

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
John P. DeFazio	-	Council-At-Large
Charles McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
Joan Cleary	-	District 6
Nicholas Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
James Ellenbogen	-	District 12 (via telephone)
Amanda Green	-	District 13

Allegheny County Courthouse
Fourth Floor, Gold Room
436 Grant Street
Pittsburgh, Pennsylvania 15219

Tuesday, December 16, 2008 - 5:00 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
429 Forbes Avenue, Suite 1300
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

James Flynn - County Manager
Michael Wojcik - County Solicitor
Joseph Catanese - Director of Constituent Services
John Mascio - Chief Clerk
John H. Rushford, Jr. - Counsel for County Council
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor
Daniel Onorato - Chief Executive

PRESIDENT FITZGERALD: I'm going to call this meeting to order. Thank you for attending and welcome to the Tuesday, December 16, 2008 meeting of County Council. If everybody would please rise. I'm going to ask A.J. Cohen, senior at Taylor Allderdice High School, to come and lead us in the Pledge of Allegiance. And after the Pledge of Allegiance, if you would please remain standing for a moment of silent prayer or reflection.

(Pledge of Allegiance).

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. MASCIO: Mr. Burn?

MR. BURN: Here.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: Present.

MR. MASCIO: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. MASCIO: Mr. Drozd?

(No response.)

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: Here (via telephone).

MR. MASCIO: Mr. Finnerty?

MR. FINNERTY: Here.

MR. MASCIO: Mr. Futules?

MR. FUTULES: Here.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. MASCIO: Ms. Green?

MS. GREEN: Present.

MR. MASCIO: Mr. Macey?

MR. MACEY: Here.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Here.

MR. MASCIO: Mr. McCullough?

(No response.)

MR. MASCIO: Ms. Rea?

(No response.)

MR. MASCIO: Mr. Robinson?

MR. ROBINSON: Present.

MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. MASCIO: We have 12 members present at this time and one by phone.

PRESIDENT FITZGERALD: Proclamations and Certificates.

MR. MASCIIO: Proclamation honoring the late Lieutenant Governor Catherine Baker Knoll for her vast contributions to the Commonwealth of Pennsylvania. This is sponsored by all members of Council.

PRESIDENT FITZGERALD: Okay. I'm going to read the proclamation. I'd like to ask Chuck Knoll, her son --- Catherine, to come up and join me. And then after I'm done, I'm going to ask all members of Council to join in. We're going to take a picture.

We lost a great champion in this state too soon, a few weeks ago, a real pioneer in Catherine Baker Knoll. And I'm sure every one of us could tell a story of personal interaction with Catherine, in her kindness, in her humanity, in her compassion for people. And as high as she went, being the first woman elected Lieutenant Governor, she really never left being the young girl from McKees Rocks that made her, you know, kind of part of all of us, which makes this region so special. So with heavy hearts, this Council wants to issue a proclamation and deliver it to her son, Chuck. And I'll read this into the record.

Whereas, on November 12, 2008, the Commonwealth of Pennsylvania lost one of its most revered public servants; and

Whereas, Catherine Baker Knoll was a trailblazer for women, serving as the first female Lieutenant Governor in Pennsylvania's history; and

Whereas, born in McKees Rocks, Lieutenant Governor Knoll began her political career working for local Democratic candidates, and in 1970 earned a spot on the Democratic State Committee; and

Whereas, following her years at the Pennsylvania Department of Transportation's Bureau of Motor Vehicles where she became director of the Pittsburgh Office, Lieutenant Governor Knoll became the Pennsylvania State Treasurer in 1988; and

Whereas, during her two terms as State Treasurer, the office provided \$25,000,000 in loans to small businesses, to development centers, colleges and universities, \$100,000,000 in low-rate, first-home mortgages to single parents, first-time buyers and veterans and became a college savings program for parents; and

Whereas, in 2003, Lieutenant Governor Knoll became the first female to hold the office of Lieutenant Governor, a position that she earned not only with her excellent credentials, but also with her willingness to travel nearly 40,000 miles and back across the state, engaging voters in the colorful manner that became her trademark; and

Whereas, as Lieutenant Governor Knoll presided over the State Senate and chaired the State Board of Pardons, a local government advisory committee and the Pennsylvania Emergency Management Council; and

Whereas, Lieutenant Governor Knoll is survived by her three sons, Albert, Kim Eric, Charles and her daughter, Mina.

Now, therefore, be it resolved, that Allegheny County Council wishes to pay tribute to Catherine Baker Knoll, an outstanding public servant. On behalf of the residents of Allegheny County, we express our deepest sorrow on her passing and join with her loved ones in remembering her as a truly remarkable human being. Sponsored by this --- all members of Allegheny County Council, this 16th day of December, 2008.

Chuck, I just wanted to say congratulations and thank you for allowing us to use your mother as our servant in this state. Thank you.

MR. KNOLL: I see you have a big agenda tonight, so I won't tie you up too long, but it's been humbling, all the wonderful response, unfortunately, for this purpose. But one of the stories, just real quick, is, my daughters at school heard --- a receptionist told me that her neighbor had dated with my mother, two brothers, many, many years ago. And the one brother that the neighbor dated had to go to boot camp. And here, my mother said, well, I'll have a prom at my school, you take my boyfriend to the prom at your school since your boyfriend is at boot camp.

So she gave up an opportunity to go to her prom. This was before she got into public service or anything else, just as a teenager caring for another friend of hers like that. And it was, I guess, that kind of choice and decision that gave her the foundation to go on into leadership and government and politics, and so forth. And then when the Council was formed here, I think one of the very first proclamations was when my first daughter was born, she came and congratulated the whole gang, many of

which are still here tonight, to join this august County government that we have. So on behalf of my mother and our family, thank you very much.

(Applause.)

PRESIDENT FITZGERALD: 4523-08.

MR. MASCIO: Proclamation congratulating Doctor Charles T. Blocksidge for earning the 2008 John Fry Individual Merit Award from the North American Council for Staff, Program and Organizational Development. This is sponsored by all members of Council.

PRESIDENT FITZGERALD: I ask Councilman Finnerty and Councilman Martoni to come forward and deliver this. Councilman Finnerty?

MR. FINNERTY: Councilman Robinson.

MR. MARTONI: Councilman Robinson.

MR. FINNERTY: Doctor Blocksidge, would you come up, please? It's an honor to stand here and give Doctor Blocksidge this award. He's done so many things for so many people in his illustrious career. So without further ado, I want to introduce Bill Robinson, who wants to say a few words. Councilman Robinson.

MR. ROBINSON: Thank you, Councilman Finnerty. Any time I get a chance to say something about the community college, I'm going to say it. I love the community college. I love the Community College of Allegheny County. Charlie Blocksidge, Doctor Blocksidge, is another ace-in-the-hole of why we are a very good community college, and we're going to be great because of people like Charlie who's been with us for many years and served in many capacities in this county.

We're able to draw upon his experience and his background, and this award is just another example of some of the fine work he has done and others at the college. So remember, CCAC, the best investment of taxpayer dollars in this county where we're trying to develop our human potential. Doctor, congratulations.

MR. MARTONI: I also want to congratulate Mr. Blocksidge for a tremendous job he does for the community college. And as Bill said, I love Bill because Bill loves the community college. That's why we get along so well. Thank you.

MR. FINNERTY: I'd like to read this proclamation.

Whereas, each year the North American Council for Staff, Program and Organizational Development, an

affiliate of the American Association of Community Colleges, honors individuals who have made outstanding contributions to the Staff, Program and Organizational Development, on a regional, state and/or local level; and

Whereas, Doctor Charlie Blocksidge was recently selected to receive the 2008 John Fry Individual Merit Award from the North American Council for Staff, Program and Organizational Development; and

Whereas, as Executive Director of the Community College of Allegheny County, Allegheny County Workforce Alliance, Doctor Blocksidge and CCAC, are working with local employers, unions, community organizations and government officials to identify and meet the diverse needs of Allegheny County's work force; and

Whereas, Doctor Blocksidge expanded the Faculty Professional Development Program at CCAC in both size and scope, which includes tuition reimbursement programs, training seminars and adjunct faculty of the program, and which was nationally recognized in 2007 for appearing to the best practice by offering a comprehensive program which meets the needs of CCAC Faculty and which responds to the initiatives of the college; and

Whereas, Doctor Blocksidge was also instrumental in creating the Western Pennsylvania Community College Consortium, comprised of five local community colleges in Western Pennsylvania, to recognize that through sharing resources, they could provide quality professional development experiences through their faculty and staff; and

Whereas, Doctor Blocksidge worked extents to their national level, where he worked with the Landmark College Institute for Research and Training, on a three-year grant from the Department of Educational Demonstration Projects, to establish a new source of professional development and training for community college educators, in instructional strategies for students with disabilities and the creation of a national website for faculty.

Now, therefore, be it resolved, Allegheny Council hereby commends Doctor Charles T. Blocksidge, for earning the honor of the 2008 John Fry Individual Merit Award. Furthermore, we thank you for your demonstrated commitment to supporting both professional and educational development, which serves as an inspiration to the members of this Council. This is sponsored by Council members

Mike Finnerty, Charles Martoni and William Russell Robinson and co-sponsored by all members of Council, this 16th day of December, 2008.

(Applause.)

MR. BLOCKSIDGE: I'll be brief. Certainly, I want to thank all members of Council for this proclamation, and I'm very humbled and very grateful for it. And certainly, I'm very appreciative of your efforts here and very appreciative of this recognition. I would be remiss if I didn't extend my gratitude to my colleagues from the college, who've certainly been instrumental in facilitating the winning of this award. And many members of the college are here with me this evening.

We've got a terrific faculty. We've got great programs. And we've got a great institution, as Councilman Robinson has mentioned. And in large measure, in large measure, it's attributed to the kind of spirit and cooperation we have with Council, with a rich history of working with Council and working together in order to provide quality programs for this community. I think it's a tribute to this region that we have this kind of spirit and cooperation. We've got tremendous leadership from our County exec, Dan Onorato, who certainly has provided the college with tremendous leadership. And his efforts, certainly, need to be recognized in this regard. Again, I'm grateful for this recognition and truly humbled by it. Thank you.

(Applause.)

PRESIDENT FITZGERALD: 4524-08.

MR. MASCIO: Before I read that, let the record reflect that Council Members Drozd, Rea and McCullough are present at the meeting.

4524-08. Proclamation declaring December 16, 2008, Point of Pittsburgh Day, in Allegheny County. Sponsored by Council Vice President Martoni and Councilman DeFazio. And Councilman Finnerty had asked to be listed as a co-sponsor.

PRESIDENT FITZGERALD: Councilman Martoni and Councilman DeFazio.

MR. MARTONI: This was a tremendous project, and each Council member has a book that Doctor McCollester has written, and it's in all of our stations here. And I'm particularly proud to deliver this particular proclamation with my friends here. Anyway, let me read the proclamation.

Whereas, The Point of Pittsburgh production and struggle at the Forks of the Ohio, written by Charles McCollester and illustrated by Bill Yund, describes Pittsburgh's role in shaping both America's middle class and developing the United States into a world power; and

Whereas, unlike many historical depictions of Pittsburgh, The Point of Pittsburgh names not only the early industrial titans as true heroes of our time, but rather, the Native Americans and the blue collar workers upon whose backs the city was built; and in fact, the country was built; and

Whereas, the companion CD from singer, songwriter and social activist, Mike Stout, is with us --- and I think he's going to treat us to some music here in a little bit --- was released to all with its written counterpart. And it includes songs that feature such memorable characters as the abolitionist, Martin Delany, boxer Billy Conn, cotton mill workers, Monsignor Charles Owen Rice, among many others, and which conclude with the song, Happy Birthday to Pittsburgh, a sweetheart reminder of Pittsburgh's 250 years of history; and

Whereas, on November 21st, 2008, nearly 40 artists, musicians, activists, political figures, environmentalists, labor leaders, corporate leaders and media watchdogs were gathered together to read passages, speak and sing, visualize episodes from the book, in celebration of its official release; and

Whereas, the event titled, The Point of Pittsburgh, blue collar, black tie celebration, was held at the Carnegie Lecture Hall and raised a commendable \$7,000 for the Greater Pittsburgh Food Bank.

NOW, THEREFORE, BE IT RECOGNIZED, that Allegheny County Council does hereby declare December 16, 2008, as Point of Pittsburgh Day in Allegheny County. Furthermore, we congratulate Charles McCollester, Bill Yund and Mike Stout on the success of The Point of Pittsburgh book and the companion CD, and thank you for highlighting the important role that Pittsburgh has played in shaping the American middle class.

Before I introduce our speakers, I want to say that I learned a lot from Charlie. We've been friends for a whole lot of years. And I learned that during the Second World War, the Pittsburgh area produced the whole world in steel production, okay? So in some ways, we all contributed during that war, so I'll take credit for it.

Anyway, Michael and John have something to say before we join in Michael.

MR. FINNERTY: Thank you, Chuck. I'd just like to say that this book and the recording is something that shows the working men and women and all the contributions that they've given to this area and the United States and the world, and it's an honor to be standing up here. Thank you.

MR. DEFAZIO: And I'm glad I could be here today. I know I bought tickets and donated towards the book and all that, but I was out of town and never made it back in time for the event. But at least I'm here today, and I'm glad I could make it. It's an honor to be here. Thank you.

MR. MCCOLLESTER: I want to thank Allegheny County Council and especially my friend, Chuck Martoni, who was the chief steward at Union Switch and Signal, and he was the mayor of Swissvale for several years. We were almost joined at the hip and struggled trying to save that great plant founded by George Westinghouse himself, and it was one of the great tragedies of the time. And Johnny DeFazio has been a constant supporter of all kinds of things, including the naming of the bridge, the Tenth Street Bridge, for Phil Murray, which passed this body, and we very much appreciate that.

I've got to thank my wife, Linda, who is over there, Lynn Squela (phonetic), who did just a terrific job on the fundraising we did for the food bank, Rosemary Trump, who went out and raised the money. And I got to credit the labor unions, particularly --- about 60 organizations and individuals gave money so we could print this union in Pittsburgh, not in China, for a third of the price, but Paul Prantello (phonetic) of the laborers and Leo Girard of the steelworkers, Scott Malley of the ironworkers, Jim Kuntz of the operating engineers, Mike Donley, VFW, Jack Shea, Allegheny County Labor Council, Bill George, Pennsylvania AFL-CIO, and many others, and the IUP Labor Center which employs me, and I'm very grateful for that.

I just want to read one part of a paragraph that concludes the book. The book starts with dirt and then the rivers and the mountains and the geography of this town and the coal. And it ends with Bill Mazeroski's home run when Pittsburgh was arguably at its happiest moment. Between --- Chuck mentioned World War II. Now this county

gave 191,000 soldiers to the military in World War II. And I can go on about many others things that this county contributed. But that is one of the highest records, and the highest enlistments came out of the North Side and South Side during World War II, among the very highest in the entire nation. And it really is something everyone should be proud of. But then the fall of 1960, with Kennedy's election, the real wages of Pittsburgh workers had doubled from 1945 to 1960 because of unionization and the GI Bill. So I'll just read the conclusion after the home run.

And so it was in the fall of 1960, never before or since would Pittsburgh be more prosperous and hopeful. A bit more than two centuries after General Forbes and his army arrived upon the burning embers of Fort Duquesne. The city and its region basked in the glow of prodigious success. Its workers and industries had produced incalculable volumes of coal, iron, steel and glass. Its inventors and laborers had been the first to refine oil, manufacture aluminum and create some of the primary mechanisms of electrical generation and distribution.

In a stupendous effort, its mills and factories, had been the arsenal of democracy, providing much of the muscle that made the United States of America the world's most powerful nation. But if Pittsburgh has a tradition of production, it also has a tradition of struggle. Whiskey rebels, cordwain (phonetic) conspirators, cotton mill rioters, anti-slavery militants and, especially, the generations of union organizers who fought for an organizational voice, due process and justice in the workplace, along with all those since the founding of the city, who defended civil liberties and human rights in the community and in the streets, production and struggle, the point of Pittsburgh.

And I want to salute my friend, Bill Yund, here in the center, of this fine piece of art. He's Insulators, Local 2, Asbestos Workers, and he's worked virtually in every mill in this area. And his beautiful drawings and art work form the cover and the art in the book. And then finally my great old friend; we were in this room many times trying to stop the closings of the mills back in the 1980s, the last head grievance man at the Homestead Works, 30 years a steel worker, Mike Stout.

MR. STOUT: I wrote a song called Happy Birthday to Pittsburgh, and this song is to commemorate the people

that, in our history, have been left out of celebrations this year on the 250th birthday of Pittsburgh, the working people; the immigrants, the women, the African-Americans, the people who built this city and made it over the years. And I just want to say this before I sing the song, that sometimes when you get atonement this big --- a book this big, there's a tendency to kind of put it aside. And I'll tell you this, I'm a raving --- had been a raving insomniac for 30 years, and I've averaged one book a week. And I couldn't put this book down, and I learned more about Pittsburgh reading this book than all my other books and life experiences put together. So I hope you'll read it.

(Mr. Stout performs Happy Birthday to Pittsburgh.)

MR. MCCOLLESTER: I just wanted to say that out in front of this building was the first act of the Civil War by the people of Pittsburgh. The citizens of Pittsburgh blocked the cannon from moving down South. The first half of the North and the American Civil War was the people of Pittsburgh.

PRESIDENT FITZGERALD: 4525-08.

MR. MASCIO: Certificate of Achievement recognizing Pittsburgh Allderdice High School Boys' Golf Team member, A.J. Cohen, for winning the 2008 Pittsburgh City League Championship. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: Is A.J. here? A.J., come on up. Is your coach here, as well? No? Okay. He couldn't make it. Okay. We'll give this to Coach. And often, you know, we talk about, you know, the youth of our community that sometimes don't get the recognition they deserve. And when they do get recognition, sometimes it's for things that we don't want them to do. But we want to honor A.J. here tonight. And I've known A.J. since he was a young boy. I used to --- he played with my son and I got to see him play baseball, which he'd hit the ball very far.

But in winning the golf championship three years in a row, we know he can hit it far, but he can also hit it straight. And it's quite an achievement that A.J. won three straight City golf championships. So we want to honor that here tonight. And also, you're going to speak or I'm not going to let your dad speak. He doesn't ---.

A.J., Allegheny County Council is proud to present this Certificate of Achievement in recognition of your outstanding athletic abilities, which were showcased in your winning season during which you earned the 2008 City Golf Championship, shooting a 148 at the two-day event. You beat out the competition by 20 strokes and claimed your third consecutive title. In contribution to Allegheny County's long legacy of sports champions, you are to be commended. And on behalf of the citizens of Allegheny County, we join you in celebration of your distinguished achievements, on this 16th day of December, 2008. A.J., congratulations.

A.J. COHEN: Thank you very much. I'd just like to thank County Councilman Fitzgerald and the rest of the Council members. Thank you very much.

(Applause.)

PRESIDENT FITZGERALD: Before we read the rest of them into the record, we have with us tonight our Chief Executive, along with Steve Bland. And I'd like to bring them up to give a presentation. And also, publicly, on the record, I would like to congratulate both of them for their leadership in resolving a very, very difficult situation and dealing with something that probably hasn't been dealt with in over 20 years, and that's the legacy costs in righting this agency or setting this agency on the right path.

So we're going to have something on the agenda this evening, tonight, to kind of complete the budgetary process we began last year when we appropriated \$3,000,000. I wanted the Chief Executive to come before Council to talk about the release of the money, along with the Executive Director, Steve Bland. And then we'll open up for questions. Mr. Executive?

MR. ONORATO: Mr. President, members of County Council, thank you for the opportunity to, really, stand here almost 12 months to the date when we had the Executive Order dealing with the dedicated funding for transit being held until there was a competitive labor agreement reached that would at least set the Port Authority on the track of reversing some of this long-term legacy cost and avoid bankruptcy in the very near future.

And I am glad to be here today to say that the intent of the Executive Order has been met. And as you pointed out, Mr. President, the roughly \$27,000,000 of local match that was required to get the Federal and State

dollars, will be released. However, \$24,000,000 has been authorized to be released, and there's \$3,000,000 that all of you, sort of, set aside in the budget for '08, last year's budget process. And there is a piece of legislation that was submitted today to release the additional \$3,000,000, and we're respectfully asking to waive the Second Reading on the \$3,000,000 so that we can move the \$27,000,000 over before the year end. And the reason that I'm prepared to release the money on my end is that Steve and even the Union leadership, worked around the clock over the weekend down in Washington, D.C. But they established and they both approved a historic contract. And when I say historic, let me put it in perspective a little bit here.

This is the first time in the 44-year history of the Port Authority, that we have a contract that four years from now, that the legacy cost numbers will be smaller --- significantly smaller, as opposed to being much larger. For the last 44 years, every contract led to additional costs --- additional legacy costs that put the Port Authority on the brink. And let me talk about some of those numbers, and Steve will get into the details of the contract or whatever you would like to hear from him.

But over the four years of the contract that was just approved by both parties, there will be approximately a \$93,000,000 savings of post-retirement health care. And again, to put that in perspective, if we were operating under the terms of the old contract, we could expect several --- close to a \$100,000,000 increase in the other direction. So you've got a total swing going --- a reduction as opposed to increases.

Also with this contract, the Port Authority is able to avoid an additional \$25,000,000 expense that would be added to their current balancing --- current operating statement in '09, the fund, post-retirement health care, if in fact the terms of the old contract are still in place. But with the new contract, that gets avoided. And that \$25,000,000 was an additional expenditure per year; not once over four years but \$25,000,000 per year. And \$93,000,000 is the collective savings over the four-year contract.

If this contract wasn't achieved and there was some type of intervention by the courts that oversee it, like what happened in '92, and none of the legacy costs were dealt with and we had to operate under the terms of

the old contract, come January, which is only a few months away, Steve Bland of the Port Authority would have been going to the public with a 30 to 40 percent service cut, and be able to fund the post-retirement health care. That's how bad the terms of the old contract were going. So for anyone that thinks that this wasn't a significant move, I can assure you, they can avoid 30 percent cuts --- 40 percent cuts, to fund post-retirement health care. They're going to have significant savings over four years. They're going to avoid \$25,000,000 in additional expenditures every year. And they're probably on their way with the actuarial reports showing the number decreasing instead of increasing for the first time and avoiding the problem that was established nearly 20 years ago that brought us to a number of employees at a very young age that were retiring. That is now behind us.

The other thing I do want to point out, that will be coming due, it is not in front of you today. But the capital request from the Port Authority originally this year was not \$1,000,000. As you all know, we presented a budget to, roughly, \$6,000,000 plus a few extra dollars, \$6,000,000-plus. We are going to come back --- I'm going to come back early in '09, to increase that to the original \$9,000,000 request which would probably fund, then, the projects like the Smart Cards and the other capital means that the Port Authority needed.

I was holding that back because if we didn't get a contract, it wouldn't have made sense to throw any money at the Port Authority that way, because it would have been a total shutdown, either with 30 or 40 percent cuts or a total collapse of 19 months. And I wasn't about to put any more capital dollars at risk. Now that this contract is in place and Port Authority long-term liability is real, I think it's appropriate now that we put the capital that was committed in place to allow the Port Authority to continue what it has been doing.

So at this point in time, before I turn it over to Steve, if there's any questions about the release of the money ---. We have details about the contract. Steve's also here to address and give a presentation. But I'd be more than happy to take any questions.

PRESIDENT FITZGERALD: Does anybody have any questions for our County Executive? Mr. McCullough?

MR. MCCULLOUGH: I do. But as a point of order, Dan, are you planning on leaving as soon as you finish

your remarks? Because frankly, what I'd like to do is, hear what Steve has to say, and then maybe address questions to the two of you.

MR. ONORATO: I'll wait until Steve does his presentation, five or ten minutes.

MR. MCCULLOUGH: Okay. Because I prefer to hear what Steve has to say first.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: I'll wait too.

PRESIDENT FITZGERALD: Okay. And I also want to thank Steve Bland because last night, he came in and briefed our Committee on Government Reform, and we really got to go through in detail the contract with the presentations. So you know, Mr. Bland has been doing yeoman's work, going to Washington to get a contract meeting with, you know, just about everybody. And concerning last night, we had about an hour and a half meeting, which most members of Council attended, and we were able to get up to speed. I appreciate his efforts in coming back tonight again. Steve?

MR. BLAND: Thank you, President Fitzgerald, and I appreciate the invitation back to speak to the Council publicly. I think first and foremost, on behalf of myself and on behalf of the Port Authority Board, we want to thank and acknowledge the --- particularly the efforts of County Executive Onorato and certainly the members of Council. This isn't an issue that you, frankly, can get a whole lot of great positives out of. There's an awful lot of minefields and not a whole lot of positives. And frankly, I'd personally like to thank County Executive Onorato for, really, the courage that he showed in reversing, literally, ---. The only thing I'll correct you on is, you're talking about 20 or 25 years of history. I think it would be more like 45 or 50 years of history, and that's literally what was done.

I'm not one who's prone to a lot of hyperbole. Chuck sits on our Board, and I think you know that. But I don't think it's an overstatement to say this is a historic Collective Bargaining Agreement, not just for the Port Authority. Certainly in the transit industry in the last two weeks, I've been contacted by probably a dozen or a dozen and a half agencies who want to figure out how the heck we got it done. But even in the region, particularly in public employment, I think what, really, is probably more noteworthy than anything is, in the end when the

Union ratification vote occurred almost two weeks ago now, this agreement passed by measure of 96 percent of members to 4 percent dissenting. And frankly, this is --- don't misinterpret anything on that vote outcome. This is a concessionary contract. The Union went a long way in meeting the long-term needs of the Authority. Frankly, the vote that the membership put out was an affirmation of what I believed all along, which was that all of our employees, including representative employees, were more than willing to take the steps necessary to make the Port Authority financially sustainable. And in that vein, I'd also like to acknowledge the efforts of Amalgamated Transit Union Local 85 leadership. They spent the entire weekend down in Washington with us. And as I like to say and I told people, I am probably the second happiest man to ever get out of Washington, D.C. You'll meet the first happiest man in about a month. But I refer to it as our escape from Washington.

As Council President Fitzgerald mentioned, we did have the opportunity to brief the Government Reform Committee in great detail on the terms of the agreement. Our Board ratified the agreement by unanimous vote this past Monday. Just to highlight, County Executive Onorato highlighted, really, the main objective he had in bargaining, which was the overall reduction in legacy costs for post-retirement health care savings. And those savings also translated into pension fund reductions by simply moving the normal retirement age from what had been 25 years of service, regardless of age, to a normal retirement age, 30 years of service and 60 years of age.

And that move, which largely followed --- and I know most of you are familiar with the fact-finding report --- largely mirrored what the fact-finder Jane Ringler (phonetic) had issued, literally had a tremendous impact. What's sort of lost in that is, even apart from that, we'll see a tripling of employee contributions to health care during the term of the agreement. We'll see re-design of health care plans to significantly reduce costs to the Authority. We'll see increases in employee contributions. So even apart from the legacy cost savings, which were ---. As I told our Board at the outset, we have ten objectives in bargaining, legacy costs are one through nine. There were significant gains made in all other aspects of the Collective Bargaining Agreement.

Probably most noteworthy for the community --- I'd certainly be happy to answer any questions on the specifics of the agreement --- we were able in the end ---. And I have to say, up to about a week before, it didn't look like this would be possible to do that without any interruption in service. Over 230,000 people a day rely on Port Authority services to get to and from all their destinations. And particularly, I think it was challenging economic times like these, to just kind of pull one more rung out from under people, would have been unconscionable if there were any way to avoid that. And then I'd say second most significant is County Executive Onorato relaying to the capital of the Smart Card system. Getting past this particular hurdle, now allows us to focus on many of the other efficiency measures that we're looking at, things like service re-designs, Smart Card system and many of the other efforts that we'll continue to make, to improve efficiency.

One of the things I do like to point out is, today we're carrying more riders than we were two years ago, and we're doing that with 400 fewer employees and 140 fewer vehicles. So the labor contract, I believe, is a significant milestone. It's certainly a historic milestone. And I think all parties are to be congratulated for that, certainly County Executive and this body, our Board of Directors who were really unwavering in their support and our Union partners at AT Local 85. It may have taken us a while to get to the end, but we did get there, and that's really what counts. And now we can move on to some of the many other issues that we have in front of us. So I'd be happy to entertain any questions on the agreement.

PRESIDENT FITZGERALD: Mr. McCullough, would you like to ask a question?

MR. MCCULLOUGH: Yes, I would. Thank you. First of all, let me preface my words by saying that, you know, I know what it's like to go through collective bargaining negotiations; obviously, not the magnitude that you two gentlemen have. And I'm always inclined to respect the results, whatever the bargaining committee negotiating team comes up with, because I know what it's like to be in the trenches and everybody can be a Monday morning quarterback and I don't want to do that.

However --- and again, I'm coming here new to the scene --- this idea of holding \$3,000,000 was done

last year before I got on Council. So I've been trying to catch up, really, all year long, trying to understand your issues, Steve, and understand the situation. So if I ask questions, it's not by way of criticism but it's really my way of trying to gather some more information, because I'm trying to understand this. And that's the first thing, Dan. Have you released --- and as I understand, it's \$24,000,000 that you have subject to your Executive Order. Did you release that money yet?

MR. ONORATO: It's --- no. The answer is no. And I didn't want to release it until I appeared in front of all of you because of all the conversations that took place in the last year. None of the money has been released. I'm prepared to send the Controller a letter telling him that the intent of the Executive Order has been met and to please release the amount of money from the local match, which in this case would be \$24,000,000, and the legislation in your piece would make it to \$27,000,000, which is required under Act 44.

MR. MCCULLOUGH: Okay. I guess I'd feel somewhat more comfortable if you --- and especially since you've got so much more money, I don't really understand why you have to wait for us.

MR. ONORATO: Well, the \$27,000,000 that has been approved to be released, the appropriations in '08's budget, spread over two accounts, \$24,000,000 and your \$3,000,000. So even though there's more money in the account that was collected with the drink tax, I can only give \$24,000,000 of the Port Authority for the local match. I have to use the \$3,000,000 that this body told me to hold back on.

MR. MCCULLOUGH: Yes, I understand. But I just --- I really have a problem conceptually. Why don't you just release the \$24,000,000? I know that would give me personal comfort.

MR. ONORATO: We are going to release it by the end of the week. Out of respect to this body, I didn't want to release it until I appeared here tonight.

MR. MCCULLOUGH: Okay.

MR. ONORATO: I'm not asking permission to release \$24,000,000. We're doing that. We're doing that.

MR. MCCULLOUGH: I understand that. Okay. There are a couple other questions that I have when I take a look at the breakdown you gave us on the contract. As I understand it, the savings to be realized is really

backend savings on post-employment benefits; is that correct?

MR. BLAND: I mean, the way it's calculated, it's an accounting calculation. But the honest truth is, and the County Executive alluded to this in his remarks, this was a liability that was growing every year. Entering bargaining, and Doctor Martoni can attest to the conversations that we had with our Board, it became obvious that there wasn't material change. This was something that money would have had to be set aside for. That would have been the only fiscally prudent thing to do. And the County Executive alluded to it in his remarks, that what we're really looking at is a savings on an annual basis approximating \$22,000,000 to \$25,000,000 a year. So make no mistake that would have had an impact on services, on fares, you know, to the detriment of riders.

MR. MCCULLOUGH: And correct me if I'm wrong, as I understand it presently, you are required to set aside any monies right now; is that right? So we're not going to see any tangible change in your financial statements, at least for the next couple of years; is that right?

MR. BLAND: Well, you'll see a huge change in the financial statements because we are recording the Gasby 45 liability. Just because we don't need to cash fund it, we don't have to write a check to an account, say, like you would with a pension fund, it is recorded in the financial statements. It's reflected in things like our credit ratings. And what we do to address those is something that bond rating agencies have been looking at, not just for the Port Authority but for all agencies and municipal entities that have this obligation.

Frankly, we're somewhat ahead of the curve in dealing with it. And we've seen it materialize as we watched the census of employees, because the ratio of retirees to active employees has continued to increase every year. It's translated into well below --- well above average increases in annual health care expense in real time. Right now we are just about --- a little bit more than 1:1. We have just a little bit more than one --- well, we essentially have two health care contracts for active employee. And that was a ratio that continued to increase, and that was certainly cash savings --- cash expense.

And as I shared with the Government Reform Committee last night, what we were looking at --- the

overall expenses of the Authority, exclusive of legacy costs, over the past 15 years have kept pace at or below the rate of inflation. The legacy cost rate of increase has been at five times the rate of inflation. So when we look at cost structure, we have to focus on things like service, efficiency, revenue, you know, those types of things. But this has been the nagging issue that clouded not only the recent history of the Authority, but certainly the huge storm cloud on the horizon for any future planning of the Authority.

MR. MCCULLOUGH: So Steve, just let me follow up with that. Do if I would have taken a look or if I would have seen your financial statements, say, for the last fiscal year that ended June 30, '08, there would have been an entry in your income statement for Gasby 45; is that correct?

MR. BLAND: Correct.

MR. MCCULLOUGH: Okay. So say next year, what's your guess as to how much is going to be reflected as a savings in that contribution?

MR. BLAND: The first year we're anticipating --- the first year of the contract agreement or the Collective Bargaining Agreement, which should be, maybe, only '09 but, I think, '09-'10 in the accounts, I'd have to let you know that --- first year in the projected actuarial savings is about \$20,900,000. That grows into --- it grows somewhat each year. And the fourth year it's about \$25,500,000.

MR. MCCULLOUGH: Now Steve, when we talked last night, you indicated you had a calculation that you could get to me. And unfortunately, I didn't receive it.

MR. BLAND: Yes. We have all the printed materials here now.

MR. MCCULLOUGH: You have them here now?

MR. BLAND: Uh-huh (yes).

MR. MCCULLOUGH: Okay. All right. I'm not going to sit here and read them right now, but I would appreciate it being passed on. I know, Dan, you're a student of Ronald Reagan. He always said, trust to verify. And that's sort of what I'm trying to do tonight.

So let's shift gears just a little bit because I think I've got a handle on that. Steve, you said something last night, and I just want to go through it because, again, I understand it conceptually, but I'm not sure it's something that's really been touched upon. What

you're talking about, really, is the appropriation that would impact your previous fiscal year. If Allegheny County, basically, lags six months behind of the Port Authority, that's enough money to handle traditionally; is that right, Dan?

MR. ONORATO: Yes.

MR. MCCULLOUGH: So really, the money we're talking about releasing tonight and the money that you had under your control, Dan, we're actually talking about for the '07-'08 fiscal year for the Port Authority; is that correct?

MR. ONORATO: Correct.

MR. MCCULLOUGH: So as I also understand it, what we're looking for then is, really between now and the end of June of '09, the appropriation that we have for the '09 budget to go to the Port Authority; is that correct? Dan, I guess what I'm asking you is --- so what we're looking at is, really, over the next six months, between now and the end of June of '09, approximately \$54,000,000 needs to be transferred to the Port Authority; is that right?

MR. ONORATO: I think we're saying the same thing, but let me try to explain it the way I understand it.

MR. MCCULLOUGH: All right. I appreciate that.

MR. ONORATO: Our --- the County's '08 budget, which is coming to an end, December 31st, in the budget that we're currently operating under, we have allocated \$27,000,000 for our local match. That has not been released. So there's \$27,000,000, that has to be released before December 31st, 2008. So within the next two weeks, hopefully this week, that money gets released. And then the budget you just passed for '09, the County's '09 budget, there's another \$27,000,000, \$28,000,000 for local match. So if you add those two together, yes, you're right, that both of them has to be released by the end of '09. Half will be released by the end of '08; the other half will be released sometime in '09, according to the schedule that we normally follow.

MR. MCCULLOUGH: Okay. Well, as I understand the schedule, traditionally that money is released in the spring and usually between March and May. And as I also understand the situation, in order to catch up, you're going to have to do that by the end of June. Is it your intention to release that money by the end of June, or are

you looking to do that over the course of next year? In other words, it would be carrying into another fiscal year for the Port Authority.

MR. ONORATO: Well, we're looking to release the \$27,000,000 by the end of '08, and then the additional local match for '09, we would be looking to do it --- a similar schedule that we've done, which is the spring or late spring of '09. And obviously, we'll see what's in the account to do that. Buy yes, that would be the timeline to get it as soon as possible according to the schedule that we have certainly followed.

MR. MCCULLOUGH: Okay. And the reason why I ask, Dan, is obviously, when this kind of money has been hung up for as long as it has --- and we're not going to debate as to whether it should or shouldn't, you obviously felt you had to do what you had to do. But I think we both know that the Port Authority was put on the watch list a couple of weeks ago by Moody's. And I'm concerned that added with comfort is given you the rating agencies, that they're comfortable with this schedule. So what assurances can you give me that we're going to be off the watch list?

MR. ONORATO: Well, you're right. Wall Street did put them on a watch list. Rightfully so. Because if we didn't resolve this contract, there's a big chance that the Port Authority will be shut down in '09. I mean, literally shut down. So the going concern is a real issue for Wall Street. But now that we have a four-year labor contract, Wall Street is really looking at, is the County going to release the money? And we're making that clear, obviously, publicly tonight. They're going to actually see it done by the end of the year. And you passed the budget for '09 that authorized \$27,000,000, so that should be enough to satisfy Wall Street that the local match is real, is there and will be released.

MR. MCCULLOUGH: Okay. Again, I've got the watch list, and I know you've seen it. And the sole reason was, really, the interdiction of the money that you were sitting on. So I guess I need to hear definitively that your schedule for release --- forget about this year because it's going to happen, apparently.

MR. ONORATO: Right.

MR. MCCULLOUGH: I'm talking about in '09, that they will be satisfied with going on a forward basis, the

money will be coming in, in a timely manner and they're not going to be concerned about this down the road?

MR. ONORATO: It will be.

MR. MCCULLOUGH: Okay. A couple of other issues.

PRESIDENT FITZGERALD: I'm going to let others, and then we'll come back to you, Mr. McCullough.

MR. MCCULLOUGH: Yes, that will be fine, because I don't want to dominate this. They may both be staying a long time.

PRESIDENT FITZGERALD: Mr. Drozd, and then Mr. Finnerty.

MR. DROZD: Thank you, Mr. Chairman --- Mr. President. I want you to know, Mr. Bland, you're a breath of fresh air. Prior to your coming here this --- I believe the Port Authority was kind of out of control, and you've done a good job with what you had to work with. My concern is that I don't think the jobs done, though, yet. You know, just because you left Washington and negotiations there, as we sit here, there are a lot of people out there that are really hurting, big time. What we pay in health care, they're paying \$900 a month. I get calls like that all the time. People can't afford that anymore. They can't afford anymore and give; they've given all they can. So we've got to look for ways, you know, to reduce those costs, and go back and back and back again. And I've asked you both to do that. And you noted you're going to do that. And it's not done, the job's not done.

The contract might have been settled, but it's not done. We've got to keep going. This is --- when this all started, they were all operating as businesses. All those businesses came together to form the Port Authority, and the concept of this was to save money for the people of Allegheny County, to make it more efficient. It might be --- the services may be there to some degree, but it hasn't made it and it hasn't saved any money. Those costs --- these costs have gone out of control. They're accelerated, and that's not due to any of our control. So the job's not done.

Lastly, I'm asking this, when we invest in roads, hopefully what we do is, we try to get those roads that are the highest priority. I would ask you, in these capital monies that you're going to invest, these are really hard-earned tax dollars from the drink tax and the

car rental taxes, hard-earned sweat money. Where's the return going to be that you see on those monies? Where are you going to place them? Like the Smart Card that we talked about? Do you see savings? Do you see enhanced revenues? Can you see that there's going to be a good healthy return on those monies? And if you could elaborate on that, I'd appreciate that. Thank you.

MR. BLAND: Well, the first thing, Councilman, I would do is agree with your comment, the work isn't done. And frankly, I doubt it will ever be done. We'll keep --- you know, we'll keep plugging away, and I alluded to that earlier. So it's one mouse down, now we ---. Because I said ---. My wife has a saying, enjoy the moment. Okay. The moment's over. And that's where we are. The Smart Card is an excellent example of a project that will show return on investment. I mean, there will be revenue yield coming out of that system.

Apart from customer convenience and what we're able to do in marketing to new and different markets and organizations, this is something our University partners are chomping at the bit to get. So we know that there's revenue yield opportunities in that system alone. Most of our capital program, you know, other than the most visible project we're doing right now, is core infrastructure renewal, which I know is where the County's and the State's focus is in the highway and bridge program. It's making sure those assets --- they carry 230,000 riders a day --- are doing so in a safe manner and a manner that will preserve them for future generations. And that's generally our focus.

I've been asked over the past few weeks, well, what would your emphasis be if there is a stimulus passed? And I said, well, number one, they're looking for quick-turn projects. But number two, it's nothing sexy, it's bridges. It's pavement. It's facilities. It's revenue vehicles that ---. As an example, thanks to the work by our Congressional delegation, we were able to apply during this upcoming bus order, 20 hydroelectric buses. Those will see about 35 percent improvement in the fuel economy. Right now we're getting a little bit of a respite with fuel prices, but I have no doubt that they'll be back up again at some point in the future. So that's another example of a return on investment and making sure that the fleet stays renewed.

And certainly, as we have in the past, you know, we've committed to work with Council, meet with Council, whatever --- whether it's at Committee level or with full Council, for briefings and updates and conversation; you know, all of our plans, whether its service plans or fare planning or the capital planning.

PRESIDENT FITZGERALD: And I will say, Mr. Bland has probably been before Council in the last year, more than any other director or any other agency. So he's really made himself available. And I'd also be remiss if I didn't want to say that we owe a great deal of thanks to Councilman Martoni, who's our representative sitting on the Port Authority Board and went through some of this work, including hiring Mr. Bland a number of years ago. So we appreciate Mr. Martoni's work in doing this, as well. Councilman Finnerty and Councilwoman Cleary.

MR. FINNERTY: Thank you, Mr. President. I'd just like to thank you, Chief Executive Onorato, Mr. Bland and the Amalgamated Transit Union for coming to an agreement, which wasn't the greatest for any of them. But it allowed transit to continue, and that's a very important concept for the County of Allegheny and the region. And I just would like to say one thing, though, that you have to remember that when the Port Authority came together in the middle of the night, it was about 1950, 1960, somewhere in there, it came together for one reason; because lines like Pittsburgh Transit, Oriel --- that I know of, on my side of town --- were bleeding red. They were going under.

The Port Authority has never been, probably never will, even though I wish it would be, a for-profit business. That's why when they came together, the Federal government put a lot of money to do this, to keep transit going, just like we did in other cities throughout the United States. So again, I thank you very much for your efforts, and I think we succeeded. Thank you.

PRESIDENT FITZGERALD: Councilwoman Cleary.

MS. CLEARY: Thank you.

PRESIDENT FITZGERALD: Councilman Futules and then Councilman Burns.

MS. CLEARY: I just wanted to thank Mr. Bland. He has been refreshing, and he has been very informative. And I want to thank Dan, also, for choosing him to be the leader of the Port Authority now, to help the Board and steer him in the right direction. I've been part of

negotiations, too, and that is a very tough job. It really, really is. You are up for all hours. And I just want to thank you for the good job you've done.

PRESIDENT FITZGERALD: Councilman Futules.

MR. FUTULES: Yes. I'd like to thank the both of you, as well. The most important thing, I think, are the people who ride the buses. And of course, there's people that drive the buses and work for the Port Authority, because a man was here maybe last month telling us that he wanted a contract to get over with to be signed. Then after the meeting we told the man that had it been signed as it was, he would have lost his job. And he wasn't aware of that. And you saved many people's jobs and a lot more people ride the buses. But another concern, and I'm sure you're going to address it later, is the fund balance that we seem we're going to have. I'm sure we're going to have about \$20,000,000 more than we really need because of the taxes. I hope that in the future, that we can save some of that money, keep it in a fund balance so that we don't have to come back here the next year or two and say, seven percent wasn't enough. I hope that we can hold that number and not have to go back to ten percent because we spent the money that we should be saving. Thank you.

PRESIDENT FITZGERALD: Councilman Burn and then Councilman Drozd.

MR. BURN: Thank you, Mr. President, and members of Council. Gentlemen, congratulations. Steve, a couple questions and then an observation. I remember reading something that you had suggested and initiated, and I think it's part of the innovation that you bring to the Authority, specifically, the routes from the North Hills over to Oakland directly, without a transfer from downtown Pittsburgh. Now that we've got this contract past us, again, the moment's over among a lot of other things. What can you share with us about other innovative ways to change some of the routing in this region? That was something for years, since the history and the inception of the Authority, everything had to go through downtown Pittsburgh. You needed to get a transfer or something of that nature. Everything went through town.

This was such an innovative and refreshing idea to take those who work in the North Hills and go directly to Oakland. What can we expect to see in regard to innovative routes such as that? Thank you.

MR. BLAND: Thank you, Councilman. I know this is an issue near and dear to Councilman Drozd's heart, as well. We're in the midst of --- I'd say about 2/3 of the way through a connect '09 system development plan. We've done a lot of the upfront market research work, a lot of the upfront public participation, and a number of alternatives are being cranked out. This should be going back to the public and bodies like this one, probably in February or early March of next year. And a lot of those alternatives will lay out a couple different scenarios of what could happen. But some of the things that were common themes were, number one, overall, I need to simplify the system. I need to make it more easy for the new user, whether they're new to the region or just new to transit, to understand how the system operates, a system in all likelihood that will build on what we call the bones of our system, which would be the rail lines, the busways and the North Hills HOV lane. Those facilities combine the services that operate on and carry about 35 percent of our ridership in what amounts to, probably, about 10 or 12 percent of our route miles, so we're building on those strengths.

And similar to what you were talking about with the direct North Hills and Oakland type of a service, working with communities on a system what I would call transit centers that are those where services can come together ---. East Liberty is a good example, where a number of routes can come together. So for instance, if you're coming from the East Side and you're going to work at the new Children's Hospital in Bloomfield, rather than have you travel all the way in to town, you can make that connection in East Liberty, make it a much more direct trip.

And then our hope would be, and we're having some success in the joint development area, which is, I know, an area that you've been interested in, working with both developers and communities like East Side Development, in saying, well, can we build a separate place around these transportation facilities in the same way that the old --- build train stations and what have you, where there are points of activity. So we would look at their points of attraction for the developing community. Those are some of the things that we're looking at. I don't want to spoil any surprises for the first of the year. But certainly, when we have a lot of

those findings, we would welcome an invitation back, either full Council or committees, to really get more detail on that.

MR. BURN: Thank you. And very briefly, I think I saw a statistic somewhere where the workforce in this region is using the Authority's amenities at a percentage of about 50 percent. Could you compare that to the national average? I think it's an astonishing comparison.

MR. BLAND: One of the questions I've been asked over the last few weeks is, really, nationally, how our transit, particularly when fuel prices spiked over the summer ---. We're seeing kind of a real spike in ridership. And our percentage increases in ridership weren't as high as what some other cities, like Denver, Dallas, what have you, have seen. And one of the major contributing reasons --- there are a couple. This region has what I would call a much higher transit saturation rate than a lot of markets. The number you're referring to, depending on whose numbers you believe of those numbers out there --- census, Pittsburgh National Partnership, City of Pittsburgh. The downtown Pittsburgh workforce, about --- between 40 to 50 percent rely on public transit to get to work.

Oakland it's in the order of 20 to 25 percent of that workforce. And then some of the other significant neighbors like the South Side and Bloomfield, are also high up there. If you want to compare that to what some people call a peer city --- Cleveland, the Milwaukeees, the Cincinnati, the Detroitis --- it's well over twice as high. A city like Cleveland is about 20 to 22 percent of that workforce. Our numbers compare favorably to places like Washington, D.C. Washington's is about 38, 40 percent of its downtown workforce. So it's a much higher level of usage and largely, I think, is overlooked because many of the cities we're talking about, the Dallas's, the Washington, D.C.s that invested literally billions of dollars in rail ---. And that's a great thing to do if you can do it.

We've largely done that with our buses, which still carries about 90 percent of our total ridership and I think is probably one of the under-appreciated assets of this community --- is that literally what we've said, and I don't think it's an overstatement, is downtown Pittsburgh in particular, Oakland to a large extent and then some of the other neighborhoods, really have a tough

time being economically viable if it weren't for, you know, that infusion of people. Or at the very least --- I mean, I wouldn't even want to think about the number of parking garages that would have to be built in downtown Pittsburgh on relatively scarce land, if you had to take those 40,000 or so daily commuters and put them in cars.

MR. BURN: And then my observation, Mr. President, follows up on the answer that Mr. Bland gave us. The residents in my district and the constituents in my district, I think their concerns about the Port Authority were reflected in those numbers. Specifically, there wasn't any debate, at least in my district, that if the Authority was running properly, that there was going to be a need for some type of a dedicated source of funding. But the big variable in the minds of the constituents, at least those I have spoken to, was whether or not we could ever get to that ability to run it in an efficient manner. So again, there wasn't an objection per se, there was an objection to the Authority as it existed. But now if you turned a corner with this contract, it appears to have started to pour a footer and lay a foundation for what looks to be a business-like, streamline approach to public transportation in the region where 50 percent of its residents depend on it to work in the city.

There has been a ground swell of support for the Authority and a vote of confidence in you, in our Chief Executive and Local 85, for what you put together. So what I'm trying to say, I think, is, at least the residents in my district are prepared to say, congratulations and good luck. And they're cautiously optimistic that we turned a significant corner. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Burn. Mr. Drozd and then Mr. McCullough.

MR. DROZD: Thank you, Mr. President. Some innovative ways you talked about, you just saw --- just received a nice packet, a brochure, on privatization and through aspects of the government and this working successfully to save --- to ease the burden on the taxpayer. And I thought maybe you could address this. You know, we had to look for ways to ease the burden on the taxpayer and at the same time enhance services, because we've got to become will. You know, we've got to increase those services coming into Pittsburgh and bring

that flow in to enhance revenues for our businesses and our people of Pittsburgh and to ease the tax burden.

I ask you, is there any room here to --- and I've seen it successfully in Colorado, in New Jersey, in New York, where certain aspects of the lines have been privatized. You know, private enterprise is what I'm saying, to bring those in from the outlying areas into the spoke. Have you looked at this? And is there room for us to look at it to enhance revenues, reduce the tax burden and to increase revenues into this city and this county?

MR. BLAND: Well, I appreciate the question, Councilman. One of the things I'd like to do is dispel a myth that the Port Authority does no privatization. About 27 percent of our operating budget is contracted out. And probably the most noteworthy example is Access, the door-to-door system for persons with disabilities. It's not only recognized as a national model for how that service is provided, particularly from across an efficiency standpoint, but world-wide. We have people coming in from Scandinavia and Europe, frankly, two, three, four times a year to look at that.

What I would highlight is, sometimes I get concerned when folks view, whether it's privatization or keeping the work in-house from an ideological perspective. And what you really have to look at is, what is the cost efficiency? And I can give you an example in the other direction. You know, one of the topics that came up during our early discussions with ATU 85 was, you know, what is potentially outsourced work that can be more efficiently provided in-house.

I remember when I started here, one of the biggest controversies of the Authority, --- it seems like a tempest in a pea pod now --- was the Wabash Tunnel and the operation of that facility. We were literally spending about \$500,000 a year to contract out the operation and maintenance of that facility. Coming back to your last question on looking at capital investments that return on investment, what we were able to do working collaboratively with ATU 85, were basically able to fold in the maintenance of the tunnel into our existing operation without any additions to staff. We have several tunnels in the ---. Apart from the one under construction, we have several in operation, and we have the people on board. We do not need to add staff.

And by investing in some fiber-optic capability, we were able to route monitoring equipment and the video surveillance to our police monitoring station. So with no increase in staff, we were essentially able to eliminate that \$500,000 expense. When you combine that with the parking income we get from that facility, the Wabash Tunnel is fully a self-sustaining operation. So I really believe that all those opportunities and what are we best able to do, will have to be evaluated. But I certainly wouldn't rule out the opportunity for saying, well, what can our workforce do better and more efficiently, you know, than what others can do?

MR. DROZD: You've got to look both ways; I agree, Mr. Bland. I agree.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Okay. Thank you, Mr. Fitzgerald. I kind of want to get us back --- get our eyes back on the ball with what we're talking about. With all due respect to the efforts of both of you, we don't know who should be releasing this \$3,000,000. That's a fiscal decision. It's a business decision.

And I note that, really, where we are is due in large part to the tremendous tax burden we put on two discreet lines of business in Allegheny County; our restaurants, bars and taverns and, obviously, our car rental. And you know, that's where all this money has come from. That's the money we're talking about. That's what funded this appropriation. And apparently, it's funded to the point that it's going to be used for other money. So I think it behooves all of us to be very exact and thorough, because we're really playing with other people's money here. We're playing with money that Mr. Joyce (phonetic), Mr. Graf (phonetic), they're patrons, and obviously the car rental companies.

So bear with me for a few minutes, please. Dan, as I understand your Executive Order there are two aspects to it, one was to control the legacy costs. But the other component, as I understand it, was to bring compensation along the lines of the non-union employees. And when I go through the analysis Steve gave about this contract, you know, we see that there's going to be 11 percent compounded pay raises over the next four years, which is really about a simple rate of 15 percent. We're doing that at a time where we're probably not just in a recession, but probably a depression.

I also see that one of the things that you had made a particular issue about, which was the \$14,000,000 per annum charge in overtime, I don't see where that's addressed anywhere. Maybe it is, but it certainly hasn't been highlighted. And the other thing that I understand was a particular sticking point with you is this \$500 a month pension supplement. Could you explain to me how you feel those issues are nonetheless satisfied as the first component of your Executive Order?

MR. ONORATO: Sure. And I would like to start, though, by saying, I agree with you 100 percent, that the drink tax and the car rental tax is funding this and it's other people's money. But I'd like to add to that, so is the property taxes other people's money. Our budget is other people's money.

MR. MCCULLOUGH: That's why we have to be very protective of how we dispose of it.

MR. ONORATO: I agree. Just so we're clear on the record, that every dollar we spend is other people's money.

MR. MCCULLOUGH: That's why we're here.

MR. ONORATO: And let me start with the \$500 because we can't ignore the fact that there's an independent fact finder's report out there that sort of lays the groundwork. And Steve and I --- and I'll let Steve talk if he disagrees or if he agrees. We believe this is one area where the settlement is actually better in fact finders because in fact finders, they remove the \$500 you referred to, but they gave an increase to the multiplier of 2.25 --- 2.5 for everything after 25 years.

If you look at the contract, \$500 stays in place but the multiplier doesn't get increased. They don't get the 2.5. And the \$500 really becomes a red herring in this contract because under the old contract, the average number of years that somebody received that kicker was about 14 to 15, a long time, because they could leave at \$25 an hour.

Under this contract, with 30 and 60 --- or if you don't have 30, it's 65 --- the kicker stops at 62. So the average for anybody would be maybe two years if they fall in the 60 and 30, or it won't qualify at all if you get to go to 65, because it does stop at 62. Actuarially, the number basically drops to a minimum number compared to where it was under the old contract. So again, while it looks like it's there, and it is there, the terms of it

are totally different than under the old contract, of when you get it and how long you get it. And that has been a big savings. I'm sorry. What was the other issues?

MR. MCCULLOUGH: The overtime.

MR. ONORATO: The overtime, I'll let Steve talk about that. I didn't highlight it; however, it can be dealt with and will be dealt with from a managing point of view in some of these committees they're putting together to deal with it. It's very similar to the way we dealt with the overtime crisis I had when I took over this government with the police. It was averaging \$6,000,000 to \$7,000,000 a year, police overtime was. I was very critical of that as controller, and we basically got that under control to about \$1,000,000 a year. We didn't change the law. We didn't change the contract. We just changed some of the management policies. Steve, do you want to go over overtime a little bit?

MR. BLAND: Well, there's a couple things I'd highlight. Number one, some level of overtime in our business is efficient because you can't ---. If you go to an eight-hour shift, you would basically have to abandon a bus in the middle of a route when you hit the eight hours, and then try to shuttle somebody out. So there is some built-in overtime that actually is efficient. A large part of the issue we're trying to bring under control in terms of overtime is related to absenteeism. There have been some pretty well documented articles --- frankly, that we helped to get that news out there. I'd be the first person to tell you, Councilman, if you go into any bargaining, you don't get everything you look for. We looked for some items in that area and particularly in absenteeism reduction and cost control in that area, that we weren't able to get in collective bargaining.

But we did get this joint committee on absenteeism. And frankly, that's our first area of focus in the first year, both within that committee structure and then overall within what we're able to do within the bounds of the law; you know, State law and things like that, Family Medical Leave Act, to rein all that in. So it's a very specific target. But I would tell you that if you show me a transit agency that operates with zero overtime, I'll show you an incredibly inefficient public transit agency, because they're paying an awful lot of money for people who probably aren't being productively put in service.

MR. MCCULLOUGH: And Steve, no need to feel defensive. I'm well aware there's a give and take in collective bargaining. I wasn't the one who set the parameters of the Executive Order. I just want to be confident that the Chief Executive feels that what's worked out here meets both criteria of his Executive Order.

MR. ONORATO: Yes. And just some historical facts, the Executive Order was signed 11/26/07, and I set parameters based on the facts that we had at the time, and that would be the 2.2 you alluded to the non-representative employees and reducing legacy costs. After the Executive Order, something else that we had to contend with that came up well after the Executive Order was signed, was the fact finder's report that came out, the independent State fact finder's report. And to our surprise, the Port Authority Board and Steve and, my surprise, the fact finder came up with a different way of saving the cost, and it worked.

She really focused in on --- let's figure out how to deal with these legacy costs. And she put together a very long and complicated fact finding report that everything was focused on taking that fact finder's report and saving long-term --- post-retirement health care costs. It was to the point where we were kind of surprised how big a savings it was, that we were willing to release the money and the Board was willing to approve the contract if the Union was willing to accept fact finders. And as you know, they rejected it. The contract that ultimately was signed and approved --- or approved, I should say, meets the fact finder's statements, a little different but the savings number. So the intent of the Executive Order, I believe, has been met.

MR. MCCULLOUGH: Okay. I'm not going to hang you too much on the Executive Order because I always subscribe to what Mayor Lawrence used to say, you make a mistake when you put things in writing. And obviously, you needed to have some leeway, and I understand the concepts you're trying to --- that you've accomplished.

One more point about the particulars of that, and then I have a couple more conceptual issues. I saw a reference to a one-time ad hoc pension increase subject to legality. Could you explain to me what that is or what that means? And does that impact materially any of the actuarial assumptions that you're making here?

MR. BLAND: I'll answer the last question first, if you don't mind. It would be easiest. The direct answer is no, it really has no impact on actuarial liability. In the fact finding process, one of the points the Union made --- one of the things they were seeking in their proposals was a built-in cost of living and a pension plan. Essentially, with our pension, whatever you make the day you leave is what you make if you're still around 30 or 40 years after the fact. So the honest truth is, though there may be an image of Port Authority retirees sitting on beaches in Florida and playing lots of golf, there's an awful lot of people living on the edge of society, you know, making very little, who retired 20, 30 years ago. So what the fact finder --- and the Union was able to make a compelling case. And we have no doubt that those cases exist.

One of the things that Fact finder Ringler attempted to do in dealing with that, it wasn't anything that either party had proposed, was a one-time ad hoc adjustment, income level based. So it wouldn't be all retirees, it would be people below a certain income threshold. And depending on that income level, it would have either been a \$50 or \$100 a month adjustment. Frankly, the number of people affected was barely nominal, and we ran the numbers and it had minimal impact. Subsequent to our Board acting on the fact finder's report, we did get a --- we got a legal opinion that said, we don't believe this is legal under the State --- under State law.

So where that was resolved in bargaining was, essentially --- because again, the financial impact was minimal either way; it doesn't have much of an advantage if we don't have it; it doesn't have much of a disadvantage if we do --- was that we and the Union would take on a joint legal action to get a Court decision on whether it was legal or not. If the Court decides that that one time --- and it's a one time, it's not an ongoing increase ---.

MR. MCCULLOUGH: Excuse me. How much is it?

MR. BLAND: Well, it's \$50 or \$100 a month, depending on the person. I think we estimated there might be 100 to 150 people.

MR. MCCULLOUGH: So it's a limited pool of people who will benefit by it?

MR. BLAND: Very limited pool of people, limited amount of money, if it's legal. So where it was left in bargaining in this final agreement was, if the Court says it's legal, they'll do it; if the Court says it's illegal, we won't do it. And then there won't be any further challenge by either party.

MR. MCCULLOUGH: And no re-opening of any part of the contract?

MR. BLAND: No.

MR. MCCULLOUGH: Okay. Dan, another ---. Excuse me. I'd like to direct this to the Chief Executive. As I understand the controller, he may have had an issue about the release of let's call this excess Act 44 tax revenues that we're going to say --- let's say it's a more expansive view. And as I understand it, he's waiting for an opinion letter. Do you have an opinion letter for him? Is that going to be released?

MR. ONORATO: Just so you all know, I met with the controller today and sort of gave him a briefing on what I was going to say tonight to all of you. And he and I talked about --- that we are going to get him the legal opinion, I think, by the end of the week. But he'll have it, obviously, before we release the money.

MR. MCCULLOUGH: It will be the County Solicitor's opinion?

MR. ONORATO: Yes.

MR. MCCULLOUGH: Okay. And it won't be a legislative reference bureau or some ---?

MR. ONORATO: No. It will be the work ---. The legal opinion will come out of Solicitor Wojcik's office.

MR. MCCULLOUGH: Okay. A couple more questions. Rich, really, give somebody else, because you know, I do have a few more but I can ---.

PRESIDENT FITZGERALD: Well, go ahead. Does anybody else have --- Councilman DeFazio?

MR. DEFAZIO: Let me ask you a question, because I missed it, on the \$150. What were you saying?

MR. BLAND: That Councilman McCullough was just asking?

MR. DEFAZIO: Yes. I only heard part of it.

MR. BLAND: Yes. Our retirees, I guess, one of their contentions that had always been, you know, there was never an escalation. The pension payment I get every month is the same however --- you know, however long. And there are a number of them that are living below the

poverty line. So the original proposal that ATU had was to essentially work cost of living into the overall pension program. What it really came down to, the hard core issue that the fact finder dealt with. So this originally came out of the fact finder's report was, okay, you know, maybe we should make an adjustment for these people. They're really living on the edge of society. And that recommendation was --- and I can't recall specifically what those income thresholds were, but they were around poverty level. And at one level, you would have gotten --- at the lowest level of income, you would have gotten \$100 a month adjustment, one time, you know, not 1/100 but \$100 a month it would go up and at the next layer, I believe, \$50 a month.

MR. DEFAZIO: Let me say this, it's not mandatory bargaining. You don't have to bargain for a retiree, but if both parties agree, and you agree to give them the \$150, there's nothing wrong with it. They can't force the union --- force bargaining, although there's ways to get around that too.

MR. BLAND: Well, the challenge under the law, and again we'll live with whatever the ultimate court decision is, is that after someone leaves the employ of the authority, on the same token, the same reason we acknowledged early on that we really couldn't reduce healthcare for people who have already retired. And that was the challenge.

MR. DEFAZIO: You can increase --- you don't have to, they can't force you. Both parties agree that you would give retirees a cost of living and an additional amount of money, you can do it, I'll tell you that now.

MR. BLAND: Thank you.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: Thank you. Steven, when we talked last night, I asked you about a pro forma statement you gave us back in November showing the cash flow of the Port Authority through the end of the year. And as I understood it, we're showing a short fall of \$513,000,000. And again, it was a snapshot. You know, we're not going to hold you to the exact numbers. But it contemplated no state money, no Act 44 money from the state and no county matching funds. The two together, again, were about \$113,000,000. And I went off the idea, well, if we get the other money from the state, that will leave a shortfall of \$23,000,000, \$24,000,000. And again, I

questioned the need for \$54,000,000 over the next six months. And what you responded to me was, that there had been a borrowing, and as I take it, of some monies that have been set aside for the purchase of buses. I was a little surprised to hear that because I thought previously that there had been no borrowings going on. Is that the only borrowings, and could you elaborate on what that was and really explain to me how that happened. I want to know how you can have money that's supposed to go to the purchase of buses, and then you can take it and use it for operating expenses.

MR. BLAND: Well, it's permissible as long as we do a cash flow borrowing in the confines of a fiscal year. In fact, one of the documents that we've left is actually kind of a print out right from all the investment accounts of the two accounts in question. Where essentially there was about a \$30,000,000 transfer to carry that cash. The county and the state was aware of all this going on. They had no concerns, as long as that money was paid back. From our perspective, the cash situation comes about when those buses start to be delivered and we have to start paying for those buses, which will begin in January and probably run through August or September. And those documents are there.

And the question that you had asked me, where I said no, there as no borrowing, was external borrowing. Historically the authority had gone out every year for grant anticipation notes in the commercial lending markets to handle the cash flow, not just the county but of the state. What we found is under Act 44, one of the advantages of the Act is actually the state cash flow was improving. Rather than getting money quarterly in arrears, money was coming every month in the middle of the month. And as we ran cash flow scenarios, we didn't even go out to the external market. So we did sacrifice some investment income, but we're not paying any external interest on that.

MR. MCCULLOUGH: Okay, so as I understand you, this wasn't a borrowing like you went to a bank and ---?

MR. BLAND: Right.

MR. MCCULLOUGH: It was an internal fund that had been set aside. Presumably it was some, let's say government monies, either from the state or the feds. And you've got the necessary clearance for that.

MR. BLAND: Predominantly state money.

MR. MCCULLOUGH: Okay, so it's not like there's an interest penalty or anything to replenish that.

MR. BLAND: No, I mean the penalty is we could have ---.

MR. MCCULLOUGH: You've got the lost opportunity income. I understand. Do you have those documents, Steve? You said you had something for me to take a look at.

MR. BLAND: Yeah, I do.

MR. MCCULLOUGH: All right, and the other thing is, do you have your Act 44 grant agreement with the state for the previous fiscal year?

MR. BLAND: Yeah, there are actually two agreements, because the first agreement was the full grant agreement before Act 44 passed. And then there was an amendment based on Act 44. So those documents are ---.

MR. MCCULLOUGH: A couple of things then. I understand the money that has been collected by way of drink and car rental tax funds, that the accounts that's been put in are known somewhat generically as transit funds. And I understand that these were interest-bearing funds; is that correct?

MR. ONORATO: Yes, he's checking with the county manager.

MR. MCCULLOUGH: And when Amy Grinds was over here a couple of months ago for our budget committee hearing, she indicated that actually there had been interest that had been generated and had been thrown off into the general fund. And can you tell me how much money that was approximately and was it thrown into the general fund for any and all purposes, or was it somehow related to transit?

MR. ONORATO: Obviously I don't have those numbers now, but I'm more than happy to give all counsel members an accounting of the interest that was earned and where it is, and where it left.

MR. MCCULLOUGH: I'd be interested, because we're talking hundreds of thousands of dollars. Obviously there may not be a need for this or it should have been recouped. The other thing I'll throw out --- I've got two more points then I'm finished for the night, it seems like there's been, at least for these two gentlemen, it seems like you've got a very strong working relationship with the state. I mean, they've been able to work with you through your issues. You know, they've given you a lot of

leeway. You obviously have had extended grace periods to make the match and what have you. And I'm just wondering if you've given any thought, or would you give any thought to --- now that you've taken the position that Act 44 as an expansive view of transit beyond specific funding for the Port Authority, of going back to them and saying, you know, the monies we've got are still within the ambit of Act 44. And I take that you believe in so doing, that that benefits the Port Authority, directly or indirectly. I mean, if it's going for transit, as I understand it you think there's a benefit to the Port Authority. And going back and trying to get credit for those monies as part of your match. I'd like you to comment on that.

MR. ONORATO: I'm not sure I'm following.

MR. MCCULLOUGH: All right. Let me put it to you this way. The extra monies that we've got, which are going into the budget for next year, as I understand it won't be for transit-related debt service. Why not go back to the state and try to get a credit for that money as part of your match for next year?

MR. ONORATO: Because if I'm not mistaken, it's not a matter of getting a credit, I think it's a matter of cash flow for Port Authority. Because let's just say the excess is \$10,000,000. And let's say that we get a credit that won't amount to \$10,000,000, but the \$10,000,000 technically doesn't go to the Port Authority, the Port Authority is out \$10,000,000 in cash.

MR. MCCULLOUGH: Well, I guess --- and I've looked through the agreement, and I think it's certainly worth a try especially given how cooperative they've been with you and some of your other interpretations. I mean, I go through the agreement, and on its face it was very strict about timing for getting your local match in and all that. But there's a very nebulous clause in there about what constitutes a local match. And it basically says cash. And then it says, as long as you aren't using it for fare subsidies, it seems to be somewhat expansively written. And my thoughts would be, maybe this was a win-win for everybody. If there's money that can be used generally for transit, that can be shown, it nonetheless benefits the Port Authority. We have this extra money. If the state would recognize that, and continue to match, all right, maybe we can provide further tax relief for these taverns and even car rental industry. And I think

that's worthwhile, and I'd like to hear you say you're going to look into that.

MR. BLAND: If I might respond, and Mr. Flynn might jump in here too. As I understand the debt service payments that are being drawn, essentially every year there are two elements of our request when we come to the county for a local match. One is the operating side, which is what we spend a good bit of the time. The other is the capital. Operating under Act 44, \$15 of county money generates \$85 in state money. On the capitol side, typically \$1 of the county money generates \$29. Now historically, and Mr. Flynn can correct me if I'm wrong, the capitol has kind of fallen into the county's capital budget, for which you would do a bond issue or be part of general county capital borrowing. And what those Act 44 revenues would be is for the debt service to support those past payments for the Port Authority. So essentially you'd be looking at some form of double counting, or half counting. And that would probably be a concern the state would have.

And then the other issue I have is back to those leverage ratios, is that dollar reduction in our capital budget is really a \$30 reduction in our capital budget because of the lost opportunity for state and federal dollars. And a \$15 reduction in our operating is \$100 loss. So the only caution I'd give is those would --- you know, apart from the authority's cash flow, would result in very real reductions in the scope of service.

MR. MCCULLOUGH: Go ahead, Dan, if you want to say something.

MR. ONORATO: Yeah, I'm sitting here thinking about your suggestion. And I understand what you're asking. And we could explore that, but I don't think --- I don't want to mislead anybody here, especially any bar owner or tavern owner in the room, that there would be any room for further reduction. Because even if the state would allow us to get the credit for the excess, that would be a one time excess. And if you lowered the rate toward where it is, the very next year you wouldn't raise enough of a match. And we'd have a problem with that. Because right now, based on what was collected in 12 months, or almost 12 months, it appears that the 7 percent number that we collectively approved will get right around the local match. That's why it was reduced.

MR. MCCULLOUGH: I guess I have two issues with that. Number one, the situation we're in now, I think that there's --- we've got an opportunity to try to provide some relief. We'll deal with next years accounts. I mean, we've got serious economic problems and obviously people are hurting. The other thing is, and maybe you can explain it to me, and again I'm a rookie here on county council, and I've never had to look at budgets like this. You know, lawyers just bill for money, they don't budget for it, but when I go through last years appropriation on the operating budget, I see \$24,000,000 in the operating budget appropriated to the board authority.

MR. ONORATO: You mean '07.

MR. MCCULLOUGH: No, the '08 appropriation. I got billed \$355,107 as the budget resolutions that passed last year. It shows \$28,000,000 estimated in drink tax, \$4,000,000 in car rental. The appropriation for the Port Authority was approximately \$24,300,000. So you've got \$32,000,000 in the base of these. And I know where those monies went. I mean, some of that money went right into debt service for transit. Which is the very same issue we're talking about now. So I think on the face of this, it was over budgeted for. And I think we've got the same problem going forward this year, because the number from the Port Authority is \$27,500,000. It's not \$32,000,000 or whatever, those are other issues. So I think there's room. And I think if you take a look at this and try to follow it through, there may be more room for you to maneuver here. And that brings me to my last point, Dan. I think we have to be talking about amending that resolution tonight.

MR. ONORATO: What resolution?

MR. MCCULLOUGH: The resolution we adopted last year for the operating budget. I think what you're talking about doing tonight is not an inter-departmental transfer. I think this is an amendment to the budget. And I appreciate your comment on that.

MR. ONORATO: The budget for '08 that has passed has authorized the release of X amount of money, with exception of \$3,000,000. I do agree with you that we need council approval to release the \$3,000,000. I don't think there's any need for anymore action of council, because I'm operating under the budget that you already passed.

MR. MCCULLOUGH: Okay. Well again, the budget I see has a 24 and a half million dollar appropriation for

the Port Authority. Whatever arrangements council did to sit on the \$3,000,000 is off budget. So I'm looking at this as a budget amendment, which means two thirds vote and then your approval.

MR. ONORATO: For the \$3,000,000 we need a vote.

MR. MCCULLOUGH: I have no other questions.

PRESIDENT FITZGERALD: Mr. Cleary?

MS. CLEARY: Thank you. I just had a comment. I keep hearing about how we're taxing the bar owners and the restaurant owners. I just want to clarify, this is a tax that we had levied on the citizens of Allegheny County. Thank you.

PRESIDENT FITZGERALD: And I appreciate both men being able to join us this evening. Mr. Bland, I hope you can stay, because what I'm planning on doing, is I'm going to plan on moving the 4518-08 up on the agenda right now. We've had all the discussions on it, and I want to ---.

MR. ONORATO: Mr. President, before I leave, on a different note, I do want to tell council, because last year at this time there seemed to be some confusion. And I'll take my share of the blame for it, but I want to make sure that we're very clear on this. As you all know, we're trying to get the \$42,000,000 back that we gave to the Airport Authority. And last year \$19,900,000 came in on December 31st. And I told you we're trying to get the \$12,400,000 in in '08. We have not received it yet. But we are still trying. We still have some days left in 2008. I've instructed the county manager, I instructed the budget director, if it should come in any time between now and the end of the year, all council members will be immediately notified by e-mail and by hardcopy letter that the deposit has been put in. And as you know, that will be right into the undesignated fund balance. But the budget you passed I think has about approximately \$10,000,000 roughly allocated coming in in '09. But again, whenever we get it, we get it. We're going to take the money if it comes in. But last year was a notification issue, and we will notify this body within hours of the deposit, and again, electronically and by hardcopy letter.

PRESIDENT FITZGERALD: Thank you.

MR. ONORATO: Thank you.

PRESIDENT FITZGERALD: Mr. Mascio, 4518-08.

MR. MASCIO: Under new business ordinances and resolutions 4518-08, a resolution of the County of

Allegheny, approving certain inter-departmental transfers in the operating budget for the fiscal year beginning January 1st, 2008 and ending December 31st, 2008, sponsored by the chief executive.

PRESIDENT FITZGERALD: And while this is still fresh in all of our minds, obviously we have Mr. Bland here and we've been discussing this. I'm going to ask for a waiver of the second reading. We need to waive the second reading to release this money.

MR. MASCIO: So moved.

PRESIDENT FITZGERALD: Moved.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Discussion on waiving of the second reading. Mr. Robinson.

MR. ROBINSON: Thank you, Mr. President. If I might, your indulgence, some comments have been made about the 2008 budget process and why we're where we're at at this point this evening. I think that the due diligence of this council is being reflected in the process here this evening. And this is exactly what the budget chair had anticipated when I recommended to you that a portion of our appropriation to go to the Port Authority in the year 2008 require our approval. And a portion of that appropriation go to the chief executive so that he might proceed to keep the Port Authority funded at a level that would ensure our constituents that there will be mass transit.

I think we have achieved that. But also I think the process produced a presentation this evening that was not only informative, but reassuring to our constituents that we are engaged in our due diligence, and that we are doing what we can to protect the taxpayers money. As well as make sure that our internal processes are such that we get the information that we need in a timely fashion, so that we can make prudent and fiscally sound decisions. So the \$3,000,000 was under the control of council to produce, in part what occurred this evening, and the chair would anticipate next year, through our budget process, a similar arrangement.

And lastly, I'd like to mention that the required fiscal note for 4518-08 may or may not have been prepared, if required. And we need clarification as to whether or not it was required and whether or not it's available.

PRESIDENT FITZGERALD: Ms. Liptak, can you help us out there with fiscal notes?

MS. LIPTAK: According to council's rules, fiscal notes regarding specific items. This item did not meet the rules of council, and was not requested by me. So none was prepared.

PRESIDENT FITZGERALD: Okay, thank you. Mr. Drozd?

MR. DROZD: Thank you, Mr. President. I'm very much so --- I want to support the Port Authority, and to enhance the ridership. At the same time, I'm really concerned about \$3,000,000 is \$3,000,000 when there's so many people out there hurting for money right now. I want to make sure that the money is well spent. And I think there are a lot of questions that still are yet unanswered, that was brought up by my fellow councilmen and the committee here tonight. Also, a lot of dialogue has gone through, and I think we just have to look a little further in due diligence. \$3,000,000 is \$3,000,000. It's important to the people. And I'm going to vote no to waive the second reading. I think that needs to go back to committee.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you. Specific to the waiver, it is perceived really if we waive the second reading, we can vote on the \$3,000,000 appropriation. If we don't, it would go back to committee. And I'll just ask this after sitting for an hour and a half yesterday in the budget reform committee of the budget reform chairman or even the budget finance chair, is there anything advantageous that can be gleaned by putting this back into committee?

PRESIDENT FITZGERALD: First of all, not that I can see. And secondly, this isn't new money or new appropriation. This is money that this council and the budget last year that we passed in late of '07 for '08, basically committed as our local match to the Port Authority. And part of it was to hold back until some of these legacy cost issues were dealt with. And I would feel if this council would not approve this money by the end of the year, that we would be reneging on a commitment that we made to the state, to the riders of the Port Authority and to this region.

MR. GASTGEB: If I can just comment on that. I'm somewhat distressed about continuing findings of

revenue. We know we over collected the drink tax. And we know the Airport Authority, as the chief executive has mentioned, might come with an appropriation of \$12,400,000. This has been happening at least two years in a row. But I think although there is some interrelated activity to the Port Authority, the Port Authority allocation of \$3,000,000 to me is separate. So I just wanted to bring that up. I think that the due diligence we have with the budget and the revenue, with the issues that are coming up around this issue are, in fact, around the issue. We should not let that go. But specific to waiving the second reading, I guess my question was answered by Jared.

PRESIDENT FITZGERALD: Mr. Ellenbogen.

MR. ELLENBOGEN: Yeah, I'd just like to say that I think that the --- and I have been listening very patiently for the last two hours of this. But I think that the Port Authority, and the unions have worked very hard to bring to ease a very, very difficult situation. You finally have the people of Allegheny County kind of at peace here. I think at this point we have to show some good faith and let them do what they need to do. And if this \$3,000,000 is part of that, then I think that we should just waive the second reading and give them the tools to complete what they're trying to do here. They've worked very hard and I think that we need to show some good faith. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Ellenbogen. Now Mr. McCullough.

MR. MCCULLOUGH: I beg to disagree with you, Rich, and with Vince and with my dear friend Jim Ellenbogen. I don't think this is an issue of showing good faith and support for what Mr. Bland accomplished. I think he's heard how he feels. He knows personally, the personal commitment I was willing to wage on behalf of his institution to keep the buses running. I'm not going to elaborate on it tonight, but he knows it. The chief executive knows it. This is an issue of how we deal with some money. But I think there's a more very fundamental issue here. In my brief time on council, and also within the last 18 months as I observed council in preparation for taking this seat, I see time and time again these 11th hour stampedes, hurry up, you've got to do this or the Sword of Damocles is going to drop over this county council. We saw it last year with this tax.

And we were told there was no other revenues that were going to be coming in. And sure enough there was a one time \$19,900,000. Everybody would like to have known that. We went through --- this fund that came up this economic development tourism fund, again it was hurry up, we've got to do this or the Sword of Damocles is going to drop. We have this issue now. Now, I sent out an e-mail on Friday, and I asked for certain conditions. And I know Mr. Bland has jumped over barrels to try to get some of these things to me, but everything that I asked for is not complete.

I would feel better if I heard from somebody from the secretary of transportation's office where we are, whether \$54,000,000 needs to be paid over the next 6 months, over the next 18 months, over the next year. The Chief Executive was somewhat equivocal on that tonight. He acknowledged that over the course of a year let another budgetary cycle, another fiscal year for the Port Authority. We have this open issue as to what's the proper use of these monies. We've got \$16,000,000 that this council has taken, and excess Act 44 monies, it was going to use for next years budget, other than the Port Authority. And I'm concerned about that, particularly if there is a chance to maybe get some sort of a ruling from the Department of Transportation that we could use that towards our local match.

The bottom line is, I think we need more information. I think this is not a good way to do business where the Chief Executive and Mr. Bland --- and I put the Chief Executive on a slam for this, because he comes up with these 11th hour things time after time after time and for an hour and 45 minutes he got to answer questions. That is not the right way to do this. I'm still waiting for a connection from the county manager that I didn't receive. Very simple information. A simple letter that he sent to support this year's grant application. And I beg to disagree with you. We are not obligated legally to do this. There is nothing in these contracts that Allegheny County signed on. Even Mr. Bland says in his cover letter, Allegheny County is not obliged. We're not even obliged to turn over those tax revenues. It's something that we do in the course of doing business, but we have time. If it's important to get it done this fiscal year, I say let's have another meeting. Let's get this information in. Let's digest what we've got tonight,

and if we need to call a special meeting we do. We did that earlier this year for a very full hearted purpose. This is far more important than that. And I think we've got to go through the proper channels. And I'll vote no to waive the reading.

PRESIDENT FITZGERALD: Okay, Mr. Robinson, Mr. DeFazio.

MR. ROBINSON: Thank you, Mr. President and members of council. I don't think any sound fiscal purpose would be served not to make arrangements to allow the Chief Executive or the Port Authority to utilize the \$3,000,000 we appropriated in the 2008 budget for the operation of the Port Authority. Also, I oftentimes say that when this council begins its budget process, that the Bloomfield Rams are on the field. Well, the Bloomfield Rams have been on the field. And part of the Bloomfield Rams have done on your behalf, through the budget and finance committee, is supply you with probably more information than you want. Lots of documentation, lots of meetings and very frankly, we scored a touchdown. We were able to monitor the \$24,000,000 and the \$3,000,000 that we appropriated. And we are the only entity in this county that is authorized to appropriate money. And we can appropriate it under any circumstances that we see fit, as long as we don't violate the law, which we have not done.

If we wanted to put additional restrictions on the Chief Executive, we could have done that. We chose not to. But we did put a restriction on the \$3,000,000. And so we're having this extended discussion tonight. That's the nature of government. How long it's going to take, I don't know. But I plan to be here. We will continue on your behalf, the Bloomfield Rams, to be diligent, to be deliberative and to provide you with all the information you need and some you probably don't want. But that's to protect you, protect this institution and very frankly to let the administration know once again we are partners in this enterprise.

And they've been very respectful of that as time has gone on. Lastly, I think it's important for us to recognize that if we're committed to keeping mass transit operating in this community, I think we have to make the \$3,000,000 available. It won't be the last time that the Port Authority will have to come to us and ask for our cooperation. And I think we owe them an opportunity to show us that they can get it right with our money, with

the taxpayers' money, with the county taxpayers' money. So far I think they have proved to us they can do that.

Also I think we need to spend a lot more time listening to our county treasurer and our county controller in our budgeting process and also as we make other fiscal decisions. They have been very diligent. They have been very helpful. And again, on your behalf, the Bloomfield Rams have made arrangements for them to provide you with more information than you need and probably more information than you want. But the decision is always going to rest with the members of this council and its chair of budget and finance. I'll always respect your final decisions. But we're going to continue the process that we started until the president tells me to stop. And I thank each and every one of you for bearing with us, but I see no sound reason to have another meeting, special or otherwise, or any reason not to provide to the Port Authority in the year 2008 every single dime that we appropriated. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Robinson. Mr. DeFazio, then Mr. Burn.

MR. DEFAZIO: Yeah, basically saying the same thing he said, Mr. Chairman. We appropriated this money for the year 2008. They're anticipating getting the money we voted on to give them. And what are we going to do, go backwards on this? And that \$3,000,000 leverages roughly how much?

PRESIDENT FITZGERALD: Mr. Bland, could you help?

MR. BLAND: It's late for me to do math, but \$3,000,000 would be \$15,000,000 you know, if it's ---.

PRESIDENT FITZGERALD: \$15,000,000 \$18,000,000, somewhere in that range.

MR. BLAND: Yeah, somewhere in there. Fifteen (15) percent county and 85 percent ---.

MR. DEFAZIO: Well, look, we voted on it. This is for 2008. You get the \$3,000,000 we said we're going to do. We can't start going back on the money we agreed to do and they're anticipating on getting. So I think we should just go forward and vote and let's see what the rest of the people in the township think. No sense talking all night long. Vote on it.

PRESIDENT FITZGERALD: Mr. Burn and then Mr. Finnerty.

MR. BURN: Thank you, Mr. President, members of council. It's about honoring a commitment. It's about honoring a commitment we made last year. It's about honoring a commitment that if certain contingencies and criteria were met, that we would release the funds. I do disagree. I do think it is part of contract. But even if it is not, it's still something that we pledged to ourselves, to the authority, to the executive and to the riders, to the residents of this region that we would do.

Now, this hasn't been sprung on us in the midnight hour. This wasn't thrown in our laps five minutes ago. This has been sitting around here for 365-plus days. And in that 365-plus days, there have been countless occasions where we've asked questions of ourselves. We've asked questions of the Executive. We've asked questions of the controller. We've asked questions of the treasurer. We've asked questions of the Authority. In every single instance we've asked those questions, whether it being Mr. Fitzgerald's government reform, whether it be here, whether it be in writing, whether it be in Chairman Robinson's committee, whether it be to the authority, whether it be going over to the treasurer, the executive or the controller, those questions have been answered.

Now the history-making contract has been ratified by the ATU, by the Board of Directors of the authority. And it's our turn to honor our commitment. Now, irrespective of all that back and forth, and all those questions and all that dialogue is last year we ratcheted it up a notch in the last 14, 28 days since it appeared that something was going to happen, especially after it did happen. For example, last night, an hour and a half Mr. Bland came to your committee, Mr. Chairman, Mr. President, made himself available with documentation. And if I think it was necessary he may still be down at that committee answering questions if those questions were continuing to be asked of him. In the two and a half years that I've known that man, I have never once seen or heard him duck any question from anyone that has asked it. He's always answered it straight and right over the plate. And he did it again tonight. I didn't have the pleasure, Mr. Bland, to be at the meeting yesterday, but I heard that you alleviated a lot of concerns that my colleagues had. And those of us that weren't there, you answered those questions again tonight. You made yourself

available. Every single question that anybody may have had and asked you, and not just yesterday or today, but over the past year. So what would the purpose be at this point? Those certain specific contingencies that were on the table that held that money have been answered. They have been met. And so let's move on. Thank you very much.

PRESIDENT FITZGERALD: Mr. Finnerty, then Mr. Drozd.

MR. FINNERTY: Thank you, Mr. President. I'm going to be echoing probably things that have just been said, but we made a commitment, and this isn't something that just happened in the midnight hour here or the 11th hour. It was made in the budget process in '07, in December that we held this money. We knew we were going to be releasing it sometime in '08. And that's what we're here to do. And I vote yes to waive it.

PRESIDENT FITZGERALD: Mr. Drozd and then Mr. Futules.

MR. DROZD: Thank you, Mr. President. I just have one question of Mr. Bland, if I may do so. Just a very quick question. Would this --- not approving this \$3,000,000 and throwing it into the next fiscal year, would this effect, in essence of getting those matching funds, would it definitely --- did you say that you wouldn't get those matching funds?

PRESIDENT FITZGERALD: You've got to come to this podium, get it on the record and all that. Thanks for your patience.

MR. BLAND: Actually, as soon as the board ratified the labor agreement, which the state had known --- and the state has been a willing partner in all this. Their goal was in reigning in the costs, as well as the county's, as well as the Authority's. But literally within an hour after the board vote, we got a call from PennDOT saying, okay, when can we expect the local match. So it's really not even just an issue of the \$24,000,000 that the Executive has indicated he has discretion over. They're really looking for the full amount of that match before they can release any additional funding. And as Councilman McCullough had eluded to, you know, they've bent over backwards to try to work with us. But I know that their patience is wearing thin. And I don't mean that as a --- you know, a threat or what have you. But

you know, it's an obligation that they have to abide by under the law.

MR. DROZD: When would these funds go in to Harrisburg to be released? When would they go in?

MR. BLAND: Well, once we were able to demonstrate evidence of the release by the county, and I'll confess ignorance, Jim, I don't know whether it was transfer or check or how that occurs, but we would essentially copy whatever documentation we got from the county. We would immediately transmit that to the state. And then that would free them to make the next payments. Now, that actually does have --- I know I had said to President Fitzgerald the other day, we normally anticipate a release of funds about the middle of the month. So January 15th would be the next release. But as our CFO quickly reminded me, that process and you'll have to deal with state funding here in the county is not an instant. So literally you do have to be starting three weeks in advance in order for that --- for a check to be cut with the state to come out. So we really are in kind of a time sensitive issue.

PRESIDENT FITZGERALD: Mr. Futules and Mr. Gastgeb.

MR. FUTULES: I'd like to clarify Mr. Robinson's comment on the \$3,000,000. I believe three is a field goal, not a touchdown. It takes six to make a touchdown, Mr. Robinson. But I agree that I think we should go to vote on this, because we've talked about this all year. We owe them money. It's time to pay the bill. I'm about ready to make my vote. And I will vote for this, thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thanks, I just want to echo something that's been subject to the waiver Mr. Robinson brought up. This process is stronger in partnership because we have the \$3,000,000 assigned to county council. Many of you might have thought the Chief Executive had the whole appropriation of \$27,000,000, but as we know and as they are finding out, it was \$24,000,000 by the executive order, and \$3,000,000 by county council. And a lot of the good things Mr. Burn spoke to is because we have a portion of the appropriation. And I just want to remind my fellow colleagues that Mr. Robinson brought I think three bills out for something exactly similar, that would allow this partnership in questioning and the things that we're all

raving about tonight to continue. And the majority of this council voted no. We want to give the chief executive a hundred percent of the appropriation. I just want to say that Mr. Robinson has been consistent and those of us that followed him have been consistent exactly for reasons like this.

And I guess in closing, the points that Mr. McCullough is making up are extremely appropriate. There are a lot of red herrings with the budget. There just are. I just don't see the relation to the \$3,000,000 the Port Authority needs to continue their operations as part of it. But by no means should many of the points that were brought up tonight be swept under the carpet. Whether it's drink tax, whether it's the \$6,600,000 for economic development or whether whatever. And I for one continue to talk about that. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: Thank you. With all due respect to my brother councilman, I was just handed less than ten minutes ago the grant agreement for the appropriation we're considering tonight. I'd like to know if anybody on council has received this prior to tonight. And if they have, if they've read it. I've been trying to peruse it. I had to go out and ask Mr. Bland to explain some of it to me. And I appreciate Steve's explanation. But just to clarify things, nothing on the face of this document you have to interpret it, you have to imply that says we have to appropriate \$27,000,000 this fiscal year. There is apparently a mathematical calculation you have to perform. There is nothing in this document that is signed by Allegheny County, it is fundamentally different than the grant agreement that the Port Authority has signed in the fiscal year that it's in now, which is our next year's appropriation.

I don't like to commit taxpayers' money until I've read all the documents that have anything to do with it. And I can only speak for myself. The other thing I'm having problem with is when I hear this, we owe the money, we obligated the money, again I have to question, if that's what the thinking is, why did we put it under contingency? We put it under contingency because we thought we had an obligation to weigh and assess this. Circumstances have changed in the last year. And what has changed, leave everything else aside is, there is a heck

of a lot more money, even over budgeted on the face of the operating budget above and beyond this \$3,000,000.

And I'm here to tell you tonight, that if we take another week or day to do this, all hell is not going to break loose with the Port Authority. The Chief Executive is within his rights for at least 24 and a half million dollars. There's other monies out there. And is not anybody concerned about the fact that for 18 months the Port Authority has gone without a nickel from Allegheny County, yet somehow stayed afloat.

And now we have an open-ended question that the Chief Executive did not definitively answer, as to whether the Port Authority is going to get this appropriation and the 2009 appropriation in a timely manner or whether that's going to be further deferred. And you put all that together, and you put together the fact that we have this very expansive use of these monies for things other than the Port Authority, I think it behooves us to fine tune this and get all the answers we need, including exactly where the state is with this.

I see no harm in putting this back to committee. I think we need more answers from the Chief Executive. I think we need some explaining from the county manager. I think we need to hear from PennDOT as to what exactly is going on. And we need to hear from rating agencies as to what they're going to respect. And that is why I'm going to vote against waiving the second reading. And that is why I'm going to vote against the appropriation. Thank you.

PRESIDENT FITZGERALD: Please call the roll.

MR. MASCIO: Mr. Burn?
MR. BURN: Yes.
MR. MASCIO: Ms. Cleary?
MS. CLEARY: Aye.
MR. MASCIO: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. MASCIO: Mr. Drozd?
MR. DROZD: Nay.
MR. MASCIO: Mr. Ellenbogen.
MR. ELLENBOGAN: Yes.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yes.
MR. MASCIO: Mr. Gastgeber?

MR. GASTGEB: Yes.
MR. MASCIO: Ms. Green?
MS. GREEN: Aye.
MR. MASCIO: Mr. Macey?
MR. MACEY: Yes.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: Yes.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. MASCIO: Ms. Rea?
MS. REA: Yes.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Aye.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. MASCIO: Ayes 13, no's two. The motion to
waive the second reading has been passed.
PRESIDENT FITZGERALD: Motion on bill 4518-08.
MR. MASCIO: So moved.
MS. CLEARY: Second.
PRESIDENT FITZGERALD: Moved, second.

Discussion?

MR. DROZD: Yes.
PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: Thank you, Mr. Chairman. I voted no and kept my word, because I feel that we do need to do due diligence when there's a dollar of taxpayer money spent. I really believe that. And it's very critical. And I'll vote to support it tonight. But I'll have you know, and you know Mr. Bland I respect you very highly. I'm going to watch every dollar, how it's spent.

MR. BLAND: I do know that.

MR. DROZD: You know that. I'm done yet either, as you are not done with the contract. So I'm going to be working for new ways to bring this. I'll join with you on that, and I'll vote yes tonight on that. Thank you, sir.

PRESIDENT FITZGERALD: Mr. DeFazio and Mr. Gastgeb.

MR. DEFAZIO: Mr. Bland, I want to ask you a quick question. Mr. McCullough made a statement, he was saying that you went all this time with no money, am I correct didn't the state send you money every month?

MR. BLAND: The state continued the operating assistance payments during that period, yes.

MR. DEFAZIO: So they gave you money.

MR. BLAND: Uh-huh (yes).

MR. DEFAZIO: Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald.

And that's part of the frustration I have, Steve. I spoke yesterday at the committee meetings. And if the match is going to work on the 1585, and it has to be true all the time, you mentioned to me the reason why the state continued to match, even though the county didn't, was because it was considered an exception because of the Port Authority contract. And I just want to make sure that it's on the record that's the case, because we can't go through years where we're wondering how money is being, as someone said you were quote, staying afloat in the Port Authority, if you're supposed to follow a local match components?

MR. BLAND: I'm sorry, I missed the question.

MR. GASTGEB: Well, I mean in a given year, will the state continue to put money forth without a local match? I mean ---.

MR. BLAND: The state made very clear that the time frame of the agreement, and it also tied into our board's action to unilaterally implement a collective bargaining agreement on December 1st, absent a negotiated agreement was that at the end of the calendar year, all bets were off and it would be highly unlikely we would see a state payment in January. And that would have resulted in a shutdown of the Authority, independent of any labor action by ATU 85. But for cash flow reasons there would have been a shutdown of the Authority at the end of December or very early January at the latest.

MR. GASTGEB: But what happens when that occurs, and assuming it's a four-year contract, you're going to get the \$27,000,000 back from the last fiscal year. By spring of this year the other \$27,000,000 and then the rest of the contract around the same amount. It has to work on the 1585 match that you've already outlined.

MR. BLAND: Right.

MR. GASTGEB: I mean if you change that formula, this kind of stuff happens, you're borrowing from governmental funds to buy buses and everything like that.

MR. BLAND: We don't set the formula. The state does.

MR. GASTGEB: And the states allows themselves to be liberal in their interpretation with the monies,

even though Allegheny County didn't start the match. And I think that's part of the frustration tonight with the questions, from my perspective.

PRESIDENT FITZGERALD: Thank you. Mr. Finnerty and then Mr. McCullough and then Mr. Ellenbogen.

MR. FINNERTY: Steve, did you use part of your capital budget to stay afloat?

MR. BLAND: I'm sorry?

MR. FINNERTY: Did you use part of your capital budget?

MR. BLAND: Not the capital budget, but a specific fund source referred as base supplemental grant funds under the previous Act 44. There had been --- that fund had accumulated for capital purposes. And it was specifically designated for the bus purchase that we have underway. So from a pure cash flow perspective, we essentially used that money to front for the county until this issue and collective bargaining agreement were resolved. And upon the release of the county's money, hopefully this week, we will essentially repay that fund. And then we'll be in a position to pay for buses as they come on to the property.

MR. FINNERTY: Thank you.

PRESIDENT FITZGERALD: Thank you. Mr. McCullough and Mr. Ellenbogen.

MR. MCCULLOUGH: Thank you. Point of clarification. John, the point I was trying to make was the county hadn't given any money over that period of time. And that's what caused me a great deal of heartburn. We've seen \$90,000,000 since July 1 make its way to the Port Authority without a dollar match. We've seen I guess, Steve, about \$180,000,000 make its way in last year without a dollar of county matched funds. And then the last payment we see was May of 2007. And I'm not going to belabor the point, but that's what gave me a great deal of concern.

I think all these issues out here, we really need to boil this down and find out exactly what we've got. It's very important to me to know whether or not Allegheny County is going to be spending \$45,000,000 --- or \$54,000,000 between now and June 30th. I don't think it is. I think this appropriation is going to go on tonight. And I think some time between now and the end of next year, you'll see the other bit of the appropriation go out.

But you realize the County has been playing a float here. Now, when you play a float like this with this kind of money, there's a tremendous amount of interest that's being earned that also is not being credited against this \$3,000,000. The Chief Executive, when I asked him how much interest, he couldn't tell me. Now, what if there's a half a million dollars in interest up there, or if there's a million? We don't know those things. And that's why I'm going to vote against releasing this money at this time.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to say that as we go into the holiday season, we have to think about not just the issues, but we got to think about the thousands of people who are who we're affecting here, the thousands of union employees who are worrying about losing their jobs or being laid off, the multifaceted people who need the transit to get to work, which potentially can hurt them in their jobs, and the stress that is carried throughout this community in terms of people worrying. And I think it's important for us to take leadership roles in this issue.

Now, you know, I don't disagree --- there are many things that come across the hall that I disagree with and that I have issues with in terms of timeliness and what not. But I don't believe that this is the issue that, you know, we need to question. You know, the union community and the Port Authority community are satisfied with what happened here. We have to show good faith and let them continue to work out and do what they need to do. But we have an obligation to the citizens of this county to put this to rest and give them some peace of mind to go into this holiday season relieved. So it's important, I think, for us to just let this funding be appropriated. Thank you.

PRESIDENT FITZGERALD: Please call the roll.

MR. MASCIO: Mr. Burn?

MR. BURN: Yes.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: Aye.

MR. MASCIO: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. MASCIO: Mr. Drozd?

MR. DROZD: Yes.

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: Yes.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yes.
MR. MASCIO: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. MASCIO: Ms. Green?
MS. GREEN: Aye.
MR. MASCIO: Mr. Macey?
MR. MACEY: Yes.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: Yes.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. MASCIO: Ms. Rea?
MS. REA: Yes.
MR. MASCIO: I'm sorry?
MS. REA: Yes.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Aye.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. MASCIO: Ayes 14, nos 1. The bill passes.
PRESIDENT FITZGERALD: Okay. We're going to go
back to the part of the agenda we left off. 4526-08.
MR. MASCIO: The remaining of the proclamations
and certificates will be entered into the record.
4526-08, Certificate of Achievement recognizing
the Clairton High School Football Team for winning the
2008 WPIAL Class A Championship. Sponsored by
Councilwoman Cleary.
4527-08, Certificate of Achievement recognizing
Brashear High School Football Team for winning the 2008
Pittsburgh City League Championship. Sponsored by
Councilman Ellenbogen.
4528-08, Proclamation congratulating the
Allegheny General Hospital and Western Pennsylvania
Hospital for being recognized as two of the nation's Top
100 Hospitals for cardiovascular care. Sponsored by
Councilwomen Cleary and Green.
4529-08, Proclamation commending Verona Borough
Police Officer Sean Blake for his lifesaving actions on
November 6, 2008. Sponsored by Councilman Futules.

4530-08, Certificate of Recognition honoring Art Crivaro for 30 years of service to Allegheny County's Department of Public Works. Sponsored by Councilman Macey.

4531-08, Certificate of Achievement recognizing the Thomas Jefferson High School Football Team for winning the 2008 WPIAL and PIAA Class AAA Championships. Sponsored by Councilwoman Cleary.

4532-08, Certificate of Achievement recognizing Deer Lakes High School Student Council for raising funds to host their annual Senior Citizens Holiday Luncheon. Sponsored by Council Members Rea and Burn.

4533-08, Certificate of Recognition congratulating Bernard and Carolyn Musyznski on the occasion of their 50th wedding anniversary. Sponsored by Councilman Macey.

4534-08, Proclamation honoring the late Charles Teenie Harris and the late Frank E. Bolden, who will be recognized at the 2009 Spirit of King Awards Ceremony for their lifetime achievements in the pursuit of human rights and equality. Sponsored by Council Member Robinson, Council President Fitzgerald, Vice President Martoni, Council Members Macey, Finnerty, Cleary, Futules, Gastgeb, Rea, Green and Drozd.

4535-08, Certificates of Achievement recognizing those individuals named as the New Pittsburgh Courier's 2008 Men of Excellence. Sponsored by Council Members Green and Robinson.

4537-08, Proclamation celebrating the unveiling of the new Brentwood landmark, the Brentwood Clock. Sponsored by Councilwoman Cleary.

PRESIDENT FITZGERALD: Okay. Before we move on, and this one was not on the agenda, I'm going to ask Councilman Martoni, who chairs Council's Executive Committee, to read the proclamation. And I'm going to ask Katie to come forward because it's going to be her last night with us and we didn't want to let this go by without recognition of some of the great work that she did. So Councilman Martoni?

MR. MARTONI: Thank you, Mr. President. This is a real pleasure to read. And I have to say that Allegheny County Council has 15 members and we only have a few people working for us, okay, and they are all outstanding. And unfortunately, sometimes they have to move on with their own careers, and that's the situation that Katie's

in. So we have a proclamation prepared and it's from all of us. It's not from me. It's from all of us. Katie, I'd like to read this to you and have you say a few words. Okay.

Whereas, since its inception, Allegheny County Council has been fortunate in its ability to employ staff whose knowledge and determination have contributed greatly to the foundation and growth of Council as a vital part of Allegheny County government.

And whereas, Katie Miller has repeatedly proven herself really to exceed the expectations of Council and her fellow staff members with her exemplary work ethic and commitment to the dignity of County Council.

And whereas, Ms. Miller has worked for County Council since October of 2007, and since that time, she has repeatedly comported herself with grace and professionalism in assisting the Council in its daily operations.

And whereas, throughout her tenure with Council, Ms. Miller has given untiring service to this County and the Council in providing support to its members and offered her best in the service of the County's residents.

And whereas, both County Council members and staff have come to regard Ms. Miller as a friend who will be greatly missed as she leaves the Office of County Council to pursue another employment opportunity.

Now, therefore, be it resolved that Allegheny County Council does hereby recognize Ms. Katie Miller for her consistent dedication and for her contributions to the new County government while serving both County Council and the citizens of Allegheny County. The County Council hereby bestows its most sincere thanks and extends its most profound wishes for happiness and success in the future. And this is sponsored by each and every member of County Council. Katie, please say a few words.

(Applause.)

MS. MILLER: I'm very excited that I did not have to write this one. I just want to thank all the members of Council and the staff for allowing me the opportunity to get to know you and to work with you for the past year. And I truly appreciate it.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: Public comment on agenda items. We have a number of speakers this evening,

beginning with John Dziak. Mr. Dziak, if you'd state your name and address for the record, please, and come up to the podium.

MR. DZIAK: My name is John Dziak. I'm President of the American Federation of Teachers, Local 2067 at the Community College of Allegheny County. My name is spelled D-Z-I-A-K. I'm here today to address County Council regarding House Bill 1277. The American Federation of Teachers and all of the administration at CCAC are both opposed to the statewide healthcare system. The reason for our opposition to this bill is, looking at the legislation, CCAC is currently excluded from participation in the House Bill 1277.

After 18 months, after the implementation of the bill, which can mean a number of years, otherwise, it's going to take a number of years to implement this house bill, and 18 months after the implementation the Secretary will, in fact, present to the Governor, the Pro Tempore of the Senate and the Speaker of the House recommendations whether the community college should be part of the healthcare system. In our opinion, the legislation was written without consideration that there are higher --- there is a higher education entity as part of the consortium for school system. So we have a problem in terms of the participation here of CCAC.

Secondly, it's mandatory that the participants in the public school sector participate in this state system, except for Philadelphia. Philadelphia is exempt from this bill. The teachers, it's been reported that the teachers in Philadelphia have opted out their participation in this state plan. As a matter of fact, the chief trustee of the federation there has reported that regarding the projected benefits of the statewide plan, we are already doing what the state is proposing we do and we're doing it more successfully. Actually, the Allegheny School's County Health Insurance Consortium is larger than the Philadelphia system and we also are doing better than what the state plan would propose. If we take a look at this plan, and having CCAC stand out there as an entity for any period of time, a year, two years, three years, we would have significant costs incurred by CCAC regarding healthcare costs. As a matter of fact, in the first six months of joining the consortium, we saved \$475,000. I'm proposing that here there would be

significant costs to college, the county and students, and we ask you not to support this bill. Thank you.

PRESIDENT FITZGERALD: Mr. Kenneth Miller? Mr. Miller, please state your name and address for the record, please.

MR. MILLER: Good evening. My name is Kenneth Miller. I live at 7125 Thomas Boulevard. I want to begin by thanking you for making this Point of Pittsburgh Day in the City of Pittsburgh. It is a very important resolution. And the history as recorded there, I hope it will give you a mandate as to how to govern in this region and the kinds of priorities that we should have in this region and it will help you envision the kind of future and the role in the world that our city and county should and can play. So I thank you for that very much.

I was a member of the 2008 November 4th Election Protection Team. I'm here also to encourage you to vote in favor of 4539. It's important to check up on all abnormalities that we have with these voting machines. These were not voting machines that I would recommend or the Election Protection Coalition would have recommended. So we need to be very diligent in checking up on them.

I also want to ask that you please --- the Elections Committee, please ensure that all the provisional ballots are counted and that we have an assessment of why they are cast provisionally and the kinds of issues that arose from those provisional ballots. I'm on my way to Harrisburg actually tonight. We're meeting with the Secretary of State to talk about priorities in the state relating to our election system and a report that the Election Protection Coordinator will be giving the Secretary of State. It will be handed out to you in a moment. You should be able to find it very informative.

I want to take a moment to thank Representative, Councilman Robinson for --- we saw a press release just recently about a monitoring system that he's developed for the Tax Increment Financing that we do a lot of here. And we're eager to see what kinds of benefits the community has gotten from these TIFs and we're very excited that you'll have the opportunity to evaluate those. And evaluations of past TIFs should do a great deal to inform some of your future decisions. So we want to thank him for that kind of diligence, because we sure don't see a whole lot of that. Thank you very much for your time.

PRESIDENT FITZGERALD: Thank you, Mr. Miller. Mark Rauterkus? Mr. Rauterkus isn't here. Ronald Bandes?

MR. BANDES: My name is Ronald Bandes. I live at 35 Unger Lane in Pittsburgh and I want to thank the Council for their past support of the election issues. Obviously the Council recognizes the importance of an accurate election, accurate count. And in support --- I would ask you to support a measure tonight. As you know that there were, in some instances, votes that actually exceeded the number of voters, in particular, in Wilksburg I-6, there was such an occasion. And sometimes, even though the number of votes appears to be small and perhaps inconsequential, in this case we're talking about ten votes, that sometimes this is only an indication of what is really going on. So we need to examine these things so that we can discern, is this an example of a malfunction? Is this an example of a design flaw? Is this an example of fraud? I'm not making any determination which of those it is, but obviously, it is one of those things.

And I would point out that there was an occasion, actually, in the John F. Kennedy versus Richard M. Nixon vote in 1960 when they found a single ballot, which was a sample ballot found in mailbox. A sample ballot is only intended to be instructional. It's not supposed to be cast. And it looked like a case of a single vote gone awry, but actually, it represented --- once the method was understood, it represented a whole chain of fraud in that case, that what happened was someone gave their real ballot to someone outside who was paying for ballots and cast the sample ballot. That person outside wrote what they wanted to be voted on that ballot and got another person to do the same thing. Said, here, cast this ballot where I've already indicated the person on there, I've already indicated the candidate that we want to put on there. Bring back your blank ballot after you cast this one that I'm handing you. And they just went on and on and on. It was a chain of, in fact, undetermined size.

So my point is simply that we should not be swayed by the fact that the numbers here are small or looking at ten votes, but that it's necessary, when we have an anomaly like this, to understand exactly what lies behind it. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Mr. Bandes. Paul McCarthy? Is Mr. McCarthy here? Richard King? And Dr. King, could you state your name and address for the record, please.

DR. KING: My name is Richard King. I live at 1235 Malvern Avenue, Pittsburgh, PA, 15217. I'm here because I'm hoping that the County Council, by personality and two-thirds of the Board of Elections sitting here, can hopefully take the weight of having to file Right to Know requests, having to go in and perform audits, having to show up at County Council in order to get things moving. Basically, we need you guys to help us get transparency, accountability and cooperation.

Our Division of Elections ought to be collecting records. They ought to be doing accountability for how many times in any general return sheets there's an A entity, and A meaning fill in how many voters approached that machine, and B meaning how many ballots were cast. And they don't take an accounting of the 1,300 polling places of how many times there's a discrepancy between those two numbers, but they feel that it's important enough to put right in the middle of the general return sheet.

So what I'm asking the Division of Elections to do is to deliver to us an accounting of all the discrepancies, to deliver to us an accounting of all the polling places where machine problems occurred without us having to file, through a lawyer, Right to Know requests. Can you please get our Division of Elections to decide to open up the doors and show us and help us work with them to find where the problems are? Essentially, what's going on here is that we have the Division of Elections not providing meaningful reporting about the elections. They are great people. They do wonderful jobs, but the bottom line here is that we need accountability in our elections. And I believe if they feel committed, they have to defend the machines. And I think they need to let the machines fall --- if there's a problem with the machines, let's get rid of them and let's replace them with \$3,000,000. There's a group that says for \$3,000,000, we can give you optical scan machines, high security technology.

I've got 30 seconds left. I sent you all the specifics. Basically, we need them reported. We need to have those ballots printed out. We're going to get them in the records request. Why doesn't the Division of

Elections simply print out Wilkinsburg I-6? Instead, they're saying, no. We've got ten phantom ballots, but we're not going to print them out to show you whether they're blank or whether there are votes cast on them. So what I'm hoping to see here is a transparency in the County government. Thank you very much.

PRESIDENT FITZGERALD: Hold on. Mr. McCullough has a question or a comment.

MR. MCCULLOUGH: Yes. And John, if I'm stepping on your toes, I apologize, but you and I both serve on the Board of Elections. And Richard, we have a lot of respect for your efforts, but I beg to differ with your premise. The whole idea of the Right to Know Law is that you put your request in writing. We simply can't have people making oral tasking of the Elections Division. That's just not the appropriate way. The whole idea of the Right to Know Law is to make the records available for you so that you can do your due diligence you need to do and then come back to us. So while I respect where you're coming from, really, I think you need to focus on the request for records and then the Board of Elections will respond.

PRESIDENT FITZGERALD: Sumir Patel? I'm sorry. John?

MR. DEFAZIO: Just on that same subject, the meeting we were at, Chuck, you were there. I agree with you. Look, I'm as worried as you are, making sure that every vote is counted. I do this every day. But the thing is when you brought this up, the Election Department said they didn't know about this. They were supposed to check it and get back to us. I never got a report. And Chuck just told you to put in writing, but actually that day they said they'd get back and weren't aware of this. So we have to get an answer from them.

MR. KING: We've been waiting over a year for the report from November 2007.

MR. DEFAZIO: Yeah, but I don't mean that. I'm talking about this Wilkinsburg thing with ten votes. You brought that up at the meeting and they said they were supposed to get back to us.

MR. KING: We've been waiting to hear for them to get back to us. November 2007. Basically, we need some responsibility and some accountability.

MR. DEFAZIO: Okay. Let's talk about this issue. You're talking about the election in Wilkinsburg. That was recent; right?

MR. KING: No.

MR. DEFAZIO: We're waiting for --- I agree with you, but I'm waiting to hear what they discovered, because they didn't know about this when you brought it up that day.

MR. KING: It boggles my mind.

MR. DEFAZIO: It boggles everybody's mind.

MR. KING: The next day, print out the ballots to see where was the discrepancy, weren't these ballots --- were votes cast on them or not? It's been weeks. I've asked three times.

MR. DEFAZIO: There's no one up here --- I'll speak for --- no one up here wants to see anything go on where you're not getting a proper count. Okay. We all want to see that. Win, lose or draw, we want to make sure the election is proper and right. We'll go ask them to get this report, because I didn't receive it, either. I didn't get it. Chuck didn't get it. We'll do that.

MR. KING: Thank you very much.

PRESIDENT FITZGERALD: Thank you. I want to move on. Sumir Patel? Mr. Patel, if you'd state your name and address for the record, please. Come to the podium.

MR. PATEL: Hello. My name is Sumir Patel. Dear esteemed Council Members, recently I've become aware of some irregularities in the last voting cycle of our precincts in our county. Technology has many benefits, such as increased sufficiency and automation. One major drawback, however, is the lack of transparency in technology as a whole as well as its procedures and programming methods. Maybe in some matters, this lack of transparency is not relevant. In the case of the right to vote, I believe it's quite relevant. It's easy to look at the numbers and say we have X number of mistabulated votes. Our increased efficiency seems to have vastly offset the drawbacks. We can go back and rehash ten votes and look at them. But even the possibility for one to be misrepresented or somehow concocted out of thin air is a concept the founders of this nation would cringe at if it were to be brushed aside in the name of efficiency.

Just today there was an article I was reading on BBC about how technology, these hackers are able to penetrate the systems with increased --- high-tech criminal penetrate the computer system designed to monitor logging in the Brazilian State of Para. Greenpeace

estimated that 1,700,000 cubic meters of illegal timber may have been removed with the aid of these hackers. The hacks were made possible by a decision in 2006 to do away with paper forms to help monitor whether the logging firms were keeping to the quotas they were set. Instead, the Amazon State of Para turned to a fully computerized system that issued travel permits for timber logging firms that they were removing.

I guess just in summary, I just wanted to say that transparency in our elections is not something we can treat as a cost that we're willing to account for and offset. It's a fundamental part of our constitution and inalienable right that we need to protect. And every citizen should be very proud of these processes laid out and protect them with national honor. While I understand there are monetary costs associated with maintaining integrity to our election process, I do not see any true value to our processes via gained efficiency through automation. So paper ballots in any way that are recorded to offset automation --- paper ballots would be helpful and increase transparency. That's all I have to say. Thanks.

PRESIDENT FITZGERALD: Thank you, Mr. Patel. David Tessitor? Is Mr. Tessitor here? Deborah Gouge? I hope I have that pronunciation ---.

MS. GOUGE: My name is Deborah Gouge. I live at 7524 Carriage Lane, Pittsburgh, 15221. I'm here to ask that you support 4539 and I'm also here --- the thing that got me here was this issue of the phantom ballots from Wilkinsburg. And I'm here as a private citizen. I'm somebody who is just --- I've been concerned about these voting machines ever since the issue came up. I'm concerned that we vote on computers that have no paper trail. And so I'm here with a few requests, and I do make these requests respectfully.

First is I ask that you have the Division of Elections report meaningfully about the performance of the voting machines in the county and specifically to look at questions such as how many precincts and what precincts had more ballots cast than the number of machines --- on these machines than there were voters. And another question is, how many precincts and which ones were they that had voting machine failures. And I also ask that the phantom ballots, both in Wilkinsburg and if there are found to be any anywhere else, that they do be printed out

so they can be seen. Were they just empty, so no cause for concern, or were they actually votes cast that had no voter to go with them?

And I also ask respectfully that the information be made available to the public. This is about our voting and I think people have a right to know specifically because if this does show a continued problem, I think the people in the county would want to know that and, you know, maybe we should get different machines.

So I'm really here to request accountability and transparency in how we conduct elections, and I don't think this county deserves anything less. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Gouge. Father Paul Volda. Father, if you'd state your name and address for the record, please.

FATHER VOIDA: My name is Father Paul Volda. I'm with St. Mary's Romanian Catholic Church in McKeesport. My representative is Robert Macey. I want to thank this Council for allowing me to speak to you on the issue of the opening of the Allegheny County Ordinance Number 4201-08 for public discussion and review.

I request that you table the motion to have public hearings to study the County Human Relations Council which would list the category of sexual orientation and gender identity or expression, closed quotes, as a category for protection from discrimination. I think it's important to know that I and everyone of good will does not believe that unfair discrimination should take place on anyone, and that in the business environment, all civil environments, fair play on this discussion should be the norm. But this goes beyond that.

The case for establishing minority status for people with homosexual tendencies, gay, lesbians, bisexuals, transgender persons, is based on the assumption that this trait is inborn and immutable, that it is genetically determined. This assumption continues to find little support in science, which means the inclusion of the phrase sexual orientation and gender identity or expression in the proposed County Human Relations Council will only grow in controversy. It will not be a debate that is set aside. It is a debate which is increasingly taking up time at the national and state level of government and will also take up your time again and again.

To insist on legal minority status for persons of homosexual orientation is to impose an ideology increasingly not supported by science and increasingly controversial. Persons of homosexual tendencies, gay, lesbian, bisexual, transgender, deserve our care, respect and assistance. And that includes psychological treatment for those individuals who want to change their orientation. The County government would not be acting in the common good of society by politicizing the health condition of persons of homosexual tendencies. Several studies which the handouts that I handed Chief --- several studies --- should I continue or not?

PRESIDENT FITZGERALD: That's okay. We'll have a public hearing and that's when we're going to hear from everybody on this. Thank you, Father. If you have the handout, we'll give the handouts to all members.

FATHER VOIDA: That was three minutes? I was just getting warmed up.

PRESIDENT FITZGERALD: Celeste Taylor. Ms. Taylor, please state your name and address for the record, please.

MS. TAYLOR: Good evening. It's good to be with you again. My name is Celeste Taylor. I live in Point Breeze and work in Highland Park. I'm the Director with Pennsylvania VOICE for election administration and election protection. What you're being handed is a report that talks about the election protection program both at the national level and in Pennsylvania. I was honored and privileged once again to be a part of that effort and I really do appreciate the comment about due diligence in terms of being able to look at all of these issues. And I think when you do have an opportunity to go through this report that you'll understand that a lot of the work that the activists do isn't in a vacuum. It's trying to meet with Boards of Elections, the Secretary of State and his staff and occasionally come in here to speak and at times being placed on a citizens advisory panel so that we can help you make better decisions on behalf of the residents of Allegheny County.

This is not like the best venue to do this work, but I appreciate the three minutes. And I do need to get to Harrisburg for that, what's going to be a very impressive symposium, because the Secretary of State Cortez and his staff has decided that they would like to listen to the public about issues regarding voting

machines, poll worker training, preparedness for Election Day, voter registration, on and on and on. And the election administration system is complicated. It's a bit messy, but you know, it's how we run our democracy.

But when you look at 4539-08, I appreciate the work that Mr. King does and other groups to get specific, but you can count on him getting a Right to Know letter. It's something that I believe is a tool, something that will be utilized. I'm glad that laws are being strengthened at the state level. And you know, it's my hope that when you do send the --- write the letter to Allegheny County, that they will provide us with the answers in regard to these very specific issues around voting machines, but also the call center statistics that I've had the --- I've been able to view those that Mark Wolosik has. He will provide that information. But I think we need a system where we are more transparent and effective, that goes beyond Right to Know letters. So I ask that you consider that. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Ms. Taylor. We have approval of minutes, 4516-08.

MR. MASCIO: A motion approving the minutes of the regular meeting of County Council held on November 18th, 2008.

(Chorus of motions.)

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second. Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. Unfinished business, Committee on Appointment Review, second reading, 4441-08.

MR. MASCIO: Approving the reappointment of Phillis D. Lavelle to serve as a member of the Property Assessment Appeals and Review Board for a term to expire on December 31st, 2011.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: At the meeting it was unanimously approved, so I make a motion that we go along with the appointment.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second. Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. Ms. Lavelle is approved. Committee on Budget and Finance, second reading.

MR. MASCIIO: An ordinance to amend or revise in part the fees and rates schedule of the Department of Parks for the use of certain county recreational and park facilities, the fees and rates schedule of the County Medical Examiner for certain services provided by the County Medical Examiner and the fees and rates schedule of the County Department of Real Estate for certain services provided by the Department of Real Estate to be effective January 1st, 2009.

MR. MACEY: So moved.

PRESIDENT FITZGERALD: Also add as a cosponsor Councilman Futules. Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. Ms. Liptak has in her possession a document that represents the fee study the Budget and Finance Committee authorized in 2008 so that we could address the issue of what our fees were in the County, how they were administered, revenues, and to determine whether or not the Council wanted to address any of those fees. That document, which Ms. Liptak has made available to every member of Council, I'm sure you spent some time reviewing it and consulting with her.

In the process of completing the fee study, the Administration asked to have access to this document and any other working papers we were using. We're more than happy to cooperate with them and vice-versa. The bill you have before you is submitted by the Administration and has been considered by the Budget and Finance Committee. President, Mr. Fitzgerald, asked me as Chairman of Budget and Finance to work with Mr. Futules, Chairman of our Parks Committee, on this matter inasmuch as many of the fees, perhaps most of them, relate to our county parks. The Chair did that in both private discussions and public discussions. And Mr. Futules might speak for himself, was in the process of reviewing what the Administration had submitted. Ms. Cleary, who was the Chair of the Parks Committee prior to Mr. Futules, had access to this study and also was an active participant in putting it together, evaluating its findings.

What I'd like to do is offer an amendment that specifically relates to our Department of Real Estate and the effective date of any fees we might approve that

relate to their collection process. This amendment is necessary so that the department, if we approve any fee increases, can move in a timely fashion, and that the effective date would not be inconsistent ---.

PRESIDENT FITZGERALD: Chairman Robinson, just procedurally, we need to make a motion for the bill and then a second and then we'll consider the amendment.

MR. ROBINSON: Move to approve.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second. Please continue.

MR. ROBINSON: The effective date for the other fees are spelled out in the bill, and so this amendment would be the only amendment that the Chair will be offering to make any adjustment. Each member should have a copy of that amendment in front of you, the Amendment 4498-08, Robinson One.

PRESIDENT FITZGERALD: That's a motion to amend?

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Do we have a second on the amendment?

MR. FINNERTY: Second.

MR. FITZGERALD: Moved, second. Discussion on the amendment? Are you finished talking about it, Chairman Robinson?

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Okay. I want to do the amendment first and then we'll do the bill. The amendment is to change the dates; right?

MR. ROBINSON: Yes.

PRESIDENT FITZGERALD: Any discussion on the amendment? Let's just do a voice vote on the amendment and then we'll ---. All in favor of the amendment, the Robinson Amendment, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed?

(Chorus of nos.)

PRESIDENT FITZGERALD: Do a voice vote.

MR. MASCIO: This is a roll call vote on Mr. Robinson's proposed amendment. Mr. Burn?

MR. BURN: Yes.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: Aye.

MR. MASCIO: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. MASCIO: Mr. Drozd?
MR. DROZD: Nay.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yes.
MR. MASCIO: Mr. Gastgeb?
MR. GASTGEB: No.
MR. MASCIO: Ms. Green?
MS. GREEN: Aye.
MR. MASCIO: Mr. Macey?
MR. MACEY: Yes.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: Yes.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. MASCIO: Ms. Rea?
MS. REA: No.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Aye.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. MASCIO: Ayes 11, nos 4, motion carries.
PRESIDENT FITZGERALD: Okay. Mr. Robinson, on
the bill itself.

MR. ROBINSON: Thank you, Mr. President. I won't belabor those points I've already made. This fee study and the work that the Budget and Finance Committee has done as well as looking at how the fees fit into our overall budget projections, not only for 2009, but beyond, I believe it's fiscally responsible for us to increase the fees as listed at the amounts listed. And I move for approval.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: So moved. Discussion?
Mr. Drozd and then Mr. Gastgeb.

MR. DROZD: Thank you, sir. Thank you, Mr. President. I know we have to look outside the box to find ways to enhance revenues in Allegheny County, but again, I've always opposed any tax increases or fee increases because we're losing too many people now and there are a lot of people that won't even come into Allegheny County because of that. I did discuss some of this with some of

our people that worked in the trenches in North Park area. They felt it wasn't good. They felt that it wouldn't hurt some of their people coming. But most importantly, the reason why I'm not going to support this at this point in time more so than ever is we need to really vote this down because there are people out there, and you talk to them, at least I talk to them every day, and these are a lot of retirees. Right now their retirement incomes, their retirement nest eggs are shrunk by 40 percent or more. And that means their income has shrunk accordingly. And this is not the time to lay this type of a burden on them. It's a bad time. The economy is bad. They're worried. They're concerned.

We've got to alleviate, look for ways to alleviate. It's not going to mean that much revenue to Allegheny County. And I think I would ask my fellow Council members, I know that we talked about this, in essence, to vote no for this on behalf of all those retirees out there and people that right now are really hurting. Let's vote no. Thanks, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you. I guess I'll limit my remarks strictly to the bill itself. Are the park fees lower than, let's say, private entities? Yeah, they are. They always have been. We've always kept them low. The total amount of this appropriation of revenue is roughly \$1,000,000. It's a \$750,000,000 budget. And I can't think of a worse time to raise fees on the people of Allegheny County.

I'll just take the seniors, for example. I know it's a low amount, per se, to some people to say, you know, seniors can play golf on the County Golf Course, 18 holes for X amount. But there's a 60 percent increase for the seniors that play 18 holes under this bill. And I don't know what message we send to seniors or whoever by offering increases like this.

And I'll go back to what Mr. McCullough was bringing up on the Port Authority debate. Now, this is where the extra revenues have come into that we see, whether it's the \$6,600,000 from Economic Development, whether it's the \$12,400,000 from the Airport Authority, whether it's naming rights which we're trying to get into, whether it's the Marcellus Shale at the airport maybe could be used for some of this.

But to raise fees now, I just don't understand why. Yeah, they're lower, and you could do all the fee studies you want. The park's going to be lower than a private golf course. It's going to be lower than a private ice skating rink. It's supposed to be lower, and that's what I think we're supposed to do, keep them low.

Nobody wants to raise fees. We don't need it to balance the budget, in my opinion. I know it's in there as part of the 2008 budget but, you know, if we can't find a million dollars without raising fees on seniors by 60 percent, then I think we ought to look harder. It's not just that the fees are the most important thing here. It's the concept of what a county park is, that a county park is supposed to be for the citizens. We haven't raise fees since 2000. On the millage rate, we say it with pride. We haven't raised the millage rate since the year 2000, and we worked hard to keep it that way. And I think we should work equally hard to keep the fees where they are in the parks. Thank you.

PRESIDENT FITZGERALD: Mr. Futules and Ms. Cleary and then Mr. Ellenbogen.

MR. FUTULES: I'm a little confused. Back in March, all Council members, and I mean all of us, discussed fee increases to reduce the drink tax and to keep property tax at bay. Today I'm hearing a different story. I'll take credit for the increases in the park as the chairman of the committee. I have gone to the Parks Director and asked the question, are there any problems with fee increases this year. And the question was, no, there wasn't. And I said, well, it's not my decision. It's the Administration, quite frankly. And I took it back and said, well, I look at costs. As a businessman, I can see that the fees are so backwards in the county parks that \$17 million that comes from the RAD tax does help us. We collect about \$4,000,000 to \$5,000,000 in the parks as income, but we're still several million dollars in the hole. I was asked to find money, and I did.

And now we already voted on the budget and some of you that are against this already voted for this issue. You should have said something then before we voted on the budget. It looks like something to change. And I can't understand why we're worried about senior citizens when you talk about the medical examiner. We talk about autopsies, people that are dead. We're not talking about peoples' livelihood here. We're talking about fees that

incur when someone dies. This has absolutely nothing to do with senior citizens.

MR. GASTGEB: Are you responding to me?

MR. FUTULES: I'm not done.

PRESIDENT FITZGERALD: Mr. Futules.

MR. FUTULES: But when you look at the fact that it cost \$4 for something and it's now \$5 and we haven't change a fee since the year 2000, if you think we're still not backwards, you're wrong. I don't think we're going to hurt any senior citizen by charging them \$8 to go golfing for 18 holes. By the way, we did not raise the senior citizens' \$60 rate for the regular season. That remained the same. So we did not raise it for senior citizens. The 18-hole golf went from \$5 to \$8, and I know for a fact it costs at least \$20 to \$25 to go golfing in any public course.

And that's the purpose of this county. The peoples' taxes should pay for the services. Every time we rent a facility, every time someone goes golfing, you're paying your tax dollars. But if this doesn't happen, the price is going to go up, but this is why the prices are as low as they are. If you can't vote for something, you know, you can get a bag of potato chips and go get a pop and go sit in the back. Because I'll tell you what. If you can't vote for this, you're nuts.

PRESIDENT FITZGERALD: Ms. Cleary, then Mr. Ellenbogen.

MS. CLEARY: Thank you. I just agree with these modest increases for the parks especially. An 18-hole golf for the senior citizens plus a \$5 fee once they pay their \$60 regular rate, and now it's \$8, that's only a \$3 increase, which isn't a lot. None of these fees for the parks are really up. Some of the facilities we're charging a little bit more, but then a lot of these facilities need a lot of maintenance on them, too. So I think this million dollars, I don't think that's anything to sneeze at. And that will go a long way for some of the maintenance issues with a lot of these things in the parks. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen and then Ms. Rea.

MR. ELLENBOGEN: Some of you folks who have been around for a while remember a time when I was in charge of the parks maintenance, the roads and that. First of all, every park supervisor will tell you that the majority of

the shelters that are rented are rented from people from other counties because the prices are so low. There are nine county parks. All nine of them border other counties. The population percentage wise of people who are using these facilities, the ice skating rinks, the wade pools and what not from other counties is astronomical. I think folks need to take that into account before they vote on this.

PRESIDENT FITZGERALD: Councilwoman Rea and Mr. Macey.

MS. REA: Thank you, Mr. President. I guess the issue I have now and maybe previously I did not have is I think economically, times have changed dramatically from March until now. I mean, they just absolutely have. So when I look at this bill, when you take out the real estate registry fees and the medical examiner, they account for \$600,000 of this bill. I would be likely to support that. But when I think about, say, kids going to the swimming pool or parents taking their kids to ski or the seniors playing golf, I don't know, this year with just the times changing so dramatically --- and I don't think we've seen the end of it. I think next year we're really going to be hit hard. I think a lot of people in this area will lose their jobs. And I think they go to the county parks to relax and forget about that. So a dollar may not mean a lot to anybody up here, or \$2 or \$10, and it certainly doesn't mean it's going to hurt my lifestyle in any way, but there are people in this county that it means a lot to. So that's the reason I'm not supporting this bill.

And I think at any time --- one thing I would like to respond to, Mr. Futules, is you can agree to support a bill, but when you sit down here to vote and you cast your vote, that's when you decide I'm supporting or not supporting. And anyone up here at any given time can agree or disagree with a bill and change their mind at any given time. Thank you. And that doesn't mean there's anything wrong with them. That's just insulting, your comment that ---.

PRESIDENT FITZGERALD: Mr. Macey and Ms. Green.

MR. MACEY: Thank you, Mr. President and members of Council. We said at the Parks Committee meeting that these numbers and these figures weren't put together in vacuum. They were studied. We looked at surrounding communities, surrounding counties, and these fees are very

commensurate, in fact, in some cases, lower than surrounding counties. Our county parks are in need of some tender loving care, maintenance, if you will. But I think the quality of the parks is only going to be enhanced by this additional money. I don't believe that anybody is going to be harmed by the increases, because they're not that harsh. Thank you very much.

PRESIDENT FITZGERALD: Mr. McCullough and Mr. Gastgeb.

MR. MCCULLOUGH: Thank you, Mr. Fitzgerald. Nick, with all due respect, I don't think you should feel so defensive about your position. I know you put a lot of effort into this, but really, we shouldn't be up here throwing shoes at people, be it literally or verbally.

But let me make a comment on these fees, because I spent an awful lot of time the first part of this year trying to address this issue. My intent with the fees was to have the fees raised for the institutions and the entities that I felt were best to pay them. And as I view these fees, I think they're somewhat regressive in nature because they are directed towards the parks and utilization of those facilities, which were not things that I contemplated. When I see the fees, the very nominal increase in fees, mortgages, I see that as good news for the big commercial entities in the area. When I see not even the attempt to address court fees --- and I realize we have to get some approval from the Court of Common Pleas, but nothing was even attempted. That's good news for the big law firms in town. So I think without not addressing those issues, without addressing the issue of fees relative to the large tax exempt institutions, we've got half a loaf here and I think the perception is that it's skewed and it's unnecessary.

PRESIDENT FITZGERALD: Mr. Gastgeb and Mr. Burn.

MR. GASTGEB: Thank you, President Fitzgerald. I'll respond to Mr. Futules, even though --- I don't know if he was directing it towards me. When you vote on the whole budget of \$750,000,000 like we did on December 4, you don't vote no for one line item. I certainly made the comment. I was on the radio after the vote, too, saying that I thought that the park fee increases were ill-timed, and you can go to KDKA radio and look that up if you don't believe me. But more importantly, don't be misled that taxes aren't being paid. Your taxes aren't being paid to the park. The RAD tax, \$160,000,000 a year, the one

percent sales tax, about \$20,000,000 goes into the parks. Close to \$20,000,000 goes into the parks. The capital budget, bonds are taken out, goes into the parks. So, you know, that's what should be going into the \$100,000,000 deferred maintenance that exists, if not more, in the county parks, not the \$1,000,000 from the least people who can afford it. I'm talking percentage, Mr. Futules. You can read for me, I have down here it will cost \$8 to play 18 holes if you're a senior after you pay your \$60. What percentage increase does that show?

MR. FUTULES: I'm sorry. You're counting the \$60 you pay first? Sixty (60) percent, is that what you're referring to?

MR. GASTGEB: Yeah. I said it was a 60 percent increase. Was I right?

MR. FUTULES: Were you talking about from \$5 to \$8?

MR. GASTGEB: Yeah. Is that 60 percent?

MR. FUTULES: Of course it is.

MR. GASTGEB: So it's a 60 percent increase we're voting on for probably the least group of people that can afford this. And \$3 is a low number, but if you play maybe 20 rounds of golf, 20 times 3 would be \$60. That's the same amount as our average Homestead Exemption that you bragged about. So it's okay if we have a senior paying close to the Homestead Exemption, \$60 to \$70 with a 60 percent increase, I just think it's ill-timed at this point in time. You could agree or disagree and that's fine. But why in the world to garner \$1,000,000 of money are we going to the parks system at this point time with our economy? I don't know. Thank you.

PRESIDENT FITZGERALD: Mr. Burn and then Mr. Futules.

MR. BURN: When you start hearing senior citizens more than once up here and when you start hearing families more than once up here and mothers and children more than once up here, it starts to not pass the smell test of creditability, in my opinion, and it starts to smell of politics. And that's a damn shame, because we try the best up here to stay away from that. And when you look at what we're doing here, we have some of the best amenities in Allegheny County and it really disgusts me to think, I hope I'm wrong, that folks up here are trying to play decisive politics with the seniors and the families and the people that live and do business here that look

into the camera and are insinuating that, ladies and gentlemen, you need to be afraid, you need to be mad, and the people that are going to cast a difficult vote for these fees are the people you need to be mad at. That disgusts me. It absolutely disgusts me and it reeks of something that we try to stay above when we're up here as a body.

For the least six years, we've held the line, seniors, on property taxes. We haven't raised them. Okay. We held a steadfast approach and a business-like approach and a fiscally conservative approach to county government and we've done that together and we've done that in a bipartisan fashion, number one. Number two, our bond rating has increased. We've done all that without raising property taxes. And despite the fact that there may be a vote tonight to make some nominal increases to some of the best parks in Southwest and Western Pennsylvania, we're going to be able to maintain that bond rating. And when you look at some of the other economic numbers going out around the country now, sure, these are tough times, sure, we're all feeling it, but we added 7,000-plus jobs in this region in the last couple of months. We have been an island of economic stability in a national sea of recession and possible depression.

So don't buy into the shell game that some folks may be trying to throw at you with some of these numbers and some of these divisive rhetoric that you're hearing. If there was a tough vote that needs to be made just because there are several options, you choose the one that you hope benefits everybody that is the least damaging. And remember who it was up here the last six years making some very tough decisions with this Chief Executive to save your homes when foreclosures were through the roof and making tough votes to keep your property taxes where they are. Thank you very much.

PRESIDENT FITZGERALD: Mr. Futules and then Mr. Drozd.

MR. FUTULES: I'd like to apologize to some of the members for getting a little excited. You're entitled to your decisions and your beliefs. But I was given a job. Someone told me to go out and find some money. I did that job. I'm standing up for what I did. I won't make any excuses. I don't feel I hurt anybody by charging an extra dollar at the swimming pool or any other thing at the parks here. Good work at the County office. And I

think you did a good job holding the line and making it affordable. And I'm going to vote for it. Thanks.

PRESIDENT FITZGERALD: Mr. Drozd and then Mr. Gastgeb and Mr. Ellenbogen.

MR. DROZD: I agree with my esteemed colleague that we should never make anything political but I never voted any way other than this. I was a longer term member of his party than I was in the party I'm in now, much longer. And before that I was an independent. So I'll tell you this. I always vote when I vote. If I don't vote --- I vote first on behalf of the people of Allegheny County. I mean, that's what I'm doing here tonight. I'm voting on behalf --- when we talk about seniors, that's a fact. If you walk out on those parks, I've seen them, you've seen them, a lot of retirees and a lot of seniors use those parks. There's no mistaking about that. And secondly, a lot of those are veterans, veterans that fought and served for our country. And I feel very much I'm going to defend them. I'm going to defend their right to use those parks at a low rate. That's the only enjoyment that they're probably getting right now because their money is not going very far elsewhere. So why shouldn't we defend them, those that can't defend themselves? Why not?

So that's the way I'm voting. I'm not voting politically. I'm voting on behalf of those people that can't afford it right now because they've shrunk their --- and not only them. I just talk to my esteemed colleague. General Motors closed another plant out there, high-paying jobs. And we're seeing the rippling effect. Just like my esteemed Council lady said over here, we haven't seen the worst yet. We're going to see a lot worse. And everybody here knows, they know someone who's been laid off from a job. You better mark that, and it's going to happen and continue to happen. So that's who I'm voting for. And I hope to think that no one ever here says that I'm voting politically, because I'm not. I'm voting on behalf of those people and I'll defend that. And that's the way I'm voting. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb and then Mr. Ellenbogen and Mr. Finnerty,

MR. GASTGEB: Thank you, President Fitzgerald. The remarks of my colleague, Mr. Burn, I'm not sure if they were directed toward me, but I've got some comments. I'm appalled every time something comes up we have to hear

this. We're doing a responsible thing for cover. It's cover this, cover that. Who's making you go out and find these fees? Who's the somebody that wants you to raise ---? We don't work nearly as hard to find a cut. I'm tired of this cover being used. Why is the word senior citizen being used? It's so convenient to use --- if you want to bring up politics. Well, here's why, if you're watching this on TV. The largest single percentage increase out of these five pages involves senior citizens. So jeez, what a stretch using senior citizens. It's in black and white. It may get to the like --- what Mr. Burn would like it to do, because some of it fits and proves his point. The largest percentage increase involves senior citizens. A lot of you mentioned families. I don't know what the percentage increase for families are, but the truth is here. That's exactly what it says. And you know, every time this comes up, because we're the minority, somehow we're not doing the responsible thing. Now, I'm not going to get into the drink tax, but the same people that raised your drink tax are going to raise your fees on the parks.

But this is unnecessary tonight. We're talking about \$1,000,000. \$1,000,000. Mr. McCullough brought forth millions and millions of dollars for the Port Authority debate we can at least look into. We haven't even looked at naming rights. This is an unnecessary vote to raise \$1,000,000 for the parks. That's why I'm saying what I'm saying. And I really resent the fact that every time a tough vote has to happen, that we have to get the Republican/Democrat thing because someone is presupposing what our comments are, what are in our minds and our thoughts.

And I'm just kind of tired of it, too. I've been on this Council for nine years which is twice as long as some of the people here, and your gerrymander districts, that get up on their horse and talk about this. And nothing's been raised. Nothing's been raised. And this shouldn't be raised either. Thank you.

PRESIDENT FITZGERALD: I'm going to allow Mr. Burn to respond.

MR. BURN: Difficult times call for difficult decisions and difficult votes. And the residents and business owners and those who reside in Allegheny County appreciate those of us that, over time, have had the guts to stand up and make difficult votes on difficult issues

and then take the slings and the arrows. Some of my colleagues up here, maybe they should ask themselves why they're the minority. Thank you very much.

PRESIDENT FITZGERALD: Mr. Ellenbogen and then Mr. Finnerty.

MR. ELLENBOGEN: You know what? I've listened to this and there's nobody on that Council that accused me of ever not voting my mind. I mean, I've fought with everybody up there about different issues. But this is one issue that I know a little bit --- I mean, when we go back to the drink tax, I'm one of the ones that said, you know, a lot of these fees in this county are too low. That's why some of the stuff with the drink tax. I mean, for instance, just to give you an idea, when you file a lien in Allegheny County, it's \$19. File that same lien in Philadelphia, it's \$60. File it in Montgomery County, it's \$40. The fees in this county have historically been too low.

And you know what? And this is the thing that really kills me, because Councilmen Martoni and DeFazio will tell you, I can remember when no one wanted to raise anything for anything and the grass became four foot high in the wade pools. Look at the money being spent in North Park, and you know why? Because I could not get the money to fix a boat to dredge the lake to what we have now. Everybody wants beautiful parks, but nobody wants to pay for what happens. You know, put yourself in Director Olczak's shoes, because I've been in his shoes. Do you know what a party of 100 people that are drinking can do to a picnic site? Do you know how many garbage trucks it takes to clean that up and clean up the messes in the bathroom? You're talking money.

So you know what, Nick? You know you and I don't always agree. Jimmy, you know we've not had problems before. I don't know if it's an Irish thing or what. But you guys are right about this. This is the responsible thing to do. And a million dollars, give me a million dollars, I'll hang up the phone and let me retire. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty.

MR. FINNERTY: Thank you, Mr. President. The park that's in my district is Settler's Park. And one of the things that Councilman Ellenbogen said in the beginning was that if you look at our parks, if you go out to the wade pool at Settler's and drive through the

parking lot, you're going to find a tremendous amount of West Virginia plates out there. You're going to also find Ohio plates. A lot of people use our parks from outside, not only the county, but from outside the State of Pennsylvania. And raising the fees in the parks a modest amount, I wouldn't even consider it a modest amount, it's so small, is a vote that should be made for all the people of Allegheny County.

And I think that's what you have to stop and say to yourself. Am I voting for all the people of Allegheny County or am I sitting here saying to myself, well, I'm just going to vote because they're raising the golf fees on the 18-hole course? And I have a senior pass. And it doesn't really matter to me. Sixty (60) percent is not a true figure, because you have to pay \$60. So you have to figure in how many times a person is going to use it. I only go out there maybe five times. It's a modest fee and it has to be voted on as you look at all the people of Allegheny County, not just one segment that uses the parks. The parks are for all people. And all people help pay for the parks. So I think it's an all people kind of thing we're talking about here. Thank you very much.

PRESIDENT FITZGERALD: Mr. DeFazio and then Mr. Futules.

MR. DEFAZIO: You sit and listen here and everybody here makes a good point. I understand these are bad times and a lot of people are hurting in every direction here. I agree with that. We're going into a depression or we are in a depression. But what I want to remind everybody now that we're in this good mood, stop and think when these people talk up here. When they say get rid of them, some other jobs, get rid of another 200, do you realize you have families with kids? They lose their jobs. They lose their health insurance. They lose everything. No one seems to worry. Okay. I mean, we have to be more consistent.

Look, I always try to help people. I always worry about one person losing a job. And I see some people go overboard on certain things, but when they lose hundreds of jobs and they say cut some more and we should cut some more, stop to think if that was your kid or your family or whatever, for just decency. These people have kids, no health insurance, no jobs, no jobs for them to get. It doesn't seem to bother too many people.

So we have to keep thinking. I mean, we're on this crusade now, saying this --- that's good. I agree with that. But stop to think if all these people lost their jobs and health insurance and they're struggling with kids and everything else, we ought to keep that in the back of our heads. Thank you.

PRESIDENT FITZGERALD: Mr. Futules and then Ms. Rea.

MR. FUTULES: I want to comment again on the seniors with the golfing. The seniors pay \$60 a season and it hasn't changed since 1989. We have not done anything to raise fees for senior citizens. Okay. Not long ago, I was a kid in 1989. And the reason we're doing this is for the simple fact we were asked to find money to keep the property tax from increasing, which senior citizens pay, and also try to lower the drink tax and spare the industry. This is what this is all about.

And I'm not sure why we're all complaining about the parks so much, because nobody seems to be mentioning the medical examiner, again, which doesn't affect any senior. It's an autopsy. They cost money. It needs to be fixed. The real estate transfers, it also needs to be fixed. The fact that we're not selling as many homes in Allegheny County I don't think is going to change anything dramatically, but we have lost revenues. This is the reason why we've done what we've done. And everybody is entitled to their opinions, and you're right, nobody wants to raise anything. But when you're given a job and you're told to do it, you simply do that job and that's what I've done. Thank you.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: I guess the only other thing I wanted to mention was, you know, I did go to the meeting with the Parks Foundation and I guess I've got a lot of faith in what they are going to do and the monies they're going to be able to raise and the improvements that they're going to make in our parks. So I just wanted to bring that up, too. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough and then Mr. Gastgeb.

MR. MCCULLOUGH: I just wanted to make note of what Councilman Ellenbogen said about having to clean up after drunks in the parks. Now, there's a legitimate use for some drink tax money, and maybe we ought to look into that.

PRESIDENT FITZGERALD: I don't think Act 44 allows for that.

MR. MCCULLOUGH: We're using it for everything else.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: One of the points I do want to make is that we're talking about \$1,000,000 and we're denying ourselves that there's other avenues to find \$1,000,000. We moved that five, six times around the budget committee through that last budget. But I do want to bring up to everybody's attention since the park system is near and dear to all of us, I truly believe. This bill is silent on the \$1,000,000 that it collects in fees has to go back into the park. There's nothing in here that says, well, jeez, now that we have a million dollars more, the parks are going to look better and this is going to go to the park. It goes to the general fund, and God knows where this is going to end up. So it's so erroneous to state that, well, we have a million more dollars now. It's going to go in the park system. There's nothing in here that states that whatsoever. It's a million dollar increase on fees to go into our budget.

PRESIDENT FITZGERALD: Please call the roll ---.

MR. GASTGEB: I still have the floor.

PRESIDENT FITZGERALD: I thought you were done.

MR. GASTGEB: Procedurally, I have an amendment I'm waiting for, so I'll defer to you as the president how you want to handle this.

PRESIDENT FITZGERALD: You have an amendment to introduce?

MR. GASTGEB: Yes.

PRESIDENT FITZGERALD: Go ahead. Make your amendment.

MR. GASTGEB: I'm waiting for Jared to bring it up so you can tell me how you want to handle it.

PRESIDENT FITZGERALD: Where is Jared? Might as well take a break. We're going to take a two-minute break. We're going to get back. Don't wander off.

(Short break taken.)

PRESIDENT FITZGERALD: We're going to reconvene. If everybody would take their seats. Mr. Barker, do you have the amendment?

MR. BARKER: Yes.

PRESIDENT FITZGERALD: Okay. Would you please distribute it? Mr. Gastgeb will speak to it. We're going to burn Mr. Ellenbogen's phone there, charging it.

MR. ELLENBOGEN: Mr. President?

PRESIDENT FITZGERALD: Mr. Ellenbogen, Mr. Gastgeb has the floor because he has an amendment that he's going for.

MR. ELLENBOGEN: Oh, I'm sorry.

PRESIDENT FITZGERALD: You'll be able to comment. Mr. Gastgeb, please continue.

MR. GASTGEB: Thank you, Mr. Fitzgerald. Mr. Barker is passing out an amendment to the ordinance that will strike out all park fees and keep all the other fees consistent. I'd ask that this be moved.

PRESIDENT FITZGERALD: So moved.

MS. REA: Second.

PRESIDENT FITZGERALD: Moved and seconded. Discussion? Please call the roll on the Gastgeb amendment.

MR. MASCIO: Mr. Burn?

MR. BURN: No.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: No.

MR. MASCIO: Mr. DeFazio?

MR. DEFAZIO: To tell you the truth, I didn't even hear what he said.

MR. MASCIO: He wants to cut the park fees.

PRESIDENT FITZGERALD: This is to strike the fees.

MR. GASTGEB: All of the park fees. Just the park fees.

MR. DEFAZIO: No.

MR. MASCIO: Mr. Drozd?

MR. DROZD: Yes.

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. MASCIO: Mr. Finnerty?

MR. FINNERTY: No.

MR. MASCIO: Mr. Futules?

MR. FUTULES: No.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Ms. Green?

MS. GREEN: Nay.

MR. MASCIO: Mr. Macey?

MR. MACEY: No.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: No.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. MASCIO: Ms. Rea?
MS. REA: Yes.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Nay.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. MASCIO: Ayes 4, nos 9, that motion fails.
PRESIDENT FITZGERALD: Mr. Ellenbogen, do you
have a comment?

MR. ELLENBOGEN: No, just to comment ---.
PRESIDENT FITZGERALD: Mr. Ellenbogen has the
floor.

MR. ELLENBOGEN: I just wanted to comment, you
had mentioned the phone. I wanted to say I think I beat
my oldest daughter's record on the phone, but we've still
got a while to go before I beat the youngest.

MR. FINNERTY: We're trying. We want you to get
that record.

PRESIDENT FITZGERALD: Okay. Let's call the
vote on the Bill 4498-08.

MR. MASCIO: Mr. Burn?
MR. BURN: Yes.
MR. MASCIO: Ms. Cleary?
MS. CLEARY: Aye.
MR. MASCIO: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. MASCIO: Mr. Drozd?
MR. DROZD: No.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENBOGEN: Yes.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yes.
MR. MASCIO: Mr. Gastgeb?
MR. GASTGEB: No.
MR. MASCIO: Ms. Green?
MS. GREEN: Aye.
MR. MASCIO: Mr. Macey?
MR. MACEY: Yes.

MR. MASCIO: Mr. Martoni?
MR. MARTONI: Yes.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. MASCIO: Ms. Rea?
MS. REA: No.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Aye.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. MASCIO: Ayes, 11, nos, 4, the bill passes.
PRESIDENT FITZGERALD: And that bill needed ten
votes to pass.
MR. MASCIO: Yes, it did, and it got 11.
PRESIDENT FITZGERALD: Committee on Economic
Development and Housing, 4401-08.
MR. MASCIO: An ordinance authorizing the
conveyance of the County of Allegheny's interest in the
parcel known as Block 422-L, Lot Number 204, located in
the Township of Aleppo.
PRESIDENT FITZGERALD: Chair Finnerty?
MR. FINNERTY: Thank you, Mr. President. This
motion, this ordinance was moved from the Committee with
an affirmative recommendation and I'd like to move it.
MR. MACEY: Second.
PRESIDENT FITZGERALD: Moved, second.
Discussion? Please call the roll.
MR. MASCIO: Mr. Burn?
MR. BURN: Yes.
PRESIDENT FITZGERALD: I'm sorry, Mr. Finnerty.
Mr. Futules had a question.
MR. FINNERTY: Yes. I want to clarify to the
members of the audience as to what the property
consideration was for.
MR. FINNERTY: Nobody asked questions. It's
going to be ---.
MR. MASCIO: It's in the bill.
MR. FUTULES: We know. They don't.
PRESIDENT FITZGERALD: What is the property
being conveyed for?
MR. FINNERTY: It's being conveyed for a park in
the Town of Aleppo.
PRESIDENT FITZGERALD: Thank you. Please call
the roll.
MR. MASCIO: Mr. Burn?

MR. BURN: Yes.
MR. MASCIO: Ms. Cleary?
MS. CLEARY: Yes.
MR. MASCIO: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. MASCIO: Mr. Drozd?
MR. DROZD: Yes.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yes.
MR. MASCIO: Mr. Gastgeber?
MR. GASTGEB: Yes.
MR. MASCIO: Ms. Green?
MS. GREEN: Aye.
MR. MASCIO: Mr. Macey?
MR. MACEY: Yes.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: Yes.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. MASCIO: Ms. Rea?
MS. REA: Yes.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Aye.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. MASCIO: Ayes 15, nos 0, the bill passes.
PRESIDENT FITZGERALD: 4483-08.

MR. MASCIO: A resolution providing for a program of temporary exemption from county real property taxes for improvements, including repairs, construction or reconstruction made on industrial, commercial or business properties in a deteriorated area in the City of McKeesport pursuant to the Local Economic Revitalization Tax Assistance Act.

PRESIDENT FITZGERALD: Chair Finnerty?

MR. FINNERTY: Thank you, Mr. President. Again, this resolution was released from committee with an affirmative recommendation. I'd like to move it.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, second.
Discussion? Please call the roll.

MR. MASCIO: Mr. Burn?
MR. BURN: Yes.
MR. MASCIO: Ms. Cleary?
MS. CLEARY: Aye.
MR. MASCIO: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. MASCIO: Mr. Drozd?
MR. DROZD: Yes.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENBOGEN: Yes.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yes.
MR. MASCIO: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. MASCIO: Ms. Green?
MS. GREEN: Aye.
MR. MASCIO: Mr. Macey?
MR. MACEY: Yes.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: Yes.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. MASCIO: Ms. Rea?
MS. REA: Yes.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Aye.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. MASCIO: Ayes 15, nos 0, the bill passes.
PRESIDENT FITZGERALD: 4484-08.

MR. MASCIO: A resolution providing for a program of temporary exemption from county real property taxes for improvements, including repairs, construction or reconstruction made on industrial, commercial or business property in deteriorated areas of the Borough of Homestead, West Homestead, Munhall and the County of Allegheny pursuant to the Local Economic Revitalization Tax Assistance Act.

PRESIDENT FITZGERALD: Chair Finnerty?

MR. FINNERTY: Thank you, Mr. President. This resolution was also released from committee with an affirmative recommendation, and I'd like to move it.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? Please call the roll.

MR. MASCIO: Mr. Burn?
MR. BURN: Yes.
MR. MASCIO: Ms. Cleary?
MS. CLEARY: Aye.
MR. MASCIO: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. MASCIO: Mr. Drozd?
MR. DROZD: Yes.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yes.
MR. MASCIO: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. MASCIO: Ms. Green?
MS. GREEN: Aye.
MR. MASCIO: Mr. Macey?
MR. MACEY: Yes.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: Yes.
MR. MASCIO: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. MASCIO: Ms. Rea?
MS. REA: Yes.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Aye.
MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. MASCIO: Ayes 15, nos 0, the bill passes.

PRESIDENT FITZGERALD: Liaison reports. Are there any liaison reports this evening? Mr. Burn?

MR. BURN: Very briefly, Mr. President. Public Safety has a meeting tomorrow with the Army Corps of Engineers just to give us an update on their project on the Gerty's Run debris removal that they've been doing in Millvale since the flooding of August 2007. My understanding is that they came in, got a significant amount of work done in the last several months, almost the last 12. But because of the inclement weather and the time of year, they had to shut it down. They're going to be coming back again in the spring. I just wanted to

share with my colleagues their progress in that regard. That was one point.

Secondly, with respect to the group homes legislation, we had a very productive meeting a few months ago here with the police chiefs. We have a very productive informal session with some of the representatives of various group homes in the county to talk about the bill, what their concerns are. The bill does still need some work. I admit that. We'll continue the dialogue into 2009. Thank you, sir.

PRESIDENT FITZGERALD: Thank you for staying on that flood. Out of sight, out of mind. But to stay on this from when this all happened is certainly important. Mr. Futules?

MR. FUTULES: I'd like to remind the people that there is an event going on here in Allegheny County that's been a tradition for years. It's about the Hartwood Acres Festival of Lights. It has been in progress now and will continue on through January. I believe the donation is \$12 and it will go to Project Bundle Up. And I would appreciate the support from people as we continue this great event that we have every year. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I'd just like to inform people that the Western Pennsylvania Operating Engineers have joined an apprenticeship and training program. It's going to be opening up. If you're looking for a job, anyone can give them a call. The number is 724-668-2244.

PRESIDENT FITZGERALD: Thank you. Moving on, new business, ordinances and resolutions, 4517-08.

MR. MASCIO: An ordinance authorizing the County to enter into a cooperation agreement with the City of Pittsburgh, School District of Pittsburgh and the Pittsburgh Water and Sewer Authority pursuant to the Pennsylvania Intergovernmental Cooperation Act for the purpose of jointly cooperating in the collection of delinquent taxes. Sponsored by the Treasurer.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. New business, motions, 4519-08.

MR. MASCIO: A motion of the Council of Allegheny County reestablishing the Budget Transfer Committee in accordance with Section 805.03 of the Administrative Code. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President, members of Council. This is a motion we make every year to establish the Budget Transfer Committee, the committee that essentially is going to balance our 2008 budget. Their work will be done in the first three months of 2009. Ms. Jennifer Liptak is Council's representative on that committee. Move for approval.

PRESIDENT FITZGERALD: So moved.

MS. REA: Second.

PRESIDENT FITZGERALD: Second. Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. 4520-08.

MR. MASCIO: Motion of the Council of Allegheny County expressing the approval of the Council of Allegheny for amending Rules and Regulations promulgated by the Allegheny County Treasurer to govern collection of Allegheny County's alcoholic beverage tax pursuant to the terms of Ordinance 54-07-OR and 28-08-OR. This is submitted by the Treasurer.

PRESIDENT FITZGERALD: I'm going to speak to this. All this is just because we changed the percentage of drink tax from ten percent to seven percent a couple of weeks ago, the bills remain the same as far as collection goes, but the number is now seven percent as opposed to ten percent. So for the Treasurer to be able to move forward, we need to just take this motion to amend the rules. So I ask for a motion for somebody to make.

MR. DEFAZIO: So moved.

PRESIDENT FITZGERALD: Moved. Second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Discussion? Mr. Drozd?

MR. DROZD: I'm going to vote no because I was opposed to it in the first place and I'm going to stay in consistency of it. I don't think we should collect it. I'm going to vote no.

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: Mr. President, would a no vote be tantamount to forcing the Treasurer to collect it at ten percent?

PRESIDENT FITZGERALD: Yes.

MR. BURN: Thank you.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: I was going to second Jim's question. That's my concern. The only thing is as long as we have this tax, it's a law and we need to be able to enable the treasurer to comply with it. So I think the idea of being against the tax is different and distinct from being for the proper enforcement of it.

MR. DROZD: Mr. President.

PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: In that case, for clarification, I want it reduced, so I will support it.

PRESIDENT FITZGERALD: I'm just going to call for a voice vote. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries unanimously. 4521-08.

MR. MASCIO: Motion of the Council of Allegheny County to continue the services of Attorney John F. Cambest to provide legal advice, representation and consultation to the County Council. Sponsored by President Fitzgerald.

PRESIDENT FITZGERALD: And I believe Mr. Cambest continues to do a good job representing this Council and the interests that we don't always have in conjunction with the Administration. And we need our own counsel and I think Mr. Cambest has done a terrific job over the years and I make a motion to retain him for one more year.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Oh, I'm sorry. I can't make the motion.

(Chorus of motions.)

MR. FINNERTY: I'd like to co-sponsor.

PRESIDENT FITZGERALD: Motion, second. Co-sponsor. Any discussion? Mr. McCullough?

MR. MCCULLOUGH: Just an observation. I know when I came to the Law Department six years ago, there was an open question as to whether Jack --- anybody could serve in the capacity that Jack does. I resolved it very simply. Those who thought Jack shouldn't be here were welcome to come over and attend these meetings, and I can tell you the Law Department usually viewed that assignment as a sentence to Alcatraz. So I'm glad Jack is here. So whether he should be here or not, I'm glad he's here, because I got home early a lot of times because of it.

PRESIDENT FITZGERALD: Let me just call for a voice vote. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries.
4538-08.

MR. MASCIO: Motion expressing the Sense of Council of Allegheny urging the General Assembly of the Commonwealth of Pennsylvania to vote against the current draft of the Public School Employees' Benefit Act, HB-1277, a bill which would establish a statewide health care system for public school employees in Pennsylvania, due to the Act's potential deleterious effects on the employees of the Commonwealth's community colleges. Sponsored by the Council Vice President Martoni.

PRESIDENT FITZGERALD: Councilman Martoni.

MR. MARTONI: Dr. Dziak spoke on this in his presentation. What it will do, it will cause Allegheny County to increase its --- the cost of its healthcare for the colleges of Allegheny County, so I would recommend that we pass this motion and send a copy of the Sense of Council to all the senators and legislators.

PRESIDENT FITZGERALD: So moved. Do I have a second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Discussion? Mr. Finnerty and Mr. Gastgeb.

MR. FINNERTY: This bill, House Bill 2277, is something that school districts have wanted for quite a while. I was president of a union. And the reason they wanted it, because they thought the --- in fact, it will drive down the cost for districts in the long run. But the way they have this constructed, this bill, in the House, it has also left out the community college. The community college belongs, and I think President of the community college spoke to this, is what they did is the school districts themselves have consortiums, and the community college is involved in a consortium right now. It saves them money with their hospitalization charges.

If this bill goes through, it's going to be for the public schools, Chartiers Valley, City of Pittsburgh, et cetera. But it's also going to take CCAC and it's going to put them on island. And their cost of hospitalization, because the House bill doesn't include them, is going to go up. And all community colleges would go up because they won't be able to participate in the consortium anymore or else perhaps try to form their own. So what they should really do in General Assembly is they

should include the community colleges that belong to consortiums.

MR. DEFAZIO: Except in Philadelphia.

MR. FINNERTY: Yeah, they did exempt Philadelphia. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb.

MR. GASTGEB: Yeah. I really appreciate Mike explaining this, because anytime we have a motion to the federal or state government, we never know the full aspects of the bill. They were referencing some bill that we don't know. I tend to agree with what Mr. Finnerty said or what Mr. Martoni is saying, but I'm not sure how imminent the vote is needed on a timely basis, but I'm sure there's a lot more to it. It's good to hear all view points. The next bill is a motion of the Elections Board. Within the County purview of government, that makes senses because we live in it. But any time we get some of these motions, these senses, it's just hard to follow unless we really know the issue real well. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty.

MR. FINNERTY: One of the things I think should be put in this motion should have been or include the community colleges of Pennsylvania in this.

MR. FUTULES: Is that a motion?

MR. FINNERTY: No, it's not a motion. I'm just saying.

PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: Yeah. In essence, what Mr. Finnerty is saying, my esteemed colleague, that this will save money for the school districts. Being a former member of a school district, I'm in support of that. And it will help the community college reduce its healthcare, and I'm 100 percent in support of that. I would like to carry it further in the future and look ahead in the future that --- our municipalities across Pennsylvania are really hurting right now. You know, they're going into extreme debt. And they ask time and time again if they can join into the county, and the county, maybe we have to look into joining in the state. We have to look at ways to reduce our costs, including self insurance, I think, in this state. We need to self-insure. That is one area that we can save money on. So I'll support this. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: I'm going to support this out of respect to our Councilman Martoni. I know he feels so strongly about this. Maybe in the future, I'm thinking of what Councilman Gastgeb said, when we get these bills out of the state or the federal government, we get those as part of a packet. So for those of us who want to peruse the bill and see what it actually says, we have that opportunity.

MR. MARTONI: I'll make sure that any bill that I'm associated with, that will happen.

MR. MCCULLOUGH: Thank you.

MR. MARTONI: I'm certainly responding on short notice, responding to what they consider to be a very urgent situation that could increase our share. So I'm simply responding to an emergency.

PRESIDENT FITZGERALD: And I guess I'll just --- a motion to go certainly works better if we're unanimous, if everyone's comfortable we can do this. I don't know the timeliness of when they're going to be voting on this. So all in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries unanimously. 4539-08.

MR. MASCIO: Motion expressing the Sense of Council of Allegheny County urging the Allegheny County Board of Elections to conduct a review of a possible issue with the number of ballots cast in Wilkinsburg Ward I, District 6, in the course of the 2008 General Election, and to make information regarding the conduct of each election available to the public. Sponsored by Council Vice President Martoni.

PRESIDENT FITZGERALD: Council Martoni.

MR. MARTONI: Well, we had a speaker --- several speakers to this body who simply wanted to protect the integrity of our voting system. I think that it's the most sacred systems we have in America. It's something that we have to believe in. And any time there's any discrepancy at all, we should make every possible effort to find out exactly the entire situation. So I'd like us --- I would hope a unanimous vote on this.

PRESIDENT FITZGERALD: Is that a motion?

MR. MARTONI: That's a motion.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Second. Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries.
4540-08.

MR. MASCIO: Motion of Council of Allegheny County authorizing the Council of Allegheny County to conduct a public hearing pursuant to Article II.G of the Rules of Allegheny County on January 15th, 2009, beginning at 5:00 p.m. in the Gold Room of the Allegheny County Courthouse. The primary purpose of the hearing is to allow the opportunity for public comment on Bill Number 4201-08, a bill which would establish a countywide nondiscrimination requirement in housing, employment and other contexts, as well as a formalized means of resolving disputes based on allegations of such discrimination. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: One of the things that I think this Council has always prided itself on is allowing and inviting and asking the public to write in on issues that are kind of big change issues in this government. We've done it on the base year plan. We've done it on the smoking ban. We've done it on transferring real estate tax, on the drink tax, on the policy question. And I think this falls into that category.

While this bill had 11 co-sponsors and was --- went through the committee process fairly easily, we had a committee meeting on it, there were no objections, everything was moving along, I beseeched Councilwoman Green, who introduced this bill and has done a tremendous amount of work in pulling together a lot of groups and getting a lot of input on this bill, that I think it makes sense to hold a public hearing, to invite the public to come here and make comments, pro or con, on this bill.

At this point, there are only two counties in the Commonwealth of Pennsylvania, Philadelphia County and Erie County, that have a Human Relations Commission. Sixty-five (65) do not. I think it will be very progressive for us to have one. And I think we need to hear from people as to what form the human relations commission or a non-discrimination policy that we have in this county should take. So I am asking for a motion to hold a public hearing in these chambers on January 15th, 2009, so that we can have a full and fair debate on this bill. Do I have a motion?

MS. GREEN: So moved.

PRESIDENT FITZGERALD: Do I have a second?

MR. FUTULES: Second.

PRESIDENT FITZGERALD: Discussion?

MR. DROZD: Discussion.

PRESIDENT FITZGERALD: Mr. Drozd then Mr.

Futules.

MR. DROZD: The way I feel about this ordinance is that --- you know, and plus I don't feel that we need to make --- state and federal laws cover and protect. I fully supportive of protecting rights of all people. I'm opposed to any discrimination whatsoever. But at the same time, some of this, what I'm hearing and what I'm seeing is it will pose some really difficult times of some of our small businesses, because they'll have to comply. Right now, in this time, as everything else in concerned, as well as there are a lot of us we hear and we've seen in e-mails, there are a lot of concerns about this. And why do we have to create more anxiety for people at this point in time?

I think that it's just --- I feel I'm going to support it because I believe that a hearing needs to be set on this and people have the right to say what their feelings are on this. And that's the only reason why I'm going to support it. But when I vote for this, I'm not voting to say I'm in support of such an ordinance. I'm in support of people that have their feelings and want their voice heard, and I've always believed that in Allegheny County. Whichever way they may be going on this, I think they have a right to be heard. But again, I'm not voting that I'm saying I'm supporting this ordinance. I'm voting for the right for people to speak their voice.

PRESIDENT FITZGERALD: Yeah. Mr. Drozd, you make a good point. I don't want anybody to be confused that if somebody votes for the motion to have a hearing, he's voting in favor of the bill. You're absolutely right. They're just voting --- we're voting to have as open and transparent a government as we all, I think, want to have. So, yes, anyone that is voting for is just voting to have a hearing to allow the people to speak. Mr. Futules.

MR. FUTULES: I'm a co-sponsor on this bill. And I'm going to remain on as a co-sponsor, because on January 15th I certainly will make a big attempt to be here at five o'clock to listen to people, because even myself, I may be even somewhat confused as to what this bill really goes to, because it seems like it's getting

bigger and more issues than what I thought it was. People say people have human rights, but we've gone too far. I ask myself that question, what's too far? I don't know that answer.

So I'm going to wait until January 15th and listen to people as I get more educated on this myself, because discrimination comes with many different ways, not just sexual orientation. It could be, you name it. Just because you're in a wheelchair, you can't hear or maybe just because of where you live. Discrimination is such a broad area that I definitely need to listen to more before I make any decisions also. Thank you.

PRESIDENT FITZGERALD: I'm sorry, Mr. Gastgeb. And then Ms. Green, I'm sorry. Mr. Gastgeb, Ms. Green then Mr. McCullough.

MR. GASTGEB: Thank you, President Fitzgerald. I think that's an important to note that this is from the hearing and not for the bill whatsoever, to allow for the public to comment. However, I think in order to have that transparent and open dialogue that you spoke of, Mr. President, we should have some due diligence done by this Council. I think for the public hearing, because the question is bound to come up, we need to have a letter of legal opinions from the County Solicitor, I'd like to make that request as presiding officer, that the County opine as to as to the legal nature of this, and there are a lot of administrations on record, either through the Solicitor or sending the Solicitor on his own to come. Secondly, we need a fiscal note, because the question is going to come up, how much is this going to cost. I think the public hearing works both ways. If we get asked the relevant and I think, really, questions that make sense, we should be able to answer them. As the presiding officer, I'd ask you consider that so we have it for January 15th.

PRESIDENT FITZGERALD: I will definitely consider that among all the questions on this that I've gotten. Ms. Green and then Mr. McCullough.

MS. GREEN: Thank you, Mr. President. For those who live in the City of Pittsburgh, there's already an ordinance in place to protect GBLT, the gay, lesbian, bisexual, transsexual community from discrimination. So this ordinance really wouldn't have any --- wouldn't really impact residents within the City of Pittsburgh. My district is entirely within the City of Pittsburgh, which has had this ordinance for the past 15 years. So on

Council, I'm only representing the interests of my constituents and saying that Council District 13 is in favor of this type of ordinance. And I think it's also very fitting that on January 15th we will be having this hearing. That is the birthday of Martin Luther King. Thank you.

PRESIDENT FITZGERALD: Thank you. Mr. McCullough.

MR. MCCULLOUGH: Yes. I think when you schedule a public hearing, I don't want to make a commitment to attend. And number two, I think the public hearing is a step later in the process when you have some of the questions answered that Councilman Gastgeb was talking about. I'm not going to be attending the hearing, because I think really, the idea of creating another bureaucracy in Allegheny County, especially in these times, when we go back and forth with all the budgetary concerns that we have, it's not the right time to do it. So I'm not going to be supporting this because clearly we can see it's beyond our means right now. I'm not going to be attending the public hearing. And I'm not going to vote for it for that reason.

PRESIDENT FITZGERALD: Thank you. Please call the --- I'm going to do a voice vote on the motion. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed?

MR. MCCULLOUGH: Opposed.

PRESIDENT FITZGERALD: Please note the Mr. McCullough is opposed. I'm going to ask Councilman DeFazio, I believe he has a motion, do you want to put it in front of everybody?

MR. DEFAZIO: Let me ask you a question. Why don't I just put this on the agenda?

PRESIDENT FITZGERALD: Do you want to wait for a couple of weeks?

MR. DEFAZIO: Okay. Jim, do you want to put this on the agenda for the next meeting?

MR. FLYNN: Absolutely.

MR. DEFAZIO: I'm thinking about early voting --- you know.

PRESIDENT FITZGERALD: Notification of contracts, 4541-08.

MR. MASCIO: Communication from County Manager Jim Flynn submitting a summary of Executive Actions

relating to contracts for the months of October and November 2008.

PRESIDENT FITZGERALD: Do I have a motion to receive the file?

MR. FINNERTY: I make that motion.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, seconded. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. Received in file. Public comment on general items.

MR. GASTGEB: Mr. Fitzgerald.

PRESIDENT FITZGERALD: Yes.

MR. GASTGEB: Just noticed in my request, I was asking for you to consider a legal opinion and a fiscal note at the public hearing, but to me, we need to have it. I mean, it really belittles a public hearing not to have it conveyed. So I don't know if you took it as, I'll look at it first, if it's going to be a concrete certainty. If not, then I'll have to ask on my own to see if we can get it done, because I just think it's coldhearted to go into that public hearing without some type of concrete evidence on legal and fiscal matters.

PRESIDENT FITZGERALD: Duly noted. General comments. We have six speakers this evening. Larry Walker. I'm sorry. John?

MR. DEFAZIO: Just on Vince's request, I think if you can get it, to get it before the 15th, if there's a way to get it before the 15th, because the day of the 15th is the hearing.

PRESIDENT FITZGERALD: Right. And we'll try to do that.

MS. GREEN: If I could make one more comment?

PRESIDENT FITZGERALD: Yes. Ms. Green.

MS. GREEN: And we don't get to the money until we get to the point that we want to pass this ordinance, so I think it would behoove us to have a public hearing to get a sense of where people are and where the Council members are and then we can talk about that.

PRESIDENT FITZGERALD: Yeah. We can. And obviously, we can do that in part of the committee process. And you know, more committee work needs to be done dealing with the costs. Could costs be recouped? And we had this discussion actually in the last committee meeting in which we had some of the state people there and

we learned that there was state money available for this. We don't have all the details, and I think those details need to be fleshed out in the committee process, which is what the committee process is for. Mr. Gastgeb, you wanted to ---? Mr. Walker, go ahead. If you'd state your name and address for the record, please.

MR. WALKER: Thank you, Mr. President. My name is Larry Walker. I live at 257 Shafer Road in Moon Township. And I appreciate the opportunity to speak tonight to Council concerning the coming proposal, concerning the ordinance 4201-08. I'm here to speak against that ordinance, first of all, to oppose the wording gender identity and sexual orientation.

Just to enlighten you, the American Psychological Association recognizes 30 different sexual orientations. One such is bisexuality, exhibitionism, incest, necrophilia, prostitution, bestiality. Susan Wright, founder of the National Coalition For Sexual Freedom, has made the claim that in the future, her organization will work for getting such things as bondage, discipline, masochism involved in the sexual orientation, which would further the rights people of that nature. And it is illogical and problematic to have on the same ordinance freedom of religion as well as gender identity and sexual orientation.

I'll save the big part of my comments for public hearing on January 15th. The legislation certainly is not progressive. It is regressive. Cultures of yesteryear have understood the abnormality of misguided gender identity and sexual orientation. One only has to look at the fall of the Roman Empire to understand that two main components were involved in that, that of feudalism and immorality. Thank you for the opportunity to address this Council.

PRESIDENT FITZGERALD: Thank you, Mr. Walker. William Depner. Mr. Depner, would you state your name and address for the record, please?

MR. DEPNER: Thank you, sir. My name is William Depner. I'm from 2604 Oak Street, McKeesport, PA. And I also represent the Pennsylvania Pro-Life and Conservative Coalition, a network of 600 citizens and activists across the Commonwealth that are interested in this ordinance. I'm here to oppose 4201-08, the so-called non-discrimination ordinance on the basis of sexual orientation and gender identity as protected classes for

employment. The detail here is that non-discrimination with these classes always runs up against the First Amendment, in this case, freedom of religion and freedom of conscience, one of the constitutional institutions that our country is founded on, which has made us a great nation.

Now, in a more general sense, anything which advances to help the sexual agenda today serves to undermine and marginalize the traditional family, nuclear family centered on a man and one woman raising children. And one might ask today, well, so what? Why be concerned about this? Well, criminal homicide is almost a daily occurrence in the news now. And I'm going to use the African American community as an example. They're certainly not the only one. But it's I believe it's disproportionately occurring there. And it's usually blamed on poverty. However, 60 years ago in 1950, the African American community was already in poverty, but they did not have --- we did not have this gratuitous violence that's going on today. The reason is the --- I'm running out of time here --- the decline and marginalization and destruction of the nuclear family, a marriage between one man and woman, to socialize children, to socialize the next generation.

Those families in that community 60 years ago, they went to church on Sunday, young and old alike, in a nuclear family, raised by a father and a mother. Society was committed to this. And we did not have this gratuitous violence. So you know, how thick are we in our heads that we need to do --- go back and do what's right? Our country is going into a crisis and the financial crisis is a big part of this. And if you pass this ordinance, you're going to become the troopers of the sinking ship because you are in the leadership position. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Depner. Mr. DeFazio?

MR. DEFAZIO: Sir, I want to ask you --- I just wanted to ask you a question. If someone is gay and they're going to get a job, should they be discriminated against?

MR. DEPNER: Religious liberty would allow churches, religious organizations and even schools to not hire people whose character they don't approve of.

MR. DEFAZIO: Just so I know where you're coming from, so if a person is gay or whatever and they're applying for a job, you don't think ---?

MR. DEPNER: Not every job, no. The jobs that are sensitive --- religious liberty has protections that has to fit the doctrine of the religious organization of the church. That's what our first amendment is about. Schools should be concerned about the character of teachers because they're going to be socializing the next generation. But other jobs, no, I have no --- I have friends, a childhood friend who is a homosexual, always has been. And he's an intelligent person, college graduate who's working as an engineer or something like that, and I have no objection to that. It cannot be --- it should not be a protected class.

PRESIDENT FITZGERALD: Okay. Mr. Depner, we'll have the public hearing in a few weeks and we'll look forward for your further testimony. David Cranston.

MR. CRANSTON: Thank you, Mr. President and Council. I'm here to address the same issue, 4201. And my name is David Cranston, 601 Redgate Road, Sewickley. And I'm opposed to the change of the ordinance or in putting the ordinance into position. And the reason why, I have four reasons. One, I'm opposed to it because it forces landlords or employers who seek to live their lives according to Biblical principles, principles that across the board have proven for generations to make good citizens, good families and good communities and good nations, and forces that landlord or employer, which I am one, I am a small business employer, to accept behavior on behalf of their renters or employees that violates their personal Biblical-based convictions or risk legal actions against themselves.

Number two, I'm opposed to it because it opens to the County increased liability and the possibility of expensive legislation, which I think was mentioned as a possibility, what the financial cost is to the County. I'm opposed to this ordinance because it's just another small step in the ongoing national agenda being forced upon us by homosexuals, not just to legitimize the behavior, but to legalize their marriages. And we can see this in California where the Proposition 8 was passed, but then they went into the streets to try and force their ideas on the majority's will. Every step taken to accommodate homosexuals is a step towards the day when

they're granted a license to marry in the local courthouse. Even if we were to pass this ordinance, be assured that it will not be enough to satisfy the homosexuals for very long. Again, looking at Proposition 8 and what's happened there.

Number four, I'm opposed to it first and foremost because the choice being involved in homosexual behavior is a choice that violates the very plain commands of the Bible. In the eyes of God, homosexual behavior according to them is --- according to the Bible is an abomination. I don't believe that God uses that description lightly. And also, I don't believe that choosing to adopt an ordinance that gives special protections, special rights to those who engage in behavior of God that he condemns, is good for the general welfare of the County.

Number five, I'm opposed to this ordinance because in fact, it actually does not give homosexuals rights, but it takes away the rights from the rest of us of whom we want to associate with. It isn't giving them a right. They can associate whoever they want to. But they're going to force me to associate with them whether I want to or not. And I agree with the other gentleman as far as do I agree with them not having positions as far in businesses. I don't oppose that if that's the preference of the owner of the business, but not being forced upon them.

I would encourage this Council that if you truly want God's blessing in this community, then you would do well to maintain a healthy fear of protecting and thereby legitimizing the behavior the God commands. I therefore oppose and further state I reject homosexual rights. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Mr. Cranston. Patricia Weaver. Ms. Weaver, if you'd state your name and address for the record, please.

MS. WEAVER: My name is Patricia, initial A, Weaver. I live at 111 Riding Trail Lane, Pittsburgh, 15215. I respectfully ask that you reject the proposed ordinance 4201-08, Article V, in its entirety. It's a Trojan Horse, eloquently packaged with the name Human Relations Commission and arriving quietly in the middle of the Christmas season to extract rights of Christians. It establishes new protective classes of people based on gender identity, sexual orientation and marital status.

It essentially gives people in the proposed protected classes special greater rights than ordinary citizens. It removes the right of those espousing Judeo-Christian values to morally object to behaviors and lifestyles that both New and Old Testament scriptures clearly define as unacceptable behavior. It will lead to increased taxes and expenses. It will erect new hurdles for the dwindling number of businesses in our County and add more reasons not to relocate existing companies to our region. For companies, more regulations translate to more hassles, more lawsuits.

Article V makes sweeping changes. It's 19 pages, single spaced, small type, establishing new authorities to govern with more power given to the magistrates. This is no small, simple bill. These laws set precedents. This bill is the first step down the slippery path to legalizing same-sex marriages, placing the rights of homosexuals above the constitutionally-protected rights that our forefathers fought hard to establish, which are our religious liberties and our freedoms. And while the City of Pittsburgh may have already adopted this type ordinance, it's like a cancer. If it's bad, stop it while it's small.

I was asked to present something by the Pennsylvania Family Institute and will present in the future, the next hearing, but essentially, I represent 50,000 people statewide and 4,200 people in Allegheny County and they do want you to reject the proposed ordinance and give an eloquent legal opinion on why it is absolutely bad policy. Because like others have mentioned before, really, there are no laws to deny rights and privileges to people based on sexual orientation. And what it does is it takes rights away from Christians in order to give rights to homosexuals that don't --- that are beyond what's given to ordinarily people. And the bottom line is the proposed ordinance is bad policy. It's going to impose a new policy on what is considered socially acceptable. And those who have moral objections to homosexual behavior could be treated as functional equivalents to racial bigots. And I ask you to reject that ordinance in its entirety.

PRESIDENT FITZGERALD: Thank you, Ms. Weaver. Alan Wakefield. Mr. Wakefield, if you will state your current address for the record, and the last speaker will be Diane Gramley.

MR. WAKEFIELD: My name is Alan Wakefield.

PRESIDENT FITZGERALD: Wait until you get to the podium.

MR. WAKEFIELD: Okay. My name is Alan Wakefield, 1215 Scott Street, McKeesport. Thank you, ladies and gentlemen, for allowing me to speak. The formation of the commission is --- let me revise what I have written here. Is the notice that came up on the 10th masking the true intent of the homosexual community to muzzle our free speech and deny our right of association? As one of the research articles presented by Dr. Gagnon --- and I'm not going to --- I'll e-mail it to all of you so you will have it. He's a professor at the Pittsburgh Theological Seminary.

If you read that article where it talks about the worldwide assaults on our right by people who are speaking based on their Christian beliefs, they've been arrested and fined in Canada and in Europe and in other parts of the world. One of the research articles presented by Dr. Gagnon, other conclusions may be wrong except this. Christianity is squarely in the crosshairs of the homosexual community. The worldwide impact against Christianity as a preemptive strike against the one group that loves the homosexual enough to tell them the truth, the Christian church. I can't hate them. I'd be a blasphemer. If you claim to be a Christian, you can't hate anybody. So I can't hate them. It commands us to love our enemies. And when they treat me that way, they treat me as an enemy. And I don't see them in that way, either. They certainly are a danger to our society.

All people should be aware if you want to live to be 100 years old, that is not even a blink of an eye compared to eternity. Every person should also be aware that each must live forever. The only question is where. What a terrible price to pay for ignoring the law of God, to term separation from the father of light from the father of life. During a recent Easter season, I saw the following message on the exterior bulletin board of a church in North Huntingdon, Pennsylvania. Quote, life has many choices, but only two destinations, unquote. Make no mistake, what is happening in Allegheny County, right here, is a small skirmish in a world war to determine which lifestyle will prevail, that of a homosexual whose lifestyle has destroyed every society and their governments or those that honor and respect the law of God

whereby every society that has honored that law has been tremendously blessed and brought those blessings to the world.

The freedom was won by our Christian founding fathers included to grant freedom to all, including freedom to homosexuals, to speak out in favor of their chosen lifestyle. Now they are advancing on a worldwide front to deny Christians the very rights that permitted homosexuals to advance their own anti-Biblical, anti-Christian agendas. That agenda has a familiar ring to it. A trial was conducted to give the evolutionists the right to present the theory, quote, unquote, of evolution in our schools, alongside the teaching of Biblical creationism. Today evolution theory is taught as fact, and creationism is out the door. Those who do not learn from history are doomed to repeat it. Thank you very much.

PRESIDENT FITZGERALD: Thank you Mr. Wakefield. Is Diane Gramley here? Ms. Gramley, I note that you're from Franklin, PA, which is Venango County. We normally have a rule that you have to be an Allegheny County resident in order --- but since you came a long way, without objection, I'm going to allow you to speak. Any Council members have objection? Ms. Gramley, please come up to speak.

MS. GRAMLEY: Thank you for the opportunity. It was an hour and a half, two hours. But I'm speaking as a representative of the American Family Association of Pennsylvania. Which is a statewide pro-family organization affiliated with the American Family Association headquartered in Tupelo, Mississippi. I originally had concerns over the proposed ordinance 4201, which would amend the Allegheny County Code of Ordinances Division II, entitled county Government Operations, and create a new Article V, entitled Human Relations Commission. This ordinance would create a human rights ordinance which gives employment, housing and real estate practices a public accommodation.

Our concern is the definition of discrimination, which contains gender identity and sexual orientation. I do not believe you realize the full ramifications of such an ordinance. Let me give you a few examples. Inclusion of sexual orientation would negatively impact the Boy Scout Troops. You were talking about parks. This would prohibit the Boy Scouts --- could prohibit the Boy Scouts from using County parks. In

Philadelphia, the Cradle of Liberty Scout Council is facing eviction from the headquarters they built and have maintained since 1929 on a property the 1928 City Council gave them free use in gratuity. That's forever. Why are they facing this eviction? Because the Boy Scouts prohibit open homosexuals from being scout leaders as members --- prohibit scout leaders or members, a right the United States Supreme Court has upheld because the scouts are a private organization. In the '80s, Philadelphia added sexual orientation to the ordinances. It was almost two decades before they began making an attempt to evict the Boy Scouts based on the ordinance change.

Changes you propose will probably not have a negative impact on the Boy Scouts at this time. All that will happen two decades down the road. In a February 4th, 2004 creates Scranton Times news article, Steven Blackman, chairman of the Pennsylvania Human Relations Commission, whom I understand was here last month addressing a committee meeting on this --- we, with our assertion that the passage of human rights ordinances with the sexual orientation language would affect the scouts' ability to use government buildings, parks and facilities. Do the people of Allegheny County want Boy Scout Troop 527 and the troops throughout the County targeted because of the passage of this ordinance?

The gender identity component of this ordinance, where these laws have been passed, men that state they're women are allowed to use the women's restrooms, fitting rooms. And in Ohio, there's a man who thinks he's a woman who was demanding to use the women's locker room in the city pool to change clothes. Needless to say, the women who frequent the pool are upset by the idea of a man changing clothes and showering with them. Is this a situation that County Council wants for their residents? How do female voters in the county feel about the presence of a man in their restrooms, shower facilities and fitting rooms? We strongly urge you to consider the full ramifications of this ordinance, which is designed not to protect the civil rights of those with unchangeable characteristics. but is designed to give special rights to a small percentage of people because of the behavior in which they choose to engage. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Gramley. Before we adjourn --- this is our last meeting of the year and I'm going to take a couple of minutes of presidential

privilege to just, you know, thank everybody for their support throughout the year and just kind of do a recap a little bit. And I think this Council has a lot to be proud of. The people that read the articles in Newsweek and Time that have appeared in the last month, I think Mr. Martoni referenced one of them a few weeks ago, that this county in the Southwest region of Pennsylvania is an oasis of what's going on in this country. We have one of the top job growths in the country, which is evidenced by the fact that U.S. Steel and Allegheny Ludlum have both chosen to invest over a billion dollars in this region. In fact, U.S. Steel has put on hold their other four projects and the only one they're moving forward with is the \$1.2,000,000,000 investment in the Clairton Coke Works. Again, the top 40 --- or of the 40 regions of similar size, we're in the top ten in job growth. And that's not something that we've been able to do 10, 20 years ago. We started to turn things around.

Eight years in a row, the millage rate is going to be 4.69. No other county and no other government in this region can pose such a record. We've worked very difficult to try to find other revenues, and I think it's incumbent upon us to continue to do so to help our property owners and encourage investment in this region. We've seen that rewarded by the bond rating agencies that both upgraded us this year, which was tremendous. We've seen some growth with some of our financial institutions. PNC Bank is taking over or will be taking over National City, and it was just about ten years ago that we lost Integra Bank to National City to the Cleveland area. So I think because of some of the side practices of our major corporations, PNC was chosen. We're going to see job growth again in this region due to that takeover.

We've seen Mellon continue to grow with their job service center even though they were taken over by Bank of New York Mellon, a bank in New York, because this is a great place to do business, and it chose to increase their job center here. We've seen Medrad, Bayer, Lanxess, Flebay (phonetic), Eaton, a number of small companies that chose to locate here and grow here. I've seen tonight the legacy cost for the first time being dealt with by the Port Authority.

And I guess the last thing I want to say is there are more people working in Allegheny County than ever in our history. And I think when you look at the

headlines that are going on across this country that are, I think, scaring all of us and all of the people that we represent, I think it shows the good, sound policies that can allow for good employment. And I guess the last thing I'll say is they also note the Allegheny Conference and Chamber of Commerce has 30,000 jobs go unfilled in this county because we try to match up skill sets that we're working to provide both at the community college and at other levels. So we have a lot of great institutions that we work with, we want to be part of, we want to partner with. And I just think that this Council has a lot to be proud of, working with the administration, working with our authorities and sometimes with proper tension, if you will, and oversight, that --- not everybody likes oversight, but it can certainly be productive. And I just wanted to end on that. Do I have a motion to adjourn? I'm sorry. Mr. Martoni.

MR. MARTONI: I just want to comment on our speakers this evening. They're the most patient people.

PRESIDENT FITZGERALD: Yes, thank you. We'd love to see you on the 15th as well. Thank you. Meeting adjourned.

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MEETING ADJOURNED AT 9:30 P.M.

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