

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 |
| Nicholas Futules | - | District 7 |
| Robert Macey | - | District 9 |
| William Russell Robinson | - | District 10 |
| Jim Ellenbogen | - | District 12 |
| Amanda Green | - | District 13 |

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

Tuesday, December 1, 2009 - 5:00 p.m.

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

IN ATTENDANCE:

James Flynn - County Manager
Michael Wojcik - County Solicitor
Joseph Catanese - Director of Constituent Services
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: We're going to call this meeting to order. If everybody would please rise for the Pledge of Allegiance. Welcome to the Tuesday, December 1st, 2009 regular meeting of Allegheny County Council. And please remain standing after the Pledge of Allegiance 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?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Here.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Getting 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?

MS. GREEN: Present.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. McCullough?

(No response)

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. CATANESE: Fourteen (14) members present.

PRESIDENT FITZGERALD: Proclamations/
Certificates. 5242-09.

MR. CATANESE: Proclamation honoring the
Children's Museum of Pittsburgh for receiving the 2009

National Medal of Museum and Library Service from the Institute of Museum and Library Services. Sponsored by Council members Fitzgerald, Martoni, Burn, Cleary, Drozd, Ellenbogen, Finnerty, Futules, Gastgeb, Green, Macey and Rea.

PRESIDENT FITZGERALD: Okay. And I'm going to invite --- I think Jane Werner is here. Is Jane here? And Jane, do you have anybody with you?

MS. WERNER: No.

PRESIDENT FITZGERALD: Okay. And as you can see, all members of Council are extremely proud of the award that the Children's Museum has won, a national award. And we want to read this proclamation into the record, and then I'm going to have Jane say a few words.

WHEREAS, Allegheny County has set a precedent of cultural excellence in our country by nurturing museums and libraries into superior intellectual entities; and

WHEREAS, the Children's Museum of Pittsburgh is one of our area's most influential destinations for children; and as such has received the 2009 National Medal for Museum and Library Service, the highest honor from the Institute of Museum and Library Service; and

WHEREAS, since it was established in 1983, the Children's Museum of Pittsburgh has provided innovative programs that have engaged the children of our region and promoted creative thinking, problem solving and educational values; and

WHEREAS, the museum is a redevelopment leader in Allegheny County, and it partners often with non-profit organizations to revitalize Pittsburgh's North Side; and

WHEREAS, the outstanding community service displayed by the museum has improved the lives of countless children and families, and its innovative exhibits and attention to service place the museum at the forefront of education in our nation.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, recognizes the Children's Museum of Pittsburgh for receiving the 2009 National Medal of Museum and Library Service. The museum has personified an unparalleled commitment to community service that has become paramount in Allegheny County, and we hope it continues to thrive in the future. And let me just say on a personal note, I have spent many, many hours in that museum with my children, and it is just a great, great place. If anybody

hasn't been there ---. Again, we should be very, very proud to have an institution like this. And I'm not surprised at all that they were winners of this national award, and I want to congratulate you, Jane, on behalf of this Council. Congratulations.

MS. WERNER: On behalf of the Children's Museum, the staff and board, we want to thank you for this proclamation. You know, it's kind of funny that it's not just the Children's Museum who really deserves this award. Potentially, it's all the cultural institutions on the North Side of Pittsburgh who are working together to really improve the lives of children and to impact lives of children and by doing community work and working in the community to make it a richer and more livable place to live. So I invite you all to come to the Children's Museum, everyone; to come to the Children's Museum and see what we're up to. And actually, it would be great to have a County Council meeting there.

MR. ELLENBOGEN: Yes.

MS. WERNER: All right. Thank you very much.

PRESIDENT FITZGERALD: We're going to skip over 5243-09 --- I don't believe they're here just yet --- and move on to 5244-09.

MR. CATANESE: Let the record show that Councilman McCullough is present. Certificates of Achievement awarded to the Shady Side Academy girls' golf team for winning the WPIAL and PIAA championships. Sponsored by Councilman Burn. Councilman Burn? We'll hold on Shady Side. We'll get to the Shady Side Academy girls golf team. Let's move on to 5246-09. 5246-09.

MR. CATANESE: Certificate of Achievement award to the Springdale High School girls' soccer team for winning a WPIAL championship. Sponsored by Council members Burn and Futules.

PRESIDENT FITZGERALD: Springdale High School girls' soccer team for winning the WPIAL championship. Sponsored by Councilman Burn and Futules. Councilman Burn.

MR. BURN: Thank you, Mr. President. I'd invite the team members and the coaches, if they're here, if they'd like to join us. Now, let's see, how many are there? The best way is to come up along the aisle here, please. Thank you, Mr. President, and members of Council. Nick and I --- our Council districts overlap the town of

Springdale so I'd invite my colleague, Nick, to say a few words, and then we'll read the proclamation.

MR. FUTULES: Sure. I'm not real surprised to see the girls here, because I know that the Springdale-Cheswick-Harmar --- Springdale Borough and Township, that there's a lot of great athletes. The girls' track team --- I think some girls here are on the track team as well. They were here last year as well. And I'm sure that you girls outran your opponents to win the WPIAL. It's the first time that I've ever got a phone call one day before the proclamation by one of the parents complaining to me about having the proclamation today.

Carol Sarsfield was in Florida. She called me 10:00 yesterday morning and said, Nick, I didn't fly here. I have to drive home. So she may actually hold the record today for driving the most distance to show up for a proclamation. That shows a testament to her team and to the community. Congratulations. Driving from Orlando to Pittsburgh in one day to be here is a great achievement and we thank you for that honor. I just want to congratulate the girls once again, and I will be doing their banquet next week at the Harmar House. And I could have had you there and done the proclamation, but somebody else did it --- Mr. Burn. So we're going to see you there next week, also. So thank you.

MR. BURN: Sorry, Nick. I didn't know. And one proclamation for you for that road trip; how long did it take you to get up here?

MS. SARFIELD: About 16 hours.

MR. BURN: That's not a bad run. You didn't speed a little bit?

MS. SARFIELD: No.

MR. FUTULES: Did not speed; correct?

MR. BURN: Coach and players, we wanted to congratulate you, both Nick and myself and the entire Council. And those of you who have been down here before for an award or watched us give awards to our young athletes and our future leaders, this is something that we say to everybody that comes here, either today, in the past or inevitably, in the future; when you pick up the newspapers or turn on the television, oftentimes what you see are negative stories and negative stories about our youth.

And I would bet that for every one of those negative stories you may see or you may read, there's

25-plus positive stories about the young men and women in this county and in this region that don't get reported because it doesn't sell papers. But we're here to remind the region and the young men and women, their parents and their families, that we do know what you do. We are aware of what you do. And you are the future leaders, whether you're here or you move on to a different area and settle in.

But this is something that you will always be able to take with you. This is the most --- this team --- the most successful season in school history, 21-2 and 2 overall, Section 3 AA title, WPIAL AA title, PIAA AA runner-up. Congratulations to Coach Jerry Concannon, Kelly Sheltz (phonetic), trainer Amanda Matsnay (phonetic), the athletic director, Ray Davis, principal, Jim Mullen. Great work. And nobody can take this from you. When you're 90, 95, 100 years old, sitting in a rocking chair with your great-great-grandchildren, you're still going to be a champion. Nobody takes that from you. Congratulations. And I'd like to read this into the record.

This Certificate of Achievement is awarded to the 2009-2010 Springdale High School girls' soccer team, in recognition of the team's outstanding athletic abilities which were showcased in the team's outstanding season and in their capture of the 2009 WPIAL AA Championship. Their contribution to Allegheny County's long legacy of sports champions is to be commended. On behalf of the citizens of Allegheny County, we join with them in celebration of their accomplishments. Congratulations. Great job. I'd like one of the captains up to say a few words.

MS. SARSFIELD: At the end we have Casey Overly (phonetic), Kim Laudison (phonetic), Caleigh Ferra (phonetic), Kristen Dravis (phonetic), Caleigh Derringer (phonetic), Sabrina Adams (phonetic), Erica Roney (phonetic), Allison Oberly (phonetic), Jane McCrackee (phonetic), Emily Cotter (phonetic), Marissa Sarsfield (phonetic), Katie Jopaw (phonetic), Brittany Jastonia (phonetic), Melissa Katowsky (phonetic), Chelsea Adams (phonetic), Ashley Listonia (phonetic), Brianne Loveland (phonetic), Katelyn Koontz (phonetic). And here we have Steph King, Ann Margara (phonetic), and I'm Alexa Sarsfield. Thank you. And on behalf of the team, we'd like to thank Mr. Futules and Mr. Burn for recognizing our

team for our accomplishments this season. And also, congratulations to the team on an outstanding year.

PRESIDENT FITZGERALD: 5244-09.

MR. CATANESE: Certificates of Achievement awarded to Shady Side Academy girls' golf team, for winning the WPIAL and PIAA championships. Sponsored by Councilman Burn.

PRESIDENT FITZGERALD: Councilman Burn.

MR. BURN: Thank you, Mr. President. I'd invite the golf team up, if they could join me here at the podium, please; and if the coaches are with us. Thank you, Mr. President, and members of Council. Once again, another good story about the young men and women in our county who do positive things, who joined a team and have together and individually done some remarkable things. Coach Helen Goss (phonetic) and assistant, Courtney Meyer (phonetic), consecutive perfect season. You came in second in consecutive WPIAL and PIAA championships. In the 2009 PIAA, they shot an all-time record low score. Kendall Allen won a second consecutive PIAA Western Regional Championship. Congratulations, individually and collectively. Again, you're champions. No one is ever going to be able to take that away from you. What's your average score, like, on 18 holes; average? Seventy (78)? Eighty (80)? Seventy-two (72). Joe?

MR. FINNERTY: That's my partner.

PRESIDENT FITZGERALD: Yes, a new partner.

MR. BURN: That's my score on the front nine, and that's miniature golf. Congratulations, again. Outstanding. Well done. Also, Shady Side Academy, it's an honor to read the proclamation for Shady Side Academy. It's a great program and a great institution.

This Certificate of Achievement is awarded to the 2009-2010 Shady Side Academy girls' golf team, in recognition of their outstanding athletic abilities which were showcased in the team's winning season during which they earned the 2009 WPIAL and PIAA girls' team golf championships. Their contribution to Allegheny County's long legacy of sports champions is to be commended. On behalf of the citizens of Allegheny County, we join with them in celebration of their achievements. Ladies, congratulations. Well done.

MS. GOSS: First, I want to thank the County for their kind gesture in honoring our student athletes. Shady Side Academy is very proud to have not one, but two

teams here today. As the golf coach, I'm happy to introduce my team. Kendall Allen was the anchor of the team and the MVP. And I'd like you to remember her name, because she will be famous one day. Michele Bocklu (phonetic), who has been improving. Was twice State champion, and she had a wonderful game of golf all season. Lauren Williams, Courtney Gilson (phonetic) and Madeline Callahan (phonetic) was one of our freshmen. And we have --- some girls are absent because of prior commitments. We have our two captains, Lizzie Deas (phonetic) and Lauren Louche (phonetic), Lalena Fisher (phonetic), Meg Donnelly (phonetic) and Ally Gamba (phonetic).

I want to congratulate the other athletes who are here today for their great achievement. I'm proud to say --- and it's difficult to say this with humility, that under my wing, my team at Shady Side was 34 and 0. So thank you very much for having us today.

MR. BURN: Thank you, Coach. I'd like the team and yourself to join us for some photographs in front. Then you can ---.

PRESIDENT FITZGERALD: And I should have made this --- any parents, when your children or your students are here, please feel free to come forward and take pictures. 5245-09.

MR. CATANESE: Certificates of Achievement awarded to Shady Side Academy girls' field hockey team for winning a WPIAL championship. Sponsored by Councilman Burn.

PRESIDENT FITZGERALD: Mr. Burn.

MR. BURN: Thank you, Mr. President, and members of Council. I would like the field hockey team from Shady Side Academy to come up and join us here at the podium, please. I'd like to congratulate Coach Erin McConnell, assistant coaches Sara McCloud (phonetic), Leslie Vincent, Lori Tyger (phonetic) and Amy Thornton (phonetic) on putting this team together and having an outstanding season and winning the WPIAL AA championship.

Where's the goaltender? Is the goaltender here? Goaltender. I played high school hockey. I was the goaltender, too. Did you ever think of going into politics? There's really no difference. Take a couple public speaking courses and come see us, and we're sure you'll do well.

MR. DROZD: Is she thinking about running in my district?

MR. BURN: If she's running in my district, she has my vote, then. What's your goals, again? Do you have any goals against average? Do you guys keep stats? No? Okay. Well, you won. That's what counts. So it must be good. But congratulations. Again, like I said to the other young men and women over here, no one is ever going to be able to take it away from you as the champions. And because you took a team approach, you were successful, and I'm getting used to reading Shady Side Academy proclamations for athletic achievements. It's a great institution. It's a great program. I wish you the best of luck, and I hope to see you again for future awards.

This Certificate of Achievement is awarded to the 2009-2010 Shady Side Academy girls' field hockey team, in recognition of your outstanding athletic abilities which were showcased in your team's winning season during which you earned the 2009 WPIAL AA girls' field hockey championship. Your contribution to Allegheny County's long legacy of sports champions is to be commended. On behalf of the citizens of Allegheny County, we join with you in celebration of your achievements. Coach, players, congratulations. Well done. Would anybody like to come up and say a few words on behalf of the team? Captain? Coach? Captain?

CAPTAIN: I'd just like to give a quick thank you to all the teammates who really put in a lot of hard work and dedication to get where we did, and our coaches and our trainers and our parents, who really put in a lot of time, especially my mom, who couldn't exactly drive here from Florida, but that's where she is.

MR. BURN: Do you want to introduce the players?

PRESIDENT FITZGERALD: Yes. If you would just please name all of the girls for everybody.

CAPTAIN: Erin Gorse, Carolyn Stratton (phonetic), Audrey Buckman (phonetic), Deema Karma (phonetic), Margaret Crimmons (phonetic), Karen Dawson, Lindsay Bernstein, Lauren Grady (phonetic), Ally Ross, Ally Bernstein (phonetic), Cindy Pardoe (phonetic), Gina Cunningham, Plidico Audi (phonetic), Coach McConnell, Coach Thornton and Coach --- Simpson (phonetic). Sorry. That's all.

MR. BURN: Thank you very much. We can take some pictures, if you want. You can come up here for some photographs. Coach? Anybody want to say any words? No?

Okay. We'll see you again next year and give you another award; right? Okay. Very good. Thank you.

PRESIDENT FITZGERALD: And again, parents, if you want to come up and take pictures of your students, please do so. 5247-09.

MR. CATANESE: Certificates of Achievement awarded to the CCAC South baseball team, for winning its fourth consecutive WPCC and PCAA championships. Sponsored by Council members Macey, Martoni and Robinson.

PRESIDENT FITZGERALD: Councilman Macey, Councilman Robinson and Councilman Martoni.

MR. MACEY: I'd like to invite Councilman Robinson, Councilman Martoni, Doctor Alex Johnson of CCAC --- I should say, Community College of Allegheny County, Doctor Charlene Cole-Newkirk, who is the president of the community college, South Campus, which I'm a graduate of. It's a great school. They have a great school. And of course, I'd like to invite the coaches; Coach Mezza, Coach Randy Chalus and of course, Coach Ron Rocco, and the team, please. We do have a championship baseball team in the Pittsburgh region.

Okay. The Western Pennsylvania Collegiate Conference and the Pennsylvania Collegiate Athletic Association --- these guys are the champs. This is the fourth consecutive year for the team to win this championship, a feat that has never been accomplished by any team in the 30 years of the conference and state divisions. Four players have been recognized as All-State players. That's Travis Cooney --- raise your hand --- Jeff Greiner, Jason Holt, Sean Samsa.

And five players were recognized as All-Conference players. That's Kraig Borman, Ray Cieslewicz, Casey Del Percio, Dayne Holland and Chris Priore. The coaching staff recruits tirelessly throughout the spring and summer to bring the best athletes from the region to the team and to the Community College South. They have helped the student athletes achieve and experience greatness on the field and have helped them further their education to better their future and our community off the field. At this point, I'd like to read the proclamation.

Allegheny County Council is proud to present this Certificate of Achievement to the 2009-2010 CCAC South baseball team in recognition of their outstanding athletic abilities which were showcased throughout the

team's 19-2 record, in which they captured their fourth consecutive WPC and PCAA championships. The team's indelible contribution to Allegheny County's long legacy of sports champions are to be commended. On behalf of the Allegheny County Council and the citizens of Allegheny County, we join with you in celebration of the team's third consecutive State championship, a feat never having been accomplished in your conference's history. Sponsored by myself, Chuck Martoni and Bill Robinson.

I'd also like to recognize Coach Ron Rocco for the 2009 Coach of the Year and his coaching staff, Vince Mezza and --- Randy's not here? Vince Mezza; where's Vince? Down on the end. Okay. Coach, would you like to say something?

MR. ROCCO: I'll say a couple words. I'm not really good at it. Thank you, again, Council. It never gets old coming here. It's a pleasure coming here. It's a pleasure representing Allegheny County, CCAC and especially, CCAC South. I don't have to say --- because we've all been introduced. So I don't have to say anything that is --- you know, it's a lot of hard work and dedication. And the joy I get out of this will be --- last year we put five kids into a four-year school that are playing baseball.

We got about seven, eight players this year that are getting letters and hopefully, they'll continue playing baseball and continuing their education at a four-year school. So CCAC has been very good to them in the past and hopefully, to these guys in the future. Thank you.

MR. MACEY: Doctor Newkirk? I know, he's on the Board, but you're the President of the school and you're a lady.

DOCTOR NEWKIRK: On behalf of the South Campus community, I'd like to thank Council for recognizing the team. We're very proud of everything that they've done. As the new campus president, this is a great honor for me. As a daughter of Pittsburgh, I'm incredibly proud of them. And I really appreciate the fact that you've recognized their achievement.

MR. MACEY: Bill also sits on the Board of the Community College.

MR. ROBINSON: Normally, I'm cheerleading for the Community College of Allegheny County. But I'd just like to take this rare opportunity to thank my colleagues

and the Chief Executive, who did something rather unique. They did it quietly, deliberatively, and out of their concern for the growth of the college. We have put in place a mechanism to assist in the funding of the college for years to come. It's only a partial solution to the college's long-term funding issues. What we essentially have said is we're going to use the prior year's base appropriation from the County, operating monies and then add two percent. That will begin in the year 2011. It will be based on our appropriation for 2010.

Two years after that process starts, we'll evaluate it, not only in terms of our investment but what the college has done. This was done not only because of the achievement of these fine athletes and others, or even the academic achievements or even the people who work at the college, but we truly understand that investing in the Community College of Allegheny County is a wise use of tax dollars. And I want to thank my colleagues who supported that unanimously and who understood that that is one way that we can say thank you to each and every one of you and make sure that the workforce for this county is going to be in place in the future.

Seventy thousand (70,000) community college graduates live in Allegheny County. Ninety-five (95) percent, if not more, of the students that we have educated at the college are still here. They are you; they are us. They're Allegheny County. And again, thank you to my colleagues.

MR. MACEY: Coach Mezza, would you like to say something?

MR. MEZZA: That's okay.

MR. MACEY: Okay. Would one of the captains of the team come up and introduce the players, please?

CAPTAIN: We've got Tim Picard, Paul Tutino, Ray Cieslewicz, Sean Samsa, Kraig Borman, Chris Priore, Anthony Finocchi, Jason Holt, Mark Breisinger, Nate Ott, Pat Russell, Nick Garofalo and Eddie (phonetic) Snow (phonetic). That's Coach Mezza and Coach Rocco.

PRESIDENT FITZGERALD: 5249-09.

MR. CATANESE: Certificates of Achievement awarded to the Mt. Lebanon High School boys' soccer team for winning a WPIAL championship. Sponsored by Councilman Gastgeb.

PRESIDENT FITZGERALD: Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald and members of Council. If I could have the Mt. Lebanon boys' soccer team come up and kind of stand behind me, along with their coach, Ron Wilcher, and any of the officials from the Mt. Lebanon School District. As they're coming up, I think you see certain patterns, as my colleague, Councilman Burn, says. Oftentimes you watch the news and listen to the radio, and the news isn't always good about the youth of our community. Here tonight we get a chance to celebrate just the opposite, which is good. And certainly, the Mt. Lebanon boys' soccer team epitomizes that with yet another WPIAL championship. And I want to state, this is the tenth WPIAL championship, which I believe is the most of any high school in Allegheny County.

And you just don't get a program of that nature without hard work and dedication; also, the support of the parents and the community. And this year in particular, after carrying a 19-1 record, to win the game in such a dramatic fashion, with a kick in, I think, double overtime. And if I remember correctly in reading the article in one of the papers, it was a --- I guess, a practice that you do a lot. You practice that. And this particular individual, I guess, was mentioned. But you know, it's something that you practice, you practice, you practice.

And they get to the point where it actually means the championship. So to be successful on something that you do practice and you do take ever so seriously, is part of your commitment to the team. I'm sure it was a victory you're going to savor. And again, I just want to state that, you know, being in the South Hills and watching the surrounding high schools play, I know how hard it is just to win the AAA Section 4 Championship. To take out how many WPIAL championships you're able to win is truly a testament to the program, a testament to the school district and more importantly, a testament to you as young men, the dedication you put into this endeavor.

So we do want to recognize you. We are proud of you. And if I can have the coach come up next to me, I want to present a Certificate of Achievement on behalf of the team, that each of you have one, as well as officials from the school district.

This will be a Certificate of Achievement awarded to the Mt. Lebanon High School 2009-2010 boys'

soccer team. This Certificate of Achievement is awarded to Mt. Lebanon High School boys' soccer team in recognition of the team's outstanding athletic abilities that were showcased in the team's outstanding season, as they captured the 2009 WPIAL AAA championship. Their contribution to Allegheny County in the long legacy of sports championships is to be commended. On behalf of the citizens of Allegheny County, we join all of you in celebration of this outstanding accomplishment. Sponsored by me, Councilman Gastgeb. Coach, outstanding job.

COACH WILCHER: Thank you. I want to thank the Council for their recognition. It's a privilege to be a part of a school district and to coach such an outstanding team of athletes. We pride ourselves on being good on and off the soccer field, and it's been a privilege to work with these young men in, obviously, building lifetime friendships and relationships. They know they're part of a tradition and will always have a place in Mt. Lebanon soccer, so we appreciate that. They're hardworking, certainly, of the recognition this evening. Thanks very much.

MR. GASTGEB: I'm not sure if you want to do it or --- come up and make sure everybody gets mentioned.

CAPTAIN: Kevin Ossergard (phonetic), Adam Young, Zachary (phonetic) Hugg (phonetic), Mike Bresanelli (phonetic), Mike Wayne (phonetic), Brian Johnston, Brian Lechini (phonetic), Garrett (phonetic) Colley (phonetic), Zachary Batteer, Brian Church (phonetic), Dan Boschwood (phonetic), Scotty Workman (phonetic), Matt Macdire (phonetic), Connor Rolfard (phonetic), Dean Argerty (phonetic), Nate Daukter (phonetic), Sam Sikka (phonetic), Brian Richardson, Phil Duvall (phonetic), Cal Harris, Jamie Henkins (phonetic), Evan Sharp and Coach Wilcher and Coach Hildebrand.

PRESIDENT FITZGERALD: 5243-09.

MR. CATANESE: Proclamation congratulating Pittsburgh Public Schools for receiving a grant award from the Bill and Melinda Gates Foundation. Sponsored by Council members Fitzgerald, Ellenbogen, Green and Robinson.

PRESIDENT FITZGERALD: And I'm going to ask School Board President, Theresa Colaizzi, and her colleagues, along with Superintendent Mark Roosevelt, to come forward. This is quite an achievement that the Pittsburgh Public Schools won. I don't know what it is

about Bill Gates, but he's certainly taking a liking to Pittsburgh, with all the money he has donated to Carnegie Mellon University and now, with the achievements that the Gates Foundation is bestowing upon the Pittsburgh Public Schools. First of all, you had to be selected to even submit a proposal, and we were lucky enough that our school district was invited to do that. And then to receive a \$40 million grant, that is an absolutely major grant bringing into this region and bringing in to improve our students' achievements. So it goes to the hard work of the people standing behind me and Superintendent Roosevelt and all of his folks. And we just wanted to publicly recognize some of the work that they've done. I want to read this proclamation into the record, and then I'm going to ask President Colaizzi if she would say a few words and introduce her colleagues who are with her this evening.

WHEREAS, the public schools of Allegheny County establish a foundation for students to achieve success and build their futures upon; and

WHEREAS, in April 2009, Pittsburgh Public Schools was selected to submit a proposal to the Bill and Melinda Gates Foundation for consideration for the foundation's Intensive Partnership for Effective Teaching Program; and

WHEREAS, in November 2009, Pittsburgh Public Schools was one of only four districts nationwide selected by the Bill and Melinda Gates Foundation to receive grant funding for the foundation's program, receiving \$40 million to increase the effectiveness of the school system; and

WHEREAS, using the grant, the school system will follow the plan established in the proposal by the district and the Pittsburgh Federation of Teachers, which will empower teachers as effective leaders and establish a culture of learning that prepares students to succeed in the future; and

WHEREAS, this historical award follows Pittsburgh Public School efforts to maximize teachers effectiveness and student potential. The collective leadership of those in the schooling system allow this grant to be realized.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, does hereby congratulate Pittsburgh Public Schools

for receiving the Bill and Melinda Gates Foundation's grant award. The funding allows our public schooling system to become one of the best and brightest in the country. We also thank the Bill and Melinda Gates Foundation for their extraordinary generosity and willingness to better our community. And this was sponsored by the four members of County Council who represent the City of Pittsburgh, and that would be myself, Councilman Jim Ellenbogen, Councilman Bill Robinson and Councilwoman Amanda Green. And I'm going to ask Ms. Colaizzi to speak, and I want to invite Superintendent Roosevelt to say a few words. President Colaizzi, congratulations.

PRESIDENT COLAIZZI: Thank you. This is truly an honor, and this Board and the Superintendent and the staff has been working very, very hard to accomplish teacher effectiveness and to bring the City's public education back to where it belongs. Our children are the greatest investment of our lives. They are our future, and we intend on doing everything possible to make sure that they are educated, no matter what.

So this grant from the Bill and Melinda Gates Foundation is intended to do exactly that. It is intended to put a very qualified effective teacher in front of every student. And we have worked very, very hard; and when I say we, I mean, seriously, the Superintendent and his staff. This has been a long process. We were a long shot in many ways; however, just to be asked to be a part of this process was an honor in itself. It has put us in a position where we had no choice but to truly look at ourselves and decide and understand what we needed to do. And quite honestly, we did it.

For Bill and Melinda Gates to invest the kind of dollars they have for this city to become what we intend on becoming, means a great deal. Our work has just begun. We have a long way to go. But we have no intentions of failing. So I hope that you will all stay behind us and even, in some cases, take the forefront because, as I said, we have a lot of work to do. I'd like to introduce, if you will allow me, Mr. Sumpster, First Vice President of the School Board and Doctor Allen, who has just joined us not too long ago, but I can assure you is one unbelievable addition to this Board. And then, of course, I'm going to introduce the Superintendent. Thank you so much for this honor, and I appreciate it. And I will continue to work

along with my colleagues and the Superintendent to do whatever we need to do to bring this city back to where we need to bring it. Thank you.

PRESIDENT FITZGERALD: Before I bring up Superintendent Roosevelt, I also --- Doctor Allen is certainly no stranger, as she sits on our Jail Oversight Board with Councilman Burns. So she has been here before. Superintendent Roosevelt?

SUPERINTENDENT ROOSEVELT: Thank you very much. It is a great honor. I just want to thank our brothers in the union because this could not happen ---. And really, the folks who were taking the biggest leap here are the Pittsburgh Federation of Teachers. They're embracing performance pay. They're embracing real changes in the culture of the school district that will bring real benefits to the children that we're privileged to serve. So thank you for the honor. Thank you to the school board for having done what is necessary to move this district forward, and we appreciate your recognition tonight.

PRESIDENT FITZGERALD: 5250-09.

MR. CATANESE: The remainder will be read into the record.

Proclamation honoring the 140th anniversary of Chatham University. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: And also, if you would add Councilman Ellenbogen as a co-sponsor of that proclamation.

MR. CATANESE: 5252-09. Certificate of Achievement awarded to the West Allegheny High School girls' volleyball team for winning a WPIAL championship. Sponsored by Councilman Finnerty.

5253-09. Certificate of Achievement honoring Cody A. Perrett of Boy Scout Troop 504, for earning the rank of Eagle Scout. Sponsored by Councilman Futules.

5255-09. Proclamations honoring Leonard Brennan and Earl Hendricks of Verona Borough Council, for their dedicated service to the community. Sponsored by Councilman Futules.

5256-09. Proclamation honoring Allan Kennedy of Oakmont Borough Council, for his dedicated service to the community. Sponsored by Councilman Futules.

5257-09. Certificates of Achievement awarded to the Mt. Lebanon High School girls' volleyball team, for

winning a WPIAL championship. Sponsored by Councilman Gastgeb.

Certificate of Recognition honoring the 50th wedding anniversary of John and Patricia Sperhac. Sponsored by Councilman Macey.

5259-09. Certificate of Recognition honoring the 50th wedding anniversary of Richard and Shirley Kociban. Sponsored by Councilman Macey.

5260-09. Certificate of Recognition celebrating the 100th birthday of Helen Reed. Sponsored by Councilman Macey.

5261-09. Certificates of Recognition honoring Brentwood School District schools, for receiving Keystone Achievement Awards. Sponsored by Councilwoman Cleary.

PRESIDENT FITZGERALD: Public Comment on Agenda Items. Tonight I see we have one. Mr. McCullough, I think we've gone through this before. Is there any objection to Mr. McCullough speaking?

MR. FUTULES: I object.

PRESIDENT FITZGERALD: Do we have a second?

MR. MACEY: Second.

PRESIDENT FITZGERALD: Second. Let's take a vote on Mr. McCullough speaking or not. If the Council says yes, it votes he will; if not, he will speak during regular time. And the reason for this is, the public. This is really for the public to speak. I'll ask Mr. Cambest to comment, if he would.

MR. CAMBEST: I think you're correct. That's been our policy here with County Council. And as you indicated, the purpose of that is --- in this portion of the meeting, is to permit the public to speak. So I agree with you, also.

MR. MCCULLOUGH: May I comment on that, sir?

PRESIDENT FITZGERALD: No, we're going to call the roll. Please call the roll on Mr. McCullough speaking.

MR. DEFAZIO: Point of order. You made a motion, and you should have commented.

PRESIDENT FITZGERALD: Oh, we have to call the vote on that?

MR. DEFAZIO: You have comment. There's a motion there.

PRESIDENT FITZGERALD: All right. Mr. McCullough, go ahead.

MR. MCCULLOUGH: I have been permitted to speak in the past. And frankly, I have some remarks that I think --- I'd like all of you to hear at the outset of the meeting. It will, I think, facilitate the business of Council at the meeting. And we'll limit my remarks elsewhere on the agenda.

PRESIDENT FITZGERALD: Mr. Gastgeb, you had a point of order.

MR. GASTGEB: Procedurally, why is it a vote of Council for this? Is this something that we have to vote on or is this the prerogative of the Chair?

PRESIDENT FITZGERALD: It could be either one. But I thought it would be a good idea to let everybody decide. Again, the three minutes is really for the public. I mean, all Council members get to speak. We have lots of debate and dialogue. It's always been our practice, and I don't see any reason to change all of that.

MR. GASTGEB: Well, my question is whether it's a good idea or not. What's the law as to our Council, because I don't think Council votes on something like that. Maybe just let him speak from his chair, if that's what you want. I mean ---.

MR. DEFAZIO: Point of order.

PRESIDENT FITZGERALD: Mr. DeFazio.

MR. DEFAZIO: Well, the chairman ---. Here's what you normally do. If the chairman feels that --- you know, you're not allowed to do this --- there's no rule on this either way --- what can happen is, maybe, Chuck or someone else would make an appeal on his decision. Then we would vote. What he went and did is, he's just asking us if we want to vote. Again --- hey, Rich says, look, you're out of order; we don't do that because there's no written rule here. Then we would vote, so he could basically do it ---. The bottom line is, probably, we would have.

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

MR. FUTULES: I'd like to explain why I objected, the fact that he wanted to speak on an agenda item for this evening, and he is a seated member of Council. And I feel that when that agenda item comes up, as a Councilman, he can talk to the issue, as long and as much as he'd like to. I'm not trying to take away his right to speak.

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

MR. FINNERTY: Well, I'm just going to echo, probably, the same thing. This is an attempt by a Council person to circumvent the agenda. We have an agenda here and it should be complied with. If it's on the agenda, then you get to speak when it comes up as the agenda. If we start doing things like this, we could have everybody giving soliloquies before we start on the ---. And you're not supposed to do that. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: There are difficult times of decisions, but you know, I'm a firm believer that ---. I would hope Mr. McCullough would address Council from where he sits. But it's his prerogative and it's a right in this county if you are a registered voter --- not just registered ---. If you pay taxes to this county, if you reside in this county, you live in this county and you follow the rule that you sign up the day before, which I'm sure he did, I would think that anybody has a right to address it from that podium or address it here. But when he sits there, he doesn't sit as a Council member; he sits here as a Council member. When he sits at the podium, he sits as a speaker.

And I think he should have that right, and I don't think we should take it away from anybody just by us voting one way or another. Who wants to do that? What's the difference whether he speaks from here or he speaks from there? Give him the opportunity to speak. Thank you, Mr. President.

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

MR. MCCULLOUGH: I would point out that twice before I have signed up as a public speaker on agenda items and twice before, I was recognized and was able to speak as a private citizen. I think we have an established past practice; therefore, I don't see anything in our Rules of Council that limit our ability to speak as a private citizen. And again, the idea that we may have soliloquies, I don't see the problem with that. We all have First Amendment rights when we come in this room.

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

MR. ELLENBOGEN: I just wanted to say that --- you know, the precedent has already been set. Councilman

McCullough has already spoken from the podium once before. And I don't know; I think we're making a lot of to-do about nothing. If he wants to say it from there, he wants to say it from there, let's just let him say it and move on with our business.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: There's a reason that there's rules here, and nobody is taking anyone's First Amendment rights. When you come up here, you're on Council's --- you abide by the Rules of Council, and there are Rules of Council. And if you're a seated member and if you want to try to get personal privilege from our president, that's one thing, but it's a privilege. And I emphasize, it's a privilege. We have rules, and the rules say we have an agenda, and that means we follow the agenda. And I hope that you remember that it is a privilege, and it's up to our president and your president to enforce the rules of order. Thank you.

PRESIDENT FITZGERALD: Please call the --- I'm sorry. Mr. DeFazio?

MR. DEFAZIO: Yes. I don't want to belabor this thing, but let me say this. When you're talking about a past practice, you'd have to consistently do something all the time. If you do something 20 times one way and two times the other way, that's no bona fide practice. There's no written rule on this, and you know the history of this; one time you stop him, one time you let him speak but not from ---. He did speak once from the podium but not like this. There's no written rule. So at the end of the day, if you want to do it fair and do it correctly, we should vote on it.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Yeah. I did ask the Solicitor. We're going to follow the rules. I think there's certain rules that we do take votes on. I just don't see this as a vote of --- measure, if you will, from my perspective. So I would ask the Solicitor for his opinion.

MR. CAMBEST: I think most what everybody has talked about today is correct. Obviously, this is a sensitive issue. And I felt the President of the Council, if he was asking for a vote on it, to have this before Council. But you're right. As you indicate, he's the president. He can call for it, and if the rest of the Council doesn't like it, they can vote and overrule. And I thought he just was skipping that step to get a feel of

Council and as to how they felt for a Council member speaking as part of the public --- part of the public part of the meeting.

MR. GASTGEB: Okay. So if I can respond, we would need ---. If I understood your opinion, we would have to have a vote to allow ---.

MR. CAMBEST: Mr. McCullough to speak of his point.

MR. GASTGEB: So there would be two votes, then, or one vote?

MR. CAMBEST: No. No. He made a ruling. That ruling stands until any of the Council decides to overrule that rule.

MR. GASTGEB: Okay. Thank you.

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

MR. ELLENBOGEN: Could I ask the Solicitor, please?

PRESIDENT FITZGERALD: Yes.

MR. ELLENBOGEN: Jack, let me ask you --- and this is where it gets a little gray with me. It's my understanding, there's no rule; right?

MR. CAMBEST: There's no rule?

MR. ELLENBOGEN: I mean, there's no rule with regard to Council.

MR. CAMBEST: No, we do not have any Rule of Council concerning speaking from the podium.

MR. ELLENBOGEN: All right.

MR. CAMBEST: What I've always cautioned Council members on, when you sit there and you give your soliloquy or whatever speech you want to call it, you're talking as an elected official. You have certain immunities under laws when you sit there. When you walk off that chair and come down here and speak, you give up those immunities and those rights. So I've always cautioned you to do that. Now, I think the president is also ---. In fact, we have a business meeting here. And this portion of the business meeting is to permit the public to speak.

So if we take it to an extreme and all 15 people come down here and use up all the public's time, that's not right. And I think that's what Mr. Janosko, at one point in time --- and Mr. Barker did give me the opinion on it. And that was basically George's rationale when he gave that opinion concerning Council people speaking. If I recall --- and Jared gave it to me. Maybe it was a time

when I was here, but I think when Mr. McCullough asked to speak, there was an issue about it, and he sat there and spoke from his chair.

PRESIDENT FITZGERALD: That's correct.

MR. ELLENBOGEN: Okay. Jack, the question I have for you, if Councilman McCullough would ---. You know, when Joe calls the roll, okay, you're on --- those immunities and what not are granted. If Councilman McCullough would excuse himself from this Council, from a legal aspect, and wanted to take the podium --- and like you said, why just --- you know, take the risk that he's not under immunity and wanted to take the podium, do we have the right to stop him? That's my question. What I'm saying is, if he excuses himself from the meeting and he takes that thing, now he's just a regular citizen. That's the question I had and that's where it's gray for me.

MR. CAMBEST: I think within the framework of constitutional free speech, whatever rights you want to talk about --- you're in this public body, you're in this public meeting --- we have rules. The Council President can make a ruling, and he's done it. And if the majority of the rest of the Council believes that they want to let people speak during the public portion, then they would overrule his ---.

MR. ELLENBOGEN: Thank you, Mr. President.

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

MR. DROZD: I would caution in this way. It doesn't matter how much each one of us speaks --- you have three minutes; you have three minutes. And anybody here in this room can speak for three minutes, as long as they follow procedures set up. It doesn't take any time away from ---.

MR. CAMBEST: Until and unless when you do that, you are destroying the purpose of the meeting tonight, as to conduct business. So at any point in time, you can break off that public comment --- because that public comment is taking too much time --- to conduct your business, and you can permit the public to speak in the future.

MR. DROZD: Let me finish with my train of thought. Any Council member, of course, is going to ask to put a motion up to decide when he speaks. But when you do this, this gentleman wants to leave the podium as a Council member and now comes on as a resident of Allegheny

County who requests the podium for his three minutes to speak. I would ask this ---. I don't recall any time --- and it wouldn't be the president that denies this gentleman to speaking at the podium, it would be his Council that's voted on it. He's putting the motion up and someone seconds it. But I would ask --- as I recall, at no time during this entire Council have I ever, ever heard this Council deny a resident, a taxpaying resident of this county, deny them the right to speak from the podium. Am I correct in that? Am I correct, he was denied tonight?

MR. CAMBEST: We've denied the public if they don't follow our rules.

MR. DROZD: No. No. No. Following rules ---. Remember again, this is not a rule here. Let's not ---.

MR. CAMBEST: No. No. No. What I'm saying is we have rules about speaking at this meeting. If you walk in here on a Tuesday evening and ask to speak before Council, unless the president permits it, you don't get to speak.

MR. DROZD: Yeah. But I'm saying, have we ever ---? Has this Council --- because I don't recall during my tenure --- has this Council ever denied anyone speaking from that podium, unless they were unruly or something like that. Let me ask that. Has anyone ever been denied?

MR. CAMBEST: They're actually denied if they don't follow our rules.

MR. DROZD: Who was denied?

MR. CAMBEST: It has to be researched.

MR. DROZD: That's what I mean. My point is, this Council is setting a precedent by denying ---.

MR. CAMBEST: You are, too.

MR. DROZD: Wait. Let me finish. You know, I don't think we should be denying anyone. We're setting a precedent. We've never denied anyone in the past. If he's the only individual, that's the discretion of the Board's ---. Does this Council discriminate? Do we discriminate?

MR. CAMBEST: We don't discriminate.

MR. DROZD: Okay. My case rests. I'll be very adamant about this. I think anyone has the right to speak from the podium if they want to speak. If they want to step down and speak, they should be allowed to.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Yes. I just want to register my objection to this. And I would point out that once I did speak from the podium. The other time that I spoke, I spoke here at the request and not at the direction. As far as I'm concerned, I have a First Amendment right. I have a Sunshine Law right that if I remove myself as a member of this body and address you as a private citizen like everybody else, as long as I comply with the Rules of Council and define my words towards agenda items and conduct myself civilly, I do not forfeit those rights because I am here. I would also point out to you that I've done this before. And I'm somewhat concerned and perturbed, but apparently, there's been some sort of an opinion or legal memorandum or what have you, and nobody bothered to share that with me. And we're hearing about this right now.

I think I have those rights. I'm not going to belabor this. I'm pausing my objection to expedite this. I will presume that you have made a ruling, Mr. Fitzgerald, but ---.

PRESIDENT FITZGERALD: Actually, Mr. McCullough, there was an objection made. I did not make a ruling. There was an objection made and then seconded. So the vote would be on the objection.

MR. MCCULLOUGH: And the other thing I'd like to point out is, I challenge anybody to show me where within the Rules of Council I am not permitted to speak to this body as a private citizen.

MR. DEFAZIO: One more.

PRESIDENT FITZGERALD: Yes, Mr. DeFazio?

MR. DEFAZIO: There's no ruling either way, Chuck. Okay? There's no ruling either way. So if there's no rule --- like I said, there's no rule either way. As the chairman, he's the president. And if you want to speak from the podium --- we speak from here. If you want to go up there to speak and he says, that's not permitted, I don't want it, okay, you would probably challenge it. The fairest and most honest way to do this, take a vote. There is no ---. We're not violating the rule. I'm the first one here to admit, I'll go by any rule that's a rule. But this is not a rule. This is just your opinion. And he's the chairman, and it's up to us.

PRESIDENT FITZGERALD: Okay. There's a motion on the floor to object to Mr. McCullough speaking during the public comment period. A yes vote will be to not let

him speak; a no vote will be to allow him to speak.
Please call the roll, Mr. Catanese.

MR. CATANESE: Mr. Burn?
MR. BURN: Yes.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: Yes.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Nay.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Nay.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: No.
MR. CATANESE: Ms. Green?
MS. GREEN: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes, 10, noes, 5.
PRESIDENT FITZGERALD: Approval of minutes.

5262-09.

MR. CATANESE: Motion to approve the minutes of the regular meeting of Allegheny County Council, held on November 4th, 2009.

PRESIDENT FITZGERALD: Is there a motion to approve the minutes?

MR. FINNERTY: I'll make that motion.

PRESIDENT FITZGERALD: Moved.

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Second. Discussion? Ms. Green?

MS. GREEN: I'll need to abstain.

PRESIDENT FITZGERALD: Please note, Ms. Green will be abstaining on the voice vote. All in favor signify by saying aye.

MAJORITY RESPONDS AYE

PRESIDENT FITZGERALD: Opposed? Motion carries. Minutes are approved. Presentation of Appointments. 5236-09.

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. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 5270-09.

MR. CATANESE: Approving the reappointment of Michael Louik to serve as a member of the Accountability, Conduct and Ethics Commission, for a term to expire on December 3rd, 2014. Sponsored by Council member DeFazio.

PRESIDENT FITZGERALD: Councilman DeFazio?

MR. DEFAZIO: Well, he's done a good job, so I'll just recommend him to stay with it.

PRESIDENT FITZGERALD: Is that a motion to approve?

MR. DEFAZIO: Yes, a motion.

MR. GASTGEB: I'll second.

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

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? Motion carries. Mr. Louik is approved. Unfinished Business. Committee on Budget and Finance, Second Reading. 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: Okay. Before I turn this over, I know this was held from last week. And again, I think the Budget and Finance Committee deserves an awful lot of credit under the leadership of Chairman Robinson. If we pass this tonight, this will be the ninth year in a

row in which our millage in Allegheny County is 4.69, which means back in 2002, there were five of us who passed a budget way back when. If you have a \$100,000 house, you pay \$422 for your property tax to pay for the services of Allegheny County. In 2010, you will pay \$398. I did a little bit of calculation, and if we had just used 3 percent, the inflation rate, year after year after year, in increase, we would be at 5.9 mills. That's what we will be voting on tonight. I want to congratulate the administration under Manager Flynn, Director Griser and all the directors who have really been able to do more with less for many, many years. And the winners have been the property tax owers of Allegheny County. And I hold this up. Everybody has it. I left it in front of you. Our surrounding counties, which also struggle with this issue, have had major, major increases over this same time. So I think it's something to be enormously proud of and helpful for the economic growth and for the taxpayers of Allegheny County. For the ninth year in a row, they will be at 4.69 if this is approved this evening. And I turn it over to Chairman Robinson.

MR. ROBINSON: Thank you, Mr. President, and members of Council. Following up on your comments, I'd like to also congratulate and thank our staff under the leadership of Ms. Jennifer Liptak, our Budget Director, Mr. Jared Barker, who drafted all the relevant legislation we will discuss tonight on our 2010 budget presentation an also, parenthetically, I want to thank all the staff here at County Council who worked on our budget.

As you know, we have a limited staff, some doing double, maybe, triple duty. Yet we were able to complete our budget work two weeks in advance of the schedule we originally put out. And we had the support coming out of Committee, of all the Council members who signed on to the bill --- the bills and others. And that's unprecedented since I've been budget chairman. We hope it's a harbinger of the things to come in the future, but there was a constant recognition of the difficult challenges that this county faces.

Also, I want to thank the administration, our Chief Executive, our County Manager, our Budget Director, for their cooperation. I believe we now have in place a pretty seamless process, where the administration and the Council are able to work together in creating a budget that more than likely will pass without a veto. Since

I've been budget chairman, we have not had a veto of a budget, but we also have not had a budget that was as challenging as it was this year.

Thanks to all my colleagues who offered suggestions, amendments and their expertise in putting this budget together with the recognition that next year and the year after and the year after, the task will not be easier, it will be more difficult. But we have a template, we have a blueprint; we have the things that we can be very proud to call our own. The numbers that we will be voting on tonight as it relates to the budget, are numbers that we as a Council can know. These are our numbers. These are our numbers.

So as we debate, I would hope members would keep that in mind, that these are the numbers that we produced, that we feel best represents the fiscal conditions of the county for the year 2010 and beyond. Having said that, Mr. President, on Bill 5179-09, I move for approval.

MR. FUTULES: Second.

PRESIDENT FITZGERALD: Move second. Discussion on the budget? Mr. Drozd?

MR. DROZD: Yeah. You'll notice that my name has not lent itself to this although I concur. I'm happy to see there was no increase. But I would support it because there is no increase. Though on this math, I'd like to see a negative. I'd like to see that arrow going down and cutting taxes. And you know that I have an ordinance before the Budget and Finance Committee, which I'll be pushing to cut the taxes, as slight as it may be, to send that message to hope other taxing bodies follow suit, because then you'll really see this county soar when you see that.

And I would hope to think that would be a possibility in the future, to give the people what was promised them many times over, many times over, to cut taxes. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I'd just like to compliment Councilman Robinson for a great process in the budget and the budget committee. Also, Ms. Griser is out there, and she does a heck of a job. We're keeping our taxes level, we have for nine years, and that's a tremendous accomplishment. Again, thank you all.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. As far as the budget goes, I'm a co-sponsor of 5179. Would you ask the clerk to add me to 5180, 81 and 82, please?

PRESIDENT FITZGERALD: We'll do that, Mr. Ellenbogen.

MR. ELLENBOGEN: Thanks.

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: Ms. Green?

MS. GREEN: Aye.

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, 15, noes, 0. The bill passes.

PRESIDENT FITZGERALD: 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.

PRESIDENT FITZGERALD: Chair Robinson?

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

MR. MACEY: Second.

PRESIDENT FITZGERALD: Move to 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: Ms. Green?

MS. GREEN: Aye.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: No.

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, 1. The bill passes.

PRESIDENT FITZGERALD: 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.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President, and members of Council. With your indulgence, Mr. President, I'd like to offer a motion to approve, and then I have an amendment to offer.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved and seconded. And if you would please offer the amendment. Is that what we have in front of us, Chair Robinson?

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Okay.

MR. ROBINSON: Mr. President and members of Council, you have in front of you an amendment to 5181-09. Also, you have a memorandum from Ms. Liptak pursuant to my instructions that relates to this amendment. First, let me say, this amendment only applies to the Port Authority of Allegheny County and to the Community College of Allegheny County. For those who do not have these two documents in front of you, Ms. Liptak will provide them. The reason these documents were put in front of you was not in any way to circumvent any rules that we have, but so that you might more easily reference them prior to any discussion.

Secondly, if you will turn inside the amendment, it relates specifically to the capital budget; capital budget for the Community College and the capital budget for the Port Authority. As you go through the amendment, on the next to last page, you will find the essence of the amendment. Mr. President, I would request that you have the clerk read that portion of this bill that I'm offering the amendment to, the underlined portions on the next to the last page.

PRESIDENT FITZGERALD: Mr. Catanese, if you would ---?

MR. MCCULLOUGH: Point of order.

PRESIDENT FITZGERALD: Point of order, Mr. McCullough?

MR. MCCULLOUGH: Yes. We adopted Robert's rules of order as part of our Rules of Council. And pursuant to Robert's Rules of Order, I'd like to read the following. When the amendment has been moved and seconded, the Chairman should

always state the question distinctly so that everyone may know exactly what is before them, reading first the paragraph which is proposed to amend, then the words to be struck out, if there are any; the words to be inserted, if any. And finally, the paragraph will stand if the amendment is adopted. He then states the questions on the adoption of the amendment, which is open to debate. I have no problems with delegating the reading of the entire amendment to Mr. Catanese, but I think it's important that the entire amendment be read so that everybody understands it pursuant to our Rules of Council.

PRESIDENT FITZGERALD: I would agree. And that's pretty much what Mr. Robinson asked.

MR. MCCULLOUGH: I didn't understand him that way. I just wanted to say something at the end and just make sure we're all on the same page.

PRESIDENT FITZGERALD: What I think we want to have is for Mr. Catanese to read the underlined words, which is the amendment to the bill, if I understand Mr. Robinson correctly.

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Okay. So this is off the second to the last page, Mr. Catanese, under --- where it's in bold print, Capital Projects CTC. And there's a continued --- I'll read that part --- various CCAC Capital Projects for \$750,000 and a contingency for Port Authority Capital Matching Funds of \$3,489,954.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Yes.

MR. ROBINSON: To be consistent with Mr. McCullough's understanding of Robert's Rules of Order, you want to have Mr. Catanese start on page 4 about halfway down.

PRESIDENT FITZGERALD: Yes.

MR. ROBINSON: Page 4 and then page 6.

PRESIDENT FITZGERALD: Yes, you're absolutely right. Yes. And beginning where it says, Port Authority, the scratched out number and then the new number.

MR. CATANESE: Okay. Port Authority Capital Matching Funds; scratched out is \$6,979,908 and it is \$3,489,954.

PRESIDENT FITZGERALD: And we need the Community College.

MR. CATANESE: Community College, Various CCAC Capital Projects scratched out is \$750,000.

PRESIDENT FITZGERALD: Okay. Now if you would read the paragraph beginning, once capital projects, et cetera.

MR. CATANESE: Once capital projects are identified as subject to funding from the Capital Projects Contingency described in this section, such funding shall be transferred from the appropriate contingency fund to the identified project(s) in accordance with the capital budget transfer provisions contained within Section 5-805.04 of the Administrative Code of Allegheny County. The appropriations to the Capital Projects Contingency described herein shall not be expanded until transferred in accordance with the provisions of this section.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Yes, sir, Mr. Robinson?

MR. ROBINSON: I believe Mr. Catanese should also read that portion right from where he read. It starts with the word, Capital.

MR. CATANESE: Capital Projects?

PRESIDENT FITZGERALD: Capital Projects?

MR. ROBINSON: Yes.

PRESIDENT FITZGERALD: Go ahead.

MR. CATANESE: Capital Projects Contingency. Contingency, various CCAC Capital Projects, \$750,000, Contingency, Port Authority Capital Matching Funds, \$3,489,954.

PRESIDENT FITZGERALD: So Mr. Robinson, just so I think everybody understands, what is happening here is you're taking money that was originally proposed in the original bill for these two items and basically, moving them into a contingency fund so that these two agencies must come before Council for receipt of the funds. There's no increase or decrease. It's the same amount that you had originally put into the bill.

MR. ROBINSON: Yes, sir. This is consistent with what we've been doing with both the Community College and the Port Authority over the last two years, in terms of our attempt to gain more accountability, to be more transparent and to be more efficient in servicing them. My original idea was to hold monies on the Operating side. After a lot of consideration and some discussions with Mr. Cambest about this, it was decided that that might jeopardize funding that would be coming from the Federal government or from the State government; and that at least the purpose that I proposed could best be served by

putting money from the Capital side, which we have control over, into two contingencies. This is consistent with what we have talked about in Budget and Finance. It is not inconsistent with the operation of the Port Authority or the Community College. In fact, it's in line with what they understand will be at least the budgetary process from Council's standpoint to the future, and they have not offered any objection.

PRESIDENT FITZGERALD: Okay. Please add me as a co-sponsor for this. The amendment has been moved. Do we have a second on this amendment?

MR. MACEY: Yes.

PRESIDENT FITZGERALD: Moved and properly seconded. I'll just call for a voice vote on the amendment itself, and then we'll vote on the bill. All in favor of the amendment, please signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The amendment carries. Mr. Robinson, to the bill itself.

MR. ROBINSON: Thank you, Mr. President. In moving for approval, I should note for members that we essentially are going to put into contingency 50 percent of the capital allocation for the Port Authority and for Community College. When a request is made from the administration to release these funds, we will consider through our normal process. Move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved in second. Discussion? Please call the --- I'm sorry. Mr. Drozd?

MR. DROZD: Yeah. I had a question on this North Shore Connector. How many more times are we going to see this one? How many more times? No, I have a question. I have a question. How many more allocations?

PRESIDENT FITZGERALD: Mr. Robinson, do you know the answer to that?

MR. ROBINSON: I didn't understand Mr. Drozd's question. Could he state it again?

MR. DROZD: How many more times do we have to allocate monies for this North Shore connector?

MR. ROBINSON: The monies that you see in the document, the bill for the North Shore Connector, are consistent with the appropriation that this Council made about two years ago. It's also consistent with a piece of legislation or the motion that we passed, that we would not commit any monies to the North Shore Connector beyond

our original allocation and under those circumstances. So there's nothing in this bill that extends our commitment relative to the North Shore Connector. I'm of the opinion and impression that members of this Council do not want to commit not one penny more of county tax dollars to build the North Shore Connector.

MR. DROZD: The other question I had; on Montour Extension, I asked that I be updated on whether there were monies or it's in the works somewhere, the plans, the processes to begin, and money would be committed to that. Do we have any affirmative on that?

MR. ROBINSON: Ms. Liptak, to my knowledge, is working on that report. We'll make it available to you in the near future.

MR. DROZD: Okay. I will vote no. Two things; I will vote not a dime to the North Shore Connector. And secondly, until I see that the Montour Extension has been committed for construction, then I'll vote in support of the budget because of that. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Macey?

MR. MACEY: Thank you, Mr. President, and members of Council. About a month or so ago, President Fitzgerald and I had an opportunity to tour the North Shore Connector. We walked all along the river clear to the other side. And there certainly is light at the end of the tunnel. I could also tell you this, that we were told that the project is on schedule and it is under budget. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yeah. That tunnel goes nowhere after that. That light may go and you may see the light, but after that, there's no place where it goes. Follow the light; it goes to a blank shore on the other side, and it doesn't go to any ---.

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

MR. MCCULLOUGH: Yes. I have a question on the entry regarding Revenues, County Bonds, \$47,490,000. Is that a contemplated new bond issue or that the use of the proceeds regardless of this past summer?

MR. ROBINSON: Mr. President, if I might, I'd like to defer to Ms. Liptak on that question.

MS. LIPTAK: You're correct. It was already approved. The last bond issue, as you may recall, we

approved the bond issue which went in our 2009 and our 2010, as well.

MR. ROBINSON: Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Yeah. I'd just like to get my two cents in on the floor for the connector. This goes back, in my opinion, well past two years. We were contractually obligated as a county by Federal and State math, to put in X amount of dollars. No one on this Council has, as Mr. Robinson put out --- has put forth anything above and beyond what we were contractually obligated. This vote is somewhat procedural, based upon --- many, many moons ago, people who decided to do this. It's certainly not an indication of --- at least, my affirmative for this project, and I'm not in favor of it. But contractually, this is something that needs to be done based upon past elected officials. Thank you.

PRESIDENT FITZGERALD: Thank you. 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: 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: Yes.

MR. CATANESE: Ms. Green?

MS. GREEN: Aye.

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, 1. The bill

passes.

PRESIDENT FITZGERALD: 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.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President, and members of Council. This is our Grants and Special Accounts Budget. The documents that you have in front of you indicate what we anticipate we will have available in the year 2010. No monies out of the Grants and Special Accounts Budget, if approved this evening, will be spent or can be spent without the authorization of this Council; not the authorization of the Budget and Finance Committee, but the authorization of this Council. Having said that, Mr. President and members of Council, I move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved and seconded.
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: Ms. Green?
MS. GREEN: Aye.

MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Abstain.
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, and 1

abstention.

PRESIDENT FITZGERALD: 5215-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009 (Submission 20-09). Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

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

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, seconded.

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: Ms. Green?
MS. GREEN: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Abstain.
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, and 1
abstention.

PRESIDENT FITZGERALD: Liaison Reports. Any
liaison reports this evening? Mr. Drozd.

MR. DROZD: I attended the County --- C-CAP,
County Association of Pennsylvania County Council ---
County Association of Pennsylvania County Commissioners
meeting. It was a great meeting, a lot of information
passed forth --- coming forth and to illuminate that among
some of our colleagues here, there was one of which --- of
interest, the County directives. They're talking about
another go-around in the stimulus money. And what I would
suggest to the administration, as well --- I mean,
municipalities out there, to prepare themselves for it
now, to position ourselves for what projects may qualify
for that stimulus money. Now's the time to do it, so
Allegheny County can get its fair share. And I invite
anybody else to join the meetings. It's really an
outstanding organization. There's really first class
people there, just terrific people, first class people
that do well and represent our best interests not only in
each and every one of their counties, but they do so much
for us in the State legislature in Harrisburg to support
our efforts. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Drozd.
Mr. Finnerty, then Mr. Macey.

MR. FINNERTY: Thank you, Mr. President. I had
the opportunity today to go to the Children's Home, its
new family center also, and it's a tremendous facility.
If you know where St. John's Nursing Home was out on Penn
Avenue, they took that building down two years ago and
built a fantastic complex out there. The Children's Home
takes care of adoptions. They have a Child Way Center,
which is for older children, and it's a pediatric
specialty hospital. And they have a --- pediatric

specialty, they have a one-on-three ratio of nurses and they have an affiliation with other hospitals.

And it's one of the only ones in the area. They have an affiliation --- or not an affiliation, but they get patients from Children's and all over southwestern Pennsylvania. It's a great facility and it's something that you should take a look at. Thank you.

PRESIDENT FITZGERALD: Mr. Macey.

MR. MACEY: Thank you, Mr. President, and members of Council. It's been a couple meetings since I've given a liaison report about the Allegheny County Airport Authority, Pittsburgh International and Allegheny County Airport. I could tell you this. At the AIRMALL, we're still winning awards. The AIRMALL at Pittsburgh International Airport took first place among U.S. airports in the foods, shops and amenities category, at the Conde Nast Traveler's 12th Annual Business Travel Awards. It's a great opportunity for Pittsburgh International shops to brag about being number one, again.

The Allegheny County Airport Authority officials have announced that talks are under way with Gulfstream International Airlines and the Pennsylvania Air Service Committee, to make the Pittsburgh Connector Project a reality. This is flights from Pittsburgh International to within a 400-mile range of Pittsburgh International, from Pennsylvania and other areas such as Ohio and areas of Harrisburg and up north of DuBois and what have you.

Also, eight airlines have reported increases in traffic in the Pittsburgh International Airport, and that's good news for us. United Airlines has launched a nonstop flight to Los Angeles and San Francisco. That's good news for us as well. The American Eagle, a regional carrier for American Airlines, will add three daily nonstop flights between Pittsburgh International Airport and Chicago's O'Hare International Airport starting next summer.

And for the second time in a year, not to be outdone, Voyager Jet Center, the region's leader in private aviation services, has again achieved the highly-coveted platinum rating from Aviation Research Group, and it's the world leader in specialized aviation information and research. The platinum rating is the highest level of safety in rating awards within the private aviation world.

And other good news; ticket prices have fallen from a national average --- and this is just an average --- of \$158 to \$142, in the Pittsburgh market. And I think this is ---. We're very well ---. It says a lot about the Pittsburgh region and the impact on the two airports, the economic impact on the Pittsburgh region. Pittsburgh International Airport supports 71,160 jobs. It also has a payroll of \$2.1 billion. And in addition to that, the economic activity spurs \$5.7 million. Allegheny County Airport, not to be outdone, has a total employment of 1,690 jobs, a total payroll of \$66,600,000 and total economic activities of \$322,900,000.

Other good news is fixed ratings confirmed approximately \$510,000,000 of outstanding airport revenue bonds issued by the Allegheny County Airport Authority. And they now have a triple B-plus rating. And that's a good outlook for us because Pittsburgh International Airport and the Airport Authority is stable. Thank you.

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

MR. GASTGEB: Just briefly, I believe tonight and I think, tomorrow night, the Regional Asset District is meeting to go over the final budget allocation. I'm the liaison with the RAD Board. Probably, the biggest issue we had as a council was that the ACLA (phonetic) formula was rejected unanimously by the Regional Asset District. If you remember, we did have some committee meetings here and some opinions. Basically, what the Regional Asset District asks is that the local component municipality that actually budget in their own libraries to be included back in the formula. So I'm sure we're going to go through the due diligence over the next couple days or week to see how that comes out. Thank you.

PRESIDENT FITZGERALD: Councilman Futules.

MR. FUTULES: I'd like to remind everybody about the Celebration of Lights being held at the Hartwood Acres. It is now in progress. And if anyone ever has the opportunity to go see the mansion itself, I think you should because I went a few weeks ago. And the people there that do the decorating actually hand-make the decorations based on trips from the family members. It was a great experience to be there, and I'd like to see everybody support one of the best light shows in the United States. Thank you.

PRESIDENT FITZGERALD: Thank you, Councilman.
New Business. Ordinances and Resolutions. 5237-09.

MR. CATANESE: An ordinance authorizing the extension of the term of Ordinance Number 57-07-OR enacted December 18th, 2007, allowing the Department of Public Works to take certain actions on behalf of County Council with respect to the issuance of highway occupancy permits, the grant of certain licenses, rights of entry and easements and the amicable acquisition of certain real estate affecting County public work projects and other matters for calendar years 2008 and 2009. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Public Works. 5238-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance Number 07-06, the current schedule of facility and recreational rates and fees for the use of County recreational and park facilities. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Parks. 5264-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance Number 07-06, the existing schedule of facility and recreational rates and fees for the use of County recreational and park facilities. Sponsored by Council members Futules, Macey and Drozd.

PRESIDENT FITZGERALD: Refer to Committee on Parks. Councilman Futules, do you wish to respond?

MR. FUTULES: Just a little bit, yes. This is about the volunteer program that we started about a year and a half ago. It is the use of the swimming pools, the ice skating rinks and the buildings. We're going to try to add the ski slope tickets to the volunteers, to give them something worth coming to the parks for and we'll be discussing that. Thank you.

PRESIDENT FITZGERALD: Thank you. 5239-09.

MR. CATANESE: Resolution of the County of Allegheny authorizing the issuance of tax and revenue anticipation notes in the aggregate principal amount of \$50,000,000, providing for the date, interest rate, maturity date and place of payment in respect of the notes; accepting a proposal for the purchase of the notes; providing for the security of the notes; authorizing the

proper officers to execute and deliver the notes; authorizing and directing the preparation, certification and filing of the proceedings with the Department of Community and Economic Development; appointing a paying agent and registrar; approving a form of note and repealing inconsistent resolutions. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 5240-09.

MR. CATANESE: A resolution approving a project for the benefit of UPMC, doing business as the University of Pittsburgh Medical Center, to be financed by the Allegheny County Hospital Development Authority by the issuance of the Authority's tax-exempt refunding bonds, to be issued in one or more series, in a principal amount not to exceed \$1,175,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the bonds hereinafter defined, and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. 5241-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009 (Submission 21-09). Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 5265-09.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, directing the County Solicitor to undertake a challenge to the tax exempt status of all parcels owned by UPMC within Allegheny County, consistent with the terms of the Institutions of Purely Public Charity Act, 10, Section 371. Sponsored by Council member McCullough.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. Mr. McCullough, do you wish to speak on this issue?

MR. MCCULLOUGH: Yes. And with your leave, I'd like to have mine reversed; 5265 and, also, 5266.

PRESIDENT FITZGERALD: That will be fine.

MR. MCCULLOUGH: And I will be asking that these go to Committee. These are two of three resolutions on

the agenda tonight regarding the UPMC-Braddock situation. And these basically come from my experiences as a solicitor in the Mon Valley in the '80s, when I was out in Homestead. At that time, the Mon Valley had to deal with the loss of U.S. Steel. And the people in the Mon Valley, the local officials, the citizens, the solicitors, did everything they could to fight the closing of those mills. One of the things they did was they formed the Steel Valley Authority. And I'm very proud to say that I was one of the solicitors that helped draft the documents that brought that authority into being. Ultimately, those efforts were not successful. They weren't successful because the local officials didn't get enough support from the elected leaders above at the County level, at the State level and at the Federal level.

I told myself at the time that if I ever found myself in a position where I could help the people in the Mon Valley, in the depressed parts of Allegheny County, stop the actions to the Monauguas (phonetic), I would do whatever I could. And that's two of the issues we have here tonight. These are very straightforward actions that I am very confident will bring UPMC to the bargaining table, before Council, before the Chief Executive and before the local communities and the local officials that are involved,

I think the time for appeasing UPMC and the time for appeasing the Monauguas, is long gone. That was tried with U.S. Steel. It's been tried with other powerful corporations and it has failed. Several meetings ago, Council took a very bold step. It passed an essential services fee and it did so in response to the announced closing of UPMC-Braddock. Regrettably, the Chief Executive vetoed that. And most regrettably, none of us on County Council felt a reason to try to override that veto. And when I reflect on that, I'll reflect on a comment or a quote that I came across the other day from Jack Kennedy.

Jack Kennedy said the following: conformity is the jailer of freedom and the enemy of growth. And what I want to get across to all of you is, if we conform to the wishes of the big Monauguas, if we conform to the status quo and we're reluctant to do things because we're afraid of a pushback or we're afraid that it might not be legal, or that there's some lawyer out there who says, you can't do it, then you've jailed your freedom, you've jailed your

independent thinking. And ultimately, you're going to defeat growth.

Local governments and county governments should be incubators for democracy, incubators for independent thought. Most people in Homestead, those other people in those Mon Valley communities, came up with a number of very good initiatives to try to address the problems they have. We've got one right in our lap right now. If you filed these tax exemptions, you'll have the opportunity to do discovery. You'll have the opportunity to find out whether UPMC is really operating within the confines of the Purely Public Charity Law or whether they are, in fact, just like a lot of other corporate monopolies, just strictly in it for profit.

I would hate to see these opportunities go past because I'm very concerned about the future of Braddock Hospital and the future of the people in Braddock. Thank you.

PRESIDENT FITZGERALD: 5266-09.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, directing the County Solicitor to undertake a challenge to the tax exempt status of all parcels comprising the UPMC Braddock Hospital site, consistent with the terms of the Institutions of Purely Public Charity Act, 10, Section 371. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. I assume your comments were for that one, too?

MR. MCCULLOUGH: Yes, sir.

PRESIDENT FITZGERALD: Okay. 5272-09.

MR. CATANESE: A resolution of the County of Allegheny authorizing the distribution of certain assets of the Allegheny County Economic Development, Community Infrastructure and Tourism Board, to the Redevelopment Authority of Allegheny County as agent for the County of Allegheny; ratifying and adopting all actions of the Allegheny County Economic Development, Community Infrastructure and Tourism Board as actions of Allegheny County; appointing the Redevelopment Authority of Allegheny County as agent for Allegheny County, for the purpose of administering the fiscal year 2007-2008 funds provided for use in the county under the Pennsylvania Race Horse Development and Gaming Act and previously accepted by the County; and approving an Agency Agreement with the

Redevelopment Authority of Allegheny County regarding the fiscal year 2007-08 funds. Sponsored by Council members Fitzgerald, DeFazio, Finnerty and Robinson.

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

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

PRESIDENT FITZGERALD: Please add Mr. Macey as a sponsor or co-sponsor. 5273-09.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, establishing a bond embargo as County policy regarding bond issuances requiring the approval of Allegheny County Council for the benefit of UPMC. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Yes. And I want to get the procedure right, so I'm going, Mr. President, for some direction. I'd like to make some comments, but I'm also going to move that we waive the Second Reading and act on this resolution this evening. Now I'd like to make a comment first, or do I have to make a motion first and then comment?

PRESIDENT FITZGERALD: Why don't you make a motion first and then comment ---? You want to make a motion to waive the Second Reading; that's what you propose to do?

MR. MCCULLOUGH: That's correct.

PRESIDENT FITZGERALD: Okay. Go ahead and make that motion.

MR. MCCULLOUGH: I move that we waive the Second Reading on this resolution.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Second. Mr. McCullough?

MR. MCCULLOUGH: Thank you. The reason why I moved to waive the Second Reading on this is I think it's a very straightforward policy statement. Last year in October of 2008, we had a bond issued from UPMC in the amount of \$650,000,000. As you know, that ultimately went through. And as you know, I tried to attach several amendments to that bond issue, and I wanted a condition on the following.

First of all, I wanted the bond documents to have been read before we acted upon them, but that was shot down. Number two, I wanted an analysis prepared by financial advisers, so we had a understanding of just what was going to happen with these bonds. And that was shot

down. Number three, I was looking for a PILOT payment in the amount of \$2,500,000 that would have gone to the benefit of the Community College. \$2,500,000 would have been one-tenth of one percent of the outstanding bonds that UPMC has through the Allegheny County Hospital Authority. Unfortunately, that failed. We've passed a budget tonight that calls for ramping up funding for the Community College, I believe, to the tune of about \$400,000 a year. It's a wonderful idea. But wouldn't it have been great if we would have picked up \$2,500,000 last year and relieved the taxpayers the burden of having to come up with this extra \$400,000 to fund the very same thing we talked about a year ago?

Now, we discussed the closure of UPMC-Braddock. I think it was in October. A couple of you piped up and said that Chuck was right. At subsequent budget meetings, somebody said Chuck was clairvoyant. Chuck's not clairvoyant and, believe me, Chuck's wrong at least as many times as he's right. I happen to be right about this issue because of my experience. And my experience in this area led me to believe that we were making a mistake. I think we're making a mistake, that if we do not communicate to UPMC on the front end that we are going to expect some kind of an understanding.

And again, this resolution doesn't specify what, but some kind of an understanding regarding the fate of UPMC-Braddock. I think we're making a mistake if we don't communicate to UPMC on the front end that we expect some kind of a PILOT arrangement. Why else entertain anything with them if they're not going to be coming in and negotiating on these issues, as well as the approval of the bonds? And for that reason, I'm going to ask that we waive the Second Reading, put this resolution out here. I would note that the Chief Executive, if he disagrees with this, he can veto it. But it gives him the --- in his dealings with this very large corporate institution.

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I'm a little nervous about this because presently we have a citizens group in Braddock that's negotiating with UPMC to keep the Braddock Hospital open. That's the first thing. Okay? And I'm concerned, if you're negotiating, that you do that in good faith. And I think we have to do one thing at a time. We have to make every effort ---. They have to make every effort with our help to keep the hospital open, and I think

that's being done. I think it's a very good group led by the President of the Council in Braddock. It consists of three municipalities right now; Braddock, North Braddock and Rankin. They just met last night again, and they have a lot of help and they're doing an excellent job. I have no idea where we'll go. And Chuck rightfully said that UPMC is playing hardball with us. I'm just concerned if we do something like that, we're giving them all the reason in the world to play a much harder game than I'd like to see them play. Okay? So I think we ought to ---. This is a citizens group. We ought to talk to the citizens group. We ought to go down and all talk with them. They meet each and every week. They are great. They really are a good, grassroots group. Okay?

They're trying their best. I think they could use our advice. This might be something in the future we want to do, by the way. Everything in life is timing. Okay? And I don't want to put any barriers up to them at this moment in time. Okay? That's my thoughts.

PRESIDENT FITZGERALD: Councilman Ellenbogen and Councilman Gastgeb.

MR. ELLENBOGEN: First of all, I think I was the one that said that Chuck was clairvoyant, and I stand by that. Councilman McCullough, the question I have for you is, this bond embargo, does this only apply to UPMC? Or is this bond embargo for any bond that we have?

MR. MCCULLOUGH: Well, Jim, by its terms --- and I will refer you all to the terms of the resolution --- this is specific to UPMC. And again, it doesn't mean it can't be addressed to somebody else down the road, but they'd have to be the one for us. Hopefully, you know, if this works out, it would be a template for future engagements with other large institutions looking for financial assistance through the County.

MR. ELLENBOGEN: And I appreciate that, and I appreciate what you're intending. But I mean, when the bill comes up, we can vote it up or down. I mean, is this really necessary?

MR. MCCULLOUGH: Yes. And may I respond to that?

MR. ELLENBOGEN: Yes. Sure.

MR. MCCULLOUGH: When you go through the process of a bond issuance, it's a very complicated, time consuming and expensive operation. My sense in looking back at the minutes of the meeting that we had last year

was it was pretty much presented to Council as a --- I think there was a tremendous amount of pressure put on Council to make it happen. I think you're only being fair to all the parties to let them know on the front end that they need to be prepared to negotiate this as part of their bond issue. Otherwise, if you just wait and do nothing and they come before you and they ask for another approval, a tremendous amount of money will have already been expended to prepare for that.

MR. ELLENBOGEN: Thanks, Chuck. Thank you, Mr. President.

PRESIDENT FITZGERALD: Councilman Gastgeb, Councilman Drozd and Councilman Finnerty.

MR. GASTGEB: Thank you, President Fitzgerald. I guess my question --- well, let me comment first. I think it's important that we talk about this publicly when there was a First Reading. This is probably the most timely issue in the newspapers and on the news today. So I applaud our Council for what we do always, and that's open, honest debate. Now my question is, the procedure and timing. If a bond embargo passes, does that make the bill that was read earlier, the \$1.1 billion offering --- which UPMC voluntarily comes to the County --- moot?

PRESIDENT FITZGERALD: I'll ask our Solicitor, but my guess would be yes.

MR. CAMBEST: That would be my understanding.

MR. MCCULLOUGH: May I respond to that?

MR. GASTGEB: Yes, you're the sponsor. Thank you.

PRESIDENT FITZGERALD: Go ahead, Mr. McCullough.

MR. MCCULLOUGH: This is not denying a bond issue on the front end. It's my understanding and my intention that if they come before us for approval, they will need to negotiate these arrangements; otherwise, it will be our policy to deny. So it's not killing anything out of the box; it's basically tying something to it. That's my current take.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: And that's a lot for me, at least, to digest because ---. Chuck, you have a good point where, if they're going to come back to us for any County services --- in this case, they're electively coming for the ability to use the County to float bonds --- they're going to have to come first. But once they do and once we get in the Committee, I think almost all bets are off. We

see across the street, the City and the Mayor and the City Council has ideas regarding the somewhat peripheral-ness --- and I think we are allowed the same thing within Committee. But more for them to meet us halfway and get the dialogue, they'd probably have to come to our chamber for us to do that. So that was my question for the procedure, what comes first?

PRESIDENT FITZGERALD: And again, this debate is on the waiver of the Second Reading; otherwise, it goes to Committee and it will ---.

MR. GASTGEB: That's my point.

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

MR. DROZD: Thank you, Mr. President. I would give my fellow Councilmen the right to be heard, but I'm not necessarily in support of bond --- organizations. But where my concerns lie is beyond this. If you check the minutes, when they came before us with considerable size bond issues, I'm concerned about the taxpayers of Allegheny County and our county itself as an institution. No one --- no one, our Solicitor or any of our legal people, could assure us that we couldn't get sued if an institution like UPMC defaulted on that bond issue. No one could assure us that they couldn't go through all the pockets of everyone involved.

And that concerns me. So I think we have to look at this in the future, not just for UPMC but for anybody we're issuing bonds for, when you see that they're closing facilities and we don't know where else there may be some facilities that may be in trouble within the UPMC system. So I think we really have to look at this in the future, especially when I see a \$1.175 billion bond issue that, in essence, if there was a default ---. I have a lot of questions yet when these issues come up again, or any bond issue, not including UPMC. Where does it leave us and what pockets are we protected --- or are our pockets protected? And I wouldn't shake heads in saying that we don't know. I'd like to hear it from our Solicitor and a legal person, to stand up here. And they couldn't do that, the last time they did, to say that we are not liable. I didn't hear that. I did not hear that. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Finnerty, Mr. Macey, Mr. Robinson and Mr. McCullough.

MR. FINNERTY: Thank you, Mr. President. First of all, Mr. Drozd --- Councilman Drozd, did you pick up the material that I put in your box in regard to this issue? It's about ten pages long.

MR. DROZD: I picked up this material right here (indicating). I don't see something ten pages long, if that's what you're ---.

MR. FINNERTY: It's in there. It was in your mailbox.

MR. DROZD: Well, this was the only thing that was in my box, Mr. Finnerty, and I don't necessarily see the ten-page-long document.

MR. FINNERTY: Okay. Well, it's there.

MR. DROZD: And besides, being I just got into Council ---. I had a meeting before this. I'll take a look in it.

MR. FINNERTY: Okay. It's there. And you'll notice that there is --- and I can't remember what the act is because I don't have that in front of me, some Municipal ---. Would you help me out, Solicitor?

MR. CAMBEST: Are you talking about the Debt Act or ---?

MR. FINNERTY: Was it Municipal --- what is it, Municipal Bond Act?

MR. BARKER: I actually haven't seen the materials. I'm not sure what act it's citing. It could be a variety of things.

MR. FINNERTY: I have it here somewhere, but I can't think ---. I'll figure it out later. I just wanted to comment that I don't think it's a good idea for us to be putting up an embargo. And I was reading The Trib today and it was written by Timothy Puko. I hope I pronounced that name right. It was called UPMC Financial Proposals Targeted. And about three paragraphs down, it stated that Allegheny County could lose \$176,000. That's not correct. It's much more than that. In annual fees and what was received under the proposed County --- this County official said, that's a comment of a political prostitute. Let them go somewhere else for the crummy fee we get from them. In no way should we subsidize what I consider to be monopolistic behavior, said Councilman Charlie McCullough, Republican, Upper St. Clair. Thank you.

I think that's reprehensible that you would say something like that and call people that go the wrong way for you, political prostitutes. Thank you.

MR. MCCULLOUGH: Point of order.

PRESIDENT FITZGERALD: You'll get your chance. Mr. Macey?

MR. MCCULLOUGH: Point of order, Mr. Fitzgerald.

PRESIDENT FITZGERALD: Mr. Macey has got the floor.

MR. MACEY: Thank you, Mr. President, and members of Council. I would like to echo a lot that Councilman Martoni has stated --- and I think we need cooler heads to prevail --- to try to hold certain benefits that's just a pass-through for us where we have no financial obligations, holding that hostage over economic development and possible income is unconscionable. I think that we need to get on with our friends --- and they are our friends. I mean, you may fight with your wife but that doesn't mean that you don't love her. You know, you still have to work within your community and I think that this needs to go to Committee for further dialogue. Thank you.

PRESIDENT FITZGERALD: Mr. Robinson and Mr. McCullough.

MR. ROBINSON: Thank you, Mr. President, and members of Council. It's rather obvious that we don't have, at least in my opinion, all the information we need to make an intelligent decision on this piece of legislation. It has implications for our relationship with nonprofits, large or small, even though it specifically references the University of Pittsburgh Political Center. And it seems to me that Committee would be the appropriate place to address this issue and the concerns that Mr. McCullough has raised in the past, substantive concerns he's raised in the past, because we do have a fiduciary responsibility. And for us to exercise that, we do need information. And if that information has to come from UPMC, then they need to provide it to us.

Second of all, Doctor Martoni, in a large sense on our behalf, half this Council, has engaged his constituents and some other elected officials in trying to get a better understanding of UPMC's decision-making process. And Doctor Martoni has some history as a long-time resident of the Mon Valley of decisions made by

other large corporations that have not exactly worked to the benefit of people in the Mon Valley. I trust Doctor Martoni's experience as the Mayor of Swissvale, as my colleague on this Council, and as a man who has the capacity to bring people together. By his own admission, he does not know what his effort might produce. But I'm willing to give him a try to produce something that all of us might find acceptable. It seems to me that we need to take this bill and let it marinate in the appropriate committee. Yeah, let's let it marinate in the appropriate committee.

Two other items, if I might. Doctor Martoni and this Council might be able to create a template that we can use in our relationship with other large nonprofits. A lot to be learned, and they'll be back. As I predict it, after we approve the \$650,000,000, they'll be back. And they're going to come back because we do good work. We're honest, we're fair, and our staff works very hard. They will be back, others will be back, because I don't believe there's anybody out there that they can go to, to get the job done like we can do. And I would challenge them to the extent --- if they think they can get a better deal somewhere else, at least Councilman Robinson is willing is open the door and let them go if they get a better deal.

Lastly, we cannot forget the people of Braddock. They are our constituents. At least two of you represent everybody in this county. Doctor Martoni and Mr. Macey specifically represent folks in the Mon Valley, some who live in Braddock, some who have family in Braddock. But certainly those communities in the Mon Valley share a pride, a pain and an expectation of us that we're going to do our best to see to it that whatever is happening in their community works to their benefit, perhaps a little bit better than it did back in the 1980s when big steel decided to leave.

Councilman DeFazio is available to Doctor Martoni and this Council. He's an expert negotiator. He knows some of the pain in the Mon Valley, but he also knows the expectation. While I cannot speak for him, I would hope at some point he would join in Doctor Martoni's effort to bring the necessary people to the table while this bill is marinating in Committee, and to bring back to us a solution that we can all agree upon.

Lastly, I don't believe there's an urgency in addressing any bond issue for parties outside this county, unless it directly impacts on the day-to-day operations of this county or something in the near future. The bond issues that have been mentioned here tonight, many by Mr. McCullough, in my opinion, they can wait for our consideration. And if they impact on the financial condition of this county, then it would seem to me more reason to let them marinate until we can figure out how much of an impact we want them to have. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Robinson. Mr. McCullough, then Ms. Rea.

MR. MCCULLOUGH: Yes. Mr. President, I'm asking that you call Mr. Finnerty out of order for violating the Rules of Council. Specifically, Article 2, paragraph M, subparagraph 3, on page 12, recites as follows. A Council member who has the floor shall refrain from dealing in personalities and impugning the motives of others. Reference to other members of Council shall be by proper title, et cetera.

Next page under subparagraph 9; if any Council member, in speaking or otherwise, transgresses the Rules of Council regarding decorum, the President presiding officer or any member through the President presiding officer, shall call that Council member to order, in which case the Council member shall immediately fall quiet unless permitted by the Council to explain. The Council, on appeal, shall decide the case without debate. If the decision is in favor of the member, the member may proceed. If the case requires, the member shall be liable to censure or other punishment as Council deems proper.

All I'm asking is that you note for the record that he's out of order, engaging in personal comment regarding me. He also was impugning my personal motives. Whatever I said in the paper was obviously outside of this chamber. As our Solicitor noted at the outset of this meeting, we have certain privileges when we're up here and we have certain immunities when we're up here. We also have certain obligations and those obligations include abiding by the rules of decorum of County Council.

I have never referred to anybody in anything other than I feel to be a respectful and appropriate manner here. If somebody wants to take issues with what I

have to say in the paper, the appropriate place to deal with me is sometimes outside of this chamber.

MR. FINNERTY: You will be dealt with.

PRESIDENT FITZGERALD: Wait a minute. Wait a minute. Hold on. Hold on. We're going to have order. Are you done, Mr. McCullough?

MR. MCCULLOUGH: Yes, sir. And then I would like to make a substantive comment in response to Doctor Martoni and Mr. Robinson.

PRESIDENT FITZGERALD: Okay. I'll let you speak to that.

MR. MCCULLOUGH: I did ask you for a ruling on this.

PRESIDENT FITZGERALD: Yes. And I did find what Mr. Finnerty said to be out of order. But if you want to make an appeal to this body, I will ---.

MR. MCCULLOUGH: I'm making an appeal to the entire body.

PRESIDENT FITZGERALD: Okay. We will take no debate. If there's a rule --- do I have a second on that?

MR. DEFAZIO: Second.

PRESIDENT FITZGERALD: And a second, to vote on whether Mr. Finnerty was out of order. A yes vote would say Mr. Finnerty was out of order, a no vote would say he was not. On the motion of Mr. Finnerty being out of order ---.

MR. MARTONI: I have a question, Rich.

PRESIDENT FITZGERALD: Mr. Martoni.

MR. FINNERTY: There's no debate.

PRESIDENT FITZGERALD: There's no debate. No debate.

MR. FINNERTY: There is no debate.

PRESIDENT FITZGERALD: No, there's no debate.

MR. FINNERTY: No debate. Vote.

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: Yes.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Abstain.
MR. CATANESE: Ms. Green?
MS. GREEN: Abstain.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Abstain.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Ayes, ---.
MR. MCCULLOUGH: May I make my substantive

remarks?

PRESIDENT FITZGERALD: Proceed with the motion to waive the Second Reading.

MR. MCCULLOUGH: Yes. I just wanted to point in response to something Doctor Martoni said earlier. If you take a look at the resolution itself --- and it's in our packet of new business. It is Resolution Number 5273-09. On the second page under Section 1, paragraph B, it sets forth the following. It would obligate UPMC to negotiate an agreement with the County that is satisfactory to County Council to address the concerns of the county, the residents of Braddock and the residents within the UPMC-Braddock's primary patient service area concerning the fate of the hospital and the hospital's facilities and site.

The idea is to involve all those people, Doctor Martoni, including the citizens group that you were talking about. It is not an attempt to preempt them. It is an attempt to shore up their efforts. And I would like to represent to you that I did hear from a member of that citizens group who could not be here this evening, wholeheartedly endorses this and felt it would make their cause fair further.

PRESIDENT FITZGERALD: Ms. Rea?

MS. REA: Thank you, Mr. President. I think the resolution should go to Committee. I think a bond embargo is a pretty strong term to use against UPMC. The interesting thing is we keep comparing UPMC to the steel industry. But what I really think about it, UPMC is not leaving Allegheny County. They have an issue with one area right now in Allegheny County. So I think to make a move to say that we would place a bond embargo against any one of our employers here, is taking a huge leap.

Another thing, the last bond issue we did --- I disagree with Council member Drozd. When UPMC --- and I guess, Council member McCullough. When UPMC was here, we did ask them a lot of questions. I really felt sure that when this Council issues a bond for a hospital such as UPMC or any hospital that would come before us, we absolutely have no risk in doing that. We're a conduit, just like we're a conduit for grants and others' monies that pass through this county.

So I really do think it should go to Committee. We should all discuss it and have all our questions answered. And I also think that bonds that are issued through the Authority normally are insured bonds, so it's really no risk to this Council. And we have to strategically think. Right now, everyone is very concerned about Braddock, but we have to think about 10 years from now, 15 years from now. With people who have made a commitment to this region in the healthcare industry, do we want to be their adversaries or do we want to work together to come to a good conclusion and solution to what's going on? Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Rea. Mr. Drozd?

MR. DROZD: Thank you, Mr. Fitzgerald. I would refer to an old mentor of mine. He's a Judge and longtime mentor. He used to always comment on a very good law school. He used to say, his instructor could sue anybody. He said, he could sue anybody. And that included --- you know, whoever on this earth. And now we ask our solicitors --- there's two here --- that you have a right to sue anybody that touches that bond issue; is that correct? You have the right to sue? It doesn't mean you'll win, but you have the right to sue.

The second thing is do you realize what it would cost this county in legal fees to defend something like that? It would be far in excess --- far in excess of what

we gain in the fees employing the bond issue. So I would venture to say, would any attorney in this room guarantee me that no one has a right to sue this county, in essence, to touch that bond issue in any way? Is any attorney here going to stand up and say that? I doubt it. Thank you, Mr. President.

PRESIDENT FITZGERALD: Okay. Let's take a vote on the waiver of the Second Reading. Please call the roll. This is to waive the Second Reading and not go to Committee.

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: Nay.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: No.

MR. CATANESE: Mr. Futules?

MR. FUTULES: No.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: No.

MR. CATANESE: Ms. Green?

MS. GREEN: Nay.

MR. CATANESE: Mr. Macey?

MR. MACEY: No.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: No.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: No.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Nay.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: No.

MR. CATANESE: Ayes, 1, noes, 14.

PRESIDENT FITZGERALD: Okay. New Business, Motions. 5267-09.

MR. CATANESE: Motion of the County ---. Motion of the Council of Allegheny County amending the Rules of

Council for Allegheny County Council, to provide for the availability of a copy of Robert's Rules of Order and the Rules of Council for each Council member at every regular meeting. Sponsored by Council member McCullough.

PRESIDENT FITZGERALD: Before I get ahead of myself, that last bill which failed the waiver of the Second Reading, is referred to Economic Development and Housing. Mr. McCullough?

MR. MCCULLOUGH: Thank you. I think as we're finding out, it would be very beneficial for all of us to have at our side a copy of our own Rules of Council, as well as this, Robert's Rules of Order, which is adopted by reference in our Rules of Council. I've dusted these off. I haven't had a chance to look at them. I don't know if any of you have ever read them, but from my perspective, the rules have not been properly applied in a number of instances. I think several of us have been going off on some mistaken assumptions. I'll give you two examples. Number one, the idea that you can only have technical amendments to bills that are on the floor. That's incorrect.

If you read through the rules, there's nothing limiting the subject matter that spoke of amendments to a pending ordinance or pending action of Council. Number two, of course, is how you deal with amendments. The practice, apparently, has been to pass it out in writing and then we discuss it or what have you. As we've seen, that's obviously resulted in a breakdown of communication. This makes it quite clear. It is the obligation of the Chair to read every amendment verbatim.

Now, if we want to delegate that duty to the parliamentarian or somebody else, I don't think that's an issue. The idea is, these rules are here for the clear, concise, deliberative and very honorable conduct of business. I think it would be helpful if we have it all here close if we're going to be casting about what we should and should not be doing. And as to the motion I don't think we have to have a Second Reading, I move that we pass this.

PRESIDENT FITZGERALD: Well, to be honest with you, Mr. McCullough, I don't disagree. We'll just have the Rules here. I mean, if you think we have to have a vote, I'll do it as President and I'll provide a copy of the Rules in front of everybody, and then everybody will have them.

MR. MCCULLOUGH: Thank you very much.

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I'd like to second that. And I'd like to --- we have student government where I work and you provide each and every member of student government a book like this. We should all have that and our staff should have that. So I'll second that amendment with the condition that we order X number of these books. They're very inexpensive. It would be a minor expense. So that way there's never any debate about Robert's Rules that we --- we just open the book. Is that okay?

PRESIDENT FITZGERALD: Yeah. As I said, I'll do that.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Mr. Robinson.

MR. ROBINSON: I just want to interject one thing. Mr. Cambest is paid a handsome stipend to give us legal advice. We've called upon him on many occasions. And when he's not available, someone in his firm is available. I would hope that we don't do anything to, in any way, take away from Mr. Cambest, his obligations to advise us on the rules. And that if each of us have in front of us Robert's Rules of Order, we understand that that's for our edification, not to be used to bring our colleagues to heel. If anyone needs to bring us to heel, it is the President of this Council or Mr. Cambest.

PRESIDENT FITZGERALD: Yes, you're right. And I think to have an extra set of rules in front of us is fine. I think Mr. Cambest does do a fine job. Moving on --- I'm sorry. Ms. Cleary?

MS. CLEARY: I just have one comment to --- I don't think we need to spend the money on Robert's Rules. I know, I bought a copy myself. But we do have a solicitor here, and I think that's truly a waste of time and money buying each of us a list of Robert's Rules when they're readily available.

PRESIDENT FITZGERALD: We'll make a note of that.

MR. ELLENBOGEN: Mr. President?

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Mr. President, I just wanted to say, and I agree with Ms. Cleary, but we all have a personal account with Council. If you even have to take it out of mine personally, I don't care. I'd like to have it just for before the meeting so if I see something before so I can do my homework.

PRESIDENT FITZGERALD: Mr. DeFazio and Mr. Burn.

MR. DEFAZIO: That's a good idea. I can pile up three of them books in front of everybody. It's more complicated than that. You can talk amongst yourselves all night --- it's not that easy.

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: I have an extra copy if anybody wants one. Thank you.

PRESIDENT FITZGERALD: 5268-09.

MR. CATANESE: Mr. President, are we withdrawing that bill?

PRESIDENT FITZGERALD: No. We're just going to go ahead and do it.

MR. CATANESE: Got it. Motion of the Council of Allegheny County, to pull Bill Number 5205-09 amending and conforming Article 210 of the Administrative Code entitled Assessment Standards and Practices to comply with the Pennsylvania Supreme Court's Decision in Clifton versus Allegheny County and Pierce versus Allegheny County by providing methodology to equalize base year values through periodic computer-assisted, County-wide reassessments, phased-in increases to property assessments, so as to protect property owners from undue financial burden of such increases and to preclude the County and local taxing bodies from obtaining windfalls from property tax revenues as a result of any adjustments to the base year system from committee for immediate final vote. Sponsored by Councilmember McCullough.

PRESIDENT FITZGERALD: Mr. McCullough, I think it's very coincidental that we probably need a copy of the Rules in front of us right now because I think we may be violating one here. Didn't you just make this motion at the last meeting and isn't it a violation of Rules to reintroduce a motion that failed?

MR. MCCULLOUGH: I checked that with Mr. Barker and he advised me that it was not.

PRESIDENT FITZGERALD: I would ask our Solicitor if --- and I don't mean to put Mr. Barker, who gives us great advice --- but the official person to give us a ruling --- this was put on last week or two weeks ago and failed. Can it be reintroduced at the next meeting?

MR. CAMBEST: Generally, you reconsider it at the same meeting. I don't know what he spoke to Jared about.

MR. MCCULLOUGH: I spoke to him specifically about the motion to pull. We never acted on the substance of this bill.

PRESIDENT FITZGERALD: You made the motion to pull two weeks ago.

MR. MCCULLOUGH: That's correct. I know that and I asked Jared specifically if you could have another motion to pull after one had failed.

PRESIDENT FITZGERALD: Let me ask Mr. DeFazio. He really knows a lot of the rules.

MR. DEFAZIO: Let me say one thing. You're allowed to do this, but two things you have to do. You have to inform the people again and you did that if put it out on paper, but now you need two-thirds vote to overturn.

MR. MCCULLOUGH: That is correct.

PRESIDENT FITZGERALD: Go ahead and speak to this.

MR. MCCULLOUGH: Since we last discussed this two weeks ago, there's been a very significant change in these proceedings. And that is Judge Wettig removed the automatic stay. And Mike, I have one question for you. Is there still a status vote with the Judge for tomorrow?

MR. FINNERTY: Yes.

PRESIDENT FITZGERALD: And we will adjourn to executive session after we're done so that Mike and Jack can update us on the change that occurred last week.

MR. MCCULLOUGH: Well, as far as I'm concerned, I think we've struck (phonetic) in our hand. If we're going to go to the Judge and say, we're doing something ourselves, as opposed to what I think is going to be a very difficult, time-consuming effort to reassess. There may be some other attempts to delay this, but frankly, I think we're running out of rope. There's a lot of people who are being harmed by this, particularly poor and middle-class people. Their assessments are simply too high. I think this particular bill is about as equitable as you're going to be. It also gives us a very deliberate timeline to do this so you're not going to be seeing any millage assessments go into effect until 2012, which gives the legislature ample time to try to address this position. For that reason I move we pull this out of committee.

PRESIDENT FITZGERALD: Not seeing a second, the bill will die. 5269-09.

MR. CATANESE: A motion of the Council of Allegheny County to establish a means of convening a working group with representation from the Executive and Legislative branches of the County of Allegheny to analyze and work toward a cooperative solution to the issue of tax exemptions for non-profit entities. Sponsored by Councilmembers Futules, Finnerty and Robinson.

PRESIDENT FITZGERALD: Councilman Futules?

MR. FUTULES: Thank you. We've been talking about this for a few weeks now, or should I say months, about getting a working group together here with the Chief Executive on the non-profits situation. I hope that you had a chance to read this, but it tells you that the group shall consist of the five seated members of County Council to be chosen by the President of Council no later than December 31st of this year and the President may opt to appoint any seated member without the consent of the full Council provided that at least two appointees are affiliated with each political party having representation on this Council. And I'd like to make a motion to approve.

Mr. MACEY: Second.

PRESIDENT FITZGERALD: Second. Let me just comment, Councilman Futules. I think it's a great idea. I'm going to ask for an amendment to that just to change it from five to six. Because we have begun some of these discussions preliminarily and I will, if this motion passes, advise and make the appointments.

MR. DEFAZIO: Second.

PRESIDENT FITZGERALD: This is on the amendment to change the number from five to six. All in favor?

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. Now on the motion to approve the Futules/Finnerty/Robinson motion to create a work group, all in favor signify by saying aye.

MR. ELLENBOGEN: I've got a question.

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

MR. DROZD: What if you guys vote on something and then it's three and three, what are you going to do?

PRESIDENT FITZGERALD: It's not a vote. It's just a discussion group.

MR. DROZD: It's a committee, it's not ---?

PRESIDENT FITZGERALD: Correct.

MR. DROZD: The other thing I like broadening the group. We have to do that. I think we have to invite people from the State Legislature here because they're the ones that really affect this. And you know, it's always been passing the buck and they're sitting up there, and we're down here making motions and they're ignoring us. Not ignoring us but let's say that they have to get into the fray here. They have to really get into it. And those discussions have to start not only in Harrisburg, maybe through the CCAP. Maybe take it through the County Commissioners Association of Pennsylvania for them to push it. They're talking about it. They did talk about it by the way at the last meeting. This is of high interest to the County Commissioners Association of Pennsylvania. That's all the way across Pennsylvania. So we better bring other people or we're just going to be talking amongst ourselves again and nothing will get done. And our people out there have a lot of anxiety about these assessments and I do, too. I don't want to see people get increases in assessments and indirectly through the back door get increases in taxes. I mean, we should be looking at that and as I always said, we look for ways to reduce the burden of taxes on the people. Thank you, Mr. President.

MR. DEFAZIO: Hold it.

PRESIDENT FITZGERALD: John?

MR. DEFAZIO: Being that we're going by the rules, let me say, as the President you should make an amendment. I'll make it if that's okay.

PRESIDENT FITZGERALD: Oh, yes. Okay.

MR. DEFAZIO: I'll make the amendment that we should to a decision.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Let's call on the vote for the amendment so we're properly in procedure. All in favor signify by saying aye.

(Chorus of ayes).

PRESIDENT FITZGERALD: Opposed? The amendment passes. Mr. Futules, your comments?

MR. FUTULES: This working group will consist of this Council and the Manager's Office. We will be talking to State Representatives and Senators, anybody that we need to. And I agree 100 percent with what you said. This is just to put our group together so that we can meet

with other people and other elected officials. You're on the right track and that's exactly what we're doing.

PRESIDENT FITZGERALD: Thank you. The motion is to form a working group of six members of this Council. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. And the members that will be appointed will be Councilman DeFazio, Councilman Finnerty, Councilman Gastgeb, Councilwoman Rea, Councilman Robinson and myself, Councilman Fitzgerald. 5271-09.

MR. CATANESE: A Motion of the Council of Allegheny County censuring Councilmember Chuck McCullough for remarks made during the course of the November 4, 2009 Regular Meeting of Council which, in the judgment of Council, violates the standards established by the Allegheny County Ethics Code. Sponsored by Councilmember Finnerty.

PRESIDENT FITZGERALD: Councilman Finnerty.

MR. FINNERTY: Thank you, Mr. President.

MR. MCCULLOUGH: Point of Order.

PRESIDENT FITZGERALD: Do you have a Point of Order?

MR. MCCULLOUGH: Yes. I have a Point of Order and then I'm going to raise a procedural issue.

PRESIDENT FITZGERALD: We'll allow Mr. Finnerty to have the floor.

MR. MCCULLOUGH: Well, excuse me for one reason.

PRESIDENT FITZGERALD: Mr. Finnerty has the floor.

MR. FINNERTY: The Ethics Code of Allegheny County clearly establishes that all Councilmembers are to abide by the Code's standard of honor and integrity and dedicate themselves to the highest ideal of honor and integrity in all public relations in order to merit the respect and confidence of covered person in the public. Article II, Rule M(9) of Council Rule permits the censure of Councilmembers by motion from violating Council's own rules regarding decorum in the course of Council proceedings.

During the course of the Council's regular meeting on November the 4th, 2009, Allegheny Councilmember Charles McCullough engaged in a debate on an amendment that he had offered, Bill Number 5154-09, authorizing the sale of a certain County property to a private development

consortium. In the course of the debate Councilmember McCullough made certain representations regarding the effect of and the ability of Council to amend or terminate the provisions of the amendment he offered that are not descriptive of the provisions of the amendment.

Most notably among these representations are those appearing on page 16 of the attached excerpt from the draft minutes of the November 4th regular meeting, Attachment One, in which Mr. McCullough specifically asserted that the revenues from the fund created by this amendment could be used for any operational purpose, even to the point of using such revenue for the payment of the County's light bill.

This assertion runs directly contrary to the provisions of the amendment itself. That's Attachment Two, Section Five (d) of which clearly allows expenditures of funds from proffered accounts for only four purposes and expressly forbids expenditures of such funds for any item which is lawfully or traditionally a charge to the County's general fund, which is the light bill.

In that same series of remarks, Mr. McCullough specifically indicated that the proffered amendment does not function to tie Council's hands. This assertion was directly contrary to the provisions of the amendment itself, Section 6 of which specifically requires the unanimous vote of any alternative or repeal of the amendment's provisions. It is the judgment of Council that these representations were disingenuous and calculated to facilitate the passage of the proffered amendment.

It is further the judgment of Council that the disingenuous effect of these representations was particularly egregious insofar as these remarks were literally the last substantive utterances made on the amendment prior to this vote, the final vote.

Upon review of the provisions contained within the proffered amendment, it became apparent to the Council that the amendment in reality established a highly restricted fund with a perpetual balance of at least \$4.9 million that A, could never be depleted due to the events apparent (phonetic) for repayment of all revenues drawn down from the fund. B, could only be tapped into by a supermajority or unanimous vote of Council, and C, had a structure that could never be changed without a unanimous vote of Council.

Multiple Councilmembers have stated publicly that they had officially evaluated the amendment which was not circulated or reviewed prior to it being offered on the floor on the evening of November 4th, based in significant part on Mr. McCullough's representations regarding its provisions.

Upon thorough review of Mr. McCullough's remarks, this proffered amendment and the actual effect of that amendment, Council had no choice but to conclude on March 4th (sic), 2009 Mr. McCullough willfully and intentionally discussed this amendment --- excuse me, Bill Number 5154-09 in terms that were deliberately crafted to mislead.

Council further finds that Mr. McCullough, conscious of his decision to hold his amendment secret until a point in time after all committee deliberations on Bill Number 5154-09 were included or specifically made --- and this is my opinion only, in an effort to deprive Council of the opportunity to thoroughly discuss and evaluate the provisions of his amendment prior to voting on it.

Council additionally finds that Mr. McCullough consciously undertook these actions --- again, it's my opinion --- as part of a calculated plan to facilitate passage of an amendment that if accurately described and thoroughly vetted in the regular committee process may well not have been approved by Council. This action negated Allegheny County Council to a one-man vote or one-woman vote, excuse me, either way, instead of a majority. That negation of Council is something that should never happen since we are a body of 15.

And I don't claim to have any more authority than any other person up here. We're all elected officials. We get our authority as a group, not as one individual. That's why our rules --- and we vote on things. And I think the way this was presented --- and I'll read a passage for you just to give you a little dose of what it was. It was actually something that Jan Rea said, Councilwoman Rea, I'm sorry, and this is a quote from the minutes of the meeting we just approved.

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 hole to make sure that we have a bye 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've 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. And that's just one quote, and I just want to put that before you. That's all I have to say.

PRESIDENT FITZGERALD: We're going to refer it to Committee on Government Reform. Thank you for your time. There is no bill. We'll discuss it in committee.

Now, Notification of Contracts, 5263-09.

MR. CATANESE: Communication from County Manager Jim Flynn submitting a summary of Executive Actions relating to contracts for the month of October 2009. Sponsored by the County Manager.

MR. MARTONI: I move we receive that file.

MR. MACEY: Second.

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

(Chorus of ayes).

PRESIDENT FITZGERALD: Opposed? Motion carries. Personal privilege, Mr. Ellenbogen.

MR. ELLENBOGEN: Thank you, Mr. President. I'm thinking about how I want to breach this. Now obviously, there's some personal stuff that's going on up here.

PRESIDENT FITZGERALD: We're going to stay off of that.

MR. ELLENBOGEN: Well, wait a minute.

PRESIDENT FITZGERALD: We'll do it in committee.

MR. ELLENBOGEN: Now hold on a second.

PRESIDENT FITZGERALD: Mr. Ellenbogen ---.

MR. ELLENBOGEN: Just let me finish what I have to say, Mr. President. If something is handed to me on this dais, does it or does it not become part of just public if I want to talk about it. Mr. Cambest?

MR. CAMBEST: No. Technically, a document does not --- is a public document once it's approved. Drafts of bills and items generally are not public documents.

MR. ELLENBOGEN: The point that I want to bring up is this letter that I was given on this dais is of a personal nature and it has some personal considerations what we as a group should do or should not do. Now, my point is this. If this is personal, I want to know why our staff passed this out at my Council seat if it's clearly of a personal nature.

MR. CAMBEST: Are you talking about the December
1 ---?

MR. ELLENBOGEN: Yes.

MR. CAMBEST: I didn't know it was personal, I
thought it was direct involvement ---.

MR. ELLENBOGEN: Well, if you read the letter,
Mr. Cambest, I mean, it's clearly of a personal nature.
It has ---.

MR. CAMBEST: It's kind of an inconsistent
contradiction, I will ---.

MR. ELLENBOGEN: That's what I'm saying.

MR. CAMBEST: But it is --- I mean, I didn't
understand it to be a confidential memorandum. I
understood it to be passed out to all Council.

MR. ELLENBOGEN: But my point is, is if you read
the memo, it's clearly of a personal nature in the sense
that it has a warning in it, to be honest with you; am I
correct?

MR. CAMBEST: As I indicated, it is inconsistent
and contradictory to ---.

MR. ELLENBOGEN: Okay. That being said, Mr.
President, why would something --- why would our staff
pass this out on the dais and why would it not just be put
in a personal note? Because I don't like having things of
a personal nature put in front of me on this dais. It
should have been kept as a personal thing. I mean, if
it's going to be publicly published --- it should not have
been passed out on this dais.

PRESIDENT FITZGERALD: Thank you, Mr. Ellenbogen.

MR. GASTGEB: Point of privilege.

PRESIDENT FITZGERALD: Point of privilege, Mr.
Gastgeb.

MR. GASTGEB: And I'll ask for just a little bit
of your indulgence. Just generally speaking as a member
of a minority party and the caucus leader of the
Republicans, I find it very unsettling that something of
the nature that just went in the committee is going to
stay there based upon opinions. I'll just leave it at
that. I don't like this type of thing happening to our
body and I am very uneasy about what's going to happen in
the future because what we talk about could change day by
day. Thank you.

PRESIDENT FITZGERALD: Thank you. Do we have
line agenda items? Point of Order, Mr. McCullough.

MR. MCCULLOUGH: Thank you. Mr. Fitzgerald, the reason why I raised a point of order during Mr. Finnerty's comments was for two reasons. Number one, I believe both his comments and his bill are out of order. And again, I'll recite to you Article II, paragraph M, subparagraph 3, of the Robert's Rules of Council, that say a Councilmember that has the floor shall refrain from dealing with personalities and impugning the motives of others, which is, in fact, what we were talking about earlier this evening. The second thing is as I understand Robert's Rules of Order, if an individual member of the body is the subject of a particular motion, he is to be excused. So I --- what I was going to ask you to do is number one, rule on the motion for my request that his bill be out of order and number two, I was going to request the opportunity to leave because I ---.

PRESIDENT FITZGERALD: Could you cite that provision of the Rules?

MR. MCCULLOUGH: I can. I can flip through it. But I'm telling you that's my understanding.

PRESIDENT FITZGERALD: I'd like to see the ---.

MR. MCCULLOUGH: I'll tell you what, sir. So we don't hold everybody up, I'll send you a memo; okay?

PRESIDENT FITZGERALD: That will be fine.

MR. MCCULLOUGH: But again, I'm asking you to rule on my request that he be --- that the bill be found out of order.

PRESIDENT FITZGERALD: I will not rule that they're out of order. You can make a motion to appeal to the crowd.

MR. MCCULLOUGH: I'm appealing to the body.

PRESIDENT FITZGERALD: Appeal to the body, I mean. I'm sorry. That's a motion to appeal Mr. Finnerty being issued out of order.

MR. DEFAZIO: Point of Order.

PRESIDENT FITZGERALD: Point of Order, Mr. DeFazio.

MR. DEFAZIO: First of all, I know where he's coming from. Technically, when he had point of order you should have accepted --- you should have said, what is your point? We're out of order now, you can't do it, but I think you should do it because he was denied to state his point in the beginning. When you have a point of order, that supersedes everything. You're supposed to say

what is your point? So you're too late now, but I think you should have the right ---

MR. MCCULLOUGH: I was denied the right.

PRESIDENT FITZGERALD: --- because you didn't get the right deal on the first shot.

MR. MCCULLOUGH: Thank you.

MR. GASTGEB: Can I have a Point of Order?

PRESIDENT FITZGERALD: Point of Order, Mr. Gastgeb.

MR. GASTGEB: Are we going back and still debating the 5271?

PRESIDENT FITZGERALD: I'll ask the parliamentary.

MR. CAMBEST: It's been referred to committee.

MR. GASTGEB: It's in committee, but yet we're going back to voting on it as if it's not been sent to committee.

PRESIDENT FITZGERALD: I'll just make a point to indicate that the sponsor was out of order if I understand that properly.

MR. MCCULLOUGH: That's correct.

MR. DEFAZIO: They were just his remarks.

MR. MCCULLOUGH: That's right, and they're out of order.

PRESIDENT FITZGERALD: Well, he's making the request --- he's appealing to the body to --- I'm sorry, Ms. Rea? I apologize.

MS. REA: I would second Chuck's motion that the censorship motion is out of order.

MR. CAMBEST: I understood Mr. McCullough's issue to be that Mr. Finnerty should be ruled out of order for making his comments.

PRESIDENT FITZGERALD: Both.

MR. CAMBEST: Well, the procedural issue of censuring a member --- and I'm not getting into whether or not he should be, I'm just saying the procedural is correct. He's doing it correctly. He's not coming before Council and making a comment about a personality or anything about Mr. McCullough. He put his motion on the floor to send it. That's proper procedure.

MR. MCCULLOUGH: I disagree.

MR. CAMBEST: Now, the issue for the other --- and I heard both over there, if he's making a request that he be ruled out of order because of reading or the

comments he was making in there, that's what I understand the vote to ---.

MR. MCCULLOUGH: I was objecting to both.

PRESIDENT FITZGERALD: Do we need to have both bills on there or --- I guess we can make it both.

MR. CAMBEST: Anybody on Council can bring a motion to censor, so that's not out of order. Let's get that straight.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: My question is how can you censure somebody if you can't use their name in the ordinance? I mean, it's kind of upside down. You've got to say their name.

MR. CAMBEST: Just listen. If you make a motion to censure, obviously you have to put the reasons for the censure on the bill, which you have.

MR. FINNERTY: They're there.

MR. CAMBEST: So the motion to censure is not out of order. There are provisions to do that. You may disagree with it but it's still a proper procedure.

PRESIDENT FITZGERALD: Well, I've ruled it's not out of order and our solicitor has now ruled it's not out of order.

MR. CAMBEST: If you tried to do it some other way, a censure in some other way, that would be out of order.

PRESIDENT FITZGERALD: Well, Mr. Drozd, do you have ---?

MR. DROZD: Yeah, I do, Mr. President. I'm not going to comment on this or any specific issue. My concern is that this Council, as far as I'm concerned, we need to concentrate on the peoples' business of Allegheny County. We're going so much on personal issues when there's overcrowding in our prisons and our costs, our healthcare costs ---.

PRESIDENT FITZGERALD: Let's stay on this. Mr. Gastgeb?

MR. GASTGEB: I'm asking for brief privilege.

PRESIDENT FITZGERALD: You can have brief privilege.

MR. GASTGEB: This is privilege, everyone. I guess there's two issues here for me, the censure --- why did we ever talk about this? I mean, people asking for Point of Order were being denied. Whatever it takes we should be able to talk about whatever we want. No one

should be denied anything. The meeting was supposed to be over ten minutes ago. I mean, I don't want to talk about this. I really don't. I'm sorry it's on the agenda. I do think it's personal. But for us not to be able to ask for privilege ---. For us not to be able to talk about this is foolhardy. We're here. We're elected. I represent 100,000 people like other people up here. You know, once it's on the floor we have to talk about it. We shouldn't be listening to anybody telling us we can't talk. Thanks.

PRESIDENT FITZGERALD: We're going to vote on the motion to rule Mr. Finnerty's censure motion out of order. Did I get that right?

MR. MCCULLOUGH: If you want me to break them into two motions ---.

MR. CAMBEST: The motion to overrule him is non-debatable. That's why we should not be talking about it. If you have a personal privilege about some issue, take that up, but let's at least vote on ---.

PRESIDENT FITZGERALD: That's what I asked. Mr. McCullough, how do you want to state your motion?

MR. MCCULLOUGH: Why don't we break it down into two parts so we all understand what we're voting on? Number one, I am moving that the motion is out of order because I believe it deals in personalities and impugns the motives of others. My second motion is that Mr. Finnerty is out of order for reciting that here.

PRESIDENT FITZGERALD: Do you want to do it on one vote, or do you want to do it on two votes?

MR. MCCULLOUGH: I think we should do two votes.

PRESIDENT FITZGERALD: So make a motion on the first one first.

MR. MCCULLOUGH: The first one, on the bill itself.

PRESIDENT FITZGERALD: Do I have a second on ruling the bill itself out of order?

MS. REA: I'll make a second, although ---.

PRESIDENT FITZGERALD: Councilwoman Rea second. On the motion to rule Mr. Finnerty's censure motion out of order, a yes vote rules it out of order, a no vote does not. Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Ms. Cleary?

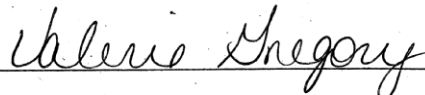
MS. CLEARY: No.

MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: No.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: No.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green?
MS. GREEN: Nay.
MR. CATANESE: Mr. Macey?
MR. MACEY: Nay.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Noes, 12, ayes, 3.
PRESIDENT FITZGERALD: Mr. McCullough, do you
want to make a second motion?
MR. MCCULLOUGH: A second motion pertaining to
Mr. Finnerty, that he be out of order.
PRESIDENT FITZGERALD: Not seeing a second, the
bill dies. Public Comment on General Items, we have one
non-agenda topic speaker this evening, Mr. David Copland.
Mr. Copland is not here? Okay. Before we go, we're going
to go into executive session to discuss the assessment
ruling. Do I have a motion to adjourn?
MR. MARTONI: So moved.
(Chorus of motions.)
(Chorus of seconds.)
PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 8:00 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