



Legislation Details (With Text)

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File created:	10/7/2024	In control:	Committee on Intergovernmental and Educational Affairs
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Enactment date:	10/22/2024	Enactment #:	749
Effective date:	10/24/2024		
Title:	Resolution authorizing and directing the Mayor and the Director, Department of Finance to terminate the 1991 cooperation agreement between the City of Pittsburgh and County of Allegheny for the lease of the Municipal Courts Building, and further, forthwith, to grant and convey the Municipal Courts Building to the County of Allegheny, Commonwealth of Pennsylvania or to any other interested party.		
Sponsors:	Anthony Coghill		
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Date	Ver.	Action By	Action	Result
10/24/2024	2	Mayor	Signed by the Mayor	
10/22/2024	2	City Council	Passed Finally, As Amended	Pass
10/22/2024	2	City Council	AMENDED	Pass
10/16/2024	1	Standing Committees	Affirmatively Recommended	Pass
10/8/2024	1	City Council	Read and referred	

Resolution authorizing and directing the Mayor and the Director, Department of Finance to terminate the 1991 cooperation agreement between the City of Pittsburgh and County of Allegheny for the lease of the Municipal Courts Building, and further, forthwith, to grant and convey the Municipal Courts Building to the County of Allegheny, Commonwealth of Pennsylvania or to any other interested party.

WHEREAS, in 1991, the City, the County of Allegheny (the “County”), the Urban Redevelopment Authority of Pittsburgh (the “URA”) and the Public Parking Authority of Pittsburgh (the “Parking Authority”; “PPAP”) entered into a series of agreements to acquire, clear and prepare the sites related to the construction of the new Allegheny County Jail (“ACJ”), a public safety complex known as the Municipal Courts Building (“MCB”) and a surface parking facility; and,

WHEREAS, pursuant to the May 2, 1991 Cooperation Agreement between the City, County, URA and PPAP (“1991 Co-Op”), the City constructed the MCB, which the City is obligated to maintain at City taxpayer expense and the County is entitled to rent-free occupancy for a term to expire November 15, 2046; and,

WHEREAS, at the time of the execution of the 1991 Co-Op, the Mayor of the City of Pittsburgh was the appointing authority, subject to Council approval, of up to seventeen (17) city magistrates with jurisdiction over criminal matters and City ordinance violations (see §§ 223-226, Home Rule Charter); and,

WHEREAS, the Mayor of the City of Pittsburgh was a statutory member of the Allegheny County Jail Oversight Board until the General Assembly reorganized the Board in 2009, removing the mayoral seat; and,

WHEREAS, the Fifth Judicial District of the Pennsylvania Courts, with the approval of the Pennsylvania Supreme Court, began in 2002 the reorganization of the judicial district's minor judiciary and absorbed the former Pittsburgh Magistrates Court, replacing the appointed magistrates with the elected district justices; and,

WHEREAS, in 2008, the City and County entered into an agreement, one which the Commonwealth was required to grant its consent, to purchase the MCB from the City and lease the MCB to the County, subleasing what space the City required to the City; and,

WHEREAS, the 2008 agreement was never fully executed and has not been signed by the Commonwealth rendering it functionally and legally void, and;

WHEREAS, the 1991 Co-Op and the initial occupancy of the MCB in 1996 both occurred prior to the judicial reorganization which stripped from the City by 2002 the power to appoint magistrates to the Pittsburgh Magistrates Court, and prior to the General Assembly removing the mayoral seat from the ACJ's Jail Oversight Board; and,

WHEREAS, Pennsylvania courts have established that contracts of indefinite duration, including leases without specific termination timelines, are not favored; and, often these contracts are to be interpreted as terminable at will, or within a reasonable period, unless expressly stated otherwise in unequivocal terms *McCullogh-Dalzell Crucible Co. v. Phila. Co.*, 72 A. 633, 637 (Pa. 1909)); and,

WHEREAS, as a result of these changes, the City no longer has any administrative role in the judicial enforcement of the criminal laws or violations of municipal ordinances, and mayors no longer sit on the Jail Oversight Board, rendering inappropriate the continued expenditure of City taxpayer dollars to maintain and support the MCB, which houses and supports County and Commonwealth criminal justice functions, and which shares a physical connection to the Allegheny County Jail; and,

WHEREAS, it is no longer prudent or sensible for the City to retain ownership and maintenance of the MCB at the expense of the City's taxpayers, and the City desires to transfer the property to the County and/or the Commonwealth, or sell it to another interested party.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Mayor and Director, Department of Finance are hereby authorized and directed to take such steps as are necessary to terminate the May 2, 1991 Cooperation Agreement between the City of Pittsburgh, the County of Allegheny, the Urban Redevelopment Authority of Pittsburgh and the Public Parking Authority of Pittsburgh for the lease and maintenance of the Municipal Courts Building. **The Director, Department of Finance, shall report to the Mayor and City Council every six (6) months on the progress of the termination of the Cooperation Agreement as set forth in this section.**

Section 2. The Mayor and Director, Department of Finance are hereby authorized and directed, on behalf of the City of Pittsburgh, forthwith, to grant and convey or transfer the City's right, title and interest in Municipal Courts Building to the County of Allegheny, Commonwealth of Pennsylvania on such terms as

are mutually or severally agreeable, or to sell the MCB to any other interested party.