

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
John P. DeFazio	-	Council-At-Large
Chuck 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
Nick Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
Jim Ellenbogen	-	District 12
Amanda Green	-	District 13

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

Tuesday, January 6, 2009 - 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

PRESIDENT FITZGERALD: We're going to call the meeting to order. Thank you for being here, and welcome to the Tuesday, January 6, 2009 meeting of Allegheny County Council. If everybody would please rise for the Pledge of Allegiance and remain standing for a moment of silent reflection.

(Pledge of Allegiance.)

(Moment of silent 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?

MR. DROZD: Present online and I'll be there in five minutes.

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: Yeah, I'm here.

MR. MASCIO: Mr. Finnerty?

MR. FINNERTY: I'm here.

MR. MASCIO: Mr. Futules?

MR. FUTULES: I'm here, too.

MR. MASCIO: Mr. Gastgeb?

(No response.)

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, one of them by phone.

PRESIDENT FITZGERALD: Proclamations/ certificates. 4550-09.

MR. MASCIO: All the proclamations and certificates will be entered into the record.

4550-09. Certificate of Recognition congratulating Joseph and Goldie Szarka on the occasion of their 50th wedding anniversary. Sponsored by Council Member Macey.

4551-09. Certificate of Recognition congratulating John and Barbara Hart on the occasion of their 55th wedding anniversary. Sponsored by Councilman Macey.

4552-09. Certificate of Achievement recognizing BSA Troop 368 Scout Daniel Cesimalis for earning the rank of Eagle Scout. Sponsored by Councilman Drozd.

4553-09. Certificate of Achievement congratulating Penn Hills Midget Football Teams, the Bantams, Braves and Indians for winning the Keystone Bantam League Championship and for the Bantams' win in the Battle in Rocky Top in Knoxville, Tennessee. Sponsored by Councilman Futules.

4555-09. Proclamation recognizing Ronald G. Backer upon the occasion of his 30th anniversary with the Rothman Gordon Law Firm. Sponsored by Council President Fitzgerald.

4557-09. Certificate of Recognition congratulating David and Jessica Satler upon the arrival of Michael Elias Satler, the first baby born in Pittsburgh in 2009. Sponsored by Council Member Cleary.

PRESIDENT FITZGERALD: Public comment on agenda items.

MR. MASCIO: We have none.

PRESIDENT FITZGERALD: Approval of minutes.
4556-09.

MR. MASCIO: Motion to approve the minutes of the regular meeting of Allegheny County Council held on December 2nd, 2008.

MR. MARTONI: So moved.

MR. MACEY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Unfinished business. Committee on Appointment Review, second reading. 4440-08.

MR. MASCIO: Approving the reappointment of Jerry Y. Speer 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: Yes. Everyone at the meeting was in agreement with the reappointment of Mr. Speer. So I'd make a motion that we go on with his reappointment.

PRESIDENT FITZGERALD: So moved.

MS. CLEARY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Liaison reports. New business. Ordinances and Resolutions. 4549-09.

MR. MASCIO: An Ordinance authorizing the County of Allegheny ---.

MS. CLEARY: Liaison report?

PRESIDENT FITZGERALD: Oh, I'm sorry. Liaison --- I skipped right over it. Liaison reports. Ms. Cleary.

MS. CLEARY: Thank you.

PRESIDENT FITZGERALD: I'm sorry.

MS. CLEARY: I just wanted to make an announcement that there has been some publicity in the paper and through my committee, tomorrow at four o'clock I'm going to have Dr. Dixon in from the Health Board. We're going to discuss the restaurant inspection issue and the jail issue. And then on Thursday at four o'clock, I'm going to have another Committee meeting so we can discuss the Kane issue and what's going on there. So anybody who is interested can definitely come to that. And any Council member that can't come that has any questions, you can either get me the questions through the staff or e-mail me or whatever, and I will be glad to get anybody's questions answered that can't make it to the meeting. Thank you.

PRESIDENT FITZGERALD: Thank you. Any other Liaison reports? Moving on. New business. Ordinances and resolutions. 4549-09.

MR. MASCIO: An Ordinance authorizing the County of Allegheny to accept certain real estate/rights-of-way from Tech 21 Partners, LLC, in connection with a Local-Public Agency Right of Way Acquisition Agreement for the widening of Warrendale-Bayne Road-Route 19 and Brush Creek Road-Thorn Hill Road, in Marshall Township, Allegheny

County, Pennsylvania, and said Agreement. This is sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. 4554-09.

MR. MASCIO: An Ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 5, entitled Health and Sanitation, through the creation of a new Chapter 575 entitled, Restaurant Inspection Reporting, in order to provide a means of keeping the County's residents apprised of the results of Health Department inspections of restaurants located within Allegheny County. Sponsored by Council President Fitzgerald and Council members DeFazio and Cleary.

PRESIDENT FITZGERALD: Refer to Committee on Health and Human Services. 4560-09.

MR. MASCIO: An Ordinance amending and supplementing the Allegheny County Code of Ordinances, Chapter 220, entitled Campaign Finance Reports and Statements, through the creation of a new Section 220-10 governing reporting of certain campaign contributions and gifts to the Chief Executive or members of Council. Sponsored by Council Members McCullough and Rea.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. 4561-09.

MR. MASCIO: An Ordinance of the County of Allegheny authorizing the disposition of a county-owned vehicle to the West Mifflin Area School District for use in its Junior ROTC Program. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Refer to Committee on Public Works. New business, motions. 4545-09.

MR. MASCIO: Motion of the Council of Allegheny County pulling Bill Number 4182-08, providing that the Redevelopment Authority of Allegheny County remit \$6.6 million in revenue received from the Pennsylvania Gaming, Economic Development and Tourism Fund in 2008, and all future receipts from the Pennsylvania Gaming, Economic Development and Tourism Fund, to the County of Allegheny, from committee for an immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough.

MR. MCCULLOUGH: Thank you, President Fitzgerald. This is a matter that came up over the summer. And again, it is an arrangement whereby the \$6.6 million for the next 12 years, for a total of \$80

million, is being committed through a private corporation for disposition. I think all of us should be concerned by what is clearly them going around the powers of Allegheny --- of this Council. And I would point out to you that under statute, this is another aspect of gaming monies, this money is supposed to be put into an accounting fund, not a fund overseen by a private corporation, and can be used for infrastructure, including operation and maintenance. Now, we've heard a lot of discussion in the last week or so about the need for the County to have monies for roads and bridges. Well, here's \$6.6 million a year for the next 12 years, if this Council is inclined to go along with this motion and pull this out of Committee and then vote to change this. Thank you.

PRESIDENT FITZGERALD: Okay. Moving on. 4547-09.

MR. MASCIO: Motion of the Council of Allegheny County pulling Bill Number 4339-08, clarifying the County's relation to the authorities designated as County Authorities within the Administrative Code, from committee for an immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough.

MR. MCCULLOUGH: Just a point of order. I thought the vote was to ---.

PRESIDENT FITZGERALD: Nobody seconded your motion.

MR. MCCULLOUGH: Did you get a chance to call for it?

PRESIDENT FITZGERALD: You made a motion. Nobody seconded it. I waited. I waited. I waited. There was no second.

MR. MCCULLOUGH: I don't think any of us understood it that way, Rich. I didn't get a chance to say, I move.

MR. DROZD: I'll second that, Mr. President.

MR. MCCULLOUGH: If you want to quick pitch me, I guess that's your prerogative, but I didn't hear it that way.

PRESIDENT FITZGERALD: You made a motion?

MR. MCCULLOUGH: I did not get a chance to make a motion on the previous ---.

MR. DEFAZIO: Point of order.

PRESIDENT FITZGERALD: I didn't hear any ---.

MR. DEFAZIO: Yes. Not to go against you, Chuck, but if you want to go by the rules, you can check with the parliamentarian. We read that no one made a motion and no one seconded it. We're on the next bill. Well, technically --- you know.

MR. MCCULLOUGH: John, to be honest with you, that felt like I got quick pitched. I mean, if that's the way you guys want to be ---.

MR. DEFAZIO: No. No one wants to quick pitch you. Ask the parliamentarian. I mean, you of all people should know. It doesn't matter either way.

MR. MCCULLOUGH: Did I get a chance to say, I move? I never said --- got to chance to say, I move.

MR. DEFAZIO: Again ---.

PRESIDENT FITZGERALD: You had a chance. I didn't move very quickly.

MR. MCCULLOUGH: I mean, if that's where you want to go with this, we'll do it at the next meeting.

MR. DEFAZIO: No. The way we want to go is by the rules. If you want to ask the parliamentarian ---.

PRESIDENT FITZGERALD: Do you want to make a motion to bring this bill out of committee?

MR. MCCULLOUGH: Yes, I do.

PRESIDENT FITZGERALD: So moved. Is there a second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Okay. All right.

MR. MCCULLOUGH: Thank you.

PRESIDENT FITZGERALD: Any discussion? Please call the roll.

MR. MASCIO: On Council Member McCullough's motion, Bill Number 4545-09, Mr. Burn?

MR. BURN: No.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: No.

MR. MASCIO: Mr. DeFazio?

MR. DEFAZIO: No.

MR. MASCIO: Mr. Drozd?

MR. DROZD: Yea.

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: No.
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: No.
MR. MASCIO: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. MASCIO: Ayes 4, noes 11. The motion fails.
PRESIDENT FITZGERALD: 4547-09.

MR. MASCIO: Motion of the Council of Allegheny County pulling Bill Number 4339-08, clarifying the County's relation to the authorities designated as County Authorities within the Administrative Code, from committee for an immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough.

MR. MCCULLOUGH: Thank you, President Fitzgerald. And again, thank you for the indulgence on the prior motion. I think this --- I'm sorry. Excuse me. If those among us who feel that the extra level of oversight that the Chief Executive and this Council imposes on the Port Authority are the best --- a good idea, then I would hope that you support this motion to bring this out of Committee and vote for this bill, because this formalizes it. It makes it a practice, not something that's going to happen from time to time.

I think we've seen repeated instances, not just over the past year, but since the advent of this new form of government, the need for strong and strict oversight over these quasi-governmental entities which are the municipal authorities. I was prepared to bring with me tonight as an example, some of the abuses of authorities, the fees that the Airport Authority has been paying to its solicitor and to the law firm of its chairman since 2000. I opted not to do that because I invite you to do that yourselves, if you're interested, because you will be

shocked at the level of expenditure that's going out the door that none of us have had any knowledge about. I think that's an example of the kind of oversight that we need. And with that being said, I would move to bring this bill out of Committee.

PRESIDENT FITZGERALD: So moved.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Second. Discussion? Mr. Ellenbogen.

MR. ELLENBOGEN: Yes. I mean, I'm one Council person that is uncomfortable with a lot of the things I've seen with the authorities, but to take this immediately out of Committee without really going over it and that, I'm not sure that it's been totally studied. Just how would we do this? I mean, if we do it, I'd rather --- I'd like to get it done and get it done right, not just, you know, knee jerk.

PRESIDENT FITZGERALD: Mr. Ellenbogen, as the chairman of this Committee, I guess I need --- so people will understand, we've actually had two Committee meetings on this bill. And in both instances, the sponsor, Mr. McCullough, wasn't present. We discussed the bill the second time. We had the manager and legislative experts in there, and it was the opinion of the Committee members --- nobody was ready to bring it out or thought it was a good idea to bring it out. So it's not that this bill has not been discussed and not been worked on. It has. We've had two meetings on it. Mr. Drozd?

MR. DROZD: I just want to comment on the gaming money, and I'd like to --- for us to start concentrating on when we're going to get this gaming money back to what was promised to the people of Allegheny County in the form of a tax rebate and tax ---.

PRESIDENT FITZGERALD: Wait. We're going to discuss this bill. We need to discuss it, the Authorities bill.

MR. DROZD: I understand.

PRESIDENT FITZGERALD: Anyone else on this bill? Okay. Please call the roll. I'm sorry. Mr. Gastgeb.

MR. GASTGEB: Yes. I think what Council Member Ellenbogen's bringing forth is a good point. I would simply reference, when we had Mr. Bland in here and the Port Authority, I guess you could say through good representation, it was a great exchange. It was probably the most transparent and one of the more welcome things I

think we've done and maybe gave the greatest launch to the Port Authority and what they did with regard to the contract, which at the time, I think, they did get into and expressed to us, but also their budget. So without Mr. Robinson's committee allowing for the \$3 million out of the \$27 million to be a part of this Council and a part of our duties, I don't think that would have ever happened. So I think there's some logic to the concept of allowing or having some sort of an affiliation, if you will, with our Council. I'm not sure what that is, either. So my zeal is probably a lot like Mr. Ellenbogen.

The other thing I would say, I don't think anyone's denying that you, Mr. Fitzgerald, has had Committee meetings. I think it's pretty well documented we had two. The bill was introduced on September 23rd. It's almost --- well, not quite four months. So we're having a meeting almost every 60 days.

PRESIDENT FITZGERALD: No, no, no. We had more meetings than that, Mr. Gastgeb. There were other items on the agenda, but this particular bill was brought up twice during those --- I don't know how many meetings we had since September. I'm going to say four, five. But twice this bill was on the agenda.

MR. GASTGEB: And that's what I mean. The two times that it was, I think the zeal to try to find something to further our rule is important. So hopefully, moving forward, that schedule can be accommodated and we can, you know ---. Weekly meetings until we get this back on the floor might be appropriate. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: Thank you. I'm certainly appreciative of the two opportunities the Government Reform Committee had to consider this. And that's why I think it's ripe for all of us to consider. You know, the fact that I was there or not there, I think, is neither here nor there. You obviously had a chance to think about it among yourselves. But let me say this. It has been four months. This is very important. I think it's an expression of how this County Council views itself, especially like all the things we've seen in the national stage, statewide and also under these very difficult times. I don't think anybody here could look anybody in the eye and say some of our major authorities have, whether they've got excuses or not, delivered as we had hoped they would.

I'm only one person, but you have a chance to establish County Council's oversight over this. If you believe in strong oversight over these authorities, there's no reason to wait for this. If you disagree and feel the Council should continue to play a passive role and acquiesce to what we're seeing going down with these authorities, then completely reject it, obviously. But I think the former, not the latter.

PRESIDENT FITZGERALD: Councilwoman Rea.

MS. REA: Thank you, Mr. President. I think the fact that it's the County Controller who is asked to do the audits, I don't see why anyone should be concerned about that.

PRESIDENT FITZGERALD: That's the next bill. I'm sorry.

MS. REA: Oh, I'm sorry.

PRESIDENT FITZGERALD: Yes. We're getting ahead of ourselves. Mr. Burn?

MR. BURN: I just wanted to clarify some of the points that Chuck said towards the end of his comments. He sort of set it up as you're either with me or against me on authorities by the way he threw that down. And Chuck, there have been many times when this body, myself included, have introduced legislation with respect to the authorities. I've gone on record on several occasions saying that there seems to be a disconnect with certain authorities and this body. And Councilwoman Rea and I actually have co-sponsored legislation in that regard, which has become lost. So I don't think it's entirely accurate to say that we're either --- if we're not for this bill, we're for run-amuck authorities. So I just wanted to say that. Thank you, Mr. President.

PRESIDENT FITZGERALD: Ms. Cleary?

MS. CLEARY: The only comment I have, I heard again and I keep hearing it, is some members that ---. I don't think anybody here would think this or that or whatever. I still don't want anybody telling me what I think or telling me ---. I just don't want someone telling me what I think. I have my vote here. Thank you.

PRESIDENT FITZGERALD: Mr. Macey and Mr. Drozd.

MR. MACEY: Thank you, Mr. President and members of Council. Several months ago, we formed liaison committees for various authorities, and I think we ought to let that work first and see how that goes. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: Thank you, Mr. President. I agree, in the essence, with Mr. McCullough on the fact that we need to really keep more focus on the funds that come into Allegheny County. The authorities --- you know, the redevelopment authorities, they're the authority on that. I'm not saying it isn't. But I think it's time over our purview that we need to do more due diligence and watching more closely where these funds are going, especially with the budget so tight. So I think we ought to support this. I think we ought to do more of this in the future, in fact, keeping a close hand on every dollar that comes into Allegheny County before we allocate it on out. Thank you.

PRESIDENT FITZGERALD: Mr. Mascio, please call the roll.

MR. MASCIO: On Bill Number ---.

PRESIDENT FITZGERALD: Excuse me. Mr. Gastgeb? I didn't see your hand.

MR. GASTGEB: Thank you. This is one of the situations where, if I could be so bold to say, I think all 15 of us are on the same page. We probably see the need for something different than what's been done over the years, at least, I guess, from my standpoint. But the bottom line is, no matter when someone introduced the bill --- and some of the bills referenced were introduced, I think, two years ago --- things aren't getting done. They're just not.

So I'd implore the majority that runs this body, let's try to get something down so it actually passes, whether that's through liaisons that Mr. Macey puts out, which is correct, or what Mr. Ellenbogen said, that's fine. But 2009, hopefully, is the year that we start to take our ideas and actually pass them. Thank you.

PRESIDENT FITZGERALD: Please --- I'm sorry. Ms. Cleary?

MS. CLEARY: I just have one more comment, again. I heard again how we all agree again. I do have a vote. I don't want to be told what I think here. Thank you.

PRESIDENT FITZGERALD: Mr. Burn.

MR. BURN: Vince supports my argument. We already have some bills on the record. Let's go back to what we already have and let's work with what is already on the rolls. Thank you.

PRESIDENT FITZGERALD: Please call the roll.

MR. MASCIO: On Bill Number 4547-09, Mr. Burn?

MR. BURN: No.
MR. MASCIO: Ms. Cleary?
MS. CLEARY: No.
MR. MASCIO: Mr. DeFazio?
MR. DEFAZIO: No.
MR. MASCIO: Mr. Drozd?
MR. DROZD: Yea.
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: No.
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, noes 11. The motion fails.
PRESIDENT FITZGERALD: 4548-09.

MR. MASCIO: Motion of the Council of Allegheny County pulling Bill Number 4181-08, requesting that the Allegheny County Controller perform audits on the Sports and Exhibition Authority of Pittsburgh and Allegheny County, Port Authority of Allegheny County, Allegheny County Airport Authority and Allegheny County Sanitary Authority, from Committee for an immediate final vote. Sponsored by Council Member McCullough.

PRESIDENT FITZGERALD: Councilman McCullough.

MR. MCCULLOUGH: Thank you, President Fitzgerald. Last month I introduced what I would call more specifically a companion bill, which would be to move forward with actually soliciting bids for the sale or lease of the Airport Authority. And I reported to all

members of Council how this was successfully done, notwithstanding the economic crisis nationally, with respect to Midway Airport in Chicago, where the City of Chicago pocketed in excess of \$1 billion. From my perspective, again, in light of the obvious and repeated need that County government has to find alternative revenue sources, I think it behooves all of us to explore alternative and innovative ways of dealing with this. And I'll tell you what I envision. I envision that if the Controller comes back with positive feedback on some or all of these authorities, then, like Chicago, these large assets, which so far has generated nothing for County government and have not done so in years, would be sold, spun off or leased. The money would be used to retire associated debt and the rest would be banked. And that money would be banked, and the interest on that money would be used to supplement our operating budget.

You would have a twofold benefit. You would have a massive infusion of money into the County, which could rampantly mark up its general fund or for capital funds or whatever else, a tremendous increase in our credit rating, a tremendous enhancement. Plus you would have an alternative source of revenues without raising taxes. All I'm asking here is that we request the Controller to take an independent look at this and see if what I'm talking about makes sense or not.

PRESIDENT FITZGERALD: Is that a motion?

MR. MCCULLOUGH: Yes, sir, it is. Thank you.

PRESIDENT FITZGERALD: Do I have a second?

MS. REA: Second.

PRESIDENT FITZGERALD: You first, Ms. Rea. I know you were ready to go on this bill.

MS. REA: Thank you. I guess I'll say what I was going to say. I think it's a good idea that the Controller look at the authorities and audit them. That doesn't hurt anything. Maybe, you know, it will make his job a little more difficult, but I just think it's good public policy. Thank you.

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

MR. ELLENBOGEN: Again, I think that this is a good concept, but you know, the County Controller only has so many resources. I would feel more comfortable --- how he would be able to do the audits and things he has to do and still do this and how would it affect him. Would he

need more employees? You know, can he physically do it? At the same time, too, we also have the option, as we did in the Port Authority, as the State Auditor General, Jack Wagner did a grade audit on the Port Authority. So there's also that option, too. So I'm not just ---. Again, it's a great concept, but you know, is it essentially going to hurt the Controller? I mean, I'd feel better if he was standing here and telling me, I can do this. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd and Mr. Robinson.

MR. DROZD: I believe that it is our responsibility, and I believe it's the responsibility of the Controller to follow up with spontaneous audits or at least spot audits, to make sure it's done. Probably the funds are being extended. It's good, hard-earned tax dollars that people worked so hard for out among our county. And just as a case in point, I'm really appalled. I'm still waiting to see --- or I'm going to at least further look, and I believe it was in the Airport Authority, where one of the members actually --- they sponsored and paid for a \$500 golf tournament for him to play in, or her or whoever it was. And to me, that's appalling, when you think of people out there losing their homes and people out there who can't afford to pay their bills, and they're sponsoring a \$500 ---.

I want to know if that money was paid back. I want to know if it was done outside the law, you know, within the guidelines. And I'm not someone brought --- if it was, if it was, then I want someone brought to task and answer the mail on that one. And I think that this is what we're seeing and we've seen it. So if that isn't cause for us to say, yeah, let's support something like this, I don't know what is.

And I would urge my Council members ---. I think this is good due diligence. It's good business. We do it in private industry. The State does it. The State comes in and does audits on the monies that they spend. The Federal Government does, too. So why don't we? Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Robinson, then Mr. Burn and Mr. McCullough.

MR. ROBINSON: Thank you, Mr. President and members of Council. To my recollection, at least on two previous occasions since I've been a member of this

Council, the Controller has come before us and made a request for additional funds to perform his required duties, as well as to look into some other areas that he felt would be appropriate and where he felt there may be a possibility of identifying either cost savings or efficiencies. An arrangement was made with the Administration to provide to the Controller a certain amount of money to audit at least some of the authorities that Mr. McCullough has referenced. Some of that material, including an audit of the community college, is available. It's public information. The Controller's Office has done what he is legally required to do, and that is make recommendations. But the Controller is not authorized to implement any recommendations of any of his audits. He is not authorized to implement any recommendations in his audits. I would not want us to create false hope that the Controller's audit could become a vehicle to get someone else, in this instance, the Controller, to do our job or to do the job of the Administration, the Chief Executive.

I would hope that we would have an opportunity to bring the Controller, ask him to appear before this Council, as we have with the Chief Executive, to talk to us about the audit that we authorized and we funded over the last three or four years, and to see if those documents in any way address Mr. McCullough's concerns and the concerns of the rest of us.

I'm also concerned that this particular bill, while I'm sure it's been discussed extensively in Committee, probably requires a little more work so that we don't vote on something or approve something that's redundant or unnecessary. So while I believe that Mr. McCullough's direction is correct and he wants accountability as we all do, I don't think this particular approach, bringing this bill out of Committee at this time, is the way that Council ought to proceed. Thank you, Mr. President.

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

MR. BURN: Council Member Robinson mentioned many things that I was going to mention, so I'll just limit my comments to ---. I'm aware that Mark has begun or is in the process of auditing many of the authorities that are mentioned in this motion. Once specific example is after the Public Safety Committee meetings that we had

with the SEA and these structural compromises that took place in 2005 and again in 2007. Representatives from the SEA came, including engineers, to our Public Safety Committee and had a very frank conversation with us about their concerns. Mark picked up on that and took that and started an audit of that authority specifically. I think the Controller, and specifically, this Controller, Mr. Flaherty, has been very diligent and very thorough when it comes to these authorities.

And while Councilman Gastgeb has said that he thinks many of us up here are unanimous when it comes to the authorities, if this were a 16-member body ---. Well, I think he's right when he says that. If this were a 16-member body, including the Controller, I think he'd be the 16th person. So I think Mark has concerns like we do, and I think he's already doing his job. So I think this may be somewhat redundant to what's already going on. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough and Mr. Finnerty.

MR. MCCULLOUGH: I'm not going to make a comment. I'm going to make a suggestion. The comment, really, is this. We're just asking and we're not asking --- and we're not directing, we're not requiring. If the Controller would need funds, he can come back. If he wants to do it, he can come back. The idea was to ask him. If it's not to ask to do audits from scratch. The idea is to take these audits --- and I agree with my brother Councilman, Mr. Burn, that Mark is already in the process of doing these. But also to take further direction and make an evaluation, which I'm very confident that he could as to whether or not it would be feasible to bring these entities as part of County government, to privatize it or leave it as it is.

And I'm going to make a suggestion here. Since we're all debating back and forth about this, I will withdraw this motion with the understanding that it's going to go back into Committee, we try to schedule it relatively quickly and we invite the Controller over to comment on it.

PRESIDENT FITZGERALD: I have no problem with that.

MR. MCCULLOUGH: I'll withdraw the motion.

PRESIDENT FITZGERALD: Okay. And I think Mr. Robinson makes --- you know, to bring the Controller forward ---.

MR. MCCULLOUGH: Because all we're trying to do is ask him, and this is a formal way of asking. But if we can get him in the room and ask him, let's ask him.

PRESIDENT FITZGERALD: That will be fine.

MR. MCCULLOUGH: All right. Thank you.

PRESIDENT FITZGERALD: Withdraw the motion.

4559. Did anyone else want to speak on it, or can we move on? I'll let Mr. Finnerty and then Mr. Ellenbogen and Ms. Cleary.

MR. FINNERTY: I think maybe two years ago, we had something similar to this come up, and I think that we --- at least I'm of the opinion, and I think it's correct, that the Controller's Office oversees many of these audits. They may not do it themselves, but they oversee it. And I think that's an important thing to remember. And I think as we sit here, all of us sit here, we think always, always of how we're spending the taxpayers' money. That's extremely important to us. And I think it's something that's been said a number of times up here as if it's just one person, and it's not. It's 15 people. And it's something to these people in the audience, also. And I think it's an important thing, as a Council, that we always consider that. Thank you.

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

MR. ELLENBOGEN: I just wanted to say that, you know, we are sensitive to the fact that, you know, passing laws that are unnecessary is just a waste of everyone's time. And this is a time where I draw on, as Councilman Martoni always says, let's just drag him in here and talk to him and see what he has to say, then deal with it after that. So, you know, this is a great example of what you're always saying.

MR. MCCULLOUGH: That's where I'm going with this.

MR. ELLENBOGEN: Okay. Well ---.

PRESIDENT FITZGERALD: Ms. Cleary.

MS. CLEARY: Yes. I just have one quick comment. I just want to be bipartisan and say Mr. Burn was telling me what I think again. And I just want to get that point made.

MR. BURN: I have no clue what's in your mind, Councilwoman.

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

MS. REA: I guess another reason why I think it's important that this motion is here and wanted to put it in Committee is I'm really not sure. I'm assuming all the authorities have independent auditors do their auditing, and then the Controller looks over that on occasion. But I think we need that all really clarified in our mind, who's really looking over everything and how receptive these authorities are to the Controller. If he has any questions, are you the ones to go in there and do a total audit? Thank you.

PRESIDENT FITZGERALD: Okay. Mr. Macey.

MR. MACEY: Thank you, Mr. President and members of Council. I just want to remind people, for the record, the citizens watching this, as well as Council members, that the Allegheny County Airport Authority receives no direct tax dollars from the citizens of Allegheny County. Those fees, what they earn at that airport, is paid for by the airlines and through passenger fee charges, and that there is an audit done. I've sat on that Airport Authority for three and a half years, and every year we have an audit. And keep in mind that the FAA provides a lot of grant money to the airport, and they're watching over what's going on up there as well.

So at each Board meeting, there's either Controller Flaherty or a representative from his office at the Board meetings. So I just want to remind people that there are a lot of watchdogs, and I don't know that we need any more duplication of effort. Thank you.

PRESIDENT FITZGERALD: We look forward to having this discussion --- I'm sorry. Mr. Martoni.

MR. MARTONI: I would like us to notify each of these authorities and get a copy of the audit that we can review. They all have audits and would be more than happy to share it with us. Okay. And I think before we do anything, we should do that.

PRESIDENT FITZGERALD: I think that's a good ---. Mr. Mascio, would you send a letter to our authorities asking for their most recent audits and make that available to all members? Mr. McCullough and Mr. Gastgeb.

MR. MCCULLOUGH: Just one comment. I'm not talking about an audit in the sense that we want somebody to add up their numbers and see if they're accurate. I'm talking about an audit that's an evaluation as to whether they should be privatized, made part of County government or just stay as they are. Now, asking an authority to audit itself for that purpose is obviously self-defeating. The idea was to get an independent look. We're not talking about somebody going in and going through the ordinary calculus. This is an evaluative audit, not a true accounting audit. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb. I'm sorry.

MR. MARTONI: I wish to respond to that. I wasn't looking for the finest solution to this issue. Okay. I'm looking for information. Okay. Obviously, I don't think any entity in the world, business or authorities or governments, are going to put themselves out of business. Okay. That might be our responsibility. But I think we should take a look at their audits, regardless of --- and make our own decisions when we look at it as to whether or not we feel it's a good audit or not.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. I guess for me it's more of a relationship that the authorities have with us as a body and to fully understand exactly what's going on, whether what Mr. Drozd brought up or whether it's what others brought up. I mean, to me it's not necessarily the last penny. It's just, what do we need to know as a body. And Mr. Macey's right. Sometimes it's a direct subsidy from the County. Other times it may be the land that we own. It could be tangible assets that we own.

And especially with the Airport Authority, there's no doubt that fees are imposed by the airlines in the operation. But is anybody comfortable with what's particularly going along with declining originations, departures, arrivals, what have you? I think that's what it gets to. So when I talk to a constituent or I interact with the government here, the directors, I have a comfortability factor of what's going on. Thank you.

PRESIDENT FITZGERALD: Okay. We'll move on.
4559-09.

MR. MASCIIO: Motion expressing the Sense of Council of Allegheny County urging the Commonwealth of

Pennsylvania to adopt an Early Voting Program for all primary and general elections held within the Commonwealth. Sponsored by Councilman DeFazio and Council President Fitzgerald.

PRESIDENT FITZGERALD: Councilman DeFazio?

MR. DEFAZIO: Yes. There's a lot of states that have early voting, maybe a week, ten days or whatever. I think it's important to send the message to the State that if we get on board, we'd have the same thing where --- some type of early voting.

PRESIDENT FITZGERALD: Is that a motion?

MR. DEFAZIO: Yes, that's a motion. Yes.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? Mr. McCullough and Ms. Green.

MR. MCCULLOUGH: Thank you, Mr. Fitzgerald. My perspective, the voting process, at least in Allegheny County, is not broken, so I see nothing to fix, and frankly, nothing to tinker with. I think when we get into an early voting situation, we don't know what we're getting into. I think there's this ---. It's an open question as to whether or not this has been successful in other states. I think we ought to leave things just as they are.

PRESIDENT FITZGERALD: Ms. Green.

MS. GREEN: Thank you, Mr. President. Some of my fellow members of the Bar may appreciate this. When I was in constitutional law in law school, I learned that voting was considered a fundamental right, fundamental right meaning that it is so crucial to your participation in this society that the State must have a compelling interest in order to do anything to infringe or abridge that right.

If we're serious about that, then we need to walk it like we talk it. Okay? We need to expand the voting period to have as many people as possible participate in the voting process. My dad was born in 1929 in rural South Carolina. He was alive when the voting --- passage of the Voting Rights Act. But guess what? He was disenfranchised by work. My dad went to work at 6:00 in the morning. He didn't get home until 9:00, 10:00 sometimes.

Now if you only have one day to vote and you're working overtime, something like that, well, do you get a chance to vote? Probably not. I think we need to have

voting on weekends where we can have more people participate in the process. And I think it's just very important that we walk it like we talk it, and I'm in support of this motion. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd and Mr. Burn and then Ms. Cleary.

MR. DROZD: Thank you, Mr. President. Again, I don't know --- you know, an earlier voting or whatever ---. I mean, I agree with, you know, what was just said, in the essence. People ought to have every opportunity to vote. Perhaps, you know, we may be preceding New Hampshire. And I don't know if that's the objective. But I'm not adamantly opposed to anything where it gives more people an opportunity to vote. But what I'd like to state, too, is that if I had the opportunity in saying that people that run for office ought to have more opportunities to circulate petitions. Do you realize that time starts in February, the coldest time of the month --- year? I know. I know. I'm just trying to throw a little pun in here for those of you who might have to run in the cold months.

But anyhow, I'm not opposed to this. I mean, I'm for at least looking into this, possibly. If Councilman DeFazio thinks it's a worthy idea, you know, I think I'm going to support him. Thank you.

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

MR. BURN: I would just like to take the opportunity to second the comments of my colleague, Councilwoman Green, and I'd also like to add my name as a sponsor. And I do that as Councilman and I do it as Chairman of the Allegheny County Democratic Party. Thank you.

PRESIDENT FITZGERALD: Ms. Cleary, then Mr. McCullough and Mr. Finnerty.

MS. CLEARY: Thank you. I would like to be added as a co-sponsor, if that's okay with the two of you now, then. And also, for working in the healthcare industry, there are a lot of people, 12 hours is almost the norm now. So it's very difficult. If you don't plan ahead and say, oh, my, that Tuesday is voting day --- a lot of people do work. I know a colleague of mine had to leave for her lunch, run home and run back to work, which is very difficult, especially when you're trying to be

conscientious and take care of patients. So I think that has a lot of merit to get people to vote. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough, Mr. Finnerty and Mr. Gastgeb.

MR. MCCULLOUGH: In response to the last comment from Councilwoman Cleary and also in response to Amanda, that's why we have absentee ballots. If you can't show up to vote that day, you get an absentee ballot. We have very liberal rules in the Commonwealth of Pennsylvania. I think you could say, when do you start voting? Is it six months before the election, one year before the election? I don't know where you draw the line. I would also point out we have very liberal rules as to registration. I think anybody who suggests that there's any realistic servitudes on the ability to exercise this franchise in Pennsylvania has not really explored the issue fully. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I am in support of this motion and I also would like my name to be added. I think it's important that we give people a greater span so that they can have the opportunity to vote, because many people are working two jobs just to get by in today's economy. And I think it's important that we as Council and as elected officials think of the voters. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb, Mr. Ellenbogen and Mr. Futules.

MR. GASTGEB: Thank you, President Fitzgerald. I don't even have an opinion at all on this. I mean, I think it's fine either way. But what I do have an opinion on, I thought we discussed this in December, first of all, we have no direct control over this and this has probably dominated our debate for something we have no direct control over. Why can't we have accommodating or accompanying, I should say, State or Federal laws when it comes up? Because what if the state law did say two weeks before, two months before? We don't know what it says. And I'd like this to go to Committee just so we can know exactly what the bullet points are. And then when we come back --- certainly this is not time sensitive. But really, we really should have accompanying legislation so we can understand what we're voting on. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen, Mr. Futules and Ms. Green.

MR. ELLENBOGEN: What I wanted to say is there's people watching this broadcast right now that are worried about their jobs. I mean, from what I read in the newspaper, the County Executive is saying that the money is tight and there are a possibility of layoffs in the county, which I think would devastate a lot of the goods and services. The question I have about this --- and the concept, I think, is a wonderful concept. However, I don't think it's fair for us to vote on this without having an opportunity to have the election director here to say, you know, what this is going to cost his department. Again, you know, with the budget being as it is, with the Chief Executive's words being what they are, I think we should be very sensitive of the fact that any dollars that we spend now that we don't need to spend right now will have a further effect on what the Administration has to do. So that's the question I have. I love the concept, but how much is this going to cost the Election Department? Thank you.

PRESIDENT FITZGERALD: Mr. Futules, Ms. Green and then Mr. DeFazio.

MR. FUTULES: Everybody brings up really good comments, and I believe you're right. We might need to take this to Committee to discuss further into it because --- you talked about the absentee ballot, Chuck, but you're working and all of a sudden, you're overtime. So an absentee ballot --- some people had intentions to go to the polls. And I think it's a good idea to put it through the Committee process to investigate this more before we take a vote on this. Thank you.

PRESIDENT FITZGERALD: Councilwoman Green.

MS. GREEN: Thank you, Mr. President. In listening to the comments, I wonder if sometimes we are detached from the experiences of working people. Like Councilman Futules just said, sometimes when you have to work overtime, you find out five minutes before it's time for you to punch out. And that was often the case with my dad, and he was often miles away waiting for us at JFK Airport when we lived like two hours away with traffic and everything. So he wasn't always able to vote, because an absentee ballot at that point would take a court order. Let's be realistic about what goes on here and how this stuff --- and what we do affects working people. And let's advocate on behalf of working people to exercise their fundamental right, compelling --- State interest

must be compelling in order to infringe or abridge. Thank you.

PRESIDENT FITZGERALD: Thank you. Mr. DeFazio, Ms. Rea and Mr. Martoni.

MR. DEFAZIO: Yeah. Mr. Futules and Amanda Green also stated what I was going to say, but one thing. This is only a Sense of Council. This is not a state issue. And all we're saying is we'd like to see some type of early voting, whatever it might be. Is it going to be a week, ten days? We'll get into all that later. The idea is, do you think we should expand this a little bit and give people more of an opportunity to vote? A lot of states have already done this. I personally think this is important. Whatever people vote on, it's only a Sense of Council, and the State doesn't have to be involved in this.

PRESIDENT FITZGERALD: Councilwoman Rea and then Councilman Martoni.

MS. REA: Thank you, Mr. President. I would just like to be added as a cosponsor, please. Thank you.

PRESIDENT FITZGERALD: Councilman Martoni and Councilwoman Cleary.

MR. MARTONI: I just want to echo what Mr. DeFazio had said. We're not making the law. We're making an opinion. And our opinion is simply that we should make it possible for as many people to vote as possible, and that's exactly all we're doing. If the people --- the powers that control voting don't want to do this. We can't make them do it. But we can certainly give our opinion.

PRESIDENT FITZGERALD: Councilwoman Rea, you had something else to add?

MS. REA: No. I'm fine. Thank you.

PRESIDENT FITZGERALD: Ms. Cleary and then Mr. Drozd.

MS. CLEARY: Thank you. I just want to say that I agree with Mr. DeFazio and Mr. Martoni. We're only voting on --- I mean, we're only talking about the concept of early voting. We are not getting any of the nitty-gritty. That is not going to even affect us. I mean, that's going to be State law. So I mean, I thoroughly agree that we need to have early voting. That is the way a lot of people are going to think.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Just a real quick point. You know, I admire my fellow Councilmen --- I understand giving the opportunity of the people to vote everywhere possible, but I would ask --- some very important points were brought up. You talked about fiscal responsibility and attaching fiscal notes to our ordinances, and this is a motion that may affect our budget, which was pointed out. I wonder if the Election Department --- I'd ask Councilman DeFazio and Councilman Fitzgerald if the Election Department did weigh in and were there any estimates of what this might cost Allegheny County? You know, I'm supportive, but I want to make sure we aren't doing something we can't afford.

PRESIDENT FITZGERALD: No. I think it's been stated before to sponsor --- it's just kind of a sense to ask the State to do this statewide. And then, obviously, we've got to get into the funding. Will the State provide some of the money like they did with the voting machines? There's a lot of details, but it's just to ask for, I think, a concept, as has been stated by other members. Councilwoman Green?

MS. GREEN: Thank you, Mr. President. In my fervor, I forgot to say that I would like to be added as a cosponsor.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Could I call the question so we could vote on this, please?

MR. DEFAZIO: I'll second it.

PRESIDENT FITZGERALD: One more comment and then we'll ---?

MR. DEFAZIO: No. We're going to make you call the roll.

PRESIDENT FITZGERALD: Please call the roll.

MR. MASCIO: Mr. Burn?

PRESIDENT FITZGERALD: The motion --- this is to call the question.

MR. GASTGEB: You're ending debate.

PRESIDENT FITZGERALD: Ending debate.

MR. MASCIO: Is this on the motion to call the question or ---?

PRESIDENT FITZGERALD: Yes, motion to call the question.

MR. MASCIO: On the motion to call the question, 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. Nay.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. MASCIO: Mr. Futules?
MR. FUTULES: Yeah. Okay.
MR. MASCIO: I'm sorry?
MR. FUTULES: That was an okay.
MR. MASCIO: Mr. Gastgeb?
MR. GASTGEB: Motion to call the question?

No.

MR. MASCIO: Ms. Green?
MS. GREEN: No.
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: No.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: No.
MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: No.

MR. MASCIO: Ayes 9, noes 6.

PRESIDENT FITZGERALD: Continue. Mr. Gastgeb?

MR. GASTGEB: Thank you. What's ironic is we're fighting for people's rights to vote early and we can't even debate it for ten minutes. If people want to call the question here rather than look inside the specifics ---. We send no message to the State unless it's got 15 of us. I mean, there's no message at all. So if it passes or whatever, it really behooves us to have a Committee meeting and sends this forth with a 15-nothing vote because it just doesn't solve anything. We know that from practices past. So if you want to send it through without a unanimous motion, I would suggest that that's the way to go tonight. But if you don't, I suggest going to a Committee meeting. Thank you.

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

MR. FINNERTY: Thank you. I just want to mention to my fellow Councilman there that always gets its hair up when somebody calls the question, it's parliamentary procedure. It's the way things can be done. And I also have no problem with the vote once it's done.

PRESIDENT FITZGERALD: Mr. DeFazio, Mr. Drozd and then Mr. Gastgeb.

MR. DEFAZIO: I want to say the same thing Mr. Finnerty said. Look, I don't know why people get upset when we do the formal rules or not. A question to cease debate is always in order. So you take the vote. If the majority wins, it goes that way. If they don't, we go the other way. You don't have to get all bent out of shape. We're only following the rules. So the rules were to continue to talk, so we talked. All right. Let's keep talking, morning, noon or night.

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

MR. DROZD: Thank you, Mr. President. I admire you two for wanting to support this. And again, I support you wholeheartedly when we give people the opportunity to vote. But at the same time, I believe strongly in inclusiveness. We have three people in this county that serve this county along with us that are directors and those that serve underneath them. And the only thing that concerns me is they have not had an opportunity to include --- and I don't even know if the County Manager who serves this County has had an opportunity to weigh in on this to say maybe we ought to try this or that. Even though it's asked to the State, the State may surprise us and come back and say, yeah, we're going to do this. And then we're going to be scrambling and talking here about dollars and budgets that right now we're really --- we don't have enough of already.

So I would ask my fellow Council members, as was pointed out, I would like to see this go to Committee right now. I would like --- if we're going to say what we mean and we mean that we serve all together here in Allegheny County and that's all those good people that are in the trenches throughout this County that so well serve us and good people, then we got to include them. We got to have them weigh in. They have not had an opportunity to do that. And we as Council members have to give them

that opportunity. That's our responsibility, to gather all the information, whether it's a motion or whether it's an ordinance or whether it's just to ask, in this case. And that could come back with something that could really cost us a lot of money.

So I would ask my fellow Council members to put this into Committee so we come out and everybody is agreeable and we have a strong Sense of Council. I cannot support it if it doesn't go to Committee, because I believe --- and if I do, I'd be slighting those very people that serve this county, that work and serve alongside me and all of us. I won't do that to them. I wouldn't want them to do it to me. So I support it wholeheartedly. Once we go into Committee and it comes back out --- I wouldn't do it knowing that there are people that really this affects and that can really make this stronger, that can point out issues that we need to really talk about. Without them, I can't support this without their input. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: As a representative of the Fifth District, I will continue to express my displeasure on calling the question. It's my personal point of privilege and I will do so. That thing is wrong. In this case here, we're moving on 4559. It's not a conceptual, subjective piece. Specific language in there calls for ten days. Whether you think it should be two weeks, a month, whatever, you're getting ten days if you vote for this. That also mentions curbside voting. I have no idea what it even is. So when people up here start talking about this as a generality, this and that, it isn't. 4559 has almost two pages of specifics and I see --- I'm not going to support it. I mean, if you want to go up, whatever, to Harrisburg and think that's going to send a message, that's fine. But also, Mr. DeFazio, I'm not sure if your comments were reflected to me, but I remember distinctly where you voted no, the vote was counted, recorded and you changed your mind and we let you change your mind. So sometimes the rules are followed. Sometimes they're not. But there's certainly not --- we haven't been consistent here.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Look, I'm a big believer in the rules. If I was called and said you're wrong, I'd listen to the rules. And to go back to your question, no, we're

not wrong. We're going by the book. You might have your own opinion, and you vote your opinion. But like I told you several times before, a question to cease debate is always in order. You don't have to vote the way some of the people said. You have a right to vote, okay, but don't say it's wrong, because it's not wrong. It's in the book, very clear-cut. You can make a motion to cease debate any time you want. That's all I'm trying to tell you.

Now, back on the subject. Look, if we were making this decision, it should go to Committee. We're not making a decision. This is a State issue. All we're saying is more time. If the State comes back with a ruling, look, we're going to give you so much money, anything beyond three days Allegheny County doesn't pay ---. If it's \$10 million that Allegheny County has to pay and we say we don't have the money, then maybe we can't do that. Okay. So this is only in early stages. All we're saying is we would like to have more time. We didn't vote on it yet. But we're not making a decision, but let's see what comes out of this, maybe nothing, maybe something. But if it comes back and it's too much money, you can't spend what you don't have or can't afford. We don't know what that number is yet. That's why it doesn't make sense to go to Committee. What are they going to do in Committee? We don't know what they're going to do.

MR. GASTGEB: I want to respond, Mr. Fitzgerald.

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

MR. GASTGEB: I know that calling to question is permissible. I still think it's wrong, but I'm ---.

MR. DEFAZIO: That's your opinion.

MR. GASTGEB: No. It's wrong for you to interject ---.

PRESIDENT FITZGERALD: Okay. Okay. Okay.

MR. DEFAZIO: That's the one thing you're right on. That's the one thing you're right on.

MR. GASTGEB: What is wrong is changing your vote that you were allowed to do. That's wrong. That's not permissible.

MR. DEFAZIO: That's not ---.

MR. GASTGEB: I still have the floor.

PRESIDENT FITZGERALD: Go ahead, Mr. Gastgeb.

MR. GASTGEB: The other thing is, why don't you describe to this Council what curbside voting is? It's in the bill we're voting for.

MR. DEFAZIO: I told you ---.

MR. GASTGEB: No. The last time ---.

PRESIDENT FITZGERALD: No. Go ahead, Mr. DeFazio.

MR. GASTGEB: If you want us to vote for this, tell me what curbside voting is, because you want a vote in the affirmative.

MR. DEFAZIO: All I said was what we're saying right now, okay, we ought to have early voting and we want to vote and see what the State --- they may come back with nothing. But if they come back with something, okay, then we have to meet in Committee. Can we afford to do this? Can we afford to do that? What do you mean by curbside voting? What do you mean by this? What's your interpretation of this? And then we make a decision. Hey, we can't afford to do that. The only thing we can afford to do is go one extra day or maybe half a day or maybe no days. We don't know that yet.

MR. GASTGEB: Why don't you describe what curbside voting is?

MR. DEFAZIO: I'm not going to answer that at this point.

MR. GASTGEB: Since I don't know what it is, I'm not going to vote for this.

MR. DEFAZIO: That's okay. You can vote any way you want to vote.

MR. GASTGEB: How is that permissible?

PRESIDENT FITZGERALD: Okay. Mr. McCullough.

MR. MCCULLOUGH: Here's the problem that I see, and I was hoping not to have to wait any more tonight. We're talking about a Sense of Council Motion with respect to a particular piece of State legislation. The idea that we're saying we want to see some sort of early program doesn't necessarily jive with this, because sometimes if you ask for it, you may get it. You may get the State to come back and say you have a month to vote early. It may cost us \$500,000. When it becomes a law, it's too late for us to do anything about it. And if we complain, they could well tell us, you put us up to it. So I'm not for this for several reasons. But if you're going to go this route, I mean, it makes a lot of sense to find out what's in this bill and what would the fiscal consequences be for

the County. It's a good thing to ask. If we want to support early voting in general, then we shouldn't be linking this to a specific piece of State legislation.

PRESIDENT FITZGERALD: Councilman DeFazio.

MR. DEFAZIO: Look, you have to be reasonable. If they pass a law to do such and such, you have to do it. But if you don't have the money, that's a different question. Then we can look at it. So I mean, you know, we could talk --- it's fine with me. We could talk all night on this thing. And anybody --- and look, I don't have a problem with anyone. Vote the way you want to vote. I don't get upset about things. I go along with the majority of the people. I don't get bent out of shape. Everybody has a right to vote. All I'm saying, and some of the other people so far, I know the sponsors are saying is, we want some type of early voting. The State may never come back with an answer. The State may do something. But at the point they do come back, we have to look at it. Can we afford to do this or not? Okay. That's all. Or amend it. Can we amend it? I don't know.

PRESIDENT FITZGERALD: I'll let you respond.

MR. MCCULLOUGH: That's the problem, John. If they come back, we don't get a look. All right. If they pass the law, we're stuck with it. Okay.

PRESIDENT FITZGERALD: I'll let you respond.

MR. DEFAZIO: I've already heard the Governor saying we should look into early voting. So when the Governor, without saying anything, comes back or somebody passes a law in Harrisburg, we're going to have to do it anyway; right? Okay.

PRESIDENT FITZGERALD: Mr. Drozd and then Ms. Cleary.

MR. DROZD: Just very quickly, be careful. You know the old saying is you may get what you wish for. And again, two reasons why I'm not supporting it is because of the fact that two --- first, our people, our good people of Allegheny County that serve us have not weighed in on this. They need to. Secondly, we don't know what it's going to cost the taxpayers, so I'm not going to put an additional burden like you all have said you don't want to do up here. Thirdly, I would ask, does anyone know, especially the two Council members that sit on Council, what it costs us, costs this County for one day of the elections? Do you know what it costs? Has anybody explored this? What does it cost this County for one day

of election? Does anybody know? Then how can we vote on this? Even though it's a motion, you've got to be careful. You may get what you wish for. And what we may get is a lot of additional costs that we can't afford. And what we're faced with, as was pointed out, what the Chief Executive said about cutbacks. I'm not going to back it knowing that I've supported something that might cost us additional money. Thank you, Mr. President.

PRESIDENT FITZGERALD: Ms. Cleary and then Mr. McCullough.

MS. CLEARY: Even though I voted, I still have one more comment to make. I believe it's just the concept of early voting, which I believe people have a right to. I think that we should err on the side of giving everybody the opportunity to vote. That's the way I see it. And as far as talking about money for voting, whatever the state decides to do, we have to do. The money here is not an issue. Whatever the State tells us that we need to do as far as State law for the election, we have to do. So I think when we're talking about money and people's right to vote, I think they're totally separate issues. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Matt, to answer your question, I don't know what it costs for one day, but I do know we have 1,300 voting precincts. And I know some of these are churches, schools, garages, wherever. And think about the logistical issues if you're going to keep those polling places open for a week, even two days. There is cost there, obviously. There is a logistical issue there obviously. We've heard nothing from the Elections Division about this. And we may well be stuck with an unfunded mandate. And the State has done that to us before as well.

PRESIDENT FITZGERALD: Please call the roll. Mr. DeFazio? He had his hand up.

MR. DEFAZIO: That wasn't really the last question. Now I'd like to say something. I believe that if you want to be honest with yourself, if everybody in Allegheny County has an opportunity to vote, do you believe we should have more time to vote, I would bet you that most people would say yes. Okay. When you come down to what it costs, if you can't afford to do it, you can't do it. But if they put a law in and you have to do it, we're going to have to do it whether we like it or not. And if we don't even talk about this and the State passes

something, we're going to have to do it. So I think the idea, in my opinion, is let's look at this.

PRESIDENT FITZGERALD: Mr. Ellenbogen.

MR. ELLENBOGEN: I'm the one who brought up the fiscal responsibility, but Councilman's DeFazio's explanation that this is just kind of an exploratory thing, I'll support it on that.

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. 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: Aye.

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 12, noes 3. The motion carries.

PRESIDENT FITZGERALD: Public comment on general items. We have two speakers this evening. I'm sorry. Ms. Rea?

MS. REA: Thank you, Mr. President. Just a point of personal privilege. I have a motion. I'd like

Mr. Barker to pass it out, please. Thank you. Mr. President?

PRESIDENT FITZGERALD: Councilwoman Rea, proceed. Everybody has it.

MS. REA: Well, Mr. Robinson is telling me to have the motion read, but I think all of us --- would you like me to read it or ---?

PRESIDENT FITZGERALD: Somebody has to read it.

MS. REA: Okay. Mr. Mascio.

PRESIDENT FITZGERALD: Mr. Mascio, would you read the motion?

MR. MASCIO: This is a motion requesting the Health and Human Services Committee to conduct an extensive inquiry into the alleged abuse of a resident at the Kane Regional Center in Glen Hazel and to explore the feasibility of periodic employment background checks to ensure the safety and wellbeing of Kane Center residents. Sponsored by Council Member Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Thank you. I would like this to be put in the Health and Human Services Committee meeting that I guess Ms. Cleary had called on Thursday evening. And I would just like to make a motion to put it there. Thank you.

PRESIDENT FITZGERALD: Councilwoman Rea, would you want to --- I think Councilwoman Cleary --- Councilwoman Rea wasn't here. Will you address ---?

MS. CLEARY: In the liaison reports whenever you weren't here, I said that I was having two meetings, one with the Health Board and one with Mr. Bianda (phonetic) about Kane. I said if anyone couldn't make it, they could have their questions sent to me and I would ask the question. So if anybody can't make it, you can surely --- whatever questions you want answered out of this, we can surely get to.

MS. REA: But the motion is specific about the background checks.

MS. CLEARY: We have to talk about --- I would want to talk about that in Committee and see how feasible that is. Now, that is something I think we have to look at money for, too.

MS. REA: Okay.

PRESIDENT FITZGERALD: So it goes to Committee?

MS. REA: Yes.

PRESIDENT FITZGERALD: Refer to Committee on Health and Human Services. Public comment on agenda items. We have two speakers. Chris Hoel? Mr. Hoel, would you state your name and address for the record, please?

MR. HOEL: Chris Hoel, 2426 Wedgewood, Franklin Park. When it was determined last Friday that the County must spend the drink tax and the rental tax, rental car tax collections as it was originally intended, for some, the reflex was to slam the Judge immediately, promise an appeal, and as usual, threaten to raise property tax. After time for reflection, all of those positions have changed, and that is good. Not so good is the new threat to use the excess collections for a wish list of Port Authority projects. I'm a strong supporter of public transit as anyone in this room this evening. But the current economic climate with great stress on County finances, with a vivid record of failure by Port Authority Board and management for decades, I can think of only one reason that surplus would be squandered in that manner. And that is vindictiveness to further a grudge.

How did we get here? After some early negotiation and some debate that seemed to be headed in a positive direction, the drink tax debate has now become primarily a series of kill or be killed battles, night fights, in the courts and soon in referendum. And while these death matches play out, the County economy suffers. Tens of billions of dollars in economic activity is lost forever in this county, customers head elsewhere, businesses close and jobs are lost. These are no longer projections. We have concrete figures, and they are brutal.

I encourage if the budget is amended or reopened, to reduce the drink tax further using the surplus to help accomplish that, and reduce the car rental tax. I encourage you to take care to avoid unnecessary spending, especially today. I invite you to charter an independent course as Council, recognize that unbudgeted year-end receipts are once again in hand. This creates an opportunity to take the moral stand, make an economically sound decision for our County based on the economic data, and act for your constituents by reducing the drink tax by your vote rather than leaving that decision to judges.

And while I have 30 seconds left, I will say that I spend part of every Election Day in Election Court,

and I commend Amanda Green for what she said. You'd be surprised why people can't use what should be a very restrictive absentee ballot provision, and you'd be amazed at the legal gymnastics that some people go to to deprive hospital patients, pregnant women, people who are in halfway houses the right --- to prevent them from exercising their right to vote. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Hoel. Kenneth Miller? Mr. Miller, if you would 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've come here today as a representative of the Black and White Reunion's Summit Against Racism Planning Committee. The 11th Annual Summit Against Racism is coming up on January 24th. The Summit Against Racism is the largest anti-racist organized event in the region. We have a large number of equity issues of huge disparity and problems in our region. People need to learn how to confront the challenge of racism, and that's what we do there. So I invite all of you to please register and participate.

One of the workshops that we're going to be having this year will be about the proposed City/County merger and its impact on minority communities in the region. And we're very, very pleased to have City Council President Doug Shields and County Council Representative William Robinson co-facilitating that event. They were two legislative representatives that came forward early on in the process and spoke at meetings and framed these issues in ways that they made a lot of sense to the membership of the Black and White Reunion and other organizations that are a part of that. It will be a very exciting workshop and I urge all members of County Council to become deeply involved on that issue rather than let it just slip over to the State's Affairs Committee.

I also wanted to commend John DeFazio and Rich Fitzgerald and all the other cosponsors of 4559. Every Election Day I'm with Election Protection volunteers. When we were here two weeks ago, we passed out the report that included many of these recommendations. It's a no-brainer that will help more people vote. So thank you very much.

Finally, I have wanted to comment on 4548 and really the urgency of the value of audits of these authorities, in particular, the Sports and Exhibition

Authority. I'm one of the only citizens that regularly attend those meetings. And one of the questions that I'm looking forward to each of us answering is how we can hold the sports teams accountable for the public commitments that we made to them, not only the money, but in the name --- that they do so many things in our name. And we should be able to hold to a very high standard, the values that reflect our community, and to that, that we've made many commitments to them as we have without some more strings attached, more ways to control their business. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Miller. I'd like to recognize Councilman Ellenbogen and Councilman Burn.

MR. ELLENBOGEN: Thank you, Mr. President. I have a couple points. The first one is when I first got involved with this drink tax issue, and being a Democrat that was against the drink tax and --- I'm not going to go through the issue, but we are where we are now. First, I'd like to commend the County Treasurer, John Weinstein, for speaking up on bars and/or restaurants who are keeping that money and who are not returning that money back to the voting public. I find that intolerable myself. I got involved in this issue just for the taxpayers getting a break. I find it offensive that, as the Parking Authority did with the City, that we would reduce this tax and there would be people who would keep that money. As the County Treasurer has said, I would urge the public, viewing public, to call his office and turn in people who they see who are keeping this extra money. It's not right. It's not fair. It's not why I think we reduced this.

The second thing is after reading the newspaper the last couple of days about the County budget, there are thousands of County employees right now who are very stressed, and their families. There are many others who are worried about the services that this County provides the public. I saw the Chief Executive on television, and I as a Councilman for my district and for the rest of the people in this County am very concerned about what I see and what might happen. I don't want to read about this in the newspaper. I don't want to pick up the newspaper like everybody else, being a Councilman, people start calling me to pick up the newspaper. I would ask you, Mr. President, to make it very clear to the Chief Executive and to the Administration that we as Council people want

to know what is going to happen when they know what they're going to do. If they have to call a meeting at two o'clock in the morning, then so be it. But I will be extremely offended if I read this in the newspaper and then I don't have the answers for the constituents that call myself or that call any of you. I think it's important for us to be involved when they decide what they're going to do. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: Yes. Mr. Miller, is he still here? Okay. I'll catch up with him. Something that Jimmy touched on, I wanted to touch on as well in this portion of the meeting. And that is what seems to be --- oh, here. Ken, do me a favor, please. Call me or e-mail me tomorrow. I will put the information about your event on the Democratic Party web page. Can you get ahold of me? We'll post it on our web page. Thank you.

This issue about certain bar and restaurant owners not lowering that tax, I have a problem with that as well. And Jimmy touched on it. One of the reasons we all went back and forth on percentages to start was to pass the savings on to the consumer, the taxpayers and residents of this County who were suffering from it. And now to hear some of the folks out there --- I know many folks have already lowered it, and I commend them for doing that. Kudos to them. And some have said they are not.

There are a couple guys --- one of the Millvale people owns a bar said he's not going to do it, he's going to keep it, he said, because the cost of business has gone up. The cost of business went up for Allegheny County and we lowered it. So I would suggest, Mr. President, perhaps we bring the Treasurer over and have some public hearings, listen to what John Weinstein has to say and talk about what we do about this. This is a problem for me and I think for many of us and many of the residents out there that are watching who thought they were going to recognize some savings when they started going back to the taverns and now we're not going to get them. I just think it's unconscionable. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Burn. I'll be making an announcement that we are going to hold an Executive Session after this meeting with our Solicitor, Mr. Cambest, so he can explain to us some of the misconceptions or whatever that came out of the

Judge's ruling the other day and what the possible options would be. I also want to recognize --- I'm speaking of Virginia Cornyn. She had obviously tried to e-mail and didn't make it on the list. I'm going to ask Ms. Cornyn to come up, state her name and address for the record and allow her to speak for three minutes. Ms. Cornyn?

MS. CORNYN: Thank you, Mr. Fitzgerald. Good evening, County Council. My name is Virginia Flaherty-Cornyn and I reside at 356 Lehigh Avenue, Pittsburgh, 15232. I am here to make a simple request. My request is to restore the Allegheny County Real Estate Assessment Website as it was originally implemented under the former County Executive Jim Roddey. It was a wonderful website and a great tool. And actually, it was the website that homeowners first became aware that they were being unfairly assessed. This, unfortunately, is the reason I believe its valuable information has gradually been stripped. It has been so whittled down, it's ridiculous. First, the sales history was dramatically cut down. Then the talk about the safety in keeping the judges, police, the teacher, the baker and the candlestick maker's names off of the website, it's absurd. Then the coup de grâce. The name search option was removed. Since then, there has been special access codes, Explorer 6 updates, and even lately, the images have been erratic.

This has been an abomination of an open record law. According to the new Pennsylvania Right to Know Law, Section 66.3, an agency may not deny a requestor access to a public record due to the intended use of the public record by the requestor. Simply put, it's none of the government's business what we're going to do with the public record. Under the Pennsylvania Right to Know Law, I am not only verbally requesting, but I will distribute my request in writing to have the Assessment website available through the Internet with all of the above corrected and accessible to all. I quote under Section 66.2(a), a public record shall be provided to a requestor in the medium requested if the public record exists in that medium, which it does. You know what they say. The less accessible information becomes, the more rights we lose, which honestly, I feel has been the intent all along. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Cornyn. Do I have a motion to adjourn?

MR. DEFAZIO: So moved.

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 6:30 P.M.