

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

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

Wednesday, November 4, 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

PRESIDENT FITZGERALD: I'm going to call the meeting to order. If everybody would please rise. Welcome to the Wednesday, November 4th meeting --- regular meeting of Allegheny County Council. Rise for the Pledge of Allegiance and please remain standing for a moment of silent prayer or reflection.

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Here.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Present.

MR. CATANESE: Mr. DeFazio?

(No response.)

MR. CATANESE: Mr. Drozd?

MR. DROZD: Present.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. CATANESE: Ms. Green?

(No response.)

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Present.

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. CATANESE: Thirteen (13) members present.

PRESIDENT FITZGERALD: Proclamations/
Certificates. 5188-09.

MR. CATANESE: All the proclamations will be entered into the record, no presentations.

Proclamation honoring the career of George J. Sacco and acknowledging the Township of O'Hara's dedication of George J. Sacco Park. Sponsored by Councilman Burn.

5189-09. Certificate of Recognition honoring the 60th birthday of Ned Massimiani. Sponsored by Councilman Burn.

5190-09. Certificate of Achievement honoring Christopher Coppola for earning the rank of Eagle Scout. Sponsored by Councilwoman Cleary.

Proclamation recognizing the 20th anniversary of the founding of the Montour Trail. Sponsored by Councilman Finnerty.

5192-09. Proclamation honoring John Vento for receiving the Lifetime Achievement Award from the Democratic Committee. Sponsored by Council President Fitzgerald.

5193-09. Proclamations honoring Karen Davidson, Alexandra Taylor, Kathleen Joyce and Jamie Collins of Riverview School District for painting a patriotic mural in the Borough of Verona. Sponsored by Councilman Futules.

5194-09. Certificate of Achievement honoring Kristopher Cummings for earning the rank of Eagle Scout. Sponsored by Councilman Futules.

5195-09. Proclamation honoring the career of Mr. Dale Colby and recognizing his retirement from the Mt. Lebanon Municipal Commission. Sponsored by Councilman Gastgeb.

5196-09. Proclamation honoring Reverend Katrina Organ for being named the first female pastor of Beulah Baptist Church. Sponsored by Councilwoman Green.

5197-09. Proclamation recognizing the 90th anniversary of the Semper Fidelis Club. Sponsored by Councilman Macey.

5198-09. Certificate of Recognition honoring the 100th anniversary of the Homeville Volunteer Fire Company. Sponsored by Councilman Macey.

5199-09. Certificate of Recognition honoring the 105th anniversary of the Clairton Public Library. Sponsored by Councilman Macey.

5200-09. Certificate of Recognition honoring the 50th wedding anniversary of James and Blanche Puckey. Sponsored by Councilman Macey.

5201-09. Certificate of Recognition honoring the 60th wedding anniversary of Artur and Magdalena Idler. Sponsored by Councilman Macey.

5202-09. Certificate of Recognition honoring the 60th wedding anniversary of Steve and Marjorie Katich. Sponsored by Councilman Macey.

5203-09. Proclamation commending the community service of Ralph and Mimi Falbo. Sponsored by Councilmen Macey and Martoni.

5204-09. Proclamation honoring Reverend Dr. James E. Simms' 35th pastoral anniversary at St. Paul Baptist Church. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Okay. I'd like to recognize Councilman Futules for a second. Councilman Futules?

MR. FUTULES: Mr. Catanese, I'd like to be added to be co-sponsor of 5192-09 for John Vento.

PRESIDENT FITZGERALD: And add me as a co-sponsor for 5204-09. Public comment on agenda items.

MR. CATANESE: We have none.

PRESIDENT FITZGERALD: Approval of minutes.
5187-09.

MR. CATANESE: A motion to approve the minutes of the regular meeting of Allegheny County Council held on October 6th, 2009.

MR. MACEY: So moved.

PRESIDENT FITZGERALD: Do I have a second?

(Chorus of seconds.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Presentation of appointments. 5178-09.

MR. CATANESE: Communication from Chief Executive Dan Onorato submitting his recommendation of Stephan A. Broadus for appointment to the Human Relations Commission of the County of Allegheny for a term to expire on December 31st, 2010.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Unfinished business. Committee on Budget and Finance, second reading. 3819-08.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 4, entitled Finances, through the creation of a

new Chapter 480 entitled Essential Services and Tax Exempt Verification Certification in order to provide for a tax exempt certification and essential services fee for certain properties within the County for which an exemption from the real property tax is claimed. Sponsored by Council Members McCullough, Macey, Robinson and Futules.

PRESIDENT FITZGERALD: Chair Robinson?

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

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: So moved. Second. Discussion? Mr. Drozd?

MR. DROZD: I'll yield to Mr. McCullough.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: I have an amendment, Mr. Fitzgerald.

PRESIDENT FITZGERALD: Do you have it in written form?

MR. MCCULLOUGH: Yes, I do.

PRESIDENT FITZGERALD: Give it to Mr. Barker to be distributed. Okay. Mr. McCullough, if you want to discuss your amendment and make a motion.

MR. MCCULLOUGH: One second.

MR. CATANESE: Mr. President, if I may, for the record, Councilman DeFazio is present.

PRESIDENT FITZGERALD: Okay.

MR. MCCULLOUGH: Okay. We're ready to go. This amendment that I'm offering is actually the follow-up to what we discussed in committee last week. And it specifically provides that the donation of real property, municipal property or personal property would be a credit from the essential services fee. Okay?

PRESIDENT FITZGERALD: Okay.

MR. MCCULLOUGH: And again, just to give everybody a background, this essential services fee is a fee on what I call revenue-producing, non-profit entities. There are a list of non-profit entities that are exempt from the fee. Included among those, as we discussed last week, County authorities. They would not be subject to the fees. We're strictly talking about private revenue-producing, non-profit entities, large non-profit entities.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved and second. And let me just --- in way of background, because I think this

is important, I also have an amendment that's going to be very similar because I approve the concept that when people --- these non-profits donate something, there needs to be some sort of a mechanism that they're credited. I'm going to be introducing one that talks about if they donate office space, the rent, quote, unquote, will be also done. And I guess, really, to back up for just a minute, we've been talking about this for, I think, over two years. I think Councilman DeFazio might have been first talking about this over two years ago when we talked about some of the non-profits. Mr. McCullough, you had introduced this. We had talked about whether the State Senate --- and I believe Senator Fontana had actually introduced the bill. It appears to be stalled at this point. So I think we all agree that there needs to be a mechanism, and this seems to be the mechanism to move forward. So it certainly makes a lot of sense.

MR. MCCULLOUGH: Just one comment. When I reference the inclusion of leasehold property, I was contemplating what you were talking about, the donation of office space.

PRESIDENT FITZGERALD: Oh, okay.

MR. MCCULLOUGH: That's within the gamut of that.

PRESIDENT FITZGERALD: All right. I'm just going to do a voice vote on the amendment itself unless there's further discussion. Just on the amendment. Seeing none, all in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The amendment will pass. Jared, I don't know if anybody else has an amendment. I have an amendment I'd like to have Mr. Barker distribute. Okay. This amendment basically just is to the fact that if a non-profit, say, in Oakland would donate space, say, to our Health Department, we'll let them utilize some space, that there would be a credit, almost like a payment in lieu of taxes or a donation in lieu of taxes that could be credited towards any non-profit tax that would be in effect. So that's the purpose of this amendment. And it's similar to Mr. McCullough's. Moved and seconded. Discussion on the amendment? Seeing none, all in favor of the amendment signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. On the bill, do I have a motion? We have a motion to pass the bill and a second on the bill.

MR. FINNERTY: Just one question.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: We did get a fiscal note on this; did we not? All right.

MS. LIPTAK: It's in the packet.

MR. FINNERTY: Oh, it's in the packet? Oh, okay. All right. I've got it. Okay. Thank you.

PRESIDENT FITZGERALD: Please call the roll. I'm sorry. Mr. Drozd, you had discussion?

MR. DROZD: Yeah. Sorry about that. On the exemption fees, is this a fee ---? Can you explain a little bit --- because I've been so caught up in this last month or two. Is this a fee on just the non-profits, or what does this exemption ---?

PRESIDENT FITZGERALD: Mr. McCullough, it's your bill. Do you want to ---?

MR. MCCULLOUGH: Yes. It's a fee on what I call revenue-producing, large non-profits in recognition of the essential services that Allegheny provides them which are currently progressed. This contribution would be asking these non-profits to make this much below what the approximate tax could be if they were subject to the property tax. Again, it's a fee, not a tax.

MR. DROZD: I'd like to --- and qualification on this. And my concern in committee was that if any money is gained --- and Councilman McCullough's is a good ---. Any monies gained from this, they could be used anywhere in the County. My feeling is that any monies that we've gain from the non-profits should go to --- and I said this is --- committee and I haven't had a chance to look at the amendment --- go to alleviate the tax burden on residents of Allegheny County. There's no mechanism for it.

MR. MCCULLOUGH: I guess the idea is we're already providing essential services out of the general fund. And this is a mechanism to reimburse the County for essential services in the general fund. I think we're going to wind up hamstringing ourselves if we turn around and say we automatically give some sort of a property tax reduction. Not only that, the fee is anticipating generating \$13,000,000. Well, \$13,000,000 would be a healthy infusion of revenues into the County. But if you try to do any form of property tax relief based on that

alone, frankly, it would be de minimis. And I think ultimately, it would hurt our fiscal affairs. And it's much better to put it in the general fund. If we find ourselves black with revenues and we want to do some sort of a tax relief down the road, I think that's fine. But right now, I think we all recognize we are somewhat strapped for revenues.

PRESIDENT FITZGERALD: And as Mr. Drozd also pointed out, I don't think there's a body that can match this body's record of holding the line on property taxes. I mean, I think any revenues that we get --- and we do certainly always look for new revenues and new sources to offset property tax. And I think we had a map a while back talking about every county that's gone up 20, 30, 40 percent over the last number of years. Allegheny County is an island of not increasing property taxes and actually cutting them a little bit. So I agree with Mr. McCullough. It would really hamstring us. And I think our credibility as a body shows that we're pretty fiscally concerned when it comes to property tax. Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to say that, you know, all of us would like to reduce property taxes if we could. But it's important to remember what happened a few years ago when the administration that was in office just, without being responsible, cut property taxes. And we had six-foot grass at the wading pools. We didn't have the ability to salt the roads and what not. Hundreds of people were laid off. So, you know, in order to do a responsible tax cut and be fiscally responsible, it is important to analyze these kinds of things other than just doing it carte blanche. So I agree with Councilman McCullough. So thank you.

MR. DROZD: I'm not going to support any additional fees unless I know that we're going to alleviate the tax burden --- it's going to go directly to alleviate the tax burden of the people of Allegheny County. So I'll be voting no because I don't ---. That's essential to me. The constituents I spoke to, they want tax relief. And now we're going to enact another fee, not that it isn't a good ---. I like the idea. If we spread the wealth, spread the burden --- you know, if some other people are not paying fees that they should, it will alleviate those that are paying. So until that time, I can't support any additional fees anywhere until we see that it's going to go directly to alleviate the tax burden

on other people that are bearing that. It just goes in the coffers, and then we spend it anywhere? Nope, I'm not going to do it.

PRESIDENT FITZGERALD: Councilman Gastgeb?

MR. GASTGEB: All right. Just for way of public announcement, I want to make sure, at least in my opinion, fees are being used here that really, it's recouping, as Mr. McCullough says, gratis services of non-profits and such of the like that use county roads, bridges, emergency services, public works, courts, public transportation. So really, it's still a good deal. And by doing this, I think we do alleviate the burden on the residents and the people who live in home dwellings because it's more of a broad-based approach. My question is, when is the anticipated date of this? Is it in the legislation somewhere?

MR. MCCULLOUGH: Yes. It goes into effect January of next year.

MR. GASTGEB: Thank you.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

(No response.)

MR. CATANESE: Mr. Drozd?

MR. DROZD: Abstain.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. DEFAZIO: I didn't vote. I want to vote
yes.

MR. CATANESE: Okay. Ayes 13, noes 1. The bill
passes.

PRESIDENT FITZGERALD: 5135-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County ---. Correction on this last bill, 3819-08. We have yeas 13, noes 0, and 1 abstention.

5135-09. An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 4, entitled Finances, through the creation of a new Chapter 491 entitled Community College of Allegheny County Appropriations in order to provide a mechanism for adjusting the County's annual budgetary appropriation to the Community College of Allegheny County in order to keep pace with rising inflationary costs. Sponsored by Council Members Robinson, Fitzgerald, Macey, Futules, Finnerty, DeFazio, Ellenbogen and McCullough.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President. I'd like to offer an amendment before I make a motion on the bill, if that's your pleasure.

PRESIDENT FITZGERALD: If you have it in written form, let Mr. Barker have it.

MR. ROBINSON: If I might, in our discussions in committee, there was some concern that we needed to evaluate the appropriation to the Community College more regularly and more systematically. This amendment would indicate that in the year 2012 and every two years thereafter, we shall evaluate our annual appropriation to the Community College of Allegheny County.

PRESIDENT FITZGERALD: Okay. Do you wish to make a motion for that amendment?

MR. ROBINSON: I motion for the amendment.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, second. Any discussion on the amendment itself? I'm going to take a voice vote on the amendment. All in favor for approving the amendment signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion --- the amendment carries. Mr. Robinson, do you want to discuss the bill now?

MR. ROBINSON: Thank you, Mr. President and members of Council. We had a spirited discussion in committee relative to this bill. I thank all the members who were willing to sign on. This bill very simply indicates that in the year 2011, the appropriation for the Community College of Allegheny County will be based on the appropriation given in the year 2010 with the possibility of a two percent adjustment. The amendment calls for an evaluation of that process every two years. This will help stabilize our contribution to the college and hopefully encourage the college community to keep their tuition as low and as reasonable as possible.

PRESIDENT FITZGERALD: All right. Mr. Drozd, I'll recognize you. You said you had an amendment.

MR. DROZD: Yes, sir, I do. I have an amendment, if you please.

PRESIDENT FITZGERALD: Do you have it in written form?

MR. DROZD: Yes, sir, I do.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. This amendment was introduced by one of our Council people before, but for some reason, it was pulled. I feel --- not this one. I'm sorry. Excuse me. It wasn't. This is my amendment and I discussed this in committee. And many times I've said, you know, the Community College has to help themselves a little bit. If you look at the administrative costs --- when I was on --- this is very similar. I served at the university. I was on the school board. And what I look at was there was the money that trickles down to actually do what it's supposed to do, and that is to educate the students. And then I look at the top-heavy part of it, and I was very astonished when I compared my school district with 13 others, 14 others, where their monies were going. And a lot of the monies, a great percentage was going into administrative costs comparable to other school systems.

I'm concerned, you know, when I look at --- and I see --- and I've just been starting to look at Community College, there are a lot of top-heavy administrative costs, very much so, that concern me very much. It's not

trickling down enough to the students. So I think that they have to start ---. And the second thing is that this is a community college that has been established for many, many years. And it has a vast array of alumni out there that have been very successful, some of which sit on this Council. And they have the ability and the capability to give and contribute to this college, to support it, this university --- this college. And I believe that the time has come for them to stand up and be counted.

I've talked about this for the last three to four years. This is part of my realm. I know what the potential is to raise money. They haven't done it. They keep saying they are, but they haven't shown any substance in raising money. They're far, far below anyone else. So I think that they ought to ante up. And it does it anywhere. You know, when you go ---. Even us, where we go --- there's national grants. We have to put so much money up. And why does the taxpayers have to always bear the burden, and why shouldn't they help themselves? There's no incentive there.

So what this calls for, it's --- they have it. Whatever they may want us to ante up, they've got to raise dollars. And then we go up to the two percent that's so put in here --- two percent per year that they would get an increase. I think this is a valid point. I think that they really need to do that. This is very low. The dollar figures here for them to raise, I think is very low comparable to their capabilities. So that's what this amendment is about. I'd like to put a motion in.

PRESIDENT FITZGERALD: Motion to amend.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Second. Discussion on the amendment? Ms. Rea?

MS. REA: I guess the only thing I would say about Mr. Drozd's amendment is that to put fundraising as a criteria for what we're doing with the Community College is kind of out of the realm of what I'm thinking about. When I think about educating children, we don't --- young adults or adults who really are trying to get, really, the best value for their dollar in their education. And with the economy and what I've seen in the past, I guess, two year, you know, sometimes there would be good years where you might be able to raise some money and other times there are bad years. So I think putting that as something

in the midst of the Community College isn't a good idea. Thank you.

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

MR. ELLENBOGEN: I just wanted to say that --- you hear Councilman Martoni and Councilman Robinson talk about it all the time, what a stellar educational program the Community College has. As for myself, my oldest daughter graduated from community college and then went on to go to Chatham College. For guys who are working guys like myself to be able to afford to send our kids to college, you know, for what they charge and what they provide is unbelievably stellar. And I don't know how they do it, but whatever recipe they have, I don't think we should touch it because the work that they're doing is phenomenal. And being able to keep the cost down so working guys like myself can send our kids to college, I think is very important.

And like I said, we should ---. If we're going to do anything to force them to fundraise or whatever, it's very important to be able to sit down and talk to the Board and talk with the people who are running the college, because like I said, you don't mess with something that's not broken. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb.

MR. GASTGEB: Yeah. I think the concept is novel in the sense we appropriate money for a lot of entities in the County, and I'd love to see some funds created for the ones that we do, maybe this one. But at the budget hearing that we had last week that Mr. Robinson conducted, I do believe there were some relative numbers that CCAC brought forth to us as part of that fundraising. I don't have it right in front of me, but they delivered some hard numbers at the hearing. I believe they said it was one of their best, if not their best, year for fundraising, and they had different attributes in place to continue.

And I went to the back room to see if I could find the hard number, but it was a number that looked higher than I've seen in the past. So I think they're moving that way. So I just wanted to throw that out, that it's not a lost cause, maybe in part because Mr. Drozd has brought that up before, which is a positive. But Mr. Wilson certainly brought that forth to us on one of the talks he gave us. Thank you.

PRESIDENT FITZGERALD: Mr. Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. The number that Councilman Drozd and Councilman Gastgeb are referencing is \$4,000,000. So far this year, the college has raised \$4,000,000, more money than they have raised in previous years. Also, the college is about to launch their five-year \$30,000,000 capital campaign. The college's foundation has already approved that process. The Board of Trustees at the college will be discussing that issue tomorrow. And I would anticipate in the next 20 or 30 days a full-blown capital campaign will be organized and the college will be in a position, with our assistance over the last three years, to raise the kind of money that Mr. Drozd believes they can raise.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: This is a very low figure for the size of this institution and its age. It's extremely low. I raised about half of that on a capital campaign within a short period of time for an institution that was probably 1/30th, 1/35th this size. Secondly, as far as hard times go, I just went and attended a kick-off for another institution. When I was with them, we raised \$1,000,000,000. My percentage was a big percentage. They just announced, even in these hard times, they're going to ante up to \$2,000,000,000 on this campaign. I've visited with the fundraising people at Community College. I have grave concerns about this. I don't see the drive and direction there to really get it going.

And why should the taxpayers always have to ante up if the --- if they're not going to help themselves? I'm all for community college. You know, I think it's a great institution. It has some good people on the staff. And the students have succeeded, and I'm really happy that admission is good. But at the same time, I think, you know, just like anything, we have to question and we have to put them to the test, too. There are people --- paid substantial money there to do what they're supposed to do. And one of the things is to help themselves and raise money. They're not there just to pontificate. So they have to get out there and do something. So I'm concerned. I have a lot of concerns here that, you know, at that level --- I know the students are doing what they're supposed to do. I know the faculty is doing what they're supposed to do. But I'm concerned with that top layer.

And I'm going to look really hard --- even if this amendment doesn't get approved, you better believe I'm going to look real hard. On behalf of the students and on behalf of the taxpayers and on behalf of this County, I'm going to look real hard. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. DeFazio and Mr. Ellenbogen.

MR. DEFAZIO: Well, I understand from Mr. Robinson they're going to have this campaign committee going and trying to raise money. And Matt, what we could do --- they could sure use your help. If you and any of your friends can get involved and help raise more money, they'd be glad to have you and anyone else that could help raise this money. So you can go over there. They'll look for anyone that wants to donate, or get other people you know for a lot of money. So you'll have a golden opportunity to help fund the situation.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Matt, you said you raised \$2,000,000 for somebody, and they could probably use your help. And I think it's important to recognize --- and let me dust off my economics degree for a second. Here's a graph. You know, kids --- the goal here is you got to keep the kids in school. Kids who are not in school are the ones who cause public safety costs to go up, who cause police costs to go up. They're the ones who break in your house and do other crimes and what not. So, you know, the goal here in --- you know, I don't think it's --- and I know Councilman Drozd is genuine in the way he feels. But it's important to recognize if we don't keep these kids in school --- you know, the taxpayers have to realize, we're going to be paying more on the public safety end. So like I said, the goal here is --- this is an inexpensive way to send kids to college, and it's important to keep that going. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd, did you ---?

MR. DROZD: I'll yield to somebody else. I'll wait my turn.

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

MR. MCCULLOUGH: Forgive me if I'm reading a little bit of Joe Namath lately. This just sounded like ---. When times are tough, that's when you increase investment. But there's also a very traditional Reaganomics aspect of this as well. In a Reaganomic

speech, they said you do job re-training in tough economic times. And I think it's very important when we have tough economic times, we invest in the Community College, not just to keep kids in school, but to provide programs to re-train adults so they can adapt to changes in the workforce.

And what I'm concerned about is if we collar that to a fundraising requirement ---. And typically, as we heard from the Carnegie Library, fundraising generally goes towards capital projects. You know, you generally aren't very successful when you do fundraising to meet operational expenditures. I think we wind up being counter-productive. I think we need to show an investment. I think what Councilman Robinson's trying to do here is he's increasing investment in the college in recognition in the tough times, and get it to a level that really generates a workforce that can adjust to what we're dealing with right now.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: I'd just like to say that I agree with Councilwoman Rea that I don't think we should be tying this to anything. And actually, Community College has always raised more than \$1,000,000 every year, I believe. And we're talking about an additional two percent, which in 2011 would be \$438,000. So I don't think there's any reason to tie this in. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Yeah. This is somewhat timely because, again, the Community College was here last week for the budget hearings. And one thing I want to bring up, besides the credit courses, the uniqueness they have in the --- really, the accomplishments with the non-credit courses, the re-training they have for the workers and certification program that they have for going back, say, for nursing that we learned about, the workforce development with organized labor.

I mean, to me it's just a whole kind of a pie, if you will, of education, re-training. It's such a benefit to our community and actually makes me and everybody else feel good that we can appropriate money toward the causes. We even talked about the FireVEST Program and some of the other programs that some of our friends and neighbors that live in the county can go to take some credits for free. So it really is a host of goodness. I would say if we're going to benchmark

anything, we have to benchmark fundraising, not against other universities, not against other colleges, but other community colleges that offer exactly the same host of great benefits that we know our community college does. If you do that, you know, the \$4,000,000 is probably going to stand out. So I think this appropriation is a good thing and probably the best we can do for the vision of this County. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd, do you wish to comment? And then we'll take a vote on your amendment.

MR. DROZD: Based upon the size of this institution, the years it's been in existence, that capital campaign roll should be in excess of \$100,000,000, not \$35,000,000. Easily that should be accomplished. And there are high salaries being paid to people responsible to deliver that, and I don't see it happening. I've talked to them three years ago, four years ago. Oh, we're getting --- we're getting --- we're waiting for our president to come in. You don't wait for the president. Presidents come and go. Institutions are there for the longest time.

Again, I want to benefit and make those monies to benefit the students, not the higher-paid administrators within that institution. If I sense there's not support for this, I'm going to pull this. But I'll amend next week to say that those monies are going to be directed towards --- directly to support the students, not to be paying the administrative high costs and administrative salaries. To benefit the students. So you know, if I sense there's not a support for this, I'm willing to pull this ordinance.

PRESIDENT FITZGERALD: What's that mean?

MR. DROZD: I mean this amendment. And I don't sense there's enough votes on here, so I'll pull the amendment.

PRESIDENT FITZGERALD: Do you want to withdraw it?

MR. DROZD: I'll withdraw this amendment, but I'll be introducing a new one next week to amend the original.

PRESIDENT FITZGERALD: Mr. Burn, do you wish to be recognized?

MR. BURN: I was just going to say that I sense there's not enough support for it.

MR. DROZD: You mean I didn't have your vote?

MR. BURN: Almost.

PRESIDENT FITZGERALD: Mr. Robinson is the sponsor of the bill.

MR. ROBINSON: Move for approval on the bill.

(Chorus of seconds.)

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

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

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

PRESIDENT FITZGERALD: 5136-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009, Submission 17-09.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. This bill received a very vigorous discussion in our last Budget and Finance Committee

meeting. What I should indicate to members is that the bill in your packet is not the amended version. The bill was amended. The amended version has been placed before all members.

PRESIDENT FITZGERALD: Oh, that's what we have in front of us, Mr. Robinson?

MR. ROBINSON: Yes.

PRESIDENT FITZGERALD: Okay.

MR. ROBINSON: I just wanted to make sure that you understand that the amended version is in front of you. The version put in your packet was not completed.

PRESIDENT FITZGERALD: Okay.

MR. ROBINSON: Other than that, Mr. President, move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: So moved. Second.

Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

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

PRESIDENT FITZGERALD: 5156-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009, Submission 18-09. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Mr. President and members of Council, move for approval.

MR. FINNERTY: Second.

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

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Which are we on? I'm sorry.

PRESIDENT FITZGERALD: 5156-09, Mr. Drozd.

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

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

PRESIDENT FITZGERALD: Committee on Parks, second reading. 5134-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the use of county-owned real property, namely, a house and surrounding property located in Boyce Park, by Family Links, Incorporated. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Futules?

MR. FUTULES: Yes. We had on a meeting on October 22nd, the Parks Committee, and this is for the Whales Tail --- it was formerly Whales Tail. It's now called Family Links. They are simply extending their lease for another two years, and it's about a \$1,000 profit. And they do have to prove insurance before any leasing agreements. They do maintain the property. They've been there for several years, I believe. So I'd like to make a motion to approve this.

(Chorus of seconds.)

PRESIDENT FITZGERALD: So moved. Moved, second. Discussion? Mr. Finnerty, then Mr. Ellenbogen.

MR. FINNERTY: What exactly does Family Links do?

MR. FUTULES: Maybe we should ask Mr. Baechle to come over.

PRESIDENT FITZGERALD: Mr. Baechle? Yes, there he is. Mr. Baechle, would you come to the podium, please?

MR. BAECHLE: This house is a home for wayward youth, what we call a bad girls' home.

PRESIDENT FITZGERALD: Thank you. Mr. Ellenbogen?

MR. ELLENBOGEN: Mr. President, I have a question. It probably is not relative to this, but it's a Parks question. And with Council's indulgence, while the director is here --- I was afraid he might leave. It's in regard to the North Park Lake. I had some constituents that asked me this. It's one simple question, if you will just indulge me.

PRESIDENT FITZGERALD: I'd rather --- but okay.

MR. ELLENBOGEN: Only because he's here.

PRESIDENT FITZGERALD: This could be done in committee, but okay.

MR. ELLENBOGEN: Because I don't want to have to send a letter and ---. Mr. Baechle, I've had --- regarding the North Park Lake restoration, I've had constituents that have contacted me that are handicapped

that had asked me if, when they redo the lake for fishing and that, there will be an area for people who are handicapped and wouldn't be able to fish? And that was the question I had. I didn't know if you could answer.

PRESIDENT FITZGERALD: Could you answer that, or could you get back to him?

MR. BAECHLE: I can. They're existing there now. We hope to build a new trail that will make the handicapped --- the existing handicapped even more accessible.

MR. ELLENBOGEN: Thank you, Director. And thank you for your indulgence, Mr. President.

PRESIDENT FITZGERALD: Back on the Family Links bill.

MR. GASTGEB: I had a relative question.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Yeah. Regarding the use of this facility in Boyce Park, could you tell me if we're still using such a system, for instance, the academy system that they're building in South Park?

MR. BAECHLE: Good question. Both that building and this building, they have never paid a fee to the County. We have brought them under contract. They will pay \$1,000 to Whales Tails. And then we are currently in discussions with the home in South Park, and we want to bring them under contract. They have been in the park, to my understanding, on a handshake for a long time.

MR. GASTGEB: Are these the only two buildings in our park system that you know of that are being used for such reasons?

MR. BAECHLE: There was one in South Park, but I think they moved out. I didn't check. I'm not sure.

MR. GASTGEB: And is this going to be an academy building?

MR. BAECHLE: The academy in South Park along Sleepy Hollow Road?

MR. GASTGEB: Right.

MR. BAECHLE: That is one that's a very similar facility. It's a little bit bigger.

MR. GASTGEB: Right.

MR. BAECHLE: And then the Whales Tails, Family Links in Boyce for sure. The only other one was in South Park and I believe by the skateboard park. There's a few houses back there. I believe one of those used to be used

for that, but I believe that that is no longer. But I would want to verify that for sure.

MR. GASTGEB: I believe you're right. And then for the two that are remaining then, if you can say that, then your goal is to get both of them to be the same as far as what they're reimbursing or paying the County back?

MR. BAECHLE: No. I'd like them to have very similar contracts, but the facility in South Park may be quite bigger. It might be a larger area.

MR. GASTGEB: Thank you.

MR. BAECHLE: Sure.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

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

PRESIDENT FITZGERALD: Committee on Economic Development and Housing, second reading. 5154-09.

MR. CATANESE: An ordinance approving the sale of certain real property owned by the County of Allegheny, Pennsylvania, to a development group comprised of Massaro Properties, LLC, Langholz Wilson Ellis, Incorporated, Kratsa Properties and Tasso Katselas Associates, Incorporated, for the sale price of \$4,900,000, for the purpose of demolishing the current building located thereon and constructing a new development, including a hotel, office building and parking garage. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Finnerty.

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

(Chorus of seconds.)

PRESIDENT FITZGERALD: Second. Discussion? Mr. Robinson, then Mr. Drozd.

MR. ROBINSON: Mr. President and members of Council, I have an amendment.

PRESIDENT FITZGERALD: Is it in written form, Mr. Robinson?

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Okay. Mr. Barker ---.

MR. ROBINSON: Mr. Barker, if you would pass it out. With your indulgence, this amendment was going to be offered at the last committee meeting. There were not enough committee members present to address the issue. The Chair and all the parties to this proposed sale are aware of this amendment. And it very simply subjects this potential sale and development to County MBE, WBE and DBE policies.

PRESIDENT FITZGERALD: Okay. Is that a motion to amend?

MR. ROBINSON: Yes.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second. Discussion on the amendment itself? Okay. I'm just going to take a voice vote on the amendment. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The amendment carries. Now onto the bill itself. Mr. Drozd, you had a question? Mr. McCullough?

MR. DROZD: You have two amendments.

MR. MCCULLOUGH: I've got an amendment, too.

MR. DROZD: And I have ---.

PRESIDENT FITZGERALD: Do you have it in written form?

MR. MCCULLOUGH: Yes, sir.

PRESIDENT FITZGERALD: Okay. Would you hand out Mr. McCullough's amendment?

MR. DROZD: And I have one, too, Mr. President.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Thank you, Mr. Fitzgerald.

This amendment --- and again, I apologize. I've been reading some of Joe Namath's work. I think it applies here. And basically, the idea is it's important that the County be able to invest in infrastructure, economic development and related capital projects from time to time, particularly difficult times like this. And I hearken back to the Budget and Finance Committee meeting we had two sessions ago, not the last one, the one prior to, that the County Controller showed up at. And he cautioned us about selling capital assets and using the proceeds from the sale of capital assets to pay general fund expenditures which, if this sale goes through as contemplated, that's just what you're doing. Not that we're where the City of Pittsburgh was when it got into trouble, but it is the same slippery slope.

This amendment really borrows from a concept that was developed out of the Borough of Homestead back in the 1980s when they sold their water works. And again, at that time, you had a community that saw a need to exercise fiscal restraint and also try to develop monies for capital investments. So it adopted this kind of a reserve fund, which would put the sale of capital assets --- put those proceeds into a special reserve fund. It would have a limited ability to draw down those funds for general fund expenditures, require a super-majority vote if you were going to deplete the fund. But again, try to impose the discipline of taking the sale of capital assets and putting them into a special fund, basically a rainy day fund.

This doesn't obligate every sale of every capital asset. It talks about this asset in particular. I would contemplate down the road, if we get into other sales of capital assets, we could, by ordinance, opt to exercise this special reserve fund or opt not to. It doesn't mandate that we do, but certainly, it has this vehicle there for our availability. I can tell you based

on experience, it works. It's successful. It's very consistent with what the Controller was talking about. And I think that this is a particularly good capital asset, that we make this investment in our future. Thank you.

PRESIDENT FITZGERALD: Is that a motion to amend?

MR. MCCULLOUGH: Yes, sir.

MR. DROZD: I'll second it.

PRESIDENT FITZGERALD: Moved, second.

Discussion on the amendment? Mr. Ellenbogen?

MR. ELLENBOGEN: I had a question for Mr. McCullough. Chuck, just so I understand this, this would be a special fund as opposed to just, like, the surplus that the --- would be in the County budget?

MR. MCCULLOUGH: Right. It would be a set-aside fund. And then if you read through this, it contemplates that it would be like a sub-fund of our general fund. But it would be something that the County controls, County Council controls. Again, you could use ---.

MR. ELLENBOGEN: I see. So it would be ---.

MR. MCCULLOUGH: It would be within our control.

MR. ELLENBOGEN: That is clearer. So thank you for explaining it to me.

MR. MCCULLOUGH: Well, you know, I go back and forth with him anyhow. But I think it's a point well taken that we need to be able to invest in capital projects, particularly in tough times. And I think it is a bad practice, that is, by the City of Pittsburgh, to be selling off capital assets and using it to pay your operating bills.

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

MR. GASTGEB: If I could also ask a question, Mr. McCullough. So you're saying still sell the building?

MR. MCCULLOUGH: Oh, absolutely. I don't have a problem with the sale of the building. Obviously, I'm in favor of what Mr. Robinson is doing. I'm just saying rather than taking the money from putting it in the general fund to pay bills, let's put it in this reserve fund so we can monitor how these monies are used.

MR. GASTGEB: So anything else we heard in the committee meeting where the project would go forth and put tangible assets on the tax roll, none of that changes?

MR. MCCULLOUGH: None of that changes. It's not an attempt to interdict the sales. It's just an attempt to exercise fiscal restraints to the application of the revenues of the sale.

MR. GASTGEB: And right now, what happens to the money if we would pass the bill as is? Does County Council retain any control?

MR. MCCULLOUGH: To my understanding, it's going ---. You know, we have the County Manager out here. I'm sure he'll correct me if I'm wrong. But my understanding is it's going in the general fund and be available to just pay operating bills.

MR. GASTGEB: Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you. I think paying operating bills are important because they are the bills that we're talking about when we go out and pave roads, et cetera, et cetera. And that's where it's going. It's not being put aside so it cannot be used in infrastructure. And I think that's very important. I also think that to equate what the City of Pittsburgh did and what we're doing here is not a correct analogy at all. The City of Pittsburgh sold off property that was revenue-producing. This property, number one, is not a revenue-producing property at all. It's a property that's located at 3333 Forbes Avenue in Oakland that is a deteriorated building. It costs us a lot of money to operate every year and will, in turn, put on the tax rolls a \$55,000,000 complex.

And I think it's extremely important that we, as people that represent the people of Allegheny County, do what's best for the people of Allegheny County. And using this money in the operating fund is something that will help the people of Allegheny County. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Yes. I'd like to respond to Mike's remarks. Mike, if we had ---. Let's draw a distinction between road maintenance and a roadway project, which would be a public works project. If we were doing a road project and not repairs, such as patching potholes, the monies from this fund would be eligible for that project. The other thing is I understand your point about the Health Department building not being revenues-producing. The City of Pittsburgh was selling things revenue-producing and otherwise. But the point is we're selling this and we don't know yet what

we're going to be doing with the Health Department. Theoretically, we may want to get another facility and may have to purchase it. We may get it and may have to rehab it. The money that will be in this fund would be available for such purchase, for such rehabilitation. So again, I think, you know, especially, not knowing what we're going to be doing with the Health Department, we're sort of flying blind and without any discipline whatsoever. And to say we're going to use this to pay light bills or what have you, I think it's a bad practice, and I think we need to get off of it.

PRESIDENT FITZGERALD: Let me just --- one thing for clarification. As far as, you know, when the money goes into, quote, the general fund, it can't be spent or appropriated without this Council's approval, wherever it goes. Whether it goes into a special account, whether it goes into the general fund, we just ---. You know, I think 12 or 13 of us are co-sponsoring a resolution on the operating budget in a few minutes. But this Council will control this fund. It's not whether it's getting sold for whatever amount of money. That gets put in there. It is controlled by this Council.

MR. MCCULLOUGH: I firmly beg to differ with you. I don't believe it is. I believe once it gets into the general fund and is part of our general revenues, it goes out the door. And if it doesn't go out the door within a particular fiscal year, then it's part of the reserve fund balance. But, you know, I think you treat this just like you do any other infusion of cash in the budget during the course --- into our accounts during the course of the year. There's no special limitation on this whatsoever. And again, if I'm wrong, somebody please correct me. But that is the reason why I suggested this kind of fund.

PRESIDENT FITZGERALD: Well, the other thing, it doesn't go out the door unless this Council appropriates it going out the door.

MR. MCCULLOUGH: No. It has already been appropriated for this particular fiscal year. I mean, what we're going to spend is going to be spent.

PRESIDENT FITZGERALD: Based on this Council's vote.

MR. MCCULLOUGH: If it occurred last year. When you adopted the budget, you also adopted appropriations.

PRESIDENT FITZGERALD: Right.

MR. MCCULLOUGH: Revenues come in. But if you get \$4,000,000 more of tax revenue than you anticipated, we don't have the power to say, oh, there's an extra \$4,000,000 here and we're going to control how we spend it. Correct me if I'm wrong.

PRESIDENT FITZGERALD: Ms. Liptak, do you want to help ---?

MS. LIPTAK: I don't want to ---. Let me just clarify.

PRESIDENT FITZGERALD: If I need to, I'll get Mr. Flynn up here.

MR. MCCULLOUGH: Yeah. I'd like to know that.

MS. LIPTAK: I'm sorry. Your operating resolution does delineate real estate taxes, rental taxes, alcoholic beverage taxes, miscellaneous revenue. I think that's what you're talking about. So for property taxes, if you guys collect more than what was listed in the operating resolution, then they could not spend that. I think in your case last year, it was miscellaneous revenue, and they did not collect the miscellaneous revenue target in there. So that's how that money got put in, just to clarify that.

MR. MCCULLOUGH: And that's my point. If we're down on revenues for this year, and I think where we're trending, that we are down, you know, I would point out that the Budget Committee meeting we had two sessions ago, we were out of cash for a moment as of August 31. Actually, the Controller said we had to borrow \$9,000,000 from the capital bond fund we had to get to zero. I mean, if your revenues are not coming in as anticipated, you're short. So if this comes in under miscellaneous revenues and we're short on miscellaneous revenues in general, we don't control that. It's going in and it's going out.

PRESIDENT FITZGERALD: Any other discussion on the McCullough amendment? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: No.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: I'll have to abstain.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Aye.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Yeas 7, noes 6, and 1 abstention.

The bill passes.

PRESIDENT FITZGERALD: Doesn't it need eight votes to pass?

MR. MCCULLOUGH: Majority.

PRESIDENT FITZGERALD: There's 14 people here.

MR. CATANESE: Each member voted, and it's

7/5/1.

PRESIDENT FITZGERALD: All right.

MR. CATANESE: Seven yes, 5 noes and 1 abstention.

MR. FUTULES: May I ask our Solicitor a question? Pertaining to this particular bill, according to County Council rules, a seated member of Council cannot vote or participate on any ordinance that pertains to a family member. In this case, I am considered a family member of one of the purchasers of the property. So that is my reason from abstention. Could you clarify that for us?

ATTORNEY RUSHFORD: In terms of the ---?

MR. FUTULES: The abstaining. I don't think I can participate in this ordinance whatsoever, even the amendment.

MR. MCCULLOUGH: May I add onto that?

PRESIDENT FITZGERALD: I'm sorry.

ATTORNEY RUSHFORD: If I could address the first issue, ---

PRESIDENT FITZGERALD: Go ahead, Mr. Rushford.

ATTORNEY RUSHFORD: --- which is the language with respect to the rules of County Council regarding amendments, it is, in fact, the majority of the seated members, as the President spoke. So that would require eight votes to pass the amendment, according to the rules of Council.

MR. MCCULLOUGH: May I ask a question?

PRESIDENT FITZGERALD: Yes.

MR. MCCULLOUGH: If somebody is abstaining, they're not seated.

ATTORNEY RUSHFORD: I disagree with that. I mean, a seated member is there. And then we get to the issue of the abstention itself, which there's been a requested opinion. This is actually with respect to my understanding of the amendment. It isn't with respect to the real estate transaction, but it's with respect to the monies received upon the sale and closing of the transaction. So from that standpoint, I'm not sure that it impacts --- you know, your vote affects or creates any type of conflict, because it does implicate the transaction.

MR. MCCULLOUGH: May I respond to that?

PRESIDENT FITZGERALD: The seated members would be --- if we include Ms. Green, who's not here tonight; is that correct?

ATTORNEY RUSHFORD: That's correct.

PRESIDENT FITZGERALD: So she's the --- 15 members. You need eight votes to ---.

ATTORNEY RUSHFORD: That's my interpretation of --- seated member means members of a ---.

PRESIDENT FITZGERALD: Regardless if they abstain or they're ---

ATTORNEY RUSHFORD: Right. Present.

PRESIDENT FITZGERALD: --- out of the room or whatever; right? Mr. McCullough? I'm sorry. Mr. Burn? I have Mr. Burn. I kind of skipped over him. Mr. Burn, did you have ---?

MR. BURN: No, I was just going to ask the Solicitor regarding the abstention with respect to the amendment. I didn't think the amendment had any --- a vote on an amendment had nothing to do with the material substance of the bill.

ATTORNEY RUSHFORD: That's what I was saying. Right.

MR. BURN: And I agree with your interpretation.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: I have a point of order. From day one, this shouldn't be new to anyone. From day one, we have 15 people seated. You need a majority of the 15. This isn't like a regular meeting.

PRESIDENT FITZGERALD: Mr. Drozd, did you have a point of order? I'm sorry. Mr. Ellenbogen, you had a point of order.

ATTORNEY RUSHFORD: If you, in fact, looked at the language of the rules of County Council, in fact, it speaks to quorum. A quorum is the majority of the seated members of Council, seated there meaning the entire membership.

MR. ELLENBOGEN: The question I had for you, being that Councilman Futules had told outright that he has a conflict, how can you count him either way? That's the question I have. He has a direct conflict.

ATTORNEY RUSHFORD: Just like Ms. Green who's not present here tonight. She's a seated member.

MR. ELLENBOGEN: So it has no bearing ---?

ATTORNEY RUSHFORD: It has no bearing on ---. And the language of the rules of County Council speak to, in fact, what I just said, a quorum is a majority of the seated members.

MR. ELLENBOGEN: Thank you.

MR. MCCULLOUGH: I'd like to respond.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Do we have seated defined anywhere in our County Council ---?

ATTORNEY RUSHFORD: Well, I was looking at that.

MR. MCCULLOUGH: Okay. And the second point is, Nick already abstained. I mean, he already abstained. So regardless of what he did, he's too late. I mean, if he wanted clarification about his role and whether he could participate as far as the amendment is concerned, he's too late. Now, if he wants a point of clarification for whether he wants to participate in another amendment or another vote, that's another matter. You can't change your vote once you vote. You can't change your abstention once you've abstained.

ATTORNEY RUSHFORD: Mr. President?

PRESIDENT FITZGERALD: Would you read in that part, please?

ATTORNEY RUSHFORD: To add to what Chuck said, I think we could vote again on a motion for reconsideration, provided the motion is brought by one of the members of the Council who voted in favor. One of the yes votes would have to make that motion, if we were to decide, A, that Nick can vote, and then B, there would be a motion by recon, but one of the yes votes. That way it could happen. But if that doesn't happen, I don't think he can vote again.

PRESIDENT FITZGERALD: Okay. Mr. Drozd?

MR. DROZD: I don't know what we're talking about. No, no, I mean that seriously. Would you please ---? We're talking about something here that's about ethics, not points of order or whatever. If a family member stands to benefit by one of these Council members, they shouldn't vote. What are we talking about rules for when this is a point of ethics? This is a point of ethics, not a point of rule or whatever it may be. No family member --- if any family member of this Council benefits from whatever may be ruled on by this Council, they should abstain. That's where it should be, ethics.

MR. DEFAZIO: Point of order.

PRESIDENT FITZGERALD: Point of order. Mr. DeFazio.

MR. DEFAZIO: You've got to go by the rules. I would give you another one.

MR. DROZD: Thank you.

MR. DEFAZIO: Let me say this. We have rules. You have to go by the rules, whether you like it or not. You can make all the fancy speeches you want. The rules are the rules, and you go by the rules.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Well, John, I think we're trying to find out what the rules are, but let me say this.

MR. DEFAZIO: That's okay. We can talk about it.

MR. MCCULLOUGH: And that's a separate issue. But in response to what Mr. Drozd said, it's not for me to question Councilman Futules' interpretation of his ethical responsibility. That determination as to whether he feels comfortable as to voting or not is something made by him. I can't tell anybody here you can or cannot vote on this, on this or any other issue. It's up to the individual to make that decision. And if they want to consult with

Counsel, that's their business. So if Nick decides he wants to abstain, he can abstain. If he decides he wants to question whether he can abstain or not and he poses a question to the Solicitor, that's his business. Okay? It's his business. If somebody wants to challenge that somewhere else, that's fine. I just want to say this. If we need any votes, I'm going to ask for a reconsideration. And if Nick feels he can vote, he can vote. And if he wants to abstain, he wants to abstain. I'm not here to tell him one way or the other. I just want to get clarification on whether we need eight or whether we can get by with seven.

MR. DEFAZIO: Okay.

PRESIDENT FITZGERALD: Wait. I'm going to let the Solicitor weigh in, and then I'm going to ask the Chairman, Mr. Finnerty ---.

ATTORNEY RUSHFORD: I agree with both Mr. Burn and Mr. McCullough's interpretation of that. Once a member abstains, their abstention is then listed. So it's either a motion for reconsideration, if so chosen. In terms of --- the rules of County Council clearly state to the fact of a majority of the seated members. So in that case, it would require --- eight votes would be the majority.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Okay.

PRESIDENT FITZGERALD: I'm sorry. Mr. Finnerty, as the chairman and then ---. Mr. Finnerty?

MR. FINNERTY: I just want to say we're talking about seated members here. It is 15, even if you're absent. If you recall, in the committee meetings --- and I think Mr. Robinson made that point, that we couldn't do an amendment because we had four members present but we have nine members that are actually seated on the Economic Development Committee. So we didn't have enough votes to amend anything. We had to have at least five members present to do so.

And we're talking about the same thing here, and all our committees are run that way. You have to have the majority of seated people, and that means the people that are on committee. And that means, if we're talking about this situation, it's 15 people that are seated. All right? So you do need eight votes.

PRESIDENT FITZGERALD: And that's been --- let me say this. I've been here since the very beginning.

That's been consistent. You've always needed eight votes to amend, to pass, to do anything on the floor. Mr. Gastgeb and then Mr. DeFazio.

MR. GASTGEB: If I could ask for a point of privilege.

PRESIDENT FITZGERALD: Point of privilege.

MR. GASTGEB: Okay. I'd have to agree that we do need eight votes. I've been here since the beginning. So I think some of us are commingling an abstention with the eight-vote scenario. I do want to point something out under privilege, though. We do need eight votes. And I hope that Mr. Burn and Mr. McCullough can hear this. The seven votes we just got, we got in a bipartisan way. If you're watching this on TV, I hope you're heartened by that, that we're together, seven --- four Democrats --- four Republicans and three Democrats decided to work together. So we can have a special account. It's not like we're trying to change the world, run to Washington, D.C. It's so we can have a special account for our body. And bipartisanly, seven of us decided, well, why don't we try that and see what happens?

Everything that my colleague, Mr. Finnerty, said and others, we can still fund from the special account. The Democrats have 11 votes here. Next meeting, you can take the special account and put it wherever you want. All we're trying to say is let's try something different for a change. So I applaud my colleagues that want to look at this out of the box. And you know, maybe we won't get eight, which I agree with Mr. DeFazio, we need eight. Look at what the subject matter is. You know, it's bipartisan. Aren't we tired of the partisan stuff we see, Washington, Harrisburg, across the country, over a special account? That's what this is about. Thank you.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Yes.

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

MR. BURN: Point of order. I was hung up here trying to get an interpretation of seated. And I thought I heard Mr. Gastgeb mention my name, if I was listening. Was there something specifically directed ---?

MR. GASTGEB: I mentioned you and Mr. McCullough.

MR. BURN: Okay. Thank you.

PRESIDENT FITZGERALD: All right. Mr. DeFazio.

MR. DEFAZIO: Okay. We all agree now, I think, with eight. But point number two, Mr. Futules asked the Solicitor. He's the one that interprets the rules, and he asked him, am I allowed to vote or not? So if you were telling him he's allowed to vote, he can vote. He thinks he has to --- he did ask you. Now, Mr. Burn is correct. If we want to reconsider, you have to do what Mr. Burn spelled out. That's it.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: I move to reconsider.

PRESIDENT FITZGERALD: We've never done this before, either. We're chartering new territory here. Once something gets voted down, it gets voted down. We don't re-vote. That's in essence what we're doing. You're asking people to change their mind. I mean, we've never done that. You can bring it up later, but we've never ---.

MR. DEFAZIO: Point of order.

MR. BURN: Point of order.

PRESIDENT FITZGERALD: Yes. Whose point of order?

MR. BURN: I lived through this in Millvale about 14 years ago. There was a vote, and there were five Council members. And then the sixth Council member walked in. We made a motion for reconsideration, one of those in favor. One of the yes votes, like what Chuck just did, made the motion. There was a second and we re-voted, and the result changed. It's perfectly legal. It's within Robert's Rules. It's acceptable practice.

MR. DEFAZIO: Point of order.

PRESIDENT FITZGERALD: Mr. DeFazio. Point of order?

MR. DEFAZIO: Yeah. He's correct. I said that before. Mr. McCullough is allowed to make that motion and Mr. Burn to correct his interpretation.

MR. BURN: I can't second it.

MR. ELLENBOGEN: I'll second it.

PRESIDENT FITZGERALD: I'm going to ask the Solicitor. Did you want to weigh in, Mr. Rushford?

ATTORNEY RUSHFORD: Yes. Only from a standpoint that I would recommend somebody who voted in the affirmative second his motion.

MR. ELLENBOGEN: I'll second it.

MR. DROZD: I'll second it.

PRESIDENT FITZGERALD: Okay. That's fine.

MR. DEFAZIO: That's all.

PRESIDENT FITZGERALD: Okay. So we have a second. Do we have a vote to reconsider?

MR. MARTONI: Rich?

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I want to clarify what we are reconsidering, so everybody should leave us in deep thought for about two and a half seconds. We are reconsidering whether this County Council is in control of that particular amount of money from that sale. Am I correct on that?

MR. MCCULLOUGH: That's correct.

MR. MARTONI: That's the only thing we're voting on. And this is something that we have been talking about for the past ten years, our lack of control on certain things. Okay? So please, when you vote, give that some thought. Was I understandable or not? I mean, if I wasn't, tell me.

PRESIDENT FITZGERALD: For a point of clarification, I don't mind controlling it. But I want to make sure it doesn't affect the sale in any way.

MR. MARTONI: I don't even understand how it could.

ATTORNEY RUSHFORD: If I could just clarify, Mr. President. To vote is to essentially place this matter back ---. There would have to be two votes, one for the reconsideration and for the amendment again.

PRESIDENT FITZGERALD: Right. But I guess Mr. Martoni's point, if this money is put into a special account, in essence, does it affect the operation of either the sale of the building or the Health Department?

ATTORNEY RUSHFORD: No. I mean, that's the whole point, and I think Mr. McCullough addressed this early on. This doesn't implicate the sale or the transfer of this property. So if there was any individual who had, you know, some distant interest in the actual sale, this only affects what happens to the monies after the sale.

PRESIDENT FITZGERALD: Okay. Mr. Ellenbogen.

MR. ELLENBOGEN: I just wanted to kind of reiterate what Councilman Martoni said. Are we going to be a council that has authority? We've sat up here numerous meetings and talked about how, you know, we've kind of been mowed over and, you know, we don't have any say in this and that. And now we have a perfect opportunity to show that, you know, we are going to be a

check and balance on the executive side of government. So the vote here is greater to me than just this money. It's are we going to be a checks and balances or are we going to be a council that has authority, or are we going to be what people accuse us of being, a rubber stamp? Thank you.

PRESIDENT FITZGERALD: Let me just say this, Mr. Ellenbogen. I'm not disagreeing with what you're saying, but this was not put into committee. This was not discussed. And when it's brought up on the floor and you're affecting, I think, a pretty important project here, I wish, you know, we would have had a little more time to consider it and get some opinions. We're thinking about this on the fly, and I think it probably put some pause for a lot of members. I think there's absolute agreement on yes, this council controls the money, this council does what it says it's doing. This is brand new to a whole lot of people, and that's my only concern.

MR. ELLENBOGEN: And I'm just going with the Solicitor, if I heard you right, that it would not affect the sale. Is that what you said?

ATTORNEY RUSHFORD: It does not affect the sale.

MR. ELLENBOGEN: Right. So, you know, to me it's a no-brainer. It doesn't affect the sale. So, you know, if I would have known earlier and anyone had talked about it, that it doesn't affect the sale, I think it's an opportunity to show that we're going to be a check and balance. The issue is much bigger than just the sale of this building. Thank you.

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

MR. DROZD: Just a quick suggestion. The developer is here. I mean, we should ask him. Would he buy it with or without? It's as simple as that. I would say he will probably say he doesn't care.

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

MR. MCCULLOUGH: This has absolutely nothing to do with the sale. This is a post-closing provision. It's where the money goes. And that's why I think Nick's questions to Mr. Rushford were important and well taken and why I think we ought to have an opportunity to reconsider this. This is simply something that I have been harping on since I got here, is we have power, we have authority and we need to be exercising them in these

areas. This is something that's under the dominion and control of the governing body of Allegheny County, which is a matter of law under the Home Rule Charter and Optional Plans Law. It's us if we so choose to exercise that power. You know, this is a good government issue. We can pass this. It has absolutely no impact on what transfers. I am comfortable with the sale as amended by Mr. Robinson's bill. This is simply how we're going to do our fiscal housekeeping post-closing.

PRESIDENT FITZGERALD: Ms. Rea, then Mr. Gastgeb.

MS. REA: I guess I'm convinced that it absolutely has nothing to do with the sale because I'm in favor of a sale. But I also think --- and I don't think it's the executive branch or Council. It's you as a public official. Do you feel fiscally responsible that we're going to put the money basically in a somewhat restricted account that Council controls? I mean, I can't imagine that anyone sitting here doesn't feel responsible enough to do that or doesn't feel like we're not doing anything, which is going to be, you know, unheard of. I mean, it's just a simple matter. If two weeks from now we just got to put the money wherever we want to put it, that's our prerogative as an elected official. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb, Mr. McCullough. Whoever you want to ---.

MR. GASTGEB: I just want to say, generally speaking, I think you get an agreement and you stand up for our body by evidencing your vote. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: As Ms. Rea said, we can turn around at the next meeting and decide we want to totally deplete this fund for whatever operational purpose we wish, and we can do it. All right? We can do it if we wish. All this is is a hold to make sure that we have the buy on this and that we're comfortable with how it's going to be used. If we want to come back in another meeting and say, you know what, we haven't paid the light bill, we got \$4.9 million worth of light bill expenses, we can do it. We can do it out of this fund. It doesn't tie our hands.

ATTORNEY RUSHFORD: Mr. President, may I clarify that the motion to reconsider only requires the majority vote?

PRESIDENT FITZGERALD: So it would require eight votes?

ATTORNEY RUSHFORD: Of the quorum, no, not of the seated members.

PRESIDENT FITZGERALD: Well, there's 14 members here, so it's still going to be eight; right?

ATTORNEY RUSHFORD: Right.

MR. MCCULLOUGH: Presuming Nick votes.

ATTORNEY RUSHFORD: Presuming Nick votes.

PRESIDENT FITZGERALD: If Nick doesn't vote, then it's 13 members, and then you need 7?

ATTORNEY RUSHFORD: Right.

PRESIDENT FITZGERALD: Okay.

MR. GASTGEB: Well, I have a point of order then.

PRESIDENT FITZGERALD: Yes, sir, Mr. Gastgeb.

MR. GASTGEB: There's going to be two votes, one on Mr. McCullough's amendment and then one on the actual bill, which is the sale of the building?

ATTORNEY RUSHFORD: Actually, it's three votes right now because you've got the motion for reconsideration.

PRESIDENT FITZGERALD: You've got the reconsideration. That would be another vote.

MR. GASTGEB: So my question is, does Mr. Futules have a vote on one of the three, two of the three, three of the three or all of them? I mean, he mentioned in committee that he wasn't allowed to vote last week.

ATTORNEY RUSHFORD: I mean, obviously, that rests with the member. But with respect to this amendment, I think Mr. McCullough's right. It does not implicate the sale. I wouldn't recommend that he vote on the actual sale, which would be the original legislation.

MR. GASTGEB: So two out of three.

MR. FUTULES: So you're telling me I can vote?

ATTORNEY RUSHFORD: On the amendment.

MR. FUTULES: Right.

PRESIDENT FITZGERALD: On the reconsideration, please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Yes.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 12, noes 2. The bill

passes.

PRESIDENT FITZGERALD: The amendment being reconsidered, please call the roll on the amendment.

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

MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 13, noes 1. The amendment

passes.

PRESIDENT FITZGERALD: On the bill itself. Mr. Drozd, do you have an amendment?

MR. DROZD: Yes, sir, I do.

PRESIDENT FITZGERALD: Do you have it written?

MR. DROZD: Yes, I do.

PRESIDENT FITZGERALD: Mr. Barker, can you hand out the Drozd amendment? Mr. Drozd?

MR. DROZD: Thank you, Mr. President. This is the amendment that one of our Council members had introduced originally. For some odd reason, it disappeared from committee. And basically, what it is --- you know, my concern is, you know, there are some really good developers here, and I know they're outstanding people. But the way it works in commercial real estate, and that's one of my backgrounds, is that there are buyouts. There are even buyouts of properties even before the property is developed and built, with someone taking out the building later on.

We've talked here on Council I don't know how many times trying to ease the pain of our, you know, taxpayers overall, by getting some of the nonprofits to contribute. Now, that's contribute. There's no such law the way the laws are written, that any nonprofit does not have to support or pay taxes to this or any government agency or entity. And my concern is that within a matter of months, weeks or whatever, this property could be sold out into another nonprofit within the area. And if you look throughout the Oakland area --- just like Will Rogers once said, there's one thing they ain't making more of and that's land, especially in Oakland.

And that property is very well positioned, as ways that surrounding properties are, as far as being acquired by a nonprofit. And I'm talking --- there are some that have some sizeable deep pockets, as we saw ---

one of which was across the bridge, and what you see is that big sign out there. And they control the building, and look what they have there. So very easily and very readily --- in fact, they have net profits in one year alone of \$200,000,000. They could acquire this property very quickly and very easily, and that goes off the tax roll within a matter of weeks and we lose that tax revenue. And the whole goal of this is what I heard from my Council members, we're going to get revenues, tax revenues.

Well, there's no guarantee of that. It just doesn't happen. It could happen, and then turn around and we won't get anything within a matter of six months. And now we've got the situation --- we've got \$4.9 million out of this, and that could be eaten up real quick because now we have to look for space for the people that are in the building that are there, and that cost could be \$650,000 to \$750,000 a year. So that could go real quick.

So I think we really have to consider and put a it out there. This is prime property. It's really a prime, prime site. And these people are going to do a great job. I know they are. They're good people. And it's going to be a focal point and jewel within the center of that area. But it could quickly become a non-revenue island for us as a county. And our whole goal is to gain more revenues. We've got to put this in. I really believe this. I know how quickly it could be sold out and where it could go. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb, do you have a question?

MR. MARTONI: And then Mr. Martoni.

MR. GASTGEB: Yes. Mr. Futules brought an amendment forth at the last meeting or two meetings ago. Is this exactly the same?

MR. DROZD: Yes, sir, it is.

MR. GASTGEB: So does it mean we can't resell it to a nonprofit? This one or two sentences, what does it mean?

MR. DROZD: That's correct. That's about it. Can't resell it to a nonprofit.

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I would like to ask the Solicitor the legality of this. It looks to me like something that's out of our ---.

ATTORNEY RUSHFORD: Mr. President, I have a concern --- actually, several concerns regarding the provision as they may violate various doctrines of law, including rules against perpetuities and a restraint on ---. You know, when you buy a property in fee simple like this, you are --- you carry, as we say in law school, the entire bundle of property rights. But this would take away one of those essential sticks of ownership by restraining the owner from being able to sell to a certain individual.

PRESIDENT FITZGERALD: And before we go too far on the illegalities of this, I believe this has already been worked out. I'm going to ask Mr. Flynn to come up and talk with us. I believe this is going to be part --- not of this ordinance. I'll ask Mr. Flynn. Mr. Flynn, if you could come to the podium.

MR. MARTONI: Mr. Chair?

PRESIDENT FITZGERALD: I'm sorry. Mr. Martoni?

MR. MARTONI: If I could save him the energy of coming up, it's not legal. I really don't care what he says. No reflection on Mr. Flynn, but if it's not a legal thing to do, I don't want to be a part of it.

PRESIDENT FITZGERALD: I'm sorry. Mr. Finnerty, I'll let you --- the chair. You're in these committee meetings.

MR. FINNERTY: I believe that we were in agreement that there was going to be a PILOT in the contract.

MR. FLYNN: Yeah. I think, you know, the sense I have is if there is a sale, and I don't know if that's going to happen, we were going to include a PILOT clause in that.

MR. FINNERTY: Right. In the contract. All right. And that PILOT means ---.

MR. FLYNN: Payment in lieu of taxes.

MR. FINNERTY: Payment in lieu of taxes. So that's going to be part of the contract. And also, Director Davin said that he would bring the contract over so we could look at it once they completed it, just to show you that their word is good. Thank you.

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

MR. MCCULLOUGH: A couple of points. First of all, I completely agree with Mr. Rushford. He's right. This would be a violation, really, against perpetuities,

and I understand the rule. It would be an unlawful restraint on alienation. And I would also point out earlier tonight we passed an essential services fee bill. And what Mr. Flynn is telling you is that there is a PILOT arrangement, that the payment in lieu of taxes --- those monies would be credited against the essential services fee. I mean, if this property winds up in the hands of somebody who was subject to that fee, presuming the Chief Executive signs off on the fee, we're going to get our essential services fees out of it. But a PILOT arrangement would theoretically take care of that issue. So I think we have all our bases covered. And as Dr. Martoni said, if we've got an illegal restraint on alienation, I don't know how we could do it anyhow. It's void ab initio.

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: Thank you, Mr. President. Mr. Flynn, I just wanted to thank you for sending this bill over with the amendment on Section 4, Public Funding, which indicated that the approval contained within the ordinance is contingent upon the development group neither soliciting nor accepting public funding in the form of grants or tax increment financing for the new development project described herein. When the group came to lobby this, one of the issues that was important to me when it came to committee was the fact that they had to come up and seek to get that type of funding. And I'd like to thank you for, after the bill being pulled, being re-introduced with that specifically in it. Thank you.

MR. FLYNN: Sure.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to commend Mr. Flynn for taking all our concerns and the developers' and working out a compromise. I appreciate it.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: The PILOT fee, could you give a little detail on the PILOT fee, how much those monies are, for what period of time and all that? Could you give us more ---?

MR. FLYNN: We're going to have to work that out during the contract negotiations.

MR. DROZD: And there's no guarantee of that, I mean, on the PILOT fee or what are you saying?

MR. FLYNN: I don't understand your question.

MR. DROZD: There's no guarantee on the PILOT fee is what you're saying?

MR. FLYNN: It would be based on current assessed value or then assessed value and the current tax rates.

MR. DROZD: Give me an estimate. How much money would that be? What are you looking at? Give me a range or whatever.

MR. FLYNN: Based on the current assessed value of the property, it's probably in the range of about \$1,000,000 dollars for County, school and union. Ours is a small portion of that, so it's probably \$300,000 to \$400,000 for the County.

MR. DROZD: Per year, for how long?

MR. FLYNN: It's however long the contract is in effect, Councilman.

MR. DROZD: And do you have any idea how long the contract would be in effect?

MR. FLYNN: No, I don't.

MR. DROZD: So there's no plan or anything as far as what you're thinking and how long this is going to be?

MR. FLYNN: It's a sales contract. It's not a multiple-year contract. In that sales contract, there will be a negotiated clause that the purchaser will pay private taxes in the event of the sale to a nonprofit.

MR. DROZD: The purchaser will pay it? Okay.

MR. FLYNN: The ultimate purchaser.

MR. DROZD: Okay. And that's legal to do?

MR. FLYNN: Yes.

MR. DROZD: That is? Okay. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd, do you wish to move forward on the amendment?

MR. DROZD: No. Pull it.

PRESIDENT FITZGERALD: You're going to pull it back? Okay. The amendment is being withdrawn. Any further discussion on the building --- the sale of the building, Ordinance Number 5154-09? Mr. Drozd?

MR. DROZD: There are some concerns I still have. And it's not, you know, what the development is going to be or who's developing it, because like I said, they're outstanding people. But my concern still rests with the thought out of this plan. You know, we still have a Health Department over there. I kind of started the idea of looking into investing in one of the buildings

and taking those monies to rehab what we have and create some tax revenues. So, you know, I commend the Administration for even looking at this and thinking on it, but it's a different building. The building where the problem lies is with the Health Department itself.

And as I said, you know, a friend of mine --- we were discussing this last night. If that facility was in my realm when I was an medical readiness officer, administrator-type, in the military, I would fail for infection control, for patient --- when you go in that building and you walk through that building, there's somebody that's sitting in a chair out the hall getting their pertinent information, personal information. That's a violation of patient confidentiality.

When you walk through the facility --- this has no reflection on our staff or our director. They do a yeoman's job in what facilities they have. And it's amazing that they can do what they do. But I'm going to tell you right now, that facility is really a disgrace and it doesn't reflect good --- the treatment that I feel should be in healthcare and what we have. They've done a great job in what they have. But I think we have to look at that and that facility itself. I still have concerns there, the thought on the process. Secondly, you know, we don't have --- where's the plan --- and where our people are going. I've heard figures --- it can range about \$650,000 to \$750,000 a year in leasing new space to accommodate those people. Where's that? So I don't know.

The plan is not thought beyond, is my concern. When we vote on this tonight, the plan is not thought beyond that. That's a concern to me. And I think what we're here --- is to deliver services. And that delivery --- that services beyond the sale of this building concerns me. And I haven't seen it yet. I really haven't seen it yet, the projection.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you. I think Mr. Drozd brings up good points in general. But specific to this bill, I agree with Mr. Burn. The language in the bill is different now. It's clearer. The Administration worked hard to put the PILOT program in place. Mr. Finnerty is dead accurate with putting something on the tax roll by having this project move forward. And more importantly, what came out in my mind tonight was the individual property rights. I mean, you never want to take away

individual property rights from whoever is going to buy anything in this county. So the developer, the private person or whatever, you have to have the integrity when you buy something that the government's not looking over your shoulder. So I think we're ready to move on this. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: The way I understand this, this is just to give the Administration that negotiation; is that correct? Is this going to be actually the sale that conveys that building?

MR. FLYNN: Yes, it will.

MR. DROZD: So when are we going to see, you know, what the Administration has in mind in delivery of those services beyond this? I mean, has anybody seen it? Has anybody seen it?

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Do you mean about where the Health Department is going to be?

MR. DROZD: Yes, and what the plan --- you know, the existing facility down the road and as well as this. This is more administrative.

MR. FINNERTY: Are you asking what's going to be built there? Is that what you're asking?

MR. DROZD: No. No. No. There is a delivery of services out there. This is more administrative, so I'm not as concerned about the nature of the property, that property itself. I just don't know how it's going to affect our neighboring facility that actually delivers healthcare.

MR. FINNERTY: Oh, you're talking about the health ---?

MR. DROZD: Right.

MR. FINNERTY: Well, we will have the Health Department there, and they will have space, not necessarily in this complex that's being built. But we will find space for them in Oakland, newer space. Space that is hopefully --- I shouldn't say hopefully, because it will be --- into the 21st century-type of space, not the space they're in now. And it will be affordable.

MR. DROZD: Well, based upon --- Mr. President?

PRESIDENT FITZGERALD: Go ahead, Mr. Drozd.

MR. DROZD: I'm sorry. Based upon the projections of the square footage, the price is about \$23 to \$30 a square foot, I understand, out there. The

footprint is about, approximately 30,000 square feet. That equates out to about what, \$900,000 a year that we may have to pay in rental. You realize that? So that \$900,000 a year within a period of five years is gone, that \$4.9 million, maybe less than six. To me, it seems kind of ---.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you very much. I respect your figures there, but I just want to state one point. And I think it's an important point involved with this sale, that it costs quite a lot of money to run that building, to maintain that building. It's non-taxable. It's depleting the Health Department's budget to keep it moving. In return, we're going to have a complex there that will probably bring in somewhere between \$300,000 --- probably more than that a year in taxes to the County, which will definitely help us.

Also, you have to also remember that one of the things there --- one of the objects is going to be a hotel, which is more tax, the hotel tax, et cetera. So that puts us in pretty good speed when we're talking about what's it going to cost us to maintain the Health Department out there, especially when you have UPMC out there and other hospital complexes, the University of Pittsburgh, which I think we won't have any difficulty finding space out there for our Health Department. Thank you, Mr. President.

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

MR. MARTONI: I'm really trying hard to understand this; okay? What I understand is these are two --- my understanding is we have two separate issues. The one is the sale of the property and one is what's going to happen to the Health Department. But the issue on the table is to sell the property. What's going to happen to the Health Department? Maybe that will be next week, next month or next year. I'm not sure. But I'm very confident that the Administration and the Health Department --- that they're going to be very fine and have a fine facility. I would like to call the question to vote on what we're --- I think what we should be talking about.

PRESIDENT FITZGERALD: Is that a motion to call the question?

MR. MARTONI: That's a motion to call the question.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved, second. Please call the roll on calling the question, requiring ten votes.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Nay.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: No.

MR. CATANESE: Mr. Macey?

(No response.)

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes 11, noes 2. The bill passes.

PRESIDENT FITZGERALD: Please call the roll on 5154-09.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Abstain.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Mr. Macey?
(No response.)
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes 11, noes 1, with 1
abstention. The bill passes.

PRESIDENT FITZGERALD: Liaison reports. Does anybody have any liaison reports this evening? Seeing none, I have a couple, so I'll jump in. First of all, I'd like to congratulate all members. I believe we had six members who were up for reelection this year. All six were successful yesterday. And in a bipartisan way, I think it goes to the record that this Council has been able to achieve with an effective fiscal responsibility, economic development and basically delivering services to the citizens of Allegheny County. So first of all, congratulations to all members there.

Secondly, I want to make an announcement on a couple of upcoming meetings we're going to have. The UPMC-Braddock folks are going to be here tomorrow evening --- tomorrow afternoon at four o'clock. It's going to be held ---. It's a committee meeting, Government Reform Committee meeting, but it's going to be held in the Gold Room because the Jail Oversight Board will be meeting down in Conference Room One. So there will be ample time for members to ask questions about their concerns we have with what's going on in Braddock.

Thirdly, at the request of Mr. DeFazio and Mr. McCullough after our last Government Reform meeting to have a --- convene a meeting with the library, the Carnegie Library Association, as well as our delegation, it looks like that meeting is going to occur next Friday, Friday the 13th, in consultation with Senator Costa and his staff. Senator Costa chairs the Appropriations Committee in the State Senate. And we're putting that together and there will be further announcements. But we'd like you, if you could, be here if that is an interest to you to try to save the libraries. They are slated for closure.

And then finally, I wanted to talk about an issue that's come up that I brought up myself and dealt with, salary adjustment of our elected row officers. Certainly, I talked about it in the budget hearings last week, and I've been talking about this for some time. And I realize how difficult this issue can be, every year being an election year for somebody. So what I'm going to do, in consultation with many members of this Council, is put together a commission, a non-partisan, non-political commission dealing with --- that would include the League of Women Voters, the Pennsylvania Economy League, the Institute of Politics of the University of Pittsburgh, the Heinz School from Carnegie Mellon. And if anybody else has suggestions, we'll add to it.

Because I think regardless of the people that sit in those offices, I think we need to have a structure in which there are adjustments as time goes on. We just can't keep it frozen in perpetuity. For example, the Sheriff, it's been 20 years. And that would also include the 15 members of this body. County Council has been in office now since we were elected in 1999. There's been no adjustment. There needs to be some sort of an adjustment. That also would go along with the position of Chief Executive.

So we're going to try to put this together to get information to how other regions deal with it, how other parts of the country deal with it, again, in a non-political, non-partisan and hopefully a proper way to move forward. With that --- I'm sorry. Mr. Gastgeb, then Mr. McCullough.

MR. GASTGEB: I also have remarks to make. I didn't know if you wanted to do them with the liaison reports.

PRESIDENT FITZGERALD: I'm sorry. Go ahead. Do you want to do them now or do them later?

MR. GASTGEB: I can do them now.

PRESIDENT FITZGERALD: Okay.

MR. GASTGEB: I'll dovetail on what you started. I also want to offer, as a Republican leader, congratulations to my colleagues that ran and won. I know what we do here, we do almost as a labor of love. So my congratulations to everybody that ran.

I also want to make particular notice to, I think, a great feat that occurred with regard to Joan Orié Melvin on the Supreme Court, Judith Olson on the Superior Court and Patricia McCullough on the Commonwealth Court. These are all Allegheny County residents. They're all female Republicans, great for diversity and getting involved in the process. They all were also former Common Pleas Court judges of this county, and they were also the leading vote-getters of their respective courts. I think that says a lot about being from this County, serving for this court system, being involved in the same government we are and then running statewide and being able to lead the ticket. It just says a lot. So I would also offer my congratulations to our friends and neighbors, again, Joan Orié Melvin, Judith Olson and Patricia McCullough. Thank you.

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

MR. MCCULLOUGH: I don't have a statement, but I had a question on an unrelated matter to the County Manager. Is it appropriate to bring it up now or defer it to the end?

PRESIDENT FITZGERALD: Well, let's wait until the end on that.

MR. MCCULLOUGH: Okay.

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I just want to remind everyone that as many of us as possible could be here tomorrow to meet with UPMC. Their plan is to close Braddock Hospital in the most needy community probably in Pennsylvania. And it would be nice if as many as possible of us would be here tomorrow to address UPMC. I doubt that we'll change their mind, but we want to give them something to think about; okay? And let's keep in mind that UPMC is a non-profit corporation; okay? They're not making enough

profit in Braddock. You have to think about that for a while. Okay? And just keep that in mind.

I also want us to really watch this library situation; okay? I want to make sure we don't become a community of ignorant people without libraries and things like that. It's a very, very hot issue right now. And I want us to do everything we could do to keep these libraries alive and well; okay? I don't even know what that is. And I think, you know, we're either going to have libraries where people read books and watch things and learn things, or we're going to have a society of ignorant people. And I'll tell you what, we better be careful. We might be heading in that direction; okay?

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

MR. BURN: Thank you, Mr. President. Dr. Martoni, I plan to get up here as soon as I can, because I do agree with you. As a former mayor of a small borough, that's got a lot of similarities to the borough in question, I can relate to the frustration that Mayor Fetterman and his colleagues are experiencing.

I also serve on the Jail Oversight Board, and tomorrow at four o'clock there's a very important meeting. I expect there's going to be some serious discussion about those phone calls between attorneys and clients that were overheard and some of the documentation was forwarded to the Federal Prosecutor's Office. So many of us may have some very detailed questions to ask of some of those individuals tomorrow. We'll see how it goes.

Depending on how that goes, if I can get my questions answered to my satisfaction without having to invite them to a Public Safety Committee meeting at a later date, I'll get up here as soon as I can to offer any support I can to this issue. Thank you, sir.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yes. This is a public safety issue. It's not just, you know, a dollar and cents area. Its services. And I like to know --- you know, the County --- we hold Council meetings --- committee meetings and I get very frustrated because the right people aren't there to really answer the amounts. So if you're going to just have finance people there, I don't even know who's going to attend. It's not going to be very productive. It's just going to be administrators, finance people that don't understand or know, you know, how to deliver those

services or what their plan is, and they don't bring that plan forth when they meet with us. It's not going to be a good, productive meeting. Who's going to be at this meeting? I'd like to know.

PRESIDENT FITZGERALD: We're going to do our best to get everybody here that committed to bring --- to keep people here. We'll find out if they do. If they don't, we'll bring them back, or we'll do our best to bring them back. We use whatever powers we have to effectuate that. New business. Ordinances and resolutions. 5179-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing the tax levy upon all real property subject to taxation within the limits of Allegheny County. Sponsored by Council Members Robinson, Burn, Cleary, DeFazio, Ellenbogen, Finnerty, Futules, Green, Gastgeb, Macey, McCullough, Rea, Martoni and Fitzgerald.

PRESIDENT FITZGERALD: Please refer to Committee on Budget and Finance. 5180-09.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting an Operating Budget pursuant to Article IV, Section 2 and Article VII, Section 4 of the Home Rule Charter by setting forth appropriations to pay the expenses of conducting the public business of Allegheny County and for meeting debt charges for the fiscal year beginning January 1st, 2010 and ending December 31st, 2010. Sponsored by Council Members Robinson, Burn, Cleary, DeFazio, Finnerty, Futules, Green, Macey, McCullough, Rea, Martoni and Fitzgerald.

PRESIDENT FITZGERALD: Okay. Refer to Committee on Budget and Finance. Councilman Robinson, I apologize. Did you want to speak to this and the previous bill?

MR. ROBINSON: If I could, Mr. President. When you conclude with 5182-09, I have comment.

PRESIDENT FITZGERALD: Lump them all together?

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Okay. 5181-09.

MR. CATANESE: Resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting a Capital Budget pursuant to Article IV, Section 2 and Article VII, Section 4 of the Home Rule Charter by setting forth appropriations to pay the expenses for capital expenditures during the fiscal year beginning January 1st,

2010 and ending December 31st, 2010. Sponsored by Council Members Robinson, Burn, Cleary, DeFazio, Finnerty, Futules, Green, Gastgeb, Macey, McCullough, Rea, Martoni and Fitzgerald.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 5182-09.

MR. CATANESE: Resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting the Grants Budget, Special Accounts Budget and Agency Fund Budget by setting forth appropriations to pay said expenses during the fiscal year beginning January 1st, 2010 and ending December 31st, 2010. Sponsored by Council Members Robinson, Burn, Cleary, DeFazio, Finnerty, Futules, Green, Gastgeb, Macey, McCullough, Rea, Martoni and Fitzgerald.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President. Bills 5179-09, 5180-09, 5181-09 and 5182-09 are essentially the budget bills that the Chair and other members of Council have put together for the consideration of the full Council. These are the budget bills for 2010. On the 10th of November at four o'clock, the Budget and Finance Committee will consider all these bills and any amendments that members have.

The Chair has also made arrangements on November 12th to have another Budget and Finance Committee meeting at 4:00 p.m. The purpose of two meetings in the same week is to accommodate those members who may be prepared to pass our budget ahead of schedule. We might be a governmental unit that gets it right and we might feel comfortable that what we have prepared is sufficient for submission to the Chief Executive.

If we have sufficient amendments or questions at the meeting on November 10th or on the 12th, the bills will be held, and we'll move accordingly. Thank you, Mr. President and members of Council.

PRESIDENT FITZGERALD: Thank you, Mr. Robinson. 5183-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009, Submission 19-09. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 5184-09.

MR. CATANESE: Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County, 801, entitled Comprehensive Fiscal Plan, Section 5-801.05, entitled Public Hearings, through the creation of a new Subsection A, providing for an annual public budget workshop session to be conducted by Council prior to holding public hearings on the proposed budget for any fiscal year. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. Councilman McCullough, do you wish to comment?

MR. MCCULLOUGH: No, thank you.

PRESIDENT FITZGERALD: Okay. 5185-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Part 2, Article 215 of the Administrative Code by adding a new Section 5-215.05 to provide for the explicit extension of the County's policies for participation by disadvantaged business enterprises to the Retained County Agencies recognized in Section 5-215.01 of the Administrative Code. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. Councilman Robinson, do you wish to comment?

MR. ROBINSON: Just a quick comment, Mr. President and members of Council. This bill would subject the Community College and similar agencies to the same kind of requirements we have on the Port Authority and the other authorities in Allegheny County, relative to submitting their MBE/W/DBE plan so that we can turn them into an ordinance. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you. New business, motions. 5186-09.

MR. CATANESE: Motion of the Council of Allegheny County amending the Allegheny County Council policy governing access to public records. Sponsored by Councilman Martoni.

PRESIDENT FITZGERALD: Councilman Martoni?

MR. MARTONI: I'm recommending an amendment to the records retention policy to permit the destruction of the tapes after the official minutes are approved by County Council. We don't need those tapes. Once the minutes are approved, that particular meeting is forever, you know, in our archives.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? I'm just going to call for a voice vote. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Public comment on general --- I'm sorry. Mr. McCullough, did you wish to ---?

MR. MCCULLOUGH: I have two bills I'd like to introduce.

PRESIDENT FITZGERALD: Oh, you have bills to introduce?

MR. MCCULLOUGH: One is a Sense of Council.

PRESIDENT FITZGERALD: Okay. Do you have it in written form? This is not a Sense of Council ---.

MR. MCCULLOUGH: No. No. The Sense of Council --- I misspoke. That's in committee. That's the Safe Harbor thing that's in committee.

PRESIDENT FITZGERALD: Okay.

MR. MCCULLOUGH: And I'm offering this only to introduce it with the request that it be returned to committee. But I do want to introduce this tonight.

PRESIDENT FITZGERALD: You're going to make a motion to place it on the agenda? That's your motion?

MR. MCCULLOUGH: That's true.

PRESIDENT FITZGERALD: Okay.

MR. ROBINSON: Second.

MR. MCCULLOUGH: All right. If I may explain something?

PRESIDENT FITZGERALD: You wish to discuss it or just make a ---?

MR. MCCULLOUGH: Make a brief comment.

PRESIDENT FITZGERALD: All right.

MR. MCCULLOUGH: This is the product of an awful lot of work in conjunction with Mr. Barker, and I'd like to publicly acknowledge Mr. Barker's tactness. There are very, very difficult issues in the area of property assessment. I'm very proud of his effort, and I'm very pleased to be actually the beneficiary of it because I'm able to introduce this. This document, I believe, is our opportunity to put to rest once and for all the assessment problems plaguing this County for decades. And I'd just like to make a few brief comments about it, and I look forward to discussing this more fully in committee.

There is a difference between assessing to raise tax revenues, which, as far as I'm concerned, is a tax increase, and assessing to achieve equity. This bill puts to rest any effort to reassess for the purposes of raising revenues and is strictly for the purpose of the equitable apportionment of our assessed values on the various properties in Allegheny County.

It follows on remarks that were made by the County Controller in the Budget and Finance Committee two sessions ago. Quite simply, it establishes 2009 as a base year, which is the lowest year for property values that we're going to see for quite some time. It provides for an in-house reassessment. If anybody followed the testimony at a recent hearing about the cost of doing an in-house reassessment, we're talking about maybe a couple of hundred thousand dollars, at most, as opposed to the millions and millions of dollars that were wasted on outside computer-assisted reassessments.

More importantly, it provides for an extended period to do the assessment, a year for people to appeal their assessment, so we can get these done right, and then they would be released officially the year 2012. So if there's going to be a statewide legislative solution, there is more than two full years to address that. Actually, there would be --- yes, two full years to address that.

It also provides for a provision to enforce not just the anti-windfall provisions, but to make sure that local taxing bodies disclose a revenue-neutral rate of millage by empowering the County Solicitor to enforce a provision that would calculate what the revenue-neutral millage is for every taxing body in Allegheny County following the reassessment.

Lastly, to the extent that there would be any windfall revenues received by the County by way of a reassessment, it is automatically applied back to an increase in the Homestead Exemption. And as you all know how I feel about it, I think the most unfortunate aspect of the property tax that someday I hope that we abolish, at least as far as revenue is concerned, is we need to provide homeowner relief. And that's what this does. So with that being said, I would like it placed on the agenda with the hope and expectation that it would go into committee for further discussion.

And I look forward to this --- one more point. We've had judge-made law, unfortunately, in a vacuum because the Legislature has not acted for quite some time. We cannot expect the court to adopt the kind of relief provisions that you see here, because courts just do not have the authority and jurisdiction to do that. You cannot expect the court to say you're going to apply back any windfalls from a reassessment to an increase in the Homestead Exemption. You cannot expect the court to say that if there's a --- that you're going to calculate a revenue-neutral millage for the local taxing bodies and enforce that as well. Those are the kinds of things courts can't do. We can do it. We are the governing body. And I hope you take the opportunity to seize this initiative. Thank you.

PRESIDENT FITZGERALD: A motion to place it on the agenda was made and properly seconded. I'm just going to do a voice vote on placing the item on the agenda. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. It's placed on the agenda. Please refer to the Committee on Government Reform. Mr. McCullough, you had a question for Mr. Flynn?

MR. MCCULLOUGH: Jim, one brief question for the County Manager.

PRESIDENT FITZGERALD: Jim, would you come to the podium, please?

MR. MCCULLOUGH: Jim, I've heard this secondhand. I haven't had an opportunity to really verify it, but maybe you can comment on it. I understand that there is a move to place surveillance cameras within the --- we call them the Public Service Offices, such as the Register of Wills, the old Recorder of Deeds office, the old Prothonotary's office. Is that correct? There's, like, surveillance cameras within the interior of those offices?

MR. FLYNN: Some of those offices already have those cameras, yes.

MR. MCCULLOUGH: Okay. Is this something that's just been done within the last year or so, or is this something longstanding?

MR. FLYNN: I think it's been longstanding.

MR. MCCULLOUGH: Okay. Because I heard secondhand that there is cameras that are being installed.

And I have some concern about any new installation of cameras, because it sounds like Big Brother to me. If that's the case, I would appreciate your comment on that.

MR. FLYNN: Well, I don't think ---. I think we're updating our security cameras, and there's a multitude of reasons. You know, those offices you mentioned deal with financial transactions.

MR. MCCULLOUGH: Okay. So this is just an authentic ---? It's not like we're putting cameras all over the place in these offices?

MR. FLYNN: No.

MR. MCCULLOUGH: Because that's what I heard.

MR. FLYNN: It would just be an upgrade to their security system.

MR. MCCULLOUGH: Okay. Thank you.

MR. FLYNN: Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Flynn. Public comment on general items. We have three speakers this evening, beginning with Mr. John Weinhold. Mr. Weinhold, if you would state your name and address for the record, please.

MR. WEINHOLD: Good evening, sir. First of all, I'd like to congratulate the members of Council who were reelected and thank all the Council members for actually giving their time. John Weinhold at 2216 Broadway Avenue in Pittsburgh, neighborhood community of Beechwiew.

The yield from society's investment in libraries, public libraries, is difficult to quantify. Libraries are a vital part of the quality of our life. For example, during the first nine months of 2009, the Carnegie Library of Pittsburgh logged 2,649,291 visitors that resulted in 1,750,422 items being circulated.

The Commonwealth's 20-percent reduction of funding for public libraries has precipitated a financial crisis that is adversely affecting the abilities of public libraries to meet the needs of their patrons. All the 44 members of the Allegheny County Library Association are experiencing funding shortfalls that are resulting in proposals to close some library branches and reduce the hours and services of the remaining.

The Council of the County of Allegheny has no direct legal obligation to financially support public libraries in the County. But you, the members of Council, have an implied obligation to your constituents, especially public school students, the elderly and the

lower income portion of the County's population, who will suffer the most from the loss of vital library services provided by their neighborhood community libraries. You must assist these libraries and preserve the quality of life in Allegheny County.

RAD has managed to manage and to provide the same financial support for libraries in Allegheny County in 2010 as it provided in 2009, but that is not enough. Our public libraries need additional permanent and sustainable financial help, not temporary band-aid solutions. When a crisis develops, government bodies tend to put out the fire, then go on to other items. When are we going to concern ourselves in preventing these fires? Too many times we cure the symptoms and permit the disease to kill the patient.

The members of Council of Allegheny County must take the initiative to prevent future crises, such as the public libraries are now facing, from periodically reoccurring. Do not sit back and observe what other governmental bodies are doing. Take action. Take the lead. Become part of the solution, not part of the problem. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Weinhold. Les Ludweg? Mr. Ludweg, if you'd state your name and address for the record, please.

MR. LUDWEG: Thank you, Mr. President. My name is Les Ludweg. I live at 6589 Rosemoor Street, Pittsburgh, PA, 15217. I've come now off and on since --- well, Chuck, you probably remember better than I do --- probably from '05 or '06 to talk to you as, I hope, a friend to this body as a resident and to bring up the subject of money. That's all we really heard a great deal about this evening. Yet when a system, a copyrighted system, is presented to you by myself and even found favor in The Post-Gazette by Ms. Jones ---. It was called Three Cents Less. Do I hear anything from you? You keep on complaining to each other, we need money, we need money, we need money. When do you take action on the proposal that I presented to you?

Now, Chuck said two meetings ago, well, you know, it's hard because there's no interplay here, that perhaps there's a committee it should go to. And I think it's high time, on hearing from so many of you, money, more money, more money, that you should give some real consideration not to me, but to the people you represent.

We're coming into 2010, practically, what, from 2005 --- five years that it takes of hearing you say repeatedly, money, money, money. When will I hear a committee? Let's look together and see. Will it work or won't it?

And as far as where that money should go, I would favor free college education totally, because we're faced as a country, not just a county, with China, Russia, et cetera, putting thousands and thousands of students through their institutions of higher learning. And we're not keeping up. And we're going to pay a price. So I hope that you'll consider my statements of this evening and that I'll hear constructively from someone.

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

MR. MARTONI: I did tell Mr. Ludweg that it should come before committee. I just checked with Mr. Robinson. I think the Budget and Finance Committee should be --- if they consent that it should be the committee, that he goes before them to present his proposal. At meetings like this, there's really no action on what a speaker presents. It's committee stuff. That's what we do. And Mr. Robinson consented to that, and I just wanted everybody to know. Thank you.

PRESIDENT FITZGERALD: Thank you. Yvonne Brown? I don't think Ms. Brown is here this evening. I don't see Ms. Brown. With that, there's no more speakers. Do I have a motion to adjourn?

(Chorus of motions.)

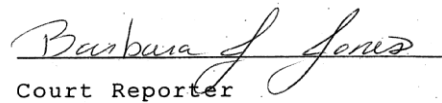
(Chorus of seconds.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 7:10 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