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ADMINISTRATIVE CODE
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ERIE COUNTY ADMINISTRATIVE CODE

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ARTICLE I

PREAMBLE

The Administrative Code was adopted by Erie County Council on July 5, 1978 pursuant to the mandate of Article XI, Section 12, of the Home Rule Charter for the County of Erie, Pennsylvania, (adopted by the citizens of Erie County on November 2, 1976). County Council readopts the Administrative Code ordinance every four years so that necessary changes may be made as County Government evolves from the original 1978 model.

The Administrative Code was intended by County Council to be consistent with the Home Rule Charter and to make adequate and specific provisions pertaining to the operations of County government. The matters addressed in the Administrative Code are set forth in the Table of Contents.

Although the Administrative Code will be useful to all persons involved and concerned in County Government, it is more than a guideline. It is an ordinance adopted by County Council and, therefore, is law. It can be amended, but must always be in force so long as required by Article XI, Section 12, of the Home Rule Charter for Erie County, Pennsylvania.

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ARTICLE II

ORGANIZATION AND STRUCTURE OF COUNTY GOVERNMENT

Section 1 General Outline of Organization of County Government

A. **Legislative Branch**

The legislative branch of County government consists of the County Council which shall have such powers and perform such duties as are provided for in the Home Rule Charter for the County of Erie.

B. **Executive Branch**

The executive branch of County government is headed by the elected County Executive who shall have such powers and perform such duties as are provided for in the Home Rule Charter for the County of Erie.

C. **Administrative Departments**

The following departments are administered by department directors appointed by the County Executive:

Department of Corrections
Department of Finance
Department of Human Resources
Department of Human Services
Department of Law
Department of Library Services
Department of Operations
Department of Planning
Department of Public Defender
Department of Public Health
Department of Public Safety
Department of Veterans Affairs

D. **Offices Headed by Elected Officials**

The following offices are directed by elected officials:

Office of Clerk of Records
Office of Controller
Office of Coroner
Office of District Attorney
Office of Sheriff

E. **Sixth Judicial District of the Commonwealth of Pennsylvania, the Court of Common Pleas of Erie County**

The following departments are administered by department directors appointed by the judges:

Courts and Related Offices
Department of District Judges
Department of Domestic Relations
Department of Adult Probation
Department of Juvenile Probation

F. **Boards and Commissions**

The following are Boards and Commissions created by County government according to Article II, Section 1(C), and other specific provisions of the Charter:

Board of Elections and Registration Commission and Department of Elections
County Retirement Board
Board of Tax Assessment Appeals
Edmund L. Thomas Hall Board of Managers
Mental Health and Intellectual Disabilities Board
Drug and Alcohol Advisory Board
Office of Children and Youth Advisory Board
Erie County Public Library Advisory Board
Erie County Board of Health
Human Relations Commission of Erie County

G. **Authorities and Other Agencies**

The following are authorities and other agencies created by or related to County government:

Erie County Housing Authority
Erie County Redevelopment Authority
Erie County Industrial Development Authority
Erie County Hospital Authority
Erie County Conservation District
Pleasant Ridge Manor
Erie County Metropolitan Transit Authority
Erie County Gaming Revenue Authority
Erie County General Authority
Convention Center Authority
Erie County Community Services Financing Authority

Section 2 Administrative Departments

A. Departmental Organization

1. Administrative Organization

The administrative service of the County of Erie shall be divided under the County Executive into the following departments and heads thereof:

Dept. of Law	***County Solicitor***
Dept. of Human Resources	***Director***
Dept. of Finance	***Director***
Dept. of Operations	***Director***
Dept. of Corrections	***Director***
Dept. of Planning and Community Development	***Director***
Dept. of Human Services	***Director***
Erie County Public Library	***Director***
Dept. of Public Health	***Director***
Dept. of Public Safety	***Director***
Dept. of Public Defender	***Chief PD***
Dept. of Veterans Affairs	***Director***

and such other departments and heads as may be created by amendments to this Code.

2. Department Heads

All department heads shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. Department heads shall be chosen solely on the basis of such qualifications as are pertinent to the function, duties, and operations of their respective departments and as are prescribed by law.

3. Responsibilities of Department Heads

Department heads under the direction of the County Executive shall have the responsibility to:

(a) Appoint, suspend, discipline, or remove, with the approval of the County Executive, all subordinate officers or employees within their respective departments, subject to the limitations prescribed in the County Personnel Code and the collective bargaining agreements;

(b) Direct personally or through subordinates the performance of all functions, duties, and operations assigned to and required of the department and its subordinate units by law, and such other activities as may be required by the County Executive which are not in conflict with law;

(c) Assign duties and responsibilities to subordinate officers and employees within the department and modify those assignments consistent with and in response to changing needs;

(d) Develop and prescribe, in written form, an administrative manual for the department which should include, but not be limited to the following:

(1) Structure of the department;

(2) Policies and procedures for the operation of the department;

(3) Appropriate internal administrative and budget controls;

(e) Prepare and submit departmental budget requests in accordance with schedules, forms, and policies as prescribed by the County Executive or his or her designee;

(f) Exercise budgetary control over department expenditures in accordance with accepted County procedures;

(g) Prepare and submit reports prescribed by the County Council and/or the County Executive or his or her designee;

(h) Establish and maintain a system of records and reports in sufficient detail to furnish all information for proper control of departmental activities and to form a basis for reports required by the County Council and/or the County Executive;

(i) Keep the County Executive informed of area-wide, regional, and intergovernmental activities, as they affect the County, and make analyses and recommendations regarding such activities and policies when appropriate;

(j) Keep abreast of developments in law, administrative policies, management techniques, and technological advances and make recommendations thereon;

(k) Serve as a member of any committee or as a staff officer or provide staff services to any authority, board, or commission to which the department head may be assigned by the County Executive;

(l) Implement personnel planning and employee development policies for the department;

(m) Establish and enforce rules and regulations for the use of County facilities and services;

(n) Issue such licenses and permits as may be required by law;

(o) Develop and recommend to the County Executive rate structures for those services for which user fees are charged;

(p) Establish liaison and maintain communications with related agencies, authorities, boards, commissions, and committees of the County, local government, State government, and federal government;

(q) Submit to the Department of Law for preparation and/or approval all contracts, agreements, or other legal documents, before the same are executed; and

(r) Regulate the use of and provide for the maintenance of department vehicles, including: Department heads shall park all County vehicles, owned or leased, on County property after 4:30 p.m. Department heads shall log the mileage of all County vehicles on a daily basis and make such logs available for inspection by the Director of Administration or his designee.

B. **Director of Administration**

1. **Function**

The Director of Administration shall perform administrative and operational duties and shall exercise supervision over the executive branch of the County government as the County Executive may direct. He or she shall be appointed by the County Executive, shall serve at the pleasure of the County Executive, and shall devote full time to the office.

2. **Responsibilities of the Director**

The Director of Administration shall have the responsibility to:

(a) Supervise those departments designated by the County Executive order dated January 1, 2014, as follows:

Corrections
Human Services
Facilities and Operations
Library
Planning and Community Development
Procurement
Public Defender
Public Health
Public Safety
Veterans Affairs

In doing so, to meet regularly with those department heads, to plan and conduct at least quarterly staff meetings for all department heads under the Executive, and other departments, as suitable.

(b) Submit to the County Executive no less than twice each year regular reports reviewing the operation of each department under the Executive and evaluating each program provided by the County of Erie.

(c) Directly supervise all the internal operations of the Courthouse, all County-owned and leased buildings, including maintenance, telephone, printing, mailing, and the allotment of space and parking.

(d) Monitor all insurance needs for the County of Erie; review insurance on an annual basis in order to assure that insurance meets the changing needs of Erie County, and that it is purchased according to the purchasing procedures.

(e) Act for the Administration in providing information and assistance to County Council.

(f) May act for the Administration in providing information to the media and general public, as directed by the County Executive.

(g) May assist in the coordination of all grant activities.

(h) Relate directly with all municipal officials and members of organizations seeking assistance from the County of Erie.

(i) Communicate with other elected officials on a regular basis in order to provide coordination among all offices of County government.

(j) Coordinate monitoring of state and federal legislation and regulations in order to provide information relating to County programs.

(k) Interact with community, state, and federal economic development agencies:

(i) Act as the County's liaison with the City of Erie, NW Commission, WIB, Governor's Action Team, ECGRA, GEIDC, EDCEC, ECIDA, Erie Regional Chamber & Growth Partnership, and others, participate as a member of the Lead Economic Development Team.

(ii) Monitor the performance of the Revolving Loan Fund (under the E.C. Redevelopment Authority), as well as grants for entrepreneurial assistance, workforce development, international trade, et al; provide County Council with periodic updates.

(l) May act for the Administration in the attendance of all Board meetings where there is not a special representative of the County Executive.

(m) Coordinate all special projects, such as the Three-Year Plan, budget submissions, and other projects that may occur.

(n) Perform such other duties as may be assigned or delegated by the County Executive.

C. **Organization of Departments**

1. **Department of Corrections**

(a) **Function of the Department**

The Department of Corrections shall be responsible for the operation of the prison, work release operations after prison, and such related offices, agencies, and programs as determined by County Executive from time to time.

(b) **Department Head**

The Department of Corrections shall be headed by a Warden who shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The head of the department shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Department of Corrections shall have the responsibility to:

(i) Provide for the safety and well-being of all individuals remanded to the prison;

(ii) Provide reasonable health care services to all prisoners;

(iii) Administer reasonable rehabilitative programming services consistent with public safety;

(iv) Provide written rules, regulations, and policies to insure the proper operation and safety of the prison;

(v) Maintain all records and documents as required by Erie County and applicable federal and State law;

(vi) Recommend staffing to ensure the security and custody of all prisoners;

(vii) Review or prepare applications for grants relating to the Department of Corrections and advise the County Executive or his or her designee as to the need and priority of said grants;

(viii) Monitor and evaluate the effectiveness of rehabilitative staff, programs, and grants for the County Executive;

(ix) Provide coordination of correctional services with the Courts and other County, State, and federal agencies, bureaus, and boards; and

(x) Perform such other duties as may be assigned or delegated by the County Executive;

(d) **Organization of the Department**

The Department of Corrections shall be made up of the following:

Warden
Security
Programming
Work Release
Operations

2. **Department of Finance**

(a) **Function of the Department**

The Department of Finance shall perform the function of administering the financial affairs of the County of Erie and each of its agencies, boards, commissions, departments, and offices.

(b) **Department Head**

The Department of Finance shall be headed by a Director who shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The head of the department shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Department of Finance shall have the responsibility to:

(i) Collect and/or receive all fees, revenues, and other funds, including tangible assets, on behalf of the County of Erie and for which the County of Erie is responsible;

(ii) Require all County agencies, boards, commissions, departments, and offices to report and remit all receipts, including tangible assets, as often as the Director of Finance deems desirable; provided, all County agencies, boards, commissions and departments shall complete and file an Acceptance of Tangible Asset form with the Director of the Finance Department, who shall thereafter provide County Council with a report of tangible assets on an annual basis;

(iii) Deposit funds in depositories in accordance with procedures established by resolution of County Council;

(iv) Administer a system for the collection of municipal tax claims and liens in accordance with law;

(v) Administer a system for the sale of licenses on behalf of the Commonwealth of Pennsylvania as may have been in the past conferred by applicable law upon the County Treasurer;

(vi) Assess real estate for tax purposes;

(vii) Prepare tax rolls which are not prepared by other political subdivisions of the County;

(viii) Maintain and update annual inventories of equipment and furnishings located in County administrative buildings;

(ix) Maintain a uniform accounting system including the payroll system for the County and each of its departments, boards, commissions, agencies, and offices applying generally accepted accounting principles for governmental units;

(x) Exercise financial budgetary control over each of the agencies, boards, commissions, departments, and offices of the County;

(xi) Verify the appropriation, allotment, and availability of funds for all bills, claims, and demands made upon the County of Erie;

(xii) Disburse all payments for approved expenditures of the County of Erie or for which the County of Erie is responsible, except in the case of over expenditures for which County Council's approval is necessary;

(xiii) Provide for the prudent investment of funds in accordance with procedures established by Article IV, Section 9;

(xiv) Prepare and transmit all claims for reimbursement to the applicable federal and State agencies;

(xv) Submit on a monthly basis to the County Executive and to the County Council a statement of the revenues and expenditures for the preceding month and for the fiscal year up to and including the preceding month; said statement shall be sufficiently detailed as to appropriations, allotments, and funds to show the exact financial condition of the County and of each of its agencies, departments, and offices;

(xvi) Submit annually to the County Executive and to County Council a report of the financial transactions of that year and the Erie County CAFR (Comprehensive Annual Financial Report);

(xvii) Assist the County Executive in the preparation of the annual operating budget, and the current three year plan;

(xviii) Administer a system for the collection and remittance of the hotel/motel tax; and

(xix) The Finance Director is responsible for obtaining bids for the Annual Tax Anticipation Note (TAN);

(xx) Perform such other duties as may be assigned or delegated by the County Executive;

(xxi) Prepare the Administrative Proposed Budget ninety (90) days before the end of the calendar year, and submit to County Council;

(d) **Organization of the Department**

The Department of Finance shall be made up of the following functional units:

(i) Director;

(ii) The Bureau of Assessment which shall carry out the responsibilities set forth above in Paragraph (c), Subparagraphs (vi) and (vii);

(iii) The Bureau of Revenue and Tax Claims which shall carry out the responsibilities set forth above in Paragraph (c), Subparagraphs (i), (ii), (iii). (iv), and (v);

(iv) The Bureau of General Accounting which shall carry out the responsibilities set forth above in Paragraph (c), Subparagraphs (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xxi), and (xxii).

3. **Department of Public Health**

(a) **Function of the Department**

The Department of Public Health shall promote, preserve, and protect the health, safety, and well-being of the people and their environment in the County.

(b) **Department Head**

The Department of Public Health shall be headed by a Director appointed in accordance with the provisions of the Local Health Administration Law, as amended 1959, Dec. 16, P.L. 1847, Section 1; Dec. 14, P.L. 851, No. 372, Section 1, et seq.; 16 P.S. §12001, and the rules and regulations of the Pennsylvania Department of Health promulgated pursuant thereto and the Erie County Home Rule Charter. The Director shall be responsible to the County Executive and the Erie County Board of Health for the proper performance of the Department.

(c) **Responsibilities of the Department**

The Department of Public Health shall execute the powers and duties vested in it by the laws of the Commonwealth and the rules and regulations of the State Department of Health, Department of Environmental Protection, Department of Agriculture and other departments, boards, or commissions of government, including, but not limited to:

(i) Entering and inspecting at reasonable times and in a reasonable manner without delay, hindrance, or fee, any places or conditions whatsoever for the purpose of enforcing health and safety laws, rules, and regulations;

(ii) Abating nuisances or conditions detrimental to or affecting the well-being of life and health;

(iii) Accepting gifts or grants of money, property, or services from any sources, public or private, when not inconsistent with the laws of the County, State, or federal government, and utilizing facilities and personnel when offered gratuitously or by contract with the approval of the County Executive;

(iv) Issuing permits and licenses and collecting fees;

(v) Promulgating and enforcing such rules and regulations in accordance with the Local Health Administration Law or the Home Rule Charter for the County of Erie where applicable and appropriate to accomplish the functions of the department;

(vi) Appointing and employing personnel in accordance with the standards of personnel administration and staffing patterns prescribed by the State Department of Health and the County Personnel Code when not in conflict;

(vii) Providing health services to include, but not be limited to, chronic disease, communicable disease control, including tuberculosis and sexually transmitted diseases; maternal and child health services; public health nursing services; and public health laboratory services;

(viii) Providing environmental health services to include, but not be limited to: food protection, water supply, water pollution control, bathing places, vector control, solid wastes, institutional environment, recreational environment, and the housing environment;

(ix) Providing a public health education and promotion program;

(x) Maintaining Public Health Accreditation

(xi) Instituting such programs and functions not inconsistent with the laws as may be directed by the Board of Health and the County Executive;

(xii) Maintaining records, reports, and other related matter as may be required to keep an accurate record of its contact with the general public in the conduction of the department's responsibilities when such contact is in regard to enforcement action or recommendation of enforcement. Such information shall include, but not be limited to, names of those contacted, addresses, dates, proposed action, recommendations, and resolutions or existing or potential problems attendant to the department's conduct of business in the enforcement function.

(xiii) Cooperating with other public or private agencies to promote utilization of available resources, to provide for comprehensive health care planning, and to implement programs that will preserve, promote and protect the public health;

(xiv) Ensuring that the County is prepared for any potential public health disaster situation by the development of appropriate emergency response capabilities; and

(xv) Providing an emergency plan to include, but not limited to, the following areas: coordinate with other agencies in establishing casualty care sites, assist in mass fatality planning, provide guidance for a major public health event such as a large disease outbreak, a chemical, biological, or radiological event, and a pandemic.

(d) **Organization of the Department**

The Department of Health shall be made up of the following:

Administration
Community Health Services
Environmental Health Services
Public Health Assessment & Preparedness
Public Health Strategy
Health Promotion & Quality Improvement

4. **Department of Human Services**

(a) **Function of the Department**

The Department of Human Services Director shall be responsible for overseeing the administration of the Office of Drug and Alcohol Abuse, the Office of Mental Health and Intellectual Disabilities, and the Office of Children and Youth Services and such other agencies and programs as County Council may from time to time determine.

(b) **Department Head**

The Department of Human Services shall be headed by a Director who shall be appointed by the County Executive, and shall serve at the pleasure of the County Executive. The Director of Human Services/MHID Administrator shall be a professional in a human services field, possessing academic qualifications of no less than a Master's degree in a related field and shall have at least ten (10) years' experience in an administrative capacity, five (5) of which shall be in direct supervision of other qualified professionals.

(c) **Responsibilities of the Department**

The Department of Human Services Director shall have the responsibility to:

(i) Oversee the administration of such offices and human service programs as are assigned to the department;

(ii) Develop a structural organization for human services delivery in the County which provides an optimum mix of services to an individual or family, with minimum destruction of functional and professional autonomy in the community;

(iii) Develop a client-oriented management information system and case management program to monitor and assure continuity of care within and among programs and services of the department;

(iv) Establish linkages to other human service programs in the County to achieve maximum coordination among agencies and programs, including coordination of planning effort;

(v) Review annual plans and budget estimates of the Office of Drug and Alcohol Abuse and the Office of Mental Health and Intellectual Disabilities, the Office of Children and Youth Services, and any other agencies and programs of the department and to make such changes, comments, and recommendations to the County Executive as are deemed appropriate. The department's action shall be consistent, however, with other provisions of the Administrative Code and State law and regulations assigning authority to determine priorities of need to the Drug and Alcohol Executive Commission, the Mental Health and Intellectual Disabilities Board, and the Advisory Committee to the Office of Children and Youth.

(vi) Submit recommendations to the County Executive and County Council concerning participation and funding levels of other human service programs not integral to the department, as requested by the County Executive or the County Council;

(d) **Organization of the Department**

The Department of Human Services shall be made up of the following:

(i) **Office of Drug and Alcohol Abuse**

(a) **Function of the Office**

The Office of Drug and Alcohol Abuse is the designated agency listed as the authority responsible for program planning and the administration of federal and state funded agreements. Erie County shall agree to comply with the requirements of the "State Plan" Act 1972-63 through the Department of Drug and Alcohol Program's grant agreement for such programs. The Erie County Office of Drug and Alcohol Abuse provides local planning for and administrative oversight to community based drug and alcohol programs and contracts with providers for education, prevention, intervention, treatment and treatment-related services.

(b) **Head of Office**

The Office of Drug and Alcohol Abuse shall be headed by an Executive Director appointed by the County Executive in accordance with procedures set forth; to manage the day-to-day operations of the office. The Executive Director shall be responsible to the Director of Human Services for the proper performance of the office.

(c) **Responsibilities of Office Head**

The Executive Director for the Office of Drug and Alcohol Abuse shall have the following duties and responsibilities:

(i) To insure that drug and alcohol services required by the Pennsylvania Drug and Alcohol Control Act, Act 1972-63, are available which include a comprehensive Drug and Alcohol delivery system of prevention, intervention and treatment.

(ii) To report to the County Executive, keeping her/him informed and updated on all matters that impact the department.

(iii) To function as a member of the Department of Human Services executive team, collaborating with other program offices as appropriate.

(iv) To administer the office to ensure compliance with State and County ordinances.

(v) To maintain liaison with governmental and private community services, agencies, organizations and state-

operated facilities; and develop and maintain positive relationships with external customers and stakeholders.

(vi) To prepare and submit an annual report to the County Executive, Advisory Board, Department of Drug and Alcohol Programs and the community which includes all activities of the program and administration thereof.

(vii) To develop, negotiate and implement all contracts with local providers for the provision of services under the authority of the County Office of Drug and Alcohol Abuse.

(viii) To prepare the annual budget based on service plans, negotiated rates and allocation of funds.

(d) **Responsibilities of the Office**

(i) Assess the need for services;

(ii) Manage and allocate resources to meet the needs;

(iii) Evaluate the effectiveness of addressing the needs;

(iv) Adjusting allocation of resources, where necessary; and

(v) Advocate for client services to include coordination with other service agencies.

(ii) **Office of Mental Health and Intellectual Disabilities**

(a) **Function of the Office**

The Office of Mental Health and Intellectual Disabilities shall carry out responsibilities assigned to the County by the Mental Health and Intellectual Disabilities Act of 1966, Spec. Sess. No. 3, Oct. 20, P.L. 96, Art. III, Section 304, et seq., 50 P.S. §4304, and other applicable laws and regulations. Included among these are the prevention of mental disability, as well as the diagnosis, care, treatment, rehabilitation, and detention of the mentally disabled.

(b) **Head of Office**

The Office of Mental Health and Intellectual Disabilities shall be headed by an Executive Director appointed by the County Executive in accordance with procedures set forth in the Mental Health and Intellectual Disabilities Act of 1966, supra. The Executive Director shall be responsible to the Director of Human Services for the proper performance of the office.

(c) **Responsibilities of Office Head**

The powers and duties of the Administrator shall be in accordance with procedures set forth in the Mental Health and Intellectual Disabilities Act of 1966, supra, Section 305, and are as follows:

(i) To administer the County Mental Health and Intellectual Disabilities Program;

(ii) To insure that County Mental Health and Intellectual Disabilities Services required by the Act are available;

(iii) To monitor the availability of funds for MHID and to alert the County Executive and County Council to such availability, if any, and to inform them both as to the advantages and any disadvantages to securing such available funds;

(iv) To provide staff services to the County Mental Health and Intellectual Disabilities Board;

(v) To make such reports to the Department of Human Services in such form and containing such information as may be required;

(vi) To develop, together with the County Mental Health and Intellectual Disabilities Board, annual plans for the Mental Health and Intellectual Disabilities Programs required by the Act;

(vii) To submit to the Director of Human Services and the County Executive annual plans and estimated costs for the provision of services, establishment and operation of facilities, and other related matters for review, approval, and transmittal to the Pennsylvania Department of Human Services;

(viii) To review and evaluate facilities and services and to cooperate with the Pennsylvania Department of Human Services**;** in the maintenance of established standards;

(ix) To maintain effective liaison with governmental and private community health and welfare agencies and organizations and State-operated facilities;

(x) To submit an annual report to the Director of Human Services, the County Executive, the Board, and the Department of Human Services, reporting all activities of the program and administration thereof;

(xi) To analyze and evaluate Mental Health and Intellectual Disabilities needs and services in the County and recommend improvements to the County Mental Health and Intellectual Disabilities Board and the County Executive, conduct such research studies, and take such steps to adopt such measures as are necessary for the proper discharge of the Administrator's duties; and

(xii) To have such other powers and duties which may be given to the Administrator by the Mental Health Procedures Act of 1976, July 9, P.L. 817, No. 143, Section 101, et seq.; 50 P.S. §7101, and such other rules and regulations of the Commonwealth of Pennsylvania as apply to the Administrator;

(d) **Responsibilities of the Office**

Subject to the provisions of Section 509(5) of the Act, it shall be the duty of the Office of Mental Health and Intellectual Disabilities, in cooperation with the Pennsylvania Department of Human Services, to insure that the following Mental Health and Intellectual Disabilities services are available in the County:

(i) Short-term inpatient services other than those provided by the State;

(ii) Outpatient services;

(iii) Partial hospitalization services;

(iv) Emergency services twenty-four hours per day, which shall be provided by, or available within, at least one of the types of services specified heretofore in this paragraph;

(v) Consultation and education services to professional personnel and community agencies;

(vi) Aftercare services for persons released from State and County mental health or Intellectual Disabilities facilities;

(vii) Specialized rehabilitative and training services, including sheltered workshops;

(viii) Interim care of mentally retarded persons who have been removed from their homes and who, having been accepted, are awaiting admission to a State-operated facility; and

(ix) Unified procedures for intake for all County services and a central place providing referral services and information.

(e) The Office of Mental Health and Intellectual Disabilities shall also have the power to establish the following additional services or programs for the mentally disabled:

(i) Training of personnel;
(ii) Research;
(iii) Any other service or program designed to prevent mental disability or the necessity of admitting or committing the mentally disabled to a facility;

(f) Services herein required or authorized may be provided either directly or by purchase of such services, except that in accordance with the Act, unified procedures for intake for all County Mental Health and Intellectual Disabilities services and a central place providing referral services and information shall be provided directly through the Office of Mental Health and Intellectual Disabilities.

(iii) **Office of Children and Youth Services**

(a) **Function of the Office**

The Office of Children and Youth Services is responsible for the administration of the County Children and Youth Social Services Program, and is designated as the County agency pursuant to Pennsylvania Department of Human Services regulations, 55 Pa. Code, Chapter 3130.

(b) **Head of Office**

The Office of Children and Youth Services shall be headed by an Executive Director who shall be appointed by the County Executive. The head of the office shall be responsible to the Director of Human Services for the proper performance of the office.

(c) **Responsibilities of the Office Head**

The Office of Children and Youth Services shall be organized and staffed to ensure:

(i) Administration of the agency including:

(a) The maintenance of case records by County agency staff; and

(b) The direct investigation and assessment by County agency staff of complaints, requests, and referrals for service to determine their appropriateness for:

(1) Child Abuse Protective Service; and

(2) General Child Protective Service;

(c) Referral to other service providers and agencies; and

(d) Cooperation with other providers and agencies to ensure the appropriateness and follow-up of referrals to and from the County agency;

(ii) Direct case management by County agency staff of all cases accepted for service by the County agency including:

(a) Developing family service plans as required by 3130.61, 3130.66, and 3130.67 (relating to family service plans, case planning for children in emergency shelter care, and placement planning);

(b) Assuring that services are provided as required by family service plans;

(c) Scheduling and conducting case reviews as required by 3130.63, 3130.71, and 3130.72 (relating to review of family service plans, placement reviews, and to dispositional review hearings); and

(d) Revising the service plans as required by the case review process.

(iii) Investigation of reports of suspected child abuse and services provided to abused children and their families in accordance with Chapter 3490 (relating to child protective services — child abuse);

(iv) Develop an Annual County Children and Youth Services Plan and Budget Estimate, pursuant to Act 148 Rules and Regulations;

(v) Provide written policies and procedures which clearly describe the means for implementing the social service to children and youth;

(vi) Maintain all records and documents as required by law;

(vii) Assure departmental compliance with all laws and regulations;

(viii) Maintain and work with an Advisory Committee appointed by the County Executive pursuant to Act 148 Rules and Regulations;

(ix) Submit quarterly reports of expenditures to the Advisory Committee, Director of Human Services, County Executive, and Pennsylvania Department of Human Services;

(x) Review and evaluate the social service delivery system and report annually to the County Executive, County Council, and public regarding the Children and Youth program;

(xi) Maintain adequate staff to insure delivery of needed services consistent with available funds;

(xii) Facilitate interagency coordination of social services to children and youth;

(xiii) Facilitate resource acquisition and development, and negotiate all purchase of social service agreements for children and youth between the County and vendor agencies; and

(xiv) Provide oversight to the operations of the Edmund Thomas Detention Center and Children's Services of Erie County.

(d) **Organization of the Office**

The Office of Children and Youth Services shall be made up of the following:

Child Welfare Services
Edmund L. Thomas Adolescent Center

5. Department of Information Technology

(a) **Function of Department**

The Department of Information Technology shall be responsible for the administering of technology related activities across County operations excluding Courts Administration. This includes hardware, software, applications, networking, security and emerging technologies.

(b) **Department Head**

The Department of Information Technology shall be headed by a Director who shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The head of the department shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Department of Information Technology shall have the responsibility to:

(i) Administer all technological hardware, software, and emerging technologies across all departments including the Administrative Courthouse Offices, Library, Prison, Department of Human Services, Department of Health and the Department of Public Safety;

(ii) Develop policies, procedures, and controls for implementing system, network, and cyber security standards and protocols across all locations outlined in section C part (i)

(iii) Maintain and administer robust, up to date, and secure technologies that include hardware, software, and applications used across County departments.

(iv) Develop and implement disaster recovery (data) policies and procedures.

(v) Oversee and approve technological projects proposed by County Departments outlined in Section C part(i)

(vi) Perform such other duties as may be assigned or delegated by the County Executive.

(d) **Organization of the Department**

The Department of Information Technology shall be made up of the following:

Director
Courthouse IT
Library IT
Department of Corrections Prison IT
Department of Health IT
Public Safety IT
Department of Human Services IT

6. Department of Law

(a) **Function of Department**

The Department of Law shall be the chief legal office and counsel for County government, except as otherwise provided in the Charter.

(b) **Department Head**

The Department of Law shall be headed by the County Solicitor who shall be appointed by the County Executive and shall serve at the

pleasure of the County Executive. The County Solicitor shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania and shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Department of Law shall have the responsibility to:

(i) Provide, upon request, legal opinions upon any legal matter or question for County government, except as otherwise provided in the Charter;

(ii) Prepare and revise ordinances or resolutions when so requested by the County Executive;

(iii) Litigate all legal actions and claims brought by or against the County of Erie, except in those cases in which other legal counsel is retained;

(iv) Prepare and/or approve, upon request, for legality all contracts, agreements, or other legal documents on behalf of County government, except as otherwise provided in the Charter. A standard form of agreement or contract which is expected to be used repetitiously may be approved as to form only;

(v) Exercise, when deemed necessary, the right to inspect at reasonable times the records of any County department, administrative unit, board, commission, authority, or committee of the County in connection with the performance of the powers and duties of the County Solicitor's office;

(vi) Exercise such powers, perform such duties, and have such authority as are given by law.

(d) **Organization of Department**

The Department of Law shall be made up of:

(i) The office of the County Solicitor, comprised of the County Solicitor and such Assistant Solicitors as may be authorized by the County Council and appointed by the County Executive, which shall carry out the responsibilities set forth in subparagraphs (i) through (vi) above;

(ii) No County solicitor employed or contracted by a department, office, or agency of the County shall represent such department, office, or agency in litigation aimed at another department, office, or agency of the County unless such representation is first approved by County Council and the County Executive.

7. **Erie County Public Library**

(a) **Function of the Department**

The Department of Library Services shall provide the highest degree of access to library materials, services, information, and programs for the residents of Erie County through innovative, imaginative delivery techniques.

(b) **Department Head**

The Department of Library Services shall be headed by the Director who shall be appointed by the County Executive with the assistance of the Public Library Advisory Board. The Director shall be a duly certified librarian and shall be responsible to the County Executive and the Library Advisory Board for the performance of the department.

(c) **Responsibilities of the Department**

The Department of Library Services shall have the responsibility to:

(i) Consider the entire spectrum of knowledge to be its purview and consider the entire spectrum of the population of Erie County as its population;

(ii) Provide access to current and up-to-date materials, as well as provide access to the human records of the past — factual, imaginative, scientific, and humanistic — partly through its own collections and partly through the interlibrary loan network in the region, State, and nation;

(iii) Collect and organize the human record on all intellectual levels in many packages — print, non-print, electronic;

(iv) Provide for the lifelong educational and vocational needs of the residents of Erie County;

(v) Provide information and materials for recreational needs of Erie County residents including those information and recreational needs that are unique to Erie County's geographical location;

(vi) Provide for a variety of information to be available to the residents of Erie County in order for people to negotiate their daily lives, including information which is available only from human resources to which the library users may be referred;

(vii) Preserve what is best in the cultural and ethnic differences of our heritage, including literature and the performing arts as well as the humanities in general; and

(viii) Assist in preserving the history of the Erie community as well as cooperating with local, regional, and State historical and/or genealogical agencies in this activity.

(d) **Organization of the Department**

The Department of Library Services shall be made up of the following divisions and offices:

Main Library:

Outreach
Circulation
Adult Services
Youth Services
Technology (Staffing provided by IT Department)
Administration

Branch Libraries
District Services

8. **Department of Facilities and Operations**

(a) **Function of the Department**

The Department of Operations shall be responsible for the administering of facilities owned by the County of Erie and shall be responsible for the care of the administrative buildings and property owned or leased by the County of Erie and for the supervision of central services as listed below.

(b) **Department Head**

The Department of Operations shall be headed by a Manager who shall be selected by the County Executive and shall serve at the pleasure of the County Executive. The head of the department shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Department of Facilities and Operations shall have the responsibility to:

(i) Administer all facilities owned by the County;

(ii) Maintain County administrative buildings and grounds;

(iii) Supervise the daily cleaning of County administrative buildings and adjacent grounds;

(iv) Manage and maintain the security and life safety systems of County buildings;

(v) Maintain proper safety precautions to ensure compliance with State, Federal, and County regulations;

(vi) Supervise the parking lots, including assignment of spaces and enforcing of regulations;

(vii) Administer building keys, identification badges and maintain the building integration system for secure building access;

(viii) Manage public information boards and signage for buildings;

(ix) Perform mail processing duties;

(x) Supervise the communications network of County administrative buildings, including the telephone and voicemail system;

(xi) Manage all County owned mobile communication networks and devices;

(xii) Monitor all insurance needs for the County of Erie; review insurance on an annual basis in order to assure that insurance meets

the changing needs of Erie County, and that it is purchased according to the purchasing procedures.

(xiii) Perform such other duties as may be assigned or delegated by the County Executive.

(d) **Organization of the Department**

The Department of Facilities and Operations shall be made up of the following:

Manager of Facilities and Operations
Telecommunications Manager
Courthouse Operations
Magisterial District Judges
Public Defender
Health Department Operations
Human Services Operations
Drug & Alcohol
Edmund L. Thomas Juvenile Detention Center and Dependent Shelter
Mental Health and Intellectual Disabilities
Mental Health and Intellectual Disabilities/ HealthChoices
Office of Children & Youth
Library Operations
Library JOC Operations
Public Safety Operations
Warehouse Operations

9. **Department of Human Resources**

(a) **Function of the Department**

The Department of Human Resources shall be responsible for administering personnel services to the County Executive, the elected offices, the Courts, and other units as may be provided by law or agreement, and shall exercise general supervision over the Human Resources program of the County.

(b) **Department Head**

The Department of Human Resources shall be headed by a Director who shall be appointed by the County Executive and shall serve at the

pleasure of the County Executive. The head of the Department shall be responsible to the County Executive for the proper performance of the Department.

(c) **Responsibilities of the Department**

The Department of Human Resources shall have the responsibility to:

(i) Direct all administrative and technical activities and all provisions for Human Resources actions in this ordinance and Human Resources policies;

(ii) Recruit and examine applicants for employment;

(iii) Determine qualifications of candidates for employment.

(iv) Certify which applicants are qualified and are eligible for employment;

(v) Develop and maintain the pay plan;

(vi) Develop and maintain a position classification plan;

(vii) Develop and implement an employee performance review program;

(viii) Establish a system for reduction in force, lay-offs, demotions, transfers, and promotions;

(ix) Establish a system for discipline, grievance hearings, and appeals for all employees;

(x) Receive, acknowledge, record and forward to appropriate Department Directors and Elected officials any employee suggestions for improving County government;

(xi) Establish procedures for maintaining attendance and leave records and actions based on these records;

(xii) Develop, organize and conduct training programs in cooperation with Department Directors and Elected officials;

(xiii) Develop, promote and implement employee wellness programs;

(xiv) Maintain all employee personnel records;

(xv) Prepare and recommend revisions and amendments to the Human Resources Code;

(xvi) Develop and foster programs for the improvement of the employees' safety, health, and welfare;

(xvii) Certify Human Resources Change and Payroll Authorization Forms;

(xviii) Negotiate and administer labor agreements;

(xix) Review, evaluate, and report compliance or noncompliance with the Human Resources Code and collective bargaining agreements;

(xx) Develop and administer employee benefit and insurance programs;

(xxi) Prepare and implement an Employee Handbook which describes the provisions of the Human Resources Code;

(xxii) Develop policies and procedures governing persons holding probationary, or temporary appointments;

(xxiii) Submit to the County Council a quarterly statistical review of County employment;

(xxiv) Ensure County compliance with all Federal and State employment and labor laws and advise County Department Directors and Elected officials of any applicable changes;

(xxvii) Prepare and update Affirmative Action Plans for Erie County and insure compliance with Equal Employment Opportunities legislation;

(xxx) Perform such other duties as may be assigned or delegated by the County Executive.

(d) Organization of the Department

Director
Human Resources Manager
HRIS Data Specialist
Wellness Coordinator
Risk Management Coordinator
Human Resources Specialist

10. **Department of Planning and Community Development**

(a) **Function of the Department**

The Department of Planning and Community Development shall be responsible for providing planning services to the County of Erie with the assistance of the Erie County Planning Commission (ECPC).

(b) **Department Head**

The Department of Planning and Community Development shall be administered by a Director of Planning who shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The director shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

(i) Develop and maintain an Erie County Comprehensive Plan and assist the County's 38 municipalities in their comprehensive planning and land use regulatory efforts;

(ii) Perform reviews and prepare recommendations, pursuant to Act 247 of 1968 as amended: the Pennsylvania Municipalities Planning Code, pertaining to local planning and zoning, including changes in local zoning maps, amendments of zoning and subdivision ordinances, and adoption of new municipal comprehensive plans, and all subdivision and land development proposals in Erie County;

(iii) Administer and manage planning and construction projects in conjunction with numerous Federal and State grant programs;

(iv) Coordinate and manage all administrative, programmatic, and planning and construction-related activities from contractor and/or consultant selection to final audit reporting for planning and construction projects;

(v) Educate and increase awareness of planning and recycling initiatives; and to instruct the public and municipal officials as to long-range community development projects, available grant funding, and other planning issues;

(vi) Provide outreach to all municipal governments in promoting intermunicipal/regional efforts;

(vii) Review and respond, as required, to federal and state agency initiatives/programs;

(viii) Provide administrative and technical assistance for County-sponsored projects.

(d) **Organization of the Department**

Director
Accountant
Office Manager/Administrative Assistance
Coastal Zone Management/ Greenways Program Administrator
Community Development Block Grant Program Administrator
Erie County Agriculture Preservation Program Administrator
Erie County Data Center
Erie County Land Bank
GIS Analyst
GIS Coordinator
Municipal Assistance Program Administrator
Municipal Planning Organization/ Transportation Program Administrator
Municipal Stormwater Assistance Program Administrator

Recycling/ Environmental Sustainability Coordinator
Subdivision and Land Development Ordinance Planner

11. **Department of the Public Defender**

(a) **Function of Department**

The Department of the Public Defender shall have and exercise all powers and duties now or hereafter conferred upon the Public Defender by applicable law.

(b) **Department Head**

The Department of the Public Defender shall be headed by the Public Defender who shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The Public Defender shall be duly admitted to the practice of law in the Commonwealth of Pennsylvania and shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Department of the Public Defender shall have the responsibility to:

(i) Certify to the Court Administrator the eligibility for free legal counsel to indigent criminal defendants who are denied Public Defender assistance due to a conflict of interest; and

(ii) Have and exercise all powers and duties now or hereafter conferred upon the Public Defender by applicable law.

(d) **Organization of Department**

The Department of the Public Defender shall be made up of the Public Defender, Criminal Defense Unit, comprised of the Public Defender and such Assistant Public Defenders as may be authorized by the County Council and appointed by the County Executive, which shall carry out the responsibilities set forth in subparagraphs (c) (i) and (ii) above.

12. **Department of Public Safety**

(a) **Function of Department**

The Erie County Department of Public Safety provides for the safety and welfare of the public through a comprehensive program of 9-1-1 / emergency dispatch services, emergency management coordination and innovative technology systems while providing the highest standard of customer service with a customer friendly approach, public transparency and accountability. The Department works closely with appropriate municipal, county, state and federal partners in order to carry out its mission.

(b) **Department Head**

The Department of Public Safety shall be headed by a Director who shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The head of the department shall be responsible to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Department of Public Safety shall have the responsibility to:

(i.) In consultation with the Public Safety Advisory Committee, provide a system of increased accountability and transparency, and to facilitate community input on matters that affect public safety;

(ii.) Ensure compliance with applicable Pennsylvania State and Federal laws and regulations;

(iii.) Provide emergency and non-emergency call processing including emergency dispatch services for law enforcement, fire, emergency medical services without disruption to all thirty-eight (38) municipalities on a 24 / 7 basis, 365 days per year.

(iv.) Provide the most technologically advanced communications systems that meets the needs of Erie County in the most cost-efficient way;

(v.) Provide training programs for public safety telecommunications staff and emergency service providers to ensure prompt, efficient and effective disaster emergency services and response;

(vi.) Provide Quality Assurance / Quality Control programs to ensure our services provided meet and/or exceed the highest standard of customer service to the citizens and visitors of Erie County.

(vii.) Provide public education programs to the community to help educate the citizens on the resources and services provided by the Department of Public Safety to include 9-1-1, Emergency Management, Hazardous Materials Response and Special Teams.

(viii.) Provide public service information regarding local disaster emergencies to the general public, local, county and state officials;

(ix.) Collaboration between emergency service providers, local municipalities to seek solutions to improve emergency services and provide a timely, efficient response throughout the county based on sharing of regional assets and resources;

(x.) Collaborate with Local, State and Federal government officials / organizations as it may pertain to emergency preparedness, mitigation, response and recovery efforts.

(xi.) Coordination with municipal, regional, state and federal officials, as required in an emergency and/or disaster response when a local disaster effects two or more municipalities in Erie County; or upon the request of a municipality for assistance that may have exhausted their local resources or requesting assistance from the county;

(xii.) Establish, equip and staff a Multi-agency Coordination Center (MACC) to support government operations in emergencies, and provide other essential facilities and equipment for agencies assigned emergency support functions.

(xiii.) Develop and update a County Emergency Operations Plan that is in concert with the State Emergency Operations Plan that meets and/or exceeds national incident management system (NIMS) standards or requirements;

(xiv.) Prepare and maintain a disaster emergency management plan for the prevention and minimization of injury and/or damage caused by a disaster; prompt and effective response to disaster; disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Agency.

(xv.) Develop and implement disaster preparedness initiatives within the county that enhance the community's ability to prepare, respond and recover from disaster;

(xvi.) Assist in developing and maintaining plans including, but not limited to, dam emergency action plans, special event plans, school plans, day care plans, critical facilities plans, etc.;

(xvii.) Assist the Erie County Planning Department and County Planning Commission with updating the Erie County Hazard Mitigation Plan by updating the Hazards and Vulnerability section of the Plan;

(xviii.) In concert with the Local Emergency Planning Committee (LEPC), maintain a viable Hazardous Materials Safety Program;

(xix.) Develop and maintain partnerships with local and regional stakeholders including state and federal government entities, ensuring that both formal and informal lines of communications are opened and maintained for effective disaster preparedness, response and recovery efforts;

(xx.) Recruit, train, equip and, deploy, as necessary qualified volunteers to assist in disaster preparedness, response and recovery efforts within the county, including, but not limited to, Radio Amateur Civil Emergency Services (RACES), Community Emergency Response Teams (CERT) and other special teams;

(xxi.) Ensure staff and volunteers attend / obtain necessary state and/or national certifications, including agency approved continuing education;

(xxii.) Maintain equipment and supplies (cache) to meet the immediate needs of the community for a minimum of 48-72 hours until regional, state and/or federal resources can be mobilized and deployed.

(d) **<u>Organization of the Department</u>**

The Department of Public Safety shall be made up of the following:

Director
Deputy Director (9-1-1 Coordinator)

Deputy Director (Emergency Management Coordinator)
9-1-1 Division
Emergency Management Division
Hazardous Materials Division
Information Technology Division

13. **Department of Veterans Affairs**

(a) **Function of the Department**

The Department of Veterans Affairs shall be responsible for administering those resources that directly/indirectly positively affect the health and economic welfare through resources provided by the federal, state and local authorities.

(b) **Department Head**

The Department of Veterans Affairs shall be headed by a Director who shall report to the County Executive for the proper performance of the department.

(c) **Responsibilities of the Department**

The Director of Veterans Affairs shall have the responsibility to:

(i) Direct all the administrative and technical activities and all provisions for Veteran's benefits and outreach communication;

(ii) Manage the Department of Veterans Affairs;

(iii) Prepare the annual budget and approving expenditures for the Department;

(iv) Hire and arrange training for all employees;

(v) Maintain records securely and ensure quality control among staff during the claims preparation process;

(vi) Serve as an advocate for Veterans and their families;

(vii) Attend applicable functions in the community;

(viii) Attend annual continuing education and advanced training conferences;

(ix) Collaborate with Veterans Treatment Court;

(x) Collaborate with local Veterans resources, Erie Veterans Affairs Medical Center, Erie Vet Center, and County resources of relevance to Veterans;

(xi) Apply for relevant grants that will assist the Department as they apply to outreach;

(xii) Develop and maintain a County wide communication strategy;

(xiii) Provide information to the public as requested;

(xiv) Devise and implement collaborative strategies to promote Erie County as a destination for relocating Veterans;

(xv) Collaborate with area employers to establish procedures in the hiring of Veterans;

(xvi) Collaborate with the Erie Veterans Affairs Medical Center (VAMC) implementing a strategy to combat suicides amongst the Veteran population;

(xvii) Implement quality assurance surveys to get feedback from the public;

(xviii) Assist Veterans and their families in securing County, State, and Federal benefits, enrolling in VA Healthcare and connect with community resources;

(xix) Perform on-site home visits as needed;

(xx) Perform such other duties as may be assigned or delegated by the County Executive.

(a) **Organization of the Department**

Director
Veterans Affairs Coordinator
Administrative Secretary

Section 3 Offices Headed by Elected Officials

A. General Provisions

1. There shall be those elected officials as established by the Charter, Article IV.

2. Elected officials who head the elected offices shall abide by the prescribed Financial Procedures as outlined in Article IV of this Administrative Code, the Purchasing Policy and Procedures as outlined in Article III of this Administrative Code, and by the procedures outlined in the Personnel Code.

3. Elected officials who head the elected offices shall establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities. This system shall form a basis for periodic reports to the County Executive and the County Council.

4. It shall be recognized by all elected officials that each is serving the citizens of the County of Erie, and that such service will be most efficiently accomplished by an atmosphere of willing cooperation and coordination with other departments and officials.

5. Except for County vehicles operated by duly Elected Officials, all County vehicles, owned or leased, shall be parked on County property after 4:30 p.m. Elected Officials shall log the mileage of all County vehicles on a daily basis and make such logs available for inspection by the Director of Administration or his designee. Elected Officials may approve the use of County vehicles after 4:30 p.m. provided the use is connected to the duties of the Elected Official and mandated under State Law, the Home Rule Charter or the Administrative Code. The Elected Official shall log the use and mileage of County vehicles used after 4:30 p.m. on a daily basis and shall make such logs available for inspection by the Director of Administration or his designee.

B. **Office of Clerk of Records**

1. **Function of the Office**

The Office of the Clerk of Records shall perform all the functions which otherwise would be performed by the Prothonotary with respect to civil matters, by the Clerk of Courts with respect to criminal matters, by the Recorder of Deeds with respect to real estate matters, and by the Register of Wills and Clerk of Orphans Court Division with respect to decedents' estates and other Orphans Court Division matters, as well as any additional functions conferred by resolution of County Council, statute, rule of court, or order of court of competent jurisdiction.

2. **Office Head**

The Office of the Clerk of Records shall be headed by the Clerk of Records who shall be elected at large by the qualified voters of the County of Erie. The term of office shall begin with the first day of January next following the election and shall be for four (4) years.

3. **Responsibilities of the Office**

The Office of the Clerk of Records shall have the responsibility to:

(a) File, index, and maintain custody of pleadings and other legal papers relating to legal actions in the Civil Division, Criminal Division, and Orphans Court Division of the Court;

(b) File, index, and maintain custody of all records which otherwise would be held by the Prothonotary with respect to civil matters, by the Clerk of Courts with respect to criminal matters, by the Recorder of Deeds with respect to real estate matters, and by the Register of Wills and Clerk of Orphans Court Division with respect to decedents' estates and other Orphans Court Division matters;

(c) Maintain custody of the seal of the Court;

(d) Sign and affix the seal of the Court to all writs, process, certificates, and exemplifications of records and processes;

(e) Administer oaths and affirmations in conducting the business of the office;

(f) Administer oaths of office to all deputies of County offices and to Notary Publics appointed by the Commonwealth of Pennsylvania and make a record thereof;

(g) Enter and sign all judgments and acknowledge the satisfaction of judgments or decrees entered of record;

(h) Collect and record all costs, fees, and taxes required by law for filing pleadings and other legal papers;

(i) Prepare and transmit such reports of the civil and criminal business of the Court as may be required by law;

(j) Exercise jurisdiction over the probate of wills, the grant of letters to personal representatives, and other matters dealing with decedents' estates as required by law, together with the power to issue subpoenas and commissions or rules to take the depositions of witnesses in aid of said jurisdiction;

(k) Act as collection agent for the Commonwealth of Pennsylvania and County of Erie for the collection of all fines and forfeitures, for the Commonwealth of Pennsylvania, County of Erie, and Commonwealth political subdivisions for the collection of taxes due for the filing and recording of pleadings, legal papers, deeds, and other civil records, and for the Commonwealth of Pennsylvania for the collection of Pennsylvania inheritance and estate taxes; to prepare reports of these collections; and to remit these collections according to law;

(l) Assist attorneys, searchers, and the general public to locate pleadings, legal papers, and other records; and

(m) Perform such other duties which otherwise would be performed by the Prothonotary with respect to civil matters, by the Clerk of Courts with respect to criminal matters, by the Recorder of Deeds with respect to real estate matters, and by the Register of Wills and Clerk of Orphans Court Division with respect to decedents' estates and other Orphans Court Division matters, as well as any duties conferred by resolution of County Council, statute, rule of court, or order of court of competent jurisdiction.

4. **Organization of the Office**

(a) The Office of the Clerk of Records shall be made up of the following personnel:

The Clerk of Records;
The Deputy Clerk of Records *who shall act in place of the Clerk of Records in the event of a temporary absence or incapacity. Such Deputy Clerk of Records shall not be a separate position. The Clerk of Records shall appoint one*

of the employees of the four divisions set forth below to act as such Deputy in the event of the temporary absence or incapacity of the Clerk of Records; and
First Deputy Prothonotary
First Deputy Clerk of Records
First Deputy Register of Wills
First Deputy Recorder of Deeds
Such other qualified staff as necessary

(b) The Office of the Clerk of Records shall be made up of the following divisions:

Recorder of Deeds
Clerk of Courts
Register of Wills
Prothonotary

C. **Office of Controller**

1. **Function of the Office**

The Office of Controller shall perform the function of maintaining a continuous audit and preparing an annual post-audit of all County revenues and accounts.

2. **Office Head**

The Office of Controller shall be headed by the County Controller who shall be elected at large by the qualified voters of the County of Erie.

3. **Responsibilities of the Office**

The Office of the Controller shall have the responsibility to:

(a) Insure that all payments and obligations incurred by the County and each of its agencies, boards, commissions, departments, and offices are in accordance with the law, the Charter, contracts, and/or established procedures, and report any exceptions which have not been rectified to County Council;

(b) Report the results of an annual post-audit to the County Council and to the County Executive within three months of the close of the applicable fiscal year following the procedures provided for in Article IV, Financial Procedures, Section 12, of this Administrative Code;

(c) Conduct special audits as requested by the County Council or the County Executive, or as the Controller deems necessary following the procedures provided for in Article IV, Financial Procedures, Section 12, of this Administrative Code;

(d) Require by subpoena and examine under oath such persons, documents, and records of each agency, board, commission, department, or office of the County as the Controller may deem necessary;

(e) Retain independent legal counsel, when deemed necessary by the Controller;

(f) Cooperate with other audit or evaluation organizations, such as the Auditor General of the Commonwealth, in order to maximize the extent of intergovernmental audit coordination;

(g) Audit of fifteen district justices' offices in Erie County, as mandated by Act 76 of 1982 by the General Assembly of the Commonwealth of Pennsylvania; and

(h) Perform such other duties as are required by the terms of the Purchasing and Sale Procedures set forth in Article III of this Administrative Code.

4. **Organization of the Office**

The Office of Controller shall be made up of the Deputy Controller and other qualified staff necessary to carry out the function and responsibility of the office.

5. **Post-Audit**

Upon recommendation by the Controller that an audit by the Commonwealth or by the United States of America is adequate, the County Council may, by resolution, exempt from County audit an agency whose records and accounts are audited each year by or with the approval of those governments.

D. **Office of Coroner**

1. **Function of the Office**

There shall be an Office of Coroner, which shall be responsible for the investigation of all deaths which occur without prior medical attention, deaths where the physician is unable to certify the cause of death, and those deaths due to

unnatural causes or violence, which include all accidents, suicides, and homicides, and to rule as to the manner of death. He must approve all cremations and organ donations in this County, and is responsible for identification and proper disposal of all unclaimed bodies.

2. **Office Head**

The Office of Coroner shall be headed by the County Coroner who shall be elected at large by the qualified voters of the County of Erie. The term of office shall begin with the first day of January next following the election, and shall be for four (4) years.

3. **Responsibilities of the Office**

The Office of Coroner shall have the responsibility to:

(a) Order post-mortem examinations and witness the same when necessary;

(b) Cooperate with all law enforcement agencies;

(c) Consult and advise with the District Attorney in any suspected criminal death;

(d) Hold inquests in certain cases with subpoena power and power to administer the oath;

(e) Assume jurisdiction of bodies and personal effects falling under his purview and not allow them to be moved or released without the consent of the Coroner;

(f) In appropriate cases, arranges for transportation of remains to the County morgue or to private mortuary facilities or elsewhere in accordance with the wishes of survivors;

(g) Establish and operate the County morgue and appoint a qualified person to be in charge of the same with a salary to be set by the County Executive;

(h) Submit reports of all death investigations to the Clerk of Records (Prothonotary Division);

(i) Complete medical portions of death certificates for cases under his purview, particularly in every case referred by Vital Statistics;

(j) Submit reports of every traffic fatality to the Bureau of Accident Analysis, Safety Statistics Division, in Harrisburg, and details of infant deaths to the appropriate agencies;

(k) Appear and testify at hearings and jury trials when required;

(l) Take responsibility for notifying next-of-kin of decedents;

(m) Be on call 24 hours a day, 7 days a week; and

(n) Conduct or participate in training sessions for emergency medical technicians, paramedics, law enforcement personnel, and similar persons as required.

4. **Organization of the Office**

The Office of Coroner shall be made up of the following:

The Coroner
Chief Deputy Coroner
One or More Full-Time Deputy Coroners
Such other Deputy Coroners and staff as necessary
Secretary
Autopsy Staff
(a) Forensic Pathologist
(b) Autopsy Technician(s)
(c) Other Expert Consultants, as needed

E. **Office of District Attorney**

1. **Function of the Office**

The Office of the District Attorney shall be responsible for the preparation and prosecution of all criminal matters and other prosecutions in the name of the Commonwealth and for making investigations to obtain evidence and investigations of misconduct by officers connected with the administration of criminal law.

2. **Office Head**

The Office of District Attorney shall be headed by the District Attorney who shall be a resident of Erie County, learned in the law, and who shall

have resided in Erie County for a period of at least two (2) years immediately preceding election or appointment to the office. The District Attorney shall have been admitted to practice as an attorney before the Supreme Court two (2) years prior to the time of taking the oath of office of District Attorney.

The District Attorney shall devote full time to the office. The District Attorney, while in office, shall not derive any other income as a result of the necessary legal education and background from any source, including, but not limited to, income derived from legal publications or other publications dealing with matters related to the Office of District Attorney, lectures, honorariums, profit shares, or divisions of income from any firm with which the District Attorney was associated prior to election or appointment. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after the election as District Attorney. In addition, the District Attorney shall not engage in any private practice and must be completely disassociated with any firm with which the District Attorney was affiliated prior to election, nor shall the District Attorney accept any civil or criminal cases after election to office. The District Attorney shall be subject to the canons of ethics applied to Judges in the Courts of Common Pleas of the Commonwealth of Pennsylvania insofar as such canons apply to salaries, full-time duties, and conflicts of interest. In addition, pursuant to 16 P.S. §1401(g), the District Attorney "shall be compensated at one thousand dollars ($1,000.00) lower than the compensation paid to a judge of the Court of Common Pleas in the respective judicial district."

3. **Responsibilities of the Office**

The Office of the District Attorney shall have the responsibility to:

(a) Prepare all Information;

(b) Conduct in court all criminal prosecutions in the name of the Commonwealth, or when the Commonwealth is a party, which arise in Erie County;

(c) Perform all duties which, prior to May 3, 1850, were performed by Deputy Attorney Generals;

(d) Perform all duties conferred upon the office by other Commonwealth statutes;

(e) Make investigations through the County Detective as to misconduct of magistrates, constables, and other officers in the administration of criminal law;

(f) Make investigations to obtain evidence.

4. **Organization of Office**

The office of District Attorney shall be made up of the following:

(a) Such assistants as shall be appointed by the District Attorney to assist in the discharge of the duties of the District Attorney, who shall serve at the pleasure of the District Attorney, and whose number and compensation shall be in accordance with budget limitations, one of whom shall be designated as the first assistant. Such first assistant shall, in the absence of the District Attorney from the jurisdiction or during any disability to perform the duties of the office through sickness or other cause, be vested with all duties, powers, and privileges given by law to the District Attorney;

(b) One Chief County Detective and other County Detectives shall be appointed by the District Attorney to serve at the pleasure of the District Attorney, and whose number and compensation shall be in accordance with budget limitations.

F. **Office of Sheriff**

1. **Function of the Office**

There shall be an Office of Sheriff which shall have and exercise all powers and duties provided under the laws of the Commonwealth of Pennsylvania and the County of Erie.

2. **Office Head**

The County Sheriff, who shall be elected at large by the qualified voters of the County of Erie, shall head the Office of Sheriff. The term of office shall begin with the first day of January next following the election of the County Sheriff and shall be for four (4) years.

3. **Responsibilities of the Office**

The Office of Sheriff shall have the following responsibilities:

(a) To serve as an Officer of the Courts, to serve writs, complaints and other forms of process, court orders, warrants and notices and, when ordered by the Court, to enforce Court orders;

(b) Provide and maintain courtroom security;

(c) Provide and maintain courthouse security;

(d) Provide transportation for:

(i) Erie County Prison inmates;
(ii) Juvenile Detention Facility inmates;
(iii) Mental health patients;
(iv) Persons involved in proceedings before the Office of Children and Youth;
(v) County jail inmates outside of Erie County and State Correctional Institution inmates; and
(vi) Extradited persons, as required for Erie County judicial proceedings.

(e) Issue firearm licenses to qualified residents of the County;

(f) Conduct sales of real estate and personal property located in Erie County in accordance with the Pennsylvania Rules of Civil Procedure; and

(g) Perform such additional and related duties as may be prescribed by County Council pursuant to the Erie County Home Rule Charter and the Administrative Code of Erie County.

4. **Organization of the Office**

The Office of Sheriff shall be made up of the following:

Sheriff
Chief Deputy
Deputy Chief
Such other Deputies as necessary

Section 4 Sixth Judicial District of the Commonwealth of Pennsylvania, the Court of Common Pleas of Erie County

A. **General Provisions**

1. Consistent with the Constitution of the Commonwealth of Pennsylvania, the 6th Judicial District is a separate and equal branch of County Government. As such, they enjoy rights and privileges to administer their department, staff the court as justice requires, and supervise their employees based

upon the guidelines provided to them by the Supreme Court of Pennsylvania. The department heads appointed by the President Judge shall abide by the prescribed Financial Procedures as outlined in Article IV of this Administrative Code, the Purchasing Policy and Procedures as outlined in Article III of this Administrative Code, and by the procedures outlined in the Personnel Code. This applies to the Department of Domestic Relations, Adult Probation, Juvenile Probation, and Court Administration.

2. The department heads appointed by the President Judge, in addition to the duties and responsibilities hereinafter prescribed in this Section 4, shall perform such duties and exercise such responsibilities as may be directed or assigned by the Judges.

B. **Courts and Related Offices**

1. **Court of Common Pleas**

(a) The Court of Common Pleas of the Sixth Judicial District is composed of nine Judges, and is responsible for carrying out all functions mandated by law.

(b) Each Judge of the Court of Common Pleas of the Sixth Judicial District is responsible for the selection of full- and part-time tipstaff, law clerks, secretaries, and other personnel.

2. **Court Administration**

(a) **Function of the Department**

The department of Court Administration is responsible for the scheduling of all matters before the courts of the Sixth Judicial District. Subject to the authority of the President Judge of the Sixth Judicial District, the department also supervises certain personnel employed by the courts, including all employees within Adult Probation, Juvenile Probation, Law Library, Domestic Relations Office, PFA Office, Custody Office, Jury Coordinator, Courts Information Technology Office, Judge's Staff, Magisterial District Judge's Staff and Court Reporters.

(b) **Administrators**

The court administrators (District Court Administrator, Deputy Court Administrator, and Assistant Court Administrator) of this division are appointed by the President Judge of the Sixth Judicial District and are employees of the State of Pennsylvania, subject to the powers of the Supreme Court of Pennsylvania contained in Rule 503 of the Pennsylvania Rules of Judicial Administration. The court

administrators shall possess those qualifications established by the Judges of the Sixth Judicial District and by the Administrative Office of Pennsylvania Courts.

(c) **Responsibilities of the Department**

The department of Court Administration, pursuant to the powers vested in it by the Court of Common Pleas of the Sixth Judicial District, shall have the following responsibilities:

(i) Carrying out those functions assigned to it, pursuant to the Pennsylvania Rules of Judicial Administration, Pennsylvania Rules of Civil and Criminal Procedure, and the Rules of Procedure of the Court of Common Pleas of the Sixth Judicial District;

(ii) The scheduling of and assigning to the respective Judges, those civil and criminal actions at law and in equity requiring either a jury or a non-jury trial;

(iii) The scheduling of compulsory arbitrations conducted pursuant to the Act of June 16, 1836, P.L. 715, as amended, 5 P.S. §21, et seq.;

(iv) The scheduling of and assigning to the respective Judges all matters involving family court, juvenile court, and orphans court:

(a) Juvenile Delinquency and Dependency;
(b) Divorce, Equitable Distribution and Related Issues;
(c) Child and Spousal Support;
(d) Child Custody;
(e) Adoption, Termination of Parental Rights;
(f) Guardianship;
(g) Wills, Estates and Trusts; and
(h) Protection From Abuse

(v) The selection, scheduling and supervision of law librarian and employees in the administrative office, custody counseling office, and court stenographers, subject to the approval of the President Judge of the Sixth Judicial District;

(vi) Submission of the payroll for court related personnel, other than those employed in Probation and Domestic Relations Department;

(vii) Preparation and submission to the Supreme Court of Pennsylvania, a monthly report documenting the disposition of all matters before the court for the preceding month;

(viii) The compiling and scheduling of all monthly arraignment lists pursuant to State and Local Rules of Criminal Procedure;

(ix) The compiling and scheduling of all monthly Criminal Trial Term Lists pursuant to State and Local Rules of Criminal Procedure;

(x) The scheduling of criminal defendant guilty pleas and sentencings;

(xi) The scheduling of Special Probationary Program Hearings;

(xii) Preparation and submission to the President Judge of the Court of Common Pleas of the Sixth Judicial District, periodic reports on statistical activity of the Trial Division and Family Division;

(xiii) Conferring with the District Attorney, Public Defender, and private attorneys to determine ready status of cases scheduled for trial; implementation of a computerized jury selection process using a data base provided by the Administrative Office of Pennsylvania Courts. The department shall have the responsibility for the impaneling and summons of persons to serve for each term of the grand jury and each term of court;

(xiv) Assignment of counsel in capital cases and to indigent criminal defendants certified as eligible by the Public Defender, but who are denied Public Defender representation due to a conflict of interests; and

(xv) Coordination of the interrelated resources and functions of the Common Pleas Judges, District Attorney's Office, Sheriff's Office, Adult Probation Offices, and Private Defense Counsel to achieve a smooth continuous flow of criminal cases through court.

(d) **Organization of the Department**

The Department of Court Administration shall be composed of the Trial Division (Civil and Criminal) and Family Division.

The District Court Administrator shall directly coordinate all budget submissions and monitor financial activity on a monthly basis of all Court departments (Court Administration, Adult Probation, Domestic Relations, Juvenile Probation, and Magisterial District Judges) and shall report this activity to the President Judge.

C. Department of Magisterial District Judges

1. Function of the Department

The department of Magisterial District Judges shall provide all necessary financial, personnel, administrative, and other support to the various Magisterial District Judges as the same shall be from time to time established in accordance with the Pennsylvania Constitution and applicable law.

2. Department Head

The department of Magisterial District Judges shall be headed by the Court Administrator who shall be appointed by the President Judge of the Court of Common Pleas of the Sixth Judicial District, and shall serve at the pleasure of the said President Judge. The Court Administrator shall exercise such functions as may be lawfully delegated to him by the said President Judge, and shall be responsible to the President Judge for the proper performance of his duties.

3. Responsibilities of the Department

The responsibilities of the department are:

(a) To find a suitable location for each Magisterial District Judge to set up an office and make all the necessary arrangements with the County for the leasing of said office, furnishing supplies, equipment, and services and qualified secretarial help in accordance with general County financial and personnel rules and regulations;

(b) To conduct educational classes for the Magisterial District Judges and constables in substantive law, procedure, and ethics, and to keep the Magisterial District Judges abreast of changing law on a weekly basis;

(c) To set up a schedule for the Magisterial District Judges to attend continuing education classes according to the Pennsylvania Constitution;

(d) To arrange for periodic seminars attended by officials from the State Court Administrator's office and to carry out any instructions from that office;

(e) To accept all grievances by attorneys and the public and to investigate and process the same and submit a report to the President Judge;

(f) To get the approval of the Court of Common Pleas for the schedule of "duty week" for the Magisterial District Judges assuring the public that

there are at least two (2) Magisterial District Judge**s** on duty throughout the County, twenty-four (24) hours per day;

(g) To uphold the dignity and integrity of the Magisterial District Judges and assign the Magisterial District Judges to preside over cases outside their territorial jurisdiction when an individual litigant feels that his case may be prejudiced by the Magisterial District Judge permanently sitting in that district;

(h) If vacancies for constables exist before an election, the department can present petitions and motions for the appointment of constables to the Court of Common Pleas. The department is responsible for all other matters relating to constables;

(i) To be liaison officer between the Magisterial District Judges and the District Attorney's office, Public Defender's office, Clerk of Courts, Prothonotary, County Controller, Housing Authority, School District, and other governmental offices relating to the procedures of the Magisterial District Judges in conjunction with their offices;

(j) Such other duties as may be lawfully delegated by the President Judge of the Court of Common Pleas of the Sixth Judicial District; and

(k) To provide for a public hearing before the decision is made to effect the elimination and/or consolidation of Magisterial District Judge districts.

4. **Organization of Department**

The organization of magisterial districts and the appointment of Magisterial District Judges shall be as provided in the Pennsylvania Constitution and applicable law.

D. **Department of Domestic Relations**

1. **Function of the Department**

The Domestic Relations Section (DRS) shall be responsible for the entry, including but not limited to, docketing the actions filed and the enforcement of orders of support through the Pennsylvania Child Support Enforcement System (PACSES). This responsibility also includes that all support payments are mailed directly to the State Collection and Disbursement Unit (SCDU) in Harrisburg, Pennsylvania with the assistance from Erie County, Pennsylvania for prompt identification of unknown and/or misapplied funds distributed by the State. DRS also

has the responsibility to lessen the court load through mediation and making orders of support by agreement.

2. **Department Head**

The Domestic Relations Section shall be headed by the Director of Domestic Relations who shall be appointed and will serve at the discretion of the Court.

3. **Responsibilities of the Department**

The Domestic Relations Section shall have the power and authority to carry out the following duties and responsibilities:

(a) Entry of the Complaint for Support and Petition for Modification, including the suspension or termination of existing court orders within Erie County, Pennsylvania. Entry of necessary documents to obtain support where a defendant resides outside of Erie County, Pennsylvania, including registrations;

(b) Location of absent parents and establishment of paternity, through the coordination of genetic testing, if applicable;

(c) Mediation to establish court orders for support and any modification;

(d) Adhere to strict collection and disbursement guidelines pertaining to BCSE (Bureau of Child Support Enforcement);

(e) Imaging all work files through PA State Imaging and Scanning System;

(f) Enforce collection of court orders of support by all means available, including but not limited to: income attachments, lottery winnings, submission to the credit bureau, IRS intercept, suspension of professional and driver license, execution of property liens, FIDM (Financial Institution Data Match), STROP, petition for contempt of court, television broadcasting, and the newspaper submission of delinquent defendants, or simply mediation;

(g) To make monthly and statistical reports to the Department of Public Welfare under Title IV-D and to the Federal Office of Child Support Enforcement;

(h) To submit monthly reports to the Court;

(i) To make any other reports and in such form as may be required;

(j) To attend and participate in support cases;

(k) To attend and participate in any seminar or workshop that may prove helpful or serve to enlighten the knowledge of Domestic Relations;

(l) To maintain an effective liaison with governmental agencies as may be required; and

(m) To administer and direct all activities for personnel actions.

4. **Organization of the Department**

Director

(b) The ***Enforcement Office*** enforces Child Support Orders using the remedies which are provided by the State of Pennsylvania. These remedies include the seizing of assets, driver licenses and professional licenses. Also included are Credit Bureau reports, the interception of Federal and State income tax returns as well as incarceration for the failure to pay child support.

(c) The ***Financial Office***, which in addition to processing liens by operation of the law, location of absent parents and IRS intercept, shall carry out the responsibility of operations defined under the State Collection and Distribution Unit (SCDU), including identifying and resolving misapplied payments (SCDU Payment Adjustment Management, "SPAM");

(d) The ***Intake Office***, which shall carry out the responsibility of administering to and preparing complaints for support and petitions for modifications, including terminations, for those parties who reside in and out of the County of Erie; to establish paternity for non-marital children, through the coordination of genetic testing, when applicable; accept complaints/petitions via e-services; assist in the location of absent parents; and the creation and maintenance of dockets for all support claims, process welfare claims, and assignments; and

(e) The ***Conference Office***, which shall carry out the responsibility of processing all applications for support and negotiation of support orders. Support orders and modifications on existing support orders (including suspensions and terminations) will be handled by the Conference Office, providing all parties are in agreement. If the parties do not agree, the conference officer will enter

a conference summary, allowing the parties twenty days to reconsider the temporary support order entered. If a demand for a hearing before a Judge is filed, the action will be referred to the Court for disposition to schedule and process de novo court hearings upon demand;

(f) The ***Customer Service Office*** addresses the needs of the clients of Domestic Relations by preparing material for all new clients about the PACSES system, defining terms, explaining the Child Support Web site, explaining the process of their support cases through Erie County Domestic Relations. They also answer clients' questions concerning their particular case and manage the reports provided by the State to ensure the efficiency of the entire department in accordance with Federal regulations.

(g) Each office shall have a supervisor and senior officer, and shall consist of qualified personnel and other such staff as may be required and authorized.

E. **Department of Adult Probation**

1. **Function of the Department**

The department of Adult Probation shall be responsible for the supervision of those individuals under the jurisdiction of the Court of Common Pleas, Criminal Division; for providing the Court with the information necessary for proper adjudication; and any other treatment, rehabilitative, or information services that the Court may deem necessary.

2. **Department Head**

The Adult Probation Department shall be headed by the Director of Adult Probation Services and shall be the Chief Probation Officer. The Chief Adult Probation Officer shall be appointed by the President Judge of the Sixth Judicial District and shall possess those qualifications established by the Judges of the Sixth Judicial District. The Chief Adult Probation Officer shall be responsible to the Administrative Judge of the Trial Court and to the President Judge of the Sixth Judicial District and shall be responsible for all administrative functions within his or her department and for giving proper leadership for those under his supervision.

3. **Responsibilities of the Department**

The Department of Adult Probation shall have the responsibility to:

(a) Supervise offenders adjudicated guilty and receiving a sentence of probation and/or being released from the Erie County Prison on parole for the balance of their sentence;

(b) Make all reasonable, legal attempts to insure compliance with court orders and sentences of offenders;

(c) Secure, organize, and present to the Court all information required for proper adjudication of criminal cases;

(d) Develop and provide a referral system for proper continuation of treatment and/or sentence compliance for criminal offenders;

(e) Provide for criminal justice programs, services, and responsibilities as mandated by law and State regulation, as set by the Pennsylvania Board of Probation and Parole;

(f) Insure compliance with the sentence of the Court including, but not limited to, collection of fines and court costs, case supervision, treatment referral, and collection of Court ordered restitution.

(g) Investigate and gather information for the Court necessary for proper adjudication and any other information as the Court may require;

(h) Arrest and detain offenders suspected of or being in violation of their probation/parole order;

(i) Any other duties and/or responsibilities, as required by the Court or State that are within the framework of the Court and/or criminal justice system; and

(j) ARD - PWOV Program: The ARD - PWOV Program shall have the responsibility to:

(i) Supervise those individuals accepted into the Erie County Pretrial Diversion Program by the Court;

(ii) Make all reasonable, legal attempts to insure compliance with the conditions of acceptance into the program including, but not limited to, collection of forfeitures and court costs, case supervision, treatment referral, and collection of Court ordered restitution;

(iii) Provide the Court with such information as may be required by the Court for proper placement into the program; and

(iv) Investigate and prepare for the presentation to the Court information regarding allegations of violations of the conditions of the program in preparation for a revocation hearing.

(k) Supervise those individuals ordered by the Court of Common Pleas to report to the Erie County Community Resource Center and/or the Erie County DUI Program.

F. **Department of Juvenile Probation**

1. **Function of the Department**

The Juvenile Probation Department is the principle service body of the Juvenile Court of the Sixth Judicial District and operates under the Act of December 6, 1972, (P.L. 1464, No. 333) entitled the "Juvenile Act," as amended. The functions of the Juvenile Probation Department are:

(a) Intake - The screening of cases at the Juvenile Court level;

(b) Investigation - The procedure of preparing a psycho-social study of the background material for the Juvenile Court prior to a hearing;

(c) Supervision - The act of providing counseling service to children who fall under the jurisdiction of the department;

(d) Other responsibilities as directed by the Administrative Judge of the Juvenile Court.

2. **Department Head**

The Juvenile Probation Department shall be headed by the Director of Juvenile Probation Services and shall be a Chief Probation Officer. The Chief Juvenile Probation Officer shall be appointed by the President Judge of the Sixth Judicial District and shall possess those qualifications established by the Judges of the Sixth Judicial District and the Juvenile Court Judges Commission of the Department of Justice of the Commonwealth of Pennsylvania. The Chief Juvenile Probation Officer shall be responsible to the Administrative Judge of the Juvenile Court and to the President Judge of the Sixth Judicial District and shall be responsible for all administrative functions within his or her department and for giving proper leadership for those under his supervision.

3. **Responsibilities of the Department**

The department of Juvenile Probation shall have the responsibility to:

(a) Make investigations, reports, and recommendations to the Court;

(b) Receive and examine complaints and charges of delinquency or dependency of a child for the purpose of considering the commencement of proceedings under the Juvenile Act;

(c) Supervise and assist a child placed on probation or under protective supervision or care by order of the Court or other authority of law;

(d) Make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable;

(e) Take into custody and detain a child who is under Probation Department supervision or care as a delinquent or dependent child if the probation officer has reasonable cause to believe that the child's health or safety is in imminent danger, or that he or she may abscond or be removed from the jurisdiction of the Court, or when ordered by the Court pursuant to the Juvenile Act, or that he or she violated the conditions of his probation, and to secure detention pursuant to 42 P.S. §6301, et seq.;

(f) Perform all other functions designated by the Juvenile Act or by order of the Court;

(g) Any of the foregoing functions may be performed in another state if authorized by the Court of this State and permitted by the laws of the other state;

(h) Develop and administer for the County of Erie an annual Juvenile Probation Department budget;

(i) Provide written policies and procedures which clearly describe the implementation of the Juvenile Act and orders of the Juvenile Court;

(j) Comply with the standards promulgated by the Juvenile Court Judges' Commission of the State of Pennsylvania;

(k) Aid in the development and enactment of Erie County's Needs Based Plan and Budget as well as the Integrated Children's Service Plan;

(l) Maintain all records and documents in a confidential manner as required by law;

(m) Assist in the submission of quarterly reports to the Department of Human Services in compliance with Act 148, as well as any other data for reimbursement for services from the State/federal government;

(n) Maintain an adequate staff to deliver services as required by the Juvenile Court; and

(o) Maintain and develop coordination of community mental health and social services as needed by the Department's clients and/or the court.

Section 5 Formation of Organizations or Corporations Within or Under or Representing County Government

A. Authorities, Boards, Commissions, and Other Organizations of County Government

1. General Provisions

(a) All authorities, boards, commissions, committees, and other organizations of County government shall be subject to Article II, Sections 1(C) and 3(C) of the Home Rule Charter. Formation of committees may also be established pursuant to Article III, Section 5(I), of the Home Rule Charter. Other organizations or agencies formed within or under County government are to include task forces, councils, and committees, regardless of other names that may be assigned. Only those organizations thus formed and approved shall be considered official County government organizations/agencies and subject to this code.

(b) Appointment and removal of members of boards and commissions shall be made in accordance with Article III, Section 5(K), of the Home Rule Charter, or as otherwise provided in the Charter.

(c) Appointments and removal of members of authorities shall be made in accordance with Article III, Section 5(L), of the Home Rule Charter, or as otherwise provided in the Charter.

(d) The appointment and removal of members of other organizations shall be by the appointing authority with approval of County Council.

(e) To provide greater community involvement, the composition of each authority, board, commission, or other organization of County government shall reflect countywide representation with one resident from each of the seven Council districts, unless otherwise as provided in the Charter or given specific exception by approval of Council. Should additional qualifications (i.e., professional representation) be required, this criteria may be fulfilled by district representation and additional members-at-large. Exception to the countywide district representation shall be with approval of County Council.

The following are approved exceptions to district representation due to the established nature and limits of same:

Authorities:

Erie County Hospital Authority
Erie County Housing Authority
Erie County Redevelopment Authority
Erie Metropolitan Transit Authority
Erie County General Authority
Erie County Community Services Financing Authority

Boards and Commissions:

Agricultural Land Preservation Board
Erie County Land Bank
Board of Election and Registration Commission
Pleasant Ridge Manor Board
Board of Tax Assessment
Retirement Board
Conservation District & Commission

(f) To enhance the communication between the Executive and Legislative branches of County government, it is recommended that the County Executive notify the members of County Council of any anticipated expired terms or vacancies of all authorities, boards, and commissions, or other organizations of County government. A written notification should be made at least one month prior to the expired term or vacancy occurring.

(g) To encourage Council participation in the appointment process, it will be the prerogative of each Council member to submit to the County Executive the name of a person to be considered for a specific appointment.

Exception: ***Recommendations for appointments to authorities, boards, or commissions, or other organizations of County government requiring***

County Council district representation may only be made by the County Council member representing the district in which the expired term or vacancy occurs.

(h) To safeguard the County Executive's administrative prerogative, the County Executive may recommend to County Council for appointment any person submitted by a Council member or another of the Executive's own choosing.

(j) To provide County Council members with the opportunity to question a prospective appointee, an interview may be held prior to the public meeting at which confirmation is expected.

(j) To provide County Council members with the opportunity to question a prospective appointee, an interview must be held prior to the public meeting at which confirmation is expected.

(k) Final approval of all appointees will be determined by a majority vote of the entire County Council at a public meeting.

(l) Each authority, board, commission, or other County organization shall be required to use the common administrative services of the County for budgetary requirements, financial controls, and purchasing and personnel procedures unless exception to do so is approved by County Council.

(m) For purposes of coordination, all authorities, boards, commissions, and other County organizations shall work in close cooperation with the related department in County government. The coordination shall exist for clerical services, reporting, budgeting, personnel, purchasing, data processing, and other administrative services that may be necessary.

(n) Each authority, board, commission, and other County government organization is required to submit to the County Executive and to the County Council an annual report of activities and financial expenditures and such special reports as the County Executive and County Council shall require.

(o) Membership on authorities, boards, commissions, and other organizations shall not exceed two consecutive terms of office, or a maximum of ten years, unless specific exception is made by County Council in approval of such organization and functions of such organization.

(p) Appointees to authorities, boards, commissions, and other organizations of County government shall be residents of Erie County and

shall continue residency throughout their term of office, unless an exception is approved by County Council.

(q) Employees of Erie County may not serve as official appointees to authorities, boards, commissions, and other organizations of County government, except where required by state or federal regulation, or County Charter or statute. This ordinance shall apply prospectively to appointments made after the effective date of passage (August 23, 2016).

2. **Common Procedures for Operations**

(To be developed by special committee and approved by Council)

3. **Listing of Authorities, Boards, Commissions, and Other Organizations**

(a) **Authorities**

Erie County Hospital Authority
Erie County Housing Authority
Erie County Industrial Development Authority
Erie County Redevelopment Authority
Erie Metropolitan Transit Authority
Erie County Gaming Revenue Authority
Erie County General Authority
Erie County Convention Center Authority
Erie County Community Services Financing Authority

(b) **Boards**

Agricultural Preservation Board
Office of Children and Youth Advisory Board
Erie County Board of Election and Registration Commission
Erie County Board of Health
Erie County Board of Tax Assessment Appeals
Erie County Public Library Advisory Board
Erie County Mental Health/Intellectual Disabilities Board
Erie County Retirement Board
Erie County Drug and Alcohol Advisory Board

Erie County Agricultural Land Preservation Board
Erie County Public Safety Advisory Committee
Pleasant Ridge Manor Board
Erie County Land Bank Board

(c) **Commissions**

Erie County Conservation District and Commission
Erie County Planning Commission
Human Relations Commission of Erie County

(d) **Other Organizations**

Councils:
Solid Waste Management Council
Erie County Land Bank

B. **Corporations**

1. **Formation**

Any corporation formed under the County is subject to Article II, Section 3(C), of the Charter and must operate in accordance with the Charter, Administrative Code, and laws of County, State and federal government and serve the best interest of Erie County.

Erie County Care Management, Inc.
Articles of Incorporation

Entity #: 842495
Date Filed: 05/23/2006
Pedro A. Cortés
Secretary of the Commonwealth

1. Erie County Care Management, Inc.
Articles of Incorporation

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Articles of Incorporation – Nonprofit
(15 Pa.C.S.)

[X] Domestic Nonprofit Corporation (§5306)

[ ] Nonprofit Cooperative Corporation (§7102B)

Name		
Thomas A. Tupitza		
Address		
120 West Tenth Street		
City	State	Zip Code
Erie	PA	16501

Document will be returned to the name and address you enter to the left.
⇐

Commonwealth of Pennsylvania
ARTICLES OF INCORPORATION-NON-PROFIT 4 Page(s)

Fee: $125

T0615060025

In compliance with the requirements of the applicable provisions (relating articles of incorporation or cooperative corporations generally), the undersigned, desiring to incorporate a nonprofit/nonprofit cooperation corporation, hereby state(s) that:

1. The name of the corporation is:
Erie County Care Management, Inc.

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and Street	City	State	Zip	County
154 West 9th Street	Erie	PA	16501	Erie

(b) Name of Commercial Registered Office Provider County
%:

3. The corporation is incorporated under the Nonprofit Corporation Law of 1988 for the following purpose or purposes.
See paragraph 3 of Exhibit "A" attached hereto and incorporated herein.

4. The corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

2006 MAY 23 PM 1:38
PA DEPT OF STATE

DSCB:15-5306-7102B-2

5. *Check one of the following:*

X The corporation is organized on a non-stock basis.

____ *Option for Nonprofit Cooperative Corporation Only:* The corporation is organized on a stock share basis.

6. *For Nonprofit Corporation Only:*

(Strike out if inapplicable): The corporation shall have no members.

(Strike out if inapplicable): ~~The incorporators constitute a majority of the members of the committee authorized to incorporate: _____ by the requisite vote required by the organic law of the association for the amendment of such organic law.~~

7. *For Nonprofit Cooperative Corporation Only:*

Complete and strike out the inapplicable term: The corporation is a cooperative corporation and the common bond of membership among its (members) (shareholders) is: _____.

8. The name(s) and address(es) of each incorporator(s)(s) is (are) (*all incorporators must sign below*):

Names(s)	Address(es)
Charles R. Barber	154 West 9th Street, Erie, PA 16501
Mary E. Kwiatkowski	154 West 9th Street, Erie, PA 16501

9. The specified effective date, if any, is:

month day year hour, if any

10. Additional provisions of the articles, if any, attach an 8 ½ x 11 sheet.

IN TESTIMONY WHEREOF, the incorporator(s) (has/have) signed these Articles of Incorporation this 22nd day of May, 2006.

Charles R. Barber

Charles R. Barber

Mary E. Kwiatkowski

Mary E. Kwiatkowski

Signature

672402

EXHIBIT "A"

Attachment to Articles of Incorporation – Nonprofit

Name of Corporation: **ERIE COUNTY CARE MANAGEMENT, INC.**

3. The corporation is incorporated under the Nonprofit Corporation Law of 1988, as amended, for the following purposes:

   a. to provide or enable the provision of behavioral health managed care in and for the County of Erie, Pennsylvania; and

   b. to perform other human services functions; and

   c. to engage in any and all activities consistent with and in furtherance of the above purposes; and

   d. for any other exclusively charitable, religious, educational, or scientific purposes, including, for such purposes, the making or receiving of distributions to or from organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code (the "Code").

10. No part of the earnings of this corporation shall inure to the benefit of any director, trustee or officer of this corporation or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes); and no such person shall be entitled to share in the distribution of any of the corporate assets of this corporation upon dissolution.

11. This corporation shall not engage in any act which would not be permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(3) of the Code, or by a corporation, contributions to which are deductible under Section 170(c)(2) or Section 501(c)(3) of the Code. No substantial part of the activities of the corporation shall be devoted to attempting to influence legislation, by propaganda or otherwise, nor shall the corporation participate or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

12. Upon dissolution of this corporation, its remaining assets shall be distributed to the County of Erie, Pennsylvania, provided that the County of Erie, Pennsylvania then qualifies as a recipient of the assets of an exempt organization under Section 501(c)(3) of the Code; otherwise to such organizations or corporations organized and operated exclusively for charitable, religious, scientific or educational purposes as shall at that time qualify as exempt organizations under Section 501(c)(3) of the Code, as the Board of Directors of the corporation shall determine; or, absent a determination by the Board of Directors, as shall be determined by the court of competent jurisdiction in the county in which the principal office of the corporation is then located.

13. This corporation shall not discriminate on the basis of gender, race, color, or national or ethnic origin. All rights, privileges, programs and activities generally accorded or made available to beneficiaries shall be administered in a non-discriminatory fashion.

672402

a. **Erie County Care Management, Inc.**

The corporation is incorporated under the Nonprofit Corporation Law of 1988, as amended, for the following purposes:

(i) To provide behavioral health care services on behalf of the County of Erie, Pennsylvania;
(ii) To perform other human services functions; and
(iii) To engage in any and all activities and decision making responsibilities consistent with and in furtherance of the above purposes.

(a) **Director of Human Services/Erie County**

The Director of Human Services of Erie County shall provide to the County Executive and County Council an annual report and such interim reports as the Director may deem necessary or the County Executive or County Council may require concerning the affairs of ECCM, Inc.

(b) **Directors**

Subject to any limitations set forth elsewhere in the Bylaws of the Articles of Incorporation, the affairs of the Corporation shall be conducted under the governance, oversight and authority of a Board of Directors.

(c) **The Board of Directors of the Corporation**

The Board of Directors of the Corporation shall be composed of eleven (11) members. Two (2) members of the Board shall serve "ex officio," as non-voting members and shall consist of the County Executive, or his/her designee, and the Chairman of County Council, or his/her designee. Nine (9) members of the Board shall be appointed and removed by the County Executive with the advice and consent of County Council in accordance with Article 3 Section 5(L) of the Home Rule Charter. Board membership shall reflect Countywide district representation with one (1) member appointed from each of the seven (7) Council districts. County Council and the County Executive are encouraged to appoint at least one (1) member who is a consumer of Behavioral Health Services and at least one (1) member who is a family member of consumer of Behavioral Health Service. No Board member shall serve who himself or his spouse is a client of the Board's solicitor or the office of the Board's solicitor. No County employee shall be eligible to serve as a voting member of the Board. Except where otherwise noted in this section, no county employee shall serve as an ex officio member of the Board after February 2, 2011.

Each Board member shall hold office for a term of four (4) years or until his or her earlier death, resignation or removal; except members initially appointed shall draw lots to determine which four (4) members shall serve for a term of four (4) years, which three (3) members shall serve for a term of three (3) years and which two (2) members shall serve for a term of two (2) years. Appointed Board members, including members initially appointed for a term of less than four (4) years shall serve for no more than two (2) terms.

(d) **Organization**

The Corporation shall organize within the first ten (10) days of the calendar year each and every year. At such organizational meeting, the Directors of the Corporation shall elect from its membership, a Chairman and a Vice-Chairman. The Chairman, or in the absence of the Chairman, the Vice-Chairman, shall preside and vote at all meetings of the Corporation. The members of the Board of Directors shall elect/appoint a Chief Administrative Officer and such other officers as the membership deems necessary and appropriate to the conduct of the Corporation's business.

(e) **Chief Administrative Officer**

The Chief Administrative Officer of the Corporation shall be appointed by the Board of Directors of the Corporation for a term of four (4) years. The Chief Administrative Officer shall be responsible for managing the affairs of the Corporation subject, however, to the oversight of the Board of Directors. The Chief Administrative Officer may sign, execute and acknowledge, in the name of the Corporation, bonds, contracts, documents and instruments when and if so authorized to do so by the Board of Directors, and shall have such additional powers and responsibility as may be assigned from time to time by the Board of Directors.

(f) **Resignations**

Any member of the Board of Directors of the Corporation may resign at any time by giving written notice to the Board of Directors, the County Executive of Erie County and the Chairman of County Council. Such resignation shall take effect on the date of the receipt of such notice or at any later time specified therein and, unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective.

(g) **Vacancies**

Vacancies in the Board of Directors caused by the death, resignation, disqualification, or removal of any appointed Director shall be filled through appointment by the County Executive with the advice and consent of County Council.

Directors chosen to fill vacancies shall serve for the unexpired portion of the term of the Director he or she replaces and until his or her successor is appointed or elected and takes office.

(h) **Removal of Directors**

(i) By the County Executive. The County Executive may remove Directors pursuant to Article III, Section 5(L) of the Home Rule Charter. The County Executive shall so notify in writing the affected Director and the Corporation's Secretary.

(ii) By the Board. The Board of Directors, by a majority vote of all other Directors, may declare vacant the office of a Director who is declared of unsound mind by an order of court or is convicted of a "crimen falsie" crime or a felony or for other cause. "Other cause" shall mean any action or inaction which, in the reasonable discretion of the Board materially and adversely affects or may affect the reputation or operations of the Corporation.

(i) **Authority of the County of Erie/County Executive and County Council**

The County of Erie/the County Executive and County Council shall have the following rights and powers with respect to the corporation:

(i) To appoint Directors of the Corporation pursuant to Article III, Section 5(L) of the Home Rule Charter, the Administrative Code and Section 4.2 of the Bylaws of the Corporation and to remove any such directors for cause, pursuant to Article III, Section 5(L) of the Home Rule Charter, the Administrative Code and Section 4.9(a) of the Bylaws;

(ii) To establish, adopt, approve or reject the Bylaws of the Corporation, including any proposed amendments to the Bylaws of the Corporation;

(iii) To establish, adopt, file, approve or reject the Articles of Incorporation of the Corporation, including any proposed amendments to the Articles of Incorporation, any proposed merger, consolidation, division, spin-off or sale of substantially all of the assets of the Corporation, the dissolution, bankruptcy or liquidation of the Corporation;

(iv) To approve, increase, decrease, or modify the Corporation's budget by December 1, for the next calendar year beginning January 1 and ending December 31, for the first and each and every calendar year thereafter;

(v) To receive monthly financial statements of the Corporation;

(vii) To approve, reject or modify any HealthChoices Agreement entered into or to be entered into between the Department of Human Services, the County of Erie and the Corporation;

(viii) To approve, reject or modify any Managed Care Agreement entered into or to be entered into between any Managed Care Organization, the County of Erie and the Corporation;

(ix) To approve, reject or modify any Agreement entered into or to be entered into between the Corporation and any third party, including without limitation, third party clients of the Corporation;

(x) To approve and assume the Corporation's indebtedness subject to the contractual obligations of the Department of Human Services and the Managed Care Organization;

(xi) To approve and assume any corporation budget deficit subject to the contractual obligations of the Department of Human Services and the Managed Care Organization; and

(xii) Upon dissolution and winding up of the Corporation, all assets and liabilities of the Corporation shall devolve to the County of Erie.

C. **County Membership in Other Organizations and Associations**

Erie County government membership in external organizations and associations shall be submitted either by the County Executive or County Council for approval by County Council. Membership representation and action of a County representative in such organization shall be in accordance with and subject to the Home Rule Charter, the Administrative Code, and all applicable laws and regulations, and in the best interest of Erie County government.

D. **Organization and Function of Each Authority, Board, Commission, Corporation, and Other County Organizations**

1. **Authorities**

a. Erie County Hospital Authority

(i) **Function of the Authority**

The function of the Erie County Hospital Authority shall be to acquire, hold, construct, improve, maintain, operate, own, and lease, either in the capacity of lessor or lessee, health center facilities and all buildings, equipment, and facilities related thereto at any location or locations within the County of Erie.

(ii) **Membership and Term**

(a) The Erie County Hospital Authority shall consist of seven (7) members appointed by the County Executive in accordance with 5(A)(1) of this section and confirmed by the County Council of the County of Erie, Pennsylvania.

(b) Members of the Authority must be citizens residing within the County.

(c) The term of office shall be five (5) years, except that two of the members who are first appointed shall serve for a term of one (1) year, two of whom shall serve two (2) years, one who shall serve three (3) years, one who shall serve four (4) years, and one who shall serve five (5) years, from the date of their appointment, as shall be specified at the time of their appointment. A member shall hold office until his successor has been appointed.

(d) A member shall receive no compensation for services, but shall be entitled to the necessary expenses incurred in the discharge of duties.

(e) The Board shall have one representative nominated by each of the following five (5) hospitals licensed and operating in Erie County, namely:

Corry Memorial Hospital
UPMC Hamot
Millcreek Community Hospital
St. Vincent Health Center
Veterans Affairs Medical Center

One member shall be appointed at large and not as a representative of any of the above hospitals. Said member shall not be a member of the governing board of any of the above hospitals.

(iii) **Organization of the Authority**

(a) The chairman of the Authority shall be the member appointed at large. Other officers shall be vice-chairman, secretary,

treasurer, assistant treasurer, assistant secretary, and such other subordinate officers as may from time to time be appointed by the Board.

(b) The Authority shall establish its own by-laws, consistent with the Municipality Authorities Law, 1945, May 2, P.L. 283, as amended.

(iv) **Powers of the Authority**

The powers of the Authority shall be as provided in the Municipality Authorities Law, 1945, May 2, P.L. 283, as amended.

b. Erie County Housing Authority

(i) **Function of the Authority**

The function of the Erie County Housing Authority shall be to promote the health and welfare of the inhabitants of Erie County by providing safe, decent, and sanitary housing.

(ii) **Membership and Term**

(a) The Erie County Housing Authority shall consist of five (5) members who shall be appointed by the County Executive with the advice and consent of County Council.

(b) Members of the Authority must be citizens residing within the County;

(c) The term of office shall be five years, except that the members who are first appointed shall serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment, as shall be specified at the time of their appointment. A member shall hold office until his successor has been appointed.

(d) A member shall receive no compensation for services, but she/he shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties;

(e) No more than two persons holding any other paid public office shall be members of the same housing authority at the same time.

(iii) **Organization of the Authority**

(a) The members of the Authority shall select from among themselves a chairman and a vice-chairman.

(b) The Authority may employ persons in those positions allowable under the Housing Authorities Law, 1937, May 28, P.L. 955, as amended.

(c) The Authority shall establish its own by-laws consistent with the Housing Authorities Law, 1938, May 28, P.L. 955, as amended.

(iv) **Conflict of Interest**

(a) There will be deemed to be a conflict of interest if any member or employee of the Authority shall acquire any interest, direct or indirect, in any housing project, or in any property included or planned to be included in any project or have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project.

(b) If any such conflicts of interest exist, the member or employee shall immediately disclose the same in writing to the Authority, to the County Executive, and to the County Council, and such disclosure shall be entered in writing upon the minute books of the Authority.

(c) Failure to disclose such interest shall constitute misconduct in office, and shall be subject to the proceedings as stipulated in the Housing Authorities Law, 1937, May 28, P.L. 955, as amended.

(d) Any obligee of the Authority may file with the County Executive or with the Department of Community Affairs written charges that the Authority, or any member or employee of the Authority, is violating the provisions of the conflict of interest or any other law of the Commonwealth.

(v) **Powers of the Authority**

The powers of the Authority shall be as provided in the Housing Authorities Law, 1937, May 28, P.L. 955, as amended.

(vi) **Procedures for Contracting of Services and Materials and for Issuing of Bonds**

(a) The procedures for the contracting of services and materials and for the issuing of bonds shall be as set forth in the Housing Authorities Law, 1937, May 28, P.L. 955, as amended.

(b) It is recommended the Authority adhere to the procedures established by the County of Erie relating to the purchasing of materials and services and the procedures for the issuance of bonds, when these do not conflict with the Housing Authority Law, 1937, P.L. 955, as amended.

(vii) **Tax Exemption and Payments in Lieu of Taxes**

The property of the Authority shall be exempt from all taxes and special assessments except as specified otherwise in the Housing Authorities Law, 1937, May 28, P.L. 955, as amended.

(viii) **Reports**

The Erie County Housing Authority shall file the following reports:

(a) All reports required by the Housing Authorities Law, 1937, May 28, P.L. 955, as amended, to be filed with the Department of Community Affairs;

(b) An annual report of the Authority activities for the preceding year to be sent to the County Executive and to the County Council;

(c) A report of any planning project for the County of Erie to be sent to the County Executive and to the County Council.

(ix) **Dissolution of the Authority**

The Erie County Housing Authority can be dissolved according to the restrictions and procedures set forth in the Housing Authorities Law, 1937, P.L. 955, as amended.

c. Erie County Industrial Development Authority

(i) Function of the Authority

The function of the Erie County Industrial Development Authority shall be to encourage industrial and commercial development within Erie County and the creation of new jobs, in accordance with the principles and policies enunciated in the Industrial and Commercial Development Authority Law, Act of August 23, 1967, P.L. 251 (73 P.S. §371, et sq.), as amended.

(ii) Membership and Term

(a) The Erie County Industrial Development Authority shall consist of nine (9) members, one resident from each of the seven Council districts, and two (2) at large members who shall be appointed by the County Executive in accordance with Article II, Section 5(A)(1) of this Code, with the advice and consent of County Council.

(b) Members of the Authority must be citizens residing within the County.

(c) Members shall serve a term of five years. A member shall hold office until his successor has been appointed and confirmed.

(d) Members may be removed in accordance with Article III, Section 5(L) of the Home Rule Charter.

(e) A member shall receive no compensation for services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties.

(iii) Organization of Authority

(a) The members of the Authority shall select from among themselves such officers as are authorized in their bylaws.

(b) The Authority may employ such persons, or agree with such third parties, as are necessary to carry out the duties of the Authority and as funds are available.

(c) The Authority shall establish its own bylaws consistent with the Industrial and Commercial Development Authority Law, Act of Aug. 23, 1967, P.L. 261 (73 P.S. §371, et seq.), as amended.

(d) The Authority may adopt rules of procedure jointly with the County Executive governing the process of County Executive approval of projects in accordance with applicable law.

(iv) **Conflict of Interest**

The members of the Authority, its employees, and agents shall, as a condition of their appointment or employment, comply with Article VI of this Administrative Code relating to conflicts of interest.

(v) **Powers of the Authority**

The powers of the Authority shall be as provided in the Industrial and Commercial Development Authority Law, Act of Aug. 23, 1967, P.L. 251 (73 P.S. §371, et seq.), as amended.

(vi) **Standards for Approval of Industrial Development Project**

The Authority shall adopt and abide by a concise statement of standards governing its approval or denial of any project application. Such standards shall be available for inspection by any project applicant or member of the public.

(vii) **Form and Sale of Bonds**

The form and sale of bonds shall be as provided in the Industrial and Commercial Development Authority Law, Act of Aug. 23, 1967, P.L. 251 (73 P.S. §371, et seq.), as amended. In no case shall the Authority have the power to pledge the taxing power or credit of the County to the retirement of any bonds issued by the Authority.

(viii) **Reports**

The Authority shall make an annual report of its activities for the preceding year to the County Executive and to the County Council.

d. Redevelopment Authority of the County of Erie

(i) **Function of the Authority**

The function of the Redevelopment Authority of the County of Erie shall be to effect the elimination of blighted areas through

economically and socially sound redevelopment of such areas in conformity with the County Land Use Plan and thereby encouraging the provision of healthful homes, a decent living environment, and adequate places for employment of the people of Erie County.

(ii) **Membership and Term**

(a) The Redevelopment Authority of Erie County shall consist of five (5) members who shall be appointed by the County Executive with the advice and consent of County Council.

(b) Members of the Authority must be citizens residing within the County.

(c) The term of office shall be five years except that the members who are first appointed shall serve for terms of one, two, three, four, and five years, respectively, from the date of their appointment, as shall be specified at the time of their appointment. A member shall hold office until his successor has been appointed.

(d) A member shall receive no compensation for services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of duties.

(iii) **Organization of the Authority**

(a) The members of the Authority shall select from among themselves a chairman and a vice-chairman.

(b) The Authority may employ persons in those positions allowable under the Urban Redevelopment Law 1945, May 24, P.L. 991, as amended.

(c) The Authority shall establish its own bylaws consistent with the Urban Redevelopment Law 1945, May 24, P.L. 991, as amended.

(iv) **Conflict of Interest**

(a) There will be deemed to be a conflict of interest if any member or employee of the Authority shall acquire any interest, direct or indirect, in any redevelopment project or in any property included, or planned to be included, in any redevelopment area, or in any area which a member or employee may have reason to believe may be certified to be a redevelopment area. There also

will be deemed to be a conflict of interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by the Authority, or in any contract with a redeveloper or prospective redeveloper relating directly or indirectly to any redevelopment project.

(b) The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office.

(c) If any member or employee of an Authority shall already own or control any interest, direct or indirect, in any property later included, or planned to be included, in any redevelopment project under the jurisdiction of the Authority, or has any such interest in any contract for material or services to be furnished or used in connection with any development project, the member or employee shall disclose the same in writing upon the minute books of the Authority. Failure to disclose such interest shall constitute misconduct in office.

(v) **Powers of the Authority**

The powers of the Authority shall be as provided in the Urban Redevelopment Law 1945, May 24, P.L. 991, as amended.

(vi) **Preparation and Adoption of Redevelopment Proposal**

(a) The Authority shall prepare a redevelopment proposal for all or part of any area certified by the Erie County Metropolitan Planning Commission to be a redevelopment area and for which the Planning Commission has made a redevelopment plan.

(b) The Planning Commission's certification of a redevelopment area shall be made in conformance with the Erie County Land Use Plan.

(c) The Planning Commission's redevelopment area plan shall include those areas specified in the Urban Redevelopment Law 1945, May 24, P.L. 991, as amended.

(d) Upon completion of the preparation of a redevelopment proposal, the Authority shall submit the proposal to the Erie County Planning Commission for review. The Planning Commission shall, within forty-five days, certify to the County Executive and to the County Council its recommendation on the redevelopment proposal, either approval, rejection, or modification, and in the latter event, specify the changes recommended.

(e) Upon receipt of the Planning Commission's recommendation, or at the expiration of forty-five days, if no recommendation is made by the Planning Commission, the Authority shall submit to the County Council and to the County Executive and to the municipality in which the project is to be located, the redevelopment proposal with the recommendation, if any, of the Planning Commission thereon.

(f) The County Council and the municipality in which the project is to be located, upon receipt of the redevelopment proposal and the recommendation, if any, of the Planning Commission, shall hold a joint public hearing upon said proposal. Notice of the time, place, and purpose of such hearing shall be published at least once each week for three consecutive weeks in a newspaper of general circulation in Erie County, the time of the hearing to be at least ten days from the last publication of notice. The notice shall describe that portion of the redevelopment area affected by the proposal by boundaries and by city block, street, and house number. The redevelopment proposal with such maps, plans, contracts, or other documents as form part of said proposal, together with the recommendations, if any, of the Planning Commission and supporting data shall be prior to the hearing. At the hearing, the County Council and the municipality in which the project is to be located shall afford an opportunity to all persons or agencies interested to be heard and shall receive, make known, and consider recommendations in writing with reference to the redevelopment proposals.

(g) The County Council and County Executive and the municipality in which the project is to be located shall approve or reject the redevelopment proposal as submitted. Neither the County of Erie nor the municipality in which the project is to be located shall approve a redevelopment proposal unless it is satisfied that adequate provisions will be made to rehouse displaced families, if any, without undue hardship.

(h) The redevelopment proposal may contain the form of the redevelopment contract with the developer selected. Upon approval by the County of Erie and the municipality in which the project is to be located, the Authority is authorized to execute the said redevelopment contract.

If the proposal does not contain the form of the redevelopment contract with the redeveloper selected, the Authority shall not execute a redevelopment contract with a redeveloper thereafter selected, until the said redevelopment contract shall have been approved by the municipality in which it is to be located and is found to be in substantial conformity with the proposal therefore approved by the County of Erie and the municipality in which the project is to be located.

(i) The municipality in which the project is to be located by formal cooperation agreement with the Redevelopment Authority shall:

Assume responsibility for any local share;
Assume responsibility for ineligible
expenses.

(vii) **Provisions of the Redevelopment Contract**

The contract between the Authority and a redeveloper shall contain those provisions as specified in the Urban Redevelopment Law 1945, May 24, P.L. 991, as amended.

(viii) **Form and Sale of Bonds**

The form and sale of bonds shall be as provided in the Urban Redevelopment Law 1945, May 24, P.L. 991, as amended, and as provided in the Administrative Code County of Erie.

(ix) **Reports**

The Redevelopment Authority of Erie County shall file the following reports:

(a) All reports required by the Urban Redevelopment Law 1945, May 24, P.L. 991, as amended, to be filed with the Department of Community Affairs;

(b) An annual report of the Authority's activities for the preceding year to be sent to the County Executive and to the County Council.

e. Erie County Metropolitan Transit Authority

(i) **Function of the Authority**

The Erie Metropolitan Transit Authority was established to develop, operate and maintain a regional mass transportation system, to provide transportation services to the public throughout Erie County and, to such end, to acquire, improve and maintain real estate, equipment and such other assets necessary to the operation of a regional mass transportation system.

(ii) **Membership and Term**

(a) The Erie Metropolitan Transit Authority

Board of Directors shall consist of nine (9) members, five (5) of whom are appointed by the City of Erie, and four (4) appointed by the County Erie;

(b) The County appointments to the Authority shall be made by the County Executive in accordance with Article III, Section 5L of the Home Rule Charter;

(c) The County appointments shall be made From County Council Districts located outside the City of Erie, namely, County Council Districts 1, 5, 6, and 7;

(d) The term of office shall be five (5) years.

(iii) **Term of Existence**

The term of existence of the Authority shall be ten (10) years, beginning January 1, 2017 and ending December 31, 2026.

(iv) **City/County Funding**

The County of Erie shall be responsible for forty-five (45%) percent of the local match required to fund the operations of the Authority, while the City of Erie shall be responsible for fifty-five (55%) percent of the local match required to fund the operations of the Authority.

(v) **Officers of the Board**

At least one Board member appointed by the County of Erie and one Board member appointed by the City of Erie shall serve as officers on the Authority's Board at all times.

(vi) **Powers of the Authority**

The powers of the Authority shall be as provided and limited by the Municipality Authorities Act, as amended, Act of 2000, June 19, P.L. 287, No. 22, Section 1(Pa.C.S.A. §5604).

f. Erie County Gaming Revenue Authority

(i) **Function of the Authority**

The function of the Erie County Gaming Revenue Authority is to administer municipal grants of State gaming revenue received of the County pursuant to the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. Section 1101 et seq.) and, at the end of its fiscal year, to receive and manage "uncommitted" state gaming revenue received of the County pursuant to the Economic Development Financing Law (73 P.S. Section 371 et seq.).

(ii) **Membership and Term**

(a) The Erie County Gaming Revenue Authority shall consist of nine (9) members, one resident from each of the seven (7) Council districts who shall be appointed by the County Executive in accordance with Article II, Section 5(A)(1) of this code, and Article III, Section 5(L) of the Erie County Home Rule Charter, with the advice and consent of County Council. In addition, the chairman of County Council and the County Executive or his or her designee shall serve as non-voting ex-officio members.

(b) Members of the Authority must be citizens residing within the County.

(c) The seven (7) members from the Council districts shall serve a term of five (5) years and shall hold office until a successor who has been appointed and confirmed in accordance with subparagraph (a) above.

(d) The seven (7) members from the Council districts may be removed in accordance with Article III, Section 5.l. of the Home Rule Charter.

(e) A member shall receive no compensation for services, but shall be entitled to the necessary expenses, including travel expenses incurred in the discharge of duties.

(iii) **Organization of Authority**

(a) The Authority shall organize within the first ten (10) days of April of each year. The Authority, at such organization meeting, shall elect from its membership, a Chairman and a Vice Chairman. The Chairman, or in the absence of the Chairman, the Vice Chairman shall preside and vote at all meetings of the Authority. The members of the Authority shall elect from its membership such other officers as the membership deems necessary and appropriate to the conduct of Authority business.

(b) The Authority may employ or retain such persons as the membership of the Authority deems necessary and appropriate to the conduct of Authority business.

(c) The Authority shall establish its own bylaws consistent with the Economic Development Financing Law, Act of August 23, 1967 P.L. 251, as amended, 73P.S. §371, et seq.

(iv) **Conflict of Interest**

The members of the Authority, its employees, and agents shall, as a condition of their appointment or employment, comply with the conflict of interest provisions of the Economic Development Financing Law and Article VI of this Administrative Code.

(v) **Powers and Legal Responsibilities of the Authority**

The powers and legal responsibilities of the Authority are derived from the Economic Development Financing Law, Act of August 23, 1967 P.L. 251, as amended, (73 P.S. §371, et seq.) subject to the limitations and responsibilities imposed under the Pennsylvania Race Horse Development and Gaming Act, Act of July 5, 2004 P.L. 572, as amended (4 Pa.C.S.A. §1101, et seq.). Specifically, the powers of the Authority shall be as follows:

(a) **Municipal Grants**

(i) All municipal grants awarded by the Erie County Gaming Revenue Authority shall be used to fund the costs of human services, infrastructure improvements, facilities, emergency services, or health and public safety expenses associated solely with the operation of Presque Isle Downs and Casino, in accordance with the Act of July 5, 2004, P.L. 572, as amended, (4 Pa. C.S.A. §1403(c)(2)(v)).

(ii) All municipal grants awarded by the Erie County Gaming Revenue Authority shall be limited to applications submitted by Erie County, Summit Township, the municipalities contiguous to Summit Township, the public authorities of the aforementioned municipalities and non-profit co-applicant of the aforementioned municipalities

(iii) All municipal grants awarded shall be used to fund grant applications submitted to the Authority on or before December 1st of each and every year.

(iv) All municipal grants awarded for applications submitted to the Authority on or before December 1st of each and every year shall be awarded not later than March 1 of the following year.

(v) Municipal grants so awarded by the Erie County Gaming Revenue Authority shall be considered "committed funds" and, upon certification in writing to County Council and the County of Erie, shall be paid to

the Erie County Gaming Revenue Authority for distribution to the municipal grantee subject to the terms and conditions of the award.

(b) **Uncommitted Funds**

(i) If at the end of the Authority's fiscal year uncommitted funds exist, the county shall pay to the Erie County Gaming Revenue Authority the uncommitted funds in accordance with §1403(c)(2)(v) of the Pennsylvania Race Horse Development and Gaming Act.

(ii) Uncommitted funds shall be managed, invested and distributed by the Erie County Gaming Revenue Authority in accordance with the Economic Development Financing Law, 73 P.S., Section 371, et seq.

(iii) The Authority shall adopt and abide by a concise statement of standards governing its approval or denial of any project application. Such standards shall be available for inspection by any project applicant or member of the public.

(iv) The form and sale of bonds shall be as provided in the Economic Development Financing Law (73 P.S. Section 371 et seq., as amended. Unless otherwise agreed by the County, the Authority shall have no power to pledge the taxing power or credit of the County to the retirement of any bonds issued by the Authority.

(vi) **Annual Report**

The Authority shall make an annual report of its activities for the preceding year and submit the same to the County Executive and County Council not later than May 15 of each year.

(vii) **Fiscal Year**

The fiscal year of the Authority shall be April 1st through March 31st.

g. Erie County General Authority

(i) Function of the Authority

The function of the Erie County General Authority shall be for the purpose of financing working capital and of acquiring, holding, constructing, financing, improving, maintaining and operating, owning and leasing, either in the capacity of lessor or lessee, projects of the kind and character described in Section 306 of the Pennsylvania Municipality Authorities Act, as amended. Each project of the Authority shall be conditioned upon approval by the County Council of Erie County, Pennsylvania.

(ii) Membership and Term

(a) The property and business of the Authority shall be managed and controlled by a Board of Directors of the Authority composed of five (5) persons, all of whom shall be residents of the County of Erie, Pennsylvania.

(b) Each member shall be appointed by the County Executive of Erie County subject to the approval by the Erie County Council. Vacancies in the office of any member shall be filled by appointment by the County Executive of Erie County subject to the approval of Erie County Council.

(c) As each of said terms shall expire the County Executive shall, at a meeting held not later than (1) month prior to January 1 in each of said year in which such a vacancy occurs appoint, pursuant to the procedures set forth in (a) and (b) above, as a member to the Board a citizen of said county for a term of five (5) years to succeed the member whose term expires on the January 1 next succeeding as may otherwise be provided by law.

(iii) Powers of the Authority

The powers of the Authority shall be as provided in the Municipal Authorities Law, as amended.

h. Erie County Convention Center Authority

(i) Function of the Authority

The function of the Erie County Convention Authority (ECCCA) shall be to provide world class convention facilities and

entertainment venues presenting diverse performing arts and sporting events for county and regional residents and their visiting families and friends, meeting and convention visitors, travelers and vacationers.

(ii) **Membership and Term**

(a) The Erie County Convention Center Authority shall be composed of nine (9) members. The Mayor of the City of Erie, with the advice and consent of City Council, shall appoint three (3) members. The terms of the first three members appointed shall be allocated among them for a 2 year, 3 year, and 4 year term respectively. The County Executive, with the advice and consent of County Council, shall appoint four (4) members. The terms of the first four members appointed shall be allocated among them for a 1 year, 2, year, 3 year, and 4 year term, respectively. Two (2) members shall be appointed by the Governor of Pennsylvania with the advice and consent of a majority of the members of the Senate. The term of office of these members shall be four years.

(b) Except as otherwise provided, members shall serve a four (4) year term from the date of their appointment and until their successors have been appointed and qualified. If a vacancy shall occur by means of the death, disqualification, resignation or removal of a member, the appointing authority shall appoint a successor to fill the unexpired term.

(iii) **Powers of the Authority**

The powers of the Authority shall be as provided in the Third Class County Convention Center Authority Act, (Alternative Provision) 16 P.S. §2399.51 et seq., the City of Erie, Pennsylvania Ordinance No. 22-2000 and the County of Erie, Pennsylvania Ordinance No. 46-2000, creating said Authority.

(iv) **Hotel Room Rental Tax**

(a) The excise tax shall be collected by the hotel/motel operator from the patron of the room and paid over to the County and shall be known as the Hotel Room Rental Tax. For purposes of defraying the cost of collecting the tax imposed, the County is hereby authorized to deduct and retain an administrative fee from the taxes collected, not to exceed in any tax year the lesser of two (2%) percent of all taxes collected or Forty thousand ($40,000.00) Dollars, to be adjusted biannually by the percentage growth in the Consumer Price Index for all Urban Consumers as determined by the United States Department of Labor.

(b) The revenues received by the County from the excise tax imposed hereunder shall be distributed as follows:

(i) Revenues attributable to the levy of the first five (5%) percent of the tax shall be distributed as follows:

(ii) Eighty (80%) percent shall be deposited within two (2) working days in a special fund for the use of the Erie County Convention Center Authority for Authority purposes.

(iii) Twenty (20%) percent shall be deposited within two (2) working days in a tourist promotion agency fund for the use of the Tourist Agency designated by the County for Tourist Agency purposes.

(iv) Revenues from the special fund attributable to the levy of the remaining two (2%) percent of the tax shall be deposited in the Tourist Promotion Agency Fund for the use of the Tourist Agency designated by the County for Tourist Agency purposes. The Tourist Promotion Agency shall be eligible for grants from the Department of Community and Economic Development pursuant to the Act of July 4, 2008 P.L. 621, No. 50, the Tourism Promotion Act.

(v) VisitErie shall provide quarterly written reports, as to the phases, execution of these plans, and all related expenses, to County Council and the County Executive.

(vi) An annual audit will be provided to County Council that details all hotel/motel tax revenues received by VisitErie.

(vii) Prior to the start of their fiscal year, VisitErie will meet with Council at a finance meeting to review their Annual Report and audit.

i. <u>Erie County Community Services Financing Authority</u>

(i) **<u>Function of the Authority</u>**

The function of the Erie County Community Services Financing Authority shall be for the purposes of financing working capital and of acquiring, holding, constructing, financing, improving, maintaining and operating, owning, or leasing, either in the capacity of lessor or lessee, projects of the kind and character described in Section 5607 of the Pennsylvania Municipality Authorities Act, as amended, which projects shall primarily benefit organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(ii) **Membership and Term**

(a) The property and business of the Authority shall be managed and controlled by a Board of Directors of the Authority composed of five (5) persons, all of whom shall be residents of the County of Erie, Pennsylvania.

(b) Each member shall be appointed by the County Executive of Erie County subject to approval by the Erie County Council. Vacancies in the office of any member shall be filled by appointment by the County Executive of Erie County subject to the approval by Erie County Council.

(c) As each of said terms shall expire, the County Executive shall, at a meeting held not later than one (1) month prior to January 1 in each of said year in which such a vacancy occurs, appoint, pursuant to the procedures set forth in (a) and (b) above, as a member to the Board a citizen of said county for a term of five (5) years to succeed the member whose term expires on the January 1 next succeeding as may otherwise be provided by law.

(iii) **Powers of the Authority**

The powers of the Authority, created pursuant to Ordinance Number 93, 2002, shall be as provided in the Municipal Authorities Act, Act of June 19, 2001, as amended and supplemented.

Boards

a. Office of Children and Youth Advisory Board

(i) **Function of the Advisory Board**

Pursuant to 55 Pennsylvania Code, Chapter 3130.22 and the Home Rule Charter, the Advisory Board to the Office of Children and Youth shall serve the following functions:

(a) The Advisory Board shall make recommendations on matters referred by the executive officers or the agency administrator and shall suggest policies for the agency's operation and development at the committee's own initiative;

(b) The Advisory Board shall advise the executive officers and the agency administrator on the development of the County Children and Youth Services Plan and Budget Estimate;

(c) The Advisory Board shall recommend to the Executive officers not less than two persons for the position of agency administrator. Such persons shall meet the standards of professional skill and experience as the Pennsylvania Department of Human Services and the County have established.

(d) The Advisory Board shall advise on agency implementation of recommended guidelines, policy changes or directives that result from county approved system reviews provided those guidelines, policy changes or directives have been approved by the County Executive.

(e) Receive written and verbal reports on a quarterly basis.

(f) Have the authority to request additional supporting documentation to clarify the status of implementation.

(g) Make a report of their independent review to the County Executive and County Council. The review should be completed without input from any administrative or agency employees unless requested by the Board.

(ii) **Composition of the Advisory Board**

The Advisory Board shall be composed of thirteen (13) members. The composition of the Board shall reflect countywide district representation with a minimum of one member from each of the seven (7) council districts. Council appointees shall reside in the district they represent. Council appointments shall be made by Council Members in their specific districts. The Board shall include two members appointed by the President Judge. The County Executive shall have four direct appointments to the Board.

No member shall be appointed or serve who is employed by or affiliated with a government agency or private corporation which provides services to the Office of Children and Youth and receives funds directly or indirectly from the Office of Children and Youth. Should a Board Member obtain a position with a government agency or private corporation which receives funds directly or indirectly from the Office of Children and Youth while serving, they shall tender their resignation. The County Executive and Director of the Office of Children and Youth shall serve as ex officio, nonvoting members.

(iii) **Term of Office**

Each member shall hold office for a term of four (4) years or until his or her earlier death, resignation or removal. Council appointee terms shall run concurrent with the term of their appointing member. Vacancies will be filled through appointment by the County Executive for the unexpired period with the advice and consent of County Council.

(iv) **Presiding Officers**

The first order of business of the Advisory Board shall be the election of a Chairman and Vice-Chairman. The Chairman of the Board, or in the absence of the Chairman, the Vice-Chairman of the Board shall preside at all meetings and perform such other duties as may from time to time be requested by the members of the Board.

(v) **Quorum of and Action by the Board**

A majority of members of the Board in office shall constitute a quorum necessary to transact business. Action by a majority of the members present and voting at a meeting at which a quorum is present shall constitute official action by the Board.

(vi) **Meetings**

A schedule of at least eight (8) meetings (including joint DHS Board Meetings) shall be established by the Chairperson in consultation with the Executive Director at the beginning of each fiscal year. Members must attend at least five (5) meetings per year at such place and time as the Board may designate. A member may be removed from the board if they fail to attend three consecutive meetings without cause. Notice will be given to the member and their appointee when two (2) consecutive meetings are missed. The Annual Meeting shall be held in April.

All meetings of the Advisory Board shall be open to the public as provided by law.

(vii) **Compensation**

The members of the Board shall serve without compensation except that a member may be reimbursed for reasonable expenses incurred which have been approved by the Executive Director.

(viii) **OCY Fund**

A fund is in existence to receive gifts and donations from the community. Funds shall be open to audit by the County of Erie and the State Auditor. All funds must be used for direct benefit of clients of the Office of Children and Youth. Such funds shall not offset the County or State financial responsibility to the funding of the Office of Children and Youth of Erie County.

b. Board of Elections

(i) **Function of the Board**

The Board of Elections and Department of Elections shall be responsible for the development of procedures and policy for the registration of electors in the County, shall promulgate regulations, and shall provide general supervision over all elections conducted by the County.

(ii) **Membership and Term**

(a) The Board shall consist of all members of the County Council. The term of each Board member shall run concurrently with his term as County Council member.

(b) The chairman and vice-chairman of the Board shall be elected annually at the Board's organization meeting in January.

(c) The Board shall contain representation by the minority party. In the event that there is no minority party representation on the County Council, the chairman shall appoint, from a list of three names submitted by the County chairman of the minority party, one qualified member of the minority party to serve as a member of the Board for a term of one year.

(d) Any member of the Board who is a candidate for an elective public office shall abstain from voting on Board action for the duration of his candidacy.

(e) If there are not three qualified voting members of the Board because of a candidacy as set forth in (d) above, or any Board vacancy caused by death, resignation, or forfeiture, the chairman shall appoint one, two, or three additional members to the Board to raise the total voting membership to three; provided, however, that only two of these three Board members shall be of the same political party.

(f) A majority of the members of the Board shall constitute a quorum except where at least three (3) members of the Board must

abstain from voting due to their candidacy for elective public office. Where, due to the candidacy of at least three (3) members of the Board, the voting membership of the Board has been reduced to four (4) or three (3) voting members, then, in the case of a four (4) member voting board, three (3) members of the board shall constitute a quorum and, in the case of a three (3) member voting board, two (2) members of the board shall constitute a quorum. The Board shall conduct business only in the presence of a quorum.

(iii) **Responsibilities of the Board**

The Board of Elections and Department of Elections shall have and exercise the power and duty to:

(a) Receive the return of votes and voting check lists from district election officers;

(b) Compute the return of votes and attest to the total votes returned;

(c) Review and certify the total registration of each election district in all elections and the total enrollment of each party for primaries, and investigate any discrepancies between the vote totals returned, the total registered, and/or the totals of voters voting;

(d) Resolve discrepancies in election returns;

(e) Sign and issue certificates of election;

(f) Hear objections filed regarding petitions and filings;

(g) Suspend the certification of an elected official when election results are appealed to the Court of Common Pleas;

(h) Observe and record the breaking of tie votes;

(i) Select polling places as recommended by the director of elections;

(j) Fix the compensation for rental of polling places;

(k) Determine the sufficiency of petitions and affidavits as to completeness — certify rejection or acceptance;

(l) Accept complaints alleging fraudulent election or registration practices and advise the County district attorney of any probable offenses;

(m) Order the correction of errors and irregularities in registration;

(n) Order the cancellation of improper registrations;

(o) Interrogate persons and investigate irregularities;

(p) Summon and examine witnesses;

(q) Issue subpoenas duces tecum, which are subpoenas to produce documents and other materials;

(r) Administer oaths;

(s) Order the investigation, inspection, and verification as to residency of persons registered;

(t) Prescribe times and places for registration;

(u) Approve the form of registration cards;

(v) Retain the locks for registration and record holders;

(w) Hear appeals from rejected registrations;

(x) Appoint watchers;

(y) Establish the form of the ballot and the candidate position on the ballot; and

(z) Promulgate regulations, procedures, and fees for the use of voting machines for persons for nonpublic elections.

(iv) **Responsibilities of the Clerk**

The County Clerk shall serve as the Clerk to the Board. The Clerk shall prepare Board agendas and shall insure that the policies set by the Board are implemented.

Unless a majority of the Erie County Board of Elections votes otherwise, the order of business for each regular Election Board meeting shall be as follows:

Call to Order
Roll Call
Hearing of the Public
Approval of Minutes of Previous Meeting
Reports
Old Business
New Business
Adjournment

(a) The Clerk shall prepare agendas for Election Board meetings to be held in the months of February, April, August, and December.

(b) The Clerk shall prepare agendas for special meetings called on demand by the chairman.

(c) The order of business for each special meeting shall be as follows:

Call to Order
Roll Call
Hearing of the Public
Approval of Minutes of the Previous Meeting
Reports of Election Officials
Unfinished Business
New Business
Adjournment

v. **Department of Elections**

(a) **Function of the Department**

The Department of Elections shall be responsible for implementing the procedure and policy for the registration of electors in the County; and provide direct supervision over and implement all regulations promulgated by the Board of Elections and Registration Commission for all elections conducted by the County.

(b) **Department Head**

The Department of Elections shall be headed by the County Clerk, who shall be designated the Clerk of Elections.

(c) **Responsibilities of the Department**

The Department of Elections shall have and exercise the powers and duties as prescribed by the Board of Elections and Registration Commission and by the County Executive, including the powers and duties to:

(i) Publish such notices as prescribed by the Board on the election law;

(ii) Send notices to persons, candidates, and parties as decided by the Board or election law;

(iii) Provide and arrange for sworn clerk to assist the Board of Elections in computing the return of votes;

(iv) Prepare and provide to the Board of Elections forms or resources for the pre-canvassing and canvassing and official computation;

(v) Arrange for a suitable place for the Board of Elections to receive and compute returns;

(vi) Prepare and distribute certificates of election;

(vii) Receive and review filing papers;

(viii) Receive, when applicable, fees required for filing of papers;

(ix) File copies of certified returns with the Secretary of the Commonwealth;

(x) Receive petitions for recount and notify appropriate officers;

(xi) Receive cash or bonds for recounts;

(xii) Notify petitioners and/or arrange for the return of deposits or the forfeiture of deposits;

(xiii) Identify suitable polling places and storage places and cost thereof and report the same to the Board;

(xiv) Prepare rental arrangements for polling places;

(xv) File accepted and rejected petitions;

(xvi) Notify petitioners whether Board rejected or accepted petitions or filings;

(xvii) Supervise the filing and maintenance of records and recording of the official acts of the Board;

(xviii) Arrange, order, and obtain sufficient ballots for in-person or mail-in/absentee voting;

(xix) Prepare and propose budget for election activities;

(xx) Prepare and submit a report of election activities;

(xxi) Prepare and publish the election notices and advertisements;

(xxii) Supervise the processing and distribution of Board communications;

(xxiii) Keep a record in permanent form of the Board proceedings;

(xxiv) Register electors;

(xxv) When ordered by the Board:

(a) Investigate questions relating to registration;

(b) Inspect and verify residency of registrants;

(c) Notify the appropriate law enforcement officers of disturbances; and

(d) Notify the District Attorney of violations of the act and possible fraudulent practices;

(xxvi) Accept all complaints of reported irregularities and refer the same to the Board;

(xxvii) Arrange a suitable place for the meeting of the Board;

(xxviii) Secure, distribute, receive, and preserve street lists, registration cards, affidavits, vouchers, notices, etc.;

(xxix) Prepare and propose a budget for registration activities;

(xxx) Observe and supervise inspection of all registration records;

(xxxi) Arrange for special registration places;

(xxxii) Approve or reject applications for registration and notify applicant of right to appeal to Board;

(xxxiii) Record incomplete and rejected applications;

(xxxiv) Maintain general and district registers via the Commonwealth's electronic registry of voters;

(xxxv) Issue removal notices;

(xxxvi) Transfer registrants;

(xxxvii) Record changes in party enrollment;

(xxxviii) Maintain street list;

(xxxix) Verify registrations by mail check;

(xl) Compare street list and registers;

(xli) Accept petitions for the striking of a name on the register;

(xlii) Notify registrant of petition to strike his name from register;

(xliii) Deliver registers to Election Offices;

(xliv) Examine registers and report indications of fraud to the Board;

(xlv) Cancel registration for failure to vote for two years;

(xlvi) Preserve all canceled registration cards;

(xlvii) Provide paper ballots, ballot marking devices, scanners in sufficient number for the polling places and provide maintenance and repair to insure that the same are in good working condition;

(xlviii) Implement the policies and procedures of the Board for the use of paper ballots, ballot marking devices, scanners and Mail-in /Absentee ballots for general, municipal, primary and special elections; and

(il) Perform such other duties as may hereafter be conferred or imposed by the Commonwealth, the Board or County Council.

(d) **Organization**

The Department of Elections shall consist of the following:

Voter Registration
Conduct of Elections/Voting Machines

(vi) **Definition of Candidacy**

The term "candidacy" as defined by 25 P.S. §3241 (a) shall mean Members of County Council or any individual who seeks nomination

or election to public office, whether or not the individual is nominated or elected. They are deemed to be a candidate if they: (a) have received a contribution, made an expenditure or given consent for another person or committee to receive a contribution or make an expenditure, for the purpose of influencing his/her nomination or election to such office; (b) has taken the action(s) necessary under the laws of the Commonwealth to qualify himself/herself for nomination or election to such office.

c. Erie County Board of Health

(i) Function of the Board

The Erie County Board of Health shall exercise rule making power by the formulation of rules and regulations for the prevention of disease, for the prevention and removal of conditions which constitute a menace to health, and for the promotion and preservation of the public health generally.

(ii) Chairman of the Board

The Board of Health shall be chaired by a member of the Board of Health, elected at each annual organizational meeting, to serve for a term of one year measured from the second Monday in January next following his or her election.

(iii) Responsibilities of the Board

The Erie County Board of Health shall have the responsibility to:

(a) Hold meetings at least quarterly and special meetings upon request of the Health Director, the Chairman of the Board, upon written request signed by a majority of the members of the Board, and filed with the secretary thereof, or upon request of the County Council;

(b) Act as a consulting body to the County Executive prior to hiring a Health Director for the Erie County Department of Health. The Health Director shall possess the minimum qualifications required by the Local Health Administration Law - Act 315, August 24, 1951, P.L. 1304, P.S. §12001, et seq., as amended;

(c) Advise the Health Director in all matters as he or she may bring before it;

(d) Exercise the rule making power conferred upon the Erie County Department of Health, by the formulation of rules and regulations for the prevention of disease, for the prevention and removal of conditions which constitute a menace to health, and for the promotion and preservation of the health generally. Rules and regulations formulated by the Board of Health shall be submitted to the County Council for approval or rejection, the County Council shall give written notice of approval or disapproval to the secretary of the Board;

(e) Record all rules and regulations, approved by the County Council, in a book which shall be kept at the principal office of the County Department of Health and shall be at all reasonable times open to public inspection; and

(f) Cause, within ten days after the approval of any rule or regulation, an abstract thereof to be published in at least one and not more than two newspapers of general circulation in Erie County. Rules thus approved shall become effective immediately upon approval of the County Council.

(iv) **Organization of the Board**

(a) The members of the Board shall be appointed by the County Executive and confirmed by County Council. Current board members recruit and vet potential candidates for the County Executive's consideration. Members shall be appointed in accordance with the General Provisions of Article II, Section 5, I., A, of this Code. The Board shall consist of five citizens, two of whom shall be physicians licensed to practice in Pennsylvania. The term shall be four years, measured from second Monday in January of year in which he/she takes office or until a successor is appointed. The appointment process shall conform to Article II, Section 5, I., A, of this Code.

(b) The members of the Board shall serve without compensation, except that each member shall be allowed his actual and necessary traveling and incidental expenses incurred in attending meetings.

d. Erie County Board of Tax Assessment Appeals

(i) **Function of the Board**

The Board of Tax Assessment Appeals shall establish the procedures for making, and shall hear and adjudicate all appeals from County real property tax assessments and other rulings made by the Bureau of Assessment.

(ii) **Chairman of the Board**

At the first meetings on or after April 1st of each calendar year, the Board members shall elect from the membership, by a majority vote, a chairman who shall serve as Chairman of the Board for a term commencing at said meeting and continuing through March 31st of the following calendar year. In the event of a vacancy in the chairmanship, the Board shall elect a new chairman who shall serve until the next regular election of a chairman. A chairman can be reelected one or more times to successive one (1) year terms as chairman.

(iii) **Responsibilities of the Board**

The Board of Tax Assessment Appeals shall have the following responsibilities to:

(a) Establish procedures for making tax assessments and for other functions of the Bureau of Assessment and shall ensure that the public is well informed as to matters concerning assessments and appeals by the distribution and easy access of information to the public.

(b) Approve specifically the change of any assessment of real property of any owner including, but not limited to, changes due to making improvements, removal of improvements, and changes in market value. Specific property-by-property approval by the Board is not necessary when and if countywide assessment changes are being made, provided that the factors leading to said changes are uniformly applied;

(c) Approve the hiring or dismissal by the Administration of the Director of Assessment and the Assistant Director of Assessment;

(d) Convene whenever necessary to properly and orderly hear appeals from tax assessments and other rulings made by the Bureau of Assessment;

(e) Provide specifically, but not by way of limitation, the procedures for the making of, and hear and rule on appeals of, real property tax assessments, exemption applications, exclusion applications, and such other functions as the Bureau of Assessment shall have under applicable law;

(f) Have and exercise such other powers and duties as are now or hereinafter conferred or imposed on it by applicable law;

(iv) **Organization of the Board**

(a) The Board of Tax Assessment Appeals shall consist of three (3) members who shall be appointed by the County Council for a term of four (4) years. Members can be reappointed to one more successive four (4) year term, and shall be limited to two successive terms. In addition, the Board's membership shall be comprised of one (1) West County representative and one (1) representative from the City of Erie, and one (1) East County representative.

East County to Include:	**West County to Include**:
Corry	Albion Borough
Elgin Borough	Cranesville Borough
McKean Borough	Edinboro Borough
Mill Village Borough	Girard Borough
North East Borough	Lake City Borough
Union City Borough	Platea Borough
Waterford Borough	
Wattsburg Borough	
Wesleyville Borough	
Amity Township	Conneaut Township
Concord Township	Elk Creek Township
Greene Township	Fairview Township
Greenfield Township	Franklin Township
Harborcreek Township	Girard Township
Lawrence Park Township	Millcreek Township
LeBoeuf Township	Springfield Township
McKean Township	Washington Township
North East Township	
Summit Township	
Union Township	
Venango Township	
Waterford Township	
Wayne Township	

(b) The qualifications of Board members and their compensation shall be determined by the County Council;

(c) Any vacancy caused by death or resignation shall be filled immediately by the County Council. That person so appointed shall serve for the unexpired term of that member vacating such position;

(d) No member of the Board shall be involuntarily removed during his or her term of office by County Council except for cause and/or incapacity. Any such removal for cause or incapacity shall be treated as a vacancy under paragraph (c) above;

(e) The term of each Board member shall commence on the first of April and shall continue for four (4) years thereafter. The appointment of each Board member shall be made during the two (2) months prior to the commencement date of his or her term;

(f) The initial Board members shall be appointed by County Council on or before June 30, 1978. The terms of the initial Board members shall commence upon appointment. The term of one initial Board member shall expire on March 31, 1981. The term of another initial Board member shall expire March 31, 1980. The term of another initial Board member shall expire on March 31, 1979;

(g) All future terms of future Board members (other than those appointed to fill vacancies) shall commence on the first of April in the year of the expiration date of the initial or succeeding Board position being filled, such that the three (3) Board positions shall be forever staggered with never more than one (1) appointment in a given year (exclusive of filling vacancies) and with no appointments every fourth (4th) year (exclusive of filling vacancies); and

(h) Whenever more than one position on the Board is being filled (due to the coincidence of a vacancy and expiration of term or other reasons), County Council shall conduct a separate vote for each such position being filled.

(v) **Meetings of the Board**

The Board of Tax Assessment Appeals shall not convene more than forty times per fiscal year of the County without approval from County Council.

e. Erie County Public Library Advisory Board

(i) **Function of the Board**

The general function of the Board shall be to ensure quality library facilities and service to Erie County.

(ii) **Composition of the Board**

The members of the Erie County Library Board shall be appointed by the County Executive and confirmed by County Council. The Erie County Library Board shall consist of nine members: one resident from each of the seven County Council districts to be recommended by the Council person elected to each district, and two recommended by the County Executive to be appointed at large. The appointment process shall conform with Article II, Section 5, I., A, of this Code.

(iii) **Term of Office**

Terms shall be for three years except that the first appointments shall be one-third for one year, one-third for two years, and one-third for three years. Members shall serve for no more than two consecutive complete terms. At least one term shall separate service on board.

(iv) **Compensation of Board**

Members shall serve without compensation other than reimbursement for travel and other actual expenses incurred in connection with called meetings of the Board.

(v) **Responsibilities of the Board**

The Erie County Public Library Board shall consist of the following, without limitation:

(a) to advise and institute plans and policies for the operation of the Erie County Public Library;

(b) to review and appraise the quality, adequacy and functionality of library facilities and services made available to the community within constraints of the library budget as prepared by County Government;

(c) upon vacancy of the position of director of the Erie County Public Library, assist the County Executive director of the Erie County Public Library, assist the County Executive in identifying the most qualified applicant(s) from whom the County Executive shall select one to fill the position;

(d) submitting to County Council and the County Executive not later than the first of September of each year, an annual budget and programming for the coming year complete with budgeted revenues and expenditures, a description of plans, events and/or major renovations or expansions;

(e) reporting upon request to the County Executive and County Council on matters relating to the library operations, budget, services, and other pertinent matters; and

(f) establishing its own rules for the conduct of its meetings, except the Library Board if required to meet formally at least six times each year.

(vi) **Presiding Officers**

The Advisory Board shall have (at minimum) the following officers: President, Vice President, and Secretary.

f. Mental Health and Intellectual Disabilities Board

The establishment of this Board is authorized by Sections 302 and 304 of the Mental Health and Intellectual Disabilities Act of 1966.

(i) **Function of the Board**

The function of the Board shall be to:

(a) Review and evaluate the County's Mental Health and Intellectual Disabilities needs, services, facilities, and special problems in relation to the local health and welfare needs, services, and programs;

(b) Recommend to the County Executive not less than two persons for the position of Mental Health and Intellectual Disabilities Administrator. Such persons shall meet the standards of professional skill and experience as the Pennsylvania Department of Human Services may establish by regulation;

(c) Develop, together with the Administrator, annual plans for the Mental Health and Intellectual Disabilities Program required by Sections 301 and 509 of the Act. (Mental Health and Retardation Act of 1966, Spec. Sess. No. 3, Oct. 20, P.L. 86, Art. III, 50 P.S. §§4301, 4509);

(d) Make recommendations to the County Executive regarding the program and any other matters relating to Mental Health and Intellectual Disabilities services in the County, including purchase of service contracts and the extent of funds required to operate a program; and

(e) Review performance under the Mental Health and Intellectual Disabilities Program and to recommend a system of program evaluation.

(ii) **Composition of the Board**

The Board shall consist of thirteen (13) members and shall reflect countywide district representation with a minimum of one appointee from each of the seven (7) Council districts. Members shall be appointed in accordance with Section 302 of the MHID Act of 1966 with the advice and consent of County Council. At least two members shall be physicians and where possible one shall be a psychiatrist and the other a pediatrician. There shall also be appropriate representation drawn from:

(a) The professional fields of psychology, social work, nursing, education, and religion;

(b) Local citizens' organizations active in the field of mental health;

(c) Local citizens' organizations active in the field of Intellectual Disabilities;

(d) Local health and welfare planning organizations;

(e) Local general hospitals; and

(f) Other interested community groups.

(iii) **Term of Office**

Each member shall be appointed for a period of three years. Any vacancies occurring in the membership of the Board shall be filled, in accordance with General Provisions of Article II, Section 5, I., A, of this Code, by the County Executive for the unexpired period.

(iv) **Compensation of the Board**

Members shall serve without compensation other than reimbursement for travel and other actual expenses incurred in connection with called meetings of the Board.

(v) **Organization of the Board**

A majority of the Board members shall constitute a quorum. The members shall select a chairman from among themselves. The Board shall meet at least once each quarter and may, by a majority vote of the membership, establish more frequent regular meetings not exceeding one per month. Special meetings shall be held on call by the chairman, and it shall be the duty of the chairman to call a special meeting upon the written request of one-third of the members, not including vacancies of the Board.

(vi) **Formation of Multipurpose Board**

The functions of this Board may be performed by a multipurpose board acting in the health and welfare field, if the County Executive shall so elect, and with appropriate representation as specified above and in Section 302(a) of the Act insofar as possible and subject to approval of the County Council and the Pennsylvania Department of Human Services.

g. Erie County Retirement Board

(i) **Function of the Board**

The County Retirement Board shall be responsible for the diligent and honest administration of the County Retirement System and shall serve as the trustee of the County Employees Retirement Fund with exclusive control and management thereof, subject to the terms, conditions, limitations, and restrictions imposed by Act 96 of 1971 known as the County Pension Law, Act of 1971, August 31, P.L. 398, No. 96, Section 1, et seq.; 16 P.S. §11651.

(ii) **Composition of the Board**

The County Retirement Board shall consist of five (5) members, including three (3) members of the County Council appointed by the Chairman of the County Council, the Director of Finance, and the County Controller. A presiding officer of the Retirement Board shall be selected by the Retirement Board members, but shall not be the Director of Finance or the County Controller.

(iii) **Responsibilities of the Board**

The County Retirement Board shall have the responsibility to:

(a) Invest or cause to be invested monies of the County Employees Retirement Fund, subject to the terms, conditions, limitations, and restrictions provided by law for investment of trust funds by fiduciaries;

(b) Keep records, file returns, and make reports in accordance with law;

(c) Execute and fulfill all duties and responsibilities vested in the County Retirement Board by law;

(d) Make available to participants of the County Retirement System any records as may pertain to their individual accounts;

(e) Act in accordance with all determinations made by the actuary of the County Retirement System; and

(f) Review the annual valuation report of the County Retirement System prepared by the actuary and forward said report with any recommendations concerning the status of the system to the County Executive and the County Council.

(iv) **Organization of the Board**

(a) The Chairman of the County Retirement Board shall be selected by the members of the board, but shall not be the Director of Finance nor the County Controller. The term of the Chairman shall be for one (1) year and the number of consecutive terms allowed shall be at the discretion of the board.

(b) The Secretary of the County Retirement Board shall be selected from among its membership by the members of the Board.

(c) Three (3) members of the County Retirement Board shall constitute a quorum.

(d) The members and officers of the County Retirement Board shall serve without compensation, but may be reimbursed for actual expenses incurred.

h. Drug and Alcohol Advisory Board

(i) Function of the Board

The Pennsylvania Department of Drug and Alcohol Programs contracts with the Erie County Executive to approve contracts, purchase services and disburse funds for drug and alcohol services. The County maintains the SCA as a part of the Department of Human Services within county government to fulfill the responsibilities of the Department of Drug and Alcohol Programs' contract with the County. Structurally, the SCA is a branch of county government and the SCA Administrator and staff are employees of the county.

(ii) Duties of the Advisory Board

In order to function as an SCA, the County shall appoint an Advisory Board to advise in the planning, coordinating and administering of drug and alcohol services.

(iii) Composition of the Advisory Board

The Advisory Board shall consist of an odd number of no less than seven (7) members with district representation. No member of an SCA funded service provider's board or staff, or any employee of Erie County government may be appointed to the Advisory Board. The Advisory Board shall be composed of members that are residents of Erie County or employed in Erie County.

(iv) Appointments and Vacancies to the Board

(a) The County Executive shall appoint the Advisory Board members with the advice and consent of County Council. Each member shall be appointed for a (3) three-year term and may be reappointed for a second three-year term.

(b) A member's term begins on the day of appointment, which shall be defined through a written notice to each individual.

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(c) No individual may serve on the Advisory Board for more than (6) six consecutive years.

(d) If an individual has served two consecutive terms, a minimum of one year must lapse before that individual may be reappointed for a third term.

(e) Vacancies shall be filled within (60) sixty days. Recommendations from the Advisory Board shall be forwarded to the County Executive.

(f) The SCA shall annually notify the Department of Drug and Alcohol Programs regarding the establishment of all appointments to the Advisory Board, including the filling of unexpired terms, using forms and procedures as prescribed.

(v) **Annual Election of Officers**

The Advisory Board shall elect a Chairperson and Vice Chairperson annually at the January meeting. Nominations shall be made from the floor and the election shall be by secret ballot. The Advisory Board shall designate a committee to count the ballots and certify the results of the election. A simple majority of members present and voting shall be required to elect an officer. All officers shall take office from January to December and shall hold office until their term expires, or until the election of their replacement is certified by the Advisory Board. If an election to fill a vacancy is required, the Advisory Board shall follow the procedures as set forth in these sections, except that the specific dates referred to shall not apply.

(vi) **Duties of Officers**

The Chairperson shall be ex-officio of all committees; preside over the Advisory Board meetings; chair the Advisory Board; appoint members of standing and special committees; call special meetings and must have been an Advisory Board member for at least (2) two years prior to election.

The Vice Chairperson shall preside over the Advisory Board meetings in the absence of the Chairperson; chair special committees when requested by the Chairperson and must have been an Advisory Board member for at least (1) year prior to election.

(vii) **Removal of Members**

(a) A member of the Advisory Board may be removed for just cause only. Cause shall consist of:

(1) An unexcused failure to attend at least (3) three meetings of the Advisory Board in any 12 month period.

(2) Conviction of a felony and/or conviction for any drug or alcohol related offense.

(viii) **Conflict of interest**

(a) When a member fails to attend (3) three unexcused meetings of the Advisory Board; a warning letter shall be sent by the Chairperson to remind the member of how important their presence is to the work of the Board. If the warning letter fails to bring the desired results; the Chairperson shall bring the matter to the Advisory Board for discussion. The Advisory Board may, when the maximum unexcused absences have occurred, recommend removal of the member to the Erie County Executive.

(ix) **Schedule and Notice of Regular Meetings**

(a) The Advisory Board shall have at least (6) six meetings per year and not more than ninety days shall transpire between meetings. Minutes of each meeting must be recorded, submitted to the Department of Drug and Alcohol Programs and kept on file.

(b) A majority of the Advisory Board shall constitute a quorum.

(c) Meeting sites shall be accessible as per the Americans with Disability Act.

(d) Notice of all meetings shall be published no more than (30) thirty days prior to the meeting. The publication of the notice shall comply with the criteria set forth in the Sunshine Act, 65 P.S. § 273, "Public Notice".

(x) **Public Hearings and Special Meetings**

The Advisory Board shall insure that adequate notice of such hearings is given to the public. Special meetings shall be on call of the Chairperson.

(xi) **Reimbursement**

Members of the Advisory Board shall serve without compensation other than reimbursement for travel and other actual expenses incurred in connection with called meetings and other Advisory Board activities authorized by the membership. Expenses incurred by members of the Advisory Board are reimbursed in accordance with the compensating regulations of the Department of Drug and Alcohol Programs.

(xii) **Establishment of Committees**

The Advisory Board shall have special committees whose members shall be appointed by the Chairperson and each committee shall contain no less than three members. Special Committees – Such committees shall from time to time become necessary to perform specific tasks.

(xiii) **SCA Administrator Appointment**

(a) The County Executive shall be required to appoint a full-time SCA Administrator, as prescribed in the State Plan, from a list of not less than three qualified candidates submitted by the Advisory Board.

(b) In the event of a vacancy in this position, the Advisory Board shall recruit, interview and recommend the appropriate candidate to the County Executive for appointment to the position.

(c) The SCA Administrator shall be appointed only after the Advisory Board, with the Department of Drug and Alcohol Programs, and Human Resources Office, has approved the qualifications of the candidate to be appointed.

(d) The SCA Administrator who has been appointed may not be terminated by the County Executive without the approval of the Advisory Board.

i. Erie County Agricultural Land Preservation Board

(i) **Function of the Board**

Pursuant to Act 149 of 1988 amending the Agricultural Area Security Act of 1981 (H.B. 422 of 1988), the Erie County Agricultural Land Preservation Board shall serve the following functions:

(a) The Erie County Agricultural Land Preservation Board shall administer a program for purchasing agricultural conservation easements on behalf of the County. The purpose of this program is to protect and promote continued productive agricultural use on viable agricultural land by acquiring agricultural conservation easements which prevent the development or improvement of the land for any purpose other than agricultural production and related agricultural activities;

(b) The Board shall encourage landowners to participate in and assist Townships with the establishment of Agricultural Security Areas ("ASA's");

(c) The Board shall encourage the use of additional farmland preservation techniques through public and private organizations in the County;

(d) The Board shall adopt rules and regulations for the administration of a County program for the purchase of agricultural conservation easements within ASA's. The Board shall execute all agreements of agricultural conservation easements in the name of the County and/or the Commonwealth of Pennsylvania;

(e) The Board shall promote efforts to support the agricultural industry in the County;

(f) The Board shall assist Erie County Government, local municipal governments, the Erie County Planning Commission and local planning commissions when considering issues affecting agricultural preservation;

(g) The Board shall perform other duties and responsibilities as may be authorized pursuant to the Agricultural Area Security Law.

(ii) **Composition of the Board**

The Board shall be comprised of seven (7) members to be appointed by the County Executive and approved (ratified) by County Council.

Board members will include the following:

(a) Three (3) active resident farmers of Erie County (representing one less than majority);

(b) One (1) current member of the governing body of a Township or Borough located within Erie County;

(c) One (1) industrial, commercial or residential building contractor or developer;

(d) Two (2) at - large members, one of whom will be a non-City or Erie resident, and one of whom will be a City of Erie resident.

(iii) **Term of Office**

The initial term of the appointees identified under Section 2 (a) shall be for three (3) years. The initial term of appointees under Section 2 (b) shall be for two (2) years. The initial term of the appointees under Section 2 (c) and (d) shall be for one (1) year. Thereafter, the term of all members appointed to the Board shall be three (3) years. The position held by the appointee under Section 2 (b) shall be deemed vacant upon vacancy in, or the expiration of the term of the Township or Borough office to which the member was elected.

(iv) **Presiding Officers**

The officers of the Board shall be a chairperson and a vice-chairperson whose duties shall be usually incident to such offices. Nominations shall be made from the floor for each position. The chairperson and vice-chairperson shall be elected by a simple majority of the members of the Board and shall hold such offices for one (1) year, starting with the first meeting of each calendar year. Said officers shall serve without compensation.

The Erie County Department of Planning and Community Development will provide secretarial assistance to the Board. The Erie County Department of Planning and Community Development shall have no voting rights. In the event that both the Chairperson and Vice-Chairperson are absent at a regular or special meeting, the Board members present shall designate a temporary chair for that meeting only.

(v) **Quorum of and Action by the Board**

A majority of the total Board membership shall constitute a quorum for the conduct of business. A quorum of members is required to vote on any motion before the Board, except as otherwise specified by the by-laws.

(vi) **Meetings**

Regular meetings shall be held as needed at the time and location designated by the Chairperson of the Board. Special meetings shall be held at the call of the Chairperson, or at the request of four (4) members of the Board, and shall require written notice of at least 7 days.

j. Pleasant Ridge Manor Board of Trustees

Pleasant Ridge Manor is a nonprofit corporation incorporated in May 1976 as the Erie County Geriatric Center. The mission of Pleasant Ridge Manor is to assure that the medically and financially indigent of Erie County shall receive the highest quality medical and nursing home care in an environment that promotes the psychological, social, spiritual, recreational, and rehabilitative development of the individual. The Board of Trustees is the principle authority of Pleasant Ridge Manor. The Board of Trustees is responsible for the establishment of policy and the appropriation of funds within the Center. The President of the Corporation is the person responsible for the application of policy as developed by the Board. The Executive Director is responsible for the direct implementation of policy. The Executive Director and President work cooperatively in order to guarantee the successful implementation of all policies. The Executive Director is primarily responsible for the day-to-day operations of the Center. The President is responsible for the general management. Both President and Executive Director will relate to the Board of Trustees on a regular monthly basis on the progress and problems related to the Center. In regard to serious management problems, it is the mutual responsibility of the President and Executive Director to relate to the Board of Trustees. The Executive Director is engaged by the Board of Trustees with the assumption that he/she is a qualified professional in the care and development of care for the elderly of Erie County.

(i) **The Board of Trustees and members of the corporation are as follows**:

(a) **President** – The lawfully elected or appointed County Executive shall, ex-officio, serve as the President of the Corporation. In the event of temporary absence or incapacity, or vacancy in the office of the County Executive, the Executive Director and/or management team hereinafter provided for shall serve as Acting President, with all of the powers of the President, for the duration of the absence, incapacity, or vacancy.

(b) **Chairman of the Board** – The lawfully elected and qualified Chairman of the County Council for the County of Erie shall, ex-officio, serve as the Chairman of the Board of Trustees.

(c) **Vice-Chairman of the Board** – The lawfully elected and qualified Vice-Chairman of the County Council for the County of Erie shall, ex-officio, serve as the Vice-Chairman of the Board of Trustees.

(d) **Secretary** – The lawfully appointed and qualified County Clerk for the County of Erie shall, **ex-officio**, serve as the Secretary of the corporation.

(e) **Assistant Secretaries** – Such person or persons as the Board of Trustees by resolution appoints shall serve as Assistant Secretary or Assistant Secretaries of the corporation, as the case may be, for such term or terms as shall be fixed in the authorizing resolution.

(f) **Treasurer** – The lawfully appointed and qualified Director of Finance for the County of Erie shall, ex-officio, serve as the Treasurer of the corporation.

(g) **Member** – The lawfully elected members of the Erie County Council.

3. **Commissions**

a. Erie County Conservation District

(i) **Function of the District**

The Conservation District shall be responsible for providing conservation planning services to the Erie County residents and to the County of Erie.

(ii) **Composition of Conservation District Board**

The Conservation District shall be governed by the Conservation District Board consisting of seven members — the County Executive and six members appointed by the County Executive. The District shall function as according to the Conservation District Law, Act of May 15, 1945, P.L. 217, as amended, December 29, 1972, Act No. 361, Section 6-7-8 and 9.

(iii) **Personnel**

The Conservation District shall be headed by a manager of the district who shall be appointed by the Conservation District Commission, and shall serve at the pleasure of the Commission. The head of the district shall be responsible to the County Executive for the proper performance of the district.

(iv) **Responsibilities of the District**

The Conservation District shall have the responsibility to:

(a) Prepare flexible annual objectives or comprehensive plan for the County Conservation District.

(b) Assemble maps, surveys, and the necessary data for study of County Erosion and Sedimentation problems.

(c) Recommend means by which municipalities may put into effect their portions of the erosion, sedimentation, water quality, and natural resource regulations.

(d) Maintain educational programs to familiarize the public with specific conservation proposals.

(e) Aid in the preparation of long-term budget programs in accordance with the applicable plan.

(f) Correlate and assist municipalities with their local planning, zoning, and related conservation problems.

(g) Function as a clearinghouse for information and consultation for the respective municipal bodies for all agencies, public and private, which have concern with conservation of soil, water, and natural resources in Erie County.

(h) Exercise such other responsibilities as may be given to the department by the Pennsylvania Department of Environmental Protection or by other applicable law.

(i) Supervise or monitor the removal of natural resources from County property and any lands the County has retained mineral rights thereon.

(j) Fulfill all requirements of the Conservation District Law, Act of May 15, 1945, P.L. 217, as amended, December 19, 1972, Act. No. 361.

(k) Submit to County Council and to the County Executive by the first of September of each year a program for the coming year showing the proposed financial expenditures and revenues and describing any new plans for major acquisitions or expansions.

(l) Perform such other duties as may be assigned or delegated by the County Executive.

b. <u>Erie County Planning Commission</u>

(i) **<u>Function of the Commission</u>**

The Erie County Planning Commission shall exercise all rights, duties, and powers conveyed and granted to it by the Pennsylvania

Municipalities Planning Code, Act 247 of 1968, P.L. 805, as amended, (53 P.S. Section 10201), and Erie County Ordinance No. 76, 2019, adopted on and effective as of October 29th, 2019.

(ii) **Powers and Duties**

At the request of the governing body, the Erie County Planning Commission shall, in cooperation with the Erie County Department of Planning and Community Development, have the following duties and responsibilities:

(a) Prepare the comprehensive plan for the development of the County as set forth under the Municipalities Planning Code and the Administrative Code of Erie County, and present it for review and approval by the governing body.

(b) Maintain and keep on file records of the Commission's actions. All records and files of the planning agency shall be and remain in the possession of the governing body

(c) Make recommendations to the governing body concerning the adoption or amendment of an official map.

(d) Prepare and present to the governing body of the County a model zoning ordinance, and make recommendations to the governing body on proposed updates to it as set forth in the Pennsylvania Municipalities Planning Code (PA Act of 1968, P.L. 805, No. 247, as reenacted and amended).

(e) Prepare, recommend, and administer modifications from the County subdivision and land development and planned residential development regulations, as set forth in the Pennsylvania Municipalities Planning Code (PA Act of 1968, P.L. 805, No. 247, as reenacted and amended).

(f) Prepare and present to the governing body of the County a building code and housing code and make recommendations concerning proposed amendments thereto.

(g) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (PA Act of 1968, P.L. 805, No. 247, as reenacted and amended).

(h) Prepare and present to the governing body of the County an environmental study.

(i) Submit to the governing body a recommended capital improvements program.

(j) Promote public interest in, and understanding of, the comprehensive plan and planning.

(k) Make recommendations to governmental, civic, and private agencies, and individuals as to the effectiveness of the proposals of such agencies and individuals.

(l) Hold public hearings and meetings, and present testimony before any board.

(m) Require from other departments and agencies of the County such available information as relates to the work of the planning agency.

(n) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

(o) Prepare and present to the governing body of the County a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the County.

(p) Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.

(iii) **Composition of the Commission**

(a) The membership of the Commission shall consist of nine (9) members who shall be appointed and removed by the County Executive with the advice and consent of County Council. Commission members shall reflect countywide district representation with one (1) member appointed from each of the seven (7) Council Districts. In addition, the County Executive shall appoint and remove, with the advice and consent of County Council, two (2) at large members who represent the interests of other municipalities located within the County.

(b) The County Executive may also appoint and remove, with the advice and consent of County Council, at least one (1) but not more than three (3) residents of the County to service as alternate members of the Planning Commission. Alternates may participate in any proceeding or discussion of the Commission but shall not be entitled to vote as a member of the Commission unless designated as a voting alternate member pursuant to Section10207 of the Pennsylvania Municipalities Planning Code (PA Act of 1968, P.L. 805, No. 247, as reenacted and amended), where an alternate may be used to substitute for an absent member on an ad hoc basis.

(c) Members of the Commission shall hold office for a term of four (4) years or until his or her earlier death, resignation or removal; except members initially appointed shall draw lots to determine which four (4) members shall serve for a term of four (4) years, which three (3) members shall serve for a term of three (3) years, and which two (2) members shall serve for a term of less than four (4) years, shall serve for no more than two (2) terms.

(d) Vacancies in the Commission caused by death, resignation, disqualification or removal of any member shall be filled by appointment of the County Executive with the advice and consent of County Council. Members chosen to fill vacancies shall serve for the unexpired portion of the term of the member he or she replaces and until his or her successor is appointed by the governing body.

(iv) **Conduct of Affairs**

(a) All meetings of the ECPC shall be held at a time and place to be fixed by the Commission, and in accordance with its bylaws.

(b) The Erie County Planning Commission shall have no power or authority whatsoever to hire or fire any employees or to enter into any contracts with consulting firms. Further, the Erie County Department of Planning and Community Development shall remain as a department of Erie County government, with the Erie County Planning Commission serving in an advisory role.

c. **Human Relations Commission of Erie County**

(i) **Function of the Commission**

The Human Relations Commission shall provide prompt, local investigation, conciliation or adjudication of discrimination claims based upon race, color, ancestry, national origin, age, familial status, sex, sexual orientation, handicap, disability, or the use of a guide or support animal because of the disability of the user.

Additionally, the Commission shall provide education and training in lawful employment, housing, and public accommodation practices for business and community groups.

(ii) **Membership and Terms of the Commission**

(a) Seven Commissioners shall be appointed by each one of the seven members of the County Council and ratified by County Council; one Commissioner shall be appointed by the Erie City Council; and one Commissioner shall be appointed by the County Executive without ratification by County Council.

(b) Their terms shall be four years.

(c) They shall serve without compensation.

(iii) **Conflicts of Interest**

A Commissioner has a duty to disclose any circumstances that might prevent making an impartial determination or create an appearance of bias when sitting as a Hearing Panel Enforcement Commissioner. The obligation to disclose circumstances that might give rise to a conflict or appearance of conflict is a continuing obligation. Therefore, the completion of a Pennsylvania State Ethics Commission Statement of Financial Interest, or like form, is required for all agency employees and commissioners.

(iv) **Personnel**

The Commission shall employ an Executive Director / Administrator who shall serve at the pleasure of the County Council. The Executive Director/ Administrator shall be responsible for the proper fulfillment of the Commission's duties and responsibilities.

(v) **Powers and Duties of the Commission**

(a) With the approval of County Council, to establish and maintain an office in the County.

(b) To meet and function regularly in the County.

(c) To hire panel attorneys to render legal advice to Enforcement Commissioners on matters appearing before them.

(d) To adopt, promulgate, amend, or rescind rules and regulations to effectuate the policies and provisions of the ordinance and to forward such recommendations to Erie County Council for its approval.

(e) The Board of Advisors may be responsible for public relations, research, and education. The Board of Advisors may examine patterns and practices of discrimination in our community. The Board may foster, through research, community education, and outreach, good will among the groups and elements of the population of the County. Advisors may participate in formulation of the Erie County Human Relations Commission annual report.

(f) Subject to approval by the Enforcement Commissioners, the Board of Advisors shall issue such reports and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination.

(g) To prepare and distribute fair practices notice.

(h) At least once a year, or at the request of City or County Council, the Commission shall report to Council, describing and summarizing its investigations, proceedings, hearings, and studies. It may also make recommendations for such further legislation concerning abuses and discrimination because of race, color, familial status, religious creed, ancestry, age, sex, sexual orientation, national origin, disability of the person, the use of guide or support animals because of the disability of the person, or because the person is a handler or trainer of support or guide animals, as may be desirable.

(i) During January of each year, elect one of its members as chairperson and such other officers as it may deem necessary. If a majority of the Commission plus one member approve, a member may serve as chairperson for more than one year.

(j) To request other departments, boards, and commissions of Erie County government to assist in the performance of its duties and such other departments, boards, and commissions shall cooperate fully with the Commission in regard to claims of discrimination.

(k) To inspect, upon request, such records of the Commonwealth or any political subdivision, board, department, commission, or school district thereof, as it may deem necessary or advisable to carry into effect the provisions of the ordinance.

(l) To investigate where no complaint has been filed, but with the consent of at least two-thirds (2/3) of the full membership of the Enforcement Commission, and with the concurrence of the Director/ Administrator, any problem of discrimination with the intention of avoiding or preventing discrimination and promoting equal opportunity for all.

(m) To hold hearings, subpoena witnesses, compel attendance, administer oaths, take testimony of any person under oath or affirmation and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation. The Commission may make rules as to the issuance of subpoenas by individual Commissioners. In case of contumacy or refusal to obey a subpoena issued to any person, any court of jurisdiction, upon application by the Commission, may issue to such person an order requiring such person to appear before the Commission, to produce documentary evidence, if so ordered, or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(n) No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the Commission or of any individual Commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no personal shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

(vi) **Reporting Relationships**

The Commission and agency staff shall be responsible to provide:

(a) Annual written reports of its cases and activity to Erie County and Erie City governments, as required by the Administrative Code.

(b) Financial reports to Erie County and Erie City governments, as required by the Administrative Code.

d. Northwest Regional Planning Commission

(i) **Function of the Commission**

The Northwest Pennsylvania Planning and Development Commission is incorporated under the Commonwealth of Pennsylvania Non-Profit Corporation law to fulfill the general purpose of the Commonwealth of Pennsylvania Regional Planning Law enacted May 29, 1956, P.L., (1955), 1945, Section 101, et seq., as amended (53 P.S. 491, et seq.). The function of the Commission is as follows:

(a) Provide for the improvement of the quality of life through orderly growth and development of the Northwest Pennsylvania Region;

(b) Comprehensive and continuing planning embracing physical, economic, social and environmental considerations of regional significance;

(c) Establish regional priorities;

(d) Coordination of public and private, local, regional, state, and federal programs and projects;

(e) Inter-governmental cooperation in achieving regional goals and objectives;

(f) Provide assistance to public and private local agencies and programs in planning and implementing development activities of regional significance;

(g) Research services to public and private local development agencies and programs on problems common throughout the Region without duplicating the efforts of established public and private local agencies and disseminating information on State and Federal legislation and programs affecting community development in northwestern Pennsylvania.

(ii) **Composition of the Commission**

The Commission shall include 86 representatives from the Counties of Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango, and Warren and all other municipal subdivisions of the Commonwealth of Pennsylvania contained in each of the foregoing counties.

The Commission shall be organized and composed of a majority of locally-elected officials. Citizen participation shall be

included and the Commission shall have, not only appropriate geographical representation, but also proper representation of low income and minority groups reflecting the Region's population composition. The membership shall consist of:

County Government:

(a) **Erie County**: three (3) locally-elected officials, consisting of the County Executive and two (2) County Council persons or, alternatively, three (3) County Council persons to be decided by the County Executive, aforesaid, on or before the annual meeting of the Commission in January of each year;

(b) **All counties except Erie**: the county commissioners, three (3) from each county.

(c) **Third-Class cities**: One from each city – an elected official;

(d) **First-Class Townships**: One from each such township – an elected official;

(e) **Townships**: One from each County – an elected official;

(f) **Boroughs**: One from each county – an elected official;

The township and borough representatives shall be appointed by the Commissioners in their respective counties.

At-Large: One from each county:

(a) Erie County: The Commission will appoint two (2) representatives upon the recommendation of the Erie County Executive, at least one of whom must be a member of a minority as provided in Article VII of the by-laws;

(b) Mercer County: Two (2) to be appointed by the Commission upon recommendation of the Commissioners of Mercer County, at least one of whom must be a member of a minority as provided in Article VII of the by-laws;

(c) All Counties except Erie: The Commission will appoint the representatives upon the recommendation of the County Commissioners of each county except Erie and Mercer;

(d) Private: Three (3) citizens representing the private sector from each county to be appointed by the Commission upon recommendation of the County Commissioners of the respective counties;

(e) Immediate past chairperson;

(f) Representatives shall be appointed to serve for two (2) years at the annual meeting in January of each year. Representatives may be reappointed bi-annually at the discretion of the County Commissioners or the County Executive, as applicable, for each of the respective counties.

d. Erie County Diversity, Equity & Inclusion Commission

i) Background

On September 8, 2020, pursuant to Resolution 43, 2020, Erie County Council declared racism as a public health crisis in Erie County. In so doing, County Council found that the persistent negative impact of the historical subjugation and discrimination in America, if left unchecked, will continue to exacerbate the morally reprehensible economic deprivation of people of color. Several months later, on March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021, an act designed to facilitate the country's recovery from the devastating economic and health effects of the COVID-19 pandemic. More specifically, the Act directed the allocation of funding to populations disproportionately impacted by the pandemic. On August 5, 2021, pursuant to Ordinance 65, 2021, County Council unanimously adopted the Erie County American Rescue Plan Act of 2021 (ARPA) Fund and, in accordance therewith, appropriated the sum of $3,500,000 to the creation and establishment of the Diversity, Equity and Inclusion Commission.

ii) Purpose

Consistent with the ARPA and Erie County Ordinance 65, 2021, the purpose of the DEI Commission is to address and assist those households, businesses and populations in Erie County who have been disproportionately impacted by the COVID-19 pandemic, to invest and to stimulate investment in historically disadvantaged populations and neighborhoods, to economically empower minority populations and businesses, to support, impact and effectively contribute to the growth and posterity of Erie County's historically disadvantaged populations and neighborhoods.

iii) **Membership**

The Commission shall consist of nine (9) members, seven (7) of whom shall be appointed by County Council, and two (2) of whom shall be appointed by the County Executive. Provided, at least seventy-five (75%) percent of the membership of the Commission shall consist of persons from diverse racial and ethnic backgrounds including African American, Latino, Asian and American Indian. All members shall reside in Erie County and all appointments to the Commission shall be approved by a majority vote of County Council.

Each Commission member shall hold office for a term of four (4) years or until his or her earlier death, resignation or removal; except members initially appointed shall draw lots to determine which four (4) members shall serve for a term of four (4) years, which three (3) members shall serve for a term of three (3) years, and which two (2) members shall serve for a term of two (2) years. Appointed Commission members, including members initially appointed for a term of less than four (4) years, shall serve for no more than two (2) terms.

The vacancy of a member of the Commission caused by death, resignation, disqualification or removal shall be filled by the County Executive or member of County Council whose appointment created the vacancy. The member appointed to fill the vacancy shall serve for the unexpired portion of the term of the member he or she replaces and until his or her successor is appointed.

iv) **Powers and Duties of the Commission**

(a) The Commission shall meet regularly, at least four (4) times each year, and shall meet in the first week of January of each year to organize and elect its officers.

(b) The Commission shall maintain and exercise governing control of the operations of the Commission, keep separate records and minutes, and adopt reasonable policies, rules, regulations and bylaws to effectuate and carry out its function and purpose. The bylaws of the Commission, together with any changes thereto, shall be approved by County Council.

(c) Only actions by the Commission, taken during a formal session of the Commission, with a quorum present, shall constitute an act of the Commission.

The Commission shall, in all respects, be governed by the provisions of Act No. 175 of 1974, P.L. 486, commonly known as the "Sunshine Law." All formal actions required by the Act to be taken in public shall be taken at a public meeting of the Commission, the minutes of which shall be available to the public after approved by the Commission.

(d) The Commission shall have authority to appoint standing committees and other committees to advance and support the purposes and operations of the Commission. The Chairperson of the Commission shall appoint all committees, including the chairperson of each committee, and unless otherwise determined by a majority of the Commission, each member of each committee. No committee shall consist of more than three (3) Commission members. The Commission Chairperson shall serve ex officio to all committees, shall participate and make recommendations to each committee, but shall not have the right to vote on a matter to be recommended to the Commission.

(e) The Commission shall have the authority to hold, rent, sell, purchase, encumber and improve real estate so long as the authority is exercised in accordance with the law and purposes of the Commission, namely to support and stimulate investment in historically disadvantaged populations and neighborhoods.

(f) The Commission shall have the authority to borrow and lend money, to invest in and finance the acquisition of property, to encumber and pledge property; to finance neighborhood projects and community development, and to do all things necessary and proper to empower minority populations and stimulate the economic interests of the historically disadvantaged populations and neighborhoods of Erie County.

(g) The Commission shall have the authority to contract with and partner with third parties, public and private, to advance the interests and purpose of the Commission.

(h) The Commission shall initiate and implement an aggressive process to apply for and obtain funding from other grant funding sources.

(i) The Commission may receive local, state and federal funds and accept donations from private persons, for-profits and non-profits.

(j) The Commission shall adopt policies and procedures relating to its governance and control as the Commission deems prudent and advisable in the exercise of its responsibilities.

v) **Election of Officers**

The Commission shall, at its annual meeting, held on the first week of January of each and every year, elect a chairperson, vice chairperson, secretary and treasurer. Nominations for each office shall be made and properly seconded. A majority of the members of the Board present and voting shall be necessary for the election of each office. The election shall be conducted by roll call vote. Officers will serve for a one (1) year term. All officers are eligible for election for up to two (2)

consecutive terms. Officers who have previously served are eligible to serve again, provided he/she has not served as an officer for two (2) consecutive years.

vi) **Chief Administrative Officer and Staff**

A majority of the members of the Commission shall appoint a Chief Administrative Officer (CAO) who shall at all times be responsible for managing the affairs of the Commission. Further, the Chief Administrative Officer shall be responsible for the everyday operations of the Commission, provide oversight of grant applications and grant funding of third party recipients, shall initiate and implement an aggressive process to apply and obtain funding from other grant funding sources. On behalf of the Commission, the Chief Administrative Officer (CAO) shall sign, execute and acknowledge, in the name of the Commission, all contracts, document and instruments incident to the business of the Commission, and shall have such additional powers and responsibilities as may be assigned to him/her from time to time by the Commission.

vii) **Conflict of Interest**

No member or employee of the Commission shall acquire any financial interest in funds received by Erie County or used by the Commission to fund third party recipients including, without limitation, for profit and non-profit concerns, government agencies or any other organizations, to fund contracts, projects, economic developments or any other commission endeavor. If a conflict of interest arises, the member or employee of the Commission shall immediately disclose the conflict to the members of the Commission, who shall thereafter enter the conflict upon the minute books of the Commission and promptly notify County Council and the County Executive.

viii) **Meetings**

(a) Quorum. A majority of the members serving on the Commission shall constitute a quorum for the transaction of business. A smaller number may call the roll, record the names of the absentees and adjourn.

(b) Procedures at Meetings. The rules contained in Robert's Rules of Order, latest revision, shall govern the conduct of meetings in all cases except where a Rule is inconsistent with a rule or regulation set forth in the Commission's bylaws or any other procedural rule adopted by the Commission. The Chairperson shall decide all questions of order, subject to appeal by a majority of the members present.

(c) Agenda.

1. The Chief Financial Officer, in cooperation with the Secretary and after consulting with the Chairperson, shall prepare an agenda for each meeting and distribute it to each member of the Commission at least three (3) business days before the meeting.

2. Individuals or groups who wish to comment on a matter which appears on the agenda shall make written request to the Secretary of the Commission at least five (5) days prior to the regularly scheduled meeting. The individual or group shall be given not more than three (3) minutes within which to express their comments. Individuals or groups who have not made a timely written request may still provide commentary on a matter on the agenda, however, their time shall be limited to not more than two (2) minutes.

3. At least seventy-two (72) hours prior to a regular meeting of the Commission, the agenda shall be made available for public inspection and shall accompany the notice of publication of the meeting to the public and the media.

4. The published agenda may be amended at the meeting by a majority of the members present. No matters other than those on the agenda as amended shall be acted upon by the Commission.

5. Unless a majority of the Commission votes otherwise, the order of business for each regular meeting shall be as follows:

Pledge of Allegiance
Roll Call
Hearing of the Public
Approval of the Minutes of Previous Meetings
Reports of Commission Officers and Committee Chairperson
Unfinished Business
New Business
Adjournment

6. Items of business not acted upon at a Commission meeting shall appear on the agenda of the Commission's next meeting as Unfinished Business, and shall remain on the agenda until dispositive action is taken on the item.

(d) Minutes. The Secretary of the Commission, with input from the Chair, shall prepare the official minutes of the Commission's meetings. Minutes shall be reviewed and approved by the Commission. Following approval of the minutes by the Commission, an official copy shall be maintained on file in the office of the Chief Financial Officer. Meeting minutes shall be available to the public.

(e) Rules of Procedure.

1. The presiding chairperson shall be

responsible for the orderly conduct of business at each meeting and shall preserve order and decorum at such meetings.

2. The Chairperson shall announce all decisions of the Commission and shall decide all questions of order without debate subject however to an appeal by any member of the Commission. Any ruling by the Chairperson of the Commission may be overruled by a majority of the members present.

3. Each member of the Commission desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities. A member of the Commission, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the Commission while speaking, is called to order, the member shall cease speaking until the question of order is determined.

4. The roll of members shall be called alphabetically on a rotating basis, except that the Chairperson shall be called last. There shall be no secret balloting on any items.

5. A roll call vote shall be taken on every item not receiving a unanimous voice vote either in the affirmative or negative.

6. Once a roll call vote has commenced, no member shall comment further on the issue except to announce his affirmative or negative vote of his abstention.

7. All members present shall vote on all questions submitted for action. A member may abstain only when such member has a conflict of interest as defined hereunder, the Commission's bylaws or Article 6 of the Administrative Code of Erie County.

8. The affirmative votes of a simple majority of the Commission members present and voting, provided a quorum is constituted, shall be required to carry a motion. All members of the Commission, including the Chairperson, shall have the right to record their vote on any motion or resolution.

ix) **Finances, Reporting and Accountability**

The Commission's expenditures and allocations of ARPA funds received of the County shall fully comply with the ARPA guidelines, the Erie County Administrative Code and the Erie County Purchasing Code. The books, accounts and financial records of the Commission shall be subject to examination by the County Director of Finance and/or County Council at any time, Provided, the Commission shall file reports on ARPA expenditures on a monthly basis through December 31, 2021, and on

a quarterly basis starting with the quarter ending March 31, 2022 and continuing thereafter until December 31, 2026.

Additionally, the Commission shall provide the County and County Council with an annual report, prepared on a calendar year basis, accounting for the receipt and expenditure of ARPA funds and other funds obtained through third party funding sources, private or public. ARPA funds initially transferred to the Commission shall be used to cover the costs of obligations incurred by the Commission on or before December 31, 2024, as well as the continuing costs associated with funds obligated on or before December 31, 2024, through December 31, 2026. ARPA grant funds not obligated by December 31, 2024, or used to cover the costs of obligated funds by December 31, 2026, shall be promptly returned to the County.

f. Erie County Rails Future Commission

i) Background

While the development of a modern, rail transportation system has been contemplated over the years by several organizations, very little has been done to deliberately advance the possibility into reality. With the receipt of federal moneys under the America Rescue Plan Act, and the anticipated receipt of federal infrastructure moneys, Erie County believes that now is the time to invest in a rail transportation system. While over the past fifty (50) years the City of Erie has lost one-third of its population, most of it has simply relocated to the suburbs and rural communities. The same can be said for the counties contiguous with Erie County. A rail transportation system will establish communication on a regional basis, expanding the region's economic footprint, while stimulating economic growth, business investment and a skilled workforce. With Erie's exceptional learning institutions, it will draw students and workers from surrounding communities and contribute to the growth of a culturally diverse population.

ii) Purpose

The Commission shall research, promote and advocate for a passenger and commercial rail system in Erie County and the surrounding region. It shall criticize and determine the limitations of the existing transportation services in Erie County, work with federal and local governments and collaborate with rail industry officials, enlist the expertise of rail designers, architects and contractors and develop relations with All Aboard Erie, Lakeshore Rail Alliance, Amtrak and Wabtec. The Commission shall seek, negotiate and establish relationships with rail industry partners, government agencies and other third parties and, if appropriate, enter into agreement. Provided any purchase or service agreement entered into by the Commission of $50,000 or more, shall first be approved by County Council.

iii) **Membership**

The Commission shall consist of nine (9) members, seven (7) of whom shall be appointed by County Council, and two (2) of whom shall be appointed by the County Executive. Each member must be at least eighteen (18) years of age and be a resident of Erie County.

Each Commission member shall hold office for a term of four (4) years or until his or her earlier death, resignation or removal; except members initially appointed shall draw lots to determine which four (4) members shall serve for a term of four (4) years, which three (3) members shall serve for a term of three (3) years, and which two (2) members shall serve for a term of two (2) years. Appointed Commission members, including members initially appointed for a term of less than four (4) years, shall serve for no more than two (2) terms.

The vacancy of a member of the Commission caused by death, resignation, disqualification or removal shall be filled by the County Executive or member of County Council whose appointment created the vacancy. The member appointed to fill the vacancy shall serve for the unexpired portion of the term of the member he or she replaces and until his or her successor is appointed.

iv) **Powers and Duties of the Commission**

(a) The Commission shall meet regularly, at least four (4) times each year, and shall meet in the first week of January of each year to organize and elect its officers.

(b) The Commission shall maintain and exercise governing control of the operations of the Commission, keep separate records and minutes, and adopt reasonable policies, rules, regulations and bylaws to effectuate and carry out its function and purpose. The bylaws of the Commission, together with any changes thereto, shall be approved by County Council.

(c) Only actions by the Commission, taken during a formal session of the Commission, with a quorum present, shall constitute an act of the Commission.

The Commission shall, in all respects, be governed by the provisions of Act No. 175 of 1974, P.L. 486, commonly known as the "Sunshine Law." All formal actions required by the Act to be taken in public shall be taken at a public meeting of the Commission, the minutes of which shall be available to the public after approved by the Commission.

(d) The Commission shall have authority to appoint standing committees and other committees to advance and support the purposes and

operations of the Commission. The Chairperson of the Commission shall appoint all committees, including the chairperson of each committee, and unless otherwise determined by a majority of the Commission, each member of each committee. No committee shall consist of more than three (3) Commission members. The Commission Chairperson shall serve ex officio to all committees, shall participate and make recommendations to each committee, but shall not have the right to vote on a matter to be recommended to the Commission.

(e) The Commission shall adopt policies and procedures relating to its governance and control as the Commission deems prudent and advisable in the exercise of its responsibilities.

(f) The Commission shall have the authority to borrow and lend money, to invest in and finance the acquisition of property, to encumber and pledge property; to hold, rent, sell, purchase, encumber and improve real estate, so long as any such power is exercised in accordance with state and federal law.

(g) The Commission shall have the authority to contract and/or partner with third parties, public and private, including without limitation, All Aboard Erie, the Lakeshore Rail Alliance, Amtrak and Wabtec, to advance the interests and purpose of the Commission.

(h) The Commission shall contact, influence and develop relationships with agencies of the federal, state and local government, private rail industry companies, and rail oriented associations to establish relationships and exchange knowledge and information.

(i) The Commission shall apply for and implement an effective process to obtain funding from various grant funding sources.

(j) In addition to abiding by the emission standards promulgated by the Environmental Protection Agency, to abide by the federal and state law pertaining to the investment in and development of a regional passenger and commercial rail system.

(k) Establish investment contacts with private corporations, associations and other organizations, private investment bankers and the government to develop high speed rail from Erie to Pittsburgh and across the great lakes region.

v) **Election of Officers**

The Commission shall, at its annual meeting, held on the first week of January of each and every year, elect a chairperson, vice chairperson, secretary and treasurer. Nominations for each office shall be made and properly seconded. A

majority of the members of the Board present and voting shall be necessary for the election of each office. The election shall be conducted by roll call vote. Officers will serve for a one (1) year term. All officers are eligible for election for up to two (2) consecutive terms. Officers who have previously served are eligible to serve again, provided he/she has not served as an officer for two (2) consecutive years.

vi) **Chief Administrative Officer and Staff**

A majority of the members of the Commission shall appoint a Chief Administrative Officer (CAO) who shall at all times be responsible for managing the affairs of the Commission. Further, the Chief Administrative Officer shall be responsible for the everyday operations of the Commission, shall apply and obtain funding from other grant funding sources. On behalf of the Commission, the Chief Administrative Officer (CAO) shall sign, execute and acknowledge, in the name of the Commission, all contracts, document and instruments incident to the business of the Commission, and shall have such additional powers and responsibilities as may be assigned to him/her from time to time by the Commission.

vii) **Conflict of Interest**

No member or employee of the Commission shall acquire any financial interest in funds received by Erie County or used by the Commission to fund third party recipients including, without limitation, for profit and non-profit concerns, government agencies or any other organizations, to fund contracts, projects, economic developments or any other commission endeavor. If a conflict of interest arises, the member or employee of the Commission shall immediately disclose the conflict to the members of the Commission, who shall thereafter enter the conflict upon the minute books of the Commission and promptly notify County Council and the County Executive.

viii) **Meetings**

(a) Quorum. A majority of the members serving on the Commission shall constitute a quorum for the transaction of business. A smaller number may call the roll, record the names of the absentees and adjourn.

(b) Procedures at Meetings. The rules contained in Robert's Rules of Order, latest revision, shall govern the conduct of meetings in all cases except where a Rule is inconsistent with a rule or regulation set forth in the Commission's bylaws or any other procedural rule adopted by the Commission. The Chairperson shall decide all questions of order, subject to appeal by a majority of the members present.

(c) Agenda.

1. The Chief Financial Officer, in cooperation with the Secretary and after consulting with the Chairperson, shall prepare an agenda for

each meeting and distribute it to each member of the Commission at least three (3) business days before the meeting.

2. Individuals or groups who wish to comment on a matter which appears on the agenda shall make written request to the Secretary of the Commission at least five (5) days prior to the regularly scheduled meeting. The individual or group shall be given not more than three (3) minutes within which to express their comments. Individuals or groups who have not made a timely written request may still provide commentary on a matter on the agenda, however, their time shall be limited to not more than two (2) minutes.

3. At least seventy-two (72) hours prior to a regular meeting of the Commission, the agenda shall be made available for public inspection and shall accompany the notice of publication of the meeting to the public and the media.

4. The published agenda may be amended at the meeting by a majority of the members present. No matters other than those on the agenda as amended shall be acted upon by the Commission.

5. Unless a majority of the Commission votes otherwise, the order of business for each regular meeting shall be as follows:

Pledge of Allegiance
Roll Call
Hearing of the Public
Approval of the Minutes of Previous Meetings
Reports of Commission Officers and Committee Chairperson
Unfinished Business
New Business
Adjournment

6. Items of business not acted upon at a Commission meeting shall appear on the agenda of the Commission's next meeting as Unfinished Business, and shall remain on the agenda until dispositive action is taken on the item.

(d) Minutes. The Secretary of the Commission, with input from the Chair, shall prepare the official minutes of the Commission's meetings. Minutes shall be reviewed and approved by the Commission. Following approval of the minutes by the Commission, an official copy shall be maintained on file in the office of the Chief Financial Officer. Meeting minutes shall be available to the public.

(e) Rules of Procedure.

1. The presiding chairperson shall be responsible for the orderly conduct of business at each meeting and shall preserve order and decorum at such meetings.

2. The Chairperson shall announce all decisions of the Commission and shall decide all questions of order without debate subject however to an appeal by any member of the Commission. Any ruling by the Chairperson of the Commission may be overruled by a majority of the members present.

3. Each member of the Commission desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities. A member of the Commission, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the Commission while speaking, is called to order, the member shall cease speaking until the question of order is determined.

4. The roll of members shall be called alphabetically on a rotating basis, except that the Chairperson shall be called last. There shall be no secret balloting on any items.

5. A roll call vote shall be taken on every item not receiving a unanimous voice vote either in the affirmative or negative.

6. Once a roll call vote has commenced, no member shall comment further on the issue except to announce his affirmative or negative vote of his abstention.

7. All members present shall vote on all questions submitted for action. A member may abstain only when such member has a conflict of interest as defined hereunder, the Commission's bylaws or Article 6 of the Administrative Code of Erie County.

8. The affirmative votes of a simple majority of the Commission members present and voting, provided a quorum is constituted, shall be required to carry a motion. All members of the Commission, including the Chairperson, shall have the right to record their vote on any motion or resolution.

ix) **Finances, Reporting and Accountability**

The Commission's receipt and expense of all funds received of the County and from any other source shall fully comply with the Erie County Administrative Code and the Erie County Purchasing Code. The books, accounts and

financial records of the Commission shall be subject to examination by the County Director of Finance and/or County Council at any time.

Additionally, the Commission shall provide the County and County Council with an annual report, prepared on a calendar year basis, accounting for the receipt and expenditure of County funds and other funds obtained through third party funding sources, private or public.

x) **Dissolution**

The Rails Future Commission may be dissolved at any time by a majority vote of the members of Erie County Council. Provided, the Commission shall have six (6) months from the date of Council action within which to wind up its affairs. Upon payment of all of its liabilities, any remaining assets shall be returned to the County and deposited in the County's General Fund.

4. **Erie County Land Bank**

i) **Organization and Function**

The Erie County Land Bank ("Land Bank") is organized under the provisions of Act 153, created by the Pennsylvania General Assembly and signed into law by the Commonwealth on October 4, 2012 and By Erie County Ordinance Number 3, 2018. The Land Bank shall have unlimited power to engage in and do any lawful act concerning any and all lawful activities for which land banks may be incorporated under the provisions of the law.

The Land Bank will acquire, hold, and transfer interest in real property throughout Erie County as approved by the Board of Directors for the following purposes: to deter the spread of blight; to promote redevelopment and reuse of vacant, abandoned, and tax-delinquent properties; to support targeted efforts to stabilize neighborhoods; to stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

ii) **Membership**

a) **Composition:** The Land Bank shall be governed by a Board of Directors comprised of nine (9) members. The Board of Directors of the Land Bank shall not have authority to modify the size of the Board under any provision of the Bylaws of the Land Bank.

b) **Qualifications:** Members shall include individuals

with expertise in relevant areas, including but not limited to planning, real estate, open space, housing, community development, architecture and/or particular knowledge of conditions and needs in neighborhoods with significant rates of vacant and/or publicly-owned properties.

c) **Appointments:** Erie County Council shall appoint the seven (7) members to the Board of Directors, with each member of County Council having one appointment. The County Executive shall appoint two (2) members of the Board of Directors with the advice and consent of Council.

d) **Term:** Inaugural term endings will be staggered and thereafter the term shall be five (5) years. Members of the Board of Directors shall continue to serve until their successors have been appointed and qualified.

iii) **Officers**

a) **Election & Term:** The Board shall elect from among its members a Chair, Vice Chair, Secretary, Treasurer and other officers as the Board determines at the first meeting of the calendar year. The officers so duly elected shall hold office for one year or until their successors are appointed and qualified**.**

b) **Duties:** The Chair shall preside at all meetings of the Board, perform such other duties as may be assigned to him or her from time to time by the Board and perform all the duties of the office as provided by law or these By-Laws. Except for delegations of authority permitted by the Board, the Chair or Vice Chair shall sign all contracts, deeds and other instruments made by the Land Bank together with either (a) the Secretary or an Assistant Secretary or (b) the Treasurer or an Assistant Treasurer. At each meeting, the Chair shall submit such recommendations and information as the Chair may consider proper concerning the business, affairs and policies of the Land Bank. The duties of the Vice Chair, Secretary and Treasurer shall be as are usually incident to such offices.

c.) **Additional Personnel:** The Land Bank may engage through a management agreement an executive director, counsel and legal staff, technical experts and other individuals and may approve the qualifications, compensation and benefits of those performing such services for the Land Bank. Unless otherwise agreed to in writing, such individuals shall be deemed to be employees of the Land Bank.

iv) **Meetings**

a) **Presence:** Members may only attend and participate in meetings of the Board by being physically present or by use of conference telephone or similar communications equipment, or any Internet application, which allows all persons participating in the meeting to hear each other at the same time. No member of the Board may vote by proxy.

b) **Public Notice:** Public notice of meetings involving official action and deliberations by a quorum of the Board shall be given, and such meetings shall be held, in compliance with the Sunshine Act, 65 Pa. C.S.A. §§ 701-716.

c.) **Regular Monthly Meetings:** A regular meeting schedule shall be determined by the board members in the first meeting of the calendar year. Regular meetings shall be held at such dates and times as are adopted. No notice to members shall be required for any such regular meeting of the Board.

v) **Quorum and Actions**

a) **Quorum:** A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors, excluding vacancies on the Board, shall constitute a quorum. The Board of Directors shall act by a roll call majority vote of the Members at a meeting at which a quorum is present. Except as set forth below, all actions of the Board may be taken by a vote of the majority of the members present and voting at any meeting where a quorum exists. Action of the Board on the following matters must be approved by a majority of the entire Board of Directors (i) adoption, repeal or amendment of By-Laws, (ii) adoption, repeal or amendment of rules governing the conduct of the Land Bank, (iii) hiring or firing of an employee or contractor of the Land Bank (this function may, by majority vote of the entire Board of Directors, be delegated by the Board to a specified officer or committee of the Land Bank), (iv) incurring of debt, (v) adoption or amendment of the annual budget, (vi) sale, lease, encumbrance or alienation of real property or personal property, (vii) approval of the minutes. A resolution relating to dissolution of the Land Bank must be approved by a vote of two-thirds of the entire Board of Directors. A member may request a recorded vote on any resolution or action of the Land Bank.

b) **Committees:** The Board by resolution passed by a majority vote of the entire Board of Directors may designate one or more standing advisory and ad hoc committees, with each committee consisting of one or more members. The Board may designate one or more members as alternate members of a committee, who may replace an absent or disqualified member at a meeting of the committee. In the absence or disqualification of a member of a committee, the members thereof present at a meeting and not disqualified from voting, whether or not they constitute a quorum, may unanimously appoint another member to act at the meeting in place of such absent or disqualified member. Members of advisory committees may include members and individuals who are not members.

5. **Committees**

a. Department of Public Safety Advisory Committee

(i) **Name**

An established body within the agency to be known as the Public Safety Advisory Committee for the Department of Public Safety, Erie County, Pennsylvania.

(ii) **Authority**

The Administrative Code, Article II, Section 5, I., A, adopted by Erie County Council on July 5, 1978, pursuant to the mandate of Article XI, Section 12, of the Home Rule Charter for the County of Erie, Pennsylvania.

(iii) **Purpose**

To create a process whereby appointed residents / officials of the County of Erie may support and advise the Department of Public Safety, the County Executive and County Council regarding programs, policies and procedures that impact public safety; to provide an educational opportunity for residents to understand public safety issues and concerns; and to provide a forum to discuss both immediate, short and long term solutions.

(iv) **Objective**

To provide a system of increased accountability and transparency, and to facilitate community input on matters that affect public safety.

(v) **Duties**

(i) Assist in the development of short and long term goals and objectives;

(ii) Provide recommendations on future initiatives, programs, systems and services;

(iii) Review, monitor and evaluate the performance of specific programs and services;

(iv) In conjunction with the Director, advocate for additional funding, if required to ensure adequate financial resources are

available to support the initiatives, programs and services;

(v) Assure that quality services and facilities Are provided to the citizens and visitors of Erie County within the constraints of the Public Safety Fund Budget as established by County Government;

(vi) Evaluate the adequacy and quality of services, and report deficiencies to the Director of Public Safety for remediation;

(vii) Advocate to the community, serving as liaison and provide feedback to the Department from the community;

(viii) Enhancement of the Department's public standing in the community;

(ix) Promote educational programs and opportunities to the community;

(x) Enhance and promote coordination between emergency services providers and agencies that provide or may provide services;

(xi) Represent the interests of emergency services providers and provide input in the development of policies and procedures for efficiency and effectiveness;

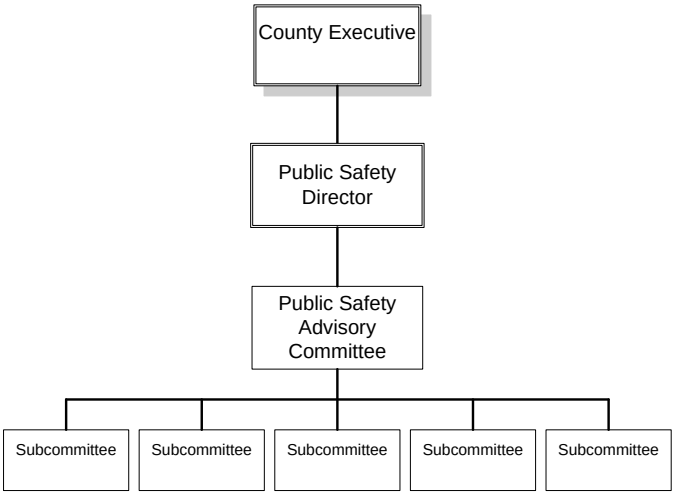
(xii) Promote the consolidation of countywide communications to include emergency and non-emergency call taking and dispatch services for Law, Fire, EMS, and Emergency Management Functions;

(xiii) Promote collaboration between emergency services providers, local municipalities, and the Department of Public Safety for the betterment of emergency services and providing a timely, efficient response throughout Erie County based on sharing regional assets and resources;

(xiv) Promote the collaboration of municipal emergency management functions;

(xv) All recommendations of the Public Safety Advisory Committee shall be subject to the approval of the Director of Public Safety, and ultimately, the County Executive.

ORGANIZATIONAL STRUCTURE



(vi) **Membership**

The Erie County Public Safety Advisory Committee shall be comprised of fifteen (15) members: three (3) at-large representatives to be recommended by County Council, with one (1) representative to be selected from the City of Corry; and twelve (12) representatives from public safety and community organizations from each of the following groups:

- Erie County Police Chiefs Association 1 member
- Erie County Fire Firefighters Association 1 member
- Erie County Emergency Medical Services 1 member
- Erie County Association of Township Officials 1 member
- Erie County Association of Boroughs 1 member
- Erie County Local Emergency Mgmt. Coordinator 1 member
- Erie County Local Emergency Planning Committee 1 member
- Erie County Neighborhood Watch Council 1 member
- Erie City Fire Department 1 member
- Erie City Police Department 1 member
- Millcreek Township Fire Department(s) 1 member
- Millcreek Township Police Department 1 member

The applicable public safety and community organizations shall ensure nominees are sufficiently proficient, having knowledge of telecommunications, technology or systems engineering, and emergency management and / or emergency preparedness backgrounds, and that such nominees provide a diverse representation from the central, eastern, western and southern regions of Erie County.

Each member shall:

(i) Be a United States Citizen;

(ii) Have resided for a minimum of three (3) years, and continue to reside during the term of his/her appointment, within the boundaries of the County of Erie;

(iii) Be willing to make a commitment to serve up to three (3) years;

(iv) Reflect the demographic and geographic diversity of the County of Erie;

(v) Not be an employee of Erie County government.

(g) **Appointments**

(i) The members of the Public Safety Advisory Committee shall be appointed by the County Executive, and confirmed by County Council, based on referrals or recommendations. The appointment process Shall conform with Article II, Section 5, I., A, of the Administrative Code;

(ii) A member's term begins on the day of appointment, which shall be defined through a written notice by the County Executive to each individual;

(iii) Appointments shall be for a three (3) year term. Members may serve for no more than two consecutive terms. Appointments that fill the remainder of an unexpired term of less than eighteen (18) months remaining shall not be counted towards the term limits;

(iv) Initial terms for members appointed under section 8.1 through 8.5 shall be divided between one year, two year and three year terms;

(v) Terms shall be staggered so as to permit

the appointment of 1/3 of the members each year following the initial appointment of all members after the effective date. Members appointed to an initial term of less than three years under this staggering system shall be deemed to have served one full term for purposes of term limits;

(vi) Staff Membership. Erie County Department of Public Safety managerial staff members shall be entitled to participate in a non-voting capacity on the committee.

(h) **Vacancies**

(i) Vacancies shall be filled within sixty (60) days. Recommendations from the Advisory Committee shall be forwarded to the County Executive;

(ii) Membership shall be terminated by death, resignation in writing, lack of residency in Erie County, or a member's change in affiliation with a public safety or community organization;

(iii) The absence of any member, unless excused by the Chairperson or his/her designee, from three consecutive meetings, shall be considered equivalent to resignation;

(iv) Any member shall be subject to expulsion from the committee for conduct deemed detrimental to the committee. The Chairperson will make recommendations for their removal from the committee to the County Executive.

(i) **Election of Officers**

(i) The Advisory Committee shall elect a Chairperson, Vice-Chairperson and Secretary on an annual basis at their January meeting. Officers are required to have served as an Advisory Committee member for at least one (1) year prior to election;

(ii) Nominations shall be made from the membership and the election by secret ballot. A simple majority of members present shall be required to elect an officer. All officers shall take office in January, and shall hold office for a one (1) year term, expiring at the end of the calendar year;

(iii) In the event an officer is unable to complete his/her term in office, the membership at large may, by simple majority vote, elect a replacement member to complete the term.

(j) **Duties of Officers**

The Chairperson shall:

(i) Be ex-officio of all committees;

(ii) Preside over Advisory Committee meetings;

(iii) Appoint members of standing and special committees;

(iv) Upon good cause, remove a member of subcommittee;

(v) Call special meetings of the Committee, as deemed necessary;

(vi) Serve as liaison between the Committee and the Director of Public Safety.

The Vice-Chairperson shall:

(i) Assume all the above duties and responsibilities, in the absence of the Chairperson.

The Secretary shall:

(i) Keep an accurate account of all proceedings of the Advisory Committee;

(ii) Review all minutes of all proceedings at all Advisory Committee meetings;

(iii) Supply copies (paper or electronic) of the minutes to members at least seven days prior to the next regularly scheduled meeting.

(iv) Meeting minutes shall be made available to the general public, and posted on the County and/or Department Website, at least seven days prior to the next regularly scheduled meeting.

(i) **Executive Committee**

(i) Executive Committee shall be composed of each of the Subcommittee Chairpersons, plus the Chair, Vice-Chair and Secretary of the Public Safety Advisory Committee;

(ii) The Executive Committee shall meet on a monthly basis to discuss issues affecting Public Safety. At least one of these meetings shall take place at a regularly scheduled, quarterly meeting of the entire committee. This briefing will include, the issues reviewed, and recommended changes to the policy, processes and procedures, and suggested issues on future agendas;

(iii) The Executive Committee shall have the authority to represent/act on behalf of the Public Safety Advisory Committee, by majority vote of the full Executive Committee membership;

(iv) A simple majority shall constitute a quorum;

(v) Special meetings shall be called upon the request of the Chairperson, the Director of Public Safety, or any five members, as deemed necessary to carry out the duties and responsibilities of the Public Safety Advisory Committee.

(j) **Subcommittees**

(i) In conjunction with the Director of Public Safety, the Chairperson may create, appoint and organize subcommittees as he/she Deems appropriate or necessary for the accomplishment of a specific written purpose, and to be accomplished within a specific timeframe;

(ii) The Subcommittee Chairpersons of all committees shall be members of the Public Safety Advisory Committee;

(iii) Members appointed to serve on the subcommittees need not be members of the Public Safety Advisory Committee, but would be comprised of representatives involved in the public safety community or having experience and knowledge of the specific purpose of the subcommittee.

(k) **Meetings**

(i) The Public Safety Advisory Committee shall meet on a quarterly basis, on dates to be determined by the Chairperson;

(ii) Special meetings may be called by the Chairperson, as deemed necessary to carry out the duties and responsibilities of the Public Safety Advisory Committee;

(iii) A majority of the Public Safety Advisory Committee shall constitute a quorum;

(iv) The routine business of the Public Safety Advisory Committee shall be conducted by a simple majority vote of the members present;

(v) Guests may be invited to present information and guidance as needed to support the initiatives of the Public Safety Advisory Committee;

(vi) Individuals may request the opportunity to address the Public Safety Advisory Committee by requesting their attendance in writing to the Chairperson or Director of Public Safety, a minimum of one (1) week in advance of any scheduled meeting;

(vii) Notice of all meetings shall be published by announcement on an annual basis. The publication of the notice shall comply with the criteria set forth in the Sunshine Act, 65 P.S. § 273, "Public Notice";

(viii) Should confidentially be required for any discussion or issue, all attendees shall be bound by basic rules of confidentiality. All members shall be required to sign the county / department confidentiality agreement;

(ix) All meetings shall be conducted in accordance with Roberts Rules of Order;

(x) The basic agenda of the Public Safety Advisory Committee meeting shall be as follows:

Call to Order
Welcome / Opening Remarks
Introductions / Guests
Review of Agenda
Approval of Minutes from the previous meeting
Report of the Director of Public Safety
Report of Committees

Old Business
New Business
Good of the Order
Adjournment

The Department of Public Safety shall provide clerical support, when necessary to the Public Safety Advisory Committee, including the recording of minutes, mailing of notices, printing of agendas, etc.

(l) **Compensation**

Members of the Public Safety Advisory Committee shall serve without compensation.

(m) **Bylaws Adoption & Amendments**

(i) These bylaws shall be adopted by majority vote of County Council;

(ii) These Bylaws shall be in full force and effective immediately, upon their adoption;

(iii) These Bylaws may be amended by a majority vote of the Public Safety Advisory Committee membership;

(iv) Final approval of any amendments to these Bylaws shall be by majority vote of Erie County Council.

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ARTICLE III

PURCHASING AND SALE PROCEDURES

Section 1 Purchasing Code

A. **Contractor for County**

The County Executive or his or her designee, the Director of Procurement, shall contract for and purchase or rent all materials, supplies, furnishings, equipment, or other personal property, insurance coverage, and services by independent contractors required by the County of Erie and its departments, offices, boards, commissions, agencies, and Court-related departments.

B. **Requisitions**

1. Director of Procurement shall be responsible for the general operation and administration of the purchasing program for the County of Erie.

2. Each department, office, board, commission, agency, or Court-related department of the County of Erie which requires materials, supplies, furnishings, equipment, or other personal property, insurance coverage, or services by independent contractors shall submit a requisition electronically to the County Purchasing Department, describing the type and quantity of goods or services required.

3. All purchases or rentals shall be channeled through the County Purchasing Department, and no County department, office, board, commission, agency, or Court-related department is authorized to contract directly for the purchase or rental of such goods or services.

C. **Form of Contracts**

1. All contracts for the purchase or rental of materials, supplies, furnishings, equipment, or other personal property, insurance coverage, and services by independent contractors, where the amount thereof exceeds the sum of Twenty-Five Thousand Dollars ($25,000), shall be in writing, signed by the parties thereto, and filed in the office of the Director of Finance.

2. All contracts for the purchase or rental of materials, supplies, furnishings, equipment, or other personal property, insurance coverage,

and services by independent contractors, where the amount thereof is Twenty-Five Thousand Dollars ($25,000) or less, must have a purchase order and shall be filed in the Purchasing Department office.

3. Contracts for routine purchases, such as office and maintenance supplies and services that will not meet the bid criteria, may utilize open purchase orders. Open or blanket purchase orders may not be used to purchase any item that will be assigned an inventory tag, such as office and computer equipment and furniture. Requisitions for open purchase orders must be submitted annually by departments. Also any individual orders that total over $2500.00 may not use an open purchase order and must be submitted on a separate requisition.

D. **Formal Competitive Bid Procedure**

1. All contracts for the purchase or rental of materials, supplies, furnishings, equipment, or other personal property, insurance coverage, and services by independent contractors, where the amount thereof exceeds the sum of Twenty-Five Thousand Dollars ($25,000), shall be made with the lowest responsible bidder meeting specifications after advertising for bids, except as otherwise hereinafter specified. The County of Erie, however, shall have the right to reject any and all bids and to waive defects in form with respect to such contracts.

2. Contracts for purchases or rentals in an amount in excess of Twenty-Five Thousand Dollars ($25,000) Dollars shall be advertised for bids by the Director of Procurement in one newspaper of general circulation, published or circulated in the County of Erie, at least two (2) times at intervals of not less than three days. The first advertisement shall be published not less than ten (10) days prior to the date fixed for the opening of bids. The bid or RFP shall also be posted on the Erie County website.

3. Director of Procurement, in advertising for bids, shall have discretion to request bids on an item-by-item basis and/or on a total package basis in order to obtain the most favorable bid proposals for the County of Erie.

4. All bids shall be received by the Controller of Erie County in sealed envelopes. These bids shall be opened in public in the presence of the Controller or his or her designee at the time and place stated in the advertisement for bids. The Director of Procurement and the Controller shall keep a record of all bids received and the awards made thereon.

5. The acceptance of bids received by advertising hereunder shall be made within 60 days of the bid opening. All bidders shall be informed of the bid results by letter or phone. The County may request vendors to extend the time period that prices will be honored.

6. In the event that the contract is awarded to a bidder who did not submit the lowest bid, or in the event that all bids are rejected, the County Executive or his or her designee shall set forth in writing the reasons for such action at the time of the award or rejection. This writing shall be filed in the Purchasing Department office.

7. In the event of a tie low bid meeting specifications in which the low bidders are responsible, the County Executive or his or her designee shall award the contract to the low bidder who resides in the County of Erie, but if more than one such low bidder resides in the County of Erie, the County Executive or his or her designee shall offer to split the contract evenly between the low bidders residing in the County of Erie. If the low bidders residing in the County of Erie cannot agree to split the contract evenly, the County Executive or his or her designee shall use his or her discretion to award the contract to the most responsible low bidder and shall set forth in writing the reasons for such action at the time of the award. This writing shall be filed in the Purchasing Department office.

8. Except for the purchase of insurance coverage, all bids submitted shall be accompanied by a good faith certified or cashier's check drawn upon a duly licensed national or state bank or by a bid bond with corporate surety in the amount of 10 percent of the amount bid or estimated determined dollar amount to guarantee acceptance of the contract, if awarded. If the successful bidder fails to execute the contract in timely fashion or fails to furnish a separate performance bond, if necessary, the good faith deposit by certified or cashier's check or bid bond shall be forfeited to the County of Erie as liquidated damages.

9. In the case of contracts which involve only the sale or rental of materials, supplies, furnishings, equipment, or other personal property, and not with the performance of services by independent contractors, the good faith deposit (or bid bond) also shall constitute a performance guarantee and shall be held for the benefit of the County of Erie until the contract has been completed. With respect to such contracts, in the event that a bid bond has been submitted in lieu of a good faith certified or cashier's check, said bid bond shall be replaced with corporate surety, or by a good faith certified or cashier's check, in the amount of 10 percent of the contract price. In the case of contracts which involve the performance of services by independent contractors, the successful bidder shall be required to furnish at the time of execution of the contract a second bond guaranteeing performance of the contract with corporate surety in the full amount of the contract. In the case of contracts which involve the purchase of insurance coverage, no performance bond or guarantee shall be required.

10. Each bid submitted shall contain a signed statement by the bidder verifying that it was prepared independently and without collusion with any other bidder.

11. The amount or price of the contract awarded under this formal bid procedure shall be the entire amount which the County of Erie pays to the successful bidder for the goods or services advertised for bids and supplied by the successful bidder

12. All contracts must be executed by the County of Erie and the successful bidder within sixty (60) days from the date of awarding the contract.

13. All contracts shall be filed with the Director of Finance immediately after being executed.

14. Contracts for the purchase or rental of materials, supplies, furnishings, equipment, or other personal property, insurance coverage, and services by independent contractors involving an expenditure in excess of Twenty-Five Thousand Dollars -($25,000) for which the foregoing formal competitive bid procedure is not required are as follows:

(a) Professional services are defined to pertain only to the medical or legal profession and certified public accountants. All others must comply with the bidding procedures as set forth in the Administrative Code of the County of Erie.

(b) Those involving emergency purchases which are subject to the emergency competitive bid procedure set forth in Section 5 below, upon a showing that such purchases are required for the health, safety, and welfare of the people or for the protection of property, and that there is a present, immediate, and existing emergency which reasonably could not be foreseen.

15. With respect to contracts for the purchase of insurance coverage which are subject to this formal competitive bid procedure, the frequency of bidding shall be at the discretion of the County Executive, based on market conditions, claim experience, and other relevant factors; provided, however, that such contracts for the purchase of insurance coverage must be bid at least every three (3) years. During the term of a contract for the purchase of insurance coverage, the County Executive shall have the discretion to increase or decrease any type of existing coverage; provided, however, that the cost of such increase or decrease shall be at the unit value per type of coverage upon which the bid was awarded.

E. **Emergency Competitive Bid Procedure**

1. In the event that the emergency purchase or rental of materials, supplies, furnishings, equipment, or other personal property, insurance coverage, and services by independent contractors, where the amount thereof exceeds the sum of Twenty-Five Thousand Dollars ($25,000), is required for the health, safety, and welfare of the people or for the protection of property, and that there is a present, immediate, and existing emergency which could not reasonably be foreseen, this emergency competitive bid procedure shall be used in lieu of the formal competitive bid procedure set forth in Section D above.

2. In order to invoke the emergency competitive bid procedure, the County Executive or his or her designee shall set forth in writing the nature of the emergency, the reasons why the purchase or rental is required for the health, safety, and welfare of the people or for the protection of property, and a statement that there is a present, immediate, and existing emergency which could not reasonably be foreseen. This writing shall be filed in the Purchasing Department office.

3. Upon the required showing of an emergency, the County Executive or his or her designee shall solicit bids by telephone or by some other expedient means of communication from as many known suppliers of the materials, supplies, furnishings, equipment, or other personal property, and insurance coverage or from as many known independent contractors as is practical under the circumstances of the emergency.

4. The County Executive or his or her designee may accept oral bids for the necessary materials, supplies, furnishings, equipment, or other personal property, insurance coverage, and services by independent contractors and shall award the contract to the lowest responsible bidder meeting specifications. Such award, however, shall not be effective until the successful bidder submits a signed, written memorandum to the Director of Procurement, confirming his or her oral bid. A written contract, between the successful bidder and the County of Erie, shall be executed as soon as practical. The written memorandum shall be filed in the Purchasing Department office, and the written contract shall be filed in the Office of the Director of Finance. The County of Erie, however, shall have the right to reject any and all bids and to waive defects in form with respect to such contracts.

5. The County Executive or his or her designee shall keep a record of all contracts with suppliers and independent contractors from whom bids were solicited for emergency purchases setting forth the persons contacted, the dates of contact, the persons submitting bids, the amount of each bid, and the awards made thereon. This record shall be filed in the Purchasing Department office.

6. In addition to the foregoing emergency competitive bid procedure, the following provisions of the formal competitive bid procedure also shall apply: Section D(3) dealing with the solicitation of bids; Section D(7) dealing with a writing setting forth the reasons for an award to a bidder who did not submit the lowest bid or in the event that all bids are rejected; Section D(8) dealing with low tie bids; and Section D(12) dealing with the amount to be paid to the successful bidder.

F. **State Purchase Contracts**

1. In the event that the County of Erie desires to participate in or purchase from purchase contracts for materials, supplies, and equipment entered into by the Commonwealth of Pennsylvania, the County Council shall pass an appropriate ordinance requesting that the County be authorized to participate in such purchase contracts and agreeing that the County will be bound by such terms and conditions as the Commonwealth may prescribe and that the County will be responsible for payment directly to the vendor under each purchase contract.

2. The County Executive or his or her designee may purchase the materials, supplies, or equipment from the vendor under a State purchase contract only if:

(a) The State purchase contract price is less than the lowest responsible bid meeting specifications after advertising;

(b) The materials, supplies, or equipment which are subject to the State purchase contract meet the specifications set forth by the Director of Procurement in soliciting for bids; and

(c) The County Executive or his or her designee feels that a purchase from the State purchase contract would be in the best interest of the County of Erie after considering all relevant factors such as price, delivery dates, service, and maintenance, and the place of business of the vendor.

3. In the event that the County Executive or his or her designee rejects all bids solicited by advertising and purchases materials, supplies, or equipment from a vendor under a State purchase contract, the County Executive or his or her designee shall set forth in writing the reasons for such action at the time that all bids are rejected. This writing shall be filed in the Purchasing Department office.

G. **Quotation Procedure**

1. All contracts for the purchase or rental of personal property, materials, supplies, furnishings, equipment, and services by independent contractors, which exceed the sum of Twelve Thousand Five Hundred Dollars ($12,500) but are less than Twenty Five Thousand Dollars ($25,000), shall require the solicitation of at least three (3) competitive quotations unless the Director of Procurement considers the price of the contract reasonable. Provided, with regard to property or services purchased with federal monies, the County will follow the Guidelines established by Office of Management and Budget Uniform Guidance 2CFR200. Unless the purchasing agent considers the contract price to be reasonable, at least three (3) solicited competitive quotations shall be secured for contracts which exceed the sum of Ten Thousand Dollar ($10,000) but are less than Twenty Five Thousand Dollars ($25,000). It is the responsibility of a department to notify the Procurement Office in advance when a purchase will be made using federal monies.

2. The Director of Procurement may use his or her discretion to negotiate with proposed suppliers in order to get the lowest quotations for the goods and services to be purchased or rented.

3. The Director of Procurement shall keep a record of all quotations received, setting forth the dates thereof, the persons who submitted the quotations, and the awards made thereon.

4. All Purchase Orders and Acknowledgments, if any, evidencing the purchase or rental of such goods and services shall be filed in the Purchasing Department office.

H. **Request for Proposal Procedure**

1. In a case where the County desires to contract for professional services that are in excess of $25,000 (such as legal services, architects, accountants, engineers, mass reappraisal, or other services which depend in large part on the professional expertise and training of the individual or company to be retained, or consultants with regard to any of these services), the County may, at its option, request proposals for such services using the following procedures:

I. **Pre-Qualification Procedures**

1. A pre-proposal conference may be conducted by the Director of Procurement at a time after release of the RFP Persons or companies who express a desire to attend the conference shall be provided with a copy of the

draft proposal specifications in advance of the conference, and shall be allowed to comment on the specifications at the conference.

J. **Proposal Procedures**

(i) All proposals shall be received at the office of the County Controller at the time and date specified.

(ii) The Controller shall publicly open the proposals and inspect them to determine if they contain the necessary proposal forms, bonds, or other documents required by the proposal specifications, but shall not publicly announce the amount of the proposal.

K. **Selection of Vendor**

(i) After the proposals are opened and verified to contain the proper forms, bonds, and other documents, they shall be referred to the director of purchasing and the department head for which the proposals were solicited.

(ii) The Director of Procurement and the department head and any ad hoc committee established for such purpose shall thereafter evaluate the proposals received. In determining which proposal to accept, the director, department head, and the committee will use selection criteria shown below to assist in the overall decision:

(a) the cost of the proposal;

(b) the expertise and experience of the person or company submitting the proposal;

(c) the completeness and quality of the proposal;

(d) the degree to which the proposal adheres to the project specifications; and

(e) any innovative solutions contained within the proposal.

(iii) The Director of Procurement and the department head may meet with any or all of the vendors submitting proposals to clarify the terms of their proposal, or to negotiate different or less expensive alternatives. In so doing,

the director of purchasing and the department head shall not disclose to any vendor proprietary information contained in the proposal of another vendor.

(iv) The Director of Procurement and the department head shall select the person or company whose proposal provides the best value to the County. The term "best value" shall mean the lowest expected cost to the County over the period of time which the services or project being contracted for is reasonably expected to last.

L. **Pre-Bid Conference**

1. Any contract for the purchase or rental of materials, supplies, furnishings, equipment, or other personal property, insurance coverage, and services by independent contractors, where the amount thereof exceeds the sum of Twenty-Five Thousand Dollars ($25,000), may be subject to a pre-bid conference. Attendance at a pre-bid conference may be deemed mandatory by the County in order to bid. This is done to ensure that vendors understand the scope of the work to be performed.

2. The Director of Procurement shall be responsible for maintaining a list of names and addresses of all known potential bidders who shall be invited to attend a pre-bid conference by mailed notice or public advertisement.

3. The Director of Procurement shall preside over the pre-bid conference at which time he or she shall present the bid specifications to the potential bidders for their review, questions, and comments.

4. Following the pre-bid conference, the Director of Procurement may review the pre-bid conference proceeding with the County department, office, board, commission, agency, or court-related department requesting the purchase or rental of the goods or services and may modify the bid specifications in the best interest of the County of Erie to arrive at final bid specifications to be advertised for bids.

M. **Evasion of Advertising Requirements**

1. The County Executive, the Director of Procurement, and any County officer, agent, or employee who submits a requisition for the purchasing or rental of materials, supplies, furnishings, equipment, or other personal property, insurance coverage, or services by independent contractors, shall not willfully evade the competitive bid procedure set forth above by requesting a series of purchases or contracts each for less than the formal advertising price or by making several

simultaneous purchases or contracts each below said price, when in either case the transaction involved should have been made as one transaction for one price.

N. **Purchasing Ethics**

1. Any elected or appointed County official or employee who is directly or indirectly interested in any contract to which the County of Erie is a party shall make known such interest as provided in the Conflict of Interest Provisions of Article VI of this Administrative Code.

O. **Sale of Surplus Property**

1. In the event that any materials, supplies, furnishings, equipment, or other personal property are no longer needed by the County of Erie and its departments, offices, boards, commissions, agencies, and court-related departments, said property shall be transferred to the custody of the County Finance Department.

2. The County Finance Department shall determine whether that property is needed by any other department, office, or agency of the County of Erie, and, if so, shall distribute the property accordingly. If no other department, office, board, commission, agency, or court-related department of the County of Erie has need for the property, the Director of Procurement shall declare it surplus.

3. When any materials, supplies, furnishings, equipment, or other personal property have been declared surplus, the Director of Procurement shall divide the property into saleable lots and shall estimate the sale value of each such lot. In estimating this value, the Director of Procurement may enlist the aid of appraisers or other persons with special knowledge or expertise. The estimated sale value of each lot shall be confirmed in writing by the Controller of Erie County, or his or her designee, and copies of this writing shall be filed in the Office of the Controller and in the Purchasing Department Office. The Director of Procurement may also arrange for certain lots (including vehicles) to be sold at auction, if in his/her judgment, it is in the best financial interest of the County.

4. If the estimated sale value of a lot to be sold exceeds the sum of One Thousand ($1000) Dollars, the Purchasing Department shall post a notice in a prominent place in the Erie County Courthouse and shall advertise the lot for sale on the Erie County and Public Purchase websites, describing and itemizing the property to be sold. The notice and advertisement either shall solicit sealed bids or shall announce the time and place for the holding of a public auction. Neither the opening of the sealed bids nor the public auction shall take place until at least ten (10) days after the posting of the notice and the publishing of the advertisement. The lot

shall be sold to the highest bidder by sealed bid or auction, but the County of Erie shall have the right to reject any and all bids.

5. If the estimated sale value of a lot to be sold is One Thousand ($1000) Dollars or less, the Director of Procurement shall post a notice in a prominent place in the Erie County Courthouse for at least five (5) days, soliciting sealed bids and describing and itemizing the properties to be sold.

6. The provisions of this section shall not apply when the surplus property is to be traded in or exchanged for new personal property as part of a County purchasing contract.

7. In the event that the surplus property is without resale value and should be discarded, General Accounting may dispose of the property, but only after the Controller or his or her designee verifies in writing that the surplus property is without resale value. Copies of this writing shall be filed in the Office of the Controller and in the Office of the General Accounting Manager.

P. **Penalties**

Any person who willfully violates, after January 1, 1979, the provisions of this Article III, Purchasing Policy and Procedures, shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not to exceed $300.00. Provided, however, that if such violation constitutes a violation of applicable State law defining or providing for the punishment of any felony or misdemeanor, such State law will govern.

Q. **Discrimination and Contract Compliance**

(i) **Definitions**

As used in this article, certain terms are defined as follows:

(a) "Discriminate," "discriminates," and "discrimination" means to distinguish, differentiate, separate, or segregate on the basis of race, religion, color, sex, national origin, or ancestry.

(b) "Contractor" means any person, partnership, corporation, association, or joint venture which has been awarded a public contract, and includes every subcontractor on such a contract.

(c) "Subcontractor" means any person, partnership, corporation, association or joint venture which supplies any of the work, labor,

supplies, equipment, materials, or any combination of the foregoing under a contract with the contractor on a public contract.

(d) "Public contract" means any contract awarded by the County whereby the County is committed to expend or does expend public funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, or any lease, lease by way of concession agreement, permit, or permit agreement whereby the County leases, grants, or demises property of the County or otherwise grants a right or privileges to occupy or use property of the County.

(e) "Construction contract" means any public contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, streets, or other improvements to real property.

(f) A bona fide "Minority Business Enterprise" (MBE) means a business enterprise, whether a sole proprietorship, partnership, corporation, association, or joint venture:

(1) Wherein at least fifty-one percent (51%) of which is owned by minority group members and no part of its ownership, operation, and control is in the hands of the respective prime contractor of the relevant County contract;

(2) Wherein minority group members share in the risks and profits of the enterprise to the extent of their individual holdings;

(3) Wherein minority group members' participation in the business is active, as opposed to passive, and such participation is not dependent on the consent of nonminority group members who may also have holdings in the business enterprise; and

(4) Wherein the business enterprise has experience in the area to which it claims expertise.

(g) A bona fide "Female Business Enterprise" (FBE) means:

(1) A sole proprietorship where the sole proprietor is a female; or

(2) A business corporation where fifty-one percent (51%) of the interests in such corporation are beneficially owned by females,

and females occupy the majority of management and board positions and control all decisions concerning the corporation; or

(3) A partnership where fifty-one percent (51%) of the partnership interests in such partnership are owned by females, and females occupy the majority of management and partnership positions and control all decisions concerning the entity; or

(4) Any other business or professional entity where fifty-one percent (51%) of the interests are owned by females, and females occupy the majority of management and board positions and control all decisions concerning the entity.

(h) "Minority" means Black/African-Americans, Hispanic-Americans, Asian-Americans, American Indians, and American Aleuts, or other groups so designated as minorities.

(i) "Bidder" means any person, partnership, corporation, association, or joint venture seeking to be awarded a public contract and/or construction contract.

(j) "County" means the County of Erie, Pennsylvania.

(k) "Public funds" means any moneys expended by the County from its own general funds or from State or federal sources.

(ii) **Applicability**

This article shall apply to contracts, contractors, and subcontractors who perform County contracts in an amount of twenty thousand dollars ($20,000) or more.

(iii) **Affirmative Action Office**

In addition to his/her current duties, the County Affirmative Action Officer shall have the authority and responsibility to:

(a) Ascertain, within ninety days of the enactment of this article, the total number of bona fide minority-owned businesses in the Erie Metropolitan Statistical area.

(b) Establish, within ninety days of the enactment of this article, minimum target goals within each department for bona fide minority-owned business participation to meet the County goals established below.

(c) Devise, within ninety days of the enactment of this article, appropriate policies, regulations, and procedures for insuring the participation of bona fide minority-owned businesses in various County contracts.

(d) Establish procedures for monitoring and enforcing compliance with this article in cooperation with the Office of the County Solicitor.

(e) Submit a written semiannual report to the County Executive and Council indicating the progress made toward achieving the goals set out below. The report shall include, but not be limited to, a summary of departmental and County contracts let during the relevant periods, and the extent and percentage of minority participation, and recommendations as to appropriate future goals.

(f) Make all determinations as to compliance with the Minority Business Enterprise Program, and shall meet with such contracting parties for such purposes.

(iv) **Equal Employment Opportunity Clause**

(a) All public contracts hereinafter entered into by the County shall incorporate an Equal Employment Opportunity Clause, which shall read as follows:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment, without regard to their race, religion, color, sex, or national origin. As used herein, "treated" means and includes, without limitation, the following: recruited, whether advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship; promoted; upgraded; demoted; downgraded; transferred; laid off; and terminated. The contractor agrees to and shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officers setting forth the provisions of this nondiscrimination clause.

(2) The contractor shall in all solicitations or advertisements for employees place by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, or national origin.

(3) The contractor shall send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or worker's representative of the contractor's commitment under the Equal Employment Opportunity Clause of the County, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor shall furnish all information and reports requested by the County Executive or the County Council to ascertain compliance with the program.

(5) The contractor shall take such action with respect to any subcontractor as the County may direct as a means of enforcing the provisions of subsections (a)(1) to (8) hereof, including penalties and sanctions for noncompliance, provided, however, that in the event the contractor becomes involved in or is threatened with litigation as the result of such direction by the County, the County shall enter into such litigation as is necessary to protect the interests of the County to effectuate the County's Equal Employment Opportunity Program, and in the case of contracts receiving federal assistance, the contractor or the County may request the United States to enter into such litigation to protect the interests of the United States.

(6) The contractor shall file and shall cause his subcontractors, if any, to file compliance reports with the County. Compliance reports filed at such times as directed shall contain information as to the employment practices, policies, programs, and statistics of the contractor and his subcontractors.

(7) The contractor shall include the provisions of subsections (a)(1) through (8) of the Equal Employment Opportunity Clause in every subcontract or purchase order so that such provisions will be binding upon each subcontractor or vendor.

(8) Refusal by the contractor or subcontractor to comply with any portion of this program as herein stated and described will subject the offending party to any and all of the following penalties:

(a) Withholding of all future payments under the involved public contract to the contractor in violation until it is determined that the contractor or subcontractor is in compliance with the provisions of the contract;

(b) Refusal of all future bids for any public contract with the County or any of its departments or divisions until such time as the contractor or subcontractor demonstrates that he has established and shall carry out the policies of the program as herein outlined.

(c) Cancellation of the public contract and declaration of forfeiture of the performance bond;

(d) In cases in which there is substantial or material violation or the threat of substantial or material violation of the compliance procedure or as may be provided for by contract, appropriate proceedings may be brought to enforce those provisions, including the enjoining, within applicable law, of contractors, subcontractors, or other organizations, individuals, or groups who prevent directly, indirectly, or seek to prevent directly or indirectly, compliance with the policy, as herein outlined.

(9) The above outlined procedures shall not apply to any contract already in existence or let out for bid prior to the enactment of this article.

(v) **Contract Compliance Requirements**

(a) All notices to prospective bidders published on behalf of the County shall include as a part of the contract specifications the condition that all bidders will be required whenever possible to comply with Erie Minority Female Business Enterprise Compliance Program regarding equal employment opportunity.

(b) All reports required herein shall be submitted in duplicate to the department, division, or other agency letting the contract.

(c) Each bidder shall file as part of bid documents, contract employment reports with the County contracting agency or as may be directed by the County of Erie. Such contract employment reports shall include such information as to the employment practices, policies, programs, and statistics of the contractor, and shall be in such form as the County of Erie may prescribe. Subcontractors shall also submit such contract employment reports to the County before approval by the County as subcontractor.

(vi) **Pre-Award Conference**

(a) Following receipt and review of the employment information submitted by the bidders, and prior to award of a contract, the apparent successful bidder and his known major subcontractor shall be required to attend a pre-award conference if called by the Contract Compliance Officer, at which time such bidder and major subcontractors shall submit affirmative action programs to promote equal opportunity in employment.

(b) The Affirmative Action Officer shall determine whether or not the apparent bidder has complied with this article, and shall submit his determination and recommendation thereon to the County Executive or the director of the department involved.

(vii) **Goals**

The following goals for minority and female-owned business participation shall serve as initial goals for the County to pursue during the first full fiscal year. These goals shall not be construed as absolute upper limits on the amount of County
contracts such entities are able to participate in. These goals shall be applicable to all types of County contracts. The goals shall be as follows:

Dollar Amount	MBE Goal (percent)	FBE Goal (percent)
$20,000 to $25,000	10	3
$25,000 and up	15	5

Section 2 Procedures for Purchase, Sale, and Lease of Real Estate

A. **Authority to Execute Deeds and Contracts**

The County Executive has authority to execute or cause to be executed on behalf of the County of Erie all deeds and contracts for the purchase, sale, or lease of real estate, subject to the procedures set forth in this Article.

B. **Custody of Deeds and Contracts**

The Director of Finance for the County of Erie shall have custody of all deeds to real estate owned by the County as well as all contracts entered into by or on behalf of the County for the purchase, sale, or lease of real estate.

C. **Sealed Appraisals**

1. The County of Erie shall not purchase or sell any real estate without first obtaining sealed appraisals from two professional real estate appraisers. These appraisers shall be selected by the County Executive and retained after the County Council has approved the expenditure of County funds for these appraisals.

2. In the case of the sale of real estate by the County, the sealed appraisals are not to be made public until after the opening of bids in the case of a sealed bid procedure, or until after the close of the public auction in the case of a public auction procedure.

D. **Purchase of Real Estate**

1. The County Executive, or his or her designee, may negotiate for and enter into a tentative contract for the purchase of real estate by the County of Erie. Any such purchase, however, shall be subject to approval by the County Council, and no such tentative contract shall bind the County nor shall any conveyance be lawful, until the County Council approves the terms of the purchase.

2. In presenting a proposal to purchase real estate or a tentative contract to County Council for approval, the County Executive shall make public the two (2) sealed appraisals received by the County.

E. **Sale of Real Estate**

1. The County Executive may use either of the following methods to propose the sale of real estate by the County of Erie, said sale, however, being subject to approval of County Council:

Sealed bids; or
Public auction.

2. **Sealed Bid Procedure**

(a) In a case of sealed bids, the County Executive, or his or her designee, the Director of Procurement, shall advertise for bids in one newspaper of general circulation, published or circulated in the County of Erie, at least three (3) times at intervals of not less than one (1) week. The first advertisement shall be published not less than fifteen (15) days prior to the date fixed for the opening of bids. In addition, notices shall be posted at the Erie County Courthouse and at the property to be sold.

(b) All bids shall be received by the Controller of Erie County in sealed envelopes. These bids shall be opened in public in the presence of the Controller or his or her designee at the time and place stated in the advertisement for bids. The Director of Procurement and Controller shall keep a record of all bids received and the tentative awards made thereon.

(c) Any bid may be withdrawn prior to opening of the bids, but no bid may be withdrawn for thirty (30) days after the opening of the bids.

(d) The tentative acceptance of bids received by advertising hereunder shall be made only by public announcement at the time the bids are opened, or in public at a subsequent time and place which shall be announced at the time the bids were opened. If for any reason the award is not made at either of the above times, the awarding shall take place in public, no longer than thirty (30) days after opening of the bids. If for any reason the award is not made at either of the above times, the awarding shall take place in public, no longer than thirty (30) days after opening of the bids. The County Executive or his or her designee shall either award the tentative contract or reject all bids.

(e) In the event that the tentative contract is awarded to a bidder who did not submit the highest bid or in the event that all bids are rejected, the County Executive or his or her designee shall set forth in writing the reasons for such action at the time of the award or rejection. This writing shall be filed in the Purchasing Department office.

(f) In the event of a tie high bid, the County Executive or his or her designee shall have the high bidders draw lots and shall award the tentative contract accordingly.

(g) All bids submitted shall be accompanied by a good faith certified or cashier's check drawn upon a duly licensed national or state bank or by a bid bond with corporate surety in the amount of five (5%) percent of the amount bid to guarantee acceptance of the tentative contract if awarded, and to guarantee performance of the contract upon approval by County Council. If the successful bidder fails to execute the tentative contract in timely fashion or fails to perform its obligations under the contract after approval by County Council, the good faith deposit by certified or cashier's check or bid bond shall be forfeited to the County of Erie as liquidated damages.

(h) Each bid submitted shall contain a signed statement by the bidder verifying that it was prepared independently and without collusion with any other bidder.

(i) Each tentative contract must be executed by the County of Erie and the successful bidder within ten (10) days from the date of award of the tentative contract.

(j) All tentative contracts shall be filed with the Director of Finance immediately after being executed.

(k) Any such sale under this sealed bid procedure shall be subject to approval by the County Council, and no acceptance of bid or tentative contract shall bind the County, nor shall any conveyance be lawful, until the County Council approves the terms of the sale.

3. **Public Auction Procedure**

(a) In a case of a public auction, the County Executive, or his or her designee, the Director of Procurement shall advertise for bids in one newspaper of general circulation, published or circulated in the County of Erie, at least three (3) times at intervals of not less than one (1) week. The first advertisement shall be published not less than thirty (30) days prior to the date of the public auction. In addition, notices shall be posted at the Erie County Courthouse, at the property sold, and at five (5) conspicuous places within the vicinity of said property.

(b) The County Executive or his or her designee shall announce the tentative acceptance of the high bid or shall reject all bids at the close of the public auction.

(c) The high bidder at the public auction shall submit to the County Executive or his or her designee, within twenty-four (24) hours of tentative acceptance of the high bid, a good faith certified or cashier's check drawn upon a duly licensed national or state bank or a bid bond with corporate surety in the amount of five (5%) percent of the amount bid to guarantee execution of the tentative contract and to guarantee performance of said contract upon approval by County Council. If the successful bidder fails to execute the tentative contract in timely fashion or fails to perform its obligations under the tentative contract after approval by County Council, the good faith deposit by certified or cashier's check or bid bond shall be forfeited to the County of Erie as liquidated damages.

(d) The successful bidder also shall submit to the County Executive or his or her designee, within twenty-four (24) hours of tentative acceptance of the high bid, a signed statement verifying that there was no collusion with any other bidder at the public auction.

(e) Each tentative contract must be executed by the County of Erie and the successful bidder at the public auction within ten (10) days from the date of awarding of the tentative contract.

(f) Any such sale under this public auction procedure shall be subject to approval by the County Council, and no acceptance of bid or tentative contract shall bind the County, nor shall any conveyance be lawful until the County Council approves the terms of the sale.

F. **Lease of Real Estate**

1. The County Executive or his or her designee may negotiate for and enter into a contract for the lease of real estate, where the County of Erie is either lessor or lessee, without approval by the County Council, when the lease term is one (1) year or less. The County Executive, however, is required to report the execution of each said lease and the terms thereof to County Council at the next following regular County Council meeting, and the Controller of Erie County must certify to the County Executive prior to entering such lease that the terms of the lease are fair and reasonable.

2. The County Executive or his or her designee may negotiate for and enter into a tentative contract for the lease of real estate, where the County of Erie is either lessor or lessee, when the lease term is for more than one (1) year, but any such lease shall be subject to approval by the County Council, and no tentative contract shall bind the County, nor shall any lease agreement be lawful, until the County Council approves the terms of the lease.

3. For the purpose of determining the length of the lease term under this section, any lease which is indefinite in term or any lease which is for a term certain, but which provides for an automatic extension unless notice of termination is given by the lessor or lessee, shall be deemed a lease for a term in excess of one (1) year and shall require approval by County Council.

4. In negotiating the terms of a contract for the lease of real estate, whether the County of Erie is either lessor or lessee, the County Executive or his or her designee shall attempt to arrive at a rental amount, lease term, and other provisions of the lease agreement which would be most favorable to the County of Erie, and the County Executive or his or her designee shall not willfully evade the requirement of County Council approval of leases for a term in excess of one (1) year by executing a series of leases, each for a term of one (1) year or less, when the leases involved should have been made as one (1) lease for a longer term.

(a) There shall be no consumption, sale, or distribution or the aiding and abetting of any consumption, sale, or distribution of any

type of alcoholic beverages in any quantity on any property owned by the County, leased by the County, rented from the County, or affiliated with the County. Property herein shall be defined to include all buildings, parking lots, undeveloped property, and vehicles.

G. **Scope of Provisions**

The provisions of this Article shall be subject to the provisions of the Real Estate Tax Law, 72 P.S. §5860.101, et seq., and shall not limit or enlarge the powers granted therein to the County of Erie with respect to the filing and collection of municipal tax claims or liens and the sale of real property in satisfaction thereof.

H. **Penalties**

Any person who willfully violates after January 1, 1979, the provisions of Section 2, Procedures for Purchase, Sale, and Lease of Real Estate, shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not to exceed $300.00. Provided, however, that if such violation constitutes a violation of applicable State law defining or providing for the punishment of any felony or misdemeanor, such State law will govern.

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ARTICLE IV

FINANCIAL PROCEDURES

Section 1 Comprehensive Plan

The comprehensive long-range plan required by Article VIII, Section 10, of the Home Rule Charter for the County of Erie, shall include, but not be limited to, a complete financial plan covering the next three (3) fiscal years. This financial plan shall contain projected financial statements for all Government Funds summarizing estimated revenues by source and projected expenditures by program and organizational unit. The financial plan shall also contain a list of those capital improvements pending and those proposed to be undertaken together with the estimated cost of each improvement, the proposed method of financing, and the estimated annual cost of operation, where applicable.

Section 2 Fiscal Year

The fiscal year for the County of Erie shall commence on the first day of January. All funds are on calendar year January to December.

Section 3 Budget

A. The procedures for proposing, adopting, and amending all budgets for Governmental Funds shall be subject to the provisions of Article VIII, Sections 3, 4, 5, 6, 7, 8, and 9 of the Home Rule Charter for the County of Erie. Capital Assets shall be subject to the same budgetary procedures as other governmental funds and, as with revenues received during any fiscal year from sources not anticipated in the budget, the receipt of capital assets shall be certified by the County Executive, after which the County Council may duly appropriate the same by ordinance.

B. The Executive shall submit a budget proposal in the form of an ordinance for each fund not later than 90 days prior to the beginning of each fiscal year. The proposal shall include for each department and bureau within the fund estimated revenues and requested appropriations by line item in accordance with the uniform chart of accounts contained in this Administrative Code. The proposal shall also contain as supporting information the previous fiscal year's actual revenues and expenditures per the report of the auditors of the fund, the current fiscal year's original budget passed by Council, the actual revenues and expenditures reported by the Director of Finance for the first six months of the current fiscal year, and the Department's estimate of the final revenue and expenditure for the current fiscal

year. Each request to appropriate funds for wages and salaries shall be supported by a list of the positions requested, compensation requested, and where applicable, the current salary of incumbent or request to modify the County Pay Plan.

C. Restricted and reserve accounts can be created by an action of Council. Expenditures from these accounts cannot be made without prior authorization from County Council. These accounts can be set up for expenditures that County Council desires further discussion on, or there are excess funds which may be appropriated by County Council at a later date. These accounts will not be taken into consideration when a department head is making transfers under the 10% transfer rule.

Section 4 Accounting Method

A. The County of Erie shall adopt an accounting method employing generally accepted accounting principles for governmental units as required by Article VIII, Section 2, of the Home Rule Charter for the County of Erie. Said accounting method shall contain the elements of fund accounting, modified accrual, as well as other elements necessary to prepare complete statements showing the financial condition of the County of Erie.

B. Checks issued by the County of Erie shall bear the signature of the director of finance or of his or her deputy, along with the signature of the County Executive. The use of imprinted facsimiles of signatures shall be permitted, provided such imprinting devices and machines are used and operated by authorized personnel only.

Section 5 Reporting Requirements

A. The regular financial reports prepared shall satisfy the requirements of Article V, Section 5, Subsection D, Paragraphs 6 and 7, of the Home Rule Charter for the County of Erie and the requirements of generally accepted accounting principles for governmental units. In addition, special reports shall be prepared, in form applicable as necessary, for program reporting and financial reporting to federal and State agencies. Copies of all such special reports prepared shall be on file with the director of finance, and County Council shall be kept informed as to the issuance of said reports.

B. The director of finance shall prepare statements of revenues, expenditures, and changes in fund balance for each fund in accordance with the budgets adopted by Council, disclosing for each line item the original budget, transfers, net budget, actual revenues, and expenditures for the fiscal year to date, balance remaining, and percent of actual to net budget. Such reports shall be submitted to Council within 30 days of the close of each period monthly for all funds.

Section 6 Uniform Chart of Accounts

The basic accounting records of each fund shall be maintained in accordance with regulatory and management information requirements. Detailed classifications for those purposes shall be summarized into line items adopted by Council with the general structure of fund, department, and account. A complete listing of the chart of accounts is available in the Finance Department.

Section 7 Money Management

The basic objective of the County of Erie money management program shall be to obtain efficient use of cash. It is recognized that a sound money management program resulting in minimum interest expense and maximum interest earnings is in the best interest of the County of Erie. Key elements of a sound money management program include the areas of cash flow, investment, borrowing, and depository designation.

Section 8 Cash Flow

It shall be the policy of the County of Erie to process General Fund invoices for payment on a twice weekly cycle, this procedure representing an appropriate balance between efficient operations and efficient cash flow.

Section 9 Investment

It shall be the policy of the County of Erie to maintain interest bearing checking accounts. . . . Other cash resources shall be invested on a continuous basis . . . in related . . . certificates of deposit or other approved instruments. The amount of funds held in checking accounts as opposed to other investment instrumentalities shall be a function of interest rates and funds available for investment, and final determination shall be the responsibility of the Director of Finance. An annual report to the Finance Committee of the County Council shall be prepared relative to invested balances. In the case of investments in certificates of deposit or other instrumentalities, it shall be the policy of the County of Erie to seek interest quotations from each of the banking institutions within Erie County. Said quotations shall be solicited by telephone or fax and duly recorded on a standard reporting form. A signed copy of said reporting form shall be transmitted to the appropriate officer of each banking institution and to the Chairman of the Finance Committee of the County Council.

Section 10 Borrowing

When it is necessary for the County of Erie to borrow, it shall be the policy of the County of Erie to seek written interest quotations from each banking institution within Erie County. Said quotations shall be opened by the Director of Finance at a public time and place, and the results shall be duly recorded on a standard reporting form. A signed copy of said reporting form shall be transmitted to the appropriate officer of each banking institution and to the chairman of the Finance Committee of County Council. The borrowing of funds shall in all cases be governed by the applicable provisions of the Local Government Unit Debt Act, Act of 1972, July 12, No. 185, 53 P.S. §6780.

Section 11 Depository Designation

The County Executive shall designate the depositories of all funds of the County of Erie in accordance with the following principles:

A. Indiscriminate or arbitrary depository designation is prohibited.

B. The frequent changing of depositories is discouraged as inefficient practice.

C. Depository designation shall be the result of a process of "account bidding" by each banking institution within Erie County. "Account bidding" means a determination of the various bank services offered, the convenience of operation, the level of involvement in the money management program of Erie County and other relevant factors.

Section 12 Auditing

A. At the close of the appropriate fiscal year, the County Council shall designate an independent auditor to audit all funds in the County that must be reported in the County's financial statements. This independent audit shall be made by a certified public accountant, or a firm of such accountants, who has no personal or financial interest, direct or indirect, in the fiscal affairs of the County or any of its officers. The audit shall be completed within six (6) months after the close of the fiscal year.

B. In selecting the independent auditor, County Council shall notify by mail all Certified Public Accountants listed in the yellow pages that such an audit will be done, and request a reply by mail if they are interested in bidding. Those replying shall be placed on a bidders list, and information shall be sent to them

concerning the nature of the audit to be done, the due date of the proposal, and how the proposals are to be evaluated.

C. In designating the independent auditor, the County Council shall use the following selection criteria:

(i) The amount of experience the bidder has in auditing governmental units, funds, and agencies;

(ii) The staff that will be assigned to the job and their level of experience;

(iii) The number of hours and anticipated completion date indicated by the bidder that will be given to complete the job;

(iv) The anticipated scope as appropriate to the purpose of the audit;

(v) The amount of the fee.

D. County Council shall designate the independent auditor for a period of one year following the bidding procedure. At its discretion, County Council may extend the designation of the independent auditor on a year-to-year basis without further bidding; provided, however, that every fund audit shall be bid at least once every three years.

E. The County Controller shall conduct an audit of all County revenues and accounts at the close of each fiscal year using his own staff.

F. County Council (at public session or upon written petition of a majority of its members), the County Executive, and the Controller shall have the authority to individually call a special audit whenever they deem it necessary. The County Controller shall be responsible for conducting these special audits, and if an independent auditing firm is to be used, the Controller shall use the same procedures set forth in Section C in selecting such firm, unless he deems it necessary to act with secrecy or dispatch, in which case he may select any certified public accounting firm he deems qualified to perform such audit.

G. All agencies which receive funds from or through the County are required to notify the County Council and the County Controller if they are going to have an annual audit performed, and if so, when their audit will occur, and the nature and scope of the audit. County Council or the County Controller may require that the scope of the audit be extended to satisfy whatever audit objectives Council or the Controller may deem necessary. At the completion of the agency audit, the completed

report shall be sent to County Council, to the County Controller, and be made available to the public upon request.

Section 13 County Debt Policy and Procedures

A. Applicable Law

1. All debt incurred by the County of Erie shall be subject to the substantive and procedural provisions set forth in the Local Government Unit Debt Act, Act No. 1978-52. The provisions of this Section 13 are intended to be applicable to the issuance of Erie County General Obligation Notes to finance any project involving construction or acquisition. These provisions are further intended to supplement the Local Government Unit Debt Act, and in the event of any inconsistency between the two, the provisions of the Act shall apply.

B. Preliminary Cost Estimates

1. Prior to the initial authorization of bonds or notes or the issuance of any guaranty to finance any project involving construction or acquisition, the Director of Finance with the assistance of County Council's accountant shall obtain a realistic cost estimate for the project through actual bids, option agreements, or professional estimates from registered architects, professional engineers, or other persons qualified by experience. Once bids are opened, an ordinance is created for County Council's action. Information given to Council includes the amount of debt, the interest rate, the total interest cost, the repayment date, and the lending institution.

2. County Council shall review the realistic cost estimates and shall tentatively approve the project by resolution before the County incurs additional expense in connection with the initial authorization of bonds or notes or the issuance of any guaranty to finance the project.

3. The cost of preliminary estimates, if initially paid by the County, may be reimbursed out of the net proceeds of the issue of bonds or notes as a cost of the project.

C. Bond Counsel

1. The County Executive, with the advice of the County Solicitor, shall retain a special bond counsel to assist in the preparation of the offering, which bond counsel shall be an attorney duly admitted to practice law in the Commonwealth of Pennsylvania who is knowledgeable in the area of Pennsylvania

municipal bond offerings and who has a record of marketable opinions in previous municipal bond offerings.

2. The duties of the bond counsel shall include, but not be limited to: Drafting or approving the bond resolutions and ordinances and matters related thereto; reviewing the prospectus, official notice of sale, and other materials related to the offering; and rendering a final legal opinion regarding the offering.

3. The fee of the bond counsel, if initially paid by the County, may be reimbursed out of the net proceeds of the issue of bonds or notes as a cost of the project.

D. **Financial Advisor**

1. The County Executive may retain an independent financial advisor, who is qualified by experience in municipal bond offerings, to provide expert advice and assist the County in connection with managing and incurring debt.

2. The duties of the financial advisor shall include, but not be limited to: reviewing the present status of the County debt; reviewing the feasibility of incurring additional debt for the intended purpose of the issue and issuing a written report to County Council as to that feasibility; assisting in the preparation of the prospectus and official notice of sale; and reviewing the sealed bids in the case of public sale or the proposals in the case of private sale.

3. The financial advisor shall give his or her total loyalty to the County of Erie with respect to the proposed issue of bonds or notes, and shall have no financial interest in said issue other than his fee for serving as financial advisor.

4. The fee of the financial advisor, if initially paid by the County, may be reimbursed out of the net proceeds of the issue of bonds or notes as a cost of the project.

E. **Sinking Fund Depositary - Paying Agent**

1. The County Executive shall select a sinking fund depositary which shall also serve as paying agent for the bonds or notes.

2. The sinking fund depositary and paying agent shall be a bank or bank and trust company authorized to do business in the Commonwealth of Pennsylvania.

3. The sinking fund depositary and paying agent shall be responsible for receiving from the County of Erie an amount of funds sufficient for the payment of principal and the interest on the notes or bonds, as well as paying the principal and interest on said notes or bonds to the holders thereof as such principal and interest becomes due.

4. Unless the sinking fund depositary and paying agent is also serving as trustee for the bondholders or noteholders, the County Executive shall select the sinking fund depositary and paying agent from that bank or bank and trust company which is set forth on a separate approved list compiled by the Director of Finance and which submits the lowest responsible sealed bid pursuant to the sealed bid procedure set forth in Subsection E of this Section 13. The lowest responsible bidder shall be the one who, having complied with the terms of the request for bids, offers to serve as the sinking fund depositary and paying agent at the lowest cost to the County.

5. The Director of Finance shall include on the approved list any bank or bank and trust company which has expressed an interest in serving as sinking fund depositary and paying agent and which qualifies under Subsection E(2) of this Section 13. The Director of Finance shall update this approved list for each issue of bonds or notes under consideration.

6. The Director of Finance shall solicit bids for sinking fund depositary and paying agent by sending a request for bids, by certified mail return receipt requested, to each bank or bank and trust company on the approved list not less than ten (10) nor more than thirty (30) days prior to the date fixed for opening bids.

7. All bids for sinking fund depositary and paying agent shall be received by the Controller of Erie County in sealed envelopes sufficiently labeled to indicate that they are bids for sinking fund depositary and paying agent for the bonds or notes being sold. The bids shall be in writing, properly executed, and shall be on a bid form provided by the Director of Finance which shall contain a statement that the bid was prepared independently and without collusion with any other bidder.

8. The sealed bids shall be publicly opened by the Controller of Erie County, or his or her authorized delegate, and publicly read aloud at the time and place fixed in the request for bids, unless the County Executive determines to return all bids unopened.

9. In the event that there are two or more bids which qualify as the lowest responsible bids on identical terms conforming to the request

for bids, the sinking fund depositary and paying agent shall be selected by lot in any manner deemed fair by the County Executive.

10. The County Executive shall have the right to reject all bids, which right shall be set forth in the request for bids sent to each bank or bank and trust company on the approved list.

F. **Trustee for Bondholders or Noteholders**

1. The County Executive shall appoint a trustee for the bondholders or noteholders if the ordinance authorizing the issuance of the bonds or notes provides for the execution of a trust indenture appointing a trustee.

2. The trustee shall be a bank or bank and trust company with fiduciary powers, authorized to do business in the Commonwealth of Pennsylvania.

3. The trustee shall be responsible for complying with the terms of the deed of trust, trust indenture, or other agreement with the County of Erie for the protection of the bondholders or noteholders. If a trustee is appointed under the Subsection F of this Section 13, the trustee also shall act as the sinking fund depositary and paying agent.

4. The Director of Finance shall include on a separate approved list any bank or bank and trust company with fiduciary powers which has expressed an interest in serving as trustee, sinking fund depositary, and paying agent, and which qualifies under Subsection F(2) of this Section 13. The Director of Finance shall update this approved list for each issue of bonds or notes under consideration.

5. The trustee shall be appointed from the approved list compiled by the Director of Finance after consideration of factors such as previous experience as trustee, sinking fund depositary, and/or paying agent for municipal bond issues; capability to serve the County as trustee, sinking fund depositary, and paying agent; past record of earnings with respect to municipal bond issues; and the amount of the fee to be charged for serving as trustee, sinking fund depositary, and paying agent.

6. The Director of Finance shall solicit proposals for serving as trustee, sinking fund depositary, and paying agent by sending a request for proposals, by certified mail return receipt requested, to each bank or bank and trust company on the approved list not less than ten (10) nor more than thirty (30) days prior to the date fixed for selections.

7. Proposals for serving as trustee, sinking fund depositary, and paying agent shall be submitted in writing to the Controller of Erie County in a sealed envelope sufficiently labeled to indicate that they are proposals for trustee, sinking fund depositary, and paying agent for the bonds or notes being sold. The proposals shall contain information as to the factors set forth in Subsection E(5) of this Section 13, a statement that the proposal was prepared independently and without collusion with any other bank or bank and trust company, and any additional information which the bank or bank and trust company deems relevant to the selection.

8. The proposals shall be opened in public by the Controller of Erie County, or his or her authorized delegate, and publicly read aloud at the time and place fixed in the request for proposals, unless the County Executive determines to return all proposals unopened.

9. The County Executive shall have the right to reject all proposals sent to each bank or bank and trust company on the approved list.

G. **Manner of Sale of Bonds or Notes**

1. County Council shall determine by resolution whether the bonds or notes shall be sold at public sale or at private sale, and shall state publicly the reasons for that determination.

2. Public sale shall be the preferred manner of sale, and a decision to proceed by private sale shall be made by County Council only after a public hearing following publication of notice of said hearing in at least one and not more than two newspapers of general circulation in Erie County not less than seven (7) days prior to such hearing.

H. **Public Sale**

1. If sold at public sale, the bonds or notes shall be sold to the highest responsible bidder or bidders, after advertising for bids. The highest responsible bidder shall be the one who, having complied with the terms of the official notice of sale, offers to take all of the bonds or notes, or any separate lot thereof on which separate bids may be made, at the lowest net interest rate to the County as computed under either the street method or the present worth method set forth at Section 709 of the Local Government Unit Debt Act, Act No. 1978-52.

2. The Director of Finance shall advertise the sale of bonds or notes by one public notice of either the official notice of sale, or of the availability of the official notice of sale, in at least one and not more than two newspapers of general circulation in Erie County and in at least one financial journal circulated

among the underwriters of securities. Advertisements shall be published not less than ten (10) nor more than thirty (30) days prior to the date fixed for opening bids. The content of the advertisement of the availability of the official notice of sale shall be that set forth at Section 702(a) of the Local Government Unit Debt Act, Act No. 1978-52. The content of the official notice of sale shall be that set forth at Section 702(b) of the Local Government Unit Debt Act, Act No. 1978-52.

3. All bids shall be received by the Controller of Erie County in sealed envelopes sufficiently labeled to indicate that they are bids for the purchase of the bonds or notes being sold. The bids shall be in writing, properly executed, and shall be on the bid forms provided by the Director of Finance which shall contain a statement that the bid was prepared independently and without collusion with any other bidder.

4. Each bidder shall give bid security by submitting cash or a certified check or official bank check payable to the County of Erie in the amount of two (2%) percent of the principal amount of the bonds or notes to be purchased. The bid security of the unsuccessful bidder or bidders shall be returned to each unsuccessful bidder, without interest, in accordance with the written instructions of the bidder conforming to the official notice of sale, promptly upon an award of the bonds or notes or upon rejection of all bids. The bid security of the successful bidder shall be retained by the Director of Finance and shall be applied on the purchase price when the bonds or notes are actually delivered or paid for, retained as liquidated damages if the bidder defaults, or returned to the bidder with interest at the judgment rate if, after an acceptance of the proposal, the bonds or notes are not issued for any reason not constituting a default by the bidder.

5. The sealed bids shall be publicly opened by the Controller of Erie County, or his or her authorized delegate, and publicly read aloud at the time and place fixed in the official notice of sale, unless County Council determines to return all bids unopened.

6. In the event that there are two or more bids which qualify as the highest and the best bids on identical terms conforming to the offering, the bonds or notes shall, with the consent of the bidders, be awarded to them jointly, or absent such contract, may be awarded to any one of such bidders selected by lot in any manner deemed fair by the County Council.

7. County Council shall have the right to reject all bids, which right shall be set forth in the official notice of sale of the bonds or notes.

I. **Private Sale**

1. If the bonds or notes are to be sold at private sale, County Council shall invite written proposals from underwriting firms by means of an advertisement for proposals in at least one and not more than two newspapers of general circulation in Erie County and at least one financial journal circulated among underwriters of securities not less than ten (10) nor more than thirty (30) days prior to the date fixed for selection of the underwriter. In addition, County Council also shall invite written proposals by sending a request for proposals by certified mail, return receipt requested, to any underwriting firm which has expressed interest in serving as an underwriter of bonds and notes issued by the County of Erie.

2. Proposals to act as underwriter shall be submitted in writing to the Controller of Erie County, and shall set forth sufficient information to permit the County Council to determine the approximate net interest cost of the offering in question, a statement that the proposal was prepared independently and without collusion with any other underwriting firm, and any additional information which the underwriter deems relevant.

3. The proposals shall be opened by the Controller of Erie County in the presence of County Council, or its authorized delegate, unless County Council determines to return all proposals unopened.

4. The County Council, or its authorized delegates, may request a meeting with each underwriter which submits a proposal to discuss each proposal in more detail.

5. Prior to selection of the underwriter who will purchase the bonds or notes at private sale, any person with knowledge of the contents of any proposal shall not discuss those contents with any other underwriter, and shall not take any other action to make those contents known to any other underwriter.

6. In making the selection of the underwriting firm to purchase the bonds or notes, County Council shall state publicly the reasons why the particular selection was made.

7. County Council shall have the right to reject all proposals, which right shall be set forth in the request for proposals.

Section 14 Procedure for Tax Sales

In administering a system for the collection of real estate tax claims and liens, the Revenue/Tax Claim Bureau of the Department of Finance shall operate under and be governed by the Act of July 7, 1947, P.L. 1368, No. 542, as amended, 72 P.S. §5860.101, commonly known as the Real Estate Tax Sale Law.

A. Bonding Requirement

1. The Director of the Revenue/Tax Claim Bureau and all employees and assistants of the Bureau, excluding those special deputies designated for serving and posting notices of sale, shall give bonds to the Commonwealth of Pennsylvania for the use of any interested taxing district in Erie County and for the use of any individual who may hereafter have a claim against the County, or the Revenue Department by reason of any wrongful, intentional, or negligent act by the director, any employee, or agent of the Bureau.

2. The bond required by Section A-1, above, may be a blanket bond or may be individual bonds covering the required individuals. The limit of such bond or bonds shall be $500,000 which limit may be modified by County Council.

B. Accounting

1. The Bureau is to maintain an accurate accounting of all delinquent taxes for each taxing district in Erie County, and a separate account of delinquent taxes shall be maintained for each property. The accounting records of the Tax Claim Bureau shall be maintained by the Director of Finance on an accrual basis.

C. Reports

The Director of the Tax Claim Bureau is to report to each taxing district in Erie County, on no less than a quarterly basis, the following information:

1. The beginning balance for each district of the delinquent taxes receivable, including interest and penalties;

2. Additions to the delinquent taxes, including interest and penalties for each taxing district to date;

3. Collections of delinquent taxes, including interest and penalties to date, for each taxing district;

4. Disbursements for delinquent taxes, including interest and penalties, for each taxing district;

5. The ending balance of delinquent taxes, including interest and penalties, for each taxing district for each interim report.

D. **Internal Controls**

The Director of Finance shall institute and maintain a system of internal controls which will protect the assets of the taxing districts and accurately report the results of the operations of the Tax Claim Bureau. Proper internal controls should be maintained for and include, but are not limited to, the following:

1. Maintenance of records showing the daily cash receipts and disbursements of the Bureau;

2. The recording of delinquent taxes receivable;

3. The establishment of procedures for maintaining the integrity of computer retained data;

4. The establishment of procedures for insuring compliance with the statutory requirements for the sale of properties for delinquent taxes.

E. **Audits**

1. The Director of the Tax Claim Bureau shall be responsible for the preparation of annual financial statements which are to be presented for audit.

2. The Director of Finance shall annually request County Council to engage an independent Certified Public Accountant to examine the records of the Tax Claim Bureau using generally accepted auditing standards, and such Certified Public Accountant. as is engaged shall express his unqualified opinion as to whether the financial statements of the Tax Claim Bureau fairly represent the Bureau's financial condition in accordance with generally accepted accounting principles.

F. **Continuances**

The annual sale of properties for delinquent taxes conducted by the Bureau shall not be continued or adjourned without approval of the Director of Finance, which approval shall be expressed in writing.

G. **Private Sales and Free and Clear Sales**

1. The Director of the Tax Claim Bureau shall report the results of sales of properties subject to delinquent tax liens annually to County Council. In addition, the Director of the Tax Claim Bureau will authorize the annual publication of the results of private sales for that year, which publication shall include the identity of the purchaser, identification of the property, the proceeds, and costs of each sale.

2. Wherever and whenever the Tax Claim Bureau has authority under the Real Estate Tax Sale Law to sell real estate in sales conducted by the Bureau at a bid which is less than the upset price, as defined by Section 605 of the Real Estate Tax Sale Law, the Director of the Bureau must sell such real estate in the case of a public free and clear sale to the highest bidder, but in the case of private court-approved sales, the minimum bid shall not be lower than the lower of the face value including current taxes, interest, penalties, and costs, or the then current 100% assessment value of the applicable property, as determined from the current records of the Assessment Office of Erie County.

3. Public free and clear sales, pursuant to Section 610 of the Real Estate Tax Sale Law and repository sales pursuant to Section 613 of the Real Estate Law, of all or part of County inventoried properties shall be conducted from time to time, as in the discretion of the Director of the Bureau and the Director of Finance are financially feasible.

H. **Stay of Sale Agreements**

The Director of the Tax Claim Bureau, in conjunction with the Director of Finance, shall from time to time, but no later than July 1st of each year, publish and post the conditions under which the Bureau will enter an agreement to stay the tax sale of a property pursuant to Section 605 of the Real Estate Tax Sale Law. These conditions shall be posted in the office of the Bureau for the benefit of the public, and a copy of the conditions shall be delivered to the County Executive and County Council.

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ARTICLE V

ERIE COUNTY COUNCIL ORGANIZATION AND PROCEDURE

Section 1 General

The number of County Council members, their terms, election, and qualifications, and filling of County Council vacancies shall be as provided in the Home Rule Charter for the County of Erie, hereinafter referred to as "the Charter."

Section 2 Organization Meeting - Presiding Officer of County Council

A. County Council shall reorganize within the first ten (10) days of January each year in advertised public session.

B. The first order of business shall be the election of a Chairman and a Vice Chairman of the County Council. Until such election is accomplished, the County Clerk shall preside.

C. In the absence of the Chairman, the Vice Chairman shall exercise the duties of the Chairman. In the absence of both the Chairman and the Vice Chairman, the County Council shall appoint a Chairman pro tem who shall have all the powers of the Chairman.

Section 3 Meetings

A. **Public Notice**: Provisions governing public notice of meetings shall be as provided by law.

B. **Regular Meetings**: The County Council shall convene regular meetings not less than once per month at such time and place as Council may prescribe. The County Council may adjourn to a stated time for general business or for special business. If no quorum is present at a stated monthly or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting, and may continue to do so until the meeting is held.

C. **Special Meetings**: Special meetings may be called by the Chairman of the County Council or upon the written request of any three (3) members of the County Council. If the Chairman fails or refuses to call such special meetings, then such special meetings shall be called by the Vice Chairman or County Clerk upon receiving a written request for such special meeting signed by three (3) members of the County Council.

A written or electronic notice shall be provided to each County Council member at least 24 hours before a special meeting is held. Such notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such a meeting by the County Council. Presence at the meeting constitutes waiver of notice.

D. **Emergency Meetings**: The County Council may hold and take action at an emergency meeting at any time. Such emergency meetings may be called by the County Executive or by any member of the County Council provided that: (1) quorum is present as provided in the Charter; and (2) a majority of the County Council determine that the holding of such meeting and the taking of emergency action at that time are necessary to protect or promote the public health and safety of the County.

E. **Executive Sessions**: The County Council may hold executive sessions as permitted by law. No official action shall be taken by the County Council on any matter in executive sessions.

Section 4 Meetings Open to the Public

All meetings of the County Council shall be open to the public as provided by law.

Section 5 Agenda

A. The proposed agenda for any regular meeting of the County Council shall be prepared by the County Clerk in consultation with the Chairman, and shall include any item requested by any member of County Council.

B. At least seventy-two (72) hours prior to a regular meeting of the County Council, an agenda, as prepared by the County Clerk shall be made available for public inspection. In addition, the agenda for Regular, Special or Emergency Meetings or Adjourned Meetings shall be posted on the Erie County website or available in the Erie County Council Office.

C. The title of any ordinance or resolution to be considered shall be included as part of the public agenda.

D. The published agenda may be amended at the meeting by a majority of the members present, plus one. No matters other than those on the agenda as amended shall be acted upon by the County Council.

Section 6 Conduct of Business

A. At the time appointed for any meeting of the County Council, the Chairman shall take the chair and call the meeting to order. If a quorum is present, as provided in the Charter, the Chairman shall proceed with the order of business prescribed for the meeting. If, upon the call of the roll, a quorum is not present, the Chairman shall order a recess for a period of not more than thirty (30) minutes, and if a quorum has not developed by that time, the Chairman shall declare the meeting adjourned. Provided, for purposes of determining the presence of a quorum and to insure the orderly conduct of business, any Council member who cannot be physically present at a meeting, can participate, deliberate and vote via audio-visual technology. A Council member who desires to participate at a meeting by tele-conference or video-conference shall notify the Chairman. Any participation by audio-visual technology shall be terminated where the Council member's voice cannot reasonably be heard or the words of the Council member cannot reasonably be deciphered. Meetings may be conducted via available audio-video technology, so long as the method permits interactive debate among Council Members, public participation and is approved by a majority of Members plus 1.

B. Unless a majority of County Council votes otherwise, the order of business for each regular meeting shall be as follows:

Pledge of Allegiance
Optional Prayer or Invocation
Roll Call
Hearing of the Public
Approval of the Minutes of Previous Meetings
Reports of County Officials, Committees, or Special Advisory Groups
Unfinished Business
New Business
Adjournment

C. If the County Executive or his or her designee shall request to address the County Council, this shall be permitted immediately following the hearing of the public. The Chairman of County Council, with the approval of the majority of members, may impose a time limit.

Section 7 Rules of Procedure

A. The presiding officer shall be responsible for the orderly conduct of business at each County Council meeting and shall preserve order and decorum at such meetings.

B. The County Council at its organization meeting shall adopt rules governing its procedure. The presiding officer shall announce all decisions of the County Council, and shall decide all questions of order without debate, subject, however, to an appeal by any County Council member. Any ruling by the presiding officer may be overruled by a majority of the members present.

C. Each member of the County Council desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities. A member of the County Council, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the County Council, while speaking, is called to order, that person shall cease speaking until the question of order is determined. When two or more members request the floor at the same time, the presiding officer shall name the one entitled to the floor.

D. The roll of members shall be called alphabetically on a rotating basis, except that the Chairman shall be called last. There shall be no secret balloting on any items.

E. A roll call vote shall be taken on any item not receiving a unanimous voice vote either in the affirmative or negative.

F. Once a roll call vote has commenced, no member shall comment further on the issue except to announce his affirmative or negative vote or his abstention.

G. All members who are present shall vote on all questions submitted for action. A member may abstain only when such member has a conflict of interest as defined in the Charter or the Conflict of Interest Provisions as set forth in Article VI of this Administrative Code.

H. Whenever a member of Council requests to separate agenda items for voting purposes, even if the item is one of several items included with an ordinance, the chairman shall grant such member's request without debate.

I. A motion to reintroduce a defeated ordinance, or to reconsider a defeated resolution or any other motion, may be made under the following circumstances:

(i) By a County Council member who voted with the prevailing side at the time of the original vote which resulted in defeat; or

(ii) By any County Council member after the passage of six (6) months from the date of the original vote which resulted in defeat; or

(iii) By any County Council member if the ordinance, resolution, or any other motion has been substantially amended; or

(iv) By any County Council member upon the discovery of new evidence which had not been presented to County Council prior to the original vote which resulted in defeat.

J. The motion to reintroduce or reconsider may be seconded by any County Council member, and is subject to the approval of the County Council members present.

K. A motion to reintroduce or reconsider may not be amended or tabled, and a vote on the motion may not be deferred or postponed.

L. Any ordinance or resolution which is replaced on the agenda, pursuant to the procedure in this Section 7(I), is subject to the requirements of Article V of this Administrative Code.

M. A Member of Council may change their vote on any motion, resolution or ordinance within the same meeting, so long as they publicly announce the change to the entire assembly before the meeting is adjourned so the Clerk may adjust the vote tally.

Section 8 Public Participation

A. Citizens are welcomed and encouraged to address County Council on the subject matter of any ordinance or resolution included on the Agenda prepared and published under Article V, Section 5 of the Administrative Code or any other subject of interest.

B. Citizens who provide the County Clerk with written notice of his/her intention to address County Council at least five (5) days prior to the day of the meeting shall be given a five (5) minute time limit to speak. Citizens who do not provide the County Clerk with written notice of his/her intention to address County Council as aforementioned shall be given a three (3) minute time limit to speak.

C. When a group of persons wishes to address the County Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the County Council and to limit the number of persons addressing the County Council on the same matter.

D. Any person making offensive, insulting, threatening, insolent, slanderous, or obscene remarks, or who becomes boisterous, or who makes threats against any person or against public order and security while in the County Council Chambers shall be forthwith barred by the presiding officer from further audience at the meeting unless permission to continue be granted by the majority vote of the County Council members present.

E. In the interest of facilitating public awareness of important issues, County Council may, with the concurrence of a majority of Council members, invite representatives of various groups or organizations to participate in a public discussion designed to analyze relevant issues which have countywide implications.

Section 9 **Procedures to Implement**:

A. In accordance with Article V, Section 5, of the Erie County Administrative Code, each County Council member may include a resolution on the Council agenda recommending that a public discussion be arranged.

B. This resolution must include a statement describing the issue to be discussed, and a listing of all or some of the groups or organizations which will be invited to participate. If the resolution is subsequently adopted, the chairman shall then appoint a member of Council to serve as chairman of the public discussion.

C. Responsibilities of appointed chairman include:

(i) Formally inviting the representatives of the group or organization to participate in a public discussion;

(ii) Determining, in conjunction with the representative parties of groups or organizations, the time, place, and agenda items to be discussed;

(iii) Direct the County Clerk to fulfill customary legal requirements; and

(iv) Presiding over the public discussion.

D. All County Council members are encouraged to attend and participate in the public discussion.

Section 10 **Committees of County Council**

The County Council may, at any time, provide for standing and ad hoc committees to assist with the carrying out of its function. The presiding officer shall

appoint the members of each committee, subject to the approval of the majority of County Council members present.

Section 11 Official Actions of the County Council

Official actions of the County Council shall be taken by ordinance, resolution, or motion as provided in the Charter.

Section 12 Ordinances

A. **General** - In addition to any other action required by law or by the Charter to be taken by ordinance, those actions of the County Council shall be by ordinance which:

(i) Adopt or amend an administrative code;

(ii) Establish, alter, or abolish any County department, office, or agency;

(iii) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(iv) Levy taxes;

(v) Establish, alter, or abolish rates charged for any service supplied by the County;

(vi) Amend or repeal any ordinance previously adopted;

(vii) Adopt the annual budget; ~~and~~

(viii) Establish the compensation of the County Council members, the County Executive, other elected officials, and appointees as required by the provisions of the Charter;

(ix) Approve supplemental appropriations of revenue, and/or tangible assets with an estimated value of $1,000 or greater. Either must be certified by the County Executive as outlined under Article VIII, Section 8 of the Erie County Home Rule Charter.

B. **Ordinance Form and Procedure**

(i) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "Be it enacted by the County Council of the County of Erie." Any ordinance which amends an existing ordinance shall set out in full the ordinance, sections, or subsections to be amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(ii) An ordinance may be introduced by any member of County Council either by placing the proposed ordinance on the Agenda as provided in Section 5(A) of these procedures, or with the approval of County Council as provided in Section 5(D) of these procedures. Except as required under Section 11(C) of these procedures, any ordinance introduced or placed on the Agenda may be moved from a first to a second reading with the approval of County Council as provided in Section 5(D) of these procedures. A copy of the proposed ordinance shall be distributed to each County Council member and to the County Executive, and shall be made available in the office of the County Clerk for public inspection.

C. **Ordinance Requiring Prior Public Notice and Hearing**

(i) All ordinances wherein taxes are levied, before being adopted by the County Council, shall be read at least once in each of two separate meetings of the County Council.

(ii) After submission to the County Council, the proposed budget shall be available for public inspection during the regular business hours of the County. The County Council shall hold public hearings on the proposed budget commencing not earlier than thirty (30) days following receipt of the proposed budget. The County Council shall publish in a newspaper of general circulation in the County a general summary of the budget, a notice stating the times and places where copies of the budget are available for inspection by the public, and the place and time, no earlier than two (2) weeks after such publication, for a public hearing on the proposed budget.

D. **Copies of Ordinances**

Copies of ordinances shall be available to all persons requesting them upon payment of a reasonable reproduction charge.

E. **Emergency Ordinances**

To meet a public emergency affecting life, health, property, or the public health and/or safety, the County Council may adopt one or more emergency ordinances, which may be adopted without prior notice, and may be made effective immediately. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance, and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of thirty (30) days following the date on which it was adopted, but this shall not prevent re-enactment

of the ordinance in the manner specified in this subsection if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this subsection for adoption of

F. **Codes of Technical Regulations**

The County Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be prescribed for ordinances generally, except that:

(i) The requirements of this section for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as the adopting ordinance; and

(ii) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded.

G. **Veto, Authentication, and Recording; Codification**

(i) **Veto**: The provisions governing the veto of an ordinance shall be as provided in the Charter.

(ii) **Authentication**: Ordinances duly approved and signed shall be attested to by the County Clerk.

(iii) **Recording**: The County Clerk shall maintain and make available for public inspection an indexed file containing copies of: The Charter, this Administrative Code, every adopted ordinance, resolution, rule, regulation and code of regulations, and every adopted amendment or modification of any of the foregoing.

Section 13 Independent Audit of Financial Procedures

A. The County Council shall provide for an independent post audit as provided for in the Charter and in Article IV, Financial Procedures, Section 11, of this Administrative Code.

B. The County Council shall announce the completion of the auditor's report and provide sufficient copies for the public.

Section 14 Compensation and Expenses

A. Members of County Council shall have the ability, if he or she wishes to do so, to participate in the Erie County Retirement System and shall receive

a retirement allowance based upon service as a County employee rendered after the date upon which the County employee becomes a member.

B. Members of the County Council shall be entitled to reimbursement for actual expenses incurred, provided that the expenditure:

(i) Is related to the performance of official duties;

(ii) Was authorized in advance by the County Council at a public meeting or provided for in the County budget; and

(iii) Is presented timely to Council staff for submission to the Erie County Finance Department using required forms, and all relevant and required information is included.

Section 15 County Council Staff

The appointment and duties of the County Clerk shall be as provided in the Charter. The Clerk will be under the supervision of the Chairman and will serve at the pleasure of County Council. Under special circumstances, to be determined by resolution, the County Council may employ the services of legal counsel and such other professional staff as it deems appropriate. County Council may appoint staff members as it deems necessary to assist in its legislative functions, and establish their salaries.

Section 16 Filling a Vacancy on the County Council

A. In the event that a vacancy occurs on the County Council, Article XI Section 6 of the Erie County Home Rule Charter shall apply. If the County Council fails to fill such vacancy by appointment before, on, or within ten (10) days of the occasion of the vacancy, the following procedures shall apply:

(i) The County Clerk shall advertise within the County Council election district where the vacancy has occurred in a newspaper of general circulation, no later than ten (10) days of the occurrence of the vacancy, for applicants to fill the vacancy.

(ii) No later than the fifteenth (15th) day following the occurrence of the vacancy, unless such date falls on a Sunday or holiday in which case the following day thereafter, the County Council members present shall meet no later than 5:00 o'clock p.m. in the County Council Chambers at which time interviews will be conducted of all applicants for the vacancy by the County Council members present, which interviews will be completed on that date.

(iii) No later than the twenty-fifth (25th) day following the occurrence of the vacancy, unless such date falls on a Sunday or holiday in which case on the following day thereafter, the County Council members present shall meet no later than 5:00 o'clock p.m. in the County Council Chambers at which time the County Council members present shall select no more than five (5) applicants to consider for appointment to the vacancy.

(iv) On the thirtieth (30th) day following the occurrence of the vacancy, unless such date falls on a Sunday or holiday in which case on the following day thereafter, the County Council members shall meet at 5:00 o'clock p.m. in the County Council Chambers at which time the County Council members shall select by a majority vote of County Council the appointment for the vacancy.

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ARTICLE VI

CONFLICT OF INTEREST PROVISIONS

Section 1 Declaration of Purpose

The County Council hereby declares that the proper operation of this government requires that public officials and employees be independent, impartial, and responsible to the people; and that public offices not be used for personal gain. In recognition of these goals, there is hereby established a Conflict of Interest Provision for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this provision is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interest of the County and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the County.

Section 2 Declaration of Public Trust

The County Council further declares that public employment is a trust and that any effort to realize personal financial gains through public office, other than compensation provided by law, is a violation of that trust. In order to strengthen the faith and confidence of the people of the County in their government, the County declares that the people have a right to be assured that the financial interests of holders of public office present neither a conflict nor an appearance of a conflict with the public trust.

Section 3 Avoidance of Conflicts

Erie County officials and employees and officials and employees of all County agencies, authorities, and instrumentalities shall fulfill the responsibilities of public office, render dedicated service, give fair and equal treatment in all matters, and avoid conflicts of interest; and shall not engage in incompatible employment, nor have undisclosed County contracts or legislation; and shall avoid the impression of corruptibility.

Section 4 Conflict of Interest Defined

Any County official or employee, or an official or employee of any County agency, authority, or instrumentality, who has any financial interest, direct or indirect, in any proposed or actual contract with the County or its agencies, authorities, and instrumentalities in any action pending before County Council or before any County agency, authority, or instrumentality, or in the sale or lease to or

by the County or its agencies, authorities, and instrumentalities of any service or of any real or personal property, shall be considered to have a conflict of interest.

Section 5 Violation by Members of County Council

Any member of County Council who has a conflict of interest, as defined in Section 4, involving any matter which is to be acted upon by County Council shall publicly announce such conflict at the first opportunity when such matter comes before County Council. Such member shall thereafter refrain from participating, publicly or privately, in debate or on the matter. Such member shall also abstain from voting on the matter.

Section 6 Violation by Other County Officials and Employees

Any County official, other than a County Council member, any County employee, and any official or employee of any County agency, authority, or instrumentality having a conflict of interest, as defined in Section 4, shall, immediately upon becoming aware of such conflict, make a written declaration of such conflict to both the County Executive and County Council. Such officer or employee shall thereafter refrain from participating in the decision to make such contract, proposal, sale, or lease. Such official and/or employee shall also refrain from participating in the performance of any such contract, proposal, sale, or lease.

Section 7 Further Prohibitions

No County official, including members of County Council, no County employee, and no official or employee of any County agency, authority, or instrumentality shall receive any gratuity or reward from any person, firm, or corporation (other than his regular salary, wage, professional fee, dividend, or interest) which person, firm, or corporation is interested in any contract, sale, or lease, or any proposed contract, sale, or lease with, by, or to the County or its agencies, authorities, and instrumentalities. No County official, including members of County Council, no County employee, and no official or employee of any County agency, authority, or instrumentality shall receive any gratuity or reward from any person, firm, or corporation (other than his regular salary, wage, professional fee, dividend, or interest) which person, firm, or corporation is interested in any contract, sale, or lease, or any proposed contract, sale, or lease with, by, or to the County or its agencies, authorities, and instrumentalities.

No County official, including members of County Council, shall purchase, directly or indirectly, any real estate sold in a private sale by the Tax Claim Bureau of Erie County. County officials, including members of County Council and County employees, may purchase such real property at public sales conducted by the Tax Claim Bureau of Erie County.

Section 8 Exceptions

The ownership or beneficial interest in less than one percent of the stock of a publicly held corporation, the share of which are publicly traded, shall not be considered a conflict of interest.

Section 9 Conflicting Employment

Members of County Council, during their term of office, shall not hold any other County office or County employment. Nor shall any member of County Council hold any County position, whether paid or unpaid, wherein:

A. Such member shall report to or be under the supervision or direction of any elected official, appointed official, or judge of the several Courts of Common Pleas of the Sixth Judicial District; or

B. Such member shall have, under his direction or supervision, by virtue of such employment, any County employee;

C. Provided, however, that this Section 9 shall not prevent any member of County Council from serving as a member of any board or commission whose membership is composed in whole or in part of members of the County by virtue of the provisions of the Home Rule Charter for the County of Erie or this Administrative Code.

Section 10 Penalties

A. Any County official, including members of County Council, County employee, or any official or employee of any County agency, authority, or instrumentality who violates the provisions of this provision shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not to exceed $300.00.

B. Any County elected official, including members of County Council, who shall be convicted of a violation of this provision shall forfeit his or her office.

C. Any County employee or any official or employee of any County agency, authority, or instrumentality who shall violate this provision shall forfeit his or her office or employment subject to the hearing provisions of the Personnel Code.

Section 11 Penalties for Those Dealing with the County

Any person, firm, or corporation which enters into any contract with or sale or lease by or to the County or its agencies, authorities, and instrumentalities who knows or has reason to know that this provision has been violated in connection therewith shall suffer forfeiture of the contract, sale, or lease upon the declaration by either the County Executive or the County Council that such contract, sale, or lease is null and void.

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ARTICLE VII

BONDING REQUIREMENTS OF COUNTY OFFICIALS AND EMPLOYEES

All County employees and elected officials shall be covered by a blanket bond in the amount of $600,000.

The County shall purchase and have in effect at all times a Public Officials Liability Insurance Policy.

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ARTICLE VIII

LOCAL AGENCY LAW

Section 1 Declaration of Purpose

A. The County Council hereby implements the provisions of the Act of 1978, April 28, P.L. 202, No. 53, Section 5, as amended (2 Pa. C.S.A. Section 101) the "Local Agency Law," to establish a non-judicial forum for the adjudication of the personal and property rights of individuals.

Section 2 Adjudicatory Body

A. Erie County Council shall serve as the adjudicatory body in matters involving local agency action or inaction which affects the personal or property rights, liabilities or obligations of the parties, including the local agency and any party with a direct interest in the subject matter of the proceeding. As the adjudicatory body, County Council may appoint a duly qualified licensed attorney to act on its behalf, to preside at any administrative proceeding and adjudicate the rights and responsibilities of the parties.

Section 3 Definitions

A. **Adjudication**. Any final order, decree, decision, determination or ruling by an agency affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of any or all of the parties to the proceedings in which the adjudication is made. The term does not include any order based upon a proceeding before a court or which involves the seizure or forfeiture of property, paroles, pardons or releases from mental institutions.

B. **Administrative Proceeding**. Any proceeding other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law or in law or regulation is particularized in application to individuals. The term includes an appeal.

C. **Agency**. A government agency.

D. **Appeal**. An appeal by any person aggrieved by an adjudication of a local agency who has a direct interest in such adjudication and has appealed therefrom to a court vested with jurisdiction of such appeals.

E. **County Council**. The legislative body of Erie County and adjudicatory body in matters involving local agency action or inaction which affects the personal or property rights of individuals.

F. **Government Agency**. Any Commonwealth agency or any political subdivision or municipal or other local authority, or any officer or agency of any such political subdivision or local authority.

G. **Independent Agency**. Boards, commissions, authorities and other agencies and officers of the Commonwealth government which are not subject to the policy supervision and control of the governor, but the term does not include any court or other officer or agency of the unified judicial system or the general assembly and its officers and agencies.

H. **Local Agency**. A government agency other than a Commonwealth agency.

I. **Local Agency Law**. The Act of 1978, April 28, P.L. 202, No. 53, Section 5, as amended (2 Pa. C.S.A. Section 101).

J. **Party**. Any person who appears in a proceeding before an agency who has a direct interest in the subject matter of such proceeding.

K. **Presiding Officer**. An individual appointed by an agency to preside at an administrative proceeding.

L. **Witness**. A person who testifies in a proceeding before an agency.

Section 4 Practice and Procedure

The provisions of Subchapter B of Chapter 5 of the Local Agency Law, relating to the practice and procedure before local agencies, is incorporated herein and made a part hereof. The provisions are intended to govern the practice and procedure before County Council.

Section 5 Notice of Hearing

No adjudication by Erie County Council, or its duly appointed presiding officer, shall be valid as to any party unless he shall have been afforded reasonable notice of a hearing and an opportunity to be heard. All testimony may be stenographically recorded and a full and complete record may be kept of the proceedings. In the event all testimony is not stenographically recorded and a full and complete record of the proceedings is not provided by the local agency, such

testimony shall be stenographically recorded and a full and complete record of the proceedings shall be kept at the request of any party agreeing to pay the costs thereof.

Section 6 Evidence

Erie County Council, or its duly appointed presiding officer, shall not be bound by technical rules of evidence at administrative proceedings, and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross examination of the parties and witnesses shall be permitted.

Section 7 Briefs and Oral Argument

All parties shall be afforded opportunity to submit briefs prior to adjudication. Oral argument upon the relevant issues may be heard at the discretion of County Council or its duly appointed presiding officer.

Section 8 Written Adjudications

All adjudications of County Council or its duly appointed presiding officer shall be in writing, shall contain finding and the reasons for the adjudication, and shall be served upon all parties or their counsel of record personally, by fax or regular mail at the party's last known address.

Section 9 Appeals

Any party aggrieved by an adjudication of Erie County Council, or its duly appointed presiding officer, who has a direct interest in such adjudication, shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals.

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ARTICLE IX

GENERAL PROVISIONS

Section 1 The official copy of this Code shall be kept, in loose-leaf form, in the Office of the County Clerk. Unofficial copies shall be maintained in the offices of the County Executive, Director of Administration, County Solicitor, County Council Solicitor, and the Erie County Law Library.

Section 2 Amendments to this Administrative Code shall be made by ordinance of County Council, following its proper procedures for the adoption of ordinances. Upon any amendment to this Code, the affected pages shall be republished, placed in the official copy, and transmitted to all holders of unofficial copies as set forth in Section 1.

Section 3 Any amendments shall be properly noted in Appendix A, attached hereto.