

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Patrick Catena	-	Chair, District 9
Robert Macey	-	Vice-President, District 9
Samuel DeMarco, III	-	Council-at-Large
Bethany Hallam	-	Council-at-Large
Tom Baker	-	District 1
Cindy Kirk	-	District 2
Anita Prizio	-	District 3
Tom Duerr	-	District 5
John Palmiere	-	District 6
Nicholas Futules	-	District 7
Paul Zavarella	-	District 8
DeWitt Walton	-	District 10
Paul Klein	-	District 11
Robert Palmosina	-	District 12
Olivia Bennett	-	District 13

ORIGINAL

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

Tuesday, December 1, 2020 - 5:01 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
225 Ross Street Suite 202
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

Jared Barker - Director of Legislative Services
Jack Cambest - Allegheny County Council Solicitor
Ken Varhola - Chief of Staff
Sarah Roka - Budget Assistant

1 PRESIDENT CATENA: I'd like to call this
 2 meeting of Allegheny County Council to order. Please rise
 3 for the Pledge of Allegiance.
 4 (Pledge of Allegiance)
 5 PRESIDENT CATENA: Please remain standing for
 6 silent prayer or reflection.
 7 (Moment of Silence)
 8 PRESIDENT CATENA: Thank you. Please be seated.
 9 Jared, please take roll.
 10 JARED BARKER: Mr. Baker?
 11 MR. BAKER: Here.
 12 JARED BARKER: Ms. Bennett?
 13 MS. BENNETT: Here.
 14 JARED BARKER: Mr. DeMarco?
 15 MR. DEMARCO: Here.
 16 JARED BARKER: Mr. Duerr?
 17 MR. DUERR: Here.
 18 JARED BARKER: Mr. Futules?
 19 MR. FUTULES: Here.
 20 JARED BARKER: Ms. Hallam?
 21 MS. HALLAM: Here.
 22 JARED BARKER: Ms. Kirk?
 23 MS. KIRK: Here.
 24 JARED BARKER: Mr. Klein?
 25 MR. KLEIN: Here.
 26 JARED BARKER: Mr. Macey?
 27 MR. MACEY: Here.
 28 JARED BARKER: Mr. Palmiere? Mr. Palmosina?
 29 MR. PALMOSINA: I'm here.
 30 JARED BARKER: Ms. Prizio?
 31 MS. PRIZIO: Here.
 32 JARED BARKER: Mr. Walton?
 33 MR. WALTON: Here.
 34 JARED BARKER: Mr. Zavarella?
 35 MR. ZAVARELLA: Here.
 36 JARED BARKER: President Catena?
 37 PRESIDENT CATENA: Here.
 38 JARED BARKER: We have 15 members present at the
 39 moment.
 40 PRESIDENT CATENA: We'll now have proclamations.
 41 These will all be read into the record, and we're going to
 42 do them as a group since they're all for the same group is
 43 11675 through 11682.
 44 JARED BARKER: These are all certificates of
 45 achievement presented to members of Boy Scout Troop 85

1 notification of contracts. Is there any public comment on
 2 agenda items?
 3 KEN VARHOLA: Yeah. There's public comment on
 4 agenda items, President Catena. The first up is Dixie
 5 Tymitz.
 6 DIXIE TYMITIZ: Dixie Tymitz Wallingford Street
 7 in Pittsburgh. This year in 2020 the White House used the
 8 virus pandemic as a pretext to close the border
 9 indefinitely and stop hearing asylum applications.
 10 Neither are our immigrants here safe. DACA recipients
 11 fear deportation as the Supreme Court considers their
 12 status. Immigrant workers work hard in fields and
 13 factories. Many without basic safety measures, and the
 14 virus strikes over and over again. Here in Pittsburgh
 15 that great giant UPMC does not adequately protect the
 16 cleanup crews that come in after surgeries doing dangerous
 17 work.
 18 These are discouraging, breathtaking examples of
 19 self-centeredness and lack of caring in our government and
 20 in our businesses for the good capitalism can be brutal in
 21 the front. Despite the advice of scientists worldwide we
 22 chose to expose the whole country to the virus so we could
 23 keep making money rather than find support for those who
 24 will and have become sick in uncontrolled environments not
 25 able to either support or cure themselves.
 26 This bloody virus attacks especially vulnerable
 27 people such as immigrants, people of color, laborers and
 28 small business owners who live from paycheck to paycheck.
 29 They have no money stored up to help them endure this
 30 enemy we cannot see. We do have heroes. They are
 31 exhausted, worn down and in danger because they never give
 32 up their efforts to save us.
 33 It's been an effort so beautiful we ache at the
 34 sight of them putting themselves in danger trying to save
 35 us and shining a light on the essence of humanity so
 36 bright it floods our hearts with new hope for humanity. I
 37 know many of you have been fighting this fight. You may
 38 be sick and tired of it and the setbacks.
 39 I tell you that if you will pray for courage and
 40 look to the needs of your community a great energy and
 41 happiness will come to you and we the people although we
 42 need you. Thank you very much.
 43 KEN VARHOLA: Thank you, Ms. Tymitz. Next up is
 44 Mike Treat. Why has Warden Harper decided to stop
 45 allowing access to physical books in the county jail?

1 upon receiving the eagle scout award. The awardees are
 2 Matthew Waszkiewicz, Anthony "AJ" Bosco, Nathan Janero,
 3 Nick Stevenson, Nathan Welch, Benjamin Edwards and Erik
 4 Mahaffey all sponsored by council members Macey and
 5 Zavarella.
 6 PRESIDENT CATENA: Is there any public comment
 7 on any agenda items?
 8 JARED BARKER: We have none.
 9 PRESIDENT CATENA: Okay. We have no minutes to
 10 approve. For presentation of appointments 11674-20.
 11 JARED BARKER: Approving the re-appointment of
 12 Tonya Johnson to serve as a member of the Accountability,
 13 Conduct and Ethics Commission for a term to expire on
 14 December 31, 2025 sponsored by Council Member Macey.
 15 PRESIDENT CATENA: That will go to appointment
 16 review. 11677-20.
 17 JARED BARKER: Approving the appointment of Tim
 18 Hazel to the Board of Property Assessment Appeals and
 19 Review for a term to commence on December 15, 2020 and
 20 expire on December 15, 2023 sponsored by Council Member
 21 Catena.
 22 PRESIDENT CATENA: That will go to appointment
 23 review. 11683-20.
 24 JARED BARKER: Approving the re-appointment of
 25 Ed Sperling to the Board of Property Assessment Appeals
 26 and Review for a term to expire on December 31, 2023
 27 sponsored by Council Member DeMarco.
 28 PRESIDENT CATENA: Unfinished business I believe
 29 we don't have any.
 30 JARED BARKER: I apologize ---.
 31 PRESIDENT CATENA: Liaison reports. Any liaison
 32 reports this evening?
 33 JARED BARKER: Before proceeding Mr. Sperling
 34 will be referred to appointment review, correct?
 35 PRESIDENT CATENA: Oh, yeah. Appointment
 36 review, yeah.
 37 No liaison reports. We'll go on to new
 38 business. 11684-20.
 39 JARED BARKER: An ordinance of the County of
 40 Allegheny Commonwealth of Pennsylvania authorizing the
 41 acceptance of two parcels of land from Allegheny Land
 42 Trust located adjacent to the county's North Park
 43 sponsored by the chief executive.
 44 PRESIDENT CATENA: That will go to parks. Time
 45 for new business motions. We have none. We have no

1 Next comment is from Khalid Raheem regarding the
 2 proposal 1137-20 for an independent police review board of
 3 Allegheny County, proposed legislation for an independent
 4 police review board to be introduced at the Allegheny
 5 County is problematic and needs further revision. We
 6 contend that its enactment will result in the supplanting
 7 of the original demand for a diverse and representative
 8 model, the ombudsman model. This supplanting will be
 9 achieved not by formal legislation as had been previously
 10 recommended by expert testimony, i.e. Ms. Beth Pittinger
 11 but rather than passage and implementation of this
 12 legislation. We also contend that Section 905.12 Number 6
 13 will continue to provide municipalities, police
 14 departments and police union representatives with the
 15 legal loophole for excusing excessive and/or deadly force
 16 by police.
 17 We recommend that that be either modified or
 18 removed. The original community demand that envisioned a
 19 civilian police review board was a diverse board
 20 representative of the residents of Allegheny County
 21 consisting of members of various races, ethnicities,
 22 genders, ages, economic strata and experience with law
 23 enforcement and the criminal justice system. This board
 24 will be responsible for investigating allegations of
 25 police misconduct and abuse within the county and render
 26 judgment recommendations on the matter. The ombudsman
 27 model places the full weight of this investigative and
 28 decision making power in the hands of a single person.
 29 Allegheny County consists of a 130
 30 municipalities and 109 which have their own police
 31 departments. If this legislation is passed in its current
 32 form, what is to be the relationship between the review
 33 board and the ombudsman? What is to be the role or
 34 function of the review board's executive director and
 35 investigative office staff to the ombudsman? If the
 36 present legislation is enacted, the TPRH will have the
 37 authority to investigate only one police department in the
 38 county, the Allegheny County police.
 39 One hundred and nine communities with their own
 40 police departments will have the opportunity of opting
 41 into a system voluntarily if they so desire. Would
 42 failure to opt in to a civilian police review board place
 43 a municipality under the jurisdiction of the ombudsman?
 44 If so, an ombudsman model will have established in
 45 Allegheny County where said ombudsman having jurisdiction

1 over every police department but two, the county police
 2 and the City of Pittsburgh.
 3 We believe that most police chiefs would prefer
 4 to deal with one individual in an investigative capacity
 5 rather than a diverse order of nine representatives. The
 6 current proposed legislation appears to be an end rush to
 7 establish an ombudsman model in Allegheny County. While
 8 the independent police review board should have the
 9 authority to pass judgment on the content and adequacy of
 10 police training, the finding of inadequate training ought
 11 not to automatically render officer culpability irrelevant
 12 as stated in the section of the proposed legislation.

13 This bill should be amended to allow the board
 14 the authority to render judgment upon an officer's
 15 behavior according to standards of common sense, common
 16 morality. By common sense is meant the judgment of a
 17 normal, rational, adult human being would make about a
 18 given set of circumstances. For a suspect --- for example
 19 the suspect turns his back on an officer and begins to
 20 flee in a direction opposite the officer. A normal,
 21 rational, adult human being would conclude that the
 22 officer is no longer in danger. Common sense coupled with
 23 common morality or common decency would dictate that is
 24 not appropriate.

25 That is the last comment, President Catena.
 26 PRESIDENT CATENA: Thank you. Hearing no other
 27 comments is there a motion to adjourn?

28 MR. PALMIERE: So moved.

29 MR. MACEY: Second.

30 PRESIDENT CATENA: Motion has been made and
 31 seconded. Will all those in favor signify by saying aye?
 32 (Chorus of ayes.)

33 PRESIDENT CATENA: All those opposed? Motion
 34 carries. Have a safe night ladies and gentleman. Take
 35 care.
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CERTIFICATE

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 4 I hereby certify, as the stenographic
 5 reporter, that the foregoing proceedings were
 6 taken stenographically by me, and thereafter
 7 reduced to typewriting by me or under my
 8 direction; and that this transcript is a true and
 9 accurate record to the best of my ability.

10 Dated the 18th day of December, 2020

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 13 Jeremy Harris,
 14 Court Reporter
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