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Has the Sun Set on Sunset Review in Allegheny County?

Since Allegheny County's Home Rule Charter and administrative code clearly spell out that a sunset review of all County operating departments is to be conducted every four years, why has it been seven years since the last one was completed?

The Charter's preamble states that "a home rule government, as embodied in this Charter, will protect the taxpayers of Allegheny County by requiring that each County department, agency, and function is subject to periodic sunset review..." Through the sunset review process it could be determined if a service "no longer meet[s] the needs of the County's taxpayers" and allowed for the abolishment or reorganization of said service. Moreover, Article VII, Section 11 of the Charter plainly states "the need for each County department, agency, and function shall be evaluated through a four year staggered sunset review process. The procedures for the sunset review shall be established in the Administrative Code".

The code states that "the County Manager shall review and evaluate the need for and function of each County Department at least once every four years". That's why it is astonishing to discover that the last sunset review was completed in 2003. Based on the language of the Charter and the code, there should have been one completed by 2007. There is one forthcoming soon, according to the Manager's office, albeit three years past the deadline.

How is it that one of the most fundamental provisions aimed at improving County government and making it more taxpayer friendly seemingly slipped through the cracks?

It is not clear. But it is very surprising given the fact that the sunset review process is straightforward. Among the criteria the Manager's office is to consider in the sunset review is the legal mandate for the department, alternatives for providing its function, and if the absence of the department or its services would harm the public. After gathering input from the department head under review and possibly through a public hearing, the Manager is to submit recommendations on any departments reviewed to the Chief Executive and County Council by June 30th.

The responsibility for deciding what happens to a department after a sunset review falls to the Council. After receiving the Manager's recommendation, Council "may adopt" an ordinance or resolution by the following October 15th to either continue the department for another four years, abolish the department, or reorganize the department subject to evaluation and review. Council cannot take any of those actions until the sunset review has occurred.

So even if Council believed that a County department had become outmoded since 2003 they could not take action under the language of the code. One wonders if anyone on Council raised

questions as to where the sunset review report was three years ago. If they did and were ignored that's really troublesome. If they did not they were derelict in their duty.

The last sunset review (available on the Manager's website) covered fifteen departments: due to row office reform two new administrative departments—court records and medical examiner—have been added to the organizational chart. By no means is the sunset review easy work, but given the timeline set out by the Charter and the code the review could have been completed in a staggered fashion by reviewing five departments one year and four in the other three years. As of June 30, 2007 the review would have been completed. Then the process to prepare for the review over the subsequent four-year time frame could have commenced.

There's no language outlining what happens if the County fails to meet the deadline, but it is clear that somewhere along the line the ball was dropped. The Manager's office did not deliver on time, and the Council and the Executive apparently did not press for the review. One must ask, how much money could have potentially been saved by review recommendations?

What kind of message does that send to County residents who keep track of when their property tax bill is due, whether or not they've submitted their dog license fee, and for affected businesses that have to comply with submitting drink tax receipts or else face penalties and fines?

Even more galling is that—in retrospect—the County was busy pursuing a smoking ban, new taxes on alcoholic drinks and car rentals, trying to place referenda on the ballot to instruct Council to raise property taxes, and engaging in a protracted and eventually losing court battle over a base year assessment plan during the years when the sunset review could have been taking place. Those efforts were all struck down by the courts: all the while the plain language of the County's founding documents was pushed to the background and ignored.

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