

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John P. DeFazio	-	President, Council-At-Large
Nicholas Futules	-	Vice President, District 7
Samuel DeMarco	-	Council-At-Large
Thomas Baker	-	District 1
Cindy Kirk	-	District 2
Edward Kress	-	District 3
Michael J. Finnerty	-	District 4
Sue Means	-	District 5
John F. Palmiere	-	District 6
Dr. Charles J. Martoni	-	District 8
Robert J. Macey	-	District 9
DeWitt Walton	-	District 10
Paul Klein	-	District 11
James Ellenbogen	-	District 12
Denise Ranalli-Russell	-	District 13

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

Tuesday, August 30, 2016 - 5:03 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:

Jared Barker	-	Director of Constituent Services
Joseph Catanese	-	Director of Legislative Services
Walter Szymanski	-	Budget Director
Andrew Szefi	-	Council Solicitor
Jack Cambest	-	County Solicitor

PRESIDENT DEFAZIO: Would you all stand for the Pledge of Allegiance and remain standing for silent prayer or reflection. After me ---.

(Pledge of Allegiance recited.)

PRESIDENT DEFAZIO: Remain standing.

MS. RANALLI-RUSSELL: I'd like to offer a prayer for Mrs. Cioffi, a prayer for the repose of the soul. She was a big advocate in the Lawrenceville area, and she passed away a few days ago.

PRESIDENT DEFAZIO: Okay. Well, thank you. We'll have the roll call.

MR. BARKER: Mr. Baker?

MR. BAKER: Here.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Here.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Here.

MR. BARKER: Mr. Futules?

(No response).

MR. BARKER: Ms. Kirk?

MS. KIRK: Here.

MR. BARKER: Mr. Klein?

MR. KLEIN: Here.

MR. BARKER: Mr. Kress?

MR. KRESS: Here.

MR. BARKER: Mr. Macey?

MR. MACEY: Here.

MR. BARKER: Mr. Martoni?

DR. MARTONI: Here.

MR. BARKER: Ms. Means?

MS. MEANS: Here.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Here.

MR. BARKER: Ms. Ranalli-Russell?

MS. RANALLI-RUSSELL: Here.

MR. BARKER: Mr. Walton?

MR. WALTON: Present.

MR. BARKER: President DeFazio?

PRESIDENT DEFAZIO: Here.

MR. BARKER: Fourteen (14) members are present.

MR. FUTULES: Here.

MR. BARKER: Fifteen (15) members are present.

Let the record reflect that Mr. Futules is with us.

PRESIDENT DEFAZIO: 9796-16.

MR. BARKER: Proclamation honoring Dr. David Barkovich, Dean of Academic Affairs at North Hills High School, for his outstanding leadership and service with the Allegheny County School Counselors Association. Sponsored by Council Member Baker.

MR. BAKER: Thank you, Mr. President. I'm very happy to have a great community leader from Ross Township and David Barkovic, our Dean of Students and a long-time resident and leader in District 1. I know Dave from a lot of ways. He heads up our academies at the high school, and being on the local government academy the last few years has been great. Dave has been nice enough to bring me in every year. My wife and I sponsor a scholarship fund at the high school and Dave has connected us with some great students. The opportunity to get to share with them has been excellent.

And I think in some districts, you know, the high school principal, the high school football coach might be the most popular educator on campus. And I think in the North Hills we're very lucky to have Dave Barkovich as our most popular educator. So with that, I do want to read this Proclamation and then we'll hear from Dr. Barkovich.

WHEREAS, founded in 1961, the Allegheny County School Counselors Association is the local Chapter of PSCA and was established to improve guidance and counseling services in our schools, provide a forum for sharing professional concerns and to promote the professional status and growth of school counselors.

AND WHEREAS, Dr. David Barkovich, Dean of Academic Affairs in North Hills High School, was elected in June 2014 to serve as the Allegheny County School Counselors Association vice president and then in June 2015 as the organization's president.

AND WHEREAS, during his tenure with the Allegheny County School Counselors Association, Dr. David Barkovich planned and implemented a countywide professional developmental program with notable keynote speakers from more than 250 counselors, his peers. Dr. Barkovich increased collaboration between school counselors practicing in Allegheny County and local service --- social service organizations. Dr. Barkovich improved the attendance of members at statewide conferences and enhanced member communication. Dr.

Barkovich updated the name of the organization to school counselor rather than guidance counselor. Maybe he'll share with us the thinking behind that when he addresses us here just in a minute or two.

To represent the broad scope of the profession, Dr. Barkovich advocated for the school counseling profession on local, state and national levels And established School Counselors Day in Allegheny County. Dave, when is that?

DR. BARKOVICH: It is February 3rd; is it?

MR. BAKER: February 3rd. So early February is School Counselors Day. That's great.

NOW, THEREFORE, BE IT RESOLVED, that the Allegheny County Council in conjunction with the Executive Board of the Allegheny County School Counselors Association does hereby thank Dr. Barkovich for his years of service, his outstanding dedication to limiting barriers impeding students' development, for creating development opportunities for countless school counselors and for his exceptional advocacy for the school counseling profession on the local, state and national levels. Sponsored by myself and presented this 30th day of August, 2016.

If we could give a big round of applause to Dr. David Barkovich?

(Applause.)

DR. BARKOVICH: I just wanted to thank you very much for this. The Allegheny County Council has been a big supporter of counselors in our County. In fact, we greatly appreciate that February 3rd was Allegheny County School Counselors Day. Chief Executive Fitzgerald came and spoke to our organization last month, too, and so in that way I greatly appreciate that.

I have a favor to ask you, although I wanted to give just a couple of thanks first. I'd like to thank Councilman Baker, who is also a strong advocate for young people in our area, for this recognition. I want to thank the North Hills School District as well. They've really supported me in my leadership and allowed me to go off and do some things at the countywide level. And I want to thank all the officers of my board. But I mostly need to thank the two most important people in my life. That would be my wife and my daughter. A lot of times I bring my school counseling caseload home with me up here and can't always set it down. And they're my superheroes.

They keep me going so I can help other young people keep going so ---.

My favor I wanted to ask you was there are a lot of influential people in this room. You are leaders in our County, and you have a network of connections not only across the County and the state, but even nationally. If you would run into business leaders, educational leaders, community leaders of any sort, I would really appreciate if you could advocate for the school counseling profession. You know, we, you know, maybe remember the guidance counselors that we had growing up, but the profession has morphed greatly. And one minute I could be telling a teenager that it's time to use deodorant because he's too smelly, and then two minutes later, I'm going to a meeting where I'm helping a student apply to an Ivy League college. Then a little bit later I could be dealing with a young person who is just feeling too depressed to handle classes that day. It's a great responsibility and we are school counselors now rather than guidance counselors because, you know, I am not the wise man at the top of the mountain that you come to and say, yes, you know, you shall be a County Council man and you shall be this.

No, really I'm more of a guide, someone that walks up that mountain with the student as they go through their schooling, and we help them in that way. So the School Counselors Association is what we are now entitled.

So I greatly appreciate this. Appreciate any support you could give us. The counseling caseload across Pennsylvania is 500 to 1, although I have colleagues that have 1,000 to 1. And imagine your own child. You would want somebody to be available to help them if they're having a bad day or they needed some assistance. So any advocacy you could help on behalf of school counselors would be greatly appreciated. But I do appreciate what you do. So thank you very much for this. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT DEFAZIO: Proclamations and certificates, we just did 97 --- so this is 9797-16.

MR. BARKER: Certificate of Recognition presented to Ms. Linda Skosnik upon the occasion of her retirement after 39 years of dedicated service to Big Brothers, Big Sisters of Greater Pittsburgh. Sponsored by Council Member Baker.

MR. BAKER: Mr. President, my caucus colleagues can attest to the fact that it took me 50 minutes to get down here from East Liberty and I think my colleagues from BBSS are in the same traffic. Would it be okay to put this off until a little later in the meeting?

PRESIDENT DEFAZIO: Yeah.

MR. BAKER: Thank you.

PRESIDENT DEFAZIO: We'll move on and see if they come later. We'll go down to 9764-16.

MR. BARKER: 9764-16 and the remainder of the Proclamations are to be read into the record.

9764-16, a Proclamation thanking Dr. Deno De Clantis for his 26 years of dedicated service to Pennsylvania State University and the residents of Allegheny County. Sponsored by Council Member Finnerty.

9769-16. Proclamation congratulating Ms. Marlene Hunt upon the occasion of her retirement from the Allegheny League of Municipalities. Sponsored by Council Members Martoni, Baker, DeFazio, DeMarco, Ellenbogen, Finnerty, Futules, Kirk, Klein, Kress, Macey, Means, Palmiere, Ranalli-Russell and Walton.

9798-16. Proclamation congratulating Mr. Larry Seiler upon the occasion of his retirement from Senate Engineering Company and thanking him for his 30 years of service as the engineer for Verona Borough. Sponsored by Council Member Futules.

9799-16. Proclamation congratulating Ms. Lou Anne Sokolowski upon the occasion of her retirement after 23 years of dedicated service to the Monroeville Public Library. Sponsored by Council Member Martoni.

9800-16. Certificate of Achievement awarded to Mr. Benjamin James Diffendal of Boy Scout Troop 366 for earning the rank of Eagle Scout. Sponsored by Council Member Means.

PRESIDENT DEFAZIO: Public Comment. Alexander Saksen.

MR. SAKSEN: Thank you, Mr. President and members of Council. My name is Alexander Saksen. I'm a resident of Marshall Township and a partner at Gordon & Rees, a downtown law firm. Thank you again for the second opportunity to speak regarding Bill Number 9735-16. I promise to be more brief this time, though no less concerned as a father, husband and lawyer with interested partners in all three facets.

Tonight I want to focus on my legal concerns. I remain concerned with how this bill got to this point. The summary page still suggests that this is nothing than a housekeeping measure, and we've seen people in the County double down on this this week. I still very much respectfully disagree with this characterization.

First, the Bill changes the definition of small business concern in Section 435.1 to exclude companies with three-year average revenue above \$56.42 million per the cited federal regulation. The Bill incorporates that phrase into its eligibility definition for the program, thus eliminating larger MBE and WBE programs. Even if it's amended to the more broadly applicable Department of Transportation language in the Code of Federal Regulations, which would be 26.5, that regulation only addresses County contracts that are federally funded, i.e., funded by the DOT, not the more broad-based County contracts covered by the MWDBE program.

Second, the Bill proposes a change to Section 435.8 and includes a new definition of socially and economically disadvantaged person that I think is arbitrary and determined on a case-by-case basis. This is arguably an unconstitutional provision, and I think it exposes the County to unnecessary litigation.

Third, I'm concerned with the proposed use of the phrase good faith efforts replacing the word goals in the existing language in the proposed changes. It's less definitive and it also refers to various types of County contracts --- that's a quote --- instead of all County contracts. One is left to wonder if language --- if this language removes some contracts from the program.

Well, what are the risks of these changes? I think you all saw it last week with the gentlemen that were here. Simply put, smaller MWDBE companies will suffer if this bill is passed, excluding larger MWDBE companies. You may hear that those of us that make comment are mistaken or confused about the new language or that the language is required by federal mandate. The Bill may be confusing, but as an attorney, I can tell you the impact is not. That's what you saw last week.

Further, federal funding requirements only concern DOT-funded projects, not all of your County contracts. I don't know how many contracts are DOT funded, but it's certainly not 100 percent. As for confusing, confusing laws, especially when a legislative

body seems to suggest as much, result in litigation and then reformation or redrafting by Court mandate. This is a much more expensive process than sending this back to committee and curing the confusion with input from the affected people. You saw what the impact was last week and I would urge you to send this back to committee or vote against the bill.

Thank you all for your time and for your service to the County.

PRESIDENT DEFAZIO: Anita Brattina.

MS. BRATTINA: Good afternoon. My name is Anita Brattina. I have never done this before, but when I saw the language in this Bill, I felt that it was really important to come and speak as a business owner in the County.

I'm a resident. I've been a resident of the County since 1974. I attended Duquesne where I met my husband. He was actually the Pittsburgher. And we've lived in Penn Hills for the last 22 years.

After working for several large corporations in Pittsburgh, I started four companies in Allegheny County. Successively I sold two, I still own two. During that time, I have employed over 200 people in the County. Ninety (90) percent were Allegheny County residents. Today I have 22 employees and all but two live in Allegheny County.

I am here because Bill Number 9735-16, which is before you for final approval, has two clauses I would like to see you amend before adopting. This bill modified the current MWDBE minority and disadvantaged women's program that allows Allegheny County to place up to two percent of its business with women and 13 percent with minority-owned companies.

Overall, it's actually a fair bill the way it is drafted with two changes. And those two changes I'm calling the Glass Ceiling Clause. For your non-Department of Transportation business that you put out for procurement, I would like to see you change the eligibility for MWDBEs so that it permits a woman or minority to stay as a company, a certified company, without limit to size.

So as I grow bigger and bigger as a company and I put more and more resources behind doing government contracting, I will reach a point where I no longer can qualify as a WBE or an MBE and that, I think, is unfair. And I'm calling that the Glass Ceiling because I'm going



to put resources into bidding for work. I'm going to going to work with primes, get to know them, get included in bids, and then eventually have to shut down that department because I can't bid anymore. I won't be certified. Those primes will not be able to use me. So it puts a Glass Ceiling on my business, and I'm asking you to consider removing that phrase. And I put in language that I would recommend you substitute it with in this letter.

I am not --- I today am eligible to be certified. But in two or three years, I suspect, I will not be. And so that's the problem that I have and ---.

PRESIDENT DEFAZIO: Try to finish up in a few more seconds.

MS. BRATTINA: Sure. I know there are other women and minority companies in the same position. So I'm asking you to strongly consider changing that. Thank you.

PRESIDENT DEFAZIO: Thank you. Carol Philp. Carol Philip. Stuck in traffic. Cheri Bomar.

MS. BOMAR: Hello. My name is Cheri Bomar. I'm a Bethel Park resident, Allegheny County resident for my entire life. And I'm also Corporate Counsel for 84 Lumber Company.

I want to thank you for the opportunity to speak again about this very important issue. As indicated last meeting, we are hoping that this legislation be sent back to committee for further consideration. We are familiar with various states and various counties and have heard things that it's a requirement that this business size cap be put on. We believe that there is a middle ground that we could work with the County's concerns with DOT funded projects to allow for those caps by installing certain definitions and have proposed some legislation which we will leave for you tonight.

In fact, 49 CFR Part 26.3 provides that if you are letting a contract in which DOT financial assistance does not participate, that these parts are not applicable. So we're just asking for your consideration of those facts, and if you would take a look at our proposed redraft of the legislation, and we would be happy to meet with anyone that you would suggest to talk about those points.

Thank you again for your time.

PRESIDENT DEFAZIO: Thank you. Joanne Peterson.

MS. PETERSON: Thank you, Chairman DeFazio, for allowing me to address this Council again. My name is Joanne Peterson. I'm involved with two women-owned businesses in the County. One of them has been in business almost as long as this original ordinance. And while it may seem necessary to change the language in order to comply with federal regulations, I think that's just part of the story. These regulations seem to only apply to funding associated with transportation and not with other federal, state or locally funded projects.

In fact, I think you'll find that very few of us who have come to speak to you about this issue have actually done any DOT work. And that's probably one of the reasons we feel so committed in requesting you to consider changing our ordinance.

We remain women and/or minorities no matter how large our businesses might become. And I think that the County has the right to certify or acknowledge certification of minority or women-owned businesses which are no longer considered small by our federal Department of Transportation or the SBA.

The County says it will continue to recognize third-party certifications for non-transportation contracts. But by not clearly stating this intent in your ordinance, it means it can't be enforced, especially if or when administrations change. I would respectfully request that you remove the word small from the definition of a business enterprise, minority business enterprise and women business enterprise. That you consider changing and to or whenever you reference MWBE, MBE, WBE and DBEs. And if possible, I would ask that the County review its eligibility standards and accept/recognize third-party certifiers.

The third-party certification process is as rigorous as the UCP process. And we have invested significant time, money and resources to achieve these third-party certifications. We're concerned that not accepting these certifications could bar us from participating in goals-based MWDBE non-DOT County procurements.

Times have changed since this ordinance was written. And the County now has over 26,000 women business enterprises, almost 28 percent of all businesses in the County. My daughter, our chief financial officer, really wants me to stress that providing a commercially

useful function can be quite difficult when a prime is unwilling to go beyond the mandated two percent. That's why I would ask this Council to consider increasing its two percent goal for women and other diverse business enterprises to the federal level of five percent.

I would encourage the County to continue to recognize third-party certifiers and consider adjusting its goals to be more inclusive.

Thank you again for your time and consideration. I very much appreciate it.

PRESIDENT DEFAZIO: Thank you. Brandon English-Dean, I understand, isn't here. No? Okay. We'll move on. We have no minutes.

MR. BARKER: I believe we may have one public comment outside the County.

PRESIDENT DEFAZIO: Oh, wait a minute. I forget to turn the page over. Amy Criss.

MS. CRISS: Thank you again, County Council, for allowing me to speak on the County's 9735-16, Minority Women and Disadvantage Business Enterprise Program changes.

My name is Amy Criss. I'm the Director of Supplier Diversity and Women Business Enterprise at 84 Lumber Company. In this role, I watch diverse businesses of all sizes grow and that touches my soul. 84 Lumber has four locations in Allegheny County and over 145 families living in the County that work at 84 Lumber. These changes could affect the businesses and families. That's why I feel so compelled to speak. I understand that DOT work is required federally to adhere to these proposed changes, but the County spends a lot of money that is not DOT related. And we'd like to see diverse businesses of all sizes have the opportunity to help the County reach its diversity goals, employ diversity and better this County's communities. You heard from the gentlemen that we had here last week, and they really touched my soul. I'm sure they touched yours. The one that was not able to make it actually ended up getting in an accident, and he's trying to figure out how to solve his transportation issues to be able to get to work. So that's why he's not here, and he apologizes for not being here.

You've heard from many legal minds on these issues, and I defer to them for their legal knowledge. I just ask that the County continue to support this area and adopt language that will continue to level the playing

field for diverse businesses and watch them grow to capacity without limiting their size. These businesses like 84 give back and help the County correct the diversity and justice for all. I appreciate your time and your consideration. I just think this bill needs to go back to committee and get some input on how we can make it work for everybody. I think there's a good solution for everyone. Thank you again for your time.

PRESIDENT DEFAZIO: Thank you. We have no minutes?

MR. BARKER: Correct.

PRESIDENT DEFAZIO: Presentation of Appointments. 9794-16.

MR. BARKER: Approving the appointment of Erin Carter to serve as a member of the Council of Friends organization, South Park, for a term to expire on August 30th, 2018. Sponsored by Council Member Means.

PRESIDENT DEFAZIO: Representative Means?

MS. MEANS: Yes. It's my honor to nominate Erin Carter to serve as a member of the Friends of South Park. She's a really hardworking Girl Scout leader, and I think she will be a great addition to the Friends of South Park.

PRESIDENT DEFAZIO: Want to make a motion --- is that a motion?

MS. MEANS: Yeah, I make a motion.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, all those in favor signify by saying aye.

(Ayes Respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. 9746-16.

MR. BARKER: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing new fees for the County Fire Marshal's administration and enforcement of the Commonwealth's Combustible and Flammable Liquids Act's rules and regulations. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Finnerty?

MR. FINNERTY: Thank you, Mr. President. This ordinance was released from committee with a unanimous vote. And just a footnote, that the Fire Marshals --- the different fees have not been changed since 1976. So I move that we okay this.

PRESIDENT DEFAZIO: Someone second it?

MR. MACEY: Second.

MR. DEMARCO: Second.

PRESIDENT DEFAZIO: Under remarks? We'll take the vote.

MR. DEMARCO: Mr. President?

PRESIDENT DEFAZIO: Hold it. Who has it? Go ahead.

MR. DEMARCO: I was just going to say --- I was just going to add as Councilman Finnerty pointed out, back in 1976 the minimum wage was \$2.30 an hour. And we require the fire marshal's office here in Allegheny County to try to make --- check these tanks both underground and above ground, to ensure the safety of our citizens. So I don't believe these fees are unreasonable at all and I support this motion wholeheartedly.

PRESIDENT DEFAZIO: Thank you. Any other remarks? Go ahead.

MR. KRESS: Any time we can fees instead of raising taxes is always a good thing. And I don't think the burden should be on the general taxpayer. It should be on the people that actually utilize these things and are in the businesses. So that's all I wanted to say. Thank you. And I will be supporting this bill.

PRESIDENT DEFAZIO: Go ahead, Representative Ellenbogen.

MR. ELLENBOGEN: You know, as the Public Safety Chair, I just want to say there's a lot more work for them to do. We have an older community. There are a lot of really old homes that really need inspected. It costs money to do it, and it's a lot cheaper to raise the fees to inspect it than to pay the fireman to put out the fire. Thank you.

PRESIDENT DEFAZIO: Seeing no more hands, we'll take the roll call.

MR. BARKER: Mr. Baker?

MR. BAKER: Aye.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?  
MR. KLEIN: Yes.  
MR. BARKER: Mr. Kress?  
MR. KRESS: Yes.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
DR. MARTONI: Yes.  
MR. BARKER: Ms. Means?  
MS. MEANS: Yes.  
MR. BARKER: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. BARKER: Ms. Ranalli-Russell?  
MS. RANALLI-RUSSELL: Yes.  
MR. BARKER: Mr. Walton?  
MR. WALTON: Yes.  
MR. BARKER: President DeFazio?  
PRESIDENT DEFAZIO: Yes.  
MR. BARKER: Ayes, 15; no's, 0. The motion

passes.

PRESIDENT DEFAZIO: 9753-16.

MR. BARKER: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2016, Submission #07-16. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Finnerty again?

MR. FINNERTY: Thank you again, Mr. President. This is a new grant that we have received through our efforts of our different departments petitioning for it. It's \$3,400,000 grant, and it has to do with lead hazardous reduction of paint demonstrations. And it's a grant that we really, really appreciate because as an older community we have many, many houses and businesses, for that matter, that have lead paint. And also, we have some piping that has lead in it. So it's something that's really important and our congratulations to our different departments that have gone out and gotten this grant. I make a motion that we approve it.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, we'll take the roll vote.

MR. BARKER: Mr. Baker?  
MR. BAKER: Aye.  
MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.  
MR. BARKER: Mr. Ellenbogen?  
MR. ELLENBOGEN: Aye.  
MR. BARKER: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. BARKER: Mr. Futules?  
MR. FUTULES: Yes.  
MR. BARKER: Ms. Kirk?  
MS. KIRK: Yes.  
MR. BARKER: Mr. Klein?  
MR. KLEIN: Yes.  
MR. BARKER: Mr. Kress?  
MR. KRESS: Yes.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
DR. MARTONI: Yes.  
MR. BARKER: Ms. Means?  
MS. MEANS: Yes.  
MR. BARKER: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. BARKER: Ms. Ranalli-Russell?  
MS. RANALLI-RUSSELL: Yes.  
MR. BARKER: Mr. Walton?  
MR. WALTON: Yes.  
MR. BARKER: President DeFazio?  
PRESIDENT DEFAZIO: Yes.  
MR. BARKER: Ayes 15; no's, 0. The bill passes.  
PRESIDENT DEFAZIO: 9735-16.

MR. BARKER: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, setting forth a new Chapter 435 of the County Code of Ordinances in order to improve operations of the County's MWDBE program. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Walton?

MR. WALTON: Mr. President, we held a committee hearing on 7/5 --- 7/15. It was referred. We held a committee hearing on July 14th where we affirmatively recommended it for passage by the committee. And so we're moving it for passage tonight.

However, in a spirit of transparency, I'd like to offer up an amendment.

MR. FINNERTY: I second that motion.

MR. WALTON: And the amendment is as follows.  
On page six relative to small business concern under the

legislation, under the original legislation, there's a typographical error. It was listed as CFR 23.33, and it should be ---.

PRESIDENT DEFAZIO: Wait. Why don't we first go with --- we're not ---

MR. WALTON: Okay.

PRESIDENT DEFAZIO: --- going to vote on it, but let's go with your --- the motion.

MR. WALTON: The amendment.

PRESIDENT DEFAZIO: See if there's a second.

MR. WALTON: Okay.

PRESIDENT DEFAZIO: Then we'll go with the amendment.

MR. WALTON: Thank you, sir.

PRESIDENT DEFAZIO: Do you want to make the motion?

MR. WALTON: Yes, I move that we pass, that we pass the legislation, the ordinance.

MR. KRESS: Second.

PRESIDENT DEFAZIO: Before we go to remarks, then we'll go with the amendment.

MR. WALTON: I move that the amendment be, on page six, business concerns, a for-profit business does not exceed the size standards on 49-CFR-26.5 as opposed to the original documents that lays it out as CFR 23.33.

MR. FINNERTY: I second that.

PRESIDENT DEFAZIO: Before we go with remarks, do you have anybody ---?

MR. WALTON: Yes, I'd like to --- I'd like to ask our Council and our County Manager and Council and the MWDBE chair to speak to those issues.

MR. MCKAIN: Thank you. Andy Szefi is our solicitor. He's going to go into an explanation of the amendment. As an opening statement, I will say that our program is not changing and those that do business with the County will --- under this program will still do so with this legislation that's in front of you. And I'm going to ask Andy to speak to the amendment.

MR. SZEFI: Thank you, members of Council. Briefly, what --- the only change, as Councilman Walton discussed, under the definition of small business concern, the section previously referenced only with airports and airport vendors had a higher threshold for the amount. That was intended to be the general federal CFR standard for general business concerns. And that's what that



substitution does. And it has a lower threshold, revenue basically, size of business amount. So that is what the amendment does.

PRESIDENT DEFAZIO: Okay. Under remarks, go ahead, Mr. Baker.

MR. BAKER: Mr. President, it just seems like there's a lot of moving pieces and amendments and it's moving really fast. I talked to four or five colleagues before coming up today. It just seems like things are moving really fast. So I'd like to make a motion to move this back to committee for the time being.

MR. DEMARCO: Second.

PRESIDENT DEFAZIO: Well, first of all, we have the amendment to vote on. But you want to --- you're trying to put another --- that's not an amendment. That's a motion.

MR. BAKER: Right.

PRESIDENT DEFAZIO: So we have to vote on the amendment first so ---. Is there any other questions on the amendment?

MR. FINNERTY: I don't have any question. I'd just like to say this Bill has not moved that fast. This Bill is a year and a half old. It's been around. It's been around for quite a while. And there's been a public hearing on it. And that was, I guess, what, April 2015, I believe. Something like that. So it has been around. And it's not being moved fast. And that's for sure. Thank you.

PRESIDENT DEFAZIO: Representative DeMarco?

MR. DEMARCO: Thank you, Mr. President. I would just say here that when we --- on July 14th, 2016 at the meeting for the Economic Development Committee when we moved this or passed this, what we were told when we asked for the explanation was that we were taking and bringing the language of the existing ordinance up to current. And that it wasn't going to take and substantially alter or modify the program. I'd ask Mr. Barker to take a prepared document in which he documented what was on the original ordinance, what was on the 2014 change and what was on the proposed 2016 change. There are 26 pages here of changes.

The fact that we're introducing an amendment today to change the 23.35 to 26.5 indicates that this legislation, while it may have been sitting out there and may have been prepared for a while, there was a typo in

there that legal or that we inadvertently missed bringing it to this point. And we're trying to correct that today.

What I don't know is what else are we missing? And I understand from the Administration's perspective that this isn't going to negatively impact any business that is currently doing business with Allegheny County. But in the private sector here, the reason we do contracts with those folks are because of survivability. It's one thing when we can look someone in the eye, we shake their hand and we make a commitment and we move forward. But what happens after somebody retires, you know, moves on, passes away? You have to have some sort of language that allows the folks that follow there to know how to abide, how to follow and how to rule the program. And that's why, you know, I'm concerned with this. And if it's been going on for the last year and a half, that we've had this out there, then it doesn't seem like there's anything extremely urgent that means that it needs to be passed here tonight. And I don't see any reason why it can't go a couple more weeks to give us a chance to really sort this thing out and come back with a final answer here at either the next meeting in September or the following one. Thank you, Mr. Chairman.

PRESIDENT DEFAZIO: Any other remarks?

Representative Means?

MS. MEANS: First, I thought we were talking about Mr. --- respectfully, to everyone, Mr. Walton, Chairman Walton's amendment. So I just wanted to ask what is the lower threshold? So you said, you know, this amendment, when we're going to 23.33 to 26.5, you know, what is that lower threshold because before it was \$50 some million and now it's a different number. So I wanted to know what that meant.

And I did want to respectfully correct my fellow Council member because this is new legislation. This was introduced by the Administration on July 6th to us. And the meeting, the public hearing that was held in April of 2015, was a different legislation. That's why we have this three colors. We have the --- what we have now is gray. What was proposed in 2014 is yellow, and what is now. So there --- this isn't --- hasn't been around. It was just introduced. And even this little minor change from 23.3 to 26, I need time to wrap my head around it and time to understand it what it means.

But if you can explain to me, Mr. Szefi, do you know what the difference is and the money, the ceiling? So 2333 is the ceiling of what? For what? And what kind of work? And 26.5 is the ceiling for what type of work? Thank you very much.

MR. SZEFI: Yeah. The federal regs contain different ceilings for different areas. 23.3 deals with airports. The ceiling is somewhere --- and it changes based on a formula in the federal regs. But it's somewhere currently in the neighborhood of about \$53 million, I think, or \$55 million. And the general business concern, Section 26.5, that's down to currently what is this \$23.9 million. So it's lower.

MS. MEANS: So just to clarify then, small business, minority business, women's business, would hit the ceiling sooner; correct? But the other one wasn't applicable. It was just the wrong, wrong; right?

MR. SZEFI: That's correct.

MS. MEANS: Because this isn't the --- this isn't airport work. This isn't Department of Transportation.

MR. SZEFI: Meant to apply generally.

MS. MEANS: This is general. Now, this is a standard from the federal government; correct?

MR. SZEFI: That's correct.

MS. MEANS: And if we're not getting funding from the federal government, then we don't have to abide by the ceiling; is that --- am I understanding that correctly?

MR. SZEFI: We made the ceiling. The point of this, Councilman, back in 1981 the initial MBE Ordinance was passed. Okay? So Ronald Regan was six months into his presidency when this --- the current ordinance was written. What we were charged with doing was bringing it up to date. Federal regulations have changed a lot since then. There's references in the old letters to the Commissioners in the old ordinance.

MS. MEANS: Uh-huh(yes).

MR. SZEFI: It needed to be updated. And what strive to do when we do that is update it in a way that kept the spirit of compliance with the federal regulations while at the same time making it work with how our MBWDBE Department does business.

MS. MEANS: Uh-huh (yes).

MR. SZEFI: So that's what we tried to do. It was --- all of these programs pretty much around the country were initially modeled after the federal DOT programs. I haven't worked with all of them, but that's sort of the theme of the things.

Now, that doesn't mean, to your point, that to be --- we can still utilize a program, the County can utilize a program in any way it wants with its own money. But when you're dealing with federal money, programs in the Country, large infrastructure and transportation programs that deal with federal money, you do have to comply with federal standards.

So I hope that answers your question and provides a little background on what the goal of this thing was. Two aims, bring it up to date and make it work with how business had been done over the years with the MWDBE Department.

PRESIDENT DEFAZIO: Representative Ellenbogen?

MR. ELLENBOGEN: Yeah. Mr. Szefi, I just have one question.

MR. SZEFI: Sure.

MR. ELLENBOGEN: If you --- if we go along with this in terms of like federal money, I am correct in my thinking that we have to follow their rules? We can't change this, that and the other. That the federal money that we took justifies them being able to tell us the direction and what rules apply to us; is that correct?

MR. SZEFI: That is. With federal money, yes, you have to comply with the federal rules for spending that money. That is right.

MR. ELLENBOGEN: Thank you, sir.

PRESIDENT DEFAZIO: Representative Kress.

MR. KRESS: I just had a question. Did we have a cap before on this program? Is this something new?

MR. SZEFI: The cap before, the old ordinance, I should say the current ordinance, the one that's in place defines MBEs as small businesses. Now, it didn't have any definition specifically in there to --- as defined basically by the Small Business Administration. But it did not have a specific number. That's correct. And that's one of the flaws you see with ordinances. When you have terms like that, you like to give them definitions to give it some degree of certainty.

MR. KRESS: And why is there a definition in regards to the cap? I'm asking you that? Why do we have a cap in there now?

MR. SZEFI: We put a definition of small business concern --- when you define something as small, you need to put something --- give it some teeth. It has to have some meaning. Otherwise, people say, well, I'm small or not small. It's a relative term otherwise. So we what we chose was the definitions in the federal regulations which are sort of the basis for all of these programs.

MR. KRESS: Well, but again, you're having a definition because you don't want to give it to a business that's --- that may be a billion dollars. You're trying to define small business; is that correct?

MR. SZEFI: That was the goal of the both the original and current ordinance in place, yes. That's right.

MR. KRESS: So this is a program to benefit small businesses, not large corporations; is that correct?

MR. SZEFI: Okay. I mean, large and small again are ---.

MR. KRESS: I'm just saying we're putting a cap in there --- we're trying to define what a small business is because a small business is not, you know, GM. It's something --- it's something small.

MR. SZEFI: I think most people ---. Right.

MR. KRESS: Okay.

MR. SZEFI: I think most people would agree with you there.

MR. KRESS: Thank you.

PRESIDENT DEFAZIO: Seeing no other --- wait a minute. Representative DeMarco.

MR. DEMARCO: Thank you, Mr. President. I just wanted to ask Mr. Szefi a question to clarify what Councilman Ellenbogen had asked him.

When he was referring to federal money such as the Department of Transportation, it's only that money which means we have to abide by those rules. So when we have a billion, \$1.8 billion budget, the money we get from the federal government, we have to abide by their rules. But the \$854 million that we spend a year as part of our operating budget or we spend from revenue that doesn't come from the federal or state government, we have

flexibility or the leeway to do whatever we want with that; correct?

MR. SZEFI: That's right.

MR. DEMARCO: Okay. I just wanted to clarify that. Thank you.

PRESIDENT DEFAZIO: Representative Ellenbogen?

MR. ELLENBOGEN: That's kind of opened up a question in my mind. Suppose we get --- you know, we have all our dollars that we spend. And now we get the federal money and our folks take a little of the federal money and put it in this side here and they spread it out as opposed to taking the chunk. Does that not affect every one of those projects that federal money was applied to?

MR. SZEFI: Usually, it's pretty hard to break up federal money and spread it out. I mean, you usually get federal money for specific projects, and it's earmarked for a specific purpose. You don't get a slush fund that you can kind of spend here, here and here.

So I think, you know, just to sum it up, the general theme you want to remember is when federal money comes to you, it comes with strings. And those strings --- the federal government says here's what you have to do if you want this money from us.

PRESIDENT DEFAZIO: Yeah. Go ahead.  
Representative Finnerty.

MR. FINNERTY: Thank you. We're still talking about the amendment; correct?

PRESIDENT DEFAZIO: Yeah. That's right.

MR. FINNERTY: Thank you. One thing I think it's very important to keep in mind if we're talking about small, small businesses, if you look through the ordinance here, you'll see small businesses a number of times. And we're defining small business according to the 26.5. Now, it's our hope that we help small businesses become big businesses, so that they don't need this small business minority, women's and so on. And that's our hope. And I think over time --- and I don't know this for sure --- that we have helped businesses become big businesses by shoring them up, by doing different things for them.

Once somebody becomes a big business --- and big business that I'm talking about, right now, if we're talking about \$26 or \$23.98 million, it depends really what they're doing. I mean, if they're building bridges, they get more money, more of a leeway. But once we're doing this --- I mean, these businesses become bigger ---

doesn't mean they can't do business with the County. They can still do business with the County. People have something, I don't know what it is, some perception, that once you go above this amount of money you can no longer do business with us. Of course, you can. 84 Lumber does business with us. They're above this, way above it. But the thing is they can still bid on things like anyone else.

So I think let's get that out of the road and move on. Thank you very much.

PRESIDENT DEFAZIO: Representative Kress?

MR. KRESS: You know, since we're putting this cap in which probably should have been there to define small business, are there businesses now that would not fall into this category that are falling into this program currently, that are participating in this program.

MS. BYRD-SMITH: There are two different things we're talking about.

MR. KRESS: Okay.

MS. BYRD-SMITH: For those Council people that I haven't met yet, I'm Ruth Byrd-Smith. I'm Director of the Department of Minority, Women and Disadvantaged Business Enterprise.

There are two things. We're talking about contracting at Allegheny County, and then a separate subject matter is certification. Contracting it out at Allegheny County, the proposed changes do not limit the types of certifications that we will accept to meet participation on contracting goals. With the exception of contracts that are funded by US-DOT as outlined by our solicitor.

What we do is we accept other certifications. I have a laundry list. I didn't print them out, but I have a stack because we save them. And we have --- because --- for our recordkeeping. We have the City of Houston Office of Opportunity. We the Women's Business Enterprise National Council. We have Pennsylvania Department of General Services. We accept credible certifications. The reasons that we say case by case is if you present a certification and it's for work, and on that certification it says that you're a drywall hanger, but you're presenting yourself to be a steel erector, then we need to examine that. I think that's reasonable. And that's if somebody --- if you submit my certification to me, I want

to know that you can do that work. We review everything. That's what we're in the business of doing.

Now, over the years we have --- and that was one of the things that the chairwoman of our advisory committee, M. Gayle Moss, who is in the audience, wanted us to do, was to make sure that nothing changed. The program was going along well. People were getting to the table. Some of the folks in the audience tonight --- Avator, my deputy, just spoke at her office for Chatham University. And she's done business with the Treasurer's office --- yeah, with the Treasurer's office just recently.

So nothing has presented a problem in reference to our accepting certifications. We look at it. We see if you're doing what you said you do, you are who you say you are, that you say you have experience, expertise and control. And if it's USDOT, which I don't think is on the table tonight, then that's a whole separate conversation. As well as airport concessions. There's no airport concessions in the audience. So I hoped that cleared that piece up some.

In reference to certification, we certify as part of the Pennsylvania Department, I'm sorry, Pennsylvania Unified Certification Program. What that means is that we are one of the five doors that you walk through in Pennsylvania if you want to be certified to do USDOT work, which is quite impressive, I might add. Because if you want to do USDOT work, these are the only five places you can come in the State of Pennsylvania; Allegheny County signed on in 2000 to be part of that. And I might say that I sit on the Oversight Committee, that I was the former chair of the Appeals Committee, and that I actually am a part of the Transportation Research Board. So that's a US board.

So consequently, over the years, we've had a good relationship with USDOT. We've had a very impressive certification program here in Allegheny County dating back to 1981. And this is merely something that's housekeeping. And if there are any questions, I'd be happy to try to answer them.

PRESIDENT DEFAZIO: Okay.

MR. KRESS: Well, I was just thinking. I have a question. Is there anybody currently who would like not qualify? I mean, if somebody is participating in the program, but we're putting this cap in, that they're not



going to be able to participate now? Because we're trying to just define small business; right?

MS. BYRD-SMITH: Excuse my voice. I think I'm catching a cold. But if you're contracting with Allegheny County and it's not USDOT funded work and you present a certification from a credible certifier, we back --- who else do I have here, the National Minority Supplier Development Council, Supplier Clearing House, Northern --- North Central Texas. That was a hoot. North Central Texas, because we call and talk to these people and find out what do you do, how do you do it, when was the last time you saw this company, to make sure that these people are credible when they come into our marketplace. And you know, we --- the biggest part of our job is due diligence. So we know who's coming into the County, how they're coming in, where they came from, so there's never an embarrassment to Allegheny County.

MR. KRESS: Okay. Can I follow up on my question?

PRESIDENT DEFAZIO: Go ahead.

MR. KRESS: No, because there's been some concerns that some small businesses may not be able to participate if there's something like a cap, if like a large business was not present. They're not available. Can you answer that? Like what would happen? Like say, maybe hypothetically, they're saying maybe these guys can't fill out the paperwork or they can't get the business. Could you address that?

MS. BYRD-SMITH: Well, actually, we provide a service out of my department. We go to three satellite sites around the County. So if something is free of charge, 50 percent of my staff are notaries so we even notarize the paperwork for you. We have services twice a month at the Diversity Business Resource Center. That's on the North Side. We also, at Community Empowerment Association in Homewood --- and that's the old Holy Rosary School because that's how we refer to things in Pittsburgh--- and then we have a person twice a month at Hill House. So if you don't understand the paperwork or --- it's a lot of paperwork, if you're --- perhaps you don't want to ask a question in a group setting, it may be something about your finances, your taxes, something like that, I have a person that meets with people one-on-one every month. So they can get the kind of assistance they need free of charge every month. And anybody can walk

into my office any day of the week because all of my staff are cross trained.

MR. KRESS: And based on that answer, I think, if you're a small business owner, you shouldn't be afraid of this because there is --- I mean, you don't need somebody --- a larger company there to help you. You can directly apply for this program? If you need the help, it's available?

MS. BYRD-SMITH: And we encourage you to because the one thing that we do is, in addition to everything else, business development. And if you can't sit down and tell me about your business, then you're not going to be in business that long. So you need to be able to come to grips with, I'm a business owner. This is what I do. I'm very proud of it. I can discuss it with anyone. And that's what we try to instill as well on the business development side.

MR. KRESS: Okay. Thank you.

PRESIDENT DEFAZIO: Representative Futules.

MR. FUTULES: I have two questions. We're referring to a cap. Are we referring to gross sales or net profit?

MS. BYRD-SMITH: The cap is on --- I'll talk about all other businesses. \$23.98 million, on average, business receipts over a three year period. So you could have \$10 million this year, \$5 million next year, maybe \$30 million the following year. That wouldn't take you out of the program because of your business receipts.

The other calculation we do is as a --- in your personal net worth, you have to have under \$1.32 million after you take out your business assets as well as your personal residence. If you're over that --- and that's where a lot of people have their money if they're a small business owner, in your personal residence and your business --- if you're over \$1.32 million.

MR. FUTULES: Thank you for clarifying that. My next question was we heard some concerns about language. And I'm pretty sure that if you put six lawyers in a room it's pretty hard to come up with the same language that everybody is happy with. So I just want to make sure that everybody understands that if we pass this this evening, if there's some fatal error in the language, we can always come back to this Council and do an amendment to it. So it's not the end of the world if we pass this tonight as far as language. Am I correct?

MS. BYRD-SMITH: I ---.

MR. FUTULES: Thank you. That's all I have.

PRESIDENT DEFAZIO: Wait a minute.

Representative Means. Go ahead.

MS. MEANS: I would like Walter or somebody to give everyone a copy of the Bill. And the point I'm making is ---.

MR. FINNERTY: Excuse me.

PRESIDENT DEFAZIO: Hold it.

MR. FINNERTY: We have something on the floor here.

MS. MEANS: All right. Okay. Well, kind of tied in.

MR. FINNERTY: Well, I have a copy of the bill.

MS. MEANS: No. Well, this is a red line of the Bill to point out that the Bill we're going to vote on, the Bill we're talking about amending, is one, big, huge amendment. That's all.

PRESIDENT DEFAZIO: First of all, stop. Stop.

MS. MEANS: Okay.

PRESIDENT DEFAZIO: Right now, we're dealing with the amendment.

MS. MEANS: Okay.

PRESIDENT DEFAZIO: Then we're going to deal with the Bill.

MS. MEANS: Okay. So --- well, I had a point which is my --- to Mrs. Smith, Ms. Ruth Byrd-Smith. Thank you so much. I know you work really hard for the County. But I just can't wrap around the disparity between --- we're going to put a cap and we define what the cap is, but we're still going to let people who have exceeded that cap bid and have contracts for the County. It's not playing out. So we're going to set this cap and we're going to continue to allow companies that exceed this cap to bid on projects. I think that's what you're saying when you say case by case, and we have --- we're very clear here. We're putting a cap in and we haven't had a cap before. So can you explain that? I'm sorry. I can't justify the two things in my head. Thank you.

MS. BYRD-SMITH: Okay. There are two subjects that we're discussing. One is contracting in Allegheny County, and under the proposed ordinance, the certification types that we accept can be from private certifiers, can be from public certifiers. It has to be a credible certifier. But I think to your point,

Councilwoman, certification that we perform under USDOT regs, separate, totally separate issue. And because we certify under USDOT they set whatever those caps are. So we don't do anything with that. That's federal guidelines because we're a county agency and we oversee a federal certification for transportation-related certifications.

Now, we can accept those on other kinds of work, but USDOT sets the tone for certification. We don't have that option.

PRESIDENT DEFAZIO: Representative DeMarco, do you have a question on the amendments?

MR. DEMARCO: Yes.

PRESIDENT DEFAZIO: Go ahead.

MR. DEMARCO: Thank you, Ms. Smith. Everyone that I've talked to ---

MS. BYRD-SMITH: Yes.

MR. DEMARCO: --- have said it's been a pleasure dealing with you working in this program.

MS. BYRD-SMITH: I appreciate that.

MR. DEMARCO: The issue isn't about how you run the department or what has taken place. I think the concern really is about --- again, if you were to move on and someone else were to walk in the door, would they administer it as fairly or as well as you have done? And that's one of the questions.

I have a question about --- you talk about the assets that a particular business owner has and we talked about a \$1.3 million ceiling. And you talk about the business and the home. Do they have to take into account their retirement account as part of that?

MS. BYRD-SMITH: It does.

MR. DEMARCO: Okay. So if you're a business owner and you're in your mid-40s, you know, and you've been saving since your 20s, it would not be a stretch to have \$1.3 million in assets tied up between your IRA, 401K and your home. So this isn't something that is really --- lends a lot of leeway being --- someone that's rich. In other words, many small business owners could inadvertently fall under this, and it could negatively impact them. So I think the thing is between that for me, that's one. And then just the certification even though you're saying we accept MWDBE, I think, is the ---

MS. BYRD-SMITH: Uh-huh (yes). Yes.

MR. DEMARCO: --- certification program.

MS. BYRD-SMITH: Yes.

MR. DEMARCO: I don't see it in the ordinance which is why, you know, again, while you're accepting it. What happens if you're no longer running the program? There's a new administration here, and we don't have Mr. McKain and Mr. Fitzgerald, you know, that are operating under the pretenses the way that we've operated here today. What would they do then? And I think that's what's been communicated to me as one of the concerns from the folks that are talking about this.

MS. BYRD-SMITH: Do you want to speak to that?

MR. MCKAIN: My understanding is that it allows the flexibility for her to do that. And it is a best business practice. The legislation allows it. She mentioned a variety of third parties. There are many, many more than she has in her folder. I do think that the language is flexible enough to allow that. I understand your concerns, but I'm not that troubled by that. I think whoever is at the helm would be able to take into considerations the ones that Ruth said and any others that might be forthcoming that are credible. So I'm comfortable with it.

PRESIDENT DEFAZIO: Seeing no more hands, let's take a vote, a roll on the amendment.

MR. BARKER: On Mr. Walton's motion to amend.

MR. BARKER: Mr. Baker?

MR. BAKER: Abstain.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: Mr. Kress?

MR. KRESS: Yes.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

DR. MARTONI: Yes.

MR. BARKER: Ms. Means?  
MS. MEANS: No.  
MR. BARKER: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. BARKER: Ms. Ranalli-Russell?  
MS. RANALLI-RUSSELL: Yes.  
MR. BARKER: Mr. Walton?  
MR. WALTON: Yes.  
MR. BARKER: President DeFazio?  
PRESIDENT DEFAZIO: Yes.

MR. BARKER: Ayes, 13; nays 1; with 1  
abstention. The motion to amend passes.

PRESIDENT DEFAZIO: On the main motion, under  
remarks which we didn't do, is --- we're going to the main  
motion under remarks.

MR. BAKER: Mr. President, I have quick question  
for Mr. Cambest. And this might be a silly question. My  
stepdad works at 84 Lumber. I don't know if that matters  
related to this or not. Maybe it does, maybe it doesn't.  
He sells windows there. I don't ---. Probably not. I'm  
just trying to be overly careful. Do I need to abstain?

MR. CAMBEST: Any vote that they would take ---

MR. BAKER: Yeah.

MR. CAMBEST: --- if it was for your father, if  
you work for him ---.

MR. BAKER: I mean, my step-dad, Phil. He's very  
nice. I'm sorry. Just being overly careful.

PRESIDENT DEFAZIO: Representative Finnerty?

MR. FINNERTY: I just want to clarify something.  
We're going to be voting right now on the ordinance as  
amended. Okay. So we're voting on the ordinance as  
amended right now. Okay. Thank you.

PRESIDENT DEFAZIO: DeMarco --- Representative  
DeMarco?

MR. DEMARCO: Mr. President, Mr. Baker made a  
motion to send it back to committee.

PRESIDENT DEFAZIO: Can't do it. First of all,  
there's a motion pending on the floor which we're voting  
on now.

MR. DEMARCO: Okay.

PRESIDENT DEFAZIO: So while you have a motion  
on the floor, you can't bring another motion into the  
thing.

MR. DEMARCO: Okay.

PRESIDENT DEFAZIO: Representative Kirk, I guess, you were next.

MS. KIRK: Hi. I just have question for clarification about the socially disadvantaged. Now, if I understand it right, we have to do a disparity study before we can add a new category. Wasn't that the law in the '90s somewhere? And I believe there had been a disparity study, so how do we add this to our ordinance? Are we meeting the law?

MS. BYRD-SMITH: I'll answer it. It's the percentages. You have to have clarification that you can present to begin to change things in reference to percentages. The language has been in place since, you know, the program began, the USDOT program began. And so that's not going to be an issue. But if you change --- if you start changing percentages, the question is going to be why and how are you --- how are you coming up with the numbers, and you know, how you move forward with the program. Right now, we have a race conscious and a gender specific program. So that's what we're basing our affirmative action program on. And when you begin to make changes --- and our attorney is here. I guess he can add the legalese to it. I'll give you the laymen's version. You just have to be able to explain so it's very clear why and how you're doing what you do. And a disparity study is typically, in today's world, the way people make that leap.

MS. KIRK: Well, then how by --- in effect, by adding that section to the women, the gender, aren't we in effect, lowering the percent potentially of women businesses?

MS. BYRD-SMITH: Women businesses were broken out of ---

MS. KIRK: You have two percent.

MS. BYRD-SMITH: --- the MBE world somewhere in the late '80s and early '90s. It just didn't make to our legislation until now. You'll hear the term WBE, and before everything was lumped under MBE and women were called female business enterprises. And you were --- we were --- since I was certified at one time myself, we were part of a great lumped-in number. And then when the program became narrowly tailored and became more specific in how you approached getting to where you were going in reference to those numbers, you had to be very clear about

who was in the program, how they were --- how you were operating your program so you could explain it.

MS. KIRK: Thank you.

PRESIDENT DEFAZIO: Wait a minute. Did you have your hand raised, Dewitt? No. Sue, Representative Means.

MS. MEANS: Yes. I just wanted to ask about the red line version of the bill that we're voting on to --- I'm sorry, to make a point that it is a big amendment. And to join with Councilman DeMarco, words have meaning. And we discovered a little, a couple --- a number that wasn't correct. And so we have an amendment and there's a lot of words here. And we had attorneys from 84 Lumber here. We had CEOs of companies here. We had people saying there's something wrong with the language.

And of course, when we have a room full of brilliant minds --- and Mr. Finnerty has said before that the heavy lifting should take place in the committee meetings. And I do believe this committee --- that we should vote against this tonight. That we should do a rewrite because it's not clear. The questions for myself have not been answered. And there just isn't the clarity and I can't vote for something that I'm not sure what it is. I am not sure what exactly it is.

Again, as I mentioned before, if you put a ceiling on it and then you can still let the people in that you've already qualified out that looks like a lawsuit. And if you decide to let them out then that's a lawsuit. And I don't --- I just can't vote for something that's broad and vague. And there's no hurry. There's no hurry to vote no and go back to the drawing board and meet together with all the brilliant minds that have offered all the great amendments and say, let's work this out. Let's come to a common agreement, language we can all agree on, language that we all can get behind. So thank you for allowing me to speak.

PRESIDENT DEFAZIO: Okay.

MS. MEANS: You didn't pass them out.

PRESIDENT DEFAZIO: What? We've voting on the motion as amended, 9735-16.

MR. BARKER: On Mr. Walton's ---.

PRESIDENT DEFAZIO: As amended. We're voting now. The amendment passed. Now we're got to get as amended passed with the bill.

MR. BARKER: Correct. On Mr. Walton's motion to approve the bill as amended.



MR. WALTON: Yes.  
 MR. BARKER: Mr. Baker?  
 MR. BAKER: I'll abstain due to the  
 facts.  
 MR. BARKER: Mr. DeMarco?  
 MR. DEMARCO: No.  
 MR. BARKER: Mr. Ellenbogen?  
 MR. ELLENBOGEN: Aye.  
 MR. BARKER: Mr. Finnerty?  
 MR. FINNERTY: Yes.  
 MR. BARKER: Mr. Futules?  
 MR. FUTULES: Yes.  
 MR. BARKER: Ms. Kirk?  
 MS. KIRK: Yes.  
 MR. BARKER: Mr. Klein?  
 MR. KLEIN: Yes.  
 MR. BARKER: Mr. Kress?  
 MR. KRESS: Yes.  
 MR. BARKER: Mr. Macey?  
 MR. MACEY: Yes.  
 MR. BARKER: Mr. Martoni?  
 DR. MARTONI: Yes.  
 MR. BARKER: Ms. Means?  
 MS. MEANS: No.  
 MR. BARKER: Mr. Palmiere?  
 MR. PALMIERE: Yes.  
 MR. BARKER: Ms. Ranalli-Russell?  
 MS. RANALLI-RUSSELL: Yes.  
 MR. BARKER: Mr. Walton?  
 MR. WALTON: Yes.  
 MR. BARKER: President DeFazio?  
 PRESIDENT DEFAZIO: Yes.  
 MR. BARKER: Ayes, 12; no's 2 with 1 abstention.

The bill passes.

PRESIDENT DEFAZIO: 9737-16.

MR. BARKER: A Resolution of the Council of Allegheny County, Pennsylvania, made pursuant to the Local Economic Revitalization Tax Assistance Act, LERTA, Pa. Statue, Title § 4722 et seq., 1995, as amended, providing for: a program of temporary exemption from increases in Allegheny County Real Property Taxes, for specified time periods, resulting from improvements made by an owner of property located within the Eighth Ward of the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, generally known as the Friendship

neighborhood, previously determined to be a deteriorated area; establishing a schedule for exempting increases in Allegheny County property taxes resulting from such improvements; and prescribing the requirements and procedures by which an owner of property located within the deteriorated area can secure the temporary exemption resulting from such improvements. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Dewitt Walton.

MR. WALTON: Mr. President, on July 5th, we referred to committee on Economic Development. On the 14th we held the committee meeting and it was unanimously approved. And I move that we --- that Council passes this LERTA tonight.

MR. MACEY: Second.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, we'll take the vote. Roll call.

MR. BARKER: Mr. Baker?

MR. BAKER: Aye.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Aye.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: Mr. Kress?

MR. KRESS: Yes.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

DR. MARTONI: Yes.

MR. BARKER: Ms. Means?

MS. MEANS: Yes.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. BARKER: Ms. Ranalli-Russell?

MS. RANALLI-RUSSELL: Yes.

MR. BARKER: Mr. Walton?  
MR. WALTON: Yes.  
MR. BARKER: President DeFazio?  
PRESIDENT DEFAZIO: Yes.  
MR. BARKER: Ayes, 15; no's 0. The bill passes.  
PRESIDENT DEFAZIO: 9787-16.

MR. BARKER: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, granting Woodridge Productions, Incorporated, a temporary license to use certain County owned real and personal property in connection with filming a television series. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Macey.

MR. MACEY: Thank you, Mr. President and members of Council. The Public Works Committee met on August the 25th and it was discussed and well vetted. And I move that this ordinance be sent to the full Council. I mean, I move that this ---.

MR. FINNERTY: We get it.

MR. ELLENBOGEN: We got you, bud.

MR. MACEY: I make a motion.

MR. FINNERTY: I second that.

PRESIDENT DEFAZIO: Under remarks?

Representative Means.

MS. MEANS: I just wanted to let the public know that it's a good thing when somebody comes and makes a TV show or a movie in the County because they stay in our hotels. They buy our food. And I think this particular setting is actually for the TV show Outsiders. And I'm told there's like up to 5,000 extras. So it's good for us. And even though I don't think we quite look like the hills of Kentucky, we're happy they're here and contributing to our economy. So I'll be voting for it.

PRESIDENT DEFAZIO: Under --- I know, any other remarks. Seeing none, we'll take the vote.

MR. BARKER: Mr. Baker?

MR. BAKER: Aye.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Kirk?  
MS. KIRK: Yes.  
MR. BARKER: Mr. Klein?  
MR. KLEIN: Yes.  
MR. BARKER: Mr. Kress?  
MR. KRESS: Yes.  
MR. BARKER: Mr. Macey?  
MR. MACEY: Yes.  
MR. BARKER: Mr. Martoni?  
DR. MARTONI: Yes.  
MR. BARKER: Ms. Means?  
MS. MEANS: Yes.  
MR. BARKER: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. BARKER: Ms. Ranalli-Russell?  
MS. RANALLI-RUSSELL: Yes.  
MR. BARKER: Mr. Walton?  
MR. WALTON: Yes.  
MR. BARKER: President DeFazio?  
PRESIDENT DEFAZIO: Yes.

MR. BARKER: Ayes, 15; no's 0. The bill passes.

PRESIDENT DEFAZIO: Under Liaison Reports, before we take questions, I want to bring something up so it doesn't get thrown back at me. We did it before. We're not going to discuss or debate ordinances and resolutions. So let's talk about --- I know we go over the line a little bit. Let's try to keep it real close to the line on Liaisons. With that, Representative Baker was first.

MR. BAKER: My report is as positive as it gets. We have some amazing young leaders here with us tonight, our Job Corps leaders. The Student Government Association from the Job Corps. These young leaders are part of SGA at the Job Corps Center, and they wanted to learn more about local government. I've been involved for about seven years with the Job Corps Center on the Community Council. I would invite all of you to come out to one of our meetings sometimes or sometime get involved. Paul Williams heads up that group as our advisor. But I just wanted to recognize the students that are here tonight. Mr. Cologne (phonetic) is here. Do you guys want to wave? Mr. Mendez, Marv Jenkins, Mr. Ramirez, Mr. Keever and Taffy and Brett. So we've got some great young leaders here. We're going to need some snacks afterwards, do a little Q and A about local government. So please feel

free to hang out as we are going to have some snacks. So please feel free to spend a little time with these great young leaders after our meeting. And I'm very appreciative that they came tonight to learn about local government. I know looking back to high school and college and back at school going to these kinds of meetings, you sit there for a little while, what are these people talking about? But you learn a lot and you have a good time along the way. And I hope you have enjoyed the meeting tonight. Thanks for coming, guys.

PRESIDENT DEFAZIO: Thank you.

MR. BAKER: They've not been on their phones once, either. Yeah, I've noticed actually. No phones. That's impressive.

PRESIDENT DEFAZIO: Any other liaison? Representative Futules.

MR. FUTULES: Well, you know, I was going to ask the same question. I didn't know who this group was. But we were talking about filming in the City of Pittsburgh. And just last week there was a film crew in Oakmont at the Elks Theater. And I'm not sure what they were filming, but they were there for about a week. And it was quite an exhibit to see how they do filming. It took a lot of --- you know, the people in the community came out and watched it to see what they were doing. And quite frankly, I never did get to figure out who it was. But right in our small communities they do the filming.

PRESIDENT DEFAZIO: They do. Millville, they've been in Shaler.

MR. FUTULES: Absolutely.

PRESIDENT DEFAZIO: Representative Finnerty, then back over here.

MR. FINNERTY: Thank you. I'd just like to mention that on Saturday, South Fayette had their Community Day and it was well attended. It was a little hot out there, but other than that it was a good day.

Collier on Friday and Saturday had their Rock the Quarry, which is something they do annually, which if you're in the vicinity you should take a look at that. It's on the trail, Panhandle Trail.

I'd also like to mention that Labor Day is coming. That's Monday. A big parade downtown. Come down and support your labor leaders and laborers that we all are. And of course, the unions.

PRESIDENT DEFAZIO: Okay. Representative Dewitt Walton.

MR. WALTON: I wanted to echo a comment that Member Futules was making relative to film. I'm really pleased that the State of Pennsylvania in this recently passed budget increased the film tax credit from \$60 million to \$65 million. And that bodes well for Allegheny County for so much work that's going on. And just it really means that there's a whole host of career opportunities that are emerging as well with that continued strong support of the film industry.

PRESIDENT DEFAZIO: Thank you. Let's go to 9802-16.

MR. BARKER: Ordinance of the County of Allegheny approving the Bingo Lots Redevelopment Area Plan and Proposal pursuant to the Commonwealth's Urban Redevelopment Law. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go to Economic Development. 9803-16.

MR. BARKER: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the conveyance of the County of Allegheny's interest in one parcel of land located on Wynne Avenue in the Borough of Ingram known as Block 70-P, Lot 63 to Angela Lyons. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go to the Economic Development. What?

MR. FINNERTY: Public Works.

PRESIDENT DEFAZIO: Well, it --- you could do it either way, I mean, if you guys want to work it out which way. It's more Economic Development, I think so, if you guys don't have a problem with it. Okay. We're going to get 9804-16.

MR. BARKER: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the conveyance of one parcel of land located at 2416 New England Road in the Borough of West Mifflin known as Block 469-G, Lot 29 to William J. Barker. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go the Economic Development unless you two guys want to switch on it. Hearing nothing, 9805-16.

MR. BARKER: A Resolution of the Council of Allegheny County, Pennsylvania, to amend the Almono Tax

Increment Financing Plan. Sponsored by the Chief Executive. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Economic Development Committee, it goes to. 9806-16.

MR. BARKER: A Resolution of the Council of Allegheny County, Pennsylvania, made pursuant to the Local Economic Revitalization Tax Assistance Act, LERTA, Pa Statute, Title §4722 et seq., 1995, as amended, providing for; a program of temporary exemption from increases in Allegheny County Real Property Taxes, for specified time periods, resulting from improvements made by an owner of property located within a specific geographical area within Neville Township, County of Allegheny, Commonwealth of Pennsylvania, previously determined to be a deteriorated area; establishing a schedule for exempting increases in Allegheny County property taxes resulting from such improvements; and prescribing the requirements and procedures by which an owner of property located within the deteriorated area can secure the temporary exemption resulting from such improvements. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go to Economic Development Committee. New Business, Motions. Seeing none, we will go to Notification of Contracts.

MR. BARKER: Correct.

PRESIDENT DEFAZIO: Public Comments on General Items, we have one, if he's here, Lester Ludwig. I didn't see --- I didn't see him. Not here. Someone want to make a motion ---.

MR. WALTON: Motion to adjourn.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? We don't have no remarks. All those in favor signify by saying aye.

(Ayes Respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. Thank you.

MEETING ADJOURNED AT 6:21 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.

A handwritten signature in cursive script, reading "Jeremy Harris", is written over a horizontal line.

Jeremy Harris,

Court Reporter