

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1364 Session of
1997

INTRODUCED BY ITKIN, WALKO, GIGLIOTTI, LAUGHLIN, ROBINSON,
TRELLO, OLASZ, DeLUCA, VAN HORNE, PRESTON AND DERMODY,
APRIL 17, 1997

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 17, 1997

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," providing for optional
5 form of government for counties of the second class.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of July 28, 1953 (P.L.723, No.230), known
9 as the Second Class County Code, is amended by adding an article
10 to read:

11 Article IV-A

12 Optional Form of Government

13 for Counties of the Second Class

14 (a) Preliminary Provisions

15 Section 401-A. Legislative Intent.--The General Assembly
16 finds as follows:

17 (1) A county executive and a county council, separately
18 elected, would give citizens more input in government
19 operations.

1 (2) The creation of a county council and elected executive
2 would provide checks and balances for second class counties.

3 (3) Permitting an optional form of government as an
4 alternative to the commissioner system would provide an
5 opportunity for change for the residents of second class
6 counties.

7 (4) The formation of an elected executive and an elected
8 council would facilitate the development of a metropolitan form
9 of government in second class counties.

10 (5) The elected executive and county council would foster
11 cooperative economic development initiatives and job creation
12 among the municipalities in second class counties.

13 (6) The creation of a county council and elected executive
14 would increase the accountability of the second class county
15 government to the people.

16 (7) People should have every opportunity to effectuate real
17 change when they believe it is necessary without having to go
18 through the cumbersome and complex procedures under the act of
19 April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter
20 and Optional Plans Law."

21 Section 402-A. Definitions.--As used in this article the
22 term "council" means the county council of a second class
23 county.

24 Section 403-A. Procedure.--The question of whether a county
25 of the second class shall adopt the optional form of government
26 under this article may be brought before the registered electors
27 of the second class county by either:

28 (1) the governing body of a county of the second class
29 adopting an ordinance pursuant to section 405-A; or

30 (2) the registered electors presenting a petition pursuant

1 to section 406-A.

2 Section 404-A. Referendum.--The question to be presented to
3 the registered electors of the second class county shall be in
4 the following form:

5 "Shall the optional form of government contained in
6 Article IV-A of the Second Class County Code providing
7 for a separately elected county executive and county
8 council be adopted by the county of _____ ?"

9 Section 405-A. Ordinance.--(a) The governing body of a
10 county of the second class shall have the power and may adopt an
11 ordinance providing for the submission of the question in
12 section 404-A to the registered electors of that second class
13 county.

14 (b) The ordinance shall contain the question in the form
15 prescribed in section 404-A, the date of the election at which
16 the question will be presented and, at the option of the
17 governing body, an interpretative statement to accompany the
18 question.

19 (c) Within five days of the adoption of an ordinance under
20 subsection (a) the chief clerk of the county shall certify and
21 file a copy of the adopted ordinance to the county board of
22 elections.

23 (d) The county board of elections, upon receipt of the
24 certified copy of the adopted ordinance, shall cause the
25 question to be placed on the ballot at the election specified in
26 the ordinance, or first election held sixty days after the
27 county board of elections receives the ordinance, whichever
28 election occurs later. The submission of the question and the
29 conduct of the election shall be in conformity with the
30 provisions of the act of June 3, 1937 (P.L.1333, No.320), known

1 as the "Pennsylvania Election Code."

2 Section 406-A. Petition.--(a) The registered electors of a
3 county of the second class shall have the power and may present
4 to the county board of elections a petition which meets the
5 requirements of this section and requests that the question set
6 forth in section 404-A be submitted to the registered electors
7 of that county.

8 (b) The petition shall be circulated as prescribed in
9 subsection (c), shall be signed by at least five per centum (5%)
10 of the registered electors who voted for the Office of Governor
11 in the last gubernatorial general election in that county and
12 shall indicate that the governing body has received that
13 petition.

14 (c) A referendum petition under this section shall be filed
15 not later than the thirteenth Tuesday prior to the election, and
16 the petition and the proceedings therein shall be in the manner
17 and subject to the provisions of the election laws which relate
18 to the signing, filing and adjudication of nomination petitions
19 insofar as such provisions are applicable, except that no
20 referendum petition shall be signed or circulated prior to the
21 twentieth Tuesday before the election nor later than the
22 thirteenth Tuesday before the election.

23 Section 407-A. Optional Form Effective.--Whenever the
24 legally qualified voters of any county of the second class by a
25 majority of those voting on the question vote in favor of
26 adopting the optional form of government provided for in this
27 article, that optional form of government shall take effect on
28 the day following the expiration of the term of the county
29 commissioners holding office on the date of the adoption of the
30 question.

1 Section 408-A. Resubmission of Question.--The question set
2 forth in section 404-A shall not be submitted to the registered
3 electors of a county of the second class more than once in any
4 four-year period.

5 Section 409-A. Rescindment of Adoption.--(a) Whenever the
6 legally qualified voters of any county of the second class have
7 adopted the optional form of government provided for in this
8 article, that optional form of government may be abolished in
9 accordance with the same procedures, conditions and restrictions
10 applicable to the adoption of the optional form of government as
11 set forth in sections 403-A, 405-A, 406-A, 407-A and 408-A.

12 (b) The question of abolishing the optional form of
13 government set forth in this article may not be submitted to the
14 registered electors of a county of the second class until at
15 least four years after the optional form of government has been
16 in effect.

17 (c) The question to be presented to the registered electors
18 of the second class county shall be in the following form:

19 "Shall the optional form of government contained in
20 Article IV-A of the Second Class County Code adopted
21 by the county of _____ be abolished and the
22 county return to a commission form of government?"

23 Section 410-A. Inconsistency.--The provisions of this
24 article if adopted shall control in the event of any
25 inconsistency between this article and any other provision of
26 this act.

27 Section 411-A. References to Governing Body.--Any reference
28 in this act to county commissioners or board of county
29 commissioners or a similar reference to the governing body of a
30 county of the second class when referring to a legislative

1 function shall be deemed to be a reference to the council in a
2 second class county and, when referring to an executive
3 function, shall be deemed to be a reference to the county
4 executive in a second class county.

5 Section 412-A. Holding of Office.--Any person holding
6 elective office under this act shall continue to hold such
7 office until the expiration of the term thereof, subject to the
8 conditions and salary attached to such office prior to the
9 passage of this article.

10 Section 413-A. Other Elected Officers.--The provisions of
11 this article shall not alter, diminish impair or in any way
12 affect the powers and duties of any elected officer of a county
13 of the second class except for the powers and duties of the
14 county commissioners. Whenever the legally qualified voters of
15 any county of the second class by a majority of those voting on
16 the question vote in favor of adopting the optional form of
17 government provided for in this article, the elected officers of
18 the county of the second class, other than the county
19 commissioners, shall continue to exercise all of the powers and
20 to perform all of the duties of their office as provided in this
21 act and other acts of the General Assembly.

22 (b) County Council

23 Section 420-A. Membership.--(a) The legislative branch of
24 the government of a second class county shall consist of an
25 elected body which shall be known as the council. The council,
26 when lawfully convened, shall constitute the legislative,
27 appropriating and policy-determining body of the county.

28 (b) All council authority shall be asserted by the council
29 as an integral body. No individual member of council shall have
30 any authority under this article unless such authority is

1 delegated by this article or by council acting as a body.

2 (c) Except as otherwise provided in this article, the
3 council shall have and exercise all powers and duties now or
4 hereafter conferred or imposed on the council by this article or
5 by applicable law. The council shall have, but not by way of
6 limitation, the following powers and duties:

7 (1) To make appropriations, incur indebtedness and adopt the
8 annual budget.

9 (2) To adopt, amend and repeal an administrative code.

10 (3) To create, alter, combine and abolish county departments
11 under the jurisdiction of the county executive, administrative
12 units, boards, authorities and commissions and to prescribe the
13 function of each.

14 (4) To levy taxes. The cost of all general services rendered
15 by the county to the entire county shall be a charge against the
16 entire county and the cost of each special service rendered by
17 the county to one or more municipalities or service districts
18 within the county shall be a charge against the municipalities
19 or special districts or the taxpayers or taxable real property
20 thereof.

21 (5) To fix the amount of bonds of county officials and
22 employes the premiums of which are to be paid from county funds.

23 (6) To adopt by resolution all necessary rules and
24 regulations for its conduct and procedure.

25 (7) To make or cause to be made studies and investigations
26 as it deems to be in the best interest of the county, including
27 studies or investigations of the county executive offices and
28 other county departments, administrative units, agencies or
29 other offices under the control of the county executive.

30 (8) To make provisions for any matter of county government

not otherwise provided for, including, but not restricted to,
any necessary matter involved in the transition to the form of
government under this article.

Section 421-A. Composition and Terms.--(a) There shall be a
council of thirteen members. The county shall be divided into
eleven compact and contiguous districts as nearly equal in
population as practicable and one member of council shall be
elected from each district. Two additional members of council
shall be elected at large by the registered electors of the
county of the second class.

(b) County council elections shall be conducted at the
municipal election next preceding the expiration of the terms of
the county commissioners then in office and, thereafter, at the
municipal election next preceding the expiration of the term of
a county council member. Except as provided in subsection (c),
county council members shall hold office for a term of four
years from the first Monday of January next after their
election.

(c) The persons elected in the first elections for county
council under this article shall hold office for the following
terms:

(1) Those elected at large and those elected from odd-
numbered districts shall hold office for a term of four years
from the first Monday of January next after their election.

(2) Those elected from even-numbered districts shall hold
office for a term of two years from the first Monday of January
next after their election.

Section 422-A. Council Districts Established.--The initial
council districts shall be as follows:

(1) District 1. Part of the Township of Penn Hills

1 consisting of Ward 1; part of the City of Pittsburgh consisting
2 of all of Wards 1, 2, 3, 5, 12, 13 and 21 and part of the City
3 of Pittsburgh consisting of Ward 4, precincts 1, 3, 4, 6, 7, 9,
4 10, 11, 12 and 18; Ward 7, precincts 1, 3, 4, 13 and 14; Ward 8,
5 precincts 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13; Ward 10,
6 precincts 12, 15, 16, 17, 18 and 19; Ward 11, precincts 2, 3, 4,
7 5, 6, 14, 15, 16, 17 and 18; Ward 14, precincts 12 and 13; Ward
8 22, precincts 1, 2 and 3; Ward 25, precincts 1, 2, 3, 4, 5 and
9 6; Ward 26, precincts 1, 2, 3, 4, 7 and 10; and part of the
10 Borough of Wilkinsburg consisting of Ward 1, precincts 1, 2, 3,
11 4, 6 and 7; Ward 2, precinct 4; Ward 3, precincts 3, 4, 5 and 6.

12 (2) District 2. All of the Borough of Mt. Oliver; part of
13 the City of Pittsburgh consisting of all of Wards 15, 16, 17,
14 18, 30 and 31; part of the City of Pittsburgh consisting of Ward
15 4, precincts 2, 5, 8, 13, 14, 15, 16, 17 and 19; Ward 7,
16 precincts 2, 5, 6, 7, 8, 9, 10, 11 and 12; Ward 14, precincts 1,
17 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21,
18 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,
19 38, 39, 40 and 41; Ward 29, precincts 1, 2, 3, 8, 11 and 12.

20 (3) District 3. All of the Township of Baldwin; all of the
21 boroughs of Crafton, Dormont, Green Tree, Ingram, McKees Rocks,
22 Rosslyn Farms and Thornburg; part of the City of Pittsburgh
23 consisting of all of Wards 19, 20, 28 and 32; part of the City
24 of Pittsburgh consisting of Ward 27, precincts 4, 6, 10, 11, 12
25 and 13; Ward 29, precincts 4, 5, 6, 7, 9 and 10.

26 (4) District 4. All of the boroughs of Bethel Park,
27 Brentwood, Castle Shannon and Whitehall. All of the townships of
28 Mt. Lebanon and Upper St. Clair.

29 (5) District 5. All of the boroughs of Bell Acres, Ben
30 Avon, Ben Avon Heights, Bradford Woods, Edgeworth, Emsworth,

1 Franklin Park, Glenfield, Haysville, Leetsdale, Millvale,
2 Osborne, Sewickley, Sewickley Heights and Sewickley Hills. All
3 of the townships of Aleppo, Hampton, Kilbuck, Leet, Marshall,
4 McCandless, Ohio, Pine and Shaler.

5 District 6. All of the boroughs of Blawnox, Churchill,
6 Edgewood, Forest Hills, Monroeville, Swissvale and Verona. All
7 of the township of Wilkins. Part of the Township of Penn Hills
8 consisting of all of Wards 2, 3, 4, 5, 6, 7, 8 and 9. Part of
9 the Borough of Wilkinsburg consisting of Ward 1, precinct 5;
10 Ward 2, precincts 1, 2, 3 and 5; Ward 3, precincts 1 and 2

11 (7) District 7. All of the boroughs of Avalon, Bellevue and
12 West View. All of the townships of Reserve and Ross. Part of the
13 City of Pittsburgh consisting of all of Wards 6, 9, 23 and 24.
14 Part of the City of Pittsburgh consisting of Ward 8, precincts
15 1, 2 and 6; Ward 10, precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
16 11, 13 and 14; Ward 11, precincts 1, 7, 8, 9, 10, 11, 12 and 13;
17 Ward 22, precinct 4; Ward 25, precinct 7; Ward 26, precincts 5,
18 6, 8, 9, 11, 12, 13, 14, 15, 16 and 17; Ward 27, precincts 1, 2,
19 3, 5, 7, 8 and 9.

20 (8) District 8. All of the boroughs of Bridgeville,
21 Carnegie, Coraopolis, Heidelberg, McDonald, Oakdale and
22 Pennsbury Village. All of the townships of Collier, Crescent,
23 Findlay, Kennedy, Moon, Neville, North Fayette, Robinson, Scott,
24 South Fayette and Stowe.

25 (9) District 9. All of the boroughs of Aspinwall,
26 Brackenridge, Cheswick, Etna, Fox Chapel, Oakmont, Plum,
27 Sharpsburg, Springdale and Tarentum. All of the townships of
28 East Deer, Fawn, Frazer, Harmar, Harrison, Indiana, O'Hara,
29 Richland, Springdale and West Deer.

30 (10) District 10. All of the boroughs of Braddock, Braddock

1 Hills, Chalfant, East McKeesport, East Pittsburgh, Elizabeth,
2 Glassport, Liberty, Lincoln, North Braddock, Pitcairn, Port Vue,
3 Rankin, Trafford, Turtle Creek, Versailles, Wall, West
4 Elizabeth, White Oak and Wilmerding. All of the townships of
5 Elizabeth, Forward, North Versailles and South Versailles. All
6 of the City of McKeesport.

7 (11) District 11. All of the boroughs of Baldwin,
8 Dravosburg, Homestead, Jefferson, Munhall, Pleasant Hills, West
9 Homestead, West Mifflin and Whitaker. All of the Township of
10 South Park. All of the cities of Clairton and Duquesne.

11 Section 423-A. Members-At-Large.--Two members of county
12 council shall be elected at large by the registered electors of
13 the county of the second class. To the extent not inconsistent
14 with this section, they shall be elected in the same manner as
15 jury commissioners as provided in this act and the act of June
16 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
17 Code." The two persons elected at large as county council
18 members shall not be of the same political party. The candidate
19 for the office who receives the highest number of votes shall be
20 one of the at large members of county council, and the other at
21 large member shall be that candidate not being of the same
22 political party as the first who receives the next highest
23 number of votes.

24 Section 424-A. Reapportionment of Districts.--Within three
25 months after the publication of the results of each decennial
26 census of the population of the United States, the judges of the
27 court of common pleas shall evaluate the council districts for
28 equity and representation in relation to population based upon
29 the new census and shall establish, by majority vote, the
30 boundaries of such districts. Prior to establishing such

boundaries, the judges of the court of common pleas shall hold at least one public hearing on the subject. Any person aggrieved by the action of the judges of the court of common pleas may appeal the action to Commonwealth Court.

Section 425-A. Prohibitions.--(a) Members of council, during their term of office, shall not hold any other county office or county employment.

(b) Members of council, during their term of office, shall not hold any other elective public office for which a salary, compensation or emolument is paid or received.

(c) Members of council shall not serve as a paid consultant for and with the county government during their current term of office and for a period of at least one year following the expiration of their term.

Section 426-A. Internal Affairs.--(a) The council shall organize within the first ten days of January of each year. The council, at this organization meeting, shall elect from its membership a president and a vice president. The president, or in the absence of the president, the vice president shall preside and vote at all meetings of the council.

(b) The council, by resolution, shall adopt rules of procedures for its meetings. These rules shall be assigned to assure full and equal participation in the deliberations of the council by all of its members and shall not be subject to veto by the county executive.

(c) A majority of the members of the council shall constitute a quorum, except as otherwise provided in this article. The council shall conduct business only in the presence of a quorum.

(d) Meetings of the council shall be open to the public and

1 public notice of all meetings shall be given.

2 (e) The council shall convene in regular meeting not less
3 than once a month at such time and place as the council may
4 prescribe, except as otherwise provided in this article.

5 (f) Special meetings may be held at the call of the
6 president of the council.

7 (g) The president shall call a special meeting whenever so
8 requested in writing by any seven members of the council. If the
9 president fails or refuses to call such special meeting, then
10 such special meeting shall be called by the vice president or
11 county clerk upon receiving a written request for such special
12 meeting signed by seven members of the council.

13 (h) At least seventy-two hours prior to a regular meeting of
14 the council, an agenda, as prepared by the county clerk, shall
15 be made available for public inspection.

16 (i) All reasonable opportunity shall be made available for
17 members of the public to address the council on matters of
18 concern. The council shall, by resolution, adopt procedures for
19 such public participation.

20 (j) (1) Neither the council nor any of its committees or
21 members shall direct or request any elected official to appoint
22 any person to, or remove any person from, an office or position,
23 or in any manner take part in the appointment or removal of
24 officers or employees in the administrative service of the county
25 who are subject to the jurisdiction of such elected officials.

26 (2) Neither the council nor any member shall give, publicly
27 or privately, orders to, or in any way interfere with the work
28 or duties of, any administrative officer or employee under
29 jurisdiction of the county executive or other elected officials.

30 Section 427-A. Legislation.--(a) All actions of the council

1 shall be taken by the adoption of an ordinance or resolution or
2 by motion. All legislation shall be enacted by the adoption of
3 an ordinance. All ordinances and resolutions must be in written
4 form and enacted only after reasonable notice, except as
5 otherwise provided in this article. All final action in adopting
6 ordinances and resolutions shall be by roll call vote and the
7 vote of each member of council shall be entered in the record of
8 the meeting.

9 (b) In addition to any other action required by law or by
10 this article to be taken by ordinance, those actions of the
11 council shall be by ordinance which:

12 (1) Adopt or amend an administrative code.

13 (2) Establish, alter or abolish any county department,
14 office or agency. Provided, however, that this article shall not
15 be deemed to empower county council to abolish any elective
16 county office.

17 (3) Provide for a fine or other penalty or establish a rule
18 or regulation for violation of which a fine or other penalty is
19 imposed.

20 (4) Levy taxes.

21 (5) Establish, alter or abolish rates charged for any
22 service supplied by the county.

23 (6) Amend or repeal any ordinance previously adopted.

24 (7) Adopt the annual budget.

25 (8) Establish the compensation of council members, the
26 county executive and other elected officials in accordance with
27 sections 440-A and 401.1.

28 (9) Establish the compensation of appointees as required by
29 the provisions of this article.

30 (c) All ordinances wherein taxes are levied, before being

adopted by the council, shall be read at least once in each of two separate meetings of the council.

(d) The action of a majority of the members of the council present and entitled to vote shall be binding upon and constitute the action of the council. However, a majority vote of the entire council shall be required:

(1) To make appropriations, incur indebtedness and adopt the budget.

(2) To adopt, amend and repeal an administrative code.

(3) To create, alter, combine and abolish county departments under the jurisdiction of the county executive, administrative units, boards, authorities and commissions and to prescribe the functions of same.

(4) To levy taxes, subject, however, the following:

(i) the cost of all general services rendered by the county to the entire county shall be a charge against the entire county; and

(ii) the cost of each special service rendered by the county to one or more municipalities or service districts within the county shall be a charge against such municipalities or service districts on the taxpayers or taxable real property thereof.

(e) (1) Upon the passage of any ordinance or resolution by the council, except as otherwise provided in this article, the county executive, within three days after passage, shall receive a written copy of the ordinance or resolution for approval or veto. Within fourteen days after receipt, the county executive shall return the ordinance or resolution to the council with an approval or with a written statement explaining the reasons for vetoing the same. The council, within thirty days after receiving the veto, may override the veto by the affirmative vote

of at least nine of the members of the council.

(2) If, within fourteen days after the receipt of an ordinance or resolution, the county executive fails to return it either approved or vetoed, it shall be deemed to be adopted as though approved and signed by the county executive.

(f) The council shall have the power to repeal or amend any ordinance in the same manner as provided herein for its original adoption and until any ordinance is repealed or amended it shall remain in force or effect.

(g) All ordinances resolutions and other proceedings of the council shall be entered in the record books of the county. The record books shall be open and available for public inspection at reasonable hours. These books shall be in custody and control of the county clerk.

(h) After an ordinance has been finally adopted, notice of its adoption shall be published at least once in one newspaper circulating generally within the county, and, except as otherwise provided in this article, every adopted ordinance shall become effective on the date specified in the ordinance.

(i) The council, in the county administrative code shall provide for the establishment and procedure for the adoption of regular ordinances and emergency ordinances.

(j) Within two years after the adoption of this article and at least every four years thereafter, the council shall provide for the general codification of all county ordinances and resolutions having the force and effect of law. The general codification shall be approved by the council by resolution, and this codification and such administrative codes and other rules and regulations as the council may specify shall be published promptly. Copies of this compilation shall be made available in

1 sufficient quantities and be placed in libraries and municipal
2 offices throughout the county.

3 Section 428-A. County Council Staff.--(a) There shall be a
4 county clerk appointed by the council who shall:

5 (1) Prepare an agenda for all meetings.

6 (2) Give due notice of the time and place of the council
7 meetings to council members and to the public.

8 (3) Keep the journal of council proceedings.

9 (4) Prepare for the council any required publication of
10 notices, ordinances, resolutions or charter amendments.

11 (5) Maintain and make available for public inspection an
12 indexed file containing copies of every adopted ordinance,
13 resolution, rule, regulation and code of regulations and every
14 adopted amendment or modification of any of the foregoing.

15 (6) Perform the duties assigned him by any of the provisions
16 of this article.

17 (7) Perform such other duties as the council may prescribe.

18 (b) The council may appoint other personnel as staff
19 members, to assist the council in its legislative functions and
20 establish their salaries.

21 Section 429-A. Inquiries and Investigations.--The council
22 may inquire into and investigate the affairs of the county, the
23 conduct of the county executive's office and any county
24 department, administrative unit, agency, board, commission,
25 authority or office under the control of the county executive.
26 For this purpose, council, upon request by at least seven
27 members of the council, may subpoena witnesses, administer
28 oaths, take testimony and require the production of evidence.

29 (c) County Executive

30 Section 430-A. Nature and Title.--The executive branch of

1 the government of a county of the second class shall be vested
2 in and administered by an elective executive, hereafter known as
3 the county executive, who shall be the chief executive and
4 administrative officer of the county.

5 Section 431-A. Term and Elections.--The county executive
6 shall be elected at large by the qualified voters of the second
7 class county at the municipal election next preceding the
8 expiration of the terms of the county commissioners then in
9 office or the term of the county executive then in office, and
10 quadrennially thereafter and shall hold office for a term of
11 four years from the first Monday of January next after his
12 election.

13 Section 432-A. Prohibitions.--The county executive shall
14 devote full time to the office, shall hold no other elective
15 public office nor hold any other county office or county
16 employment for which a salary, compensation or emolument is paid
17 or received. In addition, the county executive shall not serve
18 as a paid consultant for and with the county government during
19 that current term of office and for a period of at least one
20 year following the expiration of that term.

21 Section 433-A. Absence or Incapacity.--In the event of
22 temporary absence or incapacity, a member of one of the county
23 departments, previously designated by the county executive as a
24 substitute and confirmed as such by a majority vote of the
25 council, shall serve as the acting executive. The acting
26 executive shall have all the powers and duties of the county
27 executive.

28 Section 434-A. Powers and Duties.--The county executive, in
29 addition to any other powers and duties provided in this article
30 shall:

1 (1) Supervise, either directly or through subordinate
2 employees, the administration of all county departments,
3 administrative units, boards, commissions, authorities and
4 agencies, except as otherwise provided by this act.

5 (2) Execute and enforce the provisions of this article and
6 all ordinances and resolutions of the council.

7 (3) Exercise the power to veto as set forth in this article.

8 (4) Appoint, suspend or remove any county employe, under his
9 jurisdiction, except as otherwise provided by this act.

10 (5) Prepare and submit to the council the annual operating
11 budget and the capital improvement budget of the county.

12 (6) Assure that the laws of this Commonwealth relating to
13 the affairs and government of the county are duly executed and
14 enforced.

15 (7) Present to the council from time to time such
16 information concerning the business and affairs of the county as
17 the county executive may deem necessary, or as the council by
18 resolution may request and recommend such measures for
19 legislative action as may be in the best interest of the county.

20 (8) Except as otherwise provided in this act, to sign or
21 cause to be signed on the county's behalf all deeds, contracts
22 and other instruments, including those which prior to the
23 adoption of this article required the signature of the chairman
24 or any other member of the board of commissioners.

25 (9) Appoint and dissolve from time to time voluntary
26 committees of citizens to assist and advise the county executive
27 as to issues and matters pertaining to the county.

28 (10) Appoint and remove the county solicitor, public
29 defender and directors of administration, personnel and finance.

30 (11) Appoint and remove members of boards and commissions

1 except as otherwise provided by this article.

2 (12) Appoint and remove members of county authorities but
3 only with the advice and consent of the council.

4 (13) Be responsible for the negotiation of labor relations
5 agreements, subject to ratification by the council.

6 (14) Prepare and submit to the council each year a current
7 three-year plan for all functions of county government,
8 including, but not limited to, matters of budget, capital
9 improvement, program and personnel.

10 (15) Have the power to veto or reduce individual items in
11 the budget and appropriation ordinances. Each item or items not
12 vetoed or reduced shall become law, and each item or items
13 vetoed or reduced shall be subject to the same procedure as any
14 other ordinance vetoed by the county executive.

15 (16) Where an applicable law prescribes that one county
16 commissioner be a member of an authority, board or commission,
17 occupy such position unless this article provides to the
18 contrary.

19 (17) Have all necessary incidental power to perform and
20 exercise any of the duties and functions as set forth in this
21 article or lawfully delegated to the county executive.

22 (d) Compensation and Vacancies

23 Section 440-A. Compensation of Elected Officers.--(a) The
24 minimum annual salaries under this article of the county
25 executive and council persons of counties of the second class
26 shall be as follows:

27 (1) County Executive \$90,000.

28 (2) County Council Members \$45,000.

29 (b) The county council of counties of the second class shall
30 have the power to fix the salary of all county officers governed

1 by the provisions of subsection (a) and section 401.1.

2 (c) The county council of counties of the second class shall
3 not reduce the salary of any county officer below the amount set
4 forth in subsection (a) or section 401.1.

5 Section 441-A. Authorities, Boards and Commissions.--(a)
6 Where any applicable provision of this act or other applicable
7 law, including, but not limited to, those enumerated in
8 subsection (b), provides that the board of county commissioners
9 be members of an authority, board or commission, such positions
10 shall be occupied by the county executive and the county council
11 members elected at large.

12 (b) Subsection (a) shall apply to, but not be limited to,
13 the following authorities, boards and commissions:

14 (1) The Retirement Board created by section 1703 of this
15 act.

16 (2) The salary board created by section 1822 of this act.

17 (3) The board for the purpose of selecting depositories
18 created by section 1961 of this act.

19 (4) The Sinking Fund Commission created by section 1990 of
20 this act.

21 (5) The Board for Management of Houses for Detention of
22 Juveniles created by section 2538 of this act.

23 (6) The Board of Managers of Memorial Halls created by
24 section 2565 of this act.

25 (7) The Joint County Bridge Commission created by section
26 2715 of this act.

27 (8) The County Prison Board created by section 3 of the act
28 of December 10, 1980 (P.L.1152, No.208), known as the "Second
29 Class County Prison Board Act."

30 (9) The County Institution District created by section 302

1 of the act of June 24, 1937 (P.L.2017, No.396), known as the
2 "County Institution District Law."

3 Section 442-A. Vacancies.--Whenever a vacancy shall occur in
4 the office of county executive or county council, the court of
5 common pleas of the county of the second class shall issue a
6 writ of election for a special election to fill such vacancy for
7 the remainder of the term, which writ shall fix the date of the
8 next ensuing primary, municipal or general election, occurring
9 at least sixty days after the issuance of said writ, as the date
10 for holding said special election.

11 Section 443-A. Nomination and Election.--Except as otherwise
12 provided in this act, nomination and election of the county
13 executive and the county council shall be in conformity with the
14 provisions of the act of June 3, 1937 (P.L.1333, No.320), known
15 as the "Pennsylvania Election Code." Candidates for the office
16 of county council to be elected by district shall present a
17 nominating petition containing at least one hundred valid
18 signatures of registered and enrolled members of the proper
19 party and, at the time of filing such nominating petition, shall
20 pay a filing fee of fifty dollars (\$50).

21 Section 2. This act shall take effect as follows:

22 (1) The addition of sections 403-A, 404-A, 405-A, 406-A,
23 407-A and 408-A of the act shall take effect in 60 days.

24 (2) This section shall take effect immediately.

25 (3) The remainder of this act shall take effect upon the
26 filing of a certificate with the Legislative Reference Bureau
27 that the provisions of this act have been adopted by the
28 electors of a county of the second class.