

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

Wednesday, July 1, 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 H. Rushford, Jr. - Counsel for County Council  
Jared Barker - Director, Legislative Services  
Jennifer Liptak - Budget Director  
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: If everyone would please rise. And welcome to the July 1st, 2009 meeting of County Council, Allegheny County Council. Stand for the Pledge of Allegiance and remain standing for a moment of silent prayer or reflection.

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. BARKER: Mr. Burn?

MR. BURN: Here.

MR. BARKER: Ms. Cleary?

MS. CLEARY: Present.

MR. BARKER: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. BARKER: Mr. Drozd?

(No response.)

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Here.

MR. BARKER: Mr. Futules?

(No response.)

MR. BARKER: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. BARKER: Ms. Green?

MS. GREEN: Present.

MR. BARKER: Mr. Macey?

MR. MACEY: Present.

MR. BARKER: Mr. Martoni?

MR. MARTONI: Here.

MR. BARKER: Mr. McCullough?

MR. MCCULLOUGH: Present.

MR. BARKER: Ms. Rea?

MS. REA: Here.

MR. BARKER: Mr. Robinson?

MR. ROBINSON: Present.

MR. BARKER: President Fitzgerald?

PRESIDENT FITZGERALD: Here. Proclamations/certificates.

MR. BARKER: Number 4972-09. Proclamations honoring Mayor Betty Esper of the Borough of Homestead, Mayor Raymond Bodnar of the Borough of Munhall and Mayor John Dindak of the Borough of West Homestead for their

community leadership and successful community development. Sponsored by President Fitzgerald.

PRESIDENT FITZGERALD: Okay. The reason I didn't come up to read the first proclamation, I want to invite the three mayors up to the podium, Mayors Dindak --- right to here, Mr. Dindak, yes --- and Mayor Bodnar and Mayor Esper. I've been privileged --- had the privilege of representing Homestead, West Homestead and Munhall for the last seven or eight years. And these three mayors are really shining examples of talking --- when we talk about cooperation and we talk about consolidation and they talk about mergers, kind of, all these words that get thrown around, these three mayors have shown leadership in working together for many, many years. And I think it's been the fact that their longevity of being mayors all those years and working together, it's made the communities kind of come back from some of the tough times that we all are all aware of from the late '70s and early '80s.

I don't know if anybody would believe that an old mill site where the Homestead Works sat would become an absolute Mecca for this region of an entertainment center that all of our young kids would go to who weren't even around when the mills were running around the clock. But it was the cooperation of the three people standing behind me working with their communities that made that happen. Rather than fighting over, you know, where this would be or where that would be, they decided to work together and share in the revenues and made that great complex worthwhile. It's an entertainment complex. It's a corporate headquarters complex. There's a steel mill on the complex. It's an example of mixed use that is terrific. And again, I wanted to acknowledge these mayors.

They've been there for a few years. I guess I'll start with Mayor Esper, the junior member of the group or the least in seniority. Mayor Esper has only been the mayor for 22 years. She's the youngster in the group, having worked in United States Steel for 36 years at that very same Homestead Works, so she obviously knows the community extremely well.

Then there's Mr. Bodnar, who has only been the mayor since --- oh, I'm sorry --- 23 years. I thought it was even longer than that. Mr. Bodnar has only been the mayor since 1987, for 23 years he got elected ago. And

then there's Mayor Dindak. What is it, 36 years? Do I have that right? You forgot. It is 36 years. So I wanted to honor the three of them and have them come up and say a few words. I won't read the whole proclamation. We're going to give each one of them one. But I'll read one that's kind of common to all of them.

NOW, THEREFORE, BE IT RESOLVED that Allegheny County Council hereby commends the Boroughs of West Homestead, Munhall and Homestead for having Mayors Dindak, Esper and Bodnar for many, many years of community service in dedication to building the economy of their region. They continue to set a standard of excellence for leaders in our county and serve as an inspiration to members of this Council. Sponsored by myself on this 1st day of July, 2009. Mayors, congratulations.

(Applause.)

PRESIDENT FITZGERALD: I'll ask Mayor Dindak to go first.

MAYOR DINDAK: I understand I only have about three minutes to speak, and I don't know why, because I'm paying out of my pocket for a parking thing down there. Man, you guys are tough down here in the city. But anyhow, where'd you get all that information? I forgot some of that stuff.

PRESIDENT FITZGERALD: Your staff provided us.

MAYOR DINDAK: Anyhow, on behalf of my Borough Council, the employees and the residents of the Borough of West Homestead, this is a real proud honor for us in West Homestead and the Steel Valley. So I thank you very much.

(Applause.)

PRESIDENT FITZGERALD: Mayor Bodnar.

MAYOR BODNAR: Thank you. I see I'm only allotted three hours. And where did you ever see a politician who wouldn't grab that microphone? I don't think you'll see one here. At any rate, I want to tell you it's a real honor to be honored by the County Council. I give you a lot of credit for doing what you do, all of you, because I don't have to tell you after --- actually, I have about 44 years in politics. But I don't have to tell you about what it takes to deal with the public and try to keep everybody happy.

I especially want to thank our president of the County Council for calling and making this presentation to us. And as he knows, I would --- I might as well get somebody mad at me. I'll be looking for all --- this is

my opportunity --- all you people to back that flyover down there at Munhall going into the Waterfront. I've been battling for eight years with people at PennDOT, and now I'm going to get mean. And I will start going door to door to all the businesses down there, and you'll all hear from them. So that's my parting shot. Sincerely, thank you very much.

(Applause.)

PRESIDENT FITZGERALD: And last but certainly not least, Mayor Esper. Remember, Mayor, we're on TV, so you've got to watch your language.

MAYOR ESPER: Thank you very much. It's quite an honor. But like everything else, it takes a lot of cooperation. It took three mayors that represented the town. We always get the ribbons for getting the honors. But it took three councils, three planning commissions, three solicitors, three engineers. And thank God for Frank Kass, who developed the property in Schenley Park which, without him, we wouldn't have the Waterfront. And we thank him for everything, and that's what cooperation does. And thank you.

(Applause.)

MR. DROZD: I just want to say these three people who I've known for years. They're from my hometown. They're from the Steel Valley. And I know how hard they work and they really love their communities. And I'll tell you, my heart is still in the Steel Valley, even though I live in the North Hills.

(Pictures taken.)

PRESIDENT FITZGERALD: 4973-09.

MR. BARKER: Proclamation honoring Eddie Rose for founding an inner-city martial arts program and for his martial arts accomplishments. Sponsored by Council Member Green.

PRESIDENT FITZGERALD: Councilwoman Green.

MS. GREEN: Thank you. I'm going to ask Eddie Rose to come up and join me. And while here in Allegheny County we're always proud of all of our residents for their accomplishments, we on Council should be particularly proud of Mr. Rose. He's a former Allegheny County sheriff who is showing that retirement doesn't mean that you just go home and lay down; right? He's still continuing to do a lot of great things. And I'll read the proclamation.

WHEREAS Allegheny County is home to world-renowned athletes who are highly disciplined and successful in areas other than the major publicized sports; and

WHEREAS Eddie Rose, a Pittsburgh native, a retired Allegheny County Deputy Sheriff and a 37-year veteran of martial arts, is a martial arts grandmaster and internationally certified eighth degree black belt and an eight-time International Martial Arts Hall of Fame inductee; and

WHEREAS he has opened a new inner-city martial arts program in the North Side of Pittsburgh called the PROMISE Martial Arts and Fitness Program, which is aimed at positively developing the lives of our county at-risk youth; and

WHEREAS Mr. Rose, who was once an at-risk youth, has learned through martial arts to harness the spiritual principles of the various disciplines and uses them to improve himself as well as those he encounters when teaching; and

WHEREAS Mr. Rose teaches --- you'll have to help me here --- ToraHana-Ryu ---

MR. ROSE: Ryu (corrects pronunciation).

MS. GREEN: --- Ryu (changes pronunciation), thank you, Fighting Science, an innovative martial art that he founded and developed. The style encourages a holistic and integrated mindset to defense and to everyday life and sharing a healthy lifestyle for students who participate in the method.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby commends Eddie Rose for his outstanding accomplishment and for his dedication to improving the lives of the children in our community. This steadfast commitment to the martial arts has allowed him to help those in need and we praise him for his selflessness. Thank you.

(Applause.)

MR. ROSE: Thank you very much. This is a special thrill to me and honor. I have been, as the Councilwoman said, a deputy sheriff in Allegheny County and I also work at Shuman Center. So it's very near and dear to my heart to get this recognition from the county. And I just want to thank you very, very much.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 4974-09.

MR. BARKER: The remaining proclamations will be entered into the record.

4974-09. Proclamation recognizing Home Depot for donating flowers to the South Park Nursery. Sponsored by Council Members Cleary, Drozd, Ellenbogen, Finnerty, Futules, Gastgeb, Macey and Martoni.

4975-09. Certificate of Recognition honoring the 123rd anniversary of Coraopolis Borough. Sponsored by Council Member Drozd.

4976-09. Certificate of Recognition honoring the Coraopolis Police Department for hosting the seventh Annual Bicycle Rodeo and Child Safety Program. Sponsored by Council Member Drozd.

4977-09. Certificate of Recognition honoring the 62nd wedding anniversary of Emilio and Ida Saldari. Sponsored by Mr. Futules.

4978-09. Certificate of Achievement recognizing Michael Huhn for reaching the rank of Eagle Scout. Sponsored by Council Member Gastgeb.

4979-09. Certificate of Recognition honoring the 125th anniversary of The Daily News. Sponsored by Council Member Macey.

4980-09. Certificate of Recognition honoring the 60th wedding anniversary of Francis and Dolores Chandler. Sponsored by Council Member Macey.

4981-09. Certificate of Recognition honoring Clifford W. Flegal for serving as the chairman of McKeesport's Flag Day ceremony for 40 years. Sponsored by Council Member Macey.

4982-09. Certificate of Recognition honoring Kristen Hawkins of Elizabeth Forward High School for being named Softball Player of the Year and Female Athlete of the Year by The Daily News. Sponsored by Council Member Macey.

4983-09. Certificate of Recognition honoring T.J. Heatherington of Serra Catholic for being named Boys Athlete of the Year by The Daily News. Sponsored by Council Member Macey.

4984-09. Certificate of Recognition honoring Oliver Girman of Serra Catholic for being named Baseball Player of the Year by The Daily News. Sponsored by Council Member Macey.

4985-09. Certificate of Recognition honoring Serra Catholic baseball coach Brian Dzurenda for being named Baseball Coach of the Year by The Daily News. Sponsored by Council Member Macey.

4986-09. Certificate of Recognition honoring South Allegheny High School softball coach Jen Cleary for being named Softball Coach of the Year by The Daily News. Sponsored by Council Member Macey.

PRESIDENT FITZGERALD: Public comment on agenda items. We have a number of speakers this evening, I believe 24 all together. So what I'm going to do is I'll mention who the speaker is and I'll mention who is next to speak. If you could --- the next speaker could come up to the podium so it will be ready in a timely manner. The first speaker is going to be State Representative Dan Frankel. And I understand Mr. Frankel is still in Harrisburg dealing with the budget, so we have, I believe, a member of his staff. If you would come up and read Mr. Frankel's statement. And just identify yourself for the record. Excuse me. And the next speaker will be Gary Van Horn.

MR. BURN: Mr. President? I'm sorry.

PRESIDENT FITZGERALD: Yes. Mr. Burn?

MR. BURN: Before we start, I have to put my chairman's hat on. We have a special guest across the street. I'm going to be back before the end of these speakers. What they have to say is very important to me. I just want to go welcome the vice president, come back, and I will be here for the rest of the speakers and for this very, very important issue tonight. Thank you, sir.

PRESIDENT FITZGERALD: Thank you.

MS. FRICKE: My name is Erica Fricke representing Representative Dan Frankel. I'm sorry I can't be here today in person to commend Allegheny County for addressing this critical issue of fairness under the law. But I wanted to put it on record that I very much hope you'll see fit to create a Human Relations Commission for Allegheny County.

Pennsylvanians have already decided that discrimination is wrong. We have decided that it's wrong when people discriminate based on the color of someone's skin, whether they get around with the assistance of a wheelchair or a seeing eye dog, or whether they pray in a church, a synagogue or a mosque.

It's time to recognize as a community that it's also wrong to discriminate based on who somebody falls in love with or how they express their gender. As the prime sponsor of House Bill 300, which would extend protection from discrimination to the LGBT community for all Pennsylvanians, I often get asked whether or not the problem of discrimination is real. I can tell you that it is. My office gets calls from as far away as the Philadelphia suburbs to report incidences of discrimination. And as little as two weeks ago, a Pennsylvania state senator, Senator Eichelberger, said publicly about lesbian and gay couples that Pennsylvania lets them exist. He implied that it's enough that Pennsylvania doesn't consider someone gay or lesbian a criminal just for having a relationship with their partner.

Well, it's not enough. Our LGBT friends, neighbors, taxpayers, business owners, landlords, tenants and employees deserve much better. They deserve the right to be public about their relationships and identities without fear that they could be fired or kicked out of their homes. They deserve to go into a restaurant and not worry about being refused service just because they're holding hands.

The Human Relations Commission will ultimately benefit all residents of Allegheny County, because young people want to live in diverse, inclusive communities. Straight and gay individuals alike want to start businesses in places where fairness is the law. Already, the majority of Fortune 500 countries, as well as three of our bordering states, Maryland, New Jersey and New York, have nondiscrimination laws that protect the LGBT community.

A majority of Pennsylvanians know that gender identity and sexual orientation have nothing to do with putting in a good day's work. I hope that you'll take leadership and create a commission that will help protect lesbians, gays and transgendered people from discrimination in Allegheny County. And I hope Pennsylvania will soon follow to protect those many people living outside the county borders.

PRESIDENT FITZGERALD: Thank you, Ms. Fricke.  
(Applause.)

PRESIDENT FITZGERALD: Gary Van Horn followed by City Councilman Bruce Kraus.

MR. VAN HORN: Hello. My name is Gary Van Horn. I reside at 204 Bailey Avenue. And I'm here representing the Delta Foundation of Pittsburgh. Over the last year, we've made a lot of strides here in Allegheny County. Amanda Green introduced a wonderful bill that you're going to be voting on this evening. We have spent many hours and days and weeks working to get this passed, and we offered an amendment this past week to hopefully get all of your votes. It's about discrimination in Allegheny County. It's about ending discrimination in Allegheny County. No longer do the LGBT community have to hide. They can be out at work. They can be themselves. And they can be a productive part of the community. This is not just about Allegheny County, because we need people to stay here, but this is about LGBT rights. And we hope that today you will give a yes vote to this wonderful ordinance that Amanda has --- and protect all of the citizens here in Allegheny County. So thank you very much.

PRESIDENT FITZGERALD: Thank you, Mr. Van Horn.  
(Applause.)

PRESIDENT FITZGERALD: City Councilman Bruce Kraus, followed by John Dziac.

MR. KRAUS: Thank you. Good afternoon. I appreciate you making time for me to come and speak with you. I especially want to thank my Council representative, Amanda Green, for showing tremendous courage in introducing this bill and having the strength and the commitment to see it through.

Thirty (30) years has passed since the Stonewall riots gave birth to the fight to achieve social equality for GLBT people everywhere, and yet today still this struggle continues. We struggle against modern-day Anita Bryants of the world, against stereotypes, against myths, against lies and distortions, against government determined to deny us our rightful place in society. Somehow, government hasn't gotten the message that GLBT people everywhere will not sit quietly by while being viewed as the last socially acceptable, some even argue justifiable, targets of discrimination in our society.

Visionary Pittsburgh leader David L. Lawrence, fully understanding the value of ensuring a seat at the table for all people, was instrumental in the establishment of the Human Relations Commission as far back as 1954. In 1976, by the City Charter, the

Commission was established as an independent agency of City government and remained the Human Relations Commission. 1999 saw the first Pittsburgh City Council elected by district and assembled for the first time in our history a governing body truly representative of Pittsburgh and all of its complexity and diversity. A future council would add gender identity and transgender people to protected class status.

And in the years that have passed since the implementation of the Pittsburgh Human Relations Commission, can any member of Council here speak to me of the negative impact that it has had? Has one company refused to locate here because we respect the rights of an individual to employment without discrimination, one family refused to live here because we respect the rights of people to fair housing without discrimination, one handicapped person who refused to come here because we respect their right to navigate an unobstructed world? And yet Bill 4201-08 has struggled for full support of this Council without clear reason other than what I see as being misinformation and myth spread by ill-informed and narrow-minded people claiming religiosity as a shield for prejudice. And some members of Council worry about the political repercussions of their support.

So how will we dispel the rumors and innuendo, the myths and the stereotypes that protect people's thinking that it is somehow acceptable to discriminate based on sexual orientation or gender identity or expression? I can only think of one way, and that is how I have chosen to live my life, truly, openly and honestly as a gay man. It is only then that all GLBT people are truly free to --- I apologize. Can you indulge me 30 seconds? Thank you. To live open and honest lives, free of worry and free of being fired from their jobs, evicted from their homes or refused public accommodations, that people will see the truth that we are your sons, we are your daughters, we are your mothers and fathers, attorneys, doctors and yes, even your elected officials.

Today it is your call to courage, the courage to overcome fear and injustice and to leave behind moral cowardice. Choosing the right thing to do is not always popular or easy, but standing up for what is right and true and just, especially when it's unpopular, is the true test of a moral character.

Let me be clear in what my message is here to you today. We are not here today asking you for our rights. They are already ours, granted to us by a much higher authority than any earthly government. Today we are telling you, get out of the way of our rights. We are here to claim what is ours.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Councilman Kraus. John Dziac? John Dziac, followed by Heather Arnet.

MR. DZIAC: Mr. President, I would like to ask to relinquish a minute of my time to Mike Garofolo.

PRESIDENT FITZGERALD: That would be acceptable.

MR. GAROFOLO: Good evening, everyone. My name's Mike Garofolo. I live in South Fayette. I have a title, executive director of the Allegheny County School Health Insurance Consortium. The consortium is a purchasing co-op of 42 --- 41 school districts, four vo-techs, the AIU and CCAC. What we do is we purchase all the health and welfare benefits for all school districts in Allegheny County. We represent --- John represents 21,000 employees/retirees and about 50,000 lives that all live in Allegheny County.

Right now, John will speak about three bills that are up in Harrisburg, House Bill 1841, House Bill 1277 and Senate Bill 762, that the Allegheny County Consortium is against. John is one of our trustees. John is a labor trustee for the Pennsylvania Federation of Teachers. Our trustee board is made up of 12 labor, 12 management. John represents one of the labor groups, and I'll let John speak to you now.

MR. DZIAC: Thank you. My name is John Dziac. I'm a faculty member at CCAC, a member of the --- a trustee of the Consortium and the president of the CCAC faculty. I oppose the statewide creation of a statewide health benefit plan, and I did so earlier, approximately --- about six months ago. The reason for my opposition is the current bill's estimated to cost, \$3 billion pre-implementation and carry through. If the state is already in the debt of \$3 billion, another statewide bureaucracy would not seem to be appropriate.

Specifically for CCAC, it's going to cost about \$2.7 million in additional costs if we are forced to be the sole entity in the consortium. Otherwise, all the bills that have been mentioned do not include community

colleges. So as a standalone entity, we would have to assume \$2.7 million of additional debt. Neither the county nor the state will provide that money. It will only come from student tuition. Governor Rendell has proposed tuition relief for students. This would, in fact, mean that there would be a double digit increase in students, meaning fewer students in Allegheny County being available to go to the community college.

Another problem with the legislation is, Philadelphia --- the Philadelphia Trust can opt out of the statewide plan. The consortium is over twice as big and operates more efficiently. Their costs are less than Philadelphia's costs. And yet Philadelphia can opt out, but yet it's mandatory for the other entities in Pennsylvania. I would ask that the County Council have a resolution or motion to oppose this statewide health plan. Thank you, sir.

PRESIDENT FITZGERALD: Thank you, Mr. Dziac. Is Heather Arnet here? I don't see Heather. No, I don't believe she is. Collin Lynch, followed by Audrey Glickman. Mr. Lynch, if you'd state your name and address for the record, please.

MR. LYNCH: Certainly. My name is Collin Lynch. I live at 2301 Tilbury Avenue in Squirrel Hill. I'm here in support of Representative Rush Holt's Voter Confidence and Increased Accessibility Act, HR-2894. I've spoken to you on a number of occasions in the past. You've all endorsed this. Essentially, this is another attempt to allow us as a county to improve on our voting systems, to give them the accessibility features and security features that we need. So I'm here today to encourage you as a body to endorse this bill, to send messages to our elected officials. And I'm happy to say, actually, that all four U.S. House representatives who cover Allegheny County are already on the bill as co-sponsors. But there are still more people in Pennsylvania.

One thing I do want to mention --- otherwise I'll make this brief --- the current text that's being considered tonight, at least as I understand it, includes a provision stating that at the time we purchased the machines, it was illegal to purchase machines that included voter-verified paper ballot. This has been a subject of much contention. I actually have a document here that I obtained from the Pennsylvania Department of State listing the dates when the machines became legal to

use. And it includes the machines that have a voter-verified paper ballot that were legal at the time we made our decision. I present this information not because we're going to change the decision in the past, but because I don't think the county itself would --- the County Council would necessarily want to include that as a whereas, at least without clarifying this with the State. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Lynch. Audrey Glickman, followed by Janet Edwards. Ms. Glickman, if you'd state your name and address for the record, please.

MS. GLICKMAN: My name is Audrey Glickman. My address is 3548 Beechwood Boulevard, Pittsburgh. Voter confidence and freedom from discrimination, one you can help influence and the other you can affect directly. Please do both. Rush Holt of New Jersey has introduced HR-2894, which would effectively address the negatives of most of the county's voting systems --- the country's voting systems, and would provide funding to rectify the most egregious violations of decency, such as our machines. Pittsburgh City Council has given full support to this bill. Your showing the same support and understanding of the bill would also contribute to its growing support across our state.

As for the Human Relations Commission, there is no reason to delay any longer. Those working at the state level know we need a county-level redress. Many of the amendments made in committee are wonderful, and we thank you. A few could go further toward inclusiveness, such as expanding familial status and defining more protected classes as in Philadelphia. Please listen to those who are speaking on that this evening.

And two amendments are awful. We should not permit religious organizations to discriminate. State and federal laws exempt religious organizations, so we should be more broadly inclusive. But even if we're not, we should still not exempt those organizations which receive public monies from any level of government. Take the lead from the City and mitigate that exemption.

The other concern is that where the amendment properly separates the investigative from the adjudication function of the Commission so they are accomplished by different individuals --- this is a good thing --- it's greatly concerning that investigating complaints gets

dumped into the County Personnel Department to be looked into only if it does not interfere with Personnel's regular business. And you have greatly reduced the number of commissioners, and they are all to be appointed by the County Executive. I suggest a similar process to what the City does; more commissioners and appointments by both the Council and the Executive, as in the original legislation.

A friend of mine was recently fired because he's Jewish. In the City, we have protections. But county residents living outside the City who suffer the slighting, inequity and indignity of discrimination do not. Please pass this legislation today. It's really all about freedom, freedom to vote a private ballot and know our vote gets counted as intended, and freedom for good people to live as full citizens without discrimination, hopefully, without prejudice. You take care of the discrimination. We'll work on the prejudice. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Glickman. Janet Edwards, followed by Thomas Waters. Ms. Edwards?

REVEREND EDWARDS: Janet Edwards, 5701 Fair Oaks Street, Pittsburgh. Thank you very much for this opportunity to speak in favor of the anti-discrimination ordinance before you. I speak as a Christian and as a Presbyterian minister. Since 1978, the Presbyterian Church has supported protections for gay and lesbian --- GLBT people of exactly the sort which you have before you in this bill. There are 35,000 Presbyterians in Allegheny County, and I speak with them all behind me and with this history of the Presbyterian Church supporting this kind of action.

I also want to take this moment to ask forgiveness from our gay, lesbian, bisexual and transgender neighbors for those among us who present a Christian voice that asks for the privilege to discriminate against their own neighbors. This is a shame upon the face of Christianity, and I ask forgiveness for that.

I want to remind you of the most basic first message that most of us who grew up in a Christian home and church learned; Jesus loves the little children, all the children of the world. Red and yellow, black and white, they are precious in God's sight. Jesus loves the little children of the world.

No matter what our age, we are children of God. In our society and governments, every child deserves those protections which those of us with certain privilege assume for ourselves. I ask you to vote this night for this ordinance. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Reverend Edwards. Thomas Waters, followed by Patricia Weaver. Mr. Waters, would you state your name and address for the record, please?

MR. WATERS: Thomas E. Waters. I live at 835 North St. Clair Street in Highland Park. I blog at thomaseswaters.com, and I blog about LGBT culture and politics. We've heard some things tonight about how this is --- the non-discrimination ordinance is very much about civil rights and human rights, and I think all that's true. But I'd like to bring the conversation back to Allegheny County.

This is very much about the economy. It's very much about creating a county where people can live and work free from fear, where companies will want to come. Because if we look at the most successful companies out there today, the Googles, the Microsofts, the companies that are growing, they all provide the kinds of protections that we're talking about in this bill. Now, why would a company want to come to this area and headquarter or have a plant if their people couldn't enjoy the same privileges in their neighborhood that they have at work? That's just ludicrous. If we care about this community coming back --- and I've lived here since I was that tall. If we care about it coming back, we have to think about the future, and we have to think ahead. And non-discrimination is part of economic progress, economic growth.

Pittsburgh has had the policies in place that this provides for 20 years now, and parts of it for 10 years now. And we can't name a single problem that has occurred in the City of Pittsburgh because of this. If we can, I'd love to hear it, but we have heard none of that. The County is bigger than the City, and I wish the County would take the lead from the City and run with it to make this very inclusive language what is available for all.

I really expected to have heard by now a few people speaking against this ordinance. And maybe we won't today, and that's awesome, and I hope you would all

go for it. But I have a newsletter here which says that the reason to oppose this is because it extends protections to a group of people who is working to redefine marriage, family and what is considered normal and right in America. But the reality is that we're already here. We're already active, successful, taxpaying people, good neighbors. I've lived in my house in Highland Park for ten years. I grew up near Caste Village in Whitehall. We aren't trying to do anything new. We just want to continue to live our lives free of fear.

The reality is that if you deny this non-discrimination and if you allow discrimination to exist, what you're trying to do is squash a group of people into secrecy through fear. People who live outside the City limits are afraid to let people know who they are. And when people live in fear, they can't be productive. Again, I want to bring this back to the fact I believe this is an economic bill. You can help Allegheny move forward by bringing us into the next century. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Mr. Waters. Patricia Weaver, followed by Jeanne Clark. Ms. Weaver, if you'd state your name and address for the record, please.

MS. WEAVER: Patricia Weaver, 111 Riding Trail Lane, Pittsburgh, 15215. Before I start, I want to hand out just a memo which is not stapled together because your security guards took my stapler away.

PRESIDENT FITZGERALD: You can't be too careful.

MS. WEAVER: I could get you with it. Okay. I see my time is running. I'm 15 seconds shorter. I'm here to represent the Pennsylvania Family Institute, and we ask the County to reject the proposed ordinance. Thank you for the opportunity to give comment in the past. We've already expressed our concerns about how laws like this have unintentional --- unintended consequences that undermine the rights of conscience of both individuals and groups. While we don't want to belabor the point, we want to show how this results in governmental tyranny towards those who hold views of issues like same-sex marriage or even sexual orientation.

A husband and wife with a photography business in New Mexico was asked to photograph a same-sex wedding. Even though they had no qualms about serving people who were gay or lesbian, they declined to photograph the ceremony because they felt they couldn't do so in good

conscience because they believe that same-sex marriage is wrong. However, the New Mexico Human Relations Commission found them guilty of discrimination on the basis of sexual orientation and fined them over \$6,000.

Likewise, there are landlords who don't want to rent to unmarried heterosexual couples or gay couples. A landlord in California, for instance, was unwilling to rent to an unmarried heterosexual couple because of conscience. Even so, she was found guilty of marital status discrimination. The California Supreme Court told her she should sell all the rental units if she wanted to live according to her conscience. For a gay couple, they would have been able to argue discrimination on the basis of sexual orientation.

In the past, we gave a lot of examples about --- but we don't want to necessarily repeat ourselves. However, it's important to see that these situations result in tyranny. The lesbian couple in New Mexico incident was easily able to find another photographer, and gay couples or married heterosexual couples were able to find homes. They, like many others, have taken offense if someone disagrees with their lifestyle. What is thrown around as discrimination is really often a disagreement based on deep seated issues of conscience. At the end of the day, gays, lesbian and heterosexual couples are not homeless, who have access to public accommodations. They're offended that people disagree with them.

To be clear, this is not a situation in which different groups are being asked to live and let live. Instead, an ordinance like the one proposed brings all the power of government to bear on those who disagree. There are times when it's appropriate to vote the power of government, but governmental tyranny will be given if the power to find ultimately through those running a business, is that they disagree with the new public policy mandating acceptance of homosexuality and homosexual conduct, which did not create a public policy that treats those who disagree with homosexuality as the immoral equivalent of racial bigots.

We are inviting a new kind of hostility to business people, landlords and employers. I want my 15 more seconds back. This kind of hostility not only oversteps the proper role of government but also risks scaring away businesses. If a business can locate outside the county and avoid the risk of fines and litigation,

they certainly have a large incentive to do so. This is bad policy, not only because it's insensitive to the rights of conscience, but also because it's irresponsible economically.

And also, you represent people. You have voters. I don't care how many people show up for either side. I would say that the majority of your constituents are not in favor of this bill, and I ask you for these reasons to vote against the proposed ordinance. Thank you very much for your time.

PRESIDENT FITZGERALD: Thank you, Ms. Weaver.  
(Applause.)

PRESIDENT FITZGERALD: Jeanne Clark, followed by Marybeth Kuznik.

MS. CLARK: My name is Jeanne Clark. I live at 414 Stratton Lane in the City of Pittsburgh. I am President of Squirrel Hill NOW, and I'm also Chair of the Democratic Party for the 7th Ward of the City of Pittsburgh. Before I begin, I want to offer my sympathy to all the members and employees of the Council on the death of John Mascio. He was a wonderful man, always fair and believed in democracy to its core. You have my sympathy.

As we prepare to celebrate Independence Day, we must remember the day is about more than drinking beer and watching fireworks. We celebrate not just freedom, but the entire canopy of rights and responsibilities presented to us by the authors of the Declaration of Independence. That document asserts the fundamental American ideal of government based on the theory of natural rights. We hold these truths to be self-evident, that all men --- and I would say, and women --- are created equal, that they are endowed by their creator with certain unalienable rights. that among these are life, liberty and the pursuit of happiness.

In our nation, we have worked for over 225 years to extend those rights, those natural rights, to the people that were left out by the founding fathers. I think if you looked around the room, you would realize that most of us were left out initially. All women were left out, all people of color, all white men who didn't own property initially were left out. But we all have those natural rights, and we have all struggled and our country has moved forward to get --- to grant those rights and make them a reality.

Today the members of the Allegheny County Council have two opportunities to join the Pittsburgh drive to make these natural rights a reality for those who were left out, first, by passing the Gender and Racial Balance Study. You can take a look and see how we're paying our Council employees. Has that promise become a reality for women and minorities? And I also would hope that you would pledge today as you vote for the study that you would also vote to fix the problems that it finds, but in addition, to create a Human Relations Commission guaranteeing freedom from discrimination with as few loopholes as possible.

This is vital because we also know studying our history that every time a group has fought for freedom, another group has stopped --- has tried to stop them. And in many cases, it was religious groups. While many of our people came for religious freedom, the reality was, once we have freedom for our own religion, we didn't want to grant it to anyone else. I think that we have to have as few loopholes as possible. Otherwise we're creating second class citizens, even on the Human Relations Commission.

I urge you, have the courage of your convictions. Have the courage that our founding fathers had. And give us something to really celebrate this 4th of July. Give all of us life, liberty and the pursuit of happiness.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Clark. I don't see Marybeth Kuznik here. Suzanne Broughton, followed by David Cranston, Sr. Ms. Broughton, if you'd state your name and address for the record, please.

MS. BROUGHTON: Suzanne Broughton, 2377 Jenkinson Drive, Franklin Park Borough. First, let me also offer my sympathy to Council at the passing of Clerk John Mascio. Everyone who encountered his smile and the energy that he brought to this room will miss him.

My roles today are both as President of the League of Women Voters of Greater Pittsburgh and as a member of a Unitarian Universalist congregation, a faith community that supports the worth and dignity of every person and welcomes all people. Diversity enriches our community.

Opening Newsweek last week, I found Jon Meacham's ironically titled article, Theocracies Are

Doomed. Thank God, in which he notes, quote, theocracies are founded on an unmodern and undemocratic idea that temporal power should be invested in those who claim that their decisions about the life of this world carry divine authority from a deity who dwells in the world to come. In that light, the amendment to Bill 4201-08, added in committee, exempting religious institutions weakens an otherwise good bill.

Speaking to our congregation recently, University of Pittsburgh Law Professor Anthony Infanti quoted from the recent unanimous decision of the Iowa Supreme Court in Varnum v. Brien. Noting that various religious traditions interpret the same text differently, the court said, quote, in a pluralistic society such as the United States, the law requires that we honor all individual religious beliefs by refusing to codify any of them in law, unquote.

Professor Infanti said that the court made clear that one person's religious beliefs, no matter how strongly held, should play no role in determining another's constitutional rights. And he also cited an Ohio case in which, after noting our country's long history of gender discrimination, slavery and antimiscegenation laws, a judge wrote that, quote, the continuation of those prejudices was defended in the name of God-given order of things. Bill 4201 addresses civil rights. Our country is not a theocracy. Council should approve this ordinance, if possible, without religious exemption.

Finally, on another topic, the League endorses the conclusion of Motion 4970-09, supporting Representative Holt's bill in Congress with respect to voting machines, but not the whereas that incorrectly asserts that no machines producing a paper record were available when the County's machines were purchased, which is not true. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Broughton. David Cranston, Sr., followed by Joanne Tosti-Vasey.

MR. CRANSTON: David Cranston, Sewickley, Pennsylvania. Ladies and gentlemen of the Council, I'd like to thank you for this opportunity to address you on this very important issue and on this vote. This is in reference to Ordinance 4201 and its ramifications to you and our community.

I would like to take a few minutes of your time to express to you the dangerous step that the Council is about to take in regards to 4201. First, let me say that I'm a Christian and a businessman, so it affects me in two different ways. By the Government Reform Committee passing the religious exemption, they have pointed out that this bill is immoral. Otherwise, there would be no reason to exempt religious institutions. After all, this is supposed to be about fairness in jobs, not morality. The fact that the bill does not define sexual preferences means that any one of the 30 sexual preferences, as defined by the psychologists, such as homosexuality, pedophilia, incest, prostitution, bestiality, nymphophilia, just to mention six, will be protected.

I would like to remind you and all the Council members that these are all immoral acts as specified by the Bible, as well as we all know in our hearts. Not only does the Bible condemn these acts as immoral, but also defines them as sins. As you know, and I, both know, God is not pleased with sinning. But his eyes there is --- but in his eyes, there is something worse than even sinning ourselves, and that is encouraging others to do the same thing. This is specifically what this ordinance accomplishes. Young people who tend to be swayed by their elders themselves and those older than themselves will be particularly influenced. Are any of these sexual preferences mentioned above what you want your children or grandchildren to take on as a lifestyle? Because that is exactly what you're encouraging by passing this bill.

The Bible is very clear, stating that when life comes to an end, we'll all stand before a judgment seat. And God judges our sins. That's what the judgment seat is all about. You can ignore it or you can pretend that there is no judgment day for yourself. But life has a way of coming to an end, and it is always, always, always sooner than later. Then you, as well as myself, will know whether or not the Bible, the Word of God, is true. I've given you the scriptures that I've used to back this up so that you don't feel that I'm just commenting off the top of my head. Thank you very much. I appreciate your time.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Mr. Cranston. Joanne Tosti-Vasey, followed by Father Paul Voida.

MS. TOSTI-VASEY: Hi. I'm President of Pennsylvania NOW. We have three chapters here in

Allegheny County. Pennsylvania NOW is pleased and thanks Council for adding familial status in employment and public accommodations sections of the ordinance, for removing the special privileges for married persons in the employment section, and for making sure that the enforcement section is clear that the investigation and adjudication of complaints are done by different people.

Before final passage, Pennsylvania NOW would like to see four additional amendments to make sure that this truly is a strong comprehensive anti-discrimination ordinance. First, we believe that you should expand the definition of familial status to include family responsibilities in employment, public accommodation, housing and real estate transactions. Family responsibility protections are barred in the traditional family status definition in that it covers families across the entire lifespan.

Second, we believe you should add source of income to the protection from housing and real estate sections in the ordinance. One of the questions often asked on a financial application for housing is one's sources and amounts of income. People need housing regardless of where their funds come from. When they have an income, the credit worthiness and other credentials to either rent or buy a home, housing should not be denied. Third, we believe you should add retaliation as a protected class in all four sections of the ordinance. Supporters of as well as the person being discriminated against are often fearful of filing a complaint because they are fearful of retaliation by their employer, landlord or mortgage lender, et cetera. Pennsylvania has this protection in their law. So should you.

Four, we are concerned with exceptions to the definition of employer proposed by Council Members Burn, Macey and Robinson that allows any religious organization to deny employment based on gender, sexual orientation and gender identity, even if they receive public funding. We believe this exemption is unnecessary because both you and the Pennsylvania Human Relations Commission have a bona fide occupational qualification clause. To state exception states that if a religious site holds a tenet that only certain people can hold certain positions, then that religious organization has a right to that religious expression and can be allowed to discriminate on that basis.

In addition, the federal courts have ruled that under the Constitution, religious institutions have a, quote, ministerial exception to civil rights laws. And under Title 7 of the Civil Rights Act, religious organizations can discriminate in favor of co-religionists and make decisions based on their conduct. These exceptions allow religious institutions to ignore any anti-discrimination law from hiring people for positions that relate to either teaching or expression of faith.

However, if you insist that this sub-paragraph be included, we believe that the words, or County funding, in the first sentence of the paragraph be eliminated. We believe that these three words violate the separation of church and state under the First Amendment to the U.S. Constitution, as you are directly allowing taxpayer, government-funded dollars to pay for a religious institution's ministerial services. A central principle of the constitutional order is, quote, the Constitution does not permit the State to aid discrimination, Norwood v. Harrison, 1973. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Tosti-Vasey. Father Paul Voida, followed by Karen Shaheen. And Father, I hope I pronounce your name correctly.

FATHER VOIDA: Voida.

PRESIDENT FITZGERALD: Thank you, Father.

FATHER VOIDA: I'm Father Paul Voida from St. Mary's Romanian Catholic Church in McKeesport, 318 26th Street, McKeesport, PA. I'm speaking to oppose this discriminatory bill, 4201-08, and the religious exemption that was added to it, which does not improve the bill. The exemption says that the religious organizations are exempt, provided that such religious organization provides documentary evidence of its religious nature to the Human Relations Commission of the County of Allegheny and avers in writing to the Commission that gender, sexual orientation or gender identity constitute grounds for employment decisions under the fundamental tenets of the religion in question.

This is unfair, anti-religious, unconstitutional and unworkable, and it does not improve a bad bill. It is unfair because it requires religions to justify longstanding beliefs, not only of their religious faiths, but of Western civilization in general. It is those who would upset traditional norms of human sexuality who

should have to justify their positions. It is anti-religious because it subordinates age-old religious beliefs to a modern and scientifically unfounded fad about homosexuality, transgenderism and such conduct.

It will serve as a springboard for a tax on pastors who preach traditional sexual morals to their flocks. The handout that you received is to illustrate the latest scientific psychological research showing that this issue is more complex than ways described here. It is also unconstitutional because the First Amendment prohibits Congress, and by incorporation, states, counties and cities from making any law prohibiting the free exercise of religion.

This proposed law prohibits virtually all major religions from expressing their long-established doctrines about human sexuality. The proposed ordinance seeks to abolish the Sixth Commandment, which the Judeo-Christian tradition interprets not only as a ban to adultery, but all sexual activity outside marriage. Imposing this ordinance upon churches and synagogues runs directly counter to their religious teachings. Do you really think that most churches will be registering with the Human Relations Commission to have their freedom of speech rights upheld?

The exception --- this exemption in the bill that was added is unworkable because it requires a church to justify its positions by reference to, quote, the fundamental tenets of the religion in question. The fundamental tenets of most religions never even contemplated the day when men would want to become women. The Bible expresses the fundamental tenets of the Judeo-Christian faith and does not --- just five seconds more. It does not address transsexualism. So this exemption will lead to litigation in an area where religion should be free from government interference, not just religions, but people of faith.

One other thought. The County will not face litigation if this ordinance is not passed. Those supporting this ordinance have no legal grounds to compel the Council to pass it. But if the ordinance is passed, litigation challenging its constitutionality is likely. Why should the Council step into this highly controversial area and invite costly litigation when it is unnecessary to do so? Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Father Volda. Karen Shaheen, followed by La'Tasha Mayes. Ms. Shaheen, if you'd state your name and address for the record, please.

MS. SHAHEEN: Karen Shaheen, 8469 Post Road, Allison Park, PA, of course. A couple of observations that I have. I spoke at the last hearing in relationship to this, and it's really uncomfortable trying to opinionate somebody's social agenda. And again, I'll reiterate, I don't approve of legislating that, either. I don't agree what the homosexuality ordinance is pushing. But more importantly, I heard one of the ministers up here who claimed that there is a number of supporters from the Presbyterian. Well, I'm here to tell you I'm a Presbyterian and we have focused on the Wineskins Organization to break away from the Presbyterian U.S.A. And they are coming in droves to the Wineskins Organization.

In addition, there was a gentleman that also talked about the protection, like, in relationship to the corporations. This is going to cause a number of corporations and small businesses funding --- because we're going to have to budget for these sexual discrimination lawsuits. My main objective here is, when you are burdening employers and corporations to set up additional budgets for the social policy ordinance, you're adding to the additional expenditures that continue to cause these corporations and small businesses out of business.

There's already a City ordinance regarding this, and I find it extremely interesting that at this hearing, as well as the prior hearing, most if not all of the speakers for this ordinance were from Pittsburgh, the City of Pittsburgh. The speakers such as myself are from surrounding municipalities outside their city. Thus, if you are not willing to vote against this ordinance, then place it as a referendum on the November ballot and allow all of the county residents to vote in reference to this ordinance.

I also find it really disturbing that the lady from the NOW that spoke, that is a funded --- federally funded organization. It is funded. There is funding that comes from that organization.

PRESIDENT FITZGERALD: Let her speak.

MS. SHAHEEN: Let me speak. And I have gone to a number of these meetings, and I have been ostracized, like, seven years ago. And I find it very uncomfortable that you're supposed to support all women's agendas. That's not the case. So again, between the lady that spoke in relationship to the Presbyterian, I'm going to tell you, the Wineskins are here, and we're not going away. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Shaheen. La'Tasha Mayes, followed by Joy Sabl. Ms. Mayes, if you'd state your name and address for the record, please.

MS. MAYES: La'Tasha Mayes, New Voices Pittsburgh, Women of Color for Justice, located at 6101 Penn Avenue in East Liberty. I'm not really sure what to say right now. I'm sitting here listening to what has been said instead of actually being here fighting for equality and/or human rights and for justice. It's quite demoralizing. I don't know if anybody else feels that way. Because we are human beings, we have certain inalienable rights. And while we're trying to negotiate all of our competing interests, surely we can come to some type of agreement to do what's right and to do what's fair.

New Voices Pittsburgh has been a part of our local coalition supporting the alternative proposed amendments. And I want to state that we do support the proposed alternative in its entirety. But what I want us to remember here and what often gets left out of these conversations is that this is not a social policy of any sort that focuses on one piece of someone's identity. So how we may read it in the news, how we may talk about it, how we may organize around it might be based on sexual orientation and gender identity expression alone, as if they never intersect with race, as if they never intersect with class, as if they never intersect with gender, and on and on and on.

But this is also about religion. We talk about it as if there are no LGBT people of faith in this room or who exist in this county. So let's not use scare tactics to talk --- to vilify one group based on one part of their identity. This is also about employment and economic development for this region. For who I am, I have no reason to stay in Allegheny County. I have no reason to stay in this region. And I have no reason to stay in this

state at this point because you may see me as a person of color. You may see me as a woman. You might not know that I'm gay by looking at me. But asking me to choose one over the other is an affront to all human rights around the world.

So I believe the Human Relations Commission should be called the Human Rights Commission because that's what it's about. We need to all stand up for equality, human rights and justice. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Mayes. Joy Sabl, followed by Heather Arnet. Ms. Sabl, if you'd state your name and address for the record, please.

MS. SABL: Joy Sabl, 7008 Willard Street. In order, first, we support Holt --- for the supporting of Holt. Second of all, some items. Duquesne University has an LGBT organization now. Apparently, they see no conflict between the tenets of the Catholic Church and the rights of LGBT people to be respected in their private and public lives. They are not suggesting that they support homosexual activity, that that is a separate function from the lives of homosexual people.

Secondly, I've twice housed homeless people who were LGBT, in large part because they were LGBT. I mean, that's why they were homeless, one for three weeks, one for two months, and helped them find housing. So yes, people do end up sleeping in the car, a woman with her child sleeping in her car, or a young man sleeping under the bridge, right downtown here. So yes, people do end up on the streets because of discrimination.

Next, I can vouch that at Harvard, at Yale, at the University of Washington, students do sit around in their senior year discussing where in the nation they could or could not consider working. Same thing when they are leaving graduate school, which post-ops would you or would you not take. Same thing when it comes to taking faculty positions. I can only speak in the academic sphere here, but yes, people sit around ---. I told my husband, look, I know they're going to create a job for you at the University of Southern Mississippi, but I think I can't live there, and I don't think they can live with me there. It's not going to work.

So yes, these sorts of things are how people determine where they're going to live their lives and what they're going to bring to the table. I came to Pittsburgh

thinking that it was becoming much more progressive, and I would like to see that continue.

So one other thing. I believe the First Amendment dealing with religious institutions has already been re-amended. The original amendment required the institutions to document that they historically discriminate. And I think we all agree that this is a bad answer because it would basically lock them into discriminating and require them, for example, to discriminate against the old parishioner who came out in their old age to prove that they are consistent in their discrimination. So I hope that that version of the amendment is dead.

But even the amended amendment, I see no reason, for example, why the person who scrubs the floor in the church or the person who staffs the table has to embody every tenet of the religion. I imagine they have adulterers. I imagine they have people who eat pork when they're not supposed to. I don't think that should be a condition of employment, ideally, and I hope that you take that into account. Thank you very much.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Sabl. Heather Arnet, followed by John McCarter. Ms. Arnet, if you'd state your name and address for the record, please.

MS. ARNET: Heather Arnet, speaking on behalf of the Women and Girls Foundation located at 425 Sixth Avenue, in Pittsburgh, PA, 15219. Good evening. Tonight I'm here to speak in support of two pieces of legislation they'll be voting on tonight, 4294-09 and 4201-08. Sasha, Maria, Travis, Katie, Sarah and Cooper are just some of the names of the children who will inherit the world we are creating right now. Those that will be most impacted by the legislation you'll be voting on this evening are all of our children. Together, it's been a wonderful partnership to work with so many members of County Council to craft an exciting piece of civil rights legislation you have to vote on tonight. I've been more involved in the crafting of that. So many of our partners have been tirelessly involved in another piece of legislation you'll be voting on this evening, and the Women and Girls Foundation is strongly in support of both of them.

And you've heard a lot about the economic arguments for passing both pieces of legislation, and I, too, want to just reiterate, of course, those facts. The

gender, race, equity audit that you're passing tonight, which you so unanimously supported through committee, and we're so grateful for your support on that, of course, will help alleviate one of the things that is in economic development hindrance to our region, and that's our race and gender wage equity --- a race and gender wage gap, which is one of the greatest gaps in this country. Nationally, we're going to make 81 cents per dollar. Here in Pittsburgh we make less than 70 cents per dollar.

I admire and I'm grateful for your courage and your leadership, especially Councilman Fitzgerald and Councilwomen Green and Cleary for co-sponsoring this legislation, but for all of you who asked points in question and who have supported that legislation. But again, we want to encourage you to support 4201-08 with the new Philadelphia amendment this evening. Human rights are basic rights. At the cornerstone of all of us is the basic idea of no taxation without representation, that all of us believe that we deserve equal justice under the law. I know that you are strong champions for social equity, and I believe in my heart that all of you will vote for that legislation tonight. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Arnet. John McCarter? Is John McCarter here? I don't see John here. David Tessitor. Is Mr. Tessitor here? I don't see him, either. Andrew McCauley? Is Andrew McCauley here? Andrew McCauley, followed by Gloria Pubback (phonetic). Ms. Pubback will be our last speaker. Mr. McCauley, would you state your name and address for the record, please?

MR. MCCAULEY: Yes. Andrew McCauley, 1227 Peermont Avenue in Dormont. As a parent, I have a responsibility to protect children. I have an obligation to protect the physical safety as well as their innocence and moral well-being. The seriousness of opposing 4201 is obvious, as it has implications for both the physical and the moral safety of my children.

This morning I took three of my children to the YMCA for swimming lessons. If this ordinance passes, will I be allowed to go into the women's room to ensure there is not a sexually confused individual waiting for my daughter? Or will I and countless others simply opt out of public places because of the moral chaos and anarchy that our society increasingly tolerates? I ask you, whose rights take priority? Nature itself dictates the

priority. Heterosexuality literally sustains the existence of the human race. Homosexuality, on the other hand, is a lifestyle choice that openly flaunts the values that are antithetical to common decency.

If you have any question about this, go to a gay pride event or look into the kind of behavior that occurs in gay nightclubs, nightclubs like Club Pittsburgh, where numerous complaints were filed for illicit sexual activity before a man was found dead in one of the, quote, unquote, workout rooms. By the way, Club Pittsburgh sold video head cleaner spray to patrons to be inhaled as a drug to enhance sexual pleasure. Is this the kind of lifestyle we should promote?

Parents have a right to protect their children from people who exercise bad moral choices. Elected officials should support this right. Regarding the unfortunate psychoses of gender confusion, I must say that recognition of objective reality is something that human beings generally possess. For example, I cannot fly without the aid of an aerodynamically-designed mechanism. My recognition of this is good for my well being for obvious reasons.

Similarly, I am not a woman and can never be a woman, even if I really, really, really want to be. If I mutilate my body or poison myself with hormones, I will still not be a woman. I will be a mutilated man. Reality is not what our psyche says it is. Rather, psychological consciousness must be formed by objective reality. Crafting an ordinance based on a small minority of individuals confused about their sexuality and gender is bad public policy. I urge all Council members to oppose Ordinance 4201. Also, I have --- one more minute, less than a minute. I have 600 petitions from every district in the county and ---. Can that stop beeping for a second?

PRESIDENT FITZGERALD: If you can just wrap it up. Go ahead.

MR. MCCAULEY: Okay. And I have personally gone door to door, and I can assure each and every Council member that, essentially, I would say one percent of the population of the county is aware of this. So I think it's only fair in the democratic process to have this as a countywide referendum on the next ballot.

PRESIDENT FITZGERALD: Thank you, Mr. McCauley. Gloria Pubback?

(Applause.)

PRESIDENT FITZGERALD: Ms. Pubback, if you'd state your name and address for the record, please.

MS. PUBBACK: My name is Gloria Pubback, and I live at 500 East Bruceton Street, Pleasant Hills. And I would like to urge Council to vote against Ordinance 4201-08, and also, I'm against House Bill 300 because these bills are promoting something that is basically something wrong. You can ask my children. We raised four children. We did not talk against anybody when we were raising them. And my son's father-in-law even asked him, well, didn't your parents ever say anything, you know, against this particular class or that particular race? No, we never heard anything like that.

So it's not a discrimination against somebody unless it's discrimination that's deserved because it's a wrong --- it's a perverted type of lifestyle. All right. I don't want to go in the ladies' room and some man with male parts come in dressed as a woman. Is that what you want? Do you think that's a good idea? I don't. And I don't want the daily use of women's locker rooms or the men's if they're the other persuasion in public places, in swimming pools and such things as that.

Also, with the Massachusetts state law that they just had, it's also mandatory that children will be placed for adoption with homosexual couples. And it's been established that the best way to raise the family is with a man who's a man and a woman who's a woman. That makes the best balance to the children. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Pubback.

(Applause.)

PRESIDENT FITZGERALD: Approval of minutes.

4962-09.

MR. BARKER: Motion to approve the minutes of the regular meeting of Allegheny County Council held on June 9th, 2009,

MR. FINNERTY: I'll make that motion.

MR. ELLENBOGEN: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. The minutes are approved. Unfinished business. Committee on Budget and Finance, Second reading. 4923-09.

MR. BARKER: An Ordinance of the County of Allegheny, Pennsylvania, authorizing the incurrence of nonelectoral debt by the issuance of its General Obligation Bonds, Series C-62, in an aggregate principal amount not to exceed \$80,000,000, and its General Obligation Refunding Bonds, Series C-63, in an aggregate principal amount not to exceed \$30,000,000. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. Pursuant to the Local Government Unit Debt Act, a pre-adoption notice must be published in a newspaper of general circulation at least three days before County Council adopts this ordinance, Number 4923-09. That advertisement has not been done in a timely fashion so that we might take action tonight. What I'd like to do is offer a motion to hold Bill 4923-09 for final consideration at the July 7th, 2009 regular County Council meeting in accordance with Article 4, Section B3 of the Rules of Council. The appropriate notice should have been made by that time.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? Please take the roll call on motion to hold, or can we do a voice vote on this?

MR. BARKER: You can voice vote on that.

PRESIDENT FITZGERALD: Voice vote. I'm going to do the voice vote on this. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion to hold carries. Hold that for the July 7th meeting. 4925-09.

MR. BARKER: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009, Submission Number 11-09.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Move for approval.

MR. MACEY: Second.

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

MR. BARKER: Mr. Burn?

MR. BURN? Yes.

MR. BARKER: Ms. Cleary?

MS. CLEARY: Aye.

MR. BARKER: Mr. DeFazio?  
MR. DEFAZIO: Yes.  
MR. BARKER: Mr. Drozd?  
MR. DROZD: Yes.  
MR. BARKER: Mr. Ellenbogen?  
MR. ELLENBOGEN: Aye.  
MR. BARKER: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. BARKER: Mr. Futules?  
(No response.)  
MR. BARKER: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. BARKER: Ms. Green?  
MS. GREEN: Aye.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. BARKER: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. BARKER: Ms. Rea?  
MS. REA: Yes.  
MR. BARKER: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. BARKER: Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yes.

MR. BARKER: Ayes 14, noes 0. The bill passes.

PRESIDENT FITZGERALD: 4926-09.

MR. BARKER: A Resolution of the County of Allegheny amending the 2009 Capital Budget for Allegheny County.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Move for approval.

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? Please call the roll.

MR. BARKER: Mr. Burn?  
MR. BURN: Yes.  
MR. BARKER: Ms. Cleary?  
MS. CLEARY: Aye.  
MR. BARKER: Mr. DeFazio?  
MR. DEFAZIO: Yes.  
MR. BARKER: Mr. Drozd?  
MR. DROZD: Aye.  
MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.  
MR. BARKER: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. BARKER: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. BARKER: Ms. Green?  
MS. GREEN: Aye.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. BARKER: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. BARKER: Ms. Rea?  
MS. REA: Yes.  
MR. BARKER: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. BARKER: Mr. Fitzgerald?  
PRESIDENT FITZGERALD: Yes.  
MR. BARKER: Ayes 14, noes 0. The bill passes.  
PRESIDENT FITZGERALD: 4928-09.  
MR. BARKER: A Resolution ratifying certain  
year-end transfers pursuant to Section 805.03 of the  
Administrative Code.  
PRESIDENT FITZGERALD: Chair Robinson?  
MR. ROBINSON: Move for approval.  
MR. MACEY: Second.  
PRESIDENT FITZGERALD: Moved, second.  
Discussion? Please call the roll.  
MR. BARKER: Mr. Burn?  
MR. BURN: Yes.  
MR. BARKER: Ms. Cleary?  
MS. CLEARY: Aye.  
MR. BARKER: Mr. DeFazio?  
MR. DEFAZIO: Yes.  
MR. BARKER: Mr. Drozd?  
MR. DROZD: Aye.  
MR. BARKER: Mr. Ellenbogen?  
MR. ELLENBOGEN: Aye.  
MR. BARKER: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. BARKER: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. BARKER: Ms. Green?  
MS. GREEN: Aye.

MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. BARKER: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. BARKER: Ms. Rea?  
MS. REA: Yes.  
MR. BARKER: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. BARKER: Mr. Fitzgerald?  
PRESIDENT FITZGERALD: Yes.

MR. BARKER: Ayes 14, noes 0. The bill passes.

PRESIDENT FITZGERALD: Committee on Government Reform, second reading. 4201-08.

MR. BARKER: An Ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 2, entitled County Government Operations, Chapter 215, entitled Boards, Commissions and Committees, through the creation of a new Article V, entitled Human Relations Commission, in order to establish a countywide nondiscrimination requirement in housing, employment and other contexts, as well as to establish a formalized means of resolving disputes based on allegations of such discrimination.

PRESIDENT FITZGERALD: Okay. This was in Committee and affirmatively recommended in our last meeting on June 18th. This bill was first introduced almost a year ago, on July 8th, by Councilwoman Green and co-sponsors, myself being one. We've had numerous, numerous Committee meetings, and I'd certainly invited and had asked many months ago for all input from all members, whether they supported the bill, supported the idea, or were against the idea, for people to bring amendments forth. Many did. Councilman Robinson, Councilwoman Green consulting with many members of Council, Councilman Burn, Councilman Macey, among others. So the bill has been amended a couple of times over this time period. And I'm going to ask for a motion to approve.

MS. GREEN: So moved.

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion?

MR. BURN: Mr. President?

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: I have an amendment I'd like to introduce at this time, please.

PRESIDENT FITZGERALD: Do you have it in written form?

MR. BURN: Yes, sir, it is.

PRESIDENT FITZGERALD: Okay.

MR. BURN: I'll wait for my colleagues to all have receipt of this, and then I'll make remarks about the intent of this amendment. Mr. President and members of Council, the President has correctly indicated that this has been an issue that has been before this body for almost a year. It's been 51 weeks now. We have all received phone calls. We've all received e-mails. We've all been lobbied by those who support this and by those who opposed it in its original form.

As indicated by the President, there was an amendment that was introduced recently in Committee, which was discussed and debated. That was the, quote, unquote, religious exemption. Many of us had received calls from those in the community of faith expressing some concerns about the bill in its original form. The amendment that was introduced last week --- or two weeks ago now, was an attempt to both work with those who support the bill in its original form and those who, for the right reasons, the right reasons, opposed the bill, because of the reasons that they thought --- I may not agree with them. Some of us may not agree with them. Some of us may agree with them. But they had legitimate concerns which we attempted to address with that exemption.

We received calls from many that opposed it in its original form and still opposed it as amended, because there were some other concerns and reservations that they still had. We also received some calls and lobbying from those who were supportive of this bill in its original form that had some concerns with our attempts with the religious exemption in and of itself. We have worked, and I know the President and Councilwoman Green, the primary sponsor ---. I'd like to commend you, Councilwoman, for your leadership in bringing this to us in the first place. You should be commended for that. We realized after that discussion after the religious amendment, there were some other things that needed to be addressed and some other considerations from those who support it and those who opposed it in its original form.

Ladies and gentlemen and my fellow colleagues, this amendment is an attempt, again, to work towards a bill that, in its final form, is something that both sides can walk away saying that they've got something that they were looking for when they came here. And like in any negotiation, any attempt to put a good piece of legislation together can accomplish something positive, both sides. And when I talk about the side that opposes, I talk about the opponents who oppose it for reasons which, in their heart, are the right reasons and not fear-mongering or mischaracterizations or the demagoguery that was going on. I'm talking about those who called and actually had opposition. Some of your concerns have been addressed here.

With respect to those who support it in its original form, some of the concerns they had about documentary evidence, et cetera, that has been removed. In addition to the, quote, unquote, religious exemption, we have added fraternal, charitable or sectarian organizations, quote, unquote, the Philadelphia amendment, as it's been referred to.

And one of our speakers, Ms. Mayes had mentioned, can we tonight come to some type of an agreement to do what's right and to do what's fair? Again, back to what I talked about in negotiation, is this what those who opposed it wanted? Not necessarily. Is this what the proponents a year ago were looking for? Not necessarily. But I would suggest to both sides that this amendment is something that both sides can walk out of this room with, if passed, saying, we came out of that meeting tonight with something that is acceptable to us. And that is the attempt here.

And if I can put the Chairman hat on for a second and speak to my colleagues in this room, we are the party of diversity and we are the party of inclusion. We are the party of the big ten. I present this as the Chairman as much as I do as a Council member. And this is about inclusion. This is about everybody in this county getting a fair shake. And this is about those who, for whatever reason, have some differences of opinion, having some of their interests protected as well. I think this is a good solid compromise, and I think that all my colleagues can be for this. Mr. President, I would move to amend with this amendment, the, quote on quote, Philadelphia amendment.

MR. MACEY: I so move, sir.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.  
Councilwoman Green.

MS. GREEN: Thank you, Mr. President, and thank you, Chairman Burn and fellow Council Member Burn for introducing this amendment. As the primary sponsor of the bill, you know, seeing this through until this point, it somewhat honestly pains me that we have this broad exemption, because I would love to see a world where we have no exemptions and we have no discrimination allowed by anyone towards any member of our society.

But I do also understand the spirit of compromise. And I also, as a lawyer in my full-time life, understand that there have been constitutional challenges when it comes to infringing upon the freedom of speech, of religious organizations or perhaps charitable organizations. So as a lawyer and as a Council member who understands the art of compromise, I would support this amendment, particularly because those who would be affected the most by this feel that this is a fair amendment. Thank you.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: Thank you, Mr. President and members of Council. I anguished over this bill for the longest time, and I had so many of the phone calls that some of my colleagues had received, as well as the many, many e-mails. And part of the problem, I think, is addressed in this particular amendment. And therefore, I support this amendment, and I'd like to second the motion.

MR. BURN: Thank you, Bob.

PRESIDENT FITZGERALD: Do you want to add yourself as co-sponsor?

MR. MACEY: Absolutely.

PRESIDENT FITZGERALD: Okay. Mr. Ellenbogen and Mr. McCullough, then Mr. Drozd.

MR. ELLENBOGEN: You know, my statements are to a constitutional point of view. This Council has a history of creating feel-good legislation that gets knocked down, the smoking ordinance, for instance, getting rid of the Sheriff's Office, without really exercising whether it's legal or whether it's not. Now, this amendment may make everyone feel good, that, oh, well, you know what, we can be for the folks that are for it and be

for the folks that are against it and pander both sides and make everybody feel good.

Now, in my hand is a letter from the General Secretary of the Catholic Diocese. And what they're saying is, they're not sure whether this holds to be true and be constitutional. You know, this country is founded on separation of church and state. I don't want to see anybody discriminated in any sense. But I don't want to sit up here and vote for something that I'm not sure whether it's legal or not when we get down the road, because it ends up costing the county more money and it creates lawsuits. And the court is backed up enough.

Now, it says right here in this letter that they would like to hold this to see if they feel that this thing holds water, that it is legal. Now, it may make all of us feel good and say, oh, we have a religious exemption. But we really don't know if this is legal. And the history in this Council says, you know what, let's put it forward anyway because it makes everybody feel good. Now, I'm going to vote against this amendment for the simple fact that I'd like to see it exercised, to see whether it is truly legal and it doesn't run afoul of the Constitution of the United States.

You know, you can't piecemeal human rights. You know, I can't ---. You know, I don't understand how this Council can say, you know what, if I live in Washington County or I live in Westmoreland County, that folks should be treated any different than they should in this county. As we move toward a regional approach --- you know, this is something that should be talked about on a larger basis. You don't create human right laws county by county. I just --- I'm sorry. Thank you.

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

MR. MCCULLOUGH: Thank you. The first couple of questions actually go to Mr. Burn, if I may address, Jim, in your amendment. I note that you insert the word religious. And then you have fraternal, charitable, sectarian organization. Then really the guts of subparagraph 1 to paragraph H are stricken. How do we define these terms? I mean, what is religion, what is a fraternal organization, what is a charitable organization, what is a sectarian organization, if there's not even a reference to qualifying for recognition in subparagraph 5 and 1(c)(3)? I'll give you an example. The Klan is

obviously a fraternal organization, the Branch Davidians. In my mind, we're a sectarian organization.

MR. BURN: I don't think the proponents of this legislation would be trying to join any of those organizations. But please continue.

MR. MCCULLOUGH: But the problem is it's so open-ended and there's no definition that --- you know, the loophole is so broad here that I think you're going to have a hard time, you know, cutting the wheat from the chaff, to be very honest with you.

MR. BURN: My answer to you is the more that we attempt to try to get into specific definitions crafted in our own hand versus what the definitions are that are already accepted, that we could start to run afoul. And the more specific we get, the more mired ---. We're going to be getting into the wherefores and the wherenots. I would suggest that the definitions, the commonly accepted definitions --- if you want to say the Webster's definitions ---. Whenever we look at a piece of legislation and there's a word in there, Chuck, and you know this --- that may not be defined further down into a bill or piece of legislation, we look for the common definition and the attorneys in this room would understand it.

These are the type of words that I would suggest to my colleagues in considering what they're going to do, they're the type of words where we can find the definitions adequately addressed in other resources. So there is a cost benefit analysis. Do we try to get specific with each of these four and get caught in the proverbial quicksand, or do we work with the generally accepted definitions of these words and proceed forward? The men and women for this and against this have waited long enough for us to stand up and make a decision. Tonight's that night.

MR. MCCULLOUGH: Let me respond to that. There's been a body of case law developed over the last 70 years before the Internal Revenue Service and before the tax court that defines what charity is. It defines what a religion is and what these various organizations are, because they're given certain tax status. By stripping a specific reference from that and saying, well, we can take a look at Webster's Dictionary or a common meaning, in fairness, there will be a host of organizations that are going to try to fit in under this umbrella. And you're

going to have litigation after litigation after litigation.

You've already seen the folly of passing legislation --- for example, Act 44 that said mass transit systems. And it seemed like a lot of people had different interpretations of what a very common phrase, mass transit systems, is. And I'll direct this question to Mr. Rushford based on that. Is this provision legal? I mean, do we have a vagueness issue here? Do we have a discrimination issue here? Do we have an equal protection issue here by defining very nebulous things as religious, fraternal, charitable, sectarian organizations? Even if we can put some definition to them, do we not have a problem by giving these people --- or giving these organizations some different recognition, absolving them, frankly, from compliance with this ordinance as opposed to all the other organizations that are out there?

MR. BURN: Mr. President, as Chuck started with me, then moved to Council, let me just say one thing. Again, this is called the Philadelphia Ordinance. This is the identical language that existed in Philadelphia for 20 years, so I'd say we have some pretty decent precedent out there that these types of definitions work. But thank you.

PRESIDENT FITZGERALD: Mr. Rushford?

MR. MCCULLOUGH: Well, I'd be interested in hearing his opinion, because I don't ---.

MR. BURN: I understand that. I just want to put that in here.

MR. RUSHFORD: I think that the rationale that's been put forth clearly would sustain the difference in the implacability of the ordinance as it stands. In terms of the meaning, I think that what Mr. Burn said is accurate. And in fact, in other ordinances that the county has done, we haven't gone into the detail of attempting to redefine, you know, what, for example, a charitable organization is and is not. So from our standpoint, we're completely comfortable with the definition. As to creating a separate class, I think the First Amendment, as was pointed out by some of the speakers, I think would trump that from potentially its application. So in that regard, I think the ordinance is legal as it stands.

MR. BURN: As amended, Counsel?

MR. RUSHFORD: Yes.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. MCCULLOUGH: Excuse me. Point of order because I would like to introduce an amendment as well. Can I wait until everybody has had their say and discussion and turn around and introduce ---?

PRESIDENT FITZGERALD: Well, let's consider this amendment first. And then once the bill is amended, if you've got an amendment, we can do that.

MR. MCCULLOUGH: Okay. That would be fine.

PRESIDENT FITZGERALD: Mr. Drozd and Ms. Green, then Mr. Gastgeb.

MR. DROZD: Thank you, Mr. Chairman. First and foremost, I'll say that, you know, I always defend the rights of anyone who is discriminated against, as long as they're truly in the right, wherever they may be right. And I'll get into the amendment. Overall, I oppose the amendment. I mean --- excuse me --- the ordinance. I'm just going to try to hang a little bit to preserve some of the integrity of those groups that are doing those thousand points of lights out there, which are the religious groups, such as the Boy Scouts and Girl Scouts.

You know, if it wasn't for the Boy Scouts and the Girl Scouts in my community, a lot of things wouldn't be done. They can't afford to be done. The municipalities, a lot of the projects that --- it may be a park that they helped to build. It may be the cleaning up of the surrounding area of a church or a path or a trail. I know one of these are going to see if they can get a Boy Scout project done within their area, because they go and they put the sweat equity into it when no one else does.

I have great concerns about the overall ordinance. But anywhere and any way that I can preserve their good work and the good works of our church, I'll try to do that. The letter from the Bishop says that he would be very concerned overall, I guess is what I --- without something --- at least giving him something to hang on. I'm concerned that Councilman Burn, or whoever did, cut some of these things out and tried to even cut some of their funding from them, is what I see here. Because originally, it wasn't predicated upon that they would get funding or not from the County. And if they don't get funding from the County, how are they going to --- or anywhere, how are they going to do the good works? It's pretty difficult. I'll tell you that. A lot of projects wouldn't be done, not only in my community but in this community. I'll guarantee you that. Because I give those

proclamations. I go to the Eagle Scouts when they have an Eagle Scout, and I give the proclamations or --- and in fact, with the Girl Scouts and what they may do with this.

So I just have a lot of concern that, you know, some of this stricken H clause was taken out, especially that part about that they aren't going to get any funding. And if they don't get any funding, guess what? Your municipalities aren't going to get projects done in the municipalities, because that's what they do. They do it in your municipalities. You can guarantee that.

So I'll vote for the amendment just for the fact you're giving them something to hang on, at least, in fact, that they aren't going to be diverted or there's going to be adversity in the face --- and the fact that we will still do projects within my community and be those good-natured people that are so badly needed. But I have great concern that you pull the funding from them. And in essence, if there's whatever and you make --- inflict upon all those young people out there the potential of a suit, I'm concerned about that. Are you going to give them second thoughts that they should do that good work in their community? I have a lot of concern about that. And that's what you're doing by taking some of these clauses out of your amendment.

So I support the amendment, just to give that hand to those good people out there, those thousand points of light that are they doing good things in our community. Yes. But overall I'm not --- and I'll give my reasons why the ordinance ---. But also, I agree with my fellow Councilman, this could open Allegheny County up to suit, and again, cause the taxpayers --- which we don't have a lot of money to begin with and they can't afford. We can't even fix our roads and bridges and whatever else have you. This could open Allegheny County up to suit, because now it's a discriminatory clause and sets apart certain groups within that. And the CLU had pointed that out, it could be unconstitutional or whatever it may be. I think everybody received that. I did or you did. So you want to put this county in harm's way again for another suit? Is that what you want to do? That's all. Thank you, Mr. President.

PRESIDENT FITZGERALD: Ms. Green, Mr. Gastgeb and Mr. DeFazio.

MS. GREEN: Thank you, Mr. President. My comments are more directed towards my fellow Councilman

Ellenbogen, who seemed to have some concerns about the legitimacy of what we're trying to do here. And I would say don't fret. Actually, the case that makes me feel comfortable that what we're doing is okay is a case called Hartman v. Allentown, I believe, which suggests to me that this type of ordinance would be okay. And also, county by county, city by city is exactly how you go about creating a tidal wave of equality across the country. We see, for example, the sex offender ordinance that we had here in the county that got challenged, but the county passed that. Why? Because the county thought it was the right thing to do to protect the citizens of Allegheny County. And yes, we're in court and it's being challenged, but that's what's happening all across the country. It's the right thing to do.

Also, we see with women getting the right to vote, I have news for some people who may believe that it was a Constitutional amendment that necessarily gave women the right to vote. Women had the right to vote in various cities, towns, states in this country before that federal Constitutional amendment was passed. So that's part of the tidal wave. And when we're looking at civil rights legislation, everybody thinks about Title VII in 1964. I have news for you. There were states that were having that kind of legislation for years before the feds got on board. They saw the tidal wave coming. This is the start and the push of that wave. And I recommend we pass this tonight. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Gastgeb, Mr. DeFazio and Mr. Burn again.

MR. GASTGEB: Thank you, President Fitzgerald. I always appreciate my colleague and I do call him friend, Mr. Burn, who makes some subjective comments and I'll do it as well. How do you negotiate discrimination? It's okay, I guess, in some circles to discriminate if you can find an exemption. Many of us will say it's never okay to discriminate. It's something that should be probably not negotiated.

There's probably one reason that there's exemptions in this bill tonight. And actually, there's four: religious, fraternal, charitable, sectarian. Councilman McCullough asked for a definition and we're not going to get any, apparently. So there are four exemptions. Unlike City Council, the original bill, which

is different than this, could not have been passed. Even though there's 11 Democrats up here in the chamber, they cannot pass a bill without exemptions. There was one vote, however, since I've been on Council that I think speaks volumes to diversity. The first person of color, African-American, President Jim Simms, was in the seat to my right about four or five years ago. Out of the eight votes he needed, six of the eight came from Republicans. So I find it somewhat distressing that partisanship has to be enacted here, but there is evidence of partisanship. Certainly the Republican Party put the first --- or helped put the first African-American in the President's chair of this chamber.

I would like to say something to what Bruce Kraus said, and I appreciate him coming over. We didn't have a chance to meet, but I appreciate your convictions and your courage. And apparently City Council has a bill. When you use the word like struggle and don't water things down, this is exactly what this is. It's a watered-down version of something that was supposed to be honoring discriminatory, you know, tolerance. The LBGT, if I can understand them correctly, when they spoke, say don't give us any exemptions. I heard a couple speakers say that. The Bishop's office wrote a letter saying keep the exemptions the way they are. Obviously Mr. Burn's amendment changes that.

Who are we negotiating with? Who wants this done, to do something so watered down that we think somehow we feel good if the church doesn't seem to want it, if the people from the LBGT community apparently think it's okay --- it's not okay. Why don't we have the courage and conviction to put the bill out without exemptions? That bill was available, Mr. Fitzgerald said, for a year. The bill was never brought forth. It could be signed by the executive. We're not seeing that bill. We're seeing a different bill. So I think it's an affront to really what should be done by 11 Democrats up here, vote for the bill without discrimination, vote for the bill without exemption. Thank you.

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

(Applause.)

MR. DEFAZIO: Yes. I'd like to ask Jim Ellenbogen, Jim, did you refer to a Diocese of Pittsburgh communication?

MR. ELLENBOGEN: Yes, by the General Secretary.

MR. DEFAZIO: As I read this, there's nothing in here talking about being against the Constitution. They're saying in here, they said, we have not had sufficient time to consider how the measure may impact the church or charitable organizations that have operations in Allegheny County.

MR. ELLENBOGEN: I don't mean to interrupt you, but I put two points forth. One, they're not --- exclusive terms is what I said. I, number one, brought up the fact that the church is against it. Number two, I'm questioning myself the constitutionality of it.

MR. DEFAZIO: It don't say that here, though.

MR. ELLENBOGEN: No, no. You're not listening to what I'm saying. I'm not saying that the church is saying that. I'm saying the church is saying they have not had time to review it. And when the largest religious group in this county --- if anybody would challenge the fact that the Bishop properly represents more people in this county in terms of --- and they say they have not had an opportunity to review it, I think we should give them an opportunity to review it. I'm not saying anything more than give them an opportunity to review it for its legality. I'm saying on my own, I'm not saying anything about the Diocese, that this Council has a history of passing legislation that's not legal. And I'm saying before I'm going to vote for anything like this, I'm going to make sure that it's constitutionally legal. That's what I'm saying.

(Applause.)

MR. DEFAZIO: If you want to know if something is legal --- look, I'm Catholic. I go to church all the time. I don't go to the church to get my question answered. I go to the legal people.

(Applause.)

MR. ELLENBOGEN: John, you're trying to say something I didn't say.

MR. DEFAZIO: I am saying ---.

MR. ELLENBOGEN: No, you're not. I said that the church said that they want an opportunity to review it; okay? Stop. That's all I'm saying.

MR. DEFAZIO: But you didn't say that.

MR. ELLENBOGEN: Well, then I misspoke or you misunderstood me. But I'm telling you ---.

MR. DEFAZIO: You misspoke.

MR. ELLENBOGEN: Well, let me ask you something. Have you ever voted for a bill up here, John, that turned out ---?

PRESIDENT FITZGERALD: Okay. Wait a minute.

MR. ELLENBOGEN: No, I'm not going to be quiet.

PRESIDENT FITZGERALD: Let's move on to the amendment, nothing further than that.

MR. DEFAZIO: Look, all I want to do is make it clear that that letter didn't talk about being not constitutional. They just want more time to review it. We've been doing it for a year; okay? They just didn't see the latest version.

MR. ELLENBOGEN: Well, then you either misheard me or I misspoke, and I ---.

MR. DEFAZIO: We can go back with her and ---.

PRESIDENT FITZGERALD: We cleared it up. We cleared it up. The church didn't say it was unconstitutional. Ms. Green, and then let's vote on the amendment. I think there might be other amendments coming. We'll have a chance to continue the discussion. Let's at least stay on this amendment and then maybe take a vote on the Burn/Macey amendment. Ms. Green?

MS. GREEN: Thank you, Mr. President. In addressing the concerns about the letter received from the Diocese of Pittsburgh here, I do know that back in January when we had our public hearing, that we did get communication from Bishop Zubik, I believe, about the ordinance. And I do know that I personally spoke with two members, two people in leadership, actually, of two Protestant churches here in the City of Pittsburgh. And in discussing the ordinance with them, first is the misinformation that they had because they had not read the ordinance. They felt comfortable with the language of the ordinance and actually, for people who had been here speaking against it, I now see that they're not saying that they are behind it, but they're not making a statement that they're against it, either. They feel comfortable that it won't impact their ability to outreach within the community and serve their membership.

PRESIDENT FITZGERALD: Mr. Gastgeb on the amendment and then we'll vote on the amendment.

MR. GASTGEB: On this amendment specifically, it was brought up the sexual predator bill which we all voted for unanimously, was challenged and is challenged in court. That bill had a written opinion in writing for the

committee meetings and our meetings. This does not. There's a big difference. Thank you.

PRESIDENT FITZGERALD: On the ---.

MR. MCCULLOUGH: Point of order. I have an amendment coming in on Jim's amendment.

PRESIDENT FITZGERALD: You want to amend the Burn Amendment, not the bill itself?

MR. MCCULLOUGH: Not the bill itself.

PRESIDENT FITZGERALD: Procedurally, how do we ---?

MR. MCCULLOUGH: I think you have to vote on that amendment first and then ---.

MR. BARKER: You have a motion that's been made and seconded on, the Burn/Macey amendment. You would want to dispose of that motion and then get to Mr. McCullough's motion on amending the language that is now in the bill, assuming it passes.

PRESIDENT FITZGERALD: Let's do a roll call vote on the Burn/Macey amendment that has been properly moved and properly seconded.

MR. BARKER: On the Burn/Macey amendment, Mr. Burn?

MR. BURN: Yes.  
MR. BARKER: Ms. Cleary?  
MS. CLEARY: Aye.  
MR. BARKER: Mr. DeFazio?  
MR. DEFAZIO: Yes.  
MR. BARKER: Mr. Drozd?  
MR. DROZD: Aye.  
MR. BARKER: Mr. Ellenbogen?  
MR. ELLENBOGEN: No.  
MR. BARKER: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. BARKER: Mr. Futules?  
(No response.)  
MR. BARKER: Mr. Gastgeber?  
MR. GASTGEB: No.  
MR. BARKER: Ms. Green?  
MS. GREEN: Aye.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. BARKER: Mr. McCullough?  
MR. MCCULLOUGH: No.

MR. BARKER: Ms. Rea?  
MS. REA: No.  
MR. BARKER: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. BARKER: Mr. Fitzgerald?  
PRESIDENT FITZGERALD: Yes.  
MR. BARKER: Ayes 10, noes 4. The amendment

carries.

PRESIDENT FITZGERALD: We'll recognize Mr. McCullough. Do you have an amendment to this?

MR. MCCULLOUGH: Yes, I do. It's actually being --- Jen's picking it up. It's prepared. She's just picking up the copies of it. But let me address briefly what it is. She's going to be circulating it as soon as she gets back in the room.

As we all know, the City of Pittsburgh has had a Human Relations Commission for quite some time. So really, what we're talking about doing tonight is establishing a Human Relations Commission for the suburbs. We also have this correspondence from the General Secretary of the Diocese, you know, requesting --- or indicating that they have not had sufficient time to review this. We've heard a lot back and forth as to trying to advocate the rights of the people. And the amendment that I'm going to offer is very simple and it would make the bill --- make this ordinance effective upon a public referendum. I think that's the best way to do it.

(Applause.)

MR. MCCULLOUGH: And let me explain to you why. We have the power under our Charter to propose referendums to amend our charter, and this is really what it would be talking about. The City of Pittsburgh's Human Relations Commission is established pursuant to its Home Rule Charter. We have an opportunity to lay this issue before the people, let the people decide at the next municipal election, which would give everybody, all vested persons, all special groups, all vested interest groups, the opportunity to weigh in and debate and go back and forth on the various issues we're trying to resolve tonight.

This is a change for Allegheny County Council in two respects. Obviously, this is a significant piece of social legislation, something that is somewhat unique for a county government, particularly this new county government. We don't get into social-type legislation all

that often. Number two, it's obviously a very important policy decision. This will affect everybody, not just within the City of Pittsburgh, which already has its own Human Relations Commission, but countywide. Given that, I think it's imperative upon us to let the people weigh in and vote how they feel about this. I think we're taking an awful lot on ourselves to do this in isolation of the citizenry at large.

I don't want to keep running and filibustering this, Rich, but what I don't want to do is be denied the opportunity to introduce this to you. It's prepared. She's just picking it up and just copying it. I'd like your indulgence so she can pass it out to everybody. But that is the only change. It adopts Jim's language and his strikes verbatim but it just says it would be subject to a public referendum. The question is not proposed. Obviously, that is something we can do out of committee and what have you. But I think it's an important statement to make. We're going to let the people decide whether they want to have a Human Relations Commission, whether they want to bear the expense, whatever that expense is of having a Human Relations Commission.

And one other thing, I want to have a third commission that somehow impacts on some of the people that live in Allegheny County, i.e., a state human relations commission, a city human relations commission. And the other important point is by us doing this, we're really preempting the municipalities from making this decision themselves. I mean, under the law, it's clear that every municipality, if they so desire, could have a human relations commission. So if we're going to do this, why not let the people in those municipalities decide in effect that they're going to forego that opportunity, concede that authority to us? And again, I think that's proper exercise of the referendum under our Charter.

PRESIDENT FITZGERALD: Well, Mr. McCullough, let me just comment briefly. I guess I had asked basically for all members to try to bring forth any amendments that they had. Mr. Burn and Mr. Macey was just basically minor definition changes. I don't consider that ---. This is a major, major change in the entire bill. To bring this at the 11th hour, I think is an affront to the committee process. And if the Administration did this, if Mr. Onorato did this, I think your comments would be probably a little bit different.

My second comment would be, which bill do we put before the public? There was an original bill that Ms. Green had brought forth dealing with, I believe, 15 or 16 members of a commission, they were paid, talk about a different form of investigation. She's amended it to form, I believe, a seven-member commission of volunteers. There are religions exemptions. Amendments put forth --- Mr. Robinson had one dealing with, I believe, four employees or more and then the broader one that talks about all religions. So which one do we put on the ballot?

MR. MCCULLOUGH: Let me address your question and your comments in regards to --- starting with the one you made first. I had an amendment prepared tonight to the main bill, the bill that was circulated to us with the very extensive paragraph H exemption. I just got Jim's amendment a few minutes ago. Nobody communicated to me that this was coming down. It almost sounds like there have been negotiations going on and introduced on behalf of the Democratic Party and what have you. Obviously, the Republicans, at least this Republican, didn't get the benefit of that. So I'm strictly trying to react to something that he did, which is my right.

Secondly, we have the right to amend bills all the time. And I would point out that the Chief Executive quite frequently has come over with 11th hour, not amendments, but with pieces of legislation, ergo the Economic Development Tourism Fund bill last year. The move to abolish the Sheriff's Office, a 220-year-old department, came in five minutes after 5:00 at a Council meeting. So I'm not doing anything other than following protocol. And if I had a crystal ball and knew what Jim was going to do, it would have been already prepared and passed out.

Now, to answer your other question, the bill that's being put before the people is the one that Jim's amending. It's the most recent version striking out the extensive language trying to define what a religious organization is. It's simply going on the four categories of exemptions. That's the one that I'm proposing we put before the people. And that's the one I think there should be a referendum for.

(Applause.)

PRESIDENT FITZGERALD: Ms. Cleary? Go ahead, I'll let you discuss it. We don't have anything.

MS. CLEARY: I just have one quick thing to say. I mean, as you pointed out earlier, we've been doing this --- this was introduced July 8th of '08. I mean, we've had plenty of time to talk about this and do anything we wanted to do with it. It's not like this is a last-minute thing for anybody. So I mean, we could have made that amendment how many times in the Government Reform Committee meeting or something. So I think --- and even for the church to say they didn't have enough time, we've been doing this for a year. No one can use time as an excuse. Thank you.

PRESIDENT FITZGERALD: Ms. Green?

MS. GREEN: Thank you, Mr. President. As the County Council representative for Council District 13, I've heard from many --- that would be an understatement --- of my constituents for and against. And I would say without a doubt that the vast majority of my communication has been in favor of this ordinance. So in a way, I feel that my constituents have essentially given me a proxy to vote in favor of the ordinance on their behalf without the need to take this to referendum. Thank you.

PRESIDENT FITZGERALD: Mr. Burn and then Mr. Ellenbogen, Mr. Drozd and Mr. McCullough.

MR. BURN: Thank you, Mr. President and members of Council. I would ask those of you who listened to Chuck's words about the referendum listen very carefully to some of the things that Chuck said about the process that's involved to get a referendum question out of committee, voted on and then on the ballot. First of all, there are time deadlines. I think the insinuation was made to you that if we do this, do what Chuck wants to do, that we would have this done in time for this to be a decision for the November ballot. My friends, I would suggest that that mostly likely would not take place. And let me explain why.

Listen very carefully to what Chuck said. The question is not proposed. The question is not proposed. What that means is that whatever the question on the voting machines is going to look like hasn't been written yet. Now, look how long it's taken us just to draft this piece of legislation. It's taken us a year. And I would remind my colleagues that we have a Sunset Provision in County Council. And correct me if I'm wrong, Mr. President and Jared, but any bills that are still in

committee by the end of December of 2009 will die; is that correct? So now let's talk about that.

Chuck correctly admitted that this question would have to come out of committee, the same committee or a similar committee that this bill has been sitting in since 7/8/08. I would suggest to you and to my colleagues that if we were to do what Chuck wants to do, this would have to go back into committee. You're going to have just as much debate in the same alignments that we have had for the last 12 months. Nobody is going to --- we're going to have as much trouble getting to a consensus. It's taken us a year to get this far. We might as well take every piece of paper on this desk and just throw it out because we're going to start from scratch.

Now, that being said, if it took us a year just to get the bill out of committee, I can assure you, ladies and gentlemen, and I'm not --- I can assure you this will die in committee by the end of the year. So it's going to be a sum of zero if we go down this road. And with all due respect to my friend, Mr. McCullough, I have to disagree with --- although well intentioned, I have to disagree.

But secondly, there's a time to lead. There's a time for referendum and there's a time to lead. Our constituents put us up in these seats to make tough decisions. The drink tax was a tough decision. There have been other votes up here that are tough decisions. This is a --- for me it's not --- it is a tough decision, but I respect the issues that have been presented. I am not going to, in this instance, hide behind the referendum when the men and women in my district have asked me to stand up and lead. There will be those that support my vote, those who will not like the vote that I cast. But that's what I've been asked to do when serving District Three. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Now that we have the amendment on the floor, Mr. McCullough, do you want to make a motion?

MR. MCCULLOUGH: Yes, sir, I do. And I'd like to move to amend the Burn/Macey amendment to provide an effective date set forth in section two ---.

PRESIDENT FITZGERALD: Well, it's the bill as amended now. It's the bill as amended now.

MR. MCCULLOUGH: And then let me make a couple brief comments.

MR. DROZD: Second.

PRESIDENT FITZGERALD: Well --- second. I'll go back to that. I wanted to get people in order so we have the proper --- the amendment has been moved and properly seconded. I have Mr. Ellenbogen, then Mr. Drozd, then Mr. McCullough.

MR. ROBINSON: Point of order. I don't have a copy of the amendment.

PRESIDENT FITZGERALD: I thought it was passed out.

MR. ROBINSON: No, sir. Thank you.

PRESIDENT FITZGERALD: I thought you had it. Thank you, Mr. Robinson. We have so many papers coming around. As you indicated, this could happen when the amendments start to fly. Okay. Once everyone has the amendment in front of them, I would ask Mr. Ellenbogen to speak and then Mr. Drozd and then Mr. McCullough. Mr. Ellenbogen, go ahead.

MR. ELLENBOGEN: I just wanted to say that if there's anything that will wake up the silent majority in this county, it is issues that affect their deep moral sense of who they are and their religion. Now, both sides of this issue have deep moral convictions, how they feel in terms of their own religion, right or wrong. I'm not afraid to make any tough votes. I've voted against the majority enough times and taken the scrutiny for it.

The question that I have, as one gentleman said, how much of the voters --- how much of the populous of Allegheny County knows what we're going to do tonight? In the sense that they did know, how would they feel about it? Now, like I said, normally, I would say, you know, let's tough it out, but there are a lot of people that --- on both sides of it. I'm not taking either side. I'm just saying in terms of their own religious beliefs and their own belief system, they feel very strongly about this. Do we have a right to force this on people's moral convictions without allowing the public the opportunity to vote?

In deference to, you know, my friend, Councilman Burn, personally, if there were a vote on it, I would just assume rather than vote in the April election, when more people would vote --- because there's nothing really to vote for and the voter turnout would be very small in the

fall. So like I said, I'm just --- I'm not taking a side in this issue, but it is something to consider in terms --- because it is, you know, an issue that naturally is affecting a lot of people and their religious beliefs. Thank you.

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

MR. DEFAZIO: Point of order. Was there a motion made to amend and second?

PRESIDENT FITZGERALD: Yes. Yeah, there was. Mr. Drozd?

MR. DROZD: Thank you, Mr. Chairman. Wow. It's kind of funny when I listen to these debates, you know, pro or con, pro or against a referendum. I recall, and this is kind of the ghost of Christmas and New Year's past, when the drink tax came about and how all of you that you're speaking now against a referendum were in favor of a referendum; is that not true? Yes, it is. When the drink tax people were out there getting a referendum, now all of a sudden you wanted to really get out there and support referendums. And the votes came out that way. So it was --- that's what happened. Is there not an ordinance that we passed in referendum? Maybe our Council could check that.

In any event, I believe in giving the people the right any time to participate in their government. What are we afraid of?

(Applause.)

MR. DROZD: Councilwoman Green just said that she heard from many people, whichever direction --- well, then stand the test. If you heard that way and you believe and you're convicted that your people will support your efforts, then stand the test.

(Applause.)

MR. DROZD: You know, that's the reason why a lot of people --- their voices, they want to be heard. You know, I don't know how many of you walk among your constituents, but I walk among a lot of them and they want to be heard. They've got a lot of things they want us to hear. And this is one way for them to be heard, not only in this instance for this particular one ordinance, but for every instance on issues that really affect their everyday lives. Taxation is another one. They should be heard.

So I think this is good. And if you really,

truly believe that you are representing the constituency, then don't be fearful to hear them at times. And this is a great opportunity, I think, for each and every one of us to hear our constituency and see what they're thinking. And we may all be surprised one way or the other, but at least we give them the opportunity to talk to us, and secondly, to be heard. Thank you, Mr. Chairman.

(Applause.)

PRESIDENT FITZGERALD: Mr. McCullough, Mr. Finnerty and Ms. Green.

MR. MCCULLOUGH: I'm going to call my little brother's bluff. James, as you recall a year ago at this time, this Council moved at lightning speed to adopt a referendum, not only that, to give itself the right to have referenda. I actually have a referendum question right here. And if Council is inclined to do this tonight, we can get this question decided right now. And the question is very simple. Shall Allegheny County Home Rule Charter be amended to provide for a County Human Relations Commission? That's the question. That's the only form you need. And when you reference the ordinance, it's going to be what we pass tonight.

Now, I'm for that. You will get my vote on that. I promise you I won't even sue if it passes. You can do that tonight if you want. It's not going to go into committee. It's not going to take a lot of time. It's not going to stop anything from proceeding. The motion is very --- the amendment to your amendment is very straightforward. The provision shall become effective upon approval by a majority of the County's registered voters casting ballots in a public referendum to be held at the first municipal election occurring after approval. Place on the referendum is hereby authorized. I've got the question written up if you want to do it. There's nothing to wait for. So we can get this decided completely tonight. Put it before the people and let the comprehensive debate and discussion that this very important issue deserves begin.

(Applause.)

PRESIDENT FITZGERALD: Ms. Finnerty, Ms. Green and then Mr. Burn. Finnerty and then Gastgeb. I'm sorry. And then Green.

MR. FINNERTY: Thank you, Mr. President. I'd just like to say that we're talking about a referendum up here. And a number of people have introduced referendums

as we've gone along here in the last couple of years. And that's fine. But I think also that as a council person, you are duly elected to make some tough decisions. And on occasions, you have to make those tough decisions, like it or not. And I've thought about this bill for over a year. And I was an original sponsor. I took my name off. It's something that has drawn me to think about it and what it means to the people of Allegheny County. And I think we as Council people, men and women, are occasionally put in positions where we have to make some difficult decisions and we should stand up and do it because that's what we were elected to do. Thank you. It's a representative government.

(Applause.)

PRESIDENT FITZGERALD: Mr. Gastgeb, Ms. Green and Mr. Burn.

MR. GASTGEB: Thank you, President Fitzgerald. There's nothing wrong with having rigorous debate tonight and it pretty much should be the last vote on this issue. So I guess I get kind of tired the rules aren't being followed or this was in committee. Aren't we allowed for an amendment to be brought forth? You shouldn't be complaining about that, nor how long we talked, how long this meeting goes to. If you don't like it, then two-thirds by rule can end debate at any time. So there might be 14 more amendments and we just keep hearing the same people complain.

I guess what I would say respectfully to Mr. Burn, there may be some new issues, shall we say, outside of what we've already gone through. And indulge me. I think it's becoming clear that there is a city ordinance. So by referendum, I think it's fair to ask the city residents if they want two. If there's a duplication of an ordinance, is that something they want to live with and how would that affect them? Conversely, there's none in the suburbs. Suburban voters might want to decide if they want one at all.

Secondly, we haven't talked about the cost. Apparently to put a seven-member --- and I realize it's a volunteer --- commission, it must be free. Who knows how many cases will come before them? Whatever they write on, whatever utensils they buy or where they want to park, everything must be free. We're told that the Law Department and our Human Relations Department can somehow absorb that. That's interesting. We have our budget

coming up. If there's that much fat that something like this could be absorbed --- but it's certainly not free, I wouldn't think. And I think the voter should decide on that as well.

Second, I mean, you can put on FOX, CNN, MSNBC, whatever. We know what the state of the economy is like right now. Right now I think there's a cry for not an expansion of government, but a contraction of government.

(Applause.)

MR. GASTGEB: Thank you. And an expansion under the volunteer commission, this is the best time from a perception standpoint if we want to expand our government? This bill has been here for a year. But that alone shouldn't stop us from putting a referendum out. It's only been here the whole year because 11 Democrats didn't vote for it at any one time during that year. They could have. So we're here right now and I think a referendum is very much in play. And it's really in play more than anything because the Democrats voted to allow this to happen. I happen to agree with Councilman Finnerty. I'm not a big fan of referendums either, but now that we're allowed to by way of the drink tax --- I have quotes here that almost every Democratic member made when we did the drink tax referendum, this is a great idea, and a legal idea. I think all things are in play. So if Council Member McCullough wants to bring it up, I think it's in play. I think the dynamics of this are a little bit stronger to let the people decide. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Ms. Green and then Mr. Burn and then we'll vote on the referendum amendment of Mr. McCullough.

MS. GREEN: Thank you, Mr. President. I just have a response to a question that was asked directly of me by Councilman Drozd. And the question was why not put this to the test. He talks about being such a great listener of his constituents, but I find it ironic that most of his constituents who are supportive of this ordinance have, in fact, contacted me and not him because they didn't feel he would listen to them. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Burn, then Mr. Finnerty and then Mr. Drozd. Let's debate this. We'll try to get the McCullough amendment voted on. Mr. Burn?

MR. BURN: I just wanted to give a shout over there to my big brother. Mom always liked you best. It's a fundamental difference in approach and we can agree to disagree on that. Sometimes we can agree that a referendum is necessary. Sometimes we can disagree that a referendum is necessary. This is one of those things, do we pass the buck back to the constituents who elected us to make tough decisions or does the buck stop here? We have a fundamental disagreement, pro and con, as to how to proceed. My inclination is the buck should stop here and should stop here tonight. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty and then Mr. Drozd. I'm sorry, and then Ms. Rea.

MR. FINNERTY: I would just like to point out one thing in discussing --- concerning the bill. I mean, we're getting --- nitpicking up here about Democrats, et cetera, that we have 11 votes. That really must mean that people elect Democrats. Also, I'd like to say that --- I'd also like to say that, and point this out vigorously, that we did introduce a referendum. But prior to that, the Republican caucus introduced two of them. And I just want to make sure since we're --- I like to be bipartisan. But I keep hearing Democrat come up. And we're attempting to be bipartisan about this. And it doesn't sound like it to me as I sit here. Thank you.

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

MR. DROZD: Thank you, Mr. President. I would think that, you know, I've heard things, we're chairman of one party and we're this and that. I don't consider myself a Democrat or Republican as I sit here. I really don't. You know, I was a long-term Democrat before I was a Republican. Before when I first registered, I was an independent. I'm thinking that that was probably my best position, the original, because that's what I want to be. I want to be here for the people. That's what I prefer first before any party.

And in reference to --- and why I wanted to respond to some things, Mr. Chairman, in all due respect to my fine colleague, Councilwoman Green, you know, we all get calls from across districts from other people because they call us all. I understand that, Councilwoman Green, you're new. We all get calls on this Council. Now, that's not a slight on Councilwoman Green at all. She's a fine lady and a very good Council lady. But you're

welcome to walk with me any time. In the last week alone, I've been in and out of countless neighborhoods. You're welcome to walk with me any time you wish, Councilwoman Green. And you know what? I hope you extend the same invitation to me because I'd be willing to do that, too. Because I don't consider myself representing just one district, believe it or not. I don't. I represent the people of Allegheny County as a whole. Because the way I vote affects the lives --- and remember who we're talking about here, the lives of the people of Allegheny County as a whole, not segmented in one district. The whole is equal to the sum of the parts, and that's who I serve, the whole, the people, first and foremost. I don't work here. I serve here, and so do all my colleagues and the good people --- our good staff members in Allegheny County, all of our good people that are sitting here. These are the people that serve our county and our people. Thank you, Mr. President.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Thank you, Mr. President. I just wanted to point out to some members before we voted that our staff, our able staff were answering our lines, and this is all Council members' lines. And I'm sure we --- some of us individually do pick up our lines. There were a total of 119 calls concerning the ordinance. Eighty-nine (89) people were against the ordinance and 30 were for the ordinance.

(Applause.)

MS. REA: That's a very small percentage of people who are aware of the ordinance. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: I'd like to respond to what Councilman Finnerty said. And I do respect his opinion on it, to get over the partisan. But Mr. Burn brought up the Democrats first. Ms. Green referred to him as chairman before referring to him as a councilmember. That's why I'm bringing it up. And I will still state that, you know, the Democrats are watering it down. I think they're using the LGBT people as pawns. That's what I feel. This is a watered down bill. And I'd like to ask Mr. Burn a question if I may, if you'll indulge me before we vote.

MR. BURN: I'll do my best.

MR. GASTGEB: I'm sure you will do your best, and I really appreciate that. If there's a job opening in

a Catholic elementary school and an openly LGBT persuasion person was denied that job, is that Catholic organization exempt and allowed to discriminate?

MR. BURN: I'm not sure I understand your question. Can you repeat that, please?

MR. GASTGEB: There's a job opening in a Catholic elementary school, let's say for a custodian, and an openly LGBT person applies, is denied that job. Is the church or that school exempt under your bill?

MR. BURN: I'm not sure --- if I understand your question ---.

MR. MARTONI: Wait a second. Wait a second.

MR. BURN: I'm not sure --- if I understand your question ---.

MR. MARTONI: Wait a second. Wait a second.

MR. GASTGEB: It seems like a fair question.

MR. MARTONI: I don't think it's a fair question.

MR. BURN: I don't think so, either.

MR. MARTONI: Point of order.

PRESIDENT FITZGERALD: Point of order. Mr. Martoni?

MR. MARTONI: There was a guy name Thomas Jefferson that said there should be a wall between the church and state, okay, and he was a pretty big man in America a couple hundred years ago. Okay. I think we should keep that wall. I don't feel comfortable talking about religion here. Okay. I think we're all religious ---.

MR. GASTGEB: This is about religion.

MR. MARTONI: I think everybody in this room is religious. Okay.

MR. GASTGEB: This amendment's about religion.

MR. MARTONI: It was definitely about religion.

MR. GASTGEB: I have the floor.

MR. MARTONI: Yes, you do.

MR. GASTGEB: One of the definitions says any religious, fraternal, charitable or sectarian. This amendment brings religion in strictly. The word is right here. My question is a good question and it deserves an answer.

MR. BURN: It's not because your hypothetical doesn't contain enough ---.

MR. GASTGEB: It's a hypothetical of what's going to happen to hypothetical.

MR. BURN: It's a hypothetical. It doesn't ---.

PRESIDENT FITZGERALD: Let's stay on the referendum amendment idea first.

MR. GASTGEB: This is why I think a referendum is needed. Can you answer, Mr. Burn?

MR. BURN: No. It's not phrased that I can.

MR. GASTGEB: Can you answer it another way?

MR. BURN: If you keep trying, I might. Now, we can either turn this into a charade or we can vote.

MR. MARTONI: I want to call the question. Let's vote. This is totally out of order.

MR. GASTGEB: It takes two-thirds to call the question.

PRESIDENT FITZGERALD: We don't have to call the question, but I think we've exhausted at least the referendum part of it, and then we can move on to --- I'm sure others have amendments and we're going to obviously debate the bill itself as amended, whatever amendments are there. So we could at least move that along. I'm sorry, Mr. DeFazio?

MR. DEFAZIO: Real quick. We're going round and round. This boils down to simply is it fair, is it right to discriminate and not let people have jobs or housing or --- I mean, that's what it's coming down to. We're talking all these other things. Is it really fair? Can you honestly go along with something like that? That's what I looked at. Is it fair?

(Applause.)

MR. GASTGEB: I'm just saying if it is fair, take these exemptions out. Because that person could be denied a job at a Catholic ---.

MR. DEFAZIO: Let's take it out. Will you vote for it?

MR. GASTGEB: Don't worry about that.

MR. DEFAZIO: Will you vote for it? Quit playing games.

MR. GASTGEB: No, I'm not ---.

(Applause.)

MR. GASTGEB: You don't have to worry about my vote. This is legislation. This isn't student council. (Short break taken.)

PRESIDENT FITZGERALD: Mr. Martoni has the floor, followed by Mr. McCullough and then Mr. Ellenbogen.

MR. MARTONI: I kind of lost my pizzazz on that break.

PRESIDENT FITZGERALD: It's called a TV timeout; right? They do that in sports.

MR. MARTONI: You know what? Let's just vote and get this thing over with. I don't even know what the heck we're talking about. I'm not sure what meeting I'm at. I'm not even sure what the issue is. Let's just vote and get on with this. I think we're all getting a little crazy up here.

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

MR. MCCULLOUGH: Well, I'll try to shed some light. What we're trying to vote on right now is whether we want to make this decision ourselves or do we want to give the power back to the people to decide this. And I think with what we've seen is going on here in the last five minutes underscores why we need to go to the people. I mean, we could pitch hypotheticals at Jim all night long and John can try to restore order all night long. But this is the kind of debate that's going to be engendered. The problem I see is we're going to pass this tonight and Allegheny County is going to wake up tomorrow morning and say, wait a minute, what the heck happened here last night? And then we're going to get the same kind of rebound effect that we feel every time when we take on a controversial subject and we take it on ourselves without putting it in the proper play. And I know it's been kicked around for a year in various forms, but really, in this most recent form, it has just come to light recently. There's no downside to giving the power back to the people and let them decide whether they want this, whether they want to pay for it, whether they want it in their communities.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. MCCULLOUGH: Not here.

PRESIDENT FITZGERALD: Please call the roll on the McCullough amendment.

MR. BARKER: On Mr. McCullough's amendment, Mr. Burn?

MR. BURN:	No.
MR. BARKER:	Ms. Cleary?
MS. CLEARY:	No.
MR. BARKER:	Mr. DeFazio?
MR. DEFAZIO:	No.
MR. BARKER:	Mr. Drozd?
MR. DROZD:	Aye.

MR. BARKER: Mr. Ellenbogen?  
MR. ELLENBOGEN: Aye.  
MR. BARKER: Mr. Finnerty?  
MR. FINNERTY: No.  
MR. BARKER: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. BARKER: Ms. Green?  
MS. GREEN: No.  
MR. BARKER: Mr. Macey?  
MR. MACEY: No.  
MR. BARKER: Mr. Martoni?  
MR. MARTONI: No.  
MR. BARKER: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. BARKER: Ms. Rea?  
MS. REA: Yes.  
MR. BARKER: Mr. Robinson?  
MR. ROBINSON: Nay.  
MR. BARKER: Mr. Fitzgerald, President?  
PRESIDENT FITZGERALD: No.  
MR. BARKER: Ayes 5, noes 9. The amendment

fails.

(Applause.)

PRESIDENT FITZGERALD: Now for consideration on the bill. Are there any other amendments? Seeing none, let's take a roll call vote on the bill as amended.

MR. DROZD: Wait a minute. We have discussion on the bill.

PRESIDENT FITZGERALD: Oh, okay. Mr. Drozd?

MR. DROZD: Thank you.

PRESIDENT FITZGERALD: I didn't see anybody's hand up. That's all.

MR. DROZD: That's all right. Thank you, sir. I understand. No problem. Over this entire debate, I've heard, you know, discrimination one way or the other. By effect of the amendments in there, by the way, right now, in effect, you're discriminating. You're setting aside a class. And it's really not the true bill that you envisioned or whoever envisioned when this started. Believe me on that.

Secondly, I've heard people say that, you know, our county right now is really suffering. It's hurting. It's aching. And I've heard some people say that businesses, they would actually embrace this. I'll tell you this. Those people aren't experts in economic

development. I am. I did it for 20 years. And I'll give you a firsthand experience on where a law cost this county, this region a thousand jobs. You can bank on it. I went west to bring a company here in this region. They were looking to locate a thousand jobs. Everything made sense to be in this region. The transportation costs --- I made the argument, \$10 million a year. The labor was good here. The shipping was excellent and it was their first time in this region. After I presented my case to the executives within our meeting out there in the west, they looked at me and said, Matt, everything you say is true. But there's one thing that would keep us from coming into your state. It's a law that another state has and you don't protect our rights, our rights as an employer. And that law in itself will prevent us from coming into your region. You can bank on that. And that's firsthand experience.

And any time a company goes down the checklist --- because I've seen them because I help fill them out in essence to locate companies here, to help them get the information we have. They wanted to see what laws were user-friendly to businesses. Now, I'm sure that many companies out there don't want to discriminate. Of course not. But what they don't want to do is set themselves up for a libelous situation to be sued. They don't want to do that. And that's what this does. We're setting ourselves apart, again, from other surrounding counties.

Now, you want to know what counties have this and what cities? I had the research done. It's Erie. I believe there's another county out east, Philadelphia and the City of Pittsburgh. If you look at the surrounding counties to us where we lost --- that's fact. Check it. Maybe there's a few more. Maybe there's a few more.

PRESIDENT FITZGERALD: No, no, no. Mr. Drozd has the floor. We're not going to challenge what he has to say. If that's to be done, a member of Council can do it.

MR. DROZD: Let's say this. The immediate surrounding counties, I don't know exactly which ones they are, but the immediate surrounding counties don't have this law, a law like this. They do not. Washington, Greene, Butler, they don't have it. What they do have is 200,000 more of our people, that's what they have, that have moved out of this county into outlying regions. That's what they have, including our businesses, including

one of the major employers, which I don't need to name that you all know, that employed thousands of our people out in the Monroeville area, walked across the border into Butler because it was more favorable to them to be located there. Yeah, they're close to our region, but we lose the property taxes or whatever else in that particular instance. You can count on that.

I've heard suit potential. There's a potential suit in the ACLU. I've heard costly in establishing this committee. But they're going to be volunteers. What are we setting up, vigilantes? They're going to make decisions who or what? Is that what they're going to have here? No.

Let me quote you something from Franklin Delano Roosevelt, and this was said by him during the Depression, the Great Depression. What he quoted was this. I see one-third of a nation ill-housed, ill-clad and ill-nourished. I think what I see, and I think a lot of you do, too, is I see a county whose people are underemployed, overtaxed, underfunded and many of which are faced with the possibility of losing their very jobs and their homes. That's what I see. Those of you that are here today, I see you here now, but I don't see you for those critical issues facing our county, very, very critical issues. And what it is, our swelling prisons with over 2,700 in population, 85 percent of which are there because of drug and alcohol related.

UNIDENTIFIED SPEAKER: Legalize it then.

PRESIDENT FITZGERALD: Order. Order.

MR. DROZD: Sixty (60) percent are also repeat offenders. I see and I've heard and two of my fellow Council members sat in on that meeting, our children are in trouble and that's in --- just look at the Shuman Center. You've seen it in the press and you've seen it in the news. I don't see you at those meetings, those committee meetings. Where are you?

MR. FINNERTY: Excuse me, point of order. What are we talking about?

(Applause.)

MR. DROZD: I never interrupt when you talk, so why do you do it with me?

MR. FINNERTY: I don't talk about all kinds of stuff. We're talking about this bill.

MR. DROZD: This is related. In any event --- well, then come join me and do something about it. If

you'd like to do that, I'd really appreciate you doing that. Come and join me.

But in any event, I don't believe anyone should be discriminated. I've always fought for your freedoms over the years and I'll continue to fight for your freedoms if called again to duty. But what I will not do is put this county right now set aside --- this is a state matter. Take it to the state. Why aren't you talking to your legislators and your state senators?

UNIDENTIFIED SPEAKER: We are.

MR. DROZD: And make it statewide and level the playing field. Do that.

UNIDENTIFIED SPEAKER: We are.

MR. DROZD: I hope you do and I'm glad that you will in that essence if you want to do that. But right now, I'm not going to separate this county from other counties. I'm not going to try to even --- in essence that we're going to put people in harm's way, our volunteers that are doing good things out there. And I see that some of that can be done and people may second think what they're going to do. It's almost like a Good Samaritan Law.

UNIDENTIFIED SPEAKER: We're in harm's way.

PRESIDENT FITZGERALD: Wait a minute. We're going to clear the room if we have to. This is not a yell-out session. This is 15 members who are deliberating this bill. People had their three minutes to speak. We're allowing some applause here, that's fine, but we're not going to have a debate from the floor and with members up here. Mr. Ellenbogen?

MR. ELLENBOGEN: I just want to say, Councilman DeFazio talked about what was fair and I agree with that concept. But you guys know my big thing is what's legal. And, you know, I don't believe that constitutional law should be debated in this chamber. This is at the very least a statewide issue and at the most a congressional issue. Everybody in this country should be treated the same. I mean, this bill to me is the epitome --- like if this Council decided to declare war on another country. I just don't think that this is our burden. I think that human rights are constitutionally bound and everyone in this country should be treated the same. So any opposition, I want to make it clear, that I have to any of this is just based on legality. But I do believe that everyone should be treated the same. Thank you.

PRESIDENT FITZGERALD: Mr. Burn, Ms. Green, Mr. Finnerty and Mr. DeFazio.

MR. BURN: Yes. Thank you, Mr. President and members of Council. I'm not going to repeat some of the things I said. I just wanted to follow up on a couple points. Vince, I do enjoy our debates. I do consider you a friend, too. Vince, I suppose I enjoy it more when we disagree than when we agree, but that's our purview.

MR. GASTGEB: We do agree pretty often, just so everybody knows.

MR. BURN: Oh, yeah. We do. We do agree on many things. It was me that brought up the chairmanship tonight. I did initiate that when I said as Chairman I also support this. But I support this as a councilman and as the Chairman of the Democratic Party for the reasons already articulated. Vince had said that perhaps the Democrats are, quote, unquote, watering this down. And my good friend Jimmy said that perhaps I was pandering. With all due respect to my good friends and colleagues, no, I was listening. And that's why I worked with my colleagues to draft this. Thank you very much.

PRESIDENT FITZGERALD: Ms. Green and then Mr. Finnerty.

MS. GREEN: Thank you. Thank you, Mr. President. I've been hearing a lot of talk throughout the evening about fear of lawsuits and fear of constitutionality. And I've been hearing about, look around, look who else is doing this. And the response was to say that sometimes --- all the time it's tough to be a leader. I mean, you can look at me. You can look at my complexion. You can look at my gender. And when I think about my parents, for example --- my dad was born in 1929 in South Carolina, rural South Carolina under Jim Crowe. He went to segregated schools, only up until the eighth grade because there was no school bus for him. He had to share books. My mom, born in 1938 in rural North Carolina, also under Jim Crowe, also went to segregated schools. They can tell stories about night riots and lynching.

So when I am looking at my life and what I can do to make a difference in someone's life and I look at what I have to fear, when I think about what my parents had to fear as opposed to what I have to fear, I really have nothing to fear. A fear of a lawsuit is nothing compared to the fear that they had to face when fighting

for some kind of human rights back in the '40s, '50s and '60s. So if the fear of a lawsuit is all you have --- I see my county solicitor back there. I am confident in his capabilities. I'm certain he would love to exercise a Supreme Court challenge. Let's go.

(Applause.)

PRESIDENT FITZGERALD: Councilman Finnerty and then DeFazio and Gastgeb.

MR. FINNERTY: Thank you, Mr. President. Just a few points I'd like to make. First of all, I believe the vast majority of circumstances we're talking about are already covered by the State Human Relations Act. I also believe in human rights for everyone. I also believe that this should be taken up by the state. The state has a bill introduced, and it's been introduced by State Representative Frankel, whose aide spoke where tonight. I think it's important that the state do this, one way or another.

It was mentioned tonight that Maryland and New York have this type of law, and I haven't seen it, but I assume the person that said it knows what they're talking about. And I think that is extremely important that the state does it, not putting it on the county. Because no matter what we say, and I think one of the Councilmen here referenced this, in regard to this, no matter what we say, it's a voluntary group, it's going to cost money to do this. It's going to cost our Law Department funds and I don't know what other funds it will involve. I know that the City has had it since 1964, as has been stated. And I think that's fantastic that they have it. But I know that there have been some cases. I haven't got ahold of them. I know that there were six cases. And the reason why I know it is because the last public hearing, somebody mentioned it and I wrote it down. And I don't know what those cases were. And there's no way, and I put this in quotes, because somebody said this tonight, that this bill would promote that type of life. There is no way this bill does that. It's not promoting anything. It's a bill that's looking at that type of individual and saying they have as much rights as anyone else, and they do.

But again, I think it's a state fact. It should be taken care of in the state. It shouldn't be going from county to county and city to city. And they have this in the state at this moment. That bill is there. I think that's where it should come from. And that's one of the

things we have to think about out there, is the enforcement of this bill. It should be done by the state. Thank you very much.

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

MR. DEFAZIO: Mr. President, I want to ask you a question. Did you talk to our County Legal Department?

PRESIDENT FITZGERALD: Yes. This is okay.

MR. DEFAZIO: Okay. Did you talk to our Solicitor?

PRESIDENT FITZGERALD: Yes.

MR. DEFAZIO: And what did they say?

PRESIDENT FITZGERALD: Everything is fine. It's just like Philadelphia, City of Pittsburgh. Other counties have done this.

MR. DEFAZIO: Okay.

PRESIDENT FITZGERALD: Other municipalities have done this.

MR. DEFAZIO: What I'm getting at is one of the problems --- are we supposed to go out and ask Joe Blow on the street corner is this legal or not? We listened to our Solicitor and our County Law Department, and that's what I'm getting at. We were talking about people that don't do this for a living. They do. So if they're telling us we're on sound ground, I don't see the big problem. Thank you.

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

MR. GASTGEB: Thank you, President Fitzgerald. And Joe, you're right. It has been a debate, and hopefully this is what we're supposed to do. Hopefully it'll be respectful, hopefully represent the interests of our districts first and the county along with it. I have to agree with some of my colleagues, though, where the state needs to take this up. Everybody in this room needs to have uniformity. I believe that no right should be infringed for any reason. And discrimination is wrong at any level and for any reason. And for that reason, the state should better blanket it. My concern has never been discriminatory or legalities. My concern is the appropriateness of this being a county issue. If it passes by a majority vote and it becomes county law, then I'll abide by it like all other residents. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen. I'm sorry, Mr. Ellenbogen, Mr. Macey and then Mr. Martoni.

MR. ELLENBOGEN: I don't want to cast any spurs on any solicitors, but there was a law that said if you were a state employee, you weren't allowed to be a councilman, and yet I'm a state employee and I'm sitting here. So I don't take those as being law, particularly when you're talking about human rights and particularly when you're talking about the United States Constitution.

But that all being aside, I mean, you know, I'm listening to the Chief Executive and I'm listening to the Mayor talk about, you know, let's merge our Parks Departments and let's merge our Public Works Departments. In the very least, if this Council was thinking out of the box, then this should have been merged before it was created with the City Human Relations Commission as opposed to creating something that we as being fiscally responsible should entertain spending money, because it already exists. But I didn't hear anybody even think about that. So you know, that's an issue. You know, my job as a county councilman is to legislate county legislation. If I want to be involved in federal issues, if I want to be involved with the Bill of Rights and the United States Constitution, then I'll run for United States Congress, not Allegheny County Councilman. So that's all I have to say. Thank you.

PRESIDENT FITZGERALD: Mr. Macey and then Mr. Martoni.

MR. MACEY: Thank you, Mr. President, members of Council. I've heard terms such as immoral. I don't see anything immoral in this legislation. I also hear the words, it's going to cost us a lot of money. Well, I have word from the manager's office it's not going to cost us anything. We already have a Law Department. They're on retainer. They're part of our budget. The other thing is that, you know, we heard about the smoking bill. Well, the smoking ban bill was turned down through the courts. Well, sometimes we have to take the initiative and get someone to make a decision whether this is right or wrong. But I can tell you this. I'm comfortable with this bill as it stands and I believe if it's going to be tested, let's pass it and let's get it tested then. Thank you.

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I just want to quote Ms. Green. Okay. She said earlier that many, many good things have happened in this state and in this country that started locally, okay, and the federal government kicked it out.

And the response of Mr. Finnerty saying it should be a state issue, I do not disagree with that, but many state issues start locally and then it gets to the state. So I think it's okay for us locally to think out of the box and give the state something to do once in a while.

(Applause.)

PRESIDENT FITZGERALD: Let's call the roll on 4201-08, Human Relations Commission.

MR. BARKER: On Bill 4201-08 as amended, Mr. Burn?

MR. BURN: Yes.  
MR. BARKER: Ms. Cleary?  
MS. CLEARY: Aye.  
MR. BARKER: Mr. DeFazio?  
MR. DEFAZIO: Yes.  
MR. BARKER: Mr. Drozd?  
MR. DROZD: Nay.  
MR. BARKER: Mr. Ellenbogen?  
MR. ELLENBOGEN: Nay.  
MR. BARKER: Mr. Finnerty?  
MR. FINNERTY: No.  
MR. BARKER: Mr. Gastgeb?  
MR. GASTGEB: No.  
MR. BARKER: Ms. Green?  
MS. GREEN: Aye.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. BARKER: Mr. McCullough?  
MR. MCCULLOUGH: No.  
MR. BARKER: Ms. Rea?  
MS. REA: No.  
MR. BARKER: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. BARKER: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. BARKER: Ayes 8, noes 6. The bill passes.

(Applause.)

PRESIDENT FITZGERALD: Thank you, and thank all members that debated and thanks for all of the e-mails and all of the participation. Truly, when this government was set up ten years ago, it was about citizen participation. And I think for those of you who were at the public hearing a number of months ago in the dead of winter, we

had them packed in here so tightly that we overflowed the room. So there's obviously a lot of interest in this bill, so I thank you. Moving on. 4924-09.

MR. BARKER: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Allegheny County Code of Ordinances, Division One, Administrative Code, by adding a new Article 1016 entitled Gender and Race Equity Audit, authorizing and establishing protocol to undertake gender and race equity audit of the workforce of the County of Allegheny to be completed and published by December 31st, 2010 and every five years thereafter.

PRESIDENT FITZGERALD: This was sponsored by both the County Executive and myself, Councilwoman Cleary, Councilwoman Green, Councilman Burn, Councilman Futules and Councilman Macey. We had a committee meeting on this bill on the 18th. It was affirmatively recommended in a unanimous fashion and I ask for a motion to approve this bill.

MR. MACEY: So moved.

PRESIDENT FITZGERALD: Do I have a second?

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? Mr. Finnerty?

MR. FINNERTY: I'd like to be added as a cosponsor of this. I'd also like to ask the question, when we're looking at this bill --- and I'm saying who's going to perform this audit? Who's performing the audit?

PRESIDENT FITZGERALD: The HR Department.

MR. FINNERTY: HR meaning?

PRESIDENT FITZGERALD: Human Resources.

MR. FINNERTY: Human Resources.

PRESIDENT FITZGERALD: Not Human Relations.  
Human Resources.

MR. FINNERTY: The reason why I ask that is because I was under the impression, and I don't mean to be a smart aleck about it, but that the Controller was the person that usually does audits in the county.

PRESIDENT FITZGERALD: I think the way we work with the Women and Girls Foundation on this, that there would be some Foundation money, some support. The City had already done this, I guess, last year. They're a little ahead of us on this. That's how they kind of went through --- and working with Heather and her group, that's kind of how they recommended it be done.

MR. FINNERTY: Well, one of the things this bill says in there, it's County Manager and a district --- I'm sorry, the Director of the Department of Human Resources or its designee. So does that mean that they can go out and hire an accounting firm to do this?

PRESIDENT FITZGERALD: I assume that it does.

MR. FINNERTY: Okay.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: I just want to add my name on there.

PRESIDENT FITZGERALD: Add Mr. DeFazio as a cosponsor. Please call the roll.

MR. BARKER: On Bill 4924-09, Mr. Burn?

MR. BURN: Yes.

MR. BARKER: Ms. Cleary?

MS. CLEARY: Aye.

MR. BARKER: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. BARKER: Mr. Drozd?

MR. DROZD: Aye.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. BARKER: Ms. Green?

MS. GREEN: Aye.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

MR. MARTONI: Yes.

MR. BARKER: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. BARKER: Ms. Rea?

MS. REA: Yes.

MR. BARKER: Mr. Robinson?

MR. ROBINSON: Aye.

MR. BARKER: Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yes.

MR. BARKER: Ayes 14, noes 0. The bill passes.  
(Applause.)

PRESIDENT FITZGERALD: Committee on Parks,  
second reading, 4891-09.

MR. BARKER: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the acceptance of donations of personal property by the Allegheny County Parks Department.

PRESIDENT FITZGERALD: Chairman Futules is not here this evening but he had a committee meeting on this. It was affirmatively recommended by all members of the committee and there's no controversy over this issue. So I'm going to entertain a motion to approve.

MR. MARTONI: So moved.

(Chorus of seconds.)

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

MR. BARKER: Mr. Burn?

MR. BURN: Yes.

MR. BARKER: Ms. Cleary?

MS. CLEARY: Aye.

MR. BARKER: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. BARKER: Mr. Drozd?

MR. DROZD: Aye.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. BARKER: Ms. Green?

MS. GREEN: Aye.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

MR. MARTONI: Yes.

MR. BARKER: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. BARKER: Ms. Rea?

MS. REA: Yes.

MR. BARKER: Mr. Robinson?

MR. ROBINSON: Aye.

MR. BARKER: Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yes.

MR. BARKER: Ayes 14, noes 0. The bill passes.

PRESIDENT FITZGERALD: 4927-09.

MR. BARKER: A resolution closing out the Department of Conversation and Natural Resources Community

Conservation Partnerships Grant Project used in part to fund the Allegheny County Comprehensive Plan and specifically to fund the Parks, Greenways and Open Space Element of the plan.

PRESIDENT FITZGERALD: Again, Mr. Futules, Chairman Futules is away this evening. But he had a committee meeting on the 18th and the bill was approved without controversy. So I ask for a motion.

MR. MARTONI: So moved.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? Please call the roll.

MR. BARKER: Mr. Burn?

MR. BURN: Yes.

MR. BARKER: Ms. Cleary?

MS. CLEARY: Aye.

MR. BARKER: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. BARKER: Mr. Drozd?

MR. DROZD: Aye.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. BARKER: Ms. Green?

MS. GREEN: Aye.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

MR. MARTONI: Yes.

MR. BARKER: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. BARKER: Ms. Rea?

MS. REA: Yes.

MR. BARKER: Mr. Robinson?

MR. ROBINSON: Aye.

MR. BARKER: Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yes.

MR. BARKER: Ayes 14, noes 0. The bill passes.

PRESIDENT FITZGERALD: Committee on Health and Human Services, second reading. 4808-09.

MR. BARKER: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania amending and

supplementing the Allegheny County Code of Ordinances through the creation of a new Chapter 575 entitled Elder Care in order to create protections for the county's vulnerable elderly residents living in nursing homes and other assisted living environments.

PRESIDENT FITZGERALD: Chair Cleary?

MS. CLEARY: Yes. I'd like to defer to Mr. Finnerty because I was ill last week and he conducted the meeting.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: This was released with an affirmative recommendation and I'd like to move the bill.

MR. MACEY: Second.

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

MR. BARKER: Mr. Burn?

MR. BURN: Yes.

MR. BARKER: Ms. Cleary?

MS. CLEARY: Aye.

MR. BARKER: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. BARKER: Mr. Drozd?

MR. DROZD: Aye.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. BARKER: Ms. Green?

MS. GREEN: Aye.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

MR. MARTONI: Yes.

MR. BARKER: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. BARKER: Ms. Rea?

MS. REA: Yes.

MR. BARKER: Mr. Robinson?

MR. ROBINSON: Aye.

MR. BARKER: Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yes.

MR. BARKER: Ayes 14, noes 0. The bill passes.

PRESIDENT FITZGERALD: Liaison reports. Are there any liaison reports this evening? Ms. Cleary?

MS. CLEARY: Yes. I just wanted to report to you that there was a Board of Health meeting today and a couple things I just wanted to point out to the folks because it was, I guess my fault, too. At the Board of Health two months ago, we passed a resolution that the Board of Health would set fees, and of course, the County Council has to approve that. So I had them amend that legislation today and that was recommended and that was passed. So I'd like to pass this information out like during this week and hopefully vote on it at our meeting next week so we can get the fees thing resolved.

And there's also another motion on ice skating regulations and the fees there for the Zambonis for the pollution thing there. So that was another fee, and we amended that to have it come to County Council for final approval also. But I just want to let you know that that is going to be coming out. And anybody that has any questions about it, feel free to call me or anybody on the Health Board, Mr. Flynn or Dr. Dixon. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Cleary. Any other liaison reports? Moving on, new business, ordinances and resolutions. 4960-09.

MR. BARKER: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009, Submission Number 12-09.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 4961-09.

MR. BARKER: A resolution amending the New Home Construction Improvement Program Resolution enacted May 23rd, 1996, by the Board of Commissioners of Allegheny County at Agenda Number 700-96, subsequently amended by Resolution Numbers 22-00, 6-01, 61-02, 04-04-RE, 49-05-RE and 07-08-RE, providing for the construction of the Allegheny County New Home Construction Improvement Exemption Program.

PRESIDENT FITZGERALD: I want to refer this to Committee on Government Reform and ask Mr. Finnerty to comment. Add Mr. Ellenbogen and Mr. Macey as cosponsors.

MR. FINNERTY: Thank you, Mr. President. This is a bill that incentivizes people to buy property and build houses --- I should say build houses in Allegheny County by giving them the tax break, also to make improvements on their houses and giving them --- I believe

the improvements have a three-year tax abatement just on the improvements. And the building of a new dwelling has a two-year tax abatement. I think it's a great thing to extend this. We've already had this before. Thank you, Mr. President.

PRESIDENT FITZGERALD: Yeah. Just sort of a clarification, we've had this for years. We've said that every year --- we usually do it a little later in the year, but it was brought to us by some of the homeowners. Because of the recession and some of the challenges that they're facing, they've requested that we do it a little early this year to send a signal to keep the residential construction business booming. I'm sorry. Mr. Gastgeber?

MR. GASTGEB: Please add me as a ---.

MR. DROZD: Likewise.

PRESIDENT FITZGERALD: Add Mr. Drozd. Moving on, 4963-09.

MR. BARKER: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, establishing that the Allegheny County's Medical Examiner's primary laboratory facility shall henceforth be referred to as the Cyril H. Wecht Institute of Forensic Science.

PRESIDENT FITZGERALD: This was brought to me by Mr. Wecht. He's a member of my district. I've known Cyril for a long time. But more important than that, he has brought certainly an awful lot of fame and an awful lot of notoriety to this county and this region. You can just see even now with some of the recent deaths that have been in the news, one of the first people that the national media runs to for expert opinion is Cyril Wecht. He's become the coroner to the stars, I guess, if you will. And you know, I guess there's a question --- Mr. Wecht, Dr. Wecht, Lawyer Wecht, he's got so many titles. There's a question that often comes up for people that ask if they've been wrongly accused, you know, where do I go to get my reputation back.

And Cyril is going through a very difficult time. It's caused a lot of financial hardship for his family, on his reputation. And I think it would behoove us to have the lab which he worked at for so many years and brought so much notoriety to, to be named after him. So I'm going to send this to committee. I'm going to send this to the Government Reform Committee so certain people have a little bit of time. I didn't want to rush this through. I didn't want this to go through and people feel

like they were getting a fast report on him. But I'm proud to sponsor it and I know many, many other members who are as well. So I'm going to refer this to the Committee on Government Reform.

MR. DEFAZIO: Put my name on it.

PRESIDENT FITZGERALD: Add Mr. DeFazio and Mr. Macey and Mr. Robinson as well. 4987-09.

MR. BARKER: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009, Submission Number 13-09.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. New business, motions, 4964-09.

MR. BARKER: A motion of the Council of Allegheny County pulling Bill Number 3738-08, authorizing a feasibility study of the Allegheny County Airport Authority, Allegheny County Sanitary Authority and the Port Authority of Allegheny County for the purpose of evaluating dissolution and/or privatization thereof from committee for an immediate final vote.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Thank you. Again, the next couple of motions are really trying to enforce what I think are some very good government ideas that have been languishing around for a while. This one in particular, this calls for a feasibility study. And when it says dissolving, it means dissolving and retuning these to the County's departments and/or privatization. I would just make note that it was reported, and I might be the last person to describe any level of accuracy to what you read in the media, but I think this is reasonably accurate that Allegheny County sold the One Smithfield Street Building last week for \$13 million. And it was noted that this is something of a goal of the Chief Executive to sell publicly-owned properties that would be better served by the private sector and put them back on the tax rolls.

This is a discussion we've had before. If we can sell some of these things, some of the properties owned by some of these authorities, if it were feasible to privatize them, imagine what that could do for our tax rolls here. We all know we've been under this cap on our number one revenue source, property taxes. The best way to deal with that really is to grow our private sector property tax base. And we have the possibility of doing that there. And I think this at least bears having a

study, and that's all this bill calls for. So I'd like to bring this forward tonight.

PRESIDENT FITZGERALD: Is that a motion?

MR. MCCULLOUGH: Yes, sir.

MS. REA: Second.

PRESIDENT FITZGERALD: Moved, second. On these comments for the Government Reform Committee, we've had a number of meetings on the bill. There was not a lot of sentiment from the committee members to bring the bill out of committee. And I think one of the reasons was the cost. I think if I recall that the cost per study, and we're looking at three of them there, was in the neighborhood of \$50,000 per study. And then the question became, you know, can this county afford it. And I know there was discussion, Mr. McCullough that you had indicated you'd like the authorities themselves to pay for the study.

Again, the committee, I think, had the view, if I can recall, that that might be, you know, unfair to do it that way. I think we could probably merit further discussion in committee and making some changes to it. Obviously, I think that the Chief Executive has even put forth an idea of maybe privatizing part of the Airport Authority, parking part of it, trying to think --- do an RFP and see if there's potential revenues, potential windfall that the Airport Authority could get in paying off their debt. We've certainly taken a look at the mineral rights. And I notice you have a bill on that next. But we talked about the mineral rights of the Airport Authority. So again, I think these things certainly merit a lot of consideration and a lot of discussion in ways to try to find the money. Again, I don't know that sticking them with a \$50,000 bill might be the best way to do that. I'll let you respond.

MR. MCCULLOUGH: I'd like to respond to that, because tonight we've established a new bureaucracy without any regard to cost benefit. That \$50,000 figure, that's speculative at best. Theoretically, this could be done by the County Manager's Office, the same kind of rationale we had for saying the County Law Department and HR can basically take care of the cost of the Human Relations Commission. So even if you didn't feel you had to put this out for a private study, you going to have bids and you're going to have a chance to deal with it at that time.

We're talking about billions of dollars potentially in assessed value, okay, millions of dollars potentially in tax revenue. Even if truly it's going to cost that cap of \$150,000, the idea of generating millions of dollars on an annual basis and additional tax revenue, why not take that step? Why don't we see? We can always pull back before any contracts would be awarded. Why don't we just go forward with this? I mean, this has been on here for a long time. We're in a recession. We're trying to come out. We're desperately looking for alternative revenue sources. This is an easy thing and it makes sense to go forward with this.

PRESIDENT FITZGERALD: Mr. Martoni and Mr. Gastgeb.

MR. MARTONI: Why don't we talk to the authorities in a conversation? I know, for example, the Port Authority --- I think that all public transit agencies across the country are highly subsidized by various government agencies. I'm not sure, but I think the money they make in fares amount to 20-some percent of what it costs to operate the Port Authority. And I could be wrong. I think this is very complex issue is what I'm saying. It might be a good idea to talk to the people in charge of these authorities rather than make some arbitrary decision here.

PRESIDENT FITZGERALD: And I think we actually did --- we did bring them in during the committee process, if I recall, and they had indicated about, you know, where would they come up with the money.

MR. MCCULLOUGH: Can I answer that?

PRESIDENT FITZGERALD: I'll let you go ahead.

MR. MCCULLOUGH: All right. At least with the Port Authority, you have about \$14 million in Act 44 revenues left over from last year. I think you can make a very easy case to say \$50,000 to study where we go with the Port Authority. It comes right out of that.

PRESIDENT FITZGERALD: Mr. Martoni, go ahead. As a board member of the Port Authority you certainly know this better ---.

MR. MARTONI: The things I said was more than the \$50,000. I'm talking about it's very, very costly to operate. I'm using the particular authority as an example. The reason all three of these are authorities is because no private vendor could do this without government assistance and without the ability to become an authority.

So all I'm saying is this is very complex. That's all I'm trying to say. And I don't think we should strong-arm them. We should talk to them, is what I'm saying.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Just so I understand, Chuck, if you will, your request is only feasibility? There will be no direct or indirect action being taken?

MR. MCCULLOUGH: That's correct.

MR. GASTGEB: Things could be in whole or in part? And by that I mean the airport --- I think someone said, the Chief Executive already said it, the parking could be part of a bit and piece component. Is that kind of what you're getting at?

MR. MCCULLOUGH: Exactly. Can I respond to that, Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yeah, go ahead.

MR. MCCULLOUGH: The idea here isn't to drive this to a particular conclusion and say this must be done. It's to see whether or not it makes sense. So obviously, if you're going to do a feasibility study, one of the first entities you talk to are going to be the authorities themselves. That's the nature of the study. We're trying to get this issue off of dead center.

MR. GASTGEB: And is it your inclination that the feasibility study would, in fact, get this moving and have dialogue?

MR. MCCULLOUGH: I believe so.

MR. GASTGEB: I just want to make sure I understand this. I was told that a lot of times, things start with local government. Thank you.

PRESIDENT FITZGERALD: We're taking a vote on the McCullough motion to pull the bill out of committee.

MR. BARKER: On Bill 4964-09, Mr. Burn?

MR. BURN: No.

MR. BARKER: Ms. Cleary?

MS. CLEARY: No.

MR. BARKER: Mr. DeFazio?

MR. DEFAZIO: No.

MR. BARKER: Mr. Drozd?

MR. DROZD: Aye.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: No.

MR. BARKER: Mr. Gastgeb?

MR. GASTGEB: Yes.  
MR. BARKER: Ms. Green?  
MS. GREEN: No.  
MR. BARKER: Mr. Macey?  
MR. MACEY: No.  
MR. BARKER: Mr. Martoni?  
MR. MARTONI: No.  
MR. BARKER: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. BARKER: Ms. Rea?  
MS. REA: Yes.  
MR. BARKER: Mr. Robinson?  
MR. ROBINSON: No.  
MR. BARKER: Mr. Fitzgerald?

PRESIDENT FITZGERALD: No.

MR. BARKER: Ayes 4, noes 10. The bill fails.

PRESIDENT FITZGERALD: 4965-09.

MR. BARKER: A motion of the Council of Allegheny County pulling Bill Number 4348-08, calling upon the Allegheny County Manager to perform, beginning immediately, a study to determine what mineral rights Allegheny County owns on any parcels within the County and the feasibility and economic value of conveying those mineral rights to other parties for development, from committee for immediate final vote.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: I'll try again. At least this bill we're not talking about any entities that obviously have some institutional effects, I hope, with other members of Council. This is really nothing more than an inventory. And obviously, this was a discussion that came out of the Marcellus shale at the airport last year. The idea is find out what we've got, what we can sell. It's very straightforward. Again, it's another chance to derive alternate revenues for us.

PRESIDENT FITZGERALD: And I can appreciate this and it's actually what we're doing right now in the Government Reform Committee. We had a meeting a couple of weeks ago and I had introduced a bill dealing with Marcellus shale and energy policy within this county. That was one of the things I had asked the Administration, the Manager, to do, was to perform an audit and he's doing exactly that. So we're kind of already doing that. And I guess I'll piggyback on the fact to say I know Ms. Rea was at the meeting and had asked, you know, let's find out how

Marcellus shale and how gas can be extracted from the ground. And we're actually taking a tour next Tuesday, the 7th, that was already set up from Penn State Cooperative Extension and the DEP, who have been very helpful in giving us information so we could maybe make an informed decision. So in essence, this is already being done.

MR. MCCULLOUGH: Well, let me respond to that. Obviously Marcellus shale is a subset of this. This is just a little more comprehensive. If we're already taking some steps with regard, why not make it a more comprehensive mineral study? And again, it's the same people looking at Marcellus shale that are going to look here. It's going to be the county --- we're not talking about having an independent study we're paying any money for. They're already going through this process. Why not expand and take a look at all minerals below the surface?

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. Fitzgerald. I agree with Mr. McCullough. And I said it before, remember, when you drill, you drill down and you can drill parallel to the resource and someone could suck off a lot of our gas rights in the neighboring property. I came across one gentleman, I forget --- we were just talking, and he was sent out by his company, who is a major gas company, to look into the possibility of --- this is a rich resource area. So we got to be very careful here. We're sleeping at the switch, I think, and some of our assets could be siphoned off by neighboring properties and we just sit there losing a lot of money as we sit here today. So I think it's urgent. I don't think it's just critical. I think it's urgent we start looking at this, especially in face of --- we're looking at budget deficits in the years to come here in Allegheny County. People can't afford any more taxes. We've got to look at new ways to get revenues. This is urgent. It's not just critical.

PRESIDENT FITZGERALD: And again, we're already doing this. That's exactly what we're doing. That's what the bill has been in committee. We're doing it. We're bringing --- the Administration, they're doing this as we speak. So I agree with what everybody is saying. I feel like we're talking in circles. So anyway, let's take a vote on the motion to pull the bill from committee. I'm sorry. Mr. Martoni?

MR. MARTONI: We're already doing this; right?

PRESIDENT FITZGERALD: Yes.

MR. MCCULLOUGH: Well, wait a minute. We're not doing it comprehensively. We're doing the Marcellus shale and the gas rights. We're not doing a comprehensive mineral study.

PRESIDENT FITZGERALD: Oh, you're talking about coal rights and other rights?

MR. MCCULLOUGH: Absolutely. That's what this is about. It's a comprehensive study. And what you're saying at the very least is there's no harm doing this, if it's being done in part, and it's just making sure we're taking a comprehensive view at it rather than limiting it to mineral.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: I just want to say if you're already doing this, Rich, could you expand it, I mean, in terms of what you ---?

PRESIDENT FITZGERALD: Actually, again --- I'd ask Mr. Barker to maybe help me. I mean, we had this meeting --- when we talked about mineral rights, we talked about Marcellus shale specifically but we broadened it out to all the mineral rights, all energy rights, to put up windmills and solar panels and a comprehensive energy use in this county.

MR. BARKER: That's correct. The energy policy bill to which you're referring as drafted talks about energy policy in general. It doesn't limit it to the Marcellus shale or to wind or to solar. It talks about the gamut. The committee meeting so far has primarily dealt with Marcellus shale, but that's to the extent that they've done so far. The bill itself speaks to more.

PRESIDENT FITZGERALD: So we're basically asking the Administration, the Manager, the Budget Department, et cetera, the Property Assessment Department, to determine --- Law Department, ultimately who owns the rights, the mineral rights, who owns what.

MR. BARKER: Yes. Yes.

PRESIDENT FITZGERALD: And that's basically what we're doing.

MR. MCCULLOUGH: Is that energy bill passed right now or is it still in committee?

PRESIDENT FITZGERALD: No. It's still in committee.

MR. MCCULLOUGH: Well, that's right. I mean, that's still in committee. This is a component. I mean,

this will help you develop your energy policy if you know what's in the ground, you know. I look at it this way, like this is a necessary condition to be able to go forward with an energy policy. Why would we want to wait with this until we have an energy policy? It's going to help you craft it. Rich, you keep agreeing. We just ought to pass it. I mean, the more you talk, the more this ought to be a slam dunk.

PRESIDENT FITZGERALD: It's redundant, so I guess if we want to pass it, we could pass it.

MR. MCCULLOUGH: Let's pass it then.

PRESIDENT FITZGERALD: All right. All in favor --- let's just do a voice vote on the motion. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. I'm sorry, Mr. Macey is a no. 4966-09.

MR. BARKER: Motion of the Council of Allegheny pulling Bill Number 4560-09 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 from committee for an immediate final vote.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: This is the pay-to-play ordinance that was submitted some time ago. And again, the City of Pittsburgh has something similar to this. We've had a committee hearing on it. There's no additional cost because it's really a compilation of information we can gather from various reporting sources. I think it's a necessary step for campaign reform. I know there's a campaign contribution bill that's been bouncing back and forth, but it hasn't seemed to be able to go forward. I think it's important to move forward. This piece of legislation, I don't think it's dependent on whether we have campaign limitations on contributions. And again, I think we ought to follow up with what the City of Pittsburgh has already done and move forward with this. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough, we tried to do that on May 28th. We had a meeting on this bill and you weren't there. I tried to bring it out. I tried to

have a discussion. We discussed it previously. We had a discussion.

MR. MCCULLOUGH: I was indisposed at that time.

PRESIDENT FITZGERALD: Well, that's fine. I'm not arguing that. I'm just saying we had a meeting. I'm not burying the bill. We'll bring it up because there are a couple of different campaign finance reform bills. We did have a discussion on this bill in particular and the County Manager had some concerns because it would be very costly and I think it would be very difficult. He had indicated the difficulty in establishing, I guess, relationships between who gets contracts, who makes campaign contributions, who sits on boards, which boards they sit on, all those type of things. And the bill has merit. I think there's a lot of support, but I think it still needs some work.

MR. MCCULLOUGH: Well, in deference to that, why don't we just let it go back in committee? I won't push it forward.

PRESIDENT FITZGERALD: Okay. Motion is withdrawn. 4967-09.

MR. BARKER: Motion of the Council of Allegheny County pulling Bill Number 4724-09 amending and supplementing the Allegheny County Code of Ordinances through creation of a new Chapter 491 entitled Investment Policy in order to provide for the divestiture of certain county investments in companies doing business with state sponsors of terrorism from committee for an immediate final vote.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Since this bill has been introduced, North Korea now has established an intercontinental nuclear threat. So if only for that --- and there are companies that are doing business with Allegheny County that do do business with places like North Korea. We do have them. And I just think we ought to go forth and make a statement. It behooves us to do what we can, to let those businesses know that those who do business with state-sponsored terrorist nations can't do business with us.

PRESIDENT FITZGERALD: I guess this is --- both of these bills probably come together, 4967 and 68.

MR. MCCULLOUGH: That's correct.

PRESIDENT FITZGERALD: And I would, again --- I think we do need to discuss this a little more in

committee. Having done a little research on this, I guess the entity that you talk about in your motion to do the classifying of who is a terrorist and who isn't a terrorist, I think there's a controversy as to the validity of how they do it. For example, there's some organizations that they will clear as being somebody we can do business with, but others would take exception and say they are state sponsors of terrorism. So I think the idea certainly has some merit. I think maybe some of the specifics we need to get to. And I would request --- you know, I think the request should be that we continue this discussion in committee and maybe find a way to clarify this.

MR. MCCULLOUGH: Mr. Fitzgerald, I was not aware of your findings, so in deference to your findings, put it back in committee.

PRESIDENT FITZGERALD: 4969-09.

MR. BARKER: A motion expressing Sense of Council of Allegheny County supporting the candidacy of Mr. Nate Smith, Sr. for the 2009 National Freedom Award by the National Civil Rights Museum located in Memphis, Tennessee.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Yes. I think we're all familiar with Mr. Smith and his contribution to integrating building trades in this area. The Freedom Award is an annual award issued by the National Civil Rights Museum. Dr. Benjamin Hooks is the chairman of the museum. If anybody is deserving of this award, particularly for this region, it would be Mr. Smith. I think we can all go on and on about what he has done in this area. This is a simple motion authorizing the Council President to communicate our sentiments regarding this. And I would point out that there has been bipartisan support for this effort. Former Governor and U.S. Attorney General Dick Thornburgh has written a letter to Mr. Hooks --- or Dr. Hooks on behalf of Mr. Smith.

MR. MARTONI: So moved.

PRESIDENT FITZGERALD: Motion. Do we have a second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Second. And let me just comment real quickly. Having known Mr. Smith for --- since I was a little boy --- I was good friends with his son, Nate, Jr. --- Mr. Smith was involved in my Little

League and my organization as a coach, and I couldn't agree more. I mean, this is somebody who was a hero many, many years ago and deserves recognition for work he did some time ago. Mr. Martoni?

MR. MARTONI: I just want to say it's a timely issue. He's in pretty bad health. I agree with Mr. McCullough.

MR. FINNERTY: I'd like to be added to that.

PRESIDENT FITZGERALD: Mr. Finnerty.

MR. MARTONI: I think we should be added.

MS. CLEARY: We all should be added.

PRESIDENT FITZGERALD: Please put everybody --- without objection. We'll ask Mr. Futules when he comes back if he wants to do that. Motion having been made and seconded, all in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries.  
4970-09.

MR. BARKER: Motion of the Council of Allegheny County endorsing the provisions of HR-2894 currently pending before the United States House of Representatives and urging the United States Congress to enact provisions of the bill as currently drafted.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Yes. That bill is there, I guess sponsored by Rush Holt, New Jersey, and I think it's a good bill. We're looking to get a paper trail. And I think we should go along with that.

PRESIDENT FITZGERALD: So moved. Second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Discussion? Mr. Gastgeb?

MR. GASTGEB: Can you elaborate on it?

PRESIDENT FITZGERALD: Mr. DeFazio, do you want to talk a little bit further about it?

MR. DEFAZIO: Well, this bill, what is it --- 2894, HR-2894, and ---.

PRESIDENT FITZGERALD: We've done this every year the last three or four years. I mean, since the voting machines have come out --- and I believe all four members of the Allegheny County delegation are cosponsors of this legislation.

MR. DEFAZIO: It states that Congress should pass a law requiring that all voting machines be put with a voter-verifiable paper audit trail consistent with

having --- be fully accessible voting with disabilities, et cetera, et cetera.

MR. DROZD: Add my name to it.

PRESIDENT FITZGERALD: Add Mr. Drozd and Mr. Burn. Mr. Gastgeb, do you have a question?

MR. GASTGEB: I'd like my name added as well.

PRESIDENT FITZGERALD: Add Mr. Gastgeb and Mr. Robinson. Add Ms. Cleary, Mr. Finnerty, Mr. Ellenbogen. Mr. Gastgeb?

MR. GASTGEB: Thank you. I do want to ---.

MR. DEFAZIO: We have to vote on it.

PRESIDENT FITZGERALD: Mr. Gastgeb is going to make an amendment.

MR. GASTGEB: I have an amendment that I think Ms. Liptak is passing out now. I'll talk while she's passing it out. One of the speakers who spoke to this bill, 4970, mentioned that one of the whereases could be problematic as it's written. As he made that statement, I believe he's correct. The third whereas, in my opinion, can be stricken. It's after the comment that says, whereas --- but were not able to purchase machines that generate voter-verified paper records, because no such machines were certified for use by the Pennsylvania Department of State. The speaker passed out something that clearly shows that they were certified. Additionally, there's 15 counties that have a voter-verified machine, optical scan machines, and this county could purchase one, too. So I think it jeopardizes our Sense of Council to have something that's inaccurate. Thank you.

PRESIDENT FITZGERALD: That's an amendment. Is that a motion, Vince?

MR. GASTGEB: Yes.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Second. I think we can just do a voice vote on this. I think it's innocuous to knock this out. We're still supporting the bill.

MR. DEFAZIO: At the time, the machines that we were going to be getting were not optical scan. And they didn't have the verifiable paper. So that was a different situation.

PRESIDENT FITZGERALD: Yeah. I agree. We can get into that debate all over again. But in essence, we're supporting the bill and it doesn't put the county in any kind of jeopardy to force them to vote or buy machines

that we don't have money for if you don't get federal funds. So my sense is nobody wants to put in that jackpot, if you will.

MR. GASTGEB: If I can just respond, it's clear I support the bill, but I think we should just try to set it as accurate as possible. If the speaker could bring something that brings some confusion, you probably could just eliminate that. That's all it does.

PRESIDENT FITZGERALD: That's fine. On the Gastgeb amendment, all in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The amendment carries. Now the motion as amended. Any further discussion? We did a motion on it; right? Yeah. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. Moving along, 4971-09.

(Applause.)

MR. BARKER: Motion expressing Sense of Council of Allegheny County urging the General Assembly of the Commonwealth of Pennsylvania to vote against any bill which would establish a statewide healthcare system for public school employees in Pennsylvania if the bill adversely affects our community colleges and taxpayers.

PRESIDENT FITZGERALD: Councilman Martoni?

MR. MARTONI: Yeah. Dr. Zack spoke in his presentation. They're separating us out from the rest of the state. I'd appreciate a unanimous vote on that.

PRESIDENT FITZGERALD: Is that a motion to approve?

MR. MARTONI: That's a motion to approve.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion?

MR. FINNERTY: I would like to be added.

PRESIDENT FITZGERALD: Add Mr. Finnerty as cosponsor.

MR. DROZD: One quick question to Mr. Martoni. Is it in essence that statewide would be more costly? Is that what you're saying?

MR. MARTONI: Yes. For us it would.

MR. FINNERTY: Excuse me, I thought they were excluding the community colleges. I thought that's what John said.

MR. MARTONI: Well, that's what he said, but that's only part of it.

PRESIDENT FITZGERALD: All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries, 4971-09 is approved. Notification of contracts. 4957-09.

MR. BARKER: Communication from County Manager Jim Flynn submitting a summary of Executive Actions relating to contracts for the months of February, March, April and May of 2009.

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

(Chorus of motions.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. Received in file. Public comment on general items. We have two speakers this evening. Mr. Nathaniel Bunn. Is Mr. Bunn here? Don't see him. Mr. Regelman already called saying he would be unable to attend. That means we're at the end. Do I have a motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

MEETING ADJOURNED AT 8:25 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