district.
- d. member or employee of any sinking fund commission or pension board.
- e. Pittsburgh public school employees between the months of May and September of each year.

#### **708. POLITICAL OFFICIALS - CIVIL SERVICE GRADE**

Any police officer appointed to a higher position exempt from tenure protection, other than the position of police chief or its equivalent from a position having tenure protection, shall, in the event or subsequent removal from the higher position, retain the tenure right in the former position.

#### **709. OATH OF OFFICE**

Every elected official and officer and every appointee before commencing official duties shall take and subscribe the following oath: "I do solemnly swear or affirm that I will support the Constitution of the United States and of this state and the charter of this City and that I will faithfully discharge the duties of office to the best of my ability," and shall file this oath duly certified before the officer before whom it was taken, in the office of council.

#### **710. ETHICS TRAINING REQUIREMENTS**

Every elected official and every public official and public employee required to file a Statement of Financial Interests shall be provided a copy of the Pennsylvania Ethics Act and supporting material upon his or her assumption of office or upon his or her initial appointment and every elected official and every public official and public employee required to file a Statement of Financial Interests shall attend a seminar provided by the Pennsylvania Ethics Commission within ninety (90) days of his or her assumption of office or his or her initial appointments as soon thereafter as practicable.

## **ARTICLE 8 GENERAL PROVISIONS**

### **801. DISCLOSURE OF INTERESTS**

All elected officials of the City shall, on or before January 15, of every year during their term of office, file a disclosure, as of January 1 of that year, with the controller, which shall be available for public inspection and shall contain the following information:

a. the names of all business or non-profit corporations, associations, partnership, joint ventures, estates, proprietorships, trusts business activities and organizations, other than religious organizations and religious corporations:

1. with which the official has any connection as an owner, officer, employee, consultant, contractor, creditor, shareholder, member, partner, joint venture, trustee, beneficiary or participant; or

2. in which the official has any financial or property interest in any form, whether a legal interest or equitable interest or otherwise: stating as to each name, the nature of the connection or interest:

b. a brief description of all legal and equitable interests of any degree in real property held by the official;

c. a statement of the remaining amounts of any funds and contributions related to the officials most recent nomination and election, and by whom and how held; and

d. the names of all creditors of the official and debts as to which the official is co-signer, surety or guarantor in excess of \$1,000.

### **802. CAMPAIGN CONTRIBUTION AND EXPENSES**

In connection with every election city office, each candidate for nomination or election, and every treasurer of a political committee or person acting as treasurer, shall file a public preliminary account or receipts and expenses five days prior to the election. The preliminary account shall be in the same form and contain the same information as required by law to be filed following an election except that the information shall be provided as of a time seven days prior to election.

### **803. VACANCIES**

The office of any elected official shall become vacant upon death, resignation or upon removal from office in any manner authorized by law or this charter or upon forfeiture or failure for any reason to assume office within forty-five days after commencement of the term.

### **804. FORFEITURE OF OFFICE**

Elected officials of the City shall forfeit their office if they:

- a. at any time during their term lack any qualification for the office prescribed by this charter or by law, or
- b. are convicted of first degree murder or felony of the first or second degree as set forth in the penal code of this Commonwealth and all appellate remedies exhausted, or
- c. falsify or fail to make an annual disclosure of interests as required by section 801 of this charter, or
- d. falsify or fail to make a preliminary account of campaign contributions and expenses as required by section 802 of this charter.

**805. PENALTIES**

Council shall by ordinance, determine the penalty for any violation of any provision of this charter except where the charter expressly provides a penalty.

**806. GROUNDS FOR REMOVAL -IMPEACHMENT**

Every elected official or officer pursuant to impeachment proceedings may be impeached, suspended or removed from office in the event of mental incapacity, incompetency, neglect of duty malfeasance, mismanagement or for any corrupt act or practice.

**807. IMPEACHMENT PROCEEDING**

Impeachment proceedings may be initiated by presentation of a written petition to the Court of Common Pleas signed by at least twenty qualified electors who reside in the City. If in the opinion of the court, reasonable grounds are set forth in the petition, the court shall appoint a citizen investigating committee to make a written report to the court. If

the committee reports the charges well founded, council shall sit as a court and the president judge of the Court of Common Pleas shall preside. Except in cases where the city solicitor or the mayor is accused, the city solicitor shall act as prosecuting attorney. If the City solicitor or the mayor is accused, or the city solicitor is unable to serve as prosecuting attorney, the solicitor for the controller shall act as prosecuting attorney. The decision shall be filed in the Court of Common Pleas. If the accused is found guilty of any charge specified, the court shall enter an appropriate judgment and declare the accused's office vacant.

**808. SUBPOENA POWER**

In any case where an elected official, officer, or unit of government has the power to conduct public hearings the elected official, officer or unit of government shall the authority to issue subpoenas for the attendance of witness and to compel testimony and the production of documents and other evidence. The subpoena shall issue in the name of the City and shall be signed by the elected official, officer or presiding officer of the unit of government. Any witness who refuses to obey a subpoena, or who refuses to testify under oath or affirmation, may be cited for contempt in any Court of Common Pleas having jurisdiction.

**809. ANNUAL INVENTORY**

The executive branch shall conduct and maintain an annual inventory of all city property which shall be readily accessible to all units of government.

**810. PUBLIC RIGHT TO INSPECT RECORDS**

City records, the disclosure of which would invade a person's right to privacy, hinder law enforcement, endanger the public safety, or breach a legally recognized duty or confidence or the

nondisclosure of which is legally privileged, or which have been prepared for or by the city solicitor for use in actions or proceedings to which the City is or may be a party, shall not be available for public inspection. All other city records shall be open for public inspection, but the officer, unit head, board or commission or other governmental agency of the City having the care and custody of such records may make reasonable regulations governing the time, place and manner of their inspection. For the purposes of preservation, copies of city records may be substituted for inspection in lieu of original records.

### **811. SEVERABILITY**

In the event this charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any provision, the remaining provisions of the charter shall be given full force and effect as completely as if the provision held invalid were not included.

### **812. EFFECT OF CHARTER ON EXISTING LAWS**

Subject to pertinent enabling legislation authorizing a home rule charter, this charter shall supersede any existing charter and all acts or parts of acts, local special or general and all ordinances and resolutions of the City to the extent that they are inconsistent or in conflict with this charter. All existing acts of parts of acts and ordinances affecting the organization, government and powers of the City, not inconsistent or in conflict with this charter shall remain in full force and shall be construed as if enacted under this charter, but as of the date of their original enactment. No contract existing on the effective date of this charter shall be affected by it. Council by ordinance or resolution may supersede any act of the general assembly insofar as permitted by pertinent enabling legislation and this charter.

### **813. EFFECTIVE DATE AND SCHEDULE**

This charter shall become effective on the first Monday of January 1976, except in the following particulars:

a. Members of council shall be elected in 1975 under the provisions of this charter, and for that purpose all sections of this charter relating to election of members of council shall become effective immediately upon the adoption of this charter by the electors.

b. Council seats filled in the 1973 municipal election which become vacant for any reason after the adoption of this charter shall be filled in accordance with the provisions of this charter except for the first vacancy which shall remain unfilled.

c. Appropriations shall be made for the year 1976 so as to implement fully the provisions of this charter. Council shall as promptly as possible adopt any legislation necessary to implement all provisions of this charter.

## **COMMENTARY TO CHARTER**

### **PREAMBLE**

The Preamble sets forth the basic rights and duties of the citizens of the City of Pittsburgh and is an integral part of the charter. City government has responsibility for the human needs of its people, and may fulfill these responsibilities by arrangements with other governments and non-governmental organizations, as well as by its own direct services.

### **ARTICLE ONE**

101. Full home rule powers are conferred on the City. In accordance with the Home Rule Charter and Optional Plan Law of 1972 (Act 62 of 1972, as amended, 53 P.S. 1-101, et seq.) and any subsequent enabling legislation, the city government assumes all powers not expressly denied it. Previously, the City exercised only those powers expressly granted to it.

102. Major administrative units include departments and bureaus, the heads of which report directly to the mayor.

103. The Government Study Commission preparing this charter was prohibited by state law from proposing any changes to the territorial boundaries of the City. As of the writing of this charter they encompass 55.525 square miles, and have been largely unchanged since August 19, 1955.

### **ARTICLE TWO**

201. The basic form of government is to be the "strong mayor" form. This form is one in which the mayor controls and has wide powers of appointment over the units of city government, the power to initiate and veto legislation and to propose the City's budget to which council must react within a definite time.

202. The Mayor should be personally familiar with the opportunities, needs and problems of the City.

203. The detailed regulations under which the Mayor is elected are set forth in the state election code.

204. The mayor is charged with executing and enforcing law, ordinances, resolutions, and the provisions of this charter. A distinction is intended. Execution refers to affirmative action by the mayor to carry out legislation mandates. Enforcement refers to ensuring compliance with legislation by those affected. The mayor, like any other citizen, may submit proposed legislation to a member of council for introduction.

Included specifically are the powers and duties to promote intergovernmental relations, and to ensure all citizens, including minorities and disadvantaged, and equal opportunity to obtain city contracts.

205. The Mayor is to keep citizens fully informed about their city government including all major administrative units, boards, commission, authorities, magistrate court and community advisory boards. The annual report should include a current assessment of employment and economic development, neighborhood conditions, human relations, police-community relations, crime prevention and human service needs.

206. Any vacancy in the office of mayor is to be filled as soon as possible by election of the voters of the City. At the time of the writing of this charter state law did not permit a special election to fill a vacancy in the office of mayor. It was recommended that the state law be amended to allow special elections to fill vacancies in the executive branch.

207. The deputy mayor should be committed to the policies of the mayor. The controller cannot serve as deputy mayor.

208. To provide flexibility, there is no required structure for the executive branch. With some exceptions, this is left to mayor and council. Changes can be made, as required, by the ordinance process, which is relatively simple compared to a change made by charter amendment or act of the General Assembly.

209. In keeping with the strong mayor form, the mayor is empowered to appoint the chief officer of any major administrative unit. Such an appointment is subject to confirmation by council. The heads of the City's police and fire forces are subject to confirmation if they report directly to the mayor. The mayor's staff is exempt from confirmation.

210. The mayor's power to appoint and remove administrative unit heads is a traditional provision, long part of the law regulating Pittsburgh's government.

211. Open government is sought with a maximum of information freely available to officials and the public.

213. This charter authorizes council, the human relations commission and the controller to retain their own legal counsel. These units have a choice of utilizing the city solicitor or their own counsel for legal assistance. The city solicitor is otherwise charged with the responsibility for legal representation of all units of government and council.

216. The human relations commission is the only commission mandated by this charter. It is an essential unit of government, which has proven its usefulness over a long period of years.

Some independence is granted its members by providing for a four year term.

217. The human relations commission hires and controls its own staff.

218. During their four year term, human relations commission members may be removed only for a serious reason.

219. Authorities exist pursuant to state law. Appointment of their members is controlled by law, unlike boards and commissions which are established pursuant to this charter. Unless state law mandates a different method of appointments, all appointments are to be in accordance with this charter.

The Government Study Commission writing this charter recommended that state law be revised to allow absorption of authorities into city government as soon as feasible. The Commission further urged that future mayors and council continuously work for the elimination of independent authorities.

220. By the power of appointment, the mayor has representation on authorities. This section provides council with representation on each authority.

222. The authorities have small boards, and prolonged vacancies can be harmful. In the case of a new authority, board or commission, an unfilled office of a member becomes vacant beginning on the day following the first legal date on which members may be appointed.

223. Magistrates are provided with some independence. It is recommended, but not necessary, that the magistrates be attorneys.

224. The magistrate courts are part of the state judiciary system. They are subject to the rules that govern that system, and should maintain dignity required of other courts in the system.

225. This charter, in sections 806 and 807, provides for an impeachment process by which a magistrate can be removed: or one could be removed in accordance with the Pennsylvania rules of conduct for justices of the peace of the Supreme Court of the Commonwealth.

226. The law governing the organization and jurisdiction of magistrate courts is found in the schedule of the judiciary article of the Constitution of Pennsylvania, article 5, section 21, and in the Pennsylvania rules of conduct for justices of the peace of the Supreme Court.

227. Section 208 allows the mayor and council flexibility in creating and abolishing units of government. It is essential that knowledge of the current units and their functions be accessible to the public. Filing the table of organization will be the responsibility of the mayor or designated representative on behalf of the executive branch.

### **ARTICLE THREE**

301. Council is established as a separate branch of government with important policy making power. It serves the traditional check and balance function. The legislative power includes the power to levy taxes and make all appropriations.

302. By referendum question of May 19, 1987, each of the nine members of Council shall be elected by districts.

303. Council members are to be personally familiar with the opportunities, needs and problems of the City.

304. A majority of council members are elected at a different time than the mayor. This allows for effective public expression of approval or disapproval for the policies of city government at two year intervals.

306. The president of council is an important official in the city government, and is to play a strong leadership role in council.

307. While discretion is allowed the president as to size of any committee, the appointment of small

committees probably provides more visibility and more accountability.

308. Members of council are to avoid any conflict of interest.

309. It is possible for a vacancy of as long as 8 months to occur, but this disadvantage is more than offset by the encouragement to council members to serve their full terms. In the past it has been a practice for retiring council members to resign their position so some favored candidate could be given the advantage of incumbency by appointment to the vacancy. This section is subject to the exception in Section 813.

310. Council is given broad powers. Council is authorized to employ a professional staff. Such a staff is essential to the council performing its duties properly. Council is authorized to have its own legal counsel. Such counsel cannot act on behalf of the City as a corporation since that power belongs only to the city solicitor. To have two attorneys empowered to represent the City as a corporation could lead to legal chaos.

Council is given sufficient powers to perform a both leadership role and a check and balance role in city government.

311. Council may remove city officers but only for serious cause.

312. Council is expected to conduct frequent and careful investigations of the City's problems, needs, and opportunities so as to be well prepared at all times to assist effectively in making wise and progressive policy.

313. Council is expected to keep the public well informed of its activities.

315. The City's business requires frequent council meetings without long intervals between meetings.

Members are expected to stagger their vacations so that a quorum will be present at all meetings.

316. Council performs its principal policy making power through legislation. Ordinances and resolutions are distinguished since they have different purposes and requirements. Only members of council can introduce legislation.

317. Each proposed act of council is to be in writing and clearly focus on one question. This prevents legislation from containing unrelated matters, and helps to ensure that the subject of an ordinance is known from its title.

318. The public is to be given reasonable opportunity to be aware of the legislative activities of council.

To waive the seven day rule, council must have a serious reason. It would be useful for council to mail agendas of its meetings in advance to all who might ask for such notice, perhaps with a modest charge for the service.

319. The public is to be provided published notice and hearing on proposed legislation concerning certain very important policy questions listed in this section.

320. Citizens are mandated a public hearing provided a petition is presented with at least 25 signatures. The subject matter of a hearing can be proposed legislation or any appropriate matter of concern to citizens.

Council has traditionally followed the practice of granting a hearing to any citizen or group of citizens who make a reasonable request in writing. It is hoped this tradition will continue and that the provisions of this section will not have to be applied formally. But the guarantee is set forth, if ever needed to protect citizens.

321. The mayor is granted veto power over legislation, and a veto may be overridden only by six or more votes of a nine member council. The mayor is given a line-item veto over the budgets which means the mayor may veto parts of a budget while approving and signing other parts. These powers help provide for a "strong mayor".

322. Legislation becomes effective when recorded in ordinance or resolution record book.

323. All legislation is to be recorded in writing in a place accessible to the public.

324. Over the years numerous ordinances of council have been accumulated. These are to be sorted out to determine those still useful to the City. Those determined useful are to be codified in a form which is indexed and readily accessible to all. This newly organized city code is to be kept up-to-date as new ordinance are enacted.

325. The city code and its supplements are to be published and made available to the public. Council may determine a reasonable fee. This charter is to be available to citizens without charge. It is recommended council publish the charter with a detailed table of contents and index.

## **ARTICLE FOUR**

401. An elected controller is mandated to ensure an independent check on the use of city resources.

404. The controller is given broad powers to perform his role as independent monitor of the executive and legislative branches This includes mandatory periodic performance audits which are a determination as to whether city resources have been efficiently and effectively used in achieving intended accomplishments, as stated in the budgets. Traditionally, the controller has recognized and responded to citizen complaints and nothing in this

charter prevents a controller from continuing this practice.

In addition to an authority, the term "agencies" include any organization such as a library, arts festival, symphony orchestra, non-profit development corporation, and the like which receive city funds.

405 to 409

These additional powers and requirements provide further protections further protections for the safeguarding of public resources.

410. Continuity of operation and policy is provided by a deputy controller.

411. The independence of the controller is further protected by the office having its own solicitor.

## **ARTICLE FIVE**

501. Council is given power to change the fiscal year, Council may reexamine this question periodically in connection with the fiscal years of other governments.

502. Two kinds of budgets are required: an operating budget to provide for salaries, supplies, short-lived equipment and debt amortization: and a capital budget to provide for long-lived equipment and public works.

503. The operating budget is to list in detail proposed expenditures for each agency of city government, and to state the specific activities to be carried out by these proposed expenditures. Such activities might include number of miles of streets to be swept weekly, number of fire prevention inspections to be made, miles to be patrolled by police, number of playgrounds to be in use, abandoned buildings to be demolished, and the like.

504. As a basic power to provide for a strong mayor form of government, initiation of the budgets

is assigned to the executive branch. In order for all city officials and officers, and citizens of the City, to have access to the budget making process, an executive public hearing is required while the budgets are in preparation.

505. Council is to have six to seven weeks for legislative hearings and consideration of the budgets. This is two to three weeks more time than was provided prior to the enactment of this charter.

507. Council has five weeks from the beginning of a fiscal year to make corrections to the operating budget. After that time a reopening should be only for an emergency, and requires the approval of the mayor.

508. A six-year capital program is the plan of the City to receive and expend funds for capital improvement projects during the six ensuing fiscal years.

509. The City may join with the county or other levels of government for tax collection purposes where it would be to the advantage of the City.

510. Council approves contracts, but only the mayor can negotiate and execute a contract. This is consistent with the strong mayor government.

511. Some flexibility is allowed in contract making. This section recognizes the City's right to contract with other governments. This might be useful in such areas as contracting with the county for modern record keeping services.

513. Ratification of contracts, after the fact, is provided for under certain, carefully prescribed circumstances. This procedure is to be utilized only when absolutely necessary.

514. This section intends to provide a way that responsible contractors, discriminated against by bonding companies, may be able to bid for city contracts on an equal basis with other contractors.

## **ARTICLE SIX**

601. The mayor, after study, is to recommend boundaries for the advisory board districts. The criteria are to include history and geography. This means consideration of any former municipal boundaries once possessed by areas now part of the City, boundaries of neighborhood organizations, topography, and research on neighborhood boundaries done by private and public groups currently and in the past. It is expected the mayor would consult public opinion before making recommendations. There is no minimum size for a district as long as it includes contiguous whole voting districts, but it may be useful if the districts are of a shape (pattern, configuration) and size to facilitate the delivery of public services. No traditional neighborhoods should be split in drawing district lines.

602. Neighborhoods demonstrating a strong desire to do so may establish a community board. The purpose is to improve citizen communication with the government of the City, and to provide immediate access when necessary for citizens.

603. Existing voluntary neighborhood organizations are to have representation on any board for the neighborhood. Council is to provide criteria for determining which organizations in a neighborhood are eligible. It is expected the criteria might include, but not limited to, purposes, size of membership, age of the organization, openness of its membership policy, and level of program activity.

604. The community boards open elected governmental service to many citizens who never before have had the opportunity to serve.

605. The community boards begin with only advisory powers. As they demonstrate usefulness and responsibility, the mayor and council may take action to grant them other powers and duties.

The board from each organized district is to have the opportunity to discuss its problems, opportunities, and needs directly with the mayor. However, the mayor may fulfill this requirement for several boards at a single meeting.

It is expected that any time council is considering legislation which would have impact on a community advisory board district, that the views of the board would be sought, given publicity, and due consideration by council.

606. While it does not exercise direct control over individual boards council does set general guidelines for all boards.

607. Council and mayor cannot grant city tax funds to any board. The boards are encouraged to raise funds from within their own neighborhood, from foundations, and other sources.

608. Voters of a neighborhood, can petition for changes in the structure or procedures under which their board operates. It is expected council would hold a public hearing on such a request to help determine whether the changes should be made.

609. The community advisory board has a relationship to council somewhat similar to the relationship of the municipality to the General Assembly. It is expected that council will contribute to the development and stability of advisory boards as the General Assembly over time has supported the development and stability of municipalities.

## **ARTICLE SEVEN**

701. A system of personnel based on merit and qualification of the employee is mandated.

While the system is to be as uniform as possible, it is expected that certain classifications of employees will be necessary for the order and organization of the system.

702. An independent appeals board is established to hear employee appeals to the decisions of major administrative unit heads and other officers and officials.

703. Council is not prohibited from legislating on retirement age, and, the City is not prohibited from hiring persons under 18 where such employment is proper and appropriate.

704. Aggressive recruitment to insure a more effective open employment system is mandated. This might include such activities as advertising for applicants in neighborhood, ethnic and minority newspapers, recruiters speaking at all types of organization meetings in all parts of the City, bringing seniors from all high schools in the City to the City's offices to be told first-hand about employment opportunities and the like. "Minority group" means any group in the City that is not a majority of the population.

705. "Campaigning" or being "a candidate" begins on the first day a person takes out a nominating petition for public office, and ends either on primary election day in the case where the candidate loses the primary, or on election day. A party office is not a public office.

This section seeks to end the practice of involuntary political contributing, better known as macing.

706. Any person paid for work by the City is not to receive any other compensation for this work. This is an anti-corruption provision and provides a stiff penalty for violators.

707. Persons paid by the City may not hold other paid governmental employment with certain exceptions. For many years the controller and treasurer have served the City school district in like capacities as a matter of convenience and efficiency to both governments.

708. Police officials in certain high ranks are considered to be administrative officials with their ranks not protected by the personnel system. In case of removal from the high rank for an administrative reason, such officers shall return to the highest protected rank held, and not be forced to start over again at the lowest rank. This enables the administration to promote able officers without their having to give up their job protection.

710. Every public official and public employee required to file a Statement of Financial Interests shall attend a seminar provided by the Pennsylvania Ethics Commission within ninety (90) days of his or her assumption of office or his or her initial appointment as soon thereafter as practicable.

## **ARTICLE EIGHT.**

801. Elected officials are required to make a full disclosure of all interests. This is done to reveal any conflicts with the interests of the City.

802. This section seeks to help free officeholders from control by large campaign contributors. It seeks also to help equalize the opportunity to win public office for candidates without access to large funds. It is intended that the preliminary reports become campaign issues.

805. Throughout this charter are set forth various requirements and prohibitions. Council is directed to set penalties for violations of these, where the charter does not already set a penalty.

806. These impeachment provisions adopt, for the most part, long existing statutory provisions (53 P.S. 22331 et.seq.). Concealment of a fraud is within the definition of "neglect of duty". Suspension may occur while charges are pending in accordance with the traditional procedure set forth by statute. (53 P.S. 22334).

807. A major difference in impeachment proceedings compared to other removal provisions of this charter, is that citizens initiate the action.

808. Included among those who can issue subpoenas are the mayor, council, the controller, and the human relations commission, subject to ultimate review by the courts.

809. This section seeks to assure that idle and excess city supplies, equipment and other property is put to use or sold, and that loss and theft are minimized. The annual inventory shall be the responsibility of the mayor or designated representative on behalf of the executive branch.

810. The public's "right to know" is recognized and acknowledged.

811. If any section of this charter is found to be illegal or unconstitutional, it becomes null and void, but does not affect the legality of other sections of the charter, and they remain in force.

812. All ordinances, resolutions, and laws not applicable to all municipalities in the state, which might be in conflict with this charter, are overridden and superseded. All others remain in force.

813. This charter is effective January 5, 1976, with certain exceptions. Five council members shall be elected at the 1975 municipal election under the terms of this charter.

To implement this charter, capital and operating budgets for the 1976 fiscal year shall be prepared and enacted during 1975.

## **MINORITY REPORTS**

I am compelled by the conscience not to support the final version of the Pittsburgh Home Rule Charter. There is in my mind a firm conviction that

the majority of witnesses who testified before us at the hearings was ignored to satisfy a favored few.

Council elected at large is perhaps the most glaring example of this. At our hearings in the communities, 43 people speaking as private citizens and representatives of city wide and neighborhood organizations approved the proposed election of nine council members by district and two members elected at large. Thirteen approved district elections were against the proposed nine and two. Twenty seven witness recommended a city council at large. Some of the twenty seven changed their minds at a later hearing and advocated elections by districts.

My final word on city council in reference to newspaper reports that I advocated mandated Black council people is that the recorded tapes of our meetings will prove that this is not true. Black people have proven many times in the areas of education, science, business, sports and entertainment that given a fair chance, they will win. While I do not favor a mandate for Black council members, I most urgently recommend that minority party candidates, independent Democrats and people in poor neighborhoods, be given a much better chance of being elected to public office, than they are given now. The new Charter has done nothing to help the people in these categories.

My second concern is that the Study Commission has not mandated one department. Other Study Commissions throughout the state and the country have mandated many departments in their Charters.

This Pittsburgh Study Commission deleted a department of Economic Development and a department of Job Development that they had approved earlier. This power, to establish these two departments, was given to the Mayor and City Council despite the fact that not any Mayor or City Council has shown any interest in doing this in previous years. Also, the wavier of performance

bond provision was weakened so badly that it would be best left out of the Charter entirely.

The original provision read - Council by Resolution may waive any Performance Bond ordinarily required of a contractor provided that:

A. The contractor is responsible and a member of a class of persons which by reason of social or economic factors is unable to obtain a Performance Bond at prevailing premium rates.

B. Upon award of the contracts, the contractor shall pay to the City an amount equal to the prevailing premium rates and the payment deposited in the general revenue fund of the City.

Commentary: This section seeks to provide an equal opportunity for small business people; especially new ones, with little capital, to bid on City contracts - but no more than an equal opportunity.

The final version of this article reads: Council, by ordinance, may establish standards for the wavier of any performance bond required of a contractor provided bond that the contractor is responsible and pays to the City upon award of the contract an amount equal to the prevailing premium rates. All payments shall be deposited in the general fund of the City.

I question the way the Community Advisory Board was written into the Charter. As part of a package, they did not receive the six majority votes required by Act 62.

At the very next meeting a similar package was ruled out of order.

I am submitting this report as a minority report in an honest effort to discharge my duties as a member of this commission. For the reason I have stated, I cannot support the proposed final version of this Charter as it now reads.

Arthur C. Holloway,

Commission Member

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My first concern is the concept of Community Advisory Boards. This concept was put into the charter illegally, perhaps not technically illegal, but certainly morally illegal and contrary to the spirit of the law. This points up the fault in the Study Commission's deliberations. An effort was always made to complicate, use parliamentary maneuvers, doubtful legal concepts and actual devious methods.

The State law that the Commission operates under states, "No recommendation of said Commission shall have any legal effect unless adopted by a majority of the whole number of the members of the Commission." The Community Advisory Boards provision was put into the charter in a devious illegal way by combining into a package, "Nine Council members elected at large - the elected at-large council to decide whether Council from then on should be elected from districts." Although totally unrelated to at-large council, the concept of Community Advisory Boards was also added to this package, but had to be voted as a whole. The concept of Community Boards as proposed in the discussion Draft, was rejected by 57 opposed, 34 favor and 8 conditionally approved in the public hearings.

Since then, the Boards have been weakened to being advisory only and being elected on a voluntary basis. If this new concept were presented to the public, the opposition would be even greater.

My second concern would be district elected council. In the Discussion Draft, the Commission voted 7 to 3 for nine district and two at-large council members and in public hearings - the tally was 44 in favor, 27 opposed and 13 conditionally approved the nine districts and two at-large council. At this point however, the party leaders and special interest people must have realized they had inadvertantly created a

monster in allowing the Study Commission to exercise such independent thought.

The charter as a whole got progressively worse as far as the people's interests were concerned from then on.

District elected council was the one important change in City government, but this would fragment party control, and make it difficult for special interest groups to influence City government. Without district elected council, home rule will be meaningless. For example: Imagine our Study Commission which was elected at-large as members of a future City Council, then it would be likely to enact new local laws that were favorable to party

loyalty or special interest people and certainly not in the interest of the people.

A later development of the Commission saw the need to add certain public relation gimmicks to offset the criticism of many concerned citizens who became alarmed at the loss of the intent of the home rule charter.

In good conscience, I cannot support the City charter unless consideration is given to the election of City Council by districts.

Robert E. Kennedy,  
Commission Secretary

## RECOMMENDATIONS

During its more than 16 months of work, the Pittsburgh Government Study Commission discovered some problems which could not be solved by the new charter, since the Commission was limited by state law from treating matters such as election laws and abolition of authorities. Some of the unresolved matters are of sufficient importance for the Commission to offer the recommendations which follow.

Recommendations to the General Assembly:

### Authorities:

- Municipalities should be empowered to absorb authorities.
- Consideration should be given to merging the city and county housing authorities.

### Elections:

- Municipalities should be empowered to impose limits on campaign expenses of candidates running for city office.
- Every election should be available, without limitation, for filling a vacancy in any municipal election.
- Recommendation to Pittsburgh Mayors and Councils;
- Mayors and Councils, present and future, should continuously seek to absorb authorities into city government.

STATEMENT OF EXPENSES

Through April 18, 1974

STAFF SALARIES 54,901.95

- 1) Executive Director
- 2) Solicitor-Legislative Draftsman
- 3) Office-Manager
- 4) Clerk-Typist
- 5) Organizer-Researcher
- 6) Public Information Consultant

Part Time Servicers (1) 6,323.63

OPERATING COSTS

- Office Equipment and Supplies (2) 1,926.30
- Telephone (3) 649.09

PUBLIC INFORMATION COSTS (4)

5,509.10

RESEARCH COSTS (5) 10,834.49

COMMISSIONER'S EXPENSES 887.09

MISCELLANEOUS

- Meeting Expense (6) 1,733.36
- Insurance (7) 249.00
- Advertising (8) 555.44
- Taping of Public Hearing (9) 557.81

84,127.26

Purchases of supplies from the City Warehouse 1,096.52

EXPENSES INCURRED THRU

APRIL 18, 1974 85,223.78

STATEMENT OF IN-KIND SERVICES

DONATED

Thru April 18, 1974

FROM THE CITY OF PITTSBURGH:

- Office Space 3,000.00
- Printing Office Services 6,000.00
- Postage 11,000.00

Clerk-Typist (Summer)	700.00
Use of Typewriter and Xerox Machine	1,100.00
Telephone	1,800.00
Office Furniture	<u>500.00</u>

**24,100.00**

FROM CONSULTANTS:

Includes value of all volunteer consulting work done for the Commission, including work performed by student interns whose services were free of charge	7,575.00
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<u>VOLUNTEER CLERICAL HELP</u>	750.00
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OTHER

Office Furniture (10)	1,000.00
Historical Display Item (11)	1,000.00
Donated Meeting Room Space Throughout the City	3,000.00
Individual donations by Commissioners	<u>1,000.00</u>

6,000.00

PLEASE NOTE: All in-kind  
expenses are estimated.

IN-KIND TOTAL - \$38,425.00

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In addition to the above donated services, hundreds of citizens gave freely of their time and efforts in organizing meetings and public hearings, by discussing and offering solutions to the City's problems and reporting on their analysis of the home rule charter. The communications media gave a substantial amount of time and space to the reporting of the Commission's work to the public. It is impossible to estimate the value of all these important donated services.

All financial records of the Commission are subject to audit by the Controller of the City of Pittsburgh, and are open for public inspection.

John H. Bingler, Chairperson  
Edith Elaine Abdullah, Vice Chairperson  
Robert E. Kennedy, Secretary  
Robert L. Martin, Treasurer  
David W. Craig  
William P. Gallagher  
Mary Hall  
Arthur C. Holloway  
Gabor Kish  
Joseph A. Madden  
Sister Michele O'Leary, RSM

**COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF ALLEGHENY**

**AFFIDAVIT**

**BEFORE ME**, the unsigned authority, personally appeared the persons whose names are affixed hereto, who first being duly sworn according to law, depose and say that the foregoing Financial Report is true and correct to the best of their knowledge, information and belief.

Sworn to and subscribed before  
me the 24th day of April, 1974  
CHARLOTTE J. FOSTER,  
Notary Public  
Pittsburgh, Allegheny County

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Notary Public

## SUPPLIERS

(1) Goehring, Rutter and Boehm  
H.K. Delivery Systems  
Kelly Services, Inc.  
Purolator Courier  
Corporation

(2) E.W. Curry Company, Inc  
Darragh Paper Company  
IBM Corporation  
Keller Office Equipment  
Jas. H. Matthews and Company  
P.O. Naly Company  
Standard Office Supply  
Stenotype Supplies  
Company Inc.  
The Tydings Company

(3) Bell of Pennsylvania

(5) Center for Governmental Studies, Institute  
for Urban Policy and Administration - University of  
Pittsburgh,  
Pittsburgh Neighborhood Alliance-  
Neighborhood Atlas Program

(6) George Aiken's Catering  
Chatham Center  
Chinatown Inn  
Howard Johnson's  
Kelson's Catering  
Sarah's Resturant  
Southern Platter  
Young Women's Christian  
Association of Greater Pittsburgh

(4) Addressgraph Multigraph  
American Enterprise Institute  
American Society for  
Public Administration  
Center for Governmental Studies  
Chatfield and Woods  
City of Philadelphia  
Committee for Economic  
Development  
Copy Cat  
Darragh Paper Company  
General Binding Corporation  
League of Women Voters of Pennsylvania  
A.H. Mathias and Company  
Modern Reproductions, Inc.  
National Municipal League  
Dale E. Peters Printing  
School of Social Work -  
University of Pittsburgh  
West Publishing Company  
(7) Joseph J. Robino Insurance

(8) The Pittsburgh Press  
The Pittsburgh Post Gazette  
WQED - Metro-Pittsburgh Public Broadcasting

(9) The University Libraries  
University of Pittsburgh

(10) Baskin, Boreman, Wiln  
Sachs, Gondelman, and  
Craig

(11) Pittsburgh History and Landmarks Foundation

## HISTORY OF THE COMMISSION

The roots of the Government Study Commission of the City of Pittsburgh go back to 1967 and the State Constitutional Convention. The men and women of the Convention proposed to give the State Legislature the power to permit local municipalities to have home rule. Voters of the Commonwealth approved this in 1968.

In early 1972, the Legislature wrote and passed the Home Rule Charter and Optional Plans Law, generally known as Act 62. This act allows municipalities to set up government study commissions to examine their local government, and to write new charters if they so choose.

In accordance with Act 62, several citizens' groups in 1972 united to gather sufficient signatures on petitions to place the question of a commission for Pittsburgh on the ballot. Council President Louis Mason, and Council member Richard Caliguiri supported this citizen effort. They made the petition unnecessary by introducing a bill before Council in late July 1972, which authorized the question to appear on the ballot in November, 1972. The voters approved establishment of the commission by a vote of 61,183 to 20,367, and at the same time elected the eleven member Commission. The Commission organized on November 27, 1972, and thereafter held over one hundred meetings and hearings, with Commission members serving without salary. The Commission has carried out extensive research into city government, including studies of comparable cities. It has utilized experts and sought the views of citizens.

From the beginning the Commission acted to ensure that the people of Pittsburgh had the opportunity to participate in writing the charter. Soon after organizing, the Commission voted to make all its meetings public, and hired a staff to maintain daily contact with citizens, an information center was opened in the City-County building, and a newsletter, *New City*, was published. Funds, space and supplies were furnished as needed by the mayor and council. Widespread publicity was supplied by the print and electronic media, with detailed coverage

provided by Lawrence Walsh of the Pittsburgh Press and David Leherr of the Pittsburgh Post Gazette. Three sets of hearings, including a total of 29 sessions, were held in various parts of the City. One series was held in March of 1973 to learn if the people wanted a new home rule charter written or some lesser action taken to improve government.

Because the answer was overwhelmingly favorable to a new home rule charter, a second series of eleven hearings was held. With the help of a field organizer, this second series was held in late spring and early summer to learn what people wanted in the new charter. One hundred thirty people testified. Most of them were representatives from organizations. They firmly supported Pittsburgh's strong mayor form of government, but asked for more access into that government. They suggested many specific improvements to city government and repeated their desires for home rule.

After these hearings, the Commission met throughout the summer months of 1973 to prepare a "Discussion Draft" of the charter. The "Discussion Draft" includes many of the ideas expressed at the eleven hearings, and others suggested by consultants, staff, and Commission members. It was intended to provoke widespread discussion debate, and public choice.

In September, the Commission released the Draft. Fourteen public hearings were held in October and November to hear people's opinions of the Draft. Four of these hearings were televised live on WQED, the local public broadcasting station, while almost 10,000 copies of the Draft were distributed throughout the City. Many high school classes studied it. Hundreds of citizens reacted to the Draft, in person or in writing.

During the first three months of 1974, the Commission modified and shortened the Draft in accordance with what it had learned at the fourteen hearings.

Sixteen months after the Commission began its work, the new home rule charter was ready for submission to the people. A day-long "Public

Dialogue" was held on March 30, 1974 for final reaction, before this report went to press.

The proposed charter contained in this report emphasizes Pittsburgh as a responsible city, which means a city with a government alert and active to ensure that the needs of citizens are provided for,

regardless of which levels of government or private organizations do the providing.

This charter seeks to mandate an efficient strong mayor government with sound checks and balances, and adequate means of access and participation for all citizens.

### **STATEMENT OF ADOPTION**

The Government Study Commission of the City of Pittsburgh formally adopted this Report on May 2, 1974, and directed the question of approval of the proposed Home Rule Charter, as prepared by the Commission in accordance with the Home Rule Charter and Optional Plans Law of 1972, be submitted to the voters for referendum on November 5, 1974. The form of the question to appear on the ballot is to be as follows:

"Shall the Home rule Charter contained in the Report, dated May 6, 1974 of the Government Study Commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the City of Pittsburgh?"

As authorized by Section 215 of the Home Rule Charter and Optional Plans Law of 1972, the Commission also directed that this interpretive statement accompany the above question:

"The adoption of this charter would permit the people of the City of Pittsburgh to govern themselves through their elected representative, with only limited control by the State General Assembly in Harrisburg."

John H. Bingler, Jr.  
Chairperson