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ALLEGHENY COUNTY COUNCIL

REGULAR MEETING  
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BEFORE: John P. DeFazio, President  
Eileen Wagner, Vice President  
Charles Martoni  
Dave Fawcett  
Vince Gastgeb  
Ronald Francis, Jr.  
Wayne Fontana  
Rich Fitzgerald  
Mike Crossey  
Richard Olasz, Sr.  
Jan Rea  
Rick Schwartz  
Tom Shumaker  
James E. Simms  
Joe Natoli

DATE: October 10, 2000  
Tuesday, 5:05 p.m.

PLACE: Allegheny County Courthouse  
4th Floor Gold Room  
436 Grant Street  
Pittsburgh, PA 15219

REPORTED BY: Adrienne Kierdak Sauter  
Notary Public  
AKF Reference No. 61584

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(Whereupon, the within proceedings were convened as follows):

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MR. DeFAZIO: Okay. The meeting will come to order. Will you please rise for the pledge of allegiance to the flag?

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(Whereupon was the Pledge of Allegiance to the Flag.)

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MR. DeFAZIO: Thank you.

Can I have the roll call?

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Here.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Here.

Mr. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Here.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Present.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Here.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Here.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Here.

MR. MASCIO: Mr. Olasz?

Ms. Rea?

MS. REA: Here.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Here.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Here.

MR. MASCIO: Mr. Simms?

MR. SIMMS: Present.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Here.

MR. MASCIO: Mr. DeFazio, president?

MR. DeFAZIO: Here.

MR. MASCIO: Fourteen members present.

MR. DeFAZIO: 0149, approval of the minutes. I'd like to have motion to approve the minutes of the regular meeting that was held on August 1, 2000.

MR. MARTONI: I move we approve the minutes of the August 1, 2000, meeting.

MR. CROSSEY: Second.

MR. DeFAZIO: That was seconded by Mike Crossey.

All those in favor, signify by saying aye.

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(Whereupon, there was a chorus of ayes.)

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MR. DeFAZIO: Those opposed?

The ayes have it.

MR. DeFAZIO: Proclamations, 0150, that one is being held up.

0151, recognizing Mr. Charles T. Cullison for his dedication and years of service as the golf pro at South Park and North Park, Councilman Fontana.

MR. FONTANA: Thank you, Mr. President. Dedicated, loyal, faithful, effective, efficient, these are just some of the words I've heard to describe Chuck Cullison from the people that know him, from his peers.

As we search for ways to balance this 2001 budget, it's unfortunate for all of us that this county is going to lose another competent employee like Chuck, who does not just take a salary, but who has found ways to generate revenues and to save money for this county.

Tonight I would like to thank you, Chuck, from the county officials, from your peers, from the residents of Allegheny County who appreciate effective and efficient employees by reading and presenting to you this proclamation.

Whereas, Charles T. "Chuck" Cullison has been a dedicated, loyal and faithful employee of the County of Allegheny as the golf pro for twenty years, being responsible for the total management of the courses and generating record revenues in excess of two million dollars annually.

And whereas, Chuck Cullison has extended much time and effort to expand and promote the various tournaments at both the South and North Park golf courses and has been instrumental in promoting the junior's tournament to include both boys and girls as young as six years of age.

And whereas, for ten years running, Chuck has organized and promoted a two player team tournament drawing over a hundred and eighty players.

And whereas, Chuck established the Old Newsboys Tournament at both South and North Park golf courses raising funds to benefit charities.

And whereas, Chuck also arranged at the South Park Golf Course a hole in one contest drawing hundreds of players for the benefit of Children's Hospital.

And whereas, Chuck invited and encouraged local high school and college groups to enjoy the courses at both South and North Park golf courses for both practices and golf matches.

And whereas, Chuck Cullison with the aid of another golf course employee was instrumental in numerous improvements to the courses and in the development of

a five year maintenance program currently in effect and leaves the courses in the best condition in years.

And whereas, Chuck has been recognized by the South Hills Country Club in holding the South Hills Country Club course record since 1971 having a record of sixty-three.

And whereas, in September of 2000, Chuck Cullison was inducted in the Westminster College hall of fame for golf.

Now therefore be it resolved that the Allegheny County Council does hereby recognize and commend Charles T. Cullison for his tireless efforts to improve the quality of golf for citizens of this community and for his twenty years of service and dedication to the County of Allegheny.

Chuck, come on up. I'd like to present you with this proclamation.  
Congratulations.

MR. CULLISON: Thank you.

MS. WAGNER: Mr. President?

MR. DeFAZIO: Eileen?

MS. WAGNER: Mr. President, my youngest son played in many of Chuck's tournaments out in South Park, and I personally as a parent would like to thank you for the work and dedication you've given to Allegheny County for twenty years.

It's a shame at this point we're losing such a good employee, but personally, I thank you very much and good luck, Chuck.

MR. DeFAZIO: Mr. Gastgeb?

MR. GASTGEB: Chuck, before you go, I had a chance to work pretty close with Chuck starting in the spring when we were invited for the opening kick-off of the golf season.

And I'll tell you that a true testimony to Chuck in what he's been able to do is the unsolicited comments that just about everybody has made concerning the way the course is and the professionalism that Chuck exudes.

And on behalf of someone that is I guess your county councilman where you live and also where you worked, thank you very much for everything you did. We appreciate it.

MR. DeFAZIO: Okay. We're down to public comments on agenda items which we don't have any this evening for the first time, so we'll go to unfinished business.

Any unfinished business?

We'll go on to 0116, a resolution authorizing inter-departmental budget transfers 13 and 14, second reading, submitted by the county manager, in the committee on budget and finance on September 19, 2000.

Mr. Simms?

MR. SIMMS: Thank you, Mr. President. The Budget and Finance Committee met on these issues. I would like to recommend that the council take action in the affirmative to support 13-14.

These are two personnel items that are providing funds to support two positions. Also, if we can take these together, Mr. President, it would be easier.

MR. DeFAZIO: Thirteen and fourteen?

MR. TUMOLO: 0123 and 0116.

MR. SIMMS: Yes. We also have --

MR. TUMOLO: 0123.

MR. SIMMS: Fifteen through eighteen.

MR. DeFAZIO: Why don't we go with 13 and 14 and then move on to --

MR. SIMMS: Thirteen and fourteen. Fifteen is the veterans. Okay. We're transferring money to cover veteran activities in those three items.

Thirteen and fourteen are personnel. Fifteen is for the veterans. If we can move on that, I'd like to comment on sixteen, all right?

MR. DeFAZIO: All right. Let's --

MR. MARTONI: I'll second the motion on thirteen, fourteen, and fifteen.

MR. DeFAZIO: Under remarks?

MR. SIMMS: Thirteen, fourteen, and fifteen is what we're voting on.

MR. CROSSEY: Can you give us just a very brief synopsis of what those transfers involve?

MR. SIMMS: Yes. Thirteen and fourteen are transfers. They're transferring funds to cover two positions that are already in place and fifteen is transferring funds to support expenses of the American Legion Convention that was already held in Monroeville.

MR. CROSSEY: Thank you.

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

Mr. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Yes.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Yes.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Yes.

MR. MASCIO: Mr. Simms?

MR. SIMMS: Yes.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Yes.

MR. MASCIO: Mr. DeFazio, president?

MR. DeFAZIO: Yes.

MR. MASCIO: Ayes, fourteen. Nos, zero. Motion carries.

MR. SIMMS: Thank you.

Items number 16, 17, and 18 are just another set of inter-departmental transfers. Mr. President, I'd like to hold those until -- for two weeks.

There have been some -- as you recall, the Budget and Finance Committee met to discuss the transfer of funds as outlined here, and we sent a letter to the African American Workers Union expressing two items of interest that the committee had.

One was the status of a lawsuit against the county, and the second was an explanation of the administrative costs for the program.

We got a response back on both of those points, and the response back on the legal action indicated that upon entering into a contract for services, that they would then withdraw the lawsuit.

I was informed today by the county manager's office that in consultation with the county solicitor, that their position would be they'd like to have the lawsuits dropped first and then enter into negotiations.

So we've kind of got a stand-off here I believe that can be resolved, but due to the time in which we received the information, I think we're probably best served by holding this and giving counsel for the workers' union and the manager and the solicitor a chance to sit and decide how to best handle that part.

Other than that, I think the issues have been resolved that we had in our committee, but we'd like to have this resolved and like to hold it for two weeks so we can make that happen.

MR. FONTANA: Is that a motion?

MR. SIMMS: I need a motion to hold.

MR. DeFAZIO: He's just making a motion to hold.

MR. FONTANA: I second.

MR. DeFAZIO: Under remarks?

Seeing no remarks, let's try a voice vote.

All those in favor, signify by saying aye.

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(Whereupon, there was a chorus of ayes.)

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MR. DeFAZIO: Opposed?

Okay. Let's move on to 0137, a resolution amending Resolution Number 6 adopted by the Allegheny County Council on June 6, 2000 relative to the Nursing Home Intergovernmental Transfer which authorized the issuance of a tax and revenue anticipation note, the note, in the maximum amount of \$134,604,475; and authorizing up to three draws under the issuer's previously authorized \$134,604,475 maximum amount tax and revenue anticipation note; authorizing the issuance, execution and delivery of a replacement tax and revenue anticipation payment note reflecting the ability of the issuer to make up to three draws under the note; accepting an amendment to the proposal of Mellon Bank, N.A., for the purchase and financing of the note; and setting forth the form of the replacement note, second reading, submitted by the county manager, in the Committee on Budget and Finance on September 19, 2000.

Mr. Simms?

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(Whereupon, Mr. Olasz entered the room.)

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MR. SIMMS: Thank you, Mr. President. We're amending an earlier action taken by the council on this matter in that we're increasing the number of draws from two to three.

It's a paper transfer. We went through it before. It provides the county with an opportunity to gain some revenue through financing as it is used here.

We've already acted on it once, and we're adding one more draw to the action which we took before.

We were supposed to have two draws. Now we're asking to amend it to make it three. Thank you.

We recommend affirmative support of this, please.

MR. MARTONI: I'll second it.

MR. DeFAZIO: Okay. Under remarks?

Seeing no remarks, we'll have a vote.

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

Mr. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Yes.

MR. MASCIO: Mr. Olasz?

MR. OLASZ: Aye.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Yes.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Yes.

MR. MASCIO: Mr. Simms?

MR. SIMMS: Yes.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Yes.

MR. MASCIO: Mr. DeFazio, president?

MR. DeFAZIO: Yes.

MR. MASCIO: Ayes, fifteen. Nos, zero. Motion carries.

MR. DeFAZIO: We're down to 0148, a report of Committee on Education and Workforce Development relative to Bill Number 0108, Chief Executive Jim Roddey's proposed appointments to the Three Rivers Workforce Investment Board, Councilman Martoni.

MR. MARTONI: The names of ten candidates were received from County Executive Jim Roddey to be considered for appointment to the Three Rivers Workforce Development Board.

On September 20, the Educational and Workforce Development Committee met. Those in attendance were myself and Councilman Shumaker.

We interviewed five of the ten candidates. We're going to submit the five candidates tonight for approval.

Five candidates couldn't make the meeting. We were having scheduling problems. I have to get them scheduled, but we'll get them scheduled and interview them and make their recommendation at a later date. We're making every attempt to get them scheduled.

Councilman Shumaker and I agreed on the five interviewed, and we'd like to recommend to council the appointment of the following: Ms. Joyce Bender from Bender Services; Ms. Gail Altreach from Eat 'N Park Corporation; B.J. Lieber, WQED; Doctor Curtis Porter, Penn State, McKeesport campus executive; and Mr. Blaine Boswell of PPG Industries.

I'd like to make a motion to accept those five individuals on the Three Rivers Workforce Development Board.

MR. DeFAZIO: Is there a second?

MR. SIMMS: Second.

MR. DeFAZIO: Under remarks?

If there are no remarks, then let's take the vote.

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

Mr. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Yes.

MR. MASCIO: Mr. Olasz?

MR. OLASZ: No.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Yes.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Yes.

MR. MASCIO: Mr. Simms?

MR. SIMMS: Yes.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Yes.

MR. MASCIO: Mr. DeFazio, president?

MR. DeFAZIO: Yes.

MR. MASCIO: Ayes, fourteen. Nos, one. Motion carries.

MR. DeFAZIO: 0130, a resolution approving the required update of the plan of the County of Allegheny for the provision of 911 services in Allegheny County and authorizing its submission to the Pennsylvania Emergency Management Agency, second reading, submitted by the county manager, in the Committee on Public Safety on October 2, 2000.

Jan?

MS. REA: Yes, Mr. President. Mr. Crossey and I attended a meeting where Brad McGill came and explained this to us, and we determined that we would vote in the affirmative to support this.

MR. DeFAZIO: Okay. Does someone want to make a second to her motion?

MR. SIMMS: I'll second the motion.

MR. DeFAZIO: Okay. Under remarks?

Okay. Would you take the vote?

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

Mr. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Yes.

MR. MASCIO: Mr. Olasz?

MR. OLASZ: Aye.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Yes.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Yes.

MR. MASCIO: Mr. Simms?

MR. SIMMS: Yes.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Yes.

MR. MASCIO: Mr. DeFazio, president?

MR. DeFAZIO: Yes.

MR. MASCIO: Ayes, fifteen. Nos, zero. Motion carries.

MR. DeFAZIO: Under new business, we have 0143, an ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the county manager to enter into a lease agreement with the Borough of White Oak, whereby the borough will lease a certain area of county owned land in White Oak Regional Park for construction of a no-kill dog center and will also raze an existing maintenance shed on

the property, first reading, submitted by the county manager. That's going to be referred to the Committee on Parks and Special events.

MR. GASTGEB: Okay.

MR. DeFAZIO: 0144, an ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the Commonwealth of Pennsylvania, Department of Transportation, to enter county owned land abutting the Liberty Bridge, SR 3069-A05 and 012, for the purpose of construction and improvement to the Liberty Bridge in the City of Pittsburgh, first reading, submitted by the county manager, refer to the Committee on Public Works.

0145, a resolution of the County of Allegheny granting the Department of Public Works permission to enter into an agreement with the Union Cemetery Association of Robinson Township for the purpose of acquiring the right-of-way necessary to reconstruct Church Hill Road, a Robinson Township Road, and widen to three lanes at the intersection with Steubenville Pike, SR 0060, first reading, submitted by the county manager, refer to the Committee on Public Works.

MR. SHUMAKER: Not being able to attend the Public Works meeting, I wanted to ask the chair of that committee to please be sure to determine whether or not this construction is going to involve the relocation of any graves in the cemetery.

MR. FITZGERALD: I'm sorry, I didn't hear you. The relocation of any what?

MR. SHUMAKER: The relocation of any burial sites at the cemetery.  
Thanks.

MR. DeFAZIO: Any other comments?

MR. FITZGERALD: So noted.

MR. DeFAZIO: 0146, a motion expressing sense of council encouraging a cooperative agreement among the various municipalities of the County of Allegheny, Commonwealth of Pennsylvania, for the purpose of combining the Uniform Crime Statistics or each community and to submit those statistics as a group through the Allegheny County Chiefs of Police Association, to the Department of Justice, sponsored by Councilwoman Rea.

Jan?

MS. REA: Mr. President, I'd like to refer this motion back into my committee, the Public Safety Committee, back to committee. Thank you.

MR. DeFAZIO: 0147, an ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the Department of Public Works, Parks Division, to enter into a land lease agreement for property located in White Oak Park, first reading, submitted by the county manager, refer to the Committee on Parks and Special Events.

MR. GASTGEB: Okay.

MR. DeFAZIO: Vince, do you have something?

MR. GASTGEB: Yes. If we're done with 0147, I wanted to recognize that there is a motion in your mail.

In talking to the chief of staff, it's not on the agenda, but he mentioned that since it's going to go as part of the first reading and be referred to committee, I'd like council's sense on this as I read it.

A motion to create and establish by the power granted under the Home Rule Charter, Article 4, Section 2, Subsection G, a five member election and voting review committee to investigate irregularities, abuse, and fraud within primary and general elections.

This committee will act on an ad hoc basis during the election cycle and will assist the executive branch efforts where appropriate and also petition the district attorney's office where appropriate as well.

My basis for bringing this motion is that we do have checks and balances within the executive branch, but none within the County Council branch.

This will allow County Council to take active participation with regard to any of these irregularities should we choose to.

It would appear to me that the Home Rule Charter would cover this, but the fact finding of the appropriate committee will allow us to truly discover if we're within our bounds.

Secondly, the people that are overseeing some of these election irregularities are the furthest people away from the election itself.

I would suggest that the fifteen members up here probably know their districts, their wards, and even their polling place better than anybody, and if it comes before anybody for any type of review, I would suggest that County Council has probably the best auspice to perform this function.

So tonight I'm simply asking that as you hear the motion and perhaps read it yourself now, it goes into the appropriate committee, which I'm assuming will be the General Services Committee and Mr. Olasz. Thank you.

MR. JANOCKO: Mr. President, Mr. McVerry asked me to relay these comments on this specific motion that's been made.

Perhaps this is something which you have to consider when this is referred to the appropriate committee.

The Election Code specifically provides that the Board of Elections is the body that is charged by law with the responsibility for investigating any election frauds, irregularities and violations of the Election Code and reporting any particular circumstances concerning an election which it considers to be suspicious to the district attorney.

I would just caution you that this motion calling for the creation of this committee may usurp the authority which is granted by law to the Board of Elections.

Secondly, the motion as it stands now is not clear in terms of the appointment of a committee.

Reading this, it seems to me that you're talking about appointing a committee which is not a committee of council, and if that is the case, you may be vesting them with authorities and powers which they don't have.

It would be an illegal delegation of your authority under the charter to grant to a committee not made up of members of this body the right to subpoena and require witnesses to appear at hearings, to exercise subpoena power and so forth.

So I just want to caution you on that, that that's something which you have to consider very closely within your consideration of the motion.

We're not expressing an opinion as to whether or not you should have a committee which would investigate the elections department, if that's warranted, but be careful in terms of possibly violating the Election Code and of creating a committee which does not have the authority that council has to move in this area.

MR. DeFAZIO: First let me get Mike, and then I'll come back to you, Rich. Mr. Crossey?

MR. CROSSEY: Yes. I have a couple of comments. One, and I don't have the law in front of me, but the Voter Registration Board is a separate entity under state law, I believe, than the Elections Board, and it is purely a function of the legislative body of the county.

And I didn't know this was going to come up tonight so I didn't bring that piece of legislation with me, but this is truly a function of the legislative body.

And under that, under the Home Rule Charter, I believe it's Article 4, Section 2, Letter G, that we do have a power to subpoena and those necessary functions under this body.

What I would ask, Mr. President, and I know because I've discussed it with Mr. Zappala on two occasions already, we do need to create some sort of committee like this.

I know you and I had already spoken about that last week. What I would ask you to do is refer this to the Administrative Code Committee so that we could research how it fits with state law, and we can come back to you with a recommendation at the next meeting.

MR. DeFAZIO: Did you have a question?

MR. GASTGEB: Yes. I just wanted to state for the record that at the end, although it may not be clear, I guess it's an interpretation of the reading, the five members are members of this council, it says committee, but it's members of council, and the whole purpose is to retain legislative control with this body versus any other form of government since I feel we're the closest ones to this particular situation, and that's election fraud. Thank you.

MR. JANOCKO: Well, that's why I thought I'd bring it to your attention, because it doesn't provide for that, and if you do create a committee, an ad hoc committee which is not a member -- which is not made up of members of council, you're illegally delegating an authority, so we just wanted to be clear on that.

MR. DeFAZIO: Rich?

MR. OLASZ: Mr. Chairman, to the best of my recollection, several weeks ago, the district attorney, Stephen Zappala, had a press conference relative to this.

And I do not wish to misquote him, but before we move in that direction, I suggest that we invite the district attorney, Mr. Zappala, in to refresh us as to the comments that he made at that news conference of his.

So I would move at this time before we take any action, that we table this motion until we have an opportunity to hear from the district attorney again to -- how he feels about this, and I put that in the form of a motion, Mr. President.

MR. DeFAZIO: Okay. Is there a second?

MR. CROSSEY: I'll second it.

MR. DeFAZIO: There's a motion to table this until we get more information.

Would you take a vote on that?

MR. SHUMAKER: Mr. President, can I comment on that?

MR. DeFAZIO: Yes, go ahead, I'm sorry.

MR. SHUMAKER: I first of all want to applaud Councilman Gastgeb. I can tell you in Harrison Township, which is one of the many communities I represent, there was a conviction not that recently, not that long ago, for voter fraud, specifically for absentee ballots.

I'll tell you right now. I don't think this county is doing enough, and I think this council needs to get directly involved in it.

I don't mean any disrespect to our district attorney, but this is an issue that has to do with not only law enforcement, but the public's confidence in our election system.

And I don't think we should seek the ground of the district attorney. If he wants to assist us, fine, but Mr. Gastgeb has taken the initiative, and I don't think we should delay his idea one extra day that we don't have to.

MR. DeFAZIO: Dave Fawcett is next.

MR. FAWCETT: I'd just like to comment on the motion to table. I think this motion to refer to a committee, I think that would be appropriate.

I don't know that we need to table it, so I would vote no. I think it ought to be referred to committee.

And secondly, Mr. Janocsko indicated that he wasn't rendering an opinion, but as a member of council and as a member of the Board of Elections, I would like him -- you know, an opinion from counsel.

MR. GASTGEB: I would also recommend to my colleagues that we do not table this. I think the committee process as we've seen in the short history of our council has been able to bring things out and bring things to fruition.

If, in fact, it's not legally sound, we'll be able to determine that. So I guess I would support Mr. Crossey's comment, if I'm understanding it right, to put it into a committee and let's do the fact finding. Let's see where we end up.

The hard truth of this is that in 1999 alone last year, there were three major cases of election fraud.

My particular idea through this motion, again, it's an early start here, is that we simply have the people the closest, and that's the legislative branch, have the authority to sit down and investigate this, not any different than some of the committees are doing right now that we've had committee meetings on.

At that time if there's something that's grossly on the wrongdoing side, we would petition the district attorney.

I'm not trying to think that we have any type of enforcement powers, but again, that puts the people closest to the election cycle as the overseers of this.

So I would again ask that we don't table it. It's just the first reading. We allow this to go into committee and let this process take fold. Thank you.

MR. DeFAZIO: Go ahead, Rich, and then I wanted to say something.

MR. OLASZ: Mr. Chairman, my recollection back about the second meeting of this council when it was held at the Soldiers and Sailors Memorial Hall, when I asked that the county police investigate a particular situation, there was a coach in the audience who gave signals to this group to defeat that motion.

And I don't wish to demean the intelligence level of any of our learned attorneys on this board, but when mention was made about the law authority of the district attorney, I might remind you that he is the highest law enforcement official in Allegheny County.

And my motion was to invite him in to explain in detail what he had to say at his press release.

I've seen enough of committee functions, and I'm not about to usurp the authority of the highest law enforcement person that we have in this county.

So my motion is made to table it, and Mr. Chairman, you can invite him in to address the whole body of this County Council, and I'm certain in the four weeks that are remaining, nothing is going to take place in this county which is going to change the outcome of the presidential election or any other election.

MR. DeFAZIO: Let me say one thing. I think we should refer it to the Administrative Code Committee and invite Mr. Zappala to come.

I think that would be basically what we're all saying, right? Is that a problem with your motion?

MR. OLASZ: If you want to refer it to the Administrative Code Committee, then I'll go back on my motion to table it if -- I'll make the amendment to refer it to the Administrative Code Committee with Mr. Crossey in charge.

MR. DeFAZIO: Okay.

MR. FITZGERALD: I certainly agree. We don't want to usurp the powers of the district attorney, and I don't think this motion does.

We have been granted investigative powers by the Home Rule Charter where appropriate and I think Mr. Gastgeb makes a good point, that the legislative body are the closest people to the polling places.

I certainly know all the polling places in my district, and I'm assuming all my colleagues do as well.

So if there are things going on out there, a committee of this group would be able to bring that forth.

I do think it should be referred to the committee. I think the committee process has been appropriate in our other legislation, and I think we definitely should have Mr. Zappala or anybody else appropriate brought in, maybe Mr. Nicholson from General Services or the head of the elections department to review this, but I think it should go to committee, so I would recommend we do that.

MS. WAGNER: Mr. President?

MR. DeFAZIO: Eileen.

MS. WAGNER: Mr. President, I certainly agree with Mr. Olasz with this. I think that some of our committee meetings have been scheduled that many members cannot get there.

I think you and I, all of us, realize that, that I find no problem with Mr. Zappala addressing us in full council. Our next meeting is next Tuesday.

Why can't we table it, have Mr. Zappala come in, talk to all fifteen of us, and then put it into committee. Thank you.

MR. SHUMAKER: Mr. President, can I also -- I don't even know what motion is in front of us right now.

Is Mr. Olasz withdrawing his motion to table?

MR. OLASZ: I made a motion that this be referred to Mr. Crossey's committee who developed the Administrative Code.

MR. SHUMAKER: Okay. Thank you.

I would like to amend that motion to make sure that at the same time, we hear from our district attorney and that we also hear from a representative of the transition team that the chief executive appointed on this very same issue.

MR. OLASZ: No. Let me interrupt you there. I'm not going to accept your thing from anybody from the transition team.

I challenge anyone here to tell me they've read everything that's come down from that transition team.

We don't need any outsiders. Let's handle it in-house.

MR. SHUMAKER: Can I get a second to that motion?

MR. OLASZ: Not to what you've amended it to.

MS. REA: I'll second that motion.

MR. OLASZ: Mr. Chairman, then I request a no vote to that amendment that brings in any member of the transition team.

MR. DeFAZIO: Okay. We have an amendment that we have to vote on first. The amendment is that we should bring in Steve Zappala and then someone from the transition team.

Is that the way I understand it?

MR. SHUMAKER: Yes.

MR. FITZGERALD: Mr. President, I don't think a motion -- that that is necessary. It's up to the committee chairman to invite whoever they want, be they

from a transition committee, be they a citizen, be they an expert in election fraud, be they -- whoever wants to come.

I don't see why we're going to preclude anybody. I don't understand why the motion --

MR. DODARO: Mr. Chairman, it's within your jurisdiction to refer the matter to the committee. I don't even think you have to take a vote.

MR. SHUMAKER: Show me a rule of council that says what his authority is.

MR. DODARO: You don't have rules of council.

MR. SHUMAKER: That's my point exactly, so don't be giving him powers that he doesn't have.

MR. DODARO: He has the power if he wants to refer it to committee, Mr. Shumaker.

MR. SHUMAKER: You're making this up.

MR. DODARO: No, I'm not making it up.

MR. DeFAZIO: Hold it. Okay. Let me say one thing, and you made a good statement. If we put it into committee, everyone that wants to come is welcome.

So, I mean, why do we -- I mean, why don't we just go along with that and save all of this fighting and let's just refer it to the committee.

Mr. Zappala can come. Joe Blow can come. Anybody else can come, you know, if they have something to add to help us out. What's the difference? I mean, is there any problem with that?

MR. MARTONI: Let's just do that.

MR. DeFAZIO: Do you want to make a motion, then?

MR. OLASZ: I move that this be referred to Mr. Crossey's committee.

MR. DeFAZIO: We already said that.

MR. OLASZ: Well, I just wanted verification to that fact that we know where we're coming from because there have been additions to it.

MR. DeFAZIO: The motion -- it's real simple. The motion is that it's going to the Administrative Code Committee.

We'll have an open meeting and anyone who can add something or wants to add something is welcome to come.

MR. MARTONI: I'll second that.

MR. DeFAZIO: Go ahead. Take the vote.

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

Mr. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: Yes.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: Yes.

MR. MASCIO: Mr. Olasz?

MR. OLASZ: Aye.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: Yes.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Yes.

MR. MASCIO: Mr. Simms?

MR. SIMMS: Yes.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: Yes.

MR. MASCIO: Mr. DeFazio, president?

MR. DeFAZIO: Yes.

MR. MASCIO: Ayes, fifteen. Nos, zero. Motion carries.

MR. DeFAZIO: Okay. Let's go on now to the public comments.

MR. FITZGERALD: Mr. President, we have one more motion to put fourth.

Getting to the assessments, we had talked about a motion a couple of weeks ago to put forward by the -- everybody has this motion in front of you, and I won't read the entire matter.

Do you want me to read the whole thing?

MR. FAWCETT: Yes, just because it wasn't on the agenda.

MR. FITZGERALD: Okay. I'll read the whole thing since it wasn't on the agenda: A motion expressing sense of Allegheny County Council requesting the chief executive to make available to the public more information on the revaluation methodology.

Whereas, the county revaluation program has caused many property owners of Allegheny County to see major changes in their property assessment.

And whereas, it is important for property owners to understand the methodology used to establish the assessed value of their particular property.

And whereas, the new form of county government has as its goal to make public access to information more prevelant.

And whereas, county government has as its goal to be customer friendly. Whereas, the taxpaying property owners are our customers, and whereas, a simple

addition to the Sabre Systems web site would greatly improve the property owners understanding of the derived value of their property.

Now therefore, it is moved and it is a sense of the Council of Allegheny County as follows: This council is requesting that the county executive direct Sabre Systems to improve its information on its web site regarding comparable valuations by including on their web site the valuation grid that was used to determine the valuation of the particular property using the comparable sales approach, sponsored by myself and Councilman Fontana.

And I would just like to comment. I mean, having been through this, having two hugely attended town meetings last week where there were an awful lot of upset people, and I was pleased Mr. Roddey was able to attend one of them and stayed for over two hours answering questions, there is a real sense out there that people don't know where this information is coming from, and I would hope that we make it as easy for people to understand what we're doing as possible.

MR. DeFAZIO: Is there a second?

MR. FONTANA: I second it.

MR. DeFAZIO: Comments?

Rick?

MR. SCHWARTZ: While I applaud the motion for more information, once again, I will be voting no, not against the information, but that there is no opt out procedure for people on the web.

MR. SHUMAKER: Mr. Chair?

MR. DeFAZIO: Mr. Shumaker?

MR. SHUMAKER: Thank you very much. Again, I commend the sponsors of this and I hope that they'll also join with me in the resolution that I e.mailed.

I think that's a great idea, but more importantly, in looking a little bit more proactive, come January, we're going to be sending out a tax bill and that same spirit, hopefully we'll be able to apply towards that.

So hopefully we'll be able to discuss that further in the Property Assessment Committee. Thanks.

MR. FAWCETT: I'd like to know why this is coming up when it wasn't on the agenda. And secondly, I'd like to know whether this was coming out of committee or not. I'm not clear on that.

And secondly, what is the chief executive's position on this. Has he been heard from? Has he stated an opinion on this?

MR. DeFAZIO: They can answer the second part. The first part is, we really don't have official rules yet to do what you're saying, so they can do this. They'll have to answer the second part.

MR. FONTANA: I don't have any opinion from Mr. Roddey as to whether or not he would direct them to do this or not.

I think in previous -- this specific motion, that is, previous conversations, obviously we'd like to get as much information on it and if he feels the same way, but

it seems what we've run into with Sabre is that unless Mr. Roddey asks them to do something, they're not going to do to it.

So that's the whole intent here, is to try to get a little bit more -- someone convincing them.

MR. FAWCETT: May I ask a question? Is there a reason why you didn't show this to Mr. Roddey or -- I mean, I feel that's significant and that we actually wait to vote on it until we hear from him.

MR. FONTANA: We certainly could. That's not a problem. It's just that we -- I thought it was going to be on the agenda. There was a mistiming thing.

I actually have a committee meeting tomorrow scheduled to discuss a couple of things, including Mr. Shumaker's request.

We could put it into committee for tomorrow and get an opinion, if you would like, and discuss it tomorrow in committee.

MR. FAWCETT: I would move that we do that and then move on it next week, if nobody has a problem with that.

MR. DeFAZIO: Mr. Gastgeb?

MR. GASTEB: I would suggest that someone who's going through the South Hills revaluations along with my colleagues Ms. Wagner and Mr. Crossey, probably the number one question that's come in to me, and I've taken fifty-seven calls so far, is the frustration with comps, comparables.

They really would like to know for their own edification what the process was or at least what some more homes are.

There's been a sense of disappointment for those on the web site that the homes aren't comparable.

My office is looking up homes for seniors without computers, so I'm looking at a lot of comparables beyond my own because they're giving me permission to use their e.code, and I'm surprised how different the homes are.

So I would suggest that this committee look very seriously tomorrow with Mr. Fontana's chairmanship that I think we owe the people out there that are asking the questions better answers. Thank you.

MR. DeFAZIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes. I mean, I certainly have no problem and agree actually with Mr. Fawcett that this probably should go into committee and we should look at it, but Mr. Gastgeb has hit the nail right on the head.

The comparable information, where they're coming up with these comparables, is by far the most confusing issue that's out there.

People just don't know where they're coming from, why those comparables were used, and they want a sense of how they came up with this.

We're seeing miles away locations used in neighborhoods that are in no way comparable, and I think we need an understanding of how they can come up with that information.

So I think that was the spirit of what we're doing here, but the process is certainly open to how we do this and I'll be glad to withdraw the motion to send it into committee and we can vote on it next week.

MS. WAGNER: Mr. President?

MR. DeFAZIO: Eileen?

MS. WAGNER: By sending it into committee, we are delaying this, and we have been delaying getting more information to the taxpayers long enough.

I'm going through assessments in my district in the last week, and our constituents deserve to have this available to them.

And if by passing this tonight and having Mr. Roddey either sign it or not sign it, we can possibly get this information out there to the public within the week.

I mean, we don't have enough time for informal hearings. We have until December the 30th which is only two and a half months. I think that we should take a vote on this tonight.

MR. DeFAZIO: Mr. Gastgeb?

MR. GASTGEB: I feel the same sense of urgency as Ms. Wagner being I'm going through this, but as a motion, we're only asking a request. We don't know if Mr. Roddey will take this request and do anything with it.

So the committee structure may allow us the proper spirit that we need for cooperation so that we get this done.

The meeting is next week which may be a benefit. It's only seven days. It's also a benefit that Mr. Fontana is meeting tomorrow, so for seven days to get a yes versus a maybe, to me, it's worth it. Thank you.

MR. DeFAZIO: Mr. Simms?

MR. SIMMS: I just want to add this comment. I think the issue that's being raised about comparable sales is extremely important, especially for those of us who live in the city.

In the city, as you know, you can go north of Forbes across two or three streets, and the property values change drastically.

So if you're talking about comparable sales and someone said I looked at a house within a six block range where you live, that can be night and day in the city.

So I think that idea of looking at comparables is extremely important just because the values can change from one side of the street or under a trestle to the other side of a park, they can change tremendously.

And that's why I've encouraged folks in my neighborhood who've complained about it, is first of all, look at what Sabre is putting forth as comparables and see how far away you're being looked at that way.

You can go from some very fine residential housing in the city, six blocks away, you could have public housing.

I mean, it's extremely delicate when you look at the balance inside the city, so I would support that.

I think that's the only measurement homeowners are going to have in terms of looking at whether or not they're being fairly compared, and I think that's a very reasonable request.

MR. DeFAZIO: Mr. Olasz?

MR. OLASZ: Mr. Chairman, all of my colleagues, you've very, very fortunate that the people you represent have received their notices.

In my councilmanic district, they won't be mailed out until two weeks from today, so let them respond to that, and I think that's why we have a security system installed in this building, because someone is going to come in and shoot somebody. Thank you.

MR. DeFAZIO: All right. Here's where we are with this. Did you withdraw your motion, or did want want to put the same motion in?

MS. WAGNER: I'd like to put the same motion in. I think we ought to take a vote on it. I think time is of the essence with this, and let's see who agrees or doesn't agree.

I know that my constituents out in the South Hills agree that they need more information. All we're doing is asking Mr. Roddey to ask Sabre Systems who owns this information until the end of the year to put more information on the web. I don't see how anybody could have a problem with this.

MR. FRANCIS: Mr. President, I generally -- I mean, certainly more information is necessary. If the government has information, they ought to provide it to the citizens. I can't argue with that.

My only question is, what information are we talking about? I still don't quite understand what it is, and maybe you can fill me in on that.

And I guess the other question would be, is that, to the extent that the information is provided without any context, is it going to be more confusing than helpful.

And to the extent that -- and I have heard people who -- you know, from people in my district who did not receive notices, either, but I know people who live in other districts who have relatives and whatnot, and some of them have said they questioned the comparables that were used, and so I said, well, schedule your hearing with Sabre and go talk with them about the comparables and how they -- and why they used the comparables.

I guess I don't understand why that process isn't working, and maybe it is working. I mean, are people not going to meet with Sabre and saying, okay, here's my five comparables, but I don't understand why you chose those five.

And as I understand, you know, in certain areas, as we saw in the paper, they admitted they made a mistake with one portion of -- I think it was Highland Park and potentially there are others, you know. I guess, is there something broken with that process that's not working?

MR. DeFAZIO: Let me ask Wayne. Go ahead, Wayne. He's the in-house expert. Go ahead, Wayne.

MR. FONTANA: It's my opinion that the citizens of this county, the burden of proof is put on them by making them go to Sabre Systems' site, and I'm talking about the location, to find out this information.

If they were able to get the valuation grid on the internet, on the web site, they would be able to find out why a certain comp was used to compare to their house.

The grid indicates whether or not the house is better or if it's less square footage or more square footage, and it makes an adjustment, a plus or minus.

I agree that that may be confusing to some people, but on the other hand, they may be able to find out and understand it by analyzing it with some other people in their family, and that would actually save them the trip down there.

They might say, well, you know what, now I understand that a house was used from across town, but they made an adjustment for that particular house.

And that's what they do. I mean, that's what they told me they actually do. So that may save them a trip down there just to make them understand exactly what was done with each comp in comparison to their home.

And I'm just trying to save the citizens some time and effort. I think it's unfortunate that they have to go down there to get this information.

Why can't they just get it on the web site when they pull up their own property and get the comps.

Why can't they take it a step further and give them the information as far as the actual adjustments for each particular comparable.

I think that's what we should be doing as a council, is trying to save them as much time and effort and money to some people to go down to that actual site.

And it's been a burden. I'm finding a lot of people are saying, I can't make it down there, I can't go. I don't have time.

I don't have the capacity to go down there, so I'll just wait to see what my tax bill is before I make a decision, and I think that's unfortunate.

I just think that what we need, as a council and as a county, is to provide as much information as we possibly can.

They paid twenty-four million dollars for this. I think the least we can do is give them all the information that we possibly can.

MR. DeFAZIO: Mr. Martoni?

MR. MARTONI: Thank you. I think the real issue here is whether or not we pass this tonight or we pass it next week.

It seems like it's kind of unanimous, but my feeling is we all think we should do this. Most of us, Ron, think we should do this. I don't know how you feel.

So would it be more tactful for us to take it to committee to iron it out to make sure there's no flaws in our request and to do some lobbying with the executive to try to ensure that he will approve it.

We can't ensure that, but try to make it as digestible as possible. Why don't we approve it tonight, and then leave it up to him whether or not he's going to approve it.

Remember, we're only requesting that he do this. We don't require him to do it. What is the best way to deal with it. Is that the issue or not? Mr. President, that is the issue, right?

MR. DeFAZIO: Let me get Jan. She hasn't spoken yet.

MS. REA: The only positive I can see about the committee would be, maybe in committee there would be other information that someone would come up with that's also available that isn't on that web site yet, and if we were together discussing it or Sabre was there or whatever, it just -- you know, that might be good.

I want all the information out there that we can possibly get. The grid, whatever there is that will help the taxpayers, I want it there.

MR. DeFAZIO: Okay. Mike is next.

MR. CROSSEY: I really don't think the -- I think everybody is in favor of giving the public all the information they can. I think Mr. Fawcett's point is very good.

We had two things brought before us tonight that were not on the agenda, and I think that's the issue here of bringing things to council before anyone has had a chance to look at them and research them and think about them over the weekend.

I think that's the issue here, is bringing things to council before they've had a chance to be on the agenda.

I mean, I'm not sure -- I don't think anybody here is going to vote against giving the public more information.

I think the issue is whether or not things should be brought to this body prior to having been on the agenda.

MR. DeFAZIO: Rich?

MR. FITZGERALD: I think Mike makes an excellent point. I apologize for doing it this late.

That's why I'm willing to withdraw it and send it to committee, because I think it's unfair for anybody on this body to have to vote on something that they haven't seen before, that's popped up at the last minute, and that was not Councilman Fontana's and my intent, believe we.

There was a snafu that it didn't get to people in time, but that's why I think it should go to committee.

Nobody more than Wayne and I have felt the heat on this in our districts as the guys who represent the city.

Yours are coming out now. Ours came out a month ago. We've been fighting to get as much information out there as we can.

So I feel that sense of urgency very much so, but to get it right and not to set a bad precedent for this body, I think it would be wise for us to follow the process that Mr. Martoni laid out and just to wait the seven days. I don't think it would hurt us that much.

MR. DeFAZIO: We have a motion on the floor now. Well, let me ask you. Eileen, do you want to pursue that, or do you just want to let it go? We've heard other things.

MS. WAGNER: I want to pursue it. I want this information on the internet as soon as we can possibly do it.

We are representing the people of this county. We are not representing a committee structure and county or whatever. This is an emergency type situation with our taxpayers.

I spoke to sixty at noon today. They want more information. Seven days brings us almost two-thirds through October, and we have nine weeks left until the end of the year.

My suggestion is we vote. That's what it's about. Let's vote this evening.

MR. DeFAZIO: So your motion is to vote on this particular motion?

MS. WAGNER: Yes, it is.

MR. FAWCETT: I had moved to table it until next week and refer it to committee.

MR. FRANCIS: I don't know if it's been seconded.

MR. DeFAZIO: Not yet, it hasn't been.

MR. JANOCCKO: The motion was to pass this sense of council resolution. A motion was made to table it for one week and refer it to committee, so the second motion is out of order.

You either -- you vote on the motion to table it and refer it to committee. If it's defeated, then you vote on the motion.

MR. DeFAZIO: You're right.

MR. FAWCETT: We need two-thirds vote.

MR. DeFAZIO: No. no. There's a motion to table it. You don't need two-thirds vote.

MR. GASTGEB: And refer it to committee?

MR. SIMMS: Table it and refer it to committee; is that right?

MR. DeFAZIO: Yes.

MR. GASTGEB: Could you state that?

MR. DeFAZIO: Actually, the original motion was to withdraw it, so --

MR. FAWCETT: I had moved to table -- to refer it to committee and take action on it next week, and I did not withdraw that.

MR. DODARO: You don't have to table if you want to refer it to committee. It can just be a motion to refer it to committee.

MR. FAWCETT: Then that's what I'll do.

MR. JANOCCKO: That was seconded.

MR. DeFAZIO: Let's vote on that.

MR. GASTGEB: Could you restate it again?

MR. MASCIO: The motion is to refer this motion to committee.

Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?

MR. FAWCETT: Yes.

Mr. MASCIO: Mr. Fitzgerald?

MR. FITZGERALD: Yes.

MR. MASCIO: Mr. Fontana?

MR. FONTANA: No.

MR. MASCIO: Mr. Francis?

MR. FRANCIS: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. Natoli?

MR. NATOLI: No.

MR. MASCIO: Mr. Olasz?

MR. OLASZ: Aye.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Schwartz?

MR. SCHWARTZ: No.

MR. MASCIO: Mr. Shumaker?

MR. SHUMAKER: Yes.

MR. MASCIO: Mr. Simms?

MR. SIMMS: Yes.

MR. MASCIO: Ms. Wagner?

MS. WAGNER: No.

MR. MASCIO: Mr. DeFazio, president?

MR. DeFAZIO: Abstain.

MR. MASCIO: Ayes, ten; nos, four; and one abstention. The motion carries.

MR. DeFAZIO: We'll go on to public comment. Yvonne Brown, you have three minutes.

If Yvonne Brown is not here, we'll move on. Rabbi Samuel Hurt.

RABBI HURT: Good evening, council, women and gentlemen. It is indeed a pleasure to be speaking to you this evening.

I want to thank John Mascio for giving me the opportunity to speak to you tonight. I want to speak to you concerning minority participation in Allegheny County.

I don't think that Allegheny County is doing enough to enhance minority participation in Allegheny County.

The reason why I say this, dealing with the stadiums and dealing with all the other county contracts, minority contractors are an endangered species in the City of Pittsburgh.

The reason why I'm saying this is because we can go to other cities in the United States and we can see progressive programs operating in their certain localities and we can see minority contractors at the beginning stage when they first come into the construction business, and we can see how they have progressed over a period of years.

I, myself, operate a construction company. I've been in business since 1980. I have never had a city, county, state or federal contract.

Gentlemen, I don't know if it's because of my advocacy for minority participation in the City of Pittsburgh since the late Mayor Caliguiri's administration, but I want to say that I have a right to maintain a lobbyhood in the City of Pittsburgh and no matter what stance I take as it relates to minority participation, there is no reason why I should be black balled and demeanored in the way that I have been demeanored since 1980.

Now, I want to appeal to you and I want to give you a recommendation. I submitted a proposal to the Department of County Development, Jim Dodaro, Charles Harris was the in-take specialist, Roosevelt Norfleet. I submitted a copy of a proposal to Jim Simms who was working for Mayor Caliguiri then. I submitted a proposal to the Urban Redevelopment Authority for the county, the city, numerous individuals, over twelve proposals.

Now, these actions are being implemented, but they are not being monitored and the county has its pants down right now.

If I was to enter a suit in the United States District Court, I would probably win right now because you have done -- have not done your job in fulfilling the minority participation goals set forth at the county.

You have certain individuals who are in power to oversee minority participation in Allegheny County, but the same individuals year after year are controlling my livelihood and other contractors' livelihoods. I'll summarize.

MR. DeFAZIO: You can have thirty more seconds. Go ahead.

RABBI HURT: I would like to see a minority business resource center set up in Allegheny County to help enhance minority participation in Allegheny County.

You know, and I can tell you what the problems are and I can also offer you solutions, you know, but you keep on hiring these same individuals and Jim Roddey keeps on putting these same individuals

You know what we have. We have the wolf watching the chicken coop, and you know, if you're willing to work out this process and if you're willing to allow input from individuals like myself and other stakeholders, there wouldn't be a need for a suit that's going to be submitted to the United States District Court for contractors like myself and other people similarly situated.

MR. DeFAZIO: Thank you.

John Haer?

MR. HAER: Thank you, President DeFazio. My name is John Haer. I'm staff director of SCIU Local 585.

Since this is the only public forum for county government we now have, I wanted to briefly update county council members about the status of negotiations with the county unions.

As you probably know, more than four thousand unionized county employees will be bargaining their contracts from July to until December of this year.

First of all, I wanted to inform you if you do not know, that today signatures -- petitions containing signatures of more than three thousand county employees were presented to Mr. Roddey's office, the county executive's office.

The petitions read as follows: We the undersigned employees of Allegheny County and proud union members are angry and disappointed at your attempt to establish bargain basement health benefits by restricting our choices of doctors and hospitals and jacking up our co-pays and deductibles. We demand and deserve quality, affordable and accessible health care.

We also demand and deserve fair compensation that recognizes our skills, our years of services, and the new use of technology in our work.

We pledge to do everything in our power to win a fair contract, and more than three thousand county employees have signed this petition.

Secondly, I want to briefly address you with respect to the proposals that were submitted last month by county council members concerning living wage for Allegheny County workers and workers of Allegheny County contractors.

What we have before you are two pages represent the pay scale for the SCIU Local 585, 701 clerical technical bargaining unit.

All told, in this bargaining unit, this represents most of the clerical employees in all of the county offices throughout the county.

That would be in the county office buildings here and the health department and the Kane Hospitals.

There are approximately -- well, there are exactly five hundred and eighty-seven employees in this bargaining unit, and the pay scale you see here is reflective of the last raise which was effective January 1, 2000. This contract expired July 31, 2000, and is currently being negotiated now.

On the first page, you see pay scales that are highlighted. This represents monthly wages of employees, monthly salaries of employees, and the highlighted ones are the ones that currently would be called -- we call below the living wage of nine dollars and twelve cents an hour.

For example, in A-1, the monthly wage is one thousand, five hundred and eleven and sixty-four cents. That calculates out to an hourly wage of eight dollars and seventy-two cents an hour.

The highest wage that's highlighted there is in F-1, that's one thousand, five hundred and eighty-four. That calculates out to an hourly wage of nine fourteen.

We were actually shocked when we did a salary survey and we got the data to find -- we looked at selected job titles.

A through M represents all the job titles. One through ten across allegedly represents years of service, although there is no automatic movement. It must be bargained.

We looked at selected job titles, A through M, fourteen of them. We looked at three hundred and thirty-five of the five hundred and eighty-seven employees, and we were surprised to find that a hundred and eighty-five of them are in the yellow highlighted titles.

That means that fifty-seven percent of the employees are making less -- of those employees are making less than a minimum wage.

Just real briefly, on the second page, people that are really making below the living wage, that would be the A and B scales, that would be A-1, 872, and B-1, 892, actually, most of them are there. A hundred and seventy-eight of those employees, our calculation is, in this bargaining unit which is the lowest paid in the county, probably thirty percent of the clerical employees make below the living wage.

I just want to say that a five percent increase to this entire scale would solve the problem that would create -- A-1 would then be above the 912 living wage. Thank you very much.

MR. DeFAZIO: Okay. Thank you.

MR. HAER: Briefly, we have invited an employee who is one of those yellow highlighted categories to briefly testify tonight. Thank you.

MR. DeFAZIO: All right.

Karen Powel?

MS. POWEL: I'm Karen Powel. I'm a unit clerk at Kane Ross Regional Center. I'm the lowest paid employee at Kane Ross. Now they want to take health benefits from us and make us pay part of our benefits.

Everything that happens on the unit goes through the unit clerk. We deal directly with families. We're the greeters.

We answer questions. We deal with the doctors, with the labs, with testing. We deal with all departments, dietary, maintenance, therapies, recreation, social service, pharmacy, and central supply.

We schedule all appointments for transportation and the escort to go with mom and dad because most of us are working.

Health care is changing drastically. Unit clerks now have to be knowledgeable of residents' insurance coverage, HMO's, and referrals.

We are responsible for ICD nine codes for lab work. There is a class to learn these, but these have never been offered to us.

This is for reimbursement. These codes are very important now because unit clerks are now billing.

We are liable for giving the correct information or it could mean Medicare fraud.

We are pulled to other units when someone calls off and get no differential pay. We are responsible for keeping the unit compliant with re-orders, assessments.

We help out with pharmacy, with faxing, and if the mail room person calls off that delivers the mail, the unit clerks. Still, no more money, not to mention our usual answering the phones, call bells, filing, keeping the charts available, the station organized, and the unit running smoothly.

We are more than a unit clerk. We are more than a secretary. We need to be reclassified, retitled. We need more money.

Dietary, housekeeping, and maintenance make more money than I do, and yet, their responsibilities have not changed.

Our starting wage is eight fifty-six an hour. I've been a unit clerk for eight years. I make eight ninety-two an hour. We need help. We need more money. Thank you.

MR. DeFAZIO: Okay. We have one more speaker, a Marilyn Sample. Is Marilyn not here? Okay. All right. Let me say one thing. Before we adjourn, I want to explain something here.

Mike?

MR. CROSSEY: Can I ask the lady who just spoke a question?

MR. DeFAZIO: Go ahead.

MR. CROSSEY: Did you just say that your wages have gone up thirty-six cents in the last eight years?

MS. SAMPLE: Yes.

MR. CROSSEY: Thank you.

MR. OLASZ: Before you make a comment, I have something.

MR. DeFAZIO: Go ahead.

MR. OLASZ: I'm sorry that I was otherwise detained this evening, but on our agenda, there are some corrections to the August the 1st minutes.

On Page 35, line four, received the contract for instead called a mass. Line eleven of the same page, instead of contrast, it should be contract.

Line 22, instead of sticks, it should be stakes. Page 41, line 12, had hoped for instead of inaudible.

Page 42, line 6, it's Mr. Sketelas, a misspelling there.

Page 42, line 25, it's Ad Tranz, A-D, capital T-R-A-N-Z.

Page 44, line 5, it's the big dig in Boston.

Line 11, it started out at ten million cubic yards. It's now up to fifteen million cubic yards.

It's not in the minutes, but for the proponents of that tunnel under the Allegheny River, the overrun now up in the Boston big dig is approximately two point eight billion dollars with only sixty percent of the project completed. Thank you.

MR. DeFAZIO: Okay. There were some additions to the minutes, some corrections. Is there a second?

MR. MARTONI: I'll second the motion.

MR. DeFAZIO: Okay. Any comments?

All those in favor, signify by saying aye.

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(Whereupon, there was a chorus of ayes.)

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MR. DeFAZIO: Opposed?

The ayes so have it.

Okay. Before we adjourn, I want to explain something to you. We are going to have two executive sessions.

We're going to take a break for a few minutes, and if people want to step out, it's up to them, but we probably have to come back here and vote, but we have to talk about a situation that involves legal matters.

We're going to come back, vote on it, then we're going to adjourn, then we're going to have another executive session after the meeting is adjourned on personnel issues.

So at this time, you're welcome to stay. We're going to have a little --

MR. GASTGEB: Mr. President, it was my impression that the legal portion would go second due to a conflict with certain members so they could handle the first business first and then be refused from the second without making them stick around.

MR. DeFAZIO: I didn't see the -- the second one, we're going to probably be a lot longer, so I thought we'd meet at the end.

The first part shouldn't be real long. The second one, we might be here a long time, the way I understand it.

MR. GASTGEB: Okay.

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(Whereupon, there was a brief pause in the proceedings for an Executive Session.)

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MR. DeFAZIO: Let me explain what happened here. Jim Roddey and the Council are all part of this Administrative Code.

I met with Mr. McVerry, Jim Roddey, our solicitor and everyone else. Now, the county, they said they wanted us to defend the county and the council which I from day one thought didn't make sense.

I thought the county should defend themselves. Jim Roddey is part of this. He should defend himself.

But what upset me even more than that is, when we go back into our executive meeting, all the Republicans left, so at this point, we're going to have to throw the ball back to Mr. Jim Roddey and company.

If he wants to defend the county, he's going to have to step up and we'll have to sit down and talk. That's exactly where we're at right now.

We can't be playing these silly games like this. We were told emphatically that this is what's supposed to be done, this is what has to be done, and then all the Republicans walked out like they don't want to be part of this.

Look, we're just as much a part as they are. They're just as much a part as us. Jim Roddey is the head of the county. Now everyone is walking away.

If we're going to stand there and play these silly games, we're not going to do it. So at this point, we're not going to take any action.

MR. FRANCIS: John, I just want to point out to be historically accurate, not one Republican on this council ever voted for the code as it is.

As you recall, the code was passed with a ten to five vote. It was then vetoed by Mr. Roddey. The override vote was then held. The vote was overridden again with no Republican vote.

No Republican had any -- we never voted in favor of putting in place the current code. Then when the amendments were offered, we did vote in favor of those, but neither Mr. Roddey or any of the Republicans on this council --

MR. DeFAZIO: Jim Roddey agreed with it.

MR. FRANCIS: Well --

MR. DeFAZIO: Absolutely. Jim Roddey and the council agreed.

MR. FRANCIS: I'll only speak with respect to the Republicans on this council.

MR. DeFAZIO: Well, I'm speaking about Jim Roddey and the majority of council.

MR. FRANCIS: The Republicans on council never voted the way that you -- the way that the code is currently structured with respect to merit hiring.

That never occurred. If you go back and look at the way the vote occurred, and I understand your position on this, but I just want the record to be clear and I want you to understand why we feel the need to help defend this lawsuit. We never voted for the code as it currently is with merit hiring.

MR. DeFAZIO: I go by the majority of this body. The majority of this body voted for the code and Jim Roddey, also. We all agreed.

MR. FRANCIS: The majority --

MR. DeFAZIO: The majority. That's what I go by.

MR. FRANCIS: Okay. I just want to be clear on that.

MR. CROSSEY: Mr. DeFazio, if I can very quickly, I think one more time, this is evidence that it is not the Democrats on this council that are being partisan. It is the Republicans.

Mr. Roddey agreed with us in negotiations that he would allow this to go to a judge for an independent declaratory judgment.

Mr. Roddey went back on his word. The people that are involved in this lawsuit are all Mr. Roddey's supporters.

And as far as I'm concerned, this is a blatant disregard to the agreement that Mr. Roddey had with us, and he is one more time just trying to go after this issue in a political way, and by the five Republicans walking out, I am absolutely totally disgusted.

As far as I'm concerned, Mr. President, I would like to see you renegotiate and take a new look at our committee structure, and if the Republicans are going to play politics, then I think that the Democrats finally ought to start playing politics.

I think we've been extremely non political on this board, and I think that this is just a blatant move by the Republican administration to one more time get what they didn't get in negotiations.

And as far as I'm concerned, I just have lost an awful lot of faith in Mr. Roddey today.

MR. FAWCETT: I didn't attend the executive session. I couldn't because of our firm's representation of the plaintiffs, and I think people understand that, but I have to talk in response to Mr. Crossey.

I would remind Mr. Crossey that we've had a committee structure in place that was nonpartisan when we were drafting the code, and he's talking about, you know, we want to start playing party politics, but we started playing party politics when he, the chairman of that committee, scheduled meetings and excluded the Republicans on the committee and took over the code using their draft.

I mean, talk about the pot calling the kettle black. That's absurd, and I can't sit in silence and listen to that as if Mr. Crossey hasn't been partisan in his approach to this. He has.

MR. DeFAZIO: Let's be honest about it. You'd seen what just happened. How unfair can you be. This is really going downhill bad.

I really feel bad for this whole group. What's actually going on does not make any sense, and I really am shocked. I didn't think we were going to stoop this low, but we did.

Vince?

MR. GASTGEB: I just want to say that I totally object to Mr. Crossey referring to us as Mr. Roddey.

The five of us are making this decision on our own, although we are supporters of Mr. Roddey. I'm sure all fifteen of us are at any one point in time.

This comes down to one issue and one issue only, and I don't want to bring partisanship up, but the fact of the matter is, the Republicans have always voted for merit hiring.

In fact, we issued an amendment on May 15 when the Administrative Code was still under negotiation very plain and simple. Merit based hiring for all county employees, including row officers. A straight party line vote, that went down.

We feel that we're on the side of people and of change, and we're not going to sit here and partake in something that we're totally against when our voting record has more than showed in that way.

For us to sit here and pick an attorney when most of us are sensitive to the plaintiffs makes no sense at all.

To me, the business was created by ten people on this particular issue, and on this particular issue only, the ten people can take it to the next level. Thank you.

MR. DODARO: I just want to make one comment, okay. I think you people misunderstand the issue in this litigation.

The issue in this litigation is not merit hiring. The issue in this litigation is whether under the Home Rule Charter, okay, the county executive and county council have the authority to impose merit hiring and other regulations through the Administrative Code on the row offices.

That's the issue. This is not an issue of who's for or who's against merit hiring, and that's where you are failing on your responsibility as it relates to appointing counsel because the Home Rule Charter is what is at issue here.

I was privy to a meeting with the county solicitor and Mr. Roddey where Mr. DeFazio and Mr. Fontana were requested by them to present this issue to this council on behalf of Allegheny County to appoint special counsel to defend the county in this action, to once and for all clarify the issue.

Under the Home Rule Charter, what jurisdiction and authority does the executive and council have over the row offices. That's the issue.

It's not a question of taking sides. It's a question of, let's once and for all resolve this issue.

MR. DeFAZIO: Let me say one thing. To answer you, Vince, this is a Republican versus Democrat on merit hiring because a lot of us from day one said, we're for merit hiring, so don't get mixed up with that. I agree with what Jim just said.

Let me get Rich first.

MR. FITZGERALD: Yes, just to respond. Most of us, and I'll speak for all of us, most of us are for merit hiring.

Jim Dodaro stated it very well, do we have the ability. If I have the ability and I hope the court comes down with a ruling one way or the other and we can put this issue to bed.

If they say we can administer merit hiring, we're going to do it and we're going to do it very quickly because it's something that I believe in and I know a lot of my colleagues believe in.

But I will say this. We've been trying, I know I have been, to reach across party lines in a bipartisan method and in a bipartisan way to work with all of my colleagues.

I'll just say this. I'm extremely disappointed at the orchestrated event I just saw in that back room, and I think it did a lot of damage to the credibility of this group trying to work together across party lines on a lot of issues to play politics again. That's all I have to say.

MR. DeFAZIO: Eileen?

MS. WAGNER: Mr. President, I would like to thank Mr. Dodaro for once again explaining what this is all about, and I would like to put a motion in to adjourn.

MR. DeFAZIO: Okay. A motion to adjourn is always in order. Do I hear a second?

MR. OLASZ: Second.

MR. SHUMAKER: I had my hand up. You talk about playing politics as usual.

MR. DeFAZIO: Wait. You've got to learn the rules.

MR. SHUMAKER: I had my hand up before she did, then you recognized her.

MR. DeFAZIO: Listen. A motion to adjourn is in order at any time. I want to tell you that. You better read the book.

If she's successful, we'll adjourn. If she's not -- if the majority agree with you, they won't adjourn.

MR. OLASZ: I second the motion.

MR. DeFAZIO: There was a second.

MR. SHUMAKER: Can I make a comment on the motion now?

MR. DeFAZIO: You can have a comment, but I don't think you're allowed under adjournment.

MR. DODARO: Take a vote. You have a motion to adjourn. It's been properly seconded. Take a vote. Obviously if the majority --

MR. SHUMAKER: I have a question on the motion. May I make my question?

MR. OLASZ: How long is it?

MR. SHUMAKER: Are we allowed to debate the motion to adjourn?

MR. DeFAZIO: No.

MR. OLASZ: No.

MR. SHUMAKER: Thank you.

MR. OLASZ: Read the parliamentary procedures down at the book store.

MR. SIMMS: Call the vote.

MR. DeFAZIO: It's real simple. If you think he's right, vote in his favor. I think we're running the meeting by the book.

If you think Eileen's motion is -- you want that, you vote that way. Don't argue about the rules because I know what I'm talking about.

MR. OLASZ: John, under parliamentary procedure, a motion to adjourn takes precedence over any motion.

MR. SHUMAKER: If you're going to play, let's play by the rules.

MR. OLASZ: We don't have rules.

MR. SHUMAKER: People should be recognized in the order that they raised their hands. I had my hand up before she did.

MR. DeFAZIO: No, you didn't.

MR. OLASZ: Take the roll, John.

MR. DeFAZIO: She had her hand up. Don't argue with me who's hand was up first.

MR. OLASZ: Take the roll, John.

MR. MASCIO: Mr. Crossey?

MR. CROSSEY: Yes.

MR. MASCIO: Mr. Fawcett?  
MR. FAWCETT: No.  
Mr. MASCIO: Mr. Fitzgerald?  
MR. FITZGERALD: No.  
MR. MASCIO: Mr. Fontana?  
MR. FONTANA: Yes.  
MR. MASCIO: Mr. Francis?  
MR. FRANCIS: No.  
MR. MASCIO: Mr. Gastgeb?  
MR. GASTGEB: No.  
MR. MASCIO: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. MASCIO: Mr. Natoli?  
MR. NATOLI: Yes.  
MR. MASCIO: Mr. Olasz?  
MR. OLASZ: Aye.  
MR. MASCIO: Ms. Rea?  
MS. REA: No.  
MR. MASCIO: Mr. Schwartz?  
MR. SCHWARTZ: No.  
MR. MASCIO: Mr. Shumaker?  
MR. SHUMAKER: No.  
MR. MASCIO: Mr. Simms?  
MR. SIMMS: Yes.  
MR. MASCIO: Ms. Wagner?  
MS. WAGNER: Yes.  
MR. MASCIO: Mr. DeFazio, president?  
MR. DeFAZIO: Yes.  
MR. MASCIO: Ayes, eight. Nos, zeven. Motion carries

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(Whereupon, the proceedings were adjourned at 6:55 p.m.)

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REPORTER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of my stenographic notes taken by me at the time and place of the within cause; that the transcription was reduced to printing under my direction; and that this is a true and correct transcript of the same.

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Date

Adrienne Kierdak Sauter  
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