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Title: Ordinance amending the Pittsburgh Code at Title One: Administrative, Article III: Organization, Chapter 111: Departments: Generally, § 111.01 (f) Establishment; Rules And Regulations; Organization And Control AND Section 111.02: Deputy Directors; Designation; Powers And Duties; Revocation in its entirety.

Sponsors: Douglas Shields

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Date	Ver.	Action By	Action	Result
9/10/2008	1	Committee on Human Resources	Held in Committee	Pass
7/30/2008	1	Committee on Human Resources	Held in Committee	Pass
7/23/2008	1	Committee on Human Resources	Held in Committee	Pass
7/15/2008	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code at Title One: Administrative, Article III: Organization, Chapter 111: Departments: Generally, § 111.01 (f) Establishment; Rules And Regulations; Organization And Control AND Section 111.02: Deputy Directors; Designation; Powers And Duties; Revocation in its entirety.

Whereas, the Home Rule Charter of the City of Pittsburgh, at Article 1, §102, defines "Major Administrative Unit" to mean: a subdivision of city government, *whose head reports directly to the mayor*, excluding boards, commissions and magistrate courts.

Whereas, the Home Rule Charter at Article 2, Executive Branch, § 209 Appointment And Term Of Heads Of Major Administrative Units states that:

“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.”

Whereas, the Pittsburgh City Code at Title One: Administrative, Article III: Organization, Chapter 111: Departments: Generally, Section § 111.01 ESTABLISHMENT; RULES AND REGULATIONS; ORGANIZATION AND CONTROL (f) states:

“No person shall be designated to serve as an acting director of a department or acting chief of a bureau of public safety for more than ninety (90) days without being subject to confirmation by

Council as provided for in § 209 of the Home Rule Charter.”

Whereas, from time to time, this provision has been overlooked by both the legislative and the executive branch of city government and thereby circumventing the approval of a **director- in fact** by the Council.

Whereas, in the pursuit of a more orderly administration of government and to preserve the checks and balances between the executive and legislative branches of government, the Council of the City of Pittsburgh does find that amending the code to attain these goals is necessary and appropriate.

Be it Resolved that the Council of the City of Pittsburgh does hereby enact as follows:

Section 1. The Pittsburgh Code at Title One: Administrative, Article III: Organization, Chapter 111: Departments: Generally, § 111.01 (f) Establishment; Rules And Regulations; Organization And Control AND Section 111.02: Deputy Directors; Designation; Powers And Duties; Revocation, is hereby amended as follows:

ARTICLE III: ORGANIZATION

CHAPTER 111: DEPARTMENTS GENERALLY

§ 111.01 Establishment; rules and regulations; organization and control
<<http://library2.municode.com/mcc/DocView/13525/1/13/19/20>>

§ 111.02 Deputy directors; designation; powers and duties; revocation
<<http://library2.municode.com/mcc/DocView/13525/1/13/19/20>>

§ 111.01 ESTABLISHMENT; RULES AND REGULATIONS; ORGANIZATION AND CONTROL.

(a) **Establishment.** The following executive departments are hereby established:

- (1) Department of Public Safety.
- (2) Department of Public Works.
- (3) Department of Finance.
- (4) Office of City Controller.
- (5) Department of Law.
- (6) Department of General Services.
- (7) Department of City Planning.
- (8) Department of Parks and Recreation.
- (9) Department of Personnel and Civil Service Commission.
- (10) Police Bureau.
- (11) Fire Bureau.
- (12) Emergency Medical Services Bureau.
- (13) Communications Bureau (Department of Public Safety).
- (14) Bureau of Building Inspection.

(b) **Rules and regulations.**

- (1) Each department shall have power to prescribe rules and regulations, not inconsistent with any law or ordinance:
 - A. For its own government;
 - B. Regulating the conduct of its officers, clerks and employees;
 - C. Concerning the distribution and performance of its business;
 - D. Concerning the custody, use and preservation of the books, records, papers and property under

its control; and

E. To implement any code provision applicable to such department.

(2) Except as otherwise provided by any law or ordinance or in the Code, uniform rules and regulations established become effective the day they are filed with the City Clerk.

(c) Records, estimates and payments.

(1) Suitable and proper records shall be kept by all departments.

(2) All estimates and all bills and claims for work and labor done or materials furnished for the use of any City department and all salaries of heads of departments and bureaus, and clerks, officers and employees, shall:

A. Be paid only upon proper certification and approval by the head of the department of which the same shall be furnished or performed.

B. Such certifications and approvals shall be made in the manner as prescribed from time to time by the Controller.

(d) Internal organization. Any executive departments of the City which have been or may in future be created shall be major administrative units as defined in the Pittsburgh Home Rule Charter and shall consist of such persons at such compensation as may be fixed by the annual resolution of the City fixing the number of officers and employees of all departments of the City and the rate of compensation thereof, or as may be provided for in appropriate federal grant programs; and the expense of the departments shall be provided for in the annual resolution making appropriations to pay the expenses of conducting the public business of the City or as may be provided for in appropriate federal grant programs.

1. Any and all changes to the rate of compensation of employees as defined numerically in the official budget document, known as the annual resolution, during its effective period shall be prohibited, except as provided for in Article V of the Pittsburgh Charter.

a. Step and Grade classifications listed in the annual resolution shall match the corresponding numeric representation as published in the annual resolution.

2. City Council shall approve of any and all promotions, job changes, job reclassifications, title changes, transfers, demotions, reinstatements or other type of salary/position changes.

(e) Supervision. The Mayor, Controller and each director of a department shall have charge of the supervision of all subordinate officers and employees deemed proper for the carrying out of the duties and powers of each department.

(f) No person shall be designated to serve as an acting director of a department or acting chief of a bureau of public safety for more than ninety (90) days without being subject to confirmation by Council as provided for in § 209 of the Home Rule Charter.

(Am. Ord. 1-1998, eff. 2-13-98; Am. Ord. 10-1998, eff. 6-12-98; Am. Ord. 37-2002, § 1, eff. 12-17-02; Ord. 21-2004, § 1, eff. 12-2-04)

~~§ 111.02 DEPUTY DIRECTORS; DESIGNATION; POWERS AND DUTIES; REVOCATION.~~

In case of death, resignation, sickness, absence or inability of the head of any City executive departments, other than the Department of City Controller, the Mayor or the head of the affected department shall designate in writing, filed with the City Clerk and Controller, a deputy to act for the department head, and to exercise the powers and discharge all duties of the department head during the absence or disability or until a new director is appointed, except the powers of appointment and dismissal of employees. The Mayor or the head of the affected department may revoke any designation at any time without cause by a revocation in writing, file with the City Clerk and Controller. The deputies shall serve without additional compensation and may be required by ordinance to give bond in the amount as the Treasurer may fix.

§ 111.02 DEPUTY DIRECTORS, ACTING DIRECTORS; DESIGNATION; POWERS AND DUTIES; REVOCATION.

Pursuant to the City Home Rule Charter at Section 209, 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.

In the case of sickness, death, resignation, absence or the temporary inability of the Director of any City major administrative unit, the Mayor or current Director of the affected department shall designate in writing, filed with the City Clerk and Controller, an Acting Director to act for the department head, and to exercise the powers and discharge all duties of the department head during the absence or disability.

An acting director, serving as such, for more than thirty (30) calendar days shall be subject to approval of Council in order to continue in the capacity of an acting director.

The mayor shall submit the acting director for approval by council within ten (10) calendar days following the thirty (30) day period as the designated acting director.

The Mayor or the head of the affected department may revoke any designation at any time without cause by a revocation in writing, file with the City Clerk and Controller.

The Acting Director shall serve without additional compensation and may be required by ordinance to give bond in the amount as the Treasurer may fix.

§ 111.03. SEVERABILITY

The provisions of this Chapter are severable. If any portion of this Chapter is held invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, it shall not affect the validity of the remaining portions of this Chapter, which shall be given full force and effect.