

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, February 3, 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: Welcome to the Tuesday, February 3rd, 2009 meeting of County Council. If everybody would please rise. Larry Helsham (phonetic), a tenth grader from City Charter School, interning, shadowing Councilman Drozd here for County Council today, is going to lead us in the Pledge of Allegiance. And if everybody would please remain standing for a moment of silent reflection. Larry?

(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 (via telephone).
MR. MASCIO: Mr. Drozd?
MR. DROZD: Here.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENBOGEN: Here.
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?
MR. MCCULLOUGH: Present.
MR. MASCIO: Ms. Rea?
MS. REA: Here.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: Present.
MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. MASCIO: Fifteen (15) members present.

PRESIDENT FITZGERALD: Proclamations/
certificates. 4593-09.

MR. MASCIIO: All proclamations and certificates are to be entered into the record.

4593-09 is a proclamation celebrating the 60th anniversary of the Allegheny County Boroughs Association. Sponsored by Council President Fitzgerald, Council Vice President Martoni, Council Members Cleary, DeFazio, Ellenbogen, Finnerty, Gastgeb, Green, Futules, Macey and Robinson.

4594-09. Proclamation honoring Mr. Jim Hannan on his distinguished service as president of the Allegheny County Boroughs Association. Sponsored by Councilman Gastgeb.

4595-09. Certificate of Recognition thanking the Lincoln Borough Volunteer Fire and Rescue Company firefighters and ladies auxiliary for their years of service. Sponsored by Councilman Macey.

4596-09. Certificate of Recognition congratulating Mr. and Mrs. Herbert Howell on the occasion of their 60th wedding anniversary. Sponsored by Councilman Macey.

4597-09. Certificate of Achievement recognizing BSA Troop 57 Scout Jarred S. Barnes for earning the rank of Eagle Scout. Sponsored by Councilman Macey.

4598-09. Proclamation declaring August 18th as Ireland Marie McFarland Day in Allegheny County. Sponsored by Council Vice President Martoni.

4599-09. Proclamation recognizing the 35th anniversary of the Clairton Area Chapter 1612, American Association of Retired Persons. Sponsored by Council Members Cleary and Macey.

4600-09. Proclamation congratulating Sue Wessell for being named 2008 Citizen of the Year by the Clairton Chamber of Commerce. Sponsored by Councilwoman Cleary.

4601-09. Proclamation congratulating Ruth Pastore for being honored with the Lifetime Achievement Award by the Clairton Chamber of Commerce. Sponsored by Councilwoman Cleary.

4602-09. Proclamation honoring the Urban League of Greater Pittsburgh National Achievers Society inductees on January 22nd, 2009. Sponsored by Council Members Robinson, Green and Council President Fitzgerald.

4604-09. Proclamation declaring February 5th, 2009 MWDBE Governmental Committee Business Opportunity

Fair Day in Allegheny County. Sponsored by Councilman Robinson.

4605-09. Certificate of Recognition congratulating Mr. and Mrs. Bernard Taylor on the occasion of their 50th wedding anniversary. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Public comment on agenda items.

MR. MASCIO: We have none.

PRESIDENT FITZGERALD: No speakers this evening. Unfinished business. 4569-09.

MR. MASCIO: Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009, Submission Number 01-09.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. Move for approval.

MR. MARTONI: Second.

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

MR. MASCIO: On Bill Number 4569-09, 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: Here.
MR. MASCIO: Ayes 15, noes 0. The bill passes.
PRESIDENT FITZGERALD: Wrong vote on that.

Liaison reports. And now that everybody has been assigned a liaison, hopefully ---. It's really set up because not all of us can be at every meeting or intimately involved in every issue. But we're really going to rely on one person or two people to bring back information that this Council needs to know about, not that you have to do one every week. I certainly don't mean that. But we hope that everyone takes it seriously, so if information is out there, we are apprised. Councilman Drozd?

MR. DROZD: Thank you, President Fitzgerald. I just wanted to recognize that we have a young gentleman here in the audience, Larry Helsham. Would you stand up, Larry? He's quite a guy. He spent the day with the staff here learning more about Council. And believe it or not, after he sees all the trials and tribulations we've gone through over these past years --- and the Council members, I tip my hat off to them --- of serving ---. This is what we do. We serve. We're not here to work. We're here to serve. And by the way, we work while we serve. And this young man, he says that someday he wants to serve on maybe starting County Council. I believe that's Councilman Ellenbogen's district. So I don't know how long you want to serve. Is it Mr. Fitzgerald? Sorry. Yes, Carrick. That's right. But in any event, I'm sure that Mr. Fitzgerald ---.

MR. ELLENBOGEN: It depends on how ---.

MR. DROZD: Yeah. Maybe we'll have him here at this counter.

MR. ELLENBOGEN: Move over.

MR. DROZD: I expect this young man to go on to bigger and bigger things. And first and foremost, Larry, whether you serve in a political position, I hope that you find some way to serve those in need throughout, you know, not only our County, but our country and our state. There are a lot of people who can really use someone that's caring like you and really wants to serve the people, like many people here, not only here on this Council, but are serving in our staff on County --- and throughout the

County. So hey, welcome. If there's any way any of us could be of service, I'm sure everybody will stand up and be here for you and mentor you. And always use those mentors. Remember that. That's going to make you grow. Thank you very much, Mr. President.

PRESIDENT FITZGERALD: Any liaison reports this evening? Mr. Futules?

MR. FUTULES: I'm the new --- for the Sports and Exhibition Authority. Just in case anybody was in a coma over the weekend, the Pittsburgh Steelers won the Super Bowl for the sixth time. Just want to make that announcement in case anybody missed it. Thank you.

PRESIDENT FITZGERALD: Thank you for illuminating (sic) everybody.

MR. FUTULES: Just in case.

PRESIDENT FITZGERALD: New business, ordinances and resolutions. I'm sorry. Mr. Macey.

MR. MACEY: Thank you, Mr. President and members of Council. I was appointed to the liaison committee for the Pittsburgh International Airport, or as we refer to it, the governing body of the Airport Authority. And I'd just like to report that although there's been an 11 percent reduction in domestic flights, they paled in comparison to other areas of the nation during these tough economic times.

I can tell you that the S&B has given the airport a triple B+ bond rating with favorable comment. They have a strong capital position in their field. And Mr. President, we've had --- we've been encouraged by the Airport Authority to come out to the airport and, of course, meet with the executives and discuss anything that's within our concerns. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Mr. Macey. Any other liaison reports this evening? Moving on. New business. Ordinances and resolutions. 4587-09.

MR. MASCIO: An Ordinance of the County of Allegheny authorizing the use of the County's South Park BMX Track facilities. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Parks. 4588-09.

MR. MASCIO: An Ordinance approving the disposition of personal property as set forth in a purchase offer memorandum dated October 31st, 2008 from Administrative Resources, Incorporated to the County of Allegheny. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Health and Human Services. 4589-09.

MR. MASCIO: An Ordinance approving the use of certain County-owned real property, namely, the McConnell farm house located in White Oak Park, by Mon-Yough Community Services, Incorporated for training of clients and an interpretive education program for visitors. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Parks. 4590-09.

MR. MASCIO: An Ordinance authorizing the County of Allegheny to grant a revocable license to Duquesne Light Company to replace its North-Wildwood electric power line in the southeast section of North Park. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Parks. 4591-09.

MR. MASCIO: A Resolution adopting the East Liberty Gateway Tax Increment Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh and authorizing related agreements. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. 4592-09.

MR. MASCIO: A Resolution amending the Grants and Special Accounts Budget for 2009, Submission Number 02-09. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 4606-09.

MR. MASCIO: A Resolution pledging the efforts of Allegheny County to spend economic recovery plan funds on products and services that both create jobs and help keep Americans employed, purchase products and services that are made or performed within the United States to the extent possible with economic recovery funds, and publish any request to waive those procurement priorities. Sponsored by Council Members DeFazio and Green and Council President Fitzgerald.

PRESIDENT FITZGERALD: Councilman DeFazio?

MR. DEFAZIO: Yes. I'd like to say a few words. As you know, Congress and President Obama are planning a taxpayer-funded economic recovery package that will provide billions of dollars to help economic emergencies in cities and states. Any economic recovery plan spending should, when possible, include a commitment from local and

state governments to buy materials, goods and services for projects from companies that are produced within the United States, that employ employees, the very workers that pay the taxes that the economic recovery plan is spending in the first place. As you know, this country, with the unemployment figures from 2008, has lost about 2,000,000 jobs in the last four months of 2008. In Pennsylvania, as of December 2008, the state's unemployment rate stood at 6.7 percent. That's up from 5.4 percent in July. In December alone, more than 215,000 initial claims for unemployment were filed, compared to about only 6,000 in December of 2006. For the first week in January 2009, 59,659 initial claims were taken, compared to 39,000 in the first week of January of 2008.

What we need to do and I would like to --- give me a second here --- waive the second reading. It's very important that we get everyone thinking the same way to get this thing moving. I would like to make a motion that we go along with this resolution.

PRESIDENT FITZGERALD: There's a motion put forward to waive the second reading.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved and second. Discussion on the waiver of the second reading? I'm just going to take a voice vote on this. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed?

MR. MCCULLOUGH: Opposed.

PRESIDENT FITZGERALD: Please note that Mr. McCullough opposes waiver of the second reading. All others vote in the affirmative, so the motion carries. Mr. Macey?

MR. MACEY: Yes, Mr. President. I'd like to be added as a co-sponsor.

PRESIDENT FITZGERALD: Mr. Macey.

MR. FINNERTY: I'd like to be added, also.

PRESIDENT FITZGERALD: Mr. Finnerty. Discussion on the bill? Councilwoman Cleary?

MS. CLEARY: I'd like to be added.

PRESIDENT FITZGERALD: Ms. Cleary wants to be added. Mr. Ellenbogen?

MR. ELLENBOGEN: Added.

PRESIDENT FITZGERALD: Added. Any discussion on the --- now that the bill is being ---? Oh, we need to

take a motion to consider the bill. Mr. Robinson, add?
Add Mr. Robinson. John, the second reading having been
waived, do you want to make a motion to approve the bill?

MR. DEFAZIO: Yes. I'd like to make a motion
that we move the bill.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second.

MR. DEFAZIO: To approve the bill.

PRESIDENT FITZGERALD: Okay. Any further
discussion? We're going to call for a roll call vote on
this. Please call the roll.

MR. MASCIO: On Bill Number 4606-09, 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: 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 14, noes 1. The bill passes.

PRESIDENT FITZGERALD: I'd like to --- 4607-09.

MR. MASCIO: A Resolution of the County of
Allegheny requesting that the General Assembly act to

distribute federal funding received through any economic stimulus package which allocates revenue for infrastructure improvement in a fashion that guarantees funding to the Counties of the Second Class proportionate to the infrastructure located therein, and to require local administration of at least half of the funds allocated to each County in the Second Class. Sponsored by Councilman Gastgeb.

PRESIDENT FITZGERALD: Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. I would ask that you put this into the appropriate committee. For the sake of explanation, since Mr. DeFazio did a good job of explaining the stimulus package that may or may not be, I don't endorse any particular package. I certainly don't endorse the one that's being reviewed right now. But to the extent, when and if something does come to the state and particularly the county level, I'd like to think that somehow we could play a part within the appropriation.

We all read how the appropriations are going to go as far as the state and the SPC. I think it takes out a local component that this Council should be part of. So basically, the committee process maybe will help allow us to see what we can do as a county to make sure that the correct level of projects are really getting the benefit of any applicable federal monies and jobs that go with them. Thank you.

PRESIDENT FITZGERALD: Refer to Committee on Public Works. Councilman Drozd, you had something, you had something you would ask to be recognized?

MR. DROZD: Yes. Yes, sir, Mr. President. I'd like to introduce an ordinance. Basically, the ordinance is ---.

PRESIDENT FITZGERALD: Do you have it in written form?

MR. DROZD: Yes, sir, I do. Mr. Barker presented that.

PRESIDENT FITZGERALD: Well, I think what he's going to ask --- he's going to have to ask first to have it placed on the agenda.

MR. DROZD: Yes.

PRESIDENT FITZGERALD: That would be the first motion. Then I don't know if he wants to proceed beyond that. As soon as it's distributed, Mr. Drozd, then you can ---.

MR. DROZD: Thank you, sir.

PRESIDENT FITZGERALD: Okay. Mr. Drozd, continue.

MR. DROZD: Thank you, sir. This ordinance is to just put in more teeth into what Council's already intent is, the intent of Council already that was, I understand, voted on or at least agreed upon, was to not bring more money into the North Shore Connector. You know, the limit is what they've already agreed upon. But what we've seen in recent days is that, you know, the North Shore Connector has grown considerably, and it still isn't near completed in excess of another \$100,000,000.

And I'd like to relate that to the Boston Big Dig. The Boston Big Dig, when it started out, was \$2.5 billion. It is now at \$14.6 billion. In the original cost of the North Shore Connector, they had to delete the spur to the Convention Center, and who knows whatever that was deleted. So it's a very limited return on investment here that the people of Allegheny County are going to experience, I'm fearful of.

Most importantly, we need the money for our roads and our bridges and our infrastructure. It's just not \$14,600,000 that's been committed, or whatever it is, \$14,300,000 or whatever it is, by the County. The state has also committed \$74,000,000 of our capital improvement dollars, dollars that are badly needed to repair our roads and bridges in Allegheny County. So we're looking at \$80,000,000--some in commitments that now are going to be deferred away from our roads and bridges and infrastructure, those bridges in each and every one of our districts and the people that so badly need it.

So I would ask this to be put in committee and we take a very hard look at it. And I ask my fellow Council members to look at this. We need to make some statements and we need to do some analysis and projections that have been so well done by our Controller on what we need in future cash flow funds for this County, to keep it --- and to do those priorities that we need to do. We promised the people of Allegheny we'll take care of our roads, our bridges, health, all --- many other areas. This should be the last, the last on those priorities, the last on the link. So this puts it in the teeth. This makes our intent a commitment to the people of Allegheny County. Thank you, Mr. President. Thank you, my fellow Council members.

PRESIDENT FITZGERALD: Mr. Drozd, you need to make a motion to have it placed on the agenda.

MR. DROZD: Yes, sir. I'd like to make that motion to have it placed on the agenda for consideration in committee.

MR. MCCULLOUGH: I'll second it.

PRESIDENT FITZGERALD: Moved, second. Discussion on placing it on the committee? I'm just going to call for a voice vote, unless we have further discussion. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed?

MS. CLEARY: No.

MR. FINNERTY: No.

PRESIDENT FITZGERALD: Let's do a roll call vote since it's more than one.

MR. MASCIO: On the motion to place this ordinance on the agenda, Mr. Burn?

MR. BURN: Yes.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: No.

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: No.

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: On that motion, its 13 ayes, noes 2, which means I need to read it for the first reading.

PRESIDENT FITZGERALD: Go ahead.

MR. MASCIO: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, setting forth County policy regarding the construction of a tunnel commonly known as the North Shore Connector project. Sponsored by Councilman Drozd.

PRESIDENT FITZGERALD: Refer to Committee on Public Works. New business, motions. I have one. It's placed in front of you. It doesn't have a bill number. Obviously, it's a motion. And what this is is a couple of weeks ago, the Chief Executive and the Mayor of the City of Pittsburgh both introduced campaign finance reform bills to their respective councils. I've been talking to President --- City County President Doug Shields about trying to work together to come up with a uniform bill.

And it obviously has a long way to go. Some people may read this and read it for the amendments, that type of thing. But I think it's important that if there is some sort of a bill --- and I'm in support of some sort of campaign finance reform, that this be a very open process, that the public have a chance to weigh in. We've discussed it. We've agreed that we should each hold a public hearing, one in County Council's chambers and one in the City Council chambers. I have a motion on here to propose to hold ours on February 27th, 2009 here with City Council members sitting at the table being present. And Mr. Shields has extended the same courtesy. He doesn't have a date, I don't think, yet that their body has set forth.

And also, as we go through our committee process in our Government Reform Committee, figure out a way that if there were members of City Council that have some amendments that they're going to introduce, that somehow we can consider them through this body and our Government Reform Committee. We have to work out some of those logistics, obviously, but I think it's a good first step that we're going to try to come up with something that makes sense for both governments. So I'm making a motion just to hold the public hearing at four o'clock on February 27th, and I ask for ---.

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

PRESIDENT FITZGERALD: Oh, I'm sorry, the 25th. I apologize. 27th is the written testimony.

MR. DROZD: I'll second that.

PRESIDENT FITZGERALD: I don't want to give the wrong date. It's February 25th, so get that word out.

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

PRESIDENT FITZGERALD: Moved, second. Any discussion on ---? Ms. Rea?

MS. REA: Thank you, Mr. President. I guess I have two questions about it. I guess my first statement would be that I've never seen any written legislation or idea from the Chief Executive or Mayor Ravenstahl. So I haven't even looked at whatever they proposed. And would that be the intent of the public hearing, to discuss that?

PRESIDENT FITZGERALD: Yes.

MS. REA: Okay. Well, I guess I'd like a copy of that to really look at it, to see what would be involved in the public hearing so that --- what we are discussing before I would move forward. I guess my other point would be that there has been campaign finance reform legislation brought forth through this Council that is still in committee, that we haven't even discussed at all, nor do we have a committee meeting date for that legislation.

So I feel like we're putting one thing before the other, or we're moving to have a public hearing where we really don't have anything at all in writing from the Chief Executive or the Mayor to even know what we're calling the public hearing about or whatever. That's my personal feeling. I would like to see that, I guess, before I would say, yes, we should move forward. This is the day we should meet, and we should have a public hearing and this is what we should be discussing. Thank you.

PRESIDENT FITZGERALD: Okay. One thing. I believe we do have a copy of the legislation that the Chief --- we haven't seen the Mayor's, but I think they're the same, if I ---.

MS. REA: Thank you. But I guess my point would be is, I have not seen a copy of that, nor have I read it, which maybe that's my fault. I should have asked to see that, I guess, before I would say, yes, let's move and have a public hearing specifically concerning this

legislation about --- I do believe my co-sponsor of legislation, and I believe Mr. McCullough, another sponsor of that legislation, that we haven't discussed at all whatsoever. It just seems to be stalled somewhere. Thank you.

PRESIDENT FITZGERALD: Councilman Gastgeb, Councilman Martoni and Councilman McCullough.

MR. GASTGEB: I kind of echo the comments of Council Member Rea. There's no doubt that public hearings allow the electorate to comment. Then more than likely, we'll make amendments and some changes, because the ideas are usually good, either pro or con. But one of the things disappointing to me is that the campaign finance reform omits the connection between donors and ultimate projects that may get approved. And you know, when you look at the national level, some of the egregious-type things that happen, most notably in Illinois --- I'm not saying it's happening here or not, but I'd like to see the legislation have that for the public hearing versus the electorate coming up and saying, where is it? So I'm disappointed it's not there. And to me, that's really more important, campaign finance reform, than what we put in our pockets. Thank you.

PRESIDENT FITZGERALD: Councilman Martoni?

MR. MARTONI: Rich, if I understand things correctly, we're the legislative body of Allegheny County; am I correct on that? We all agree with that?

MR. BURN: Yes.

MR. MARTONI: Okay. It's okay for the Chief Executive and the Mayor to propose legislation. If I understand things --- and all of you are much brighter than me, I realize that --- we are the ones that make legislation, not the Executive or the Mayor. And I think that we should --- if we feel strong about this, we should propose legislation also, and approve it here. And if I'm wrong, just forgive me; okay? I don't mind following the lead of other people, but I want to be careful where I'm led; okay? And why I'm led.

Now, if I'm correct that we're the legislative body of Allegheny County, then legislation should come from this body, not from anybody else. And if I'm correct that the Council of Pittsburgh is an administrative body of the City of Pittsburgh --- it's okay for other people to come and propose things. But that's all they could do. And if I'm wrong, forgive me; okay?

PRESIDENT FITZGERALD: No. I think you make a good point, Councilman, and I think you're absolutely right. Whatever legislation comes out will be written by this body. There was a proposal by the two executives of the two governments, but I'm assuming --- in fact, I would bet good money that there will be amendments. There will be criticism of it. I know there's been criticism of the Chief Executive's bill by members of this body. There's been criticism of the Mayor's bill by members of City Council. And there is another bill in committee, which I think people can come and certainly talk about, as well, and maybe we blend both bills together, the good parts of both. You know, throw out the bad parts. But I think it's a process that, you know, we need to work with other legislative bodies. And I think this is an opportunity where we could work with the folks across the street.

MR. MARTONI: May I finish? I don't disagree with that, to work with them. But what I'm saying is, why in the heck don't we develop some legislation as a legislative body? I'm inclined not to be a total follower. Maybe once in a while we should probably take the lead in something, and this seems to be in our domain. That's all.

PRESIDENT FITZGERALD: Councilman McCullough and Councilwoman Cleary and Councilwoman Rea.

MR. MCCULLOUGH: I'd like to echo the comments of Dr. Martoni and Ms. Rea. I'm somewhat concerned that a bill has already proposed by some of us and has been in committee and deals with this issue --- not the same, particularly, but the general issue, hasn't even been considered by committee, yet the Chief Executive, who's not a member of this body, has a proposal and is going to jump to the head of the line by way of a public hearing.

Rich, my thoughts would be, if we want to have a public hearing about the issue of campaign finance reform, I would be for that with the understanding that our bill is going to be considered, his proposal is going to be considered and any other proposal anybody on this Council has about it would be considered. But I don't think we should be picking and choosing on this issue. If you're willing to amend your motion to have just a general hearing on the subject with discussion on both of these proposals and the bill that's already in committee, I'll be for it. Otherwise, I'll oppose it.

PRESIDENT FITZGERALD: No, I have no problem with any input or any bill that's in --- and the other bills, if you want to add that on there, I have no problem with amending it to that. I'm sure others may introduce amendments or standalone bills between now and February 25th. I think, actually, it should be a, quote, general discussion or general input. I think when people come down here to speak, they want to make suggestions and don't necessarily just follow what's in written form, whether it be your bill, the Chief Executive's bill or any bill, by members of this body or members of City Council. So we've always, you know, held public hearings in which people can come down and speak, you know, on the general topic, in general.

MR. MCCULLOUGH: You know, I don't have a written motion here, because I didn't anticipate this. But may I amend your motion orally to say, a discussion on the issue of campaign finance reform, including the Chief Executive's proposal and the bill that's in committee, whatever bill ---?

PRESIDENT FITZGERALD: Sure. If you want to have him start to write that up, that will be fine. Councilwoman Cleary?

MS. CLEARY: Yes. I'm a little bit confused. Maybe I need to ask the Chief Clerk. But didn't the Chief Executive introduce legislation at our last meeting concerning this campaign finance ---?

MR. MASCIO: Yes.

MS. CLEARY: Okay. So we do have that legislation. We introduced it at the last meeting. Yes, we do have it. Yes, we have it. We got it two weeks ago.

PRESIDENT FITZGERALD: Councilwoman Rea, Councilman Drozd, Councilman Ellenbogen and Councilman Robinson.

MS. REA: I guess I would state again, and I guess I would agree with my colleague, Mr. Martoni, that we are the legislative branch of government. And we're the legislative branch for the County, not the City, and I guess it's confusing to me ---. I mean, the Chief Executive and the Mayor have --- they can introduce or bring forth whatever legislation they want in each governing body, the Mayor for the City and the Chief Executive for the County. But I guess for campaign finance reform, where it's concerned, I would prefer that

the County would have ---. We would work through the issue on our own, without the City. Thank you.

PRESIDENT FITZGERALD: Councilman Drozd?

MR. DROZD: Thank you, Mr. President. I want to commend the Mayor and the Chief Executive and those of you that put forth this motion. But at the same time, I also want to recognize my concerns of my fellow Council members, and I echo their --- not concerns, but echo their beliefs that we need to take more of an initiative on this.

I would also ask when we do this ---. The eyes of the people are going to be on us through the news media, and we have to ask ourselves, are we doing this just for the fact that we're looking at this as, in essence --- that we're just making a statement? Or are we really, truly making campaign reform? And I think when doing this, we have to set some goals and objectives of our own and ask some questions and answer those hard questions.

First and foremost, have we eliminated all and any potential conflicts of interest, meaning that anyone that does business with this County? Is there any potential that any contribution would influence any one of the members on Council? Any elected official in the state? Any elected official anywhere in essence of their election? So we have to set some parameters and some questions and answer those hard questions and show to the world and the people of Allegheny County that we really mean what we say, and we really do that which we intend to do, and that is to make campaign reform really realistic. Thank you, Mr. President and my fellow Councilmen.

PRESIDENT FITZGERALD: Mr. Ellenbogen and Mr. Robinson.

MR. ELLENBOGEN: I guess I'd like to start by saying that I concur with Councilman Martoni, and I have a lot of respect for the way he thinks. Although I respect the relationship between the Chief Executive and the Mayor, one of the concerns I have is, once again, I feel that, you know, this is another issue that's being aired in the media that everybody's talking about. We're expecting to vote on it, but yet we don't know the details, that it's just being pushed at us without us knowing what's going on here. And you know, I, for one, feel that we need to be more involved in these kinds of things, particularly an issue of this magnitude, that as a

Council, you know, we represent this whole County. We need to be told up front what's going on here before I have to read it in the newspaper. And you know, I, for one, feel that, you know, the other side of the aisle needs to be a little more forthright with us in talking to us. And just like Councilman Martoni said, a lot of this stuff should come from us, that we should be involved in the front of it, not just, oh, by the way, guys, we're going to do this and here it is. No. I'm not going for that. So you know, I agree with you, Councilman Martoni. You're right on the button. So thank you.

PRESIDENT FITZGERALD: Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. I have three concerns. The first one relates to the involvement of --- the potential involvement of City Council in the activities of this Council. I would just caution the President in trying to make arrangements with the President of Pittsburgh City Council, that he be mindful of our jurisdiction and authority and that of the Council so that we don't send any false signals to Pittsburgh City Council, the Mayor of the City of Pittsburgh or to our own Chief Executive in terms of the prerogative of this Council and how, in fact, we conduct our business.

I don't know how the participation will manifest, if at all. But I would hope that members of this Council are duly apprised as to the parameters of that participation, how it impacts on our rules for our own internal purposes, and then for us to work out a process so that the public in both the City of Pittsburgh and the County of Allegheny do not misinterpret any participation between this Council and the City of Pittsburgh's Council to speak to the issue of merger or consolidation, because we could easily give that impression. And we can easily do that, not intending to do so.

Second concern is about any legislation, Mr. President, that's presently pending in this Council, that a member of Council or members of Council have proposed. I would respectfully request that the committee that is currently processing that legislation attempt to accommodate those members who sponsored that bill so that bill can have some type of airing, some type of discussion before the proposed date that has been suggested for a public hearing. Again, I think that this makes --- that

this is the right thing to do. And it's the respectful thing to do for our colleagues, our colleagues who are here, here in the Council of the County of Allegheny, who are attempting to use the process that's available to them to process legislation, that we not send to them the signal that others can send legislation to us and that we will consider it prior to considering legislation offered by our own colleagues. I would hate to see us set that precedent again, send a signal, perhaps, an incorrect signal, to parties outside of this body. We are the Council of the County of Allegheny, and we should protect our prerogatives jealously. And no one should be authorized to, in any way, compromise our jurisdiction.

Third, we are having our own challenges as Council members in our relationships, some of which, for better or for worse, have gone into the judicial system. Without passing judgment on the merits of the actions of any Council member to seek relief in the judicial system related to discussions and resolutions of issues in this Council, I just think we ought to pay a little bit more attention, and I say this respectfully, Mr. President, to our own internal challenges before we invite others to come in and participate with us.

We have some serious issues that are now in the courts of this Commonwealth. And regardless of our individual perspectives, what we say and what we do, including this evening, may be presented in a court of law, may or may not help the individuals involved. But I'm not sure if it would help this Council, regardless of the resolution of those issues in court. And I respectfully ask my colleagues to keep this in mind as we debate this issue and others. The integrity of this Council is at stake. It's at stake in these lawsuits. It's at stake in our personal relationships. It's at stake in the process that we are using. And now we are inviting in, possibly, the Mayor of the City of Pittsburgh and the Council of the City of Pittsburgh. I ask again, respectfully, that we pause and reflect upon what we might be doing and the unintended consequences. Thank you, Mr. President and members of Council.

PRESIDENT FITZGERALD: Thank you, Councilman. Let me just answer a couple of the points. First of all, this isn't a vote that anybody is going to be taking. It's not on campaign finance reform. I think it is a broad topic. We've considered it in the past, maybe four,

five years ago. I think it's one of those issues, though, that we can't work just in a vacuum. I think if we put limits on members of this government that may not be placed on members of another government, it puts members of this government at a disadvantage, quite frankly.

And I think the important thing in my mind for campaign finance reform --- first of all, I'd like to see it statewide. Just like the smoking bill, we thought that that should have been statewide. But in the absence of that, we would do it at the county level. Hopefully, maybe this will spark the same kind of occurrence from before, that the State will move on it.

I think it's worth having a discussion, because I think there are a lot of people in the public are concerned about how our government and how our politicians are financed, how their campaigns are financed. This gives the opportunity for people to come and speak on the record about that. It gives the opportunity of citizens' groups, whether it be the League of Women Voters --- whatever group you might want to talk about, it gives them the ability.

This Council is not giving up any prerogative in our vote. There will be no forcing down the throat from the Mayor or the City Council. I mean, if we reject what comes across, it's our vote. Fifteen (15) of us decide through a majority process what will occur. So this is the beginning of what I think might be a long process that may turn out not to come to any agreement, that we may just end up with the status quo. But I think we need to at least engage the process for any bills, whether it be Mr. McCullough's bill, whether it be a bill from the Chief Executive or anybody else's bill. I think people should have the right to come down, speak and discuss.

We're not giving up any authority. We're reaching out. And I think to reach out and talk to other governments certainly doesn't hurt us. And I would hope State representatives and State senators would avail themselves to the public hearing as well so that they could get a sense of what people in Allegheny County think should be done. So again, it's the beginning of a process. It's not putting anybody under the gun. It's inviting people in a very open process to participate in this legislation. Ms. Rea.

MS. REA: Thank you, Mr. President. I think after listening to Mr. Robinson and Mr. Martoni, I think

maybe that ---. This is a complex issue. Campaign finance reform is very important, and I think we all agree with that, that it's very important. So I think, Mr. President, what you are not hearing from this Council is that we are the legislative body in Allegheny County. We would like a public hearing concerning campaign finance reform. We would like a hearing in this chamber to discuss the Chief Executive's legislation and legislation that other members of this Council have brought forward.

I actually feel very strongly about that, that we can have our own hearing, and the City of Pittsburgh can have a hearing. This motion was brought to us this evening. And with all due respect to Ms. Cleary saying that I do have the legislation from the Chief Executive, I still was only told this evening that there would be a public hearing, a date was chosen and it's on the agenda as a motion. And I know that's fine, but finance reform is an issue. But what this chamber does and how we work together, how we react to different pieces of legislation is very important, too. And I think campaign finance reform, until the bills that are in this chamber are discussed, should be left to members of this Council alone. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty and Mr. Drozd.

MR. FINNERTY: Thank you, Mr. President. I'd just like to remind some people here that this is the Council of Allegheny County, and the County's much bigger than the City of Pittsburgh. The City of Pittsburgh resides in the County of Allegheny. Also, Allegheny County has an election department. The City of Pittsburgh does not have an election department. So whatever campaign reform is put up, applies, at least, I believe applies to the City of Pittsburgh, because the City of Pittsburgh is part of Allegheny County. It's not the other way around.

And I think cooperation is one thing. For example, any City Council person who comes to this meeting can speak, because they're a resident of Allegheny County. I, in turn, cannot go to the City Council meeting and speak, because I'm not a resident of the City of Pittsburgh. So by coming together and speaking to people about this, I don't think there's anything wrong with that. I do also think that we have to consider --- if we have a bill in committee from our own members, we have to

consider that also as we go through this reform. And I don't know if I'm correct about that, but I will ask Jack. Am I correct that if we pass campaign reform here, it has to apply to the City, also?

MR. CAMBEST: I mean, obviously, on the face, you're correct, you know, depending how it actually comes out, whether it's enforced by the Department of Elections. But on the face of it, yes.

MR. FINNERTY: Okay. So I'd just like to remind --- that we are the body here that controls that. And if we reach out to someone else and ask them for some suggestions or some discussion, as any citizen of the County can come in here and discuss it with us or e-mail us, or whatever, I don't think that's a bad thing. I don't think somebody's going to dictate to us what the campaign reform is going to be. I think it's going to be done by discussion and possibly some compromise. It can happen. And I think it's extremely important that we think along those lines and not up here saying one thing like, somebody's going to take it over. Because they can't. They cannot take it over. It's ours. Thank you very much.

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

MR. DROZD: Very quickly. Thank you, Mr. President. You know, I'm a firm believer. I echo the sentiment of some of my fellow Council members, and I do humbly respect them for their opinion --- for your opinion. At the same time, I also --- you know, I believe so strongly in public comment. It's important to gain that comment. I think what this begs is not just one hearing. It begs two hearings. Now, what I mean is let's have a hearing. Let's support the President of Council and have the hearing on the first go-around, take what comes out of that hearing and take it back, scrub it in committee, along with our own ordinances, and then have a second hearing upon what we're going to present, you know, to the public.

Secondly, I'd like to point out that, you know, I don't know what policies within the City of Pittsburgh and the Council may be, if you have to be a resident, or they say that. But I'll tell you this much. They are really good people, the Council, and they have allowed me to speak. I've gone to City Council and presented my views on an issue, and they gave me the courtesy to speak

before them. They're pretty open to that. So if any of you want to do that, you're welcome to do that. I'm sure they wouldn't deny you that.

So I ask my Council members, let's do it anywhere we can to support a public comment session, but I think it begs a second. And I think, and I agree with you, we need to scrub it. We need to take more initiative on our part, to take what that information is on the first go-around, take it back to our committee, then work it through the committee and come out with something that's agreeable to all and then maybe again hold a public hearing on what we come up with. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. McCullough, if you want to introduce your amendment, as well.

MR. MCCULLOUGH: I plan to introduce this amendment, and I think it addresses some of the concerns that have been raised here. This amendment specifically will refer to a discussion on a subject of public finance. It will also reference any of the bills that already have been introduced to this Council, whether it be by the Chief Executive or any individual member. It gets past this issue of doing this in conjunction with the City of Pittsburgh. And the bottom line is, Rich, if you feel you need a public hearing on campaign finance reform, I support that. I have the same reservations expressed earlier this evening by Dr. Martoni and Ms. Rea. My thoughts are, if you're looking at input from the City of Pittsburgh or State legislature, invite them to come to our public hearing. They can be recognized like everybody else.

PRESIDENT FITZGERALD: Do you make a motion to amend?

MR. MCCULLOUGH: Yes, motion to amend.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved, second. I'm just going to do a voice vote on the amendment unless there's any discussion on the amendment itself, maybe we can discuss the motion itself. All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The amendment being placed on the bill carries. And then I would like to recognize --- I'm sorry. Mr. McCullough, were you finished?

MR. MCCULLOUGH: Yes, sir.

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

MR. ELLENBOGEN: Thank you, Mr. President. Well, I'd say I'm kind of pleased because this is really the first issue since I've been on Council that I think really has gelled everyone. And it's nice to see that even regardless of how we all disagree on a lot of things, I think what we're all saying to you, Mr. President, is, you know, to steal an expression from football, this is our house. And you know, I think we're telling you that we want you to be a strong advocate that we're not backing up. The things that belong to this Council, the things that we sit and we get phone calls and letters and everything else on, these things belong under our authority.

And I think everybody needs to recognize that and you as our president, we need you to be a strong voice and a singular voice to let other government entities know that what belongs to us belongs to us, and we're not going to back up. You know, the Election Department is under the County. You know, these kinds of things need to be here in front of us. And like Councilman McCullough said and Councilman Martoni and everyone else, is that, hey, you know, you want to come in and give us your opinions, fine. But this is not your --- this is not under your parameter. This is under our parameter. This is County business. When there's a City Election Department, then, you know, I think they'd have some say.

So that being said, thank you. And I appreciate the fact that everybody's pulling together on this, you know, because ---. I mean, think about all the issues where we're on the back end of it, and this room is filled with people. And what happens is, we have to hear it, we have to hear it and we're on the back end of it. So thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. I think Mr. Martoni and Mr. McCullough, for the motion, it doesn't address my concerns that more than the campaign finance reform needs to be looked at. The component of contracts and awarding and connecting the dots are just as important. So now, since Ms. Rea and Mr. McCullough, you have a bill, that bill will be part of the public record. But I am confused because I believe the Chief Executive's

bill specifically mentions jointly within the body of the bill, jointly meaning the City of Pittsburgh and the County of Allegheny, need to pass the campaign finance reform for it to be law within the jurisdiction.

Tonight I'd like to say Mr. Finnerty may or may not be right. I don't know. But being nine years on this body, I was always told that we can only affect people running for County office, nothing else. But the City would be applicable under County law. So would Hampton, so would McKeesport, so would Bethel Park, so would Moon. But I just don't know if that's true or not. And I don't know, maybe Mr. Cambest or Mr. Wojcik can, at a later date, help me out with that.

But this just shows the folly of having both bodies involved in the same subject. A couple of weeks ago, we had the Human Relations Commission on the sexual gender bill. Now, it's in the City, but then the County wants to look at the issue. Well, then, if you look at that on the surface, outside of the City is where, seemingly, the County's jurisdiction would lie. That was said here that night. So there's nine suburban districts that we're looking at, if you look at it that way.

So I'm really confused on this, and that's what happens when you start to leave our body, I believe. You know, we're co-mingling with another body. And to me, it just becomes following. I also agree with Councilman Fitzgerald. Why would we look at something that only touches campaign finance reform on a few people that run for office? You know, 80 percent of the people that run for local commission, supervisor, mayor, that live in the suburbs, this wouldn't even affect, I don't think. So we're just basically looking at something for ourselves, and that doesn't make sense to me, either. So I really do like to be as comprehensive as possible with this particular bill, and I also support Mr. McCullough's motion. Thank you.

PRESIDENT FITZGERALD: That motion did pass. That amendment did pass.

MR. GASTGEB: Okay.

PRESIDENT FITZGERALD: Okay. Any further discussion? Please call the roll on the motion as amended.

MR. MASCIO: Mr. Burn?

PRESIDENT FITZGERALD: Wait. I'm sorry. Ms. Rea, do you have a question? We've had the motion and second.

MR. MASCIO: What you need to do is you need to make a motion on the bill as amended.

PRESIDENT FITZGERALD: On the bill as amended. I'm sorry. Can I have a motion on the bill as amended?

MR. FINNERTY: So moved.

MR. MARTONI: So moved. Second.

PRESIDENT FITZGERALD: Moved, second. Any further discussion? Let's call the roll.

MR. MASCIO: Okay. 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, noes 0. The motion carries.

PRESIDENT FITZGERALD: I think we have a couple other motions, and I'm going to recognize Councilman Futules.

MR. FUTULES: Okay. Just on the lighter side a little bit here, we passed this out earlier to the Council members. Today, this week is a great time to live in the City of Pittsburgh and, of course, Allegheny County. Pittsburgh has changed the name, by City Council, to Sixburgh. I believe they changed it today. And I have a motion before us here to honor the Pittsburgh Steelers and hereby declaring Allegheny County in the year 2009 as the County of Champions in honor of the Pittsburgh Steelers earning their sixth Super Bowl title. I have a motion.

PRESIDENT FITZGERALD: So moved.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Discussion?

MR. MASCIO: Do you want a roll call on this?

MR. MCCULLOUGH: Discussion.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: I'm half tempted to seize on this opportunity to declare a six-month drink tax holiday to celebrate, but I think I'll pass that for another time.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: I just have a question for Mr. Futules.

MR. FUTULES: Sure.

MR. GASTGEB: Do you know if, by changing the name, it stops the population loss in the City? Thank you. I withdraw that.

PRESIDENT FITZGERALD: Do we have any further discussion on the bill? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. The County of Allegheny is now changed to the County of Champions. Other motions? Councilman McCullough?

MR. MCCULLOUGH: Yes. I have a motion I'd like to introduce, Mr. Fitzgerald. I believe it's before everybody.

PRESIDENT FITZGERALD: You may proceed.

MR. MCCULLOUGH: All right. As part of this motion, I also passed out some excerpts from the hearing transcript on the excess drink and car rental tax litigation that was decided by Judge Olson early in

January. But specifically, the excerpts are the sworn testimony by the budget director under oath. Now, I'm not going to read all of it for you, but I'd like it if you do. But I am going to call your attention to a few that I think are very important excerpts. And they tie into the reason for this motion, which is to ask you, Rich, to call a special meeting, basically, a public meeting for a workshop discussion on the County's fiscal affairs in light of this Decision.

I'd like to call your attention to the first half. And again, these are the sworn testimonies, sworn statements of Budget Director Amy Griser in that litigation. She says, as follows, in part, so we would be going to the market in the next couple of months in order to meet the demands of the capital budget that's been adopted by County Council. Two factors that impact the cost of this borrowing are that we are rated by several rating agencies. Moody's and Standard and Poor are the two that we commonly use.

Please pay attention to the next part. Their prescribed level of fund balance that a healthy institution should have is five percent of your operating budget. Question, actually, from the County Solicitor, what would that require? What would that five percent threshold equate for the County? This is very important. Five percent of our current operating budget would require us to have approximately \$38,000,000. All right. Her sworn testimony is, we need to be --- a healthy institution, have a \$38,000,000 fund balance. Question, approximately what is our current fund balance? Answer, our current fund balance is \$20,300,000.

And you see down below, question, so we're roughly \$18,000,000 short of that target? The answer, correct. Now, that \$20,000,000 figure included utilization of all the excess drink tax and car rental tax monies. It also included, frankly, the tax that we had for the last year on those two subjects. It also included the extra money we got by way of the airport, those one-time revenues we're talking about.

Please turn to the next page, page 69, line 15 --- line 13. Question, and what would that result in the fund balance for the County? Answer, it would essentially wipe us out. Additionally, as well, it would take away our fund balance. Please turn to page 70, beginning at line 8. So with the impact of the documents that we would

have to provide --- again, this is Ms. Griser's testimony --- to the ratings industries and the unease of the insurance market, this injunction would have a very detrimental impact to our borrowings. Question, would it have any impact on operations, having a negative fund balance? Answer, it would, because as Councilman McCullough indicated, we have growth of approximately \$22,000,000 in our budget, but those are fixed costs in relation to debt services that cannot be avoided, utility costs that cannot be avoided, and also includes some State funding that we're mandated to perform certain services.

The next tab is very important, beginning with line 20. We've already gone through several layoffs in the County. Our workforce is slim. To be able to react to a wipeout of our fund balance, I don't see it as possible. Please turn to the next tab, which is on page 73. Again, Ms. Griser states, in today's market, I take any action of freezing monies or restricting them to be very negative. Last point, page 72, line 20, answer, again, by Ms. Griser, as our fund balance is already significantly lower than what it should be in today's marketplace, I take any action by this injunction to be detrimental to the financial standing of the County.

The point I'm trying to make is this. And I'm not trying to get into the merits of litigation or anything else. We have sworn testimony by our budget director that the budget as adopted, assuming that the excess drink and car rental tax monies could have been used as contemplated in that budget, we were \$18,000,000 shy of where we would be. Now, we can get into an argument about how much money the impact of that litigation has, but it has at least a \$12,000,000 hit to the budget. You take \$12,000,000 away from a \$20,000,000 fund balance, you're now down to \$8,000,000.

The point is with this kind of information before us, I think it behooves us as a body, given the fact that this budget was passed by 14 of you in reliance that that money could be used for the operating budget, to get the Chief Executive over here and hear from him exactly what's going on and how we're going to deal with this, and to hear from the County Manager and to invite the Budget Director, invite the Controller, invite the Treasurer, basically, invite everybody who had a hand in crafting or approving this budget which was presented to County Council.

I don't think it can wait. All right. I think it's very important that we find out exactly what's going on and we get an explanation on this and how we're going to deal with it. You need to keep in mind with all that has gone on over the last year, the excess money we got out of these taxes, the money that was not anticipated by way of gaming revenues or the airport debt, all that stuff and where we are right now, you're looking down the barrel of no more than an \$8,000,000 fund balance. And if we're off, and if our revenues are lower than anticipated and if our expenditures are higher than anticipated, you've got a real problem.

By her own testimony, with nothing else changing, we are not a healthy governmental institution. By her own testimony, we're at least \$30,000,000 below where we need to be a healthy institution. Now, I'm not going to preach about this and I'm not going to preach about solutions. I'm throwing it out to all of you to consider this. I think it's important for us in discharging our responsibility now that we know that we have a budget that is out of whack, on its face ---. Bill, I hear what you're saying. But I think we need to get them over in the first instance and find out what's going on and take it back to committee and deal with this. And that's why I'm asking for this motion.

PRESIDENT FITZGERALD: Well, first of all, let me just bring up a couple of issues, the first of which, I must say, is the Chairman of Budget and Finance holds very much regular meetings. I mean, Mr. Robinson has vetted this, gone through with this. And I feel it's a usurpation of his authority and his committee's authority to take it out of his domain and put it in all of our domain. Obviously, things that come out of his committee need to be voted on by all members of this Council, regardless of that. So I believe he is dealing with it and --- you know. Again, I have all this confidence because he's been Budget and Finance Chair for the last five years, and I think he has brought forth good budgets and moved this County in the right direction.

The second thing, I guess, I have to say is, I want to ask our Solicitor. This is litigation, Mr. McCullough, that you have brought against this County. And is there a conflict in any of this, Mr. Cambest?

MR. CAMBEST: Well, as I understand the --- and Mr. Wojcik is here --- there was an appeal of this --- no?

MR. WOJCIK: No.

MR. CAMBEST: It's not going any further in the courts?

MR. WOJCIK: We're trying to work out a consent decree.

MR. CAMBEST: Okay. Well, as the state of litigation --- I mean, you're making a statement, that is, Mr. McCullough, an adversary to the rest of the Council in this matter. Yes, he is. And I would advise, Chuck, that because of that, you should not be offering any motions. That doesn't mean anybody else on Council can't do that if they so desire to do that. But Chuck, you should be very careful about making motions, voting on motions, being part of meetings, even committee meetings that deal with this because of the litigation that's going on. And I would just offer that advice to you, nothing against you personally.

MR. MCCULLOUGH: Please finish.

MR. CAMBEST: But you also raise a good point, that we do have a process here in County Council that deals with the budget, and Mr. Robinson is the chairman of that committee. And as we do most items, that should go back before committee before we come before Council, pertaining to the budget. I don't know what the Administration's doing with the budget. I know in reading Judge Olson's Opinion, I think she even said to all parties concerned, when Ms. Griser testified, that we can't deal on speculation. I don't know what the County's doing, if there is a shortfall, there isn't a shortfall. Now, you can take a number, I guess, and easily subtract it, but is that a true number? We all know budgets are road maps. We know that there are other issues that happen during the year that will do that.

So that would be my suggestion, based on ---. We're not --- I mean, I'm not counsel in that, so I would obviously leave that up to Mr. Wojcik. But until that issue is out of the way, I don't know that we could be discussing anything if they're going to be having a consent agreement that may ultimately resolve any issue that Judge Olson's injunction, at this point in time, may have on the County budget.

MR. MCCULLOUGH: May I respond?

PRESIDENT FITZGERALD: Mr. McCullough, you may respond, then Ms. Cleary and Mr. Burn.

MR. MCCULLOUGH: All right. First of all, that lawsuit has nothing to do with how this money is ultimately going to be spent. That is Declaratory Judgment as to that particular appropriation, particular use of money, whether or not it was legal, and it was found it wasn't. I'm going to take another step further. I didn't vote for the budget. I didn't vote for the budget because I didn't think it was legal. Everybody in this room ignored my repeated requests to get an opinion from counsel, either from Jack, either from the County Solicitor or the suggestion I made to the Chief Executive to get a downtown law firm to do it. I'm not going to argue with you. I'm not going to belabor with you. I'm reporting this to you. If you want to handle it, that's fine. If not, frankly, it's on you. And I'm going to leave this chamber right now so you can discuss it and do whatever you want about it, and nobody can accuse me of any undue influence. Good night.

PRESIDENT FITZGERALD: Ms. Cleary?

MS. CLEARY: Yes. My question was, I guess, to Mr. Cambest. A part of that was addressed. I mean, he's referencing a lawsuit. I just --- I guess my question was answered, but is it resolved or not? Mr. Wojcik said it's not ---.

MR. CAMBEST: My understanding --- if we're going to talk about that, obviously, we need to go into executive session. We can invite Mr. Wojcik in to get the status of the case. But as far as I know, there's an injunction that's been issued. It does have an impact on the way money is spent in regard to the Port Authority or Port Authority-related projects, but I don't know what that impact is on the total budget. And I understand this motion that we're not dealing exactly with those monies, but those monies and their effect on the total budget of Allegheny County. I don't know that there's an \$8,000,000 shortfall or a \$50,000,000 shortfall. I can't tell you that.

MS. CLEARY: Okay. Thank you. And I think we need to talk about this in committee, as Mr. Robinson has done a great job doing that, like Mr. Fitzgerald said, for the last five years. So I think it's --- we were always discussing budget matters, so I would vote no on this motion, if we are going to vote on it. I think we are taking care of the budget issues. That's our primary job here. And I think we all take that seriously.

PRESIDENT FITZGERALD: Mr. Burn, then Mr. Ellenbogen and Mr. Martoni.

MR. BURN: Thank you, Mr. President. Before I make any comments, I want to ask our Solicitor about the fact that there is a litigation issue, and we heard tonight that there is a possibility of a consent decree being hammered out. Jack, am I allowed to comment on this here, or should I go outside, then make my comments?

MR. CAMBEST: Any comments we make on that should be done in executive session.

MR. BURN: So I shouldn't comment on this motion at this time?

MR. CAMBEST: I would advise you, if you're going to talk about whether or not we should hold a special meeting, that's okay. But if we're going to get into whether or not we have shortfalls or other issues involving that injunction --- and to be fair, we should do that in executive session, have the County Solicitor in there to advise us on the status.

MR. BURN: I did have some comments, but on the advice of our County Council Solicitor, Mr. President, I will refrain from expressing them at this time.

PRESIDENT FITZGERALD: Thank you, Mr. Burn. Mr. Ellenbogen and Mr. Martoni.

MR. ELLENBOGEN: I would like to ask the Solicitor. So, I mean, there's been a lot of dispersions cast here in terms of the budget. You know, I'm confused about it, to be honest with you, because I don't know, you know, whether this is real or whether it's not. You know, I'd like to ask the County Manager, but I don't want him to ---. If it's in litigation, I probably shouldn't ask him anything; right?

MR. CAMBEST: Well, we should have him come to an executive session, if you'd like to do that. And if he has the information and he can give it to you tonight, I'm sure he'll be glad to do that.

MR. ELLENBOGEN: I think basically what it comes down to, I don't, myself ---. You know, I'm not somebody to sit and talk about somebody while they're sitting in a room or to represent something where they're not going to have an opportunity to respond or at least say something. Being that the County Manager is sitting here, I guess I would ask him if he has anything he'd like to say. I mean, there's been a lot of things said about the Administration that I'm sure he's not happy about, you

know. So I'm just asking if he wants to say anything. I'd be more than welcome to listen. If he'd just rather let it go to litigation, then let it be.

MR. CAMBEST: I mean, if you read your transcript, there are obviously a lot of important offshoots on that. Mr. Macey brought up an issue today of the Authority bond rating and the Pittsburgh Airport. And we have to watch what we say about County budgets, financial impacts of certain things. You know, we all know Wall Street people move on what people say sometimes. So I think we have to be very careful about that.

MR. ELLENBOGEN: All right. Well, I'll defer to the Solicitor and I won't ask any more questions. Thank you.

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

MR. MARTONI: With Mr. Robinson's permission, I would like, in a general way, to turn it over to the Finance Committee to discuss this, as much as they could discuss it. I mean, it's a legal issue. I think our discussion here is just primarily a waste of time; okay? I think that Mr. Robinson's committee --- and I've been a great admirer of him on that Finance Committee. I hope you really believe that I have been. And they have been doing an outstanding job. I'd like to keep it in our domain, in the County Council's domain, for now. And I would like this particular issue turned over to the Finance Committee to make some sense of it.

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

MR. DROZD: Thank you, Mr. President. I feel like the guy in the cartoon here. Have you ever seen the cartoon where the car runs over the guy and his feet are up in the air? I kind of feel that way. I think this is some very ---. Some questions have been raised here by our esteemed Councilman who just recently left. And I wish he would have stayed because, in essence, it bodes questions on both sides. In all fairness to both sides, I think that, you know, the Administration ought to have the opportunity to respond in a fair way. And at the same time, what I don't want to do is I don't want to violate any opportunities or whatever we have in litigation. I don't think anyone wants to do that. So I believe at that point that --- I think this needs to go --- whatever part of it needs to go in committee, whatever part needs to go

to the Controller, whatever part needs to go to the Solicitor, so be it. That's the way it should go. And then we glean those answers before we, you know, even vote on whatever --- whatever it may be. And in essence --- you know, I don't even know how we could vote tonight anyhow with our esteemed Councilman leaving the room. So this is something --- this bodes a lot of questions, and I want to be fair to everybody concerned. I want to be fair to all concerned, Administration, Counsel, anyone, that there are questions here that need to be answered, in all fairness, that they should have the rights to answer whichever way, without ---. There's litigation on this, and there's some people that, you know, in essence ---. It's just something that we have to really explore in the right way and in a fair way. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. As my esteemed colleague, Chuck McCullough, can do at times --- and it's thought provoking, and for that reason alone, and the public specter it's been, it does need to be addressed. I would agree as a Republican member on the Budget and Finance Committee, I think that's an appropriate forum. I also think that Mr. Robinson would accommodate any topic, that he's shown in the last five years, no matter big or small.

And if I could just speak in a general sense to this whole thing, take away from any specifics of litigation, to me at least, the budget is different. It's different today than what I voted on back in December. It's \$12,000,000 different. The remedy, it would appear, is to give that \$12,000,000 to the Port Authority. Is that really what we want to do, to put it into an entity that's really been the poster child for probably not giving extra money to? I don't know. But in committee, perhaps, we could get a good dialogue or road map of what the Administration really is doing in a very detail-oriented nature to this, since the Judge's Decision, so that we all know, and then see if Council needs to make a vote again or a second vote because of the steps. I don't know that, either. I know in executive session and some other dialogue and maybe there's been the answer to the contrary of what I'm saying. But I don't know if it's been answered to my satisfaction. So to the extent that a committee meeting could outlay some of this and put some of this to rest, I think it's healthy. It's open. It's

transparent. No matter what, this is how we've been through the whole process. This body has been open and transparent and --- you know, I guess as a member of the Budget and Finance Committee, I would like to work with Mr. Robinson just to do this in a bipartisan manner. Thank you.

PRESIDENT FITZGERALD: Okay. Any other comment? Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I'd just like to see this go to committee. I think we can't really discuss the nuts and bolts of this here. So I'd appreciate it if you would send it to committee. Thank you, Mr. President.

PRESIDENT FITZGERALD: My understanding is --- I'm sorry. Mr. Mascio, you look like you've got something to ---.

MR. MASCIO: I was just going to say, there was actually no second, so the motion was not formally presented.

MR. CAMBEST: The motion is only to call a special meeting. It's not to ---. It's not a bill. There's nothing to send to committee.

MR. MASCIO: Right.

MR. CAMBEST: I think the whole discussion has been that if Mr. Robinson, as Chairman, believes that he should call a budget meeting to discuss this issue, then he should do so.

PRESIDENT FITZGERALD: And there hasn't been a second to the motion. So again, I think everybody's comments, what is being done in committee --- every week, every other week. So they're pretty regular. And this certainly is one issue, among others, that could be dealt with. Was it properly introduced? You know ---.

MR. MASCIO: No. That's what I was saying. It was not formally presented as a motion. He discussed it.

PRESIDENT FITZGERALD: Okay. Just never made it a motion.

MR. MASCIO: Nobody really made a motion that someone seconded.

PRESIDENT FITZGERALD: Okay.

MR. MASCIO: So it's not really on the floor, because he left.

PRESIDENT FITZGERALD: We'll move on. In a general request, we'll ask Mr. Robinson and his committee to look at certain issues and move from there. Any other

motions that we haven't covered tonight? Seeing none, public comment on general items. Let's see. We have two speakers this evening. Mr. Ralph Williams. Mr. Williams, if you'd state your name and address for the record, please.

MR. WILLIAMS: Yes. Ralph Williams, 351 Grove Street, McKees Rocks, 15136. Members of County Council, I just want to wish each and every one of you a Happy New Year. I'm here tonight to thank you members of County Council for helping out with a situation involving the Port Authority. And Mr. Fitzgerald, I thank you for the information you educated me on about the situation with the Port Authority. We've had many discussions on the phone in regards to that. Mr. DeFazio, I know you're listening. I thank you for helping out with the situation of the CBA with Local 85, and the Port Authority by getting the USWA involved. I thank you, as well.

And Matt Drozd, you also, I thank you for getting involved. And --- well, I was going to thank Mr. McCullough for a couple things, but he's not here. Mr. Robinson, I thank you, as well, for proposing legislation to have the County Council control the drink tax money. I think that that is a good idea, and I think that when the Port Authority needs it, they should be able to access it, and I admire you for going up against the County Executive.

And last but not least, Dr. Martoni. I thank you as well in regard to the Port Authority, for approving the CBA with Local 85. I urge you and the other members of the Board not to make cuts in service and layoffs, and to try to forge our relationship with our local. I also urge you, and I speak for thousands of transit riders, to forge a better relationship and communication with everybody involved in this transit system, and not to alienate people for the Board, Mr. Bland, or for Mr. Onorato's personal agendas.

Other members of County Council, I urge you as well to be fully involved in this transit system, because with a good, vibrant transit system comes good jobs and a better economy for Allegheny County, and good jobs and people needing the public transit system, to be a good and effective one to get them to these jobs and to also save your political careers by getting involved. I wish you, everyone here, a Happy New Year, and God bless you. And

let's keep jobs and mass transit, and together we can. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Williams. Christopher Wight. Mr. Wight, if you'd state your name and address for the record, please.

MR. WIGHT: Christopher Wight, W-I-G, as in George, H-T, as in Thomas, 5557 1/2 Forbes Avenue, Pittsburgh, 15217. Good evening, Council President, members of Council, residents of the County of Allegheny, Pittsburgh, Pennsylvania. I moved here a couple of years ago from a small town called Steubenville, Ohio. I went to school there three different times so I could finish. I moved here primarily to start a new life, and I found a home in Squirrel Hill. And as of tomorrow, I'm going to be studying with a local rabbi, going back to my roots, going back to the Old Testament and to ---.

Anyway, I want to thank you for allowing me to speak tonight. Four and a half years ago, I came to Pittsburgh. I drove from Steubenville. I was what's called a mystery shopper, which means I was hired over the Internet to do kind of customer undercover work. I came to the Greyhound Bus Station, the old Greyhound Bus Station, and did a little mystery shop there. It took me about an hour and a half and 20 minutes of paperwork on a laptop computer. And I remember very clearly getting comments on this mystery shop. I said, and I quote, please tear down this building and rebuild a new one and add a parking garage. So I thank you for listening to me and probably many others who have made that suggestion. Okay. That's one of the reasons why I came to Pittsburgh was, I don't like to drive. I'm not a great driver. And quite frankly, I can't afford it. Okay. And I support the Port Authority in that situation with the bus transit system. I think it's essential.

Another issue I want to mention tonight is, I've had the pleasure of spending several months in the North Side of Pittsburgh at a place called the YMCA. I was a resident there, a member from 2007 until May of 2008. And to their credit, at least the Christian DCO and the Allegheny County YMCA each wrote me a letter of apology and also a full refund for the rent that I paid for several months there because I've repeatedly, in writing and verbal formats, indicated that the secondhand smoke in the building is a threat to my own health and actually

affects my whole life, as well as the other residents in the building.

And I actually mentioned this to the Chief of Staff of the YMCA. One person, Pete Conti (phonetic), on the fifth floor, died while smoking in bed, even though his family repeatedly asked the manager at the YMCA not to allow him to smoke. And I'm just mentioning this because I found out that a gentleman that moved right next to me, after I moved out, died in a very similar manner. Both gentlemen were in their rooms for several days before they even found the bodies. I urge anyone who has anything to do authority-wise at the Health Department in the County of Allegheny to investigate that.

And I urge ---. I was talking to Dan Frankel's office and talking to a couple of other different members of the House of Representatives of Pennsylvania. I urge the suggestion of Council President Richard Fitzgerald, that we have a statewide smoking ban. I quit smoking eight years ago because I coughed up blood, and I don't want anybody to go through what I went through. Thank you so much.

PRESIDENT FITZGERALD: Thank you, Mr. Wight.
Mr. Martoni?

MR. MARTONI: I just want to comment on our speaker, Ralph Williams. Okay. I want us all to keep in mind that sometimes there's a lot of issues about the Port Authority that we think are negative. I want us to keep in mind that about a quarter of a million of our residents in Allegheny County use it every day to get to and from work. And I also --- it's more than the people who work there that have benefited. If the Port Authority would close, half the businesses in downtown Pittsburgh would close. So I think we should be careful of the negative speech sometimes that gets out there. And I thank you for what you said. Thank you.

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

(Chorus of motions.)

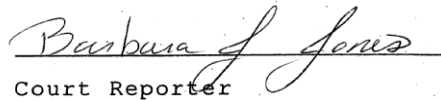
(Chorus of seconds.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 6:34 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.


Court Reporter