



Allegheny County Council

County of Allegheny
436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6490
Fax (412) 350-6499

Legislation Details (With Text)

File #: 12534-22 **Version:** 1 **Name:**
Type: Ordinance **Status:** Awaiting Executive Signature
File created: 12/9/2022 **In control:** Committee on Government Reform
On agenda: 12/13/2022 **Final action:** 12/19/2023
Title: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.03, entitled "County Council districts," in order to provide a uniform process for the reapportionment of Council districts within Allegheny County.
Sponsors: Tom Duerr, Suzanne Filiaggi
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
12/19/2023	1	County Council	Amended and Passed for Chief Executive Signature	Pass
12/14/2023	1	Committee on Government Reform	Returned Without Recommendation	Pass
12/13/2022	1	County Council	Referred by Chair	

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.03, entitled "County Council districts," in order to provide a uniform process for the reapportionment of Council districts within Allegheny County.

Whereas, Article IX, §11 of the Pennsylvania Constitution, the Pennsylvania Municipal Reapportionment Act, 53 P.S. §901, *et. seq.*, and the Administrative Code of Allegheny County, §5-301.03, all require that Allegheny County conclude a reapportionment of Council districts no later than one year after the finalization of decennial census data relating to the County; and

Whereas, while the provisions of §5-301.03 re-state the mechanical requirements for reapportionment contained within the authorities referenced above, it does not establish any particular process for conducting such reapportionments, and it is therefore possible that widely divergent processes may be used from reapportionment to reapportionment; and

Whereas, it is the judgment of Council that establishing a uniform process involving a specified advisory structure will provide consistency, while limiting the potential for politicization of the reapportionment process;

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

Section 1. Amendment of the Code.

The Administrative Code of Allegheny County, Article 301, entitled "County Council," §5-301.03, entitled

“Councilmatic districts,” is hereby amended as follows:

§5-301.03. County Council districts.

A. The County Council Districts shall be as follows:

- (1) District No. 1: Avalon Borough, Ben Avon Borough, Ben Avon Heights Borough, Crescent Township, Emsworth Borough, Findlay Township, Glenfield Borough, Glen Osborne Borough, Haysville Borough, Kilbuck Township, Moon Township, Neville Township, Ohio Township, Ross Township and West View Borough.
- (2) District No. 2: Aleppo Township, Bell Acres Borough, Bradford Woods Borough, Edgeworth Borough, Franklin Park Borough, Leet Township, Leetsdale Borough, Marshall Township, McCandless Township, Pine Township, Richland Township, Sewickley Borough, Sewickley Heights Borough, and Sewickley Hills Borough.
- (3) District No. 3: Aspinwall Borough, Etna Borough, Fox Chapel Borough, Hampton Township, Indiana Township, Millvale Borough, O’Hara Township, Reserve Township, Shaler Township, Sharpsburg Borough and West Deer Township.
- (4) District No. 4: Carnegie Borough, Collier Township, Coraopolis Borough, Kennedy Township, McDonald Borough, McKees Rocks Borough, North Fayette Township, Oakdale Borough, Pennsbury Village Borough, Robinson Township, South Fayette Township, Stowe Township, and Thornburg Borough.
- (5) District No. 5: Bethel Park Municipality, Dormont Borough, Mount Lebanon Township and Upper St. Clair Township.
- (6) District No. 6: Baldwin Borough, Baldwin Township, Brentwood Borough, Castle Shannon Borough, Clairton City, Jefferson Hills Borough, Pleasant Hills Borough, South Park Township and Whitehall Borough.
- (7) District No. 7: Blawnox Borough, Brackenridge Borough, Chalfant Borough, Cheswick Borough, Churchill Borough, East Deer Township, Fawn Township, Frazer Township, Harmar Township, Harrison Township, Oakmont Borough, Penn Hills Township, Springdale Borough, Springdale Township, Tarentum Borough, Verona Borough, and Wilkins Township.
- (8) District No. 8: Braddock Borough, East McKeesport Borough, East Pittsburgh Borough, Monroeville Municipality, North Braddock Borough, North Versailles Township, Pitcairn Borough, Plum Borough, Rankin Borough, Swissvale Borough, Trafford Borough, Turtle Creek Borough, Wall Borough and Wilmerding Borough.

- (9) District No. 9: Dravosburg Borough, Duquesne City, Elizabeth Borough, Elizabeth Township, Forward Township, Glassport Borough, Liberty Borough, Lincoln Borough, McKeesport City, Munhall Borough, Port Vue Borough, South Versailles Township, Versailles Borough, West Elizabeth Borough, West Mifflin Borough, Whitaker Borough, White Oak Borough.
- (10) District No. 10: Braddock Hills Borough, City of Pittsburgh Wards 3, 4, 5, 8, 11, 12 and 13, Edgewood Borough, Forest Hills Borough, and Wilkinsburg Borough.
- (11) District No. 11: City of Pittsburgh Wards 7, 14, 15, 16, 29 and 31, Homestead Borough, Mount Oliver Borough, and West Homestead Borough.
- (12) District No.12: Bridgeville Borough, City of Pittsburgh Wards 19, 20, 28 and 32, Crafton Borough, Green Tree Borough, Heidelberg Borough, Ingram Borough, Rosslyn Farms Borough, and Scott Township.
- (13) District No. 13: Bellevue Borough and City of Pittsburgh Wards 1, 2, 6, 9, 10, 17, 18, 21, 22, 23, 24, 25, 26, 27 and 30.

B. Reapportionment of Council districts. It shall be the mandatory duty of Council to reapportion the County Council districts within one year after the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census. The reapportionment of the council districts shall be done in the following manner: each district shall be composed of compact and contiguous territories as nearly equal in population as practicable as officially reported in the Federal Census. Unless absolutely necessary, no city, borough, township or ward shall be divided in forming council districts. No city block shall be divided into more than one district. A municipality shall be divided into as few County Council districts as possible. The number of wards whose territory is divided into more than one Council district shall be as small as possible. The aggregate length of all Council district boundaries shall be as short as reasonably practicable. No "election district," as that term is defined in the Pennsylvania Election Code, shall be divided into more than one district. At the expiration of the one-year period, if Council shall have failed to reapportion the council districts, then the reapportionment shall be conducted in accordance with the provisions of the Pennsylvania Municipal Reapportionment Act, 53 Pa.C.S.A. § 901 et seq. If the mandatory reapportionment results in a County Council member being placed out of the district from which he was elected, then the County Council member shall be permitted to complete his term of office.

C. Advisory Reapportionment Commission. Beginning with the 2030 decennial census and following each census thereafter, within forty-five (45) days of the official and final publication of the population of the County by the United States Bureau of the Census at each decennial census, Allegheny County Council shall appoint an advisory Reapportionment Commission. Such Commission shall be comprised of members as provided in this Subsection, and shall be charged with developing reapportionment recommendations pursuant to all provisions of applicable law, subject to the following:

1. Eligibility. Appointees to the Commission must be at least eighteen (18) years of age, must be registered to vote within Allegheny County, and shall have been residents of Allegheny County for at least one year prior to appointment and throughout their service on the Commission. Appointees may belong to any political party, regardless of the fashion in which they are appointed under the terms of Subsection 3.
2. Prohibitions. No Commission member shall be or shall have a parent, spouse, or child who is an employee of Allegheny County. At no time during their service shall any Commission member hold any elected office, serve on or at the pleasure of any committee organized by any candidate for election, serve at the pleasure of any candidate for election and/or their campaign manager or other campaign staff, or be a voting member of any committee established by or for the benefit of a political party.
3. Appointment. Members of the Commission shall be appointed by caucuses established by Council members of various parties as follows:
 - a. Two (2) Commission members shall be appointed by each party-affiliated caucus to which at least one member of Council belongs. For the purposes of this Section, in order to belong to a party-affiliated caucus, a Council member must:
 - i. Be registered as a voter within Allegheny County with a party affiliation; however, members of Council registered with no affiliation shall be deemed to be Independent party members solely for the purposes of this Subsection; and
 - ii. Meet regularly with any other Council members of the same party affiliation to discuss matters relevant to those members; and
 - iii. Not meet regularly with any other established party caucus to discuss matters relevant to members of that other caucus. In the event that a member of Council having a party affiliation under the terms of this Section does meet regularly with a caucus of another affiliation, such member of Council shall be deemed a member of the caucus with which the member more frequently meets.
 - b. One (1) Commission member shall be appointed by vote of the full Council after introduction of nomination(s), interview of the nominee(s) by the Committee on Appointment Review, and recommendation of the Committee. This member shall serve as the Commission Chair.
 - c. No individual appointed pursuant to the terms of Subsection A shall be subject to interview by the Committee on Appointment Review (or equivalent committee of Council), or to confirmation by the full Council, but written notice of all appointments shall be provided to the Chief Clerk and all appointments shall be announced by the chair of the appointing caucus during the public portion of a regular meeting of Council. No appointment pursuant to the terms of Subsection A shall be deemed effective prior to the notice and announcement required by this Subsection.

- d. The terms of all initial appointments timely made pursuant to the terms of this Section shall be deemed to commence upon the forty-sixth (46th) day after the official and final publication of the population of the County by the United States Bureau of the Census, and shall expire one hundred and eighty (180) days from the date of such publication. The term of any appointment made after the forty-sixth (46th) day after the official and final publication of the population of the County by the United States Bureau of the Census shall be deemed to commence upon its announcement or approval by the seated members of Council (as required under the terms of this Section), and shall expire upon the same date as all timely initial appointments.
- e. Upon appointment and at all times throughout their service, all Commission members shall be deemed “Covered Persons” within the meaning of §5-1013.03 of this Administrative Code, shall be subject to the entirety of Article 1013 of this Administrative Code (relating to Accountability, Conduct and Ethics), and shall file annual disclosures of interest for the year(s) during which they serve, in accordance with the provisions of §5-1013.05.
- f. In the event of a vacancy, a replacement Commission member shall be selected in the same fashion as the departed Commission member, within twenty one (21) days of the seat becoming vacant.
- g. Once appointed, Commission members may be removed only upon violation of the terms of this Section or other applicable law, by a vote of a majority of the seated members of Council and with prior notice and hearing afforded to the Commission member in question.
4. Commission meetings. The Commission shall meet to adopt operating rules and procedures as soon as is practicable after the forty-sixth (46th) day after the official and final publication of the population of the County by the United States Bureau of the Census. Notwithstanding any rule or procedure adopted by the Commission, for the purposes of conducting Commission business a quorum shall consist of at least a majority of the seated members of the Commission in attendance. The Commission shall be deemed an “agency” as defined within the Pennsylvania Sunshine Act (65 Pa.C.S. §701, *et. seq.*) and Commission meetings shall be open to the public in accordance with the provisions of that Act. The Commission shall keep minutes as required by the Act, and shall also make full and complete audio recordings of all of its proceedings that are open to the public. Copies of such recordings shall be made available to any individual upon request, at no cost to the requestor.
5. Commission duties. The Commission shall be charged with formulating one or more recommendations regarding reapportionment and providing such recommendation(s) to Allegheny County Council no later than 180 days from the date of the Commission’s first meeting. At all times, the Commission shall strictly adhere to all applicable Commonwealth and other Constitutional provisions, statutory law, caselaw, and regulations, including (but not limited to) the Municipal Reapportionment Act (53 Pa.C.S.A. §901, *et. seq.*). Throughout the process of formulating recommendations, the Commission shall provide weekly written updates to all Council members regarding progress, methodologies employed, and issues to be resolved.

The Commission may, if necessary, consult with Council's solicitor regarding legal matters pertaining to reapportionment, but shall not, under any circumstances, discuss reapportionment with or seek advice relating to reapportionment from the County Law Department, the Chief Executive or any employee(s) of the administrative branch of the County's government (except as provided in Subsection C.6.), any individual member(s) of Allegheny County Council or its full time staff, or any independently elected County official (as delineated in §5-201.03.A. of this Administrative Code) or any member(s) of their staff.

6. Staffing. The County, on behalf of the Commission, may retain the services of not more than two (2) agents and/or contractors, permanent or temporary, as may be requested from time-to-time by the Commission to serve as staff to assist the Commission in the performance of its responsibilities under the terms of this Article. The County shall determine the qualifications and necessity of such agents and contractors. The County shall have the authority to place a reasonable limit on the amount to be paid for the services of any individual(s) retained under the terms of this Section. The County shall provide the Commission with appropriately located office space and public meeting facilities together with necessary office supplies, equipment and furnishings.
7. Content of Commission recommendations. The Commission shall submit one or more recommendations to County Council upon an affirmative vote of a majority of the seated Commission members. Such recommendation(s) shall include both a map visually depicting the recommended new Council districts and a list of the recommended new districts, together with a clear delineation of the population of each proposed district, broken down by community (or portion thereof) within the proposed districts. Any recommendation(s) developed by the Commission pursuant to the terms of this Section shall be deemed purely advisory in nature, and shall have no legal effect unless/until adopted by the Council in the form of an ordinance amending to §5-301.03.A. of this Administrative Code.
8. Council procedure. Upon receipt, the Chief Clerk shall format the recommendation(s) as an ordinance amending §5-301.03.A. of this Administrative Code, and place the ordinance for introduction on the agenda for the next regular meeting of Council. Notwithstanding any Rule of Council to the contrary, no sponsor need be designated within such ordinance. Once introduced, the ordinance may be discussed in committee prior to the second reading, but shall not be subject to amendment prior to the Council's final vote on the ordinance. In the event that three (3) Commission recommendations are not approved via final vote, or after one hundred and eighty (180) days from the date of the Commission's first meeting (whichever occurs first), County Council may introduce its own ordinance(s) to accomplish reapportionment, provided, however, that nothing within this Section shall be deemed to lengthen, shorten, or in any other way alter reapportionment deadlines or approval procedures established by applicable law, including (but not limited to) the Commonwealth's Municipal Reapportionment Act, (53 Pa.C.S.A. §901, *et. seq.*). Any reapportionment ordinance(s), when introduced, shall comport with all applicable law.

Section 3. Effective Date.

The provisions of this ordinance shall become effective immediately upon the date of final approval.

Section 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

Section 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.