

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

County Council of the County :
of Erie :
 :
v. :
 :
Brenton D. Davis, County Executive :
of the County of Erie, : No. 99 C.D. 2025
Appellant : Argued: November 6, 2025

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE MARY HANNAH LEAVITT, Senior Judge

OPINION
BY JUDGE FIZZANO CANNON

FILED: December 8, 2025

In the instant appeal, Brenton D. Davis, Executive of the County of Erie (Appellant), seeks review of the December 23, 2024 Order and Decree (Trial Court Order) of the Court of Common Pleas of Erie County (Trial Court) that determined Appellant's purported vetoes of specific items contained in the 2023 and 2024 budgets for the County of Erie to be nullities and of no force or effect. Upon review, we affirm the Trial Court Order.

I. Background and Procedure

The facts underlying this matter are straightforward and not in dispute. Erie County is a home rule county¹ organized under the Erie County Home Rule

¹ The Pennsylvania Constitution allows municipalities to choose to adopt home rule charters for their governance. *See* Pa. Const. art. IX, § 2. Article IX, Section 2 of the Pennsylvania Constitution, entitled Home Rule, specifically provides as follows:

Municipalities shall have the right and power to frame and adopt home rule charters. Adoption, amendment or repeal of a home rule

Charter (HRC) pursuant to the laws of the Commonwealth of Pennsylvania including, without limitation, the Pennsylvania Home Rule Charter and Optional Plans Law.² *See* Joint Stipulation of Facts filed July 5, 2024 (JSF) at 1-2; Reproduced Record (R.R.) at 482a-83a; *see also* HRC, R.R. at 91a-119a. By its terms, the HRC separates the policy making and appropriation powers held by the County Council of Erie County (Council) from the administrative authority held by the County Executive. *See* JSF at 2, R.R. at 483a; *see also* HRC, Art. VIII, R.R. at 107a-08a. The HRC also provides a process for approving Erie County’s annual budget that involves participation and input from both Council and the County Executive. *See* JSF at 2-3, R.R. at 483a-84a; *see also* HRC, Art. VIII, R.R. at 107a-08a. Briefly, per this process, the County Executive first presents a proposed county budget for the coming fiscal year by October 1. *See* HRC, Art. VIII, Sec. 3, R.R. at 107a; *see also* JSF at 2, R.R. at 483a. Council then reviews the County Executive’s proposed budget and can add to, delete from, increase, or decrease any proposed appropriation item. *See* HRC, Art. VIII, Sec. 5, R.R. at 107a; *see also* JSF at 2, R.R.

charter shall be by referendum. The General Assembly shall provide the procedure by which a home rule charter may be framed and its adoption, amendment or repeal presented to the electors. If the General Assembly does not so provide, a home rule charter or a procedure for framing and presenting a home rule charter may be presented to the electors by initiative or by the governing body of the municipality. A municipality which has a home rule charter may exercise any power or perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.

Pa. Const. art. IX, § 2. Counties are considered as municipalities for purposes of home rule charters.

² 53 Pa.C.S. §§ 2901-3171.

at 483a. Council must then adopt a budget by December 1. If Council fails to adopt a budget as directed, the budget previously proposed by the County Executive becomes effective on January 1. *See id.* Additionally, following Council's adoption of the annual budget, the County Executive may veto or reduce items contained therein. *See HRC, Art. VIII, Sec. 6, R.R. at 107a; see also JSF at 2, R.R. at 483a.* Council may overrule the County Executive's reductions or vetoes with an affirmative vote of one more than a majority of Council within 10 days. *See HRC, Art. VIII, Sec. 6, R.R. at 107a; see also JSF at 3, R.R. at 484a.*

Pursuant to the procedures outlined in the HRC, on October 1, 2022, Appellant as County Executive presented Council with a proposed budget for the 2023 fiscal year (2023 Proposed Budget). *See JSF at 3, R.R. at 484a.* Council conducted public hearings and timely adopted a budget for the 2023 fiscal year (2023 Adopted Budget) that included numerous adjustments to the 2023 Proposed Budget. *See JSF at 3, R.R. at 484a.* During the process of approving the 2023 Adopted Budget, Council amended the 2023 Proposed Budget by issuing various action sheets to accomplish the following seven pertinent item reductions and eliminations (collectively, the 2023 Budget Changes):

- a. County Executive Bureau – travel budget: Reduced from \$25,000.00 to \$10,000.00;
- b. Community Relations & Economic Development Bureau – travel budget: Reduced from \$50,000.00 to \$15,000.00;

c. Community Relations & Economic Development Bureau – travel budget:^[3] Reduced from \$100,000.00 to \$26,035.00;

d. Economic Development Initiatives: Reduced from \$100,000.00 to \$20,000.00;

e. Eliminated Human Resources Position No. 002200-101;

f. Eliminated Deputy Director of Revenue/Tax Claim Office; and

g. Eliminated Information Technology Position No. 002812-005.

JSF at 3-4, R.R. at 484a-85a.

Appellant timely filed with Council a letter purporting to veto each of the 2023 Budget Changes (2023 Purported Vetoes) listed above. *See* JSF at 4, R.R. at 485a. Thereafter, in lieu of reapproving the purportedly vetoed items by affirmative supermajority vote of the members of Council, Council moved and passed a motion to strike the 2023 Purported Vetoes (2023 Motion to Strike) asserting that Appellant lacked power under the HRC to increase line items reduced or eliminated from the 2023 Proposed Budget by Council in adopting the 2023 Adopted Budget. *See id.* The 2023 Motion to Strike stated that, because Appellant lacked the power to increase budgetary items reduced or eliminated from budgets by Council, the 2023 Purported Budget Vetoes were void and without legal effect. *See id.*

³ The Joint Stipulation of Facts listed the Community Relations & Economic Development Bureau's travel budget twice, with two different reductions. *See* JSF at 3, R.R. at 484a.

Thereafter, Appellant proposed to Council a draft funding ordinance that included the 2023 Purported Vetoes (2023 Proposed Ordinance) and therefore would have funded the line items previously cut by Council. *See* JSF at 4, R.R. at 485a. Council unanimously rejected the 2023 Proposed Ordinance as an improper use of Appellant's veto power. *See id.*

On August 3, 2023, the Administration posted the 2023 Adopted Budget on the County's website. *See* JSF at 4, R.R. at 485a. On August 18, 2023, the Director of the Administration sent Council an email informing Council that Human Resources Position No. 002200-101 had been filled. *See id.*

Erie County's budgeting process followed a very similar pattern the following year. *See* JSF at 5-6, R.R. at 486a-87a. On October 1, 2023, Appellant presented Council with his proposed budget for the 2024 fiscal year (2024 Proposed Budget). *See id.* Council again held hearings and formally adopted a budget (2024 Adopted Budget) that contained multiple changes to the 2024 Proposed Budget. *See id.* Council amended the 2024 Proposed Budget, again by issuing various action sheets (collectively, the 2024 Budget Changes), as follows:

- a. By reducing the subsidies in the 2024 Children and Youth Services Fund Budget by \$1,201,344[.00];
- b. By reducing advertising fees in the Planning and Community Development Fund Budget by \$22,500[.00];
- c. By eliminating Human Resources Position No. 002200-101; and
- d. By eliminating IT Specialist II Position No. 002812-005.

JSF at 5, R.R. at 486a; *see also* Council's 2024 Action Sheets, R.R. at 289a-92a.

Appellant again timely filed a letter with Council purporting to veto the 2024 Budget Changes (2024 Purported Vetoes). *See* JSF at 5, R.R. at 486a. As it had the previous year, Council moved and passed a motion to strike the 2024 Purported Vetoes (2024 Motion to Strike), asserting again that Appellant lacked power under the HRC to increase line items reduced or eliminated by Council from the 2024 Proposed Budget. *See* JSF at 5-6, R.R. at 486a-87a. The 2024 Motion to Strike once more stated that, because Appellant lacked the power to increase budgetary items reduced or eliminated from budgets by Council, the 2024 Purported Vetoes were void and without legal effect. *See id.*

On September 29, 2023, Council filed an Action for Declaratory Judgment (Amended Complaint)⁴ against Appellant alleging that Appellant violated the HRC by issuing the 2023 Purported Vetoes and 2024 Purported Vetoes (collectively, the Purported Vetoes). *See* Trial Court Docket, R.R. at 1a; *see also* Complaint, R.R. at 6a-33a. Following oral argument conducted on December 11, 2024, the Trial Court entered the Trial Court Order finding the Purported Vetoes to be nullities and of no force or effect. *See* Trial Court Order at 14, R.R. at 480a. Appellant appealed to this Court.

⁴ After a round of preliminary objections and briefing thereon, Council filed its Amended Action for Declaratory Judgment on January 10, 2024. *See* Trial Court Docket, R.R. at 1a; Amended Complaint, R.R. at 153a-97a; *see also* Defendant's Preliminary Objections to Plaintiff's Action for Declaratory Judgment, R.R. at 34a-46a; Brief In Support of Defendant's Preliminary Objections to Plaintiff's Action for Declaratory Judgment, R.R. at 47a-140a; Defendant's Supplemental Preliminary Objection to Plaintiff's Action for Declaratory Judgment, R.R. at 141a-47a; Defendant's Supplement to Brief In Support of Preliminary Objection to Plaintiff's Action for Declaratory Judgment, R.R. at 148a-52a.

II. Issues

On appeal, Appellant claims that the Trial Court erred by determining that Appellant had exceeded his authority under the HRC. *See* Appellant’s Br. at 7, 21-56. Appellant first argues⁵ that the Trial Court erred by applying the Purported Vetoes to line-item expenditures. *See* Appellant’s Br. at 22-26. Appellant claims that the Purported Vetoes applied not to the specific budgetary *items*, but instead to Council’s budgetary *actions* relating to those budgetary items. *See id.* Appellant next claims that the Trial Court erred by holding that the Purported Vetoes were nullities because they improperly increased the budget, again basing the claim on the argument that the Purported Vetoes merely canceled Council’s budgetary actions

⁵ In the Statement of Questions Involved section of his brief, Appellant states his questions presented follows:

1. Whether the [T]rial [C]ourt erred in its application of the parties’ Joint Stipulation of Facts when it applied the Executive’s 2023 and 2024 vetoes to line item expenditures in Council’s 2023 and 2024 adopted budgets, because the [Trial C]ourt’s findings and application of facts were contrary to the record, which demonstrates that the parties expressly stipulated that Council’s “action sheets” were in and of themselves budgetary actions by Council that are subject to Executive veto.

2. In the alternative, even if the [T]rial [C]ourt properly applied the parties Joint Stipulation of Facts, whether it erred in concluding that the Executive’s 2023 and 2024 vetoes improperly increased the budget and thus were a nullity and of no force or effect, because the Executive’s vetoes, in accordance with the budget checks and balances set forth in the Home Rule Charter, prevented, nullified, or otherwise negated Council’s actions to reduce or eliminate budget expenditures.

Appellant’s Br. at 7. The “Argument for Appellant” section of Appellant’s brief separates his arguments into four sub-arguments. *See* Appellant’s Br. at 21-57.

and prevented Council from reducing or eliminating expenditures contained in the 2023 Proposed Budget and 2024 Proposed Budget (collectively, the Proposed Budgets). *See id.* at 26-39. Appellant also claims that the Trial Court erred by relying on *Roddey v. County Council of the County of Allegheny*, 841 A.2d 1087 (Pa. Cmwlth. 2004), in determining that Council properly struck the Purported Vetoes. *See id.* at 39-49. Appellant also argues that Council accepted the Purported Vetoes by passing the 2023 Motion to Strike and 2024 Motion to Strike (collectively, Motions to Strike) in lieu of overriding the Motions to Strike pursuant to the veto override mechanism provided in Article VIII, Section 6 the HRC. *See id.* Finally, Appellant argues that, even if the 4-3 vote on the Motions to Strike did not constitute acceptance of the Purported Vetoes by Council, the Trial Court erred by determining that the Proposed Budgets were mere proposals that had no effect following Council's adoption of the Adopted Budgets. *See id.* at 49-56.

Council argues, on the other hand, that the Trial Court correctly determined that the Purported Vetoes exceeded Appellant's authority under the HRC. *See Council's Br.* at 1, 9-33. Council argues that the language of the HRC is unambiguous and states that the County Executive may only reduce or delete budgetary line items after receiving an approved budget from Council, not add or increase items. *See id.* at 16-21. Additionally, Council argues that the Trial Court correctly relied on *Roddey* to hold that Council properly struck the Purported Vetoes. *See id.* at 21-29. Finally, Council argues that the Trial Court correctly determined that the Proposed Budgets ceased to exist upon Council's adoption of budgets for given fiscal years. *See id.* at 30-33.

III. Discussion

Article VIII of the HRC, entitled “Budget and Finance,” provides a process for approving Erie County’s annual budget that involves participation and input from both Council and the County Executive. In pertinent part, Article VIII provides:

Section 3: County Budget

Prior to October 1 of each year, the County Executive shall present to the County Council in ordinance form the proposed county budget for the next fiscal year. The county budget shall be a complete financial plan for the county presented in both line item and program budgeting form, shall consist of an operating budget and a capital budget, shall include estimates of the revenues and expenditures of all anticipated tax revenues. The County Executive shall set forth the objectives to be accomplished throughout the budget.

Section 4: Public Hearings

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.

Section 5: Approval of the Budget

Upon the completion of the public hearings [required by Section 4], but not later than December 1 of the year in which the proposed budget is submitted, the County Council shall adopt a budget. The County Council may add to, delete from, increase or decrease any appropriation item in the proposed operating or capital budget. The budget as adopted must be a balanced budget with no planned deficit. No amendment shall increase authorized expenditures to an amount greater than the total of estimated income and cash reserves unless action is also taken to increase revenue to such a level. No amendment shall change expenditures required by law or for debt service or for any estimated unpaid obligations. When the budget has been adopted, County Council shall thereupon fix such rates of taxation as will, together with all other estimated revenues, raise a sufficient sum to meet budgeted expenditures. Adoption of the budget shall constitute the appropriation of the amounts specified therein as expenditures from the funds indicated. In the event the County Council fails or refuses to act upon the proposed budget within the fiscal year, the budget as proposed by the County Executive shall become effective on January 1. The budget as adopted shall be a public record.

Section 6: Item Veto or Reduction

Upon adoption of a budget by the County Council, it shall be delivered within three (3) days to the County Executive, who within ten (10) days thereafter, may veto or reduce any item contained in it. If the County Executive vetoes or reduces any item in the budget, the County Executive shall return it to the County Council with the reasons for the veto or reduction stated in writing. The County Council may reapprove any item over the veto or reduction of the County Executive within ten (10) days, with an affirmative vote of at least one more than a majority of the total members of the County Council in office.

HRC, Art. VIII, Secs. 3-6, R.R. at 107a.

Thus, by its terms the HRC specifically directs the following budgetary process: First, the County Executive must present a proposed county budget for the next fiscal year prior to the first day of October each year. *See* HRC, Art. VIII, Sec. 3, R.R. at 107a. Council must then comply with certain publication and hearing requirements in reference to the proposed budget. *See* HRC, Art. VIII, Sec. 4, R.R. at 107a. Then, by December 1, Council must adopt a county budget that is balanced, without a planned deficit and without amendment that increases authorized expenditures beyond the budget's total estimated income and cash reserves. *See* HRC, Art. VIII, Sec. 5, R.R. at 107a. To accomplish this goal, the HRC permits Council to "add to, delete from, increase or decrease any appropriation item" in the proposed budget. HRC, Art. VIII, Sec. 5, R.R. at 107a. If Council fails to adopt a budget as directed within the fiscal year, the budget proposed by the County Executive automatically becomes effective on January 1. *See* HRC, Art. VIII, Sec. 5, R.R. at 107a. Once adopted, Council delivers the budget to the County Executive, who "may veto or reduce items" contained therein, providing written reasons for such vetoes/reductions. *See* HRC, Art. VIII, Sec. 6, R.R. at 107a. Council may, however, within 10 days, reapprove any item over the veto or reduction of the County Executive by an affirmative supermajority vote of at least one more than a majority of the total Council members.⁶ *See* HRC, Art. VIII, Sec. 6, R.R. at 107a.

As the Trial Court observed, the issues to be decided in the current appeal revolve around Appellant's Purported Vetoes and Council's responses

⁶ We observe that Council consists of seven members, thereby requiring five votes to reach a one-more-than-majority supermajority discussed in Article VIII, Section 6 of the HRC. *See* HRC, Art. II, Sec. 1(D)(1), R.R. at 93a.

thereto. *See* Trial Court Order at 7, R.R. at 473a. The Trial Court aptly summarized the parties' contentions herein thusly:

[Appellant] and Council agree the effect of the [Purported Vetoes] is to strike, erase[,], or eliminate Council's actions as if they never happened. Where they differ is that [Appellant] contends those line items that were vetoed revert back, or are restored, to those line items in the [] Proposed Budgets unless Council, by a vote of a supermajority of its members overrides those vetoes. On the other hand, Council contends the [] Proposed Budgets ceased to exist after it (Council) adopted its budgets; there was nothing to revert back, or be restored, to, and allowing [Appellant] to increase the budgets by reverting or restoring those line items to those items in the [] Proposed Budgets would result in [Appellant] having the power to increase spending and add new employee positions which were specifically reduced or eliminated by Council when it adopted the budgets even though Art[icle] II, [Section] 1(C)(1) of the HRC^[7] places upon Council the responsibility to "make appropriations, incur indebtedness, and adopt the annual budget," and Art[icle] VIII, [Section] 5 of the HRC requires Council's budget be balanced. Therefore, concludes Council, such vetoes which had the result of exceeding its budgets were void and of no legal effect . . . thus obviating the need for Council to override them by a supermajority of its members.

Trail Court Opinion at 8-9, R.R. at 474a-75a.

This Court considered similar issues in *Roddey*, which is instructive in resolving the claims involved in the instant matter. In *Roddey*, the Allegheny County Home Rule Charter permitted Allegheny County's county executive to "veto any

⁷ Article II, Section 1(C)(1) of the HRC gives Council the authority and responsibility "[t]o make appropriations, incur indebtedness, and adopt the annual budget." HRC, Art. II, § 1(C)(1).

item” in the budget adopted by Allegheny County Council.⁸ *See Roddey*, 841 A.2d at 1089. The county executive exercised this veto power by eliminating certain items of budgetary allocation in their entirety. *See id.* However, in lieu of striking other items in their entirety, the county executive attempted to merely reduce those other items by striking the dollar amount allocated to those items and inserting a different amount of which he approved. *See id.* The Allegheny County Council had the power to override the county executive’s veto by a two-thirds majority vote, but instead adopted motions, by a 9-6 vote, that declared the county executive’s purported reductions null and void based on Council’s conclusion that the county executive had not properly exercised the veto power granted to him by the Allegheny Home Rule Charter. *See id.* at 1089-90. On appeal, this Court agreed, noting that, while the Allegheny Home Rule Charter provided the county executive with the power to veto allocations, the Charter did not provide the county executive with the separate and distinct power to *reduce* the Allegheny County Council’s budgetary allocations. *See id.* at 1091. The Court explained:

The act of adopting a budget is a legislative process. The Chief Executive [of Allegheny County] acts in a limited

⁸ Section 5 of the Allegheny County Home Rule Charter provided:

Upon adoption of the annual operating and capital budgets by County Council, the budgets shall be delivered within three days to the Chief Executive who, within seven days thereafter, ***may veto any item***. If the Chief Executive vetoes any item, the Chief Executive shall advise County Council in writing of the reason for the veto. County Council may override the veto of the Chief Executive within seven days by an affirmative vote of at least two-thirds of the seated Members.

Roddey, 841 A.2d at 1089 (emphasis provided).

legislative capacity in the process; his veto is a method of checking and balancing otherwise unfettered actions by the legislative branch, in this case, [Allegheny] County Council. However, the Chief Executive's power must similarly be limited in the process. If we were to accept Roddey's argument that the [Allegheny County Home Rule] Charter's limited grant of power to the Chief Executive [of Allegheny County] to veto items includes the power to reduce the appropriation, then we would likewise have to recognize not only that power to act in the negative, but also to act affirmatively with regard to the budget, by dictating item amounts above that which [Allegheny County] Council has set forth in a budget resolution. Such an interpretation would extend the Chief Executive[of Allegheny County's] power beyond that for which the [Allegheny County Home Rule] Charter specifically provides, and would enhance his powers beyond the ordinary purpose for which the veto power is intended—to ensure that the legislature has some limits in its appropriations.

Roddey, 841 A.2d at 1091 (footnote omitted).

Thus, the *Roddey* Court determined that the Allegheny County Chief Executive lacked the power under the Allegheny County Home Rule Charter to reduce line items from the budget approved by Allegheny County Council. *See Roddey*, 841 A.2d at 1091-92. The Court explained:

By striking items, the [Allegheny County] Council is forced to address the issues the Chief Executive raises; his duty under the zero-based budget concept has been performed. He can do no more. The [Allegheny County] Council, if it so intends, could thwart that duty despite his veto, whether he vetoes by reduction or the complete striking-off of an item. Although the reduction veto makes sense as an efficient tool of the two branches of government to reach some mutual accommodation, we are bound by the limits of the [Allegheny County] Charter's

language. The language of the Charter is clear and plain – the Chief Executive may exercise a line-item veto, not a reduction line-item veto.

Id. at 1092. The *Roddey* Court further determined that, because the County Chief Executive lacked the power to reduce allocated amounts contained in Allegheny Council’s approved budget, his purported reductions of certain budgetary items were null and void. *See id.* at 1093 (“[the county executive’s] attempt to exercise a power that the [Allegheny Home Rule] Charter did not grant him results in a nullity of the vetoes he sought to effectuate by reduction”).

In the instant matter, after reviewing and discussing *Roddey*, the Trial Court found that

[t]he phrase in the HRC that the Executive may “veto or reduce any item” contained in the budget must be read in the disjunctive; that is, “veto” and “reduce” are separate and distinct concepts. Subtracting from or reducing items in the budget is accomplished pursuant to the Executive’s power to “reduce” the budget item. Here, [Appellant’s] vetoes that are at issue have not sought to reduce any item in the budgets adopted by Council.

Trial Court Opinion at 9, R.R. at 475a.

We agree with the Trial Court. Appellant purports, through his view of the effect of the Purported Vetoes, to exercise a power of appropriation not granted to the County Executive under the HRC. The Purported Vetoes related to items from the Proposed Budgets that Council had previously reviewed and either reduced or removed altogether from the Approved Budgets pursuant to its power to “add to, delete from, increase[,] or decrease any appropriation item[.]” *See* HRC, Art. VIII, Sec. 5, R.R. at 107a.

The result of Council's changes to the 2023 Proposed Budget yielded a 2023 Adopted Budget that included a County Executive Bureau travel budget of \$10,000.00, two Community Relations & Economic Development Bureau travel budget items of \$15,000.00 and \$26,035.00, an Economic Development Initiative budget of \$20,000.00, and no budgetary funds for the Human Resources Position No. 002200-101, the Deputy Director of Revenue/Tax Claim Office Position, or Information Technology Position No. 002812-005. Thus, when Council sent the 2023 Approved Budget to Appellant, the only amounts that existed as budget items over which Appellant could have exercised his right to veto or reduce were the \$10,000.00 County Executive Bureau travel budget item, the \$15,000.00 and \$26,035.00 Community Relations & Economic Development Bureau travel budget items, and the \$20,000.00 Economic Development Initiative budget item. The Human Resources Position No. 002200-101, the Deputy Director of Revenue/Tax Claim Office Position, and the Information Technology Position No. 002812-005 were not included in the 2023 Adopted Budget and therefore were not extant items for Appellant to either veto or reduce.

Likewise, Council's review of and changes to the 2024 Proposed Budget resulted in a 2024 Adopted Budget that included a 2024 Children and Youth Services (CYS) Fund Budget reduced by \$1,201,344.00,⁹ a Planning and Community Development Fund (PCDF) budget reduced by \$22,500.00 for advertising,¹⁰ and no funding at all for either Human Resources Position No. 002200-101 or IT Specialist II Position No. 002812-005. Following Council's changes,

⁹ See Council's 2024 Action Sheet 25d, R.R. at 289a.

¹⁰ See Council's 2024 Action Sheet 29, R.R. at 290a.

therefore, these two employment positions and the prior proposed CYS and PCDF budget amounts were simply no longer part of the 2024 Adopted Budget to be subject to Appellant's veto or reduction powers. All that remained in the 2024 Adopted Budget for Appellant's review were the revised amounts of the CYS and PCDF budgets.

The veto power Appellant now argues he has under the HRC and which he claims to have exercised via the Purported Vetoes would have the effect of restoring or resurrecting amounts Council struck from the Proposed Budgets pursuant to HRC Article VIII, Section 5. Such a veto would create by resurrection budgetary funds not otherwise provided by Council in the Approved Budgets. Such resurrected/restored amounts would represent appropriations, which the HRC does not empower the County Executive to propose or make beyond an initial proposed budget the County Executive sends to Council by October 1 per Article VIII, Section 3 of the HRC.

Further, the above-described budgetary changes made by Council constituted Appellant's universe of review in relation to the Adopted Budgets. The express terms of HRC Article VIII, Section 6, provides for a County Executive to review only items that are contained in an adopted budget presented by Council: "Upon adoption of a budget by the County Council, it shall be delivered within three (3) days to the County Executive, who within ten (10) days thereafter, may veto or reduce any item contained in *it*." HRC Art. VIII, Sec. 6 (emphasis provided). Pursuant to this language in the HRC, the County Executive reviews only the adopted budgets presented by Council, not prior iterations of the County Executive's proposed budgets which Council uses in the budget adoption process. *See* HRC, Art. VIII, Sec. 6. Thus, a County Executive simply lacks the power to review items

not contained in an adopted budget presented by Council, including increased amounts for items that are contained therein. *See id.*; *see also Roddey*.

For these reasons, the Trial Court did not err by determining that the HRC does not provide the County Executive – in this case, Appellant – with the power to propose appropriations by vetoing Council’s actions that either reduced line items or deleted them altogether during Council’s Article VIII, Section 5 budget approval process.¹¹

Additionally, the Trial Court did not err by determining that Appellant’s Proposed Vetoes were nullities. As this Court explained in *Roddey*, a county executive’s attempt to exercise powers not granted by the operable home rule charter “results in a nullity of the vetoes he sought to effectuate[.]” *Roddey*, 841 A.2d at 1093. Likewise, here, as discussed *supra*, by issuing the Proposed Vetoes, Appellant effectively attempted to add appropriations items/amounts to the Approved Budgets. While the HRC grants a County Executive the powers to veto or reduce budgetary items proposed by Council, it simply does not grant to the County Executive either the power to introduce appropriations or to increase the amounts of appropriations that Council includes in an adopted budget. Nor does the HRC grant a County Executive the power to otherwise resurrect items or amounts from a proposed budget presented to Council pursuant to Article VIII, Section 3 that Council chose to eliminate or reduce, which would be the functional equivalent of allowing a County Executive to compel Council to appropriate funds not otherwise provided for in

¹¹ We further acknowledge and appreciate the foreseeable problems to be wrought on Council’s Article VIII, Section 5 obligation to adopt a balanced budget by allowing a County Executive a veto that could resurrect items stricken by Council prior to approving annual budgets. *See* Trial Court Order at 12-13, R.R. at 478a-79a; *see also* Council’s Br. at 30-33. However, given our conclusion that Appellant did not have the power he purported to wield, we need not delve into hypothetical issues arising from the exercise of such power.

Council's Adopted Budgets.¹² Therefore, because the HRC does not permit Appellant's attempts to veto Council's *actions* of reducing or striking items from the Proposed Budgets, the Purported Vetoes were, as Council properly maintained, null and void. Ruling otherwise would grant Appellant powers not enumerated or otherwise granted by the HRC. *See Roddey*, 841 A.2d at 1092-93.

IV. Conclusion

For the reasons stated above, we affirm the Trial Court Order.

CHRISTINE FIZZANO CANNON, Judge

¹² We observe, as did the Trial Court, that the Executive does have limited powers to appropriate budgetary funds by transferring unencumbered funds within or between County departments or agencies, subject to Council approval. *See* HRC, Art. VIII, Sec. 7 (Changes in budget), R.R. at 108a; *see also* Trial Court Opinion at 13, 479a. The Executive may also request supplemental appropriations from revenues not anticipated in the annual budget or in excess of budgetary estimates. *See* HRC, Art. VIII, Sec. 8 (Supplemental Appropriations), R.R. at 108a.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

County Council of the County	:	
of Erie	:	
	:	
v.	:	
	:	
Brenton D. Davis, County Executive	:	
of the County of Erie,	:	No. 99 C.D. 2025
Appellant	:	

ORDER

AND NOW, this 8th day of December, 2025, the December 23, 2024
Order and Decree of the Court of Common Pleas of Erie County is AFFIRMED.

CHRISTINE FIZZANO CANNON, Judge