

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
John P. DeFazio	-	Council-At-Large
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
John Palmiere	-	District 6
Nick Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
Jim Ellenbogen	-	District 12
Amanda Green Hawkins	-	District 13

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

Tuesday, February 1, 2011 - 5:00 p.m.

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

IN ATTENDANCE:

James Flynn - County Manager
Michael Wojcik - County Solicitor
Joseph Catanese - Director of Constituent Services
John H. Rushford, Jr. - Counsel for County Council
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: We're going to call the meeting to order. If every would please rise for the Pledge of Allegiance. Well, first of all, welcome to the Tuesday, February 1st, 2011 meeting of the Allegheny County Council. We are going to have Nicole Costa, a fifth grader from St. Sebastian School, lead us in the Pledge of Allegiance. And after the Pledge of Allegiance, if you would remain standing for a moment of silent prayer or reflection. Nicole?

(Pledge of Allegiance recited.)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. CATANESE: Mr. Burn?
MR. BURN: Here.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Here.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Present.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Here.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Here.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Here.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Here.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Present.
MR. CATANESE: Mr. Macey?
MR. MACEY: Here.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Here.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Present.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Here.
MR. CATANESE: Ms. Rea?
MS. REA: Here.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Present.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Here.
MR. CATANESE: Fifteen (15) members present.

PRESIDENT FITZGERALD: Proclamations/ certificates. I understand 6160-11 we're going to skip tonight because of the weather and I think some other things going on in our fair city. So I think Mr. Gastgeb's going to do that in another week ---

MR. GASTGEB: That's correct.

PRESIDENT FITZGERALD: --- or whenever there's another meeting. I don't see Mr. Lamb here right now. I'm going to hold off on 6161-11. And now we're going to move on to 6162-11.

MR. CATANESE: Proclamations honoring the Costa family for contributing to Allegheny County's rich sports history and recognizing Kelli, Christina and Catherine for each scoring 1,000 points during their playing careers at Avonworth High School. Sponsored by Councilman Fitzgerald.

PRESIDENT FITZGERALD: Thank you. I see the Costa family back there and I want the whole family to come up here, including Patriarch Gus. I want all the sisters and Mom and Dad Costa to come up here. And I know we've heard that name before. It kind of sounded like a familiar name because many, many years ago, two Costa brothers came to this country and settled in ---. Come on up here, guys. Come on up here. One family went into politics and public service, and we know some of those, Senator Jay and Representative Paul, et cetera. And then another family got into basketball. And I don't know how that worked, but that's what we would have. Come on over here, girls.

And these three girls, three of the girls who are here tonight, are the only sisters in history to score 1,000 points in their career. It's the only time it's ever been done. And I'm certainly proud of them. I've known Gus for a long, long time. And I just want to say to the girls, as good as you are, you're not as good as your dad. Your dad was quite a player in his day and still is a referee. He goes up and down that court very, very well, but I know he does it with --- I forget which one. One of the older ones now referees. Okay. But anyway, I want to read this into the record, and then I'm going to ask Gus to say a few words on behalf of his daughters.

Whereas, Allegheny County's legacy of outstanding sports accomplishments and unmatched athletes grows each year.

And whereas, the Costa family's five daughters, Kelli, Christina, Catherine, Lyndsey and Nicole, have contributed significantly to basketball in Allegheny County.

And whereas, Kelli is Avonworth High School's all-time leading scorer with over 1,500 points. Her speed has scored over 1,000 points for Avonworth, and recently Catherine scored her 1,000th point in school. Lyndsey was a standout player at Avonworth. And Nicole, the youngest and in fifth grade, seems to be following in her sisters' footsteps.

And whereas, the sisters' parents, Gus and Debbie, have facilitated the success of their daughters by assisting them in traveling to practices and games and offering advice as coaches.

And whereas, the talented Costa family offers inspiration for other families in our region filled with athletes.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, honors the Costa family for contributing to Allegheny County's reputation as one of the strongest, most athletically-gifted regions in the country, and we're going to prove that on Sunday. We recognize Catherine for recently reaching the 1,000th point milestone, and we acknowledge the achievements of her sisters for contributing to the advancement of basketball at Avonworth High School. Sponsored by myself and on behalf of other members of Council this 1st day of February, 2011. I just want to say, girls, congratulations.

(Applause.)

MR. COSTA: I'd like to thank Councilman Rich for this nice honor. Basically, the only thing I can say is the better girls will be basketball players, and that's all due to my wife. That's all I have to say.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6163-11.

MR. CATANESE: Certificates of Achievement honoring the South Fayette High School football team for winning the WPIAL Class AA championship. Sponsored by Councilman Gastgeb.

PRESIDENT FITZGERALD: Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. I'd like to have Joe Rossi and his assistant from South

Fayette come up. And really, President Fitzgerald mentioned the Steelers, and we're looking forward to the Steelers with a victory on Sunday. And of course, we have a rich heritage here with regard to western Pennsylvania football. And probably no program epitomizes that more than the South Fayette Lions.

If you've been to an area of that county where you hear, you know, certain portions are growing, I think South Fayette really speaks to that. There are kids dedicated. There are administrators. There's coaches. You just don't get the results that South Fayette was able to have, really, over the last two years. And certainly this year, 13-0 record, winning in Heinz Field against a tough Aliquippa team, which is good tradition, and South Fayette did so many strong, positive things. It seemed like their athletes are in the paper --- I live in the South Hills --- almost every week. Christian Brumbaugh, certainly, a talented quarterback, but the whole team worked just as that, as a team.

So to have Joe here representing South Fayette, and again, as Rich said, the county of champions that we are, winning at Heinz Field, having a 13-0 record, representing a Class AA championship from this area in Hershey, you couldn't ask for more than that and did it with such grace and such class. And we appreciate that. So I'd like to deliver this proclamation to Joe and have him say a few words when I'm done.

Allegheny County Council is proud to present this Certificate of Achievement in recognition of your beneficial guidance and influence upon the young men of South Fayette High School football team, urging them to prevail in academics as well as athletics and leading them through an excellent season in which they earned the 2010 WPIAL Class AA championship. Your contributions to Allegheny County's long legacy of sports champions are to be commended. On behalf of the citizens of Allegheny County, we join with you and your team in celebration of these great distinguished achievements. Joe, congratulations.

(Applause.)

MR. GASTGEB: I'll hold this for you. I've got one for everybody.

COACH ROSSI: I just want to say thank you for having us. I do have Bill Yost here with me in his 40th year of coaching this year. And I'm happy that we were

able to put his first ring on his finger in a few years here. Just as Councilman Rich said, that Allegheny County --- as we found out when we left Allegheny County and won the AA championship, we found our next couple of opponents to be not as equal as some of the teams in our league. And that just shows how strong Allegheny County football is. When we left, like I said, we won that championship. Our next two games, we didn't even finish in the top four in our league. But we ran into an all-star team in Philadelphia made up of a bunch of Catholic kids in Philadelphia from four different States. So believe it or not, they come from four different States on their team. But we were happy to represent AA, Allegheny County. Thank you for having us.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: I think we're going to have to hold off on 6164-11. I don't see the Perry team here as of yet. I do see Coach Walker here, so we will move on to 6165-11.

MR. CATANESE: Certificates of Achievement honoring the North Allegheny High School football team for winning the WPIAL and PIAA AAAA championships. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea.

MS. REA: Thank you, Mr. President.

Congratulations to you and your team for their achieving excellence. You and your team are champions on and off the field. It's an honor to have you here with us tonight, and we applaud you and your team for their WPIAL State championships. I'm going to read the proclamation and then ask Coach Walker to talk a little about their really unbelievable season.

This Certificate of Achievement is awarded to the 2010-2011 North Allegheny High School football team in recognition of earning their Class quad WPIAL and State championships. We commend and recognize each player and coach for exhibiting endless determination and resolve en route to their achievement. The team has set a positive example of excellence for all of Allegheny County, providing evidence that this is the county of champions. This achievement has conferred honor on this County and is an accomplishment in which the entire community may be proud. And Coach, I heard your father coaches them. You might want to say a few words about him. Thank you.

COACH WALKER: Thank you.

(Applause.)

COACH WALKER: I'd just like to thank all the members of Council for honoring North Allegheny, really, on behalf of our superintendent, Dr. Green, our principal, Walt Sieminski, and our athletic director, Bob Bozzuto. I get to stand at the forefront and accept these types of awards and acknowledgments for our district, which is just a great place, a great community. My father has coached me for the last 12 years. He's 74. He's officially retired. He's in Florida. That's why he's not here. He's a lot smarter than a lot of us. But we were able to send him out with a State championship, which we're very, very excited about.

Some of the things that we're very proud of at North Allegheny in talk about our season is the number one statistic. I'm not a person that's really big on yards gained or how many passes somebody throws and things like that. We like to take care of things as a team. And our proudest statistic as a team, we had 83 guys on our team this year, and our combined grade point average as a team was a 3.51, so I'm very proud of that, very excited that we're sending kids off to some great schools, some Ivy schools and some great Division 3 programs that have some unbelievable academics.

And to really touch on what Coach Rossi said, our area where we play is very competitive. In AAAA, we go against some great teams, against some great coaches. And I believe when we got into this State tournament, that had a lot to do with our success. Playing teams like Woodland Hills and Bethel Park and Central Catholic to get to where we won the WPIAL championship really had a lot to do with us playing La Salle College, the defending champs. I think everybody here, any time you can beat a team from Philly, it feels pretty good. And it definitely felt good that night. And we were happy to bring the AAAA PIAA championship home to western Pennsylvania and represent really the entire area. So thank you very much.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6166-11.

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

Certificates of Achievement honoring Shady Side Academy girls' soccer team for winning the WPIAL Class A championship. Sponsored by Councilman Burn.

6167-11. Proclamation honoring Emma Mascari upon her 105th birthday. Sponsored by Councilman Burn.

6168-11. Proclamation honoring Barbara Lane for her service to the City of Duquesne Council. Sponsored by Councilman Macey.

6169-11. Proclamation honoring Fran Daley for his service to the City of Duquesne Council. Sponsored by Councilman Macey.

6170-11. Certificate of Achievement honoring the 60th anniversary of Norma and Joe Youhon. Sponsored by Councilman Macey.

6171-11. Certificate of Achievement honoring the 60th anniversary of Thomas and Marguerite Oeler. Sponsored by Councilman Macey.

6172-11. Certificate of Recognition honoring the birth of Milan Sophia Pennetti. Sponsored by Councilman Martoni.

6173-11. Proclamation honoring former CCAC Chairman of the Board of Trustees, Tom Santone, for his service to the college. Sponsored by Council Members Robinson and Martoni.

6174-11. Proclamation recognizing the Pittsburgh AIDS Task Force for raising awareness of HIV and AIDS and for bringing attention to National Black HIV/AIDS Awareness Day. Sponsored by Councilman Robinson.

6175-11. Proclamation honoring Minnie Lehman upon her 100th birthday. Sponsored by Councilman Macey.

6176-11. Certificate of Achievement honoring Luke Robinson of Boy Scout Troop 228 for earning the rank of Eagle Scout. Sponsored by Councilman Gastgeb.

PRESIDENT FITZGERALD: Public comment on agenda items. We have eight speakers this evening. First will be Pete McQuillin. Is Mr. McQuillin here? Mr. McQuillin, if you'd come to the podium and state your name and address for the record, please.

MR. MCQUILLIN: My name is Pete McQuillin and my address is 1713 Hunnell Street, 15212, Pittsburgh, North Side. My name is Pete McQuillin. I'm President of Green Burial Pittsburgh and founder of Land Conservation Cemeteries. I'm speaking in favor of Bill Number 6189-11, a resolution expressing the Sense of Council of Allegheny County supporting the concept and establishment of the

Penn Forest Natural Burial Park, a woodland green cemetery in the municipality of Penn Hills, sponsored by Councilman Futules.

Modern body disposal practices are not kind to the environment. Cremation uses an incredible amount of carbon-producing fuels and pollutes the air with mercury, carbon dioxide, hydrochloric acid, dioxins and heavy metals. Conventional cemetery burial uses two gallons of toxic formaldehyde per burial, which leaks out of the grave and eventually finds its way into our water supplies. Every year we bury coffins that contain more than 300 million --- or 30 million board feet of hardwoods, including tropical rainforest wood, 90,000 tons of steel, 27,000 tons of copper and bronze. We also bury 1.6 million tons of reinforced concrete annually used for burial vaults.

Green burial simply means disposing of a body using ground burial in a way that does the least damage possible to the environment. Typically, this means eliminating embalming with toxic chemicals, using biodegradable coffins and eliminating concrete burial vaults. Because this practice makes so much sense, especially with baby boomers, it has been growing rapidly across the country. There are now about 100 cemeteries in the U.S. that have opened green burial sections. In addition, since the first one opened in 1996, there are 21 exclusively green burial cemeteries in America.

I know of three cemeteries in southwestern Pennsylvania with green burial sections, but as of yet, there are no exclusively green cemeteries here. With the opening of Penn Forest Natural Burial Park in Penn Hills, we aim to change that. In addition, we use a portion of the income from selling lots in this new cemetery to pay for the reforestation of the property and removal of invasive plant species and thus return the land to near native Pennsylvania woodland.

So with your support of Resolution 6189-11 and the opening of this cemetery, people in southwestern Pennsylvania will be able to have their last act on earth be one that is in keeping with their environmental principles. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. McQuillin. Next speaker, Tris Ozark. Is Ms. Ozark here? If you'd come to the podium and state your name and address for the record, please.

MS. OZARK: I'm Tris Ozark and I live at 536 Ardmore Boulevard in Wilkinsburg. And I want to add a few numbers to Pete's. About 827,060 gallons of embalming fluid are buried every year, 28 million tons of steel in the form of vaults, in addition to all those billion pounds of reinforced concrete in the form of vaults in cemeteries. Frankly, personally, I would like to see this all go away, but that's not practical. So all I'm really hoping is that you will support this resolution to support establishment of a green burial ground or at least offer some people who don't want so much environmental impact from their burial to have an alternative.

Another thing I want to say, that this is not a new or a new-agey idea at all. This is the way it was done for thousands of years. And up until the Civil War when they started using embalming in order to ship bodies from the battlefield to back home, that's the way it was done in this country, too. There are currently, I believe, 20 fully green certified burial grounds in this country. That's good, but it could be a whole lot better. There are 200 where this concept originated. And it would be better for Allegheny County to have one here, I think. And it would also add to your claim of being an up-and-coming green area.

Also, I want to say that I'm office manager at the Funeral Consumers Alliance of Western Pennsylvania. And although I'm not testifying officially on their behalf today, I can tell you that among those 3,000 or so member council in the organization are people who believe in a simple, affordable funeral, and they are very much in favor of this concept. So I hope you will support it and I hope that I and some of my family members might have an opportunity to take advantage of that. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Ozark. Paul McNulty? Is Mr. McNulty here? Harry Liller. Mr. Liller, please come forth and state your name and address for the record, please.

MR. LILLER: My name's Harry Liller, 453 --- I'm sorry --- 438 Ruxton Street, Mount Washington, Pennsylvania. I am speaking out against Resolution 6136, the lawsuit about the assessments. I want to give you a little history lesson why we have the assessment problems today. When Bob Cranmer took over as County Commissioner back in 1995, he spent \$30 million with Saver Systems of Ohio for the assessments. I talked to Gene Sheck, who has

his own real estate company here in Pittsburgh, and he stated that if Bob Cranmer would have used local appraisers in the real estate industry, the cost would have been between \$4 million and \$6 million. So Bob Cranmer wasted \$30 million and then Jim Roddey wasted another \$12 million. And that's where we have our assessment problems today.

But the Pittsburgh media is not going to tell you these things. The Pittsburgh media always protects Jim Roddey and Bob Cranmer. And I would like them to come to this Council and defend themselves when I am telling you the truth that these two idiots ruined the assessment problems we have today.

I used to be a real estate agent. I understand what's going on. The appraisal value of your house is the most valuable thing that we have. Your insurance policy goes against it. The assessment of your house goes against it. If you elect me as your next County Executive, I will make the assessments fair and honorable throughout the whole County, and that's what is missing today. And there's going to be scares on both sides that, whoa, your assessment's going to go up. But if your assessment is honorable and fair and true, we can drop the millage. We can drop the millage so your taxes do not go up. So here I am trying to tell you the truth of what's really going on in the assessments problems.

And I would like the media to ask Jim Roddey and Bob Cranmer to come down here. You've heard of the Midas touch. Well, we have the Cranmer crap. Everything Bob Cranmer touches turns to crap. And what Jim Roddey touches, it gets crappier. And I'm going to scream out to the heavens that we can solve our assessment problems by being fair and honorable to everyone. And I just don't know what more I can do. I appreciate the time spent in here.

PRESIDENT FITZGERALD: Thank you, Mr. Liller. Curtis Boyd? Is Curtis Boyd here? Mr. Boyd, if you'd come forward and state your name and address for the record, please.

MR. BOYD: Good evening. My name is Curtis Boyd. I'm presently residing at 1116 Pennsylvania Avenue, Pittsburgh, PA, 15233. I'm here today representing the Port Authority Police Department. Most of the information you get through the media --- our department is attached to the Port Authority. That's who we work for. When you

think about it, we're police officers. So we're asking you to support the bill that's in front of Council because we do more with less. We have a small department. We cover all of Allegheny County. Wherever the buses go, we go: the transit system, the new tunnel, all these things. We're doing more with less. Before buzz words like financial crisis came along, we were financially making deals with the Port Authority to work within a budget. We always have. The Port Authority has always taken care of the other unions. They use us as the whipping board in front of the media to make it look like they were being successful to the unions. We have worked with them.

And now that there's really a financial crisis, we already are doing more with less. And I'm here representing my fellow officers and saying that enough is enough. All we're asking is for a fair bargain. That's all we're asking for. We're not asking for a handout. We're not here acting like welfare recipients. What we are asking for is just a fair chance to sit at the table. We don't strike. We have non-binding arbitration. And therefore, the Port Authority --- anything we come with, the Port Authority will just go, you take what we give you or we don't give you anything. And that's how it is. I mean, it really is that way. Our union president has worked very hard to try to negotiate with the Port Authority, Mr. Steve Bland. All you hear is, we'll talk, we'll talk, we'll talk, and sit back and wait and wait. And then when we get back to the table again, it's the same thing.

I don't want to sound pretentious. I'm very proud to have my job. I'm very proud to have the benefits that I enjoy. And I think all these officers, I speak for them when I say, I just hope that it doesn't take another 9/11 or another Papilovsky event for people to appreciate what it is that we bring to the table. I thank you for your time.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Mr. Boyd. Joseph DelSole? Mr. DelSole, if you'd come forth and state your name and address for the record.

MR. DELSOLE: I'm Joseph DelSole, 2427 Kings Lane, Pittsburgh, 15241. I am also a Port Authority police officer and I'm also president of the Port Authority Police. I'd like to thank the Councilmen for sponsoring this bill, 6193. It is my and my members' hope

that this bill will pass. For those of you who aren't familiar with our plight, we've been negotiating since 2007 for a contract. When we began negotiations, we were told we had to wait for ATU, the largest union, the one that represents most of the employees, wait for them to finish, and then it was wait for the other union, IBEW, to finish. And when that was done, we thought that we would be treated with the contractual items that they received. We took a one-year extension in 2008 and we got a three-percent raise and that was the last time. We've had ongoing negotiations now ever since the last offer that was presented to us. We were told when it was presented to us that the union will never accept it.

We understand the financial crisis that everybody's facing today and the Port Authority and the general lack of funding and all that. We're not asking for major wage increases. We just would like to be dealt with fairly and be able to go to work with a contract that should get us through. We're looking more for wording on quality of life issues. So thank you for supporting this bill, 6193. Thanks.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Mr. DelSole. William Sullivan? Is Mr. Sullivan here? Mr. Sullivan, if you'd state your name and address for the record, please.

MR. SULLIVAN: William Sullivan, 210 Magnolia Street, Whitaker, PA, 15120. I'm also here for my input into Motion Number 6193-11. I've been a police officer for 36 years. The first ten years of my career were at the Borough of West Homestead. Councilman Martoni may not remember me, but when I was going to college, he helped me with my financial aid and my counseling.

MR. MARTONI: I remember.

MR. SULLIVAN: I was laid off from West Homestead when the mills all closed down and I found employment with the Port Authority, and I have 26 years down there. After 23 years of working down there, now I find out that I'm no longer going to have post-retirement health benefits. And what's so sad about it, our president had mentioned that here, the Port Authority --- we began negotiations. The Port Authority settles the contract with Local 85, 2,500 people. They settle a contract with IBEW, another 90 people. There's 40 of us, and they can't extend the same benefits, the pay raises and the benefits they have post-retirement, that these

people have right now. They have post-retirement benefits, not only for this year but for next year, and we've been negotiating since 2008. That just isn't right. It really isn't. We've gone to everybody and we're hoping to find someone along the line --- this Council may give us some help or some support. We understand we don't come directly under you, but we know you have control of the Port Authority. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Mr. Sullivan. Melina Brajovic, Brajovic (changes pronunciation). And Ms. Brajovic, if you'd state your name and address for the record, please.

MS. BRAJOVIC: Thank you, Mr. President, for letting me speak today and for letting me come to court today. My name is Melina Brajovic from Blawnox. I'd like to use this opportunity to welcome our new member, Mr. John Palmiere, please forgive my pronunciation of last name, who, as a school director, was instrumental in balancing the district budgets and also owner of two barber shops. And he could be of great value as an experienced flea market entrepreneur that could understand well how important it is to keep a balanced budget. As he sees himself as truly public servant, he should also keep in the mind that too much power to one group can take away people's freedom and the flea market prosperity. I'm referring to supporting too much union power.

Regarding the Bill 6136-11, since the value of our properties possibly dropped maybe 20 to 40 percent, we think we can have lower taxes. But what is wrong with this picture? I never thought that you would want your home value to decrease. No one does.

On the other hand, assessments of Allegheny County can go up. Even though everyone knows value of homes can drop --- have dropped, people can have a terrible time selling their homes, job loss and more. For example, people get forced on foreclosure and turning houses over to banks. Banks don't have cash because no payment, and they have to pay property tax. The Fed brings money, enabling banks to keep open. Commodities like food go up, so people's expendable income goes down, and more and more foreclosures. And Fed has to bring more money to keep everything running. So we are in this no-win situation. This is why we are in this situation where the Fed keeps money indefinitely.

My two questions about the Bill 6136 is, does it cost over \$11 million for assessments and with court fees? Why there is always emergency to do more unreasonable spending than last spending? Maybe we should support the Bill Number 6195-11 that will ensure constitutionality and be in compliance ---.

PRESIDENT FITZGERALD: Are you almost done?

MS. BRAJOVIC: Yes, sir.

PRESIDENT FITZGERALD: Okay. Can you wrap it up?

MS. BRAJOVIC: In compliance with the Supreme Court and Decisions. I'd like to see you wanting the bills that I supported before, 6196, 6193, 6197, 6185, and for doing more efficient economical and effective governmental services while promoting transparency during meetings.

PRESIDENT FITZGERALD: Thank you, Ms. Brajovic. We're going to wrap it up. Thank you. You can come back next week and do it again. Thank you.

MS. BRAJOVIC: Thank you.

PRESIDENT FITZGERALD: Okay. Approval of minutes. 6177-11.

MR. CATANESE: Motion to approve the minutes of the January 18, 2011 regular meeting of Council.

MR. MACEY: So moved.

MR. DEFAZIO: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Minutes approved. Presentation of appointments. 6146-11.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the reappointment of Sally Griffith Cimini to serve as a member of the Personnel Board for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Let's take 6147 and 6148-11 together.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the reappointment/appointment of Justice Cynthia Baldwin and Stephan A. Broadus to serve as members of the Human Relations Commission for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 6149-11.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment of Melvin C. Pollard to serve as a member of the Children, Youth and Families Advisory Committee for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 6150-11.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment of Kurt A. Kondrich to serve as a member of the Children, Youth and Families Advisory Committee for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Let's take 6151, 6152 and 6153-11 together.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment of R. Lindsay Hargrove, Dr. Monica D. Lamar and Stuart Neil Fisk to serve as members of the Drug and Alcohol Planning Council for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. I want to take 6154 and 6155-11 together.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the reappointment/appointment of Alice Paylor-Dais and Erin Dalton to serve as members of the Juvenile Detention Board of Advisors for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Please take 6156, 6157, 6158 and 6159-11 together.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment/reappointment of Walter H. Smith, Jr., George Owens, Michael Enright and Barbara Wolvovitz to serve as members of the Allegheny County Mental Health/Mental Retardation Advisory Board for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Unfinished business. Committee on Appointment Review, second reading. 6074-10.

MR. CATANESE: Approving the reappointment of Joseph A. Olczak to serve as a member of the Minority Business Enterprise Advisory Committee for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion for the approval of this reappointment.

MR. GASTGEB: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Olczak's approved. 6076-10.

MR. CATANESE: Approving the reappointment of Iftikar Malik to serve as a member of the Minority Business Enterprise Advisory Committee for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion for this reappointment.

(Chorus of seconds.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Malik is approved. 6082-10.

MR. CATANESE: Approving the reappointment of Thomas G. Bigley to serve as a member of the Plumbing Advisory Board for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion for this reappointment.

MR. FINNERTY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Bigley is approved. 6085-10.

MR. CATANESE: Approving the reappointment of Dr. Walter Goldberg to serve as a member of the Air Pollution Control Advisory Committee for a term to expire on December 31st, 2011. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion for this reappointment.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? All in favor signify by saying aye. (Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Dr. Goldburg is approved. 6087-10.

MR. CATANESE: Approving the reappointment of James E. Barrick to serve as a member of the Air Pollution Control Advisory Committee for a term to expire on December 31st, 2011. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio.

MR. DEFAZIO: Yes. I'd like to make a motion for this reappointment.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? All in favor signify by saying aye. (Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Barrick is approved. 6089-10.

MR. CATANESE: Approving the reappointment of Louis A. Naugle to serve as a member of the Air Pollution Control Advisory Committee for a term to expire on December 31st, 2011. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion for this reappointment.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? All in favor signify by saying aye. (Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Louis Naugle is approved. Committee on Budget and Finance, second reading. 6135-11.

MR. CATANESE: An ordinance of the County of Allegheny, Pennsylvania authorizing the incurrence of non-electoral debt by the issuance of its, one, General Obligation Bonds, Series C-65, in an aggregate principal amount not to exceed \$125 million, C-65 bonds, and two, its General Obligation Refinancing (sic) Bonds, Series C-66, in an aggregate principal amount not to exceed \$14,000,600 (sic), the Series C-66 bonds, and collectively

with the C-65 bonds, the Bonds. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. I'd like to make a motion to approve, and then I have some additional information for the members.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved and second. Please proceed with your information.

MR. ROBINSON: Thank you, Mr. President. When this bill was in committee on the 18th of January, there were a number of questions that were raised by members of the committee, the Budget and Finance Committee. I asked Ms. Liptak, our Budget Director, if she would document those questions and provide to the committee and subsequently to this Council answers from the appropriate parties. Ms. Liptak did forward to all members of the committee and I believe everybody on Council, the questions that were asked in committee and the answers we received from the Administration. That document was sent today at 1:43 p.m. All members have it. And I believe every member has that document in front of them.

MS. LIPTAK: No. I have it here.

MR. ROBINSON: Ms. Liptak --- with your leave, Mr. President ---.

PRESIDENT FITZGERALD: Yes, please. Go ahead. Ms. Liptak, if you would pass those out to all members of Council.

MR. ROBINSON: While she's doing that, this communication does not presume that every member of this Council who has a question has received an answer. This is a response from the committee that's consistent with what we have done in the past. We fine tune it. We actually write down the questions that members ask that are not answered in committee, and then Ms. Liptak and I work diligently to find answers to those particular questions to better inform the members who asked the question and those of you who are not members of Budget and Finance. Every member who's present has the questions. Every member who's present has the answers that were received. If there are questions that were raised that have not been copiously outlined by Ms. Liptak or we don't have an answer, it could be for several reasons. I certainly defer to Ms. Liptak as to why she

may not have answered a question that either she did not write down, did not understand or where she did not receive an answer.

And Mr. President, if there are questions from members, I'd first like you to refer to Ms. Liptak to see if she has that answer. If not, Mr. Flynn, our County Manager, is present. He was involved in the discussions around this particular bill, and I believe he would be available to try to answer those questions. There were some questions raised about comments made by Ms. Griser, our County Budget Director, and Mr. Mark Flaherty, our County Controller. Those parties have been contacted to verify whether or not those questions were asked and whether or not they understood they were to provide us with an answer. Ms. Liptak is best qualified to indicate what she is doing or has done to get any answers directly from Ms. Griser or Mr. Flaherty. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you. Are there any questions? Mr. Drozd?

MR. DROZD: Yeah, I do. Ms. Liptak, this does cover the North Shore Connector's monies, too; does it not? It's involved in that?

MS. LIPTAK: It covers all monies that were ---

MR. DROZD: Including the North Shore Connector, which I'm ---

MS. LIPTAK: --- for the North Shore Connector. Everything ---.

MR. DROZD: --- adamantly opposed to. Secondly, it also does not cover my Mount Troy Extension, which I voted the last time again in protest because it wasn't repaired in my district. I don't know how long that's been. Is that correct?

MS. LIPTAK: That was all appropriations in the 2011 Capital Budget.

MR. DROZD: Thank you. Thirdly, there's a capital expenditure which I again question that shouldn't be in here, I feel. That's for these reassessments; is that correct?

MS. LIPTAK: We have appropriations contained within the 2011 Capital Budget, yes.

MR. DROZD: Right. I think I'm going to vote no to this, and I would ask my fellow Council members, including Mr. Fitzgerald --- on one side, he's asking for a moratorium in 6136-11. The State could put a moratorium

on these reassessments to protect the taxpayers, which I agree to. And then on the other side, he says he's going to allocate the monies to do it. I think there's a direct conflict, Mr. Fitzgerald. How can you vote for this, and on the other side you're going to say, hey, I want a moratorium at the State level, but we don't? Isn't that a conflict? And if you vote for this, you're going directly against your resolution, I would say. So I'm going to vote no in all cases, to protect the taxpayers, to protect my constituents and also to go against the North Shore Connector. I vote no. And I would ask who else that says they want to put a moratorium, including Mr. DeFazio and Mr. Macey, how can you vote for this? On one side, you're asking the State for a moratorium. On the other side, you're now saying, hey, I'm going to vote for the monies. Thank you, sir.

PRESIDENT FITZGERALD: Thank you. Any other comments?

MR. MCCULLOUGH: Yes.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: Yeah. I want to second what Councilman Drozd said. I'm reading this as a vote for this is a vote for the assessments. There are a lot of issues that are being raised with that, and there's another issue. I brought this up back in December. I don't think the company that's doing the reassessments --- I don't think those contracts comply with our procurement code. And I didn't get a straight answer from anybody about that. And I'd point out to everybody I forwarded that question to the Controller and to the Treasurer and asked them to look into it since they're responsible for auditing our contracts and disbursing funds. And absent getting an answer from them, I'm not about to commit any money to a contract that may well be illegal.

PRESIDENT FITZGERALD: Thank you. Any comments? Please call the roll. Oh, I'm sorry. Mr. Gastgeb and Mr. --- go ahead, Mr. Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. I guess to be consistent, when we had our budget vote in December, I voted against the Capital Budget for a variety of reasons. It's something I don't take lightly, and it's the first time I've done it in ten years or so. And part of it was that it was a hodgepodge of everything that wanted to be done within the County was being done through the Capital Budget. And seemingly, maybe the assessments

would not be part of that, but they are. The assessments are in the Capital Budget. So whatever vendor we're paying is being paid out of this budget, out of borrowing, bond funds to pay for an assessment. So I find the irony, I guess, to Mr. Drozd's point that later on, I guess, some of my colleagues will look at the State to somewhat demonize. And there may be some wisdom there. It probably takes two to do an assessment between the County and the State. But certainly there's things on our side since 2003 and our side in the County that we might as well look back and do different as well. And this might be one of them. Thank you.

PRESIDENT FITZGERALD: Thank you. Mr. Drozd?

MR. DROZD: I want to express again, whoever supports this, in essence, is being disingenuous to the taxpayers and property owners of Allegheny County. And I don't think --- you know, 6136-11 is generous, even though I support that, and I'm going to support it by voting no to this. And that's what I would say that you --- whoever sponsored this and supports this has to vote. But you know what? When they come to 6136 and you vote yes for that, you're being disingenuous and you're being misleading to the taxpayers and property owners and our constituents of Allegheny County. Thank you, sir.

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

MR. FINNERTY: Thank you. I appreciate that, Mr. President. I don't think you're being disingenuous at all. This has been passed. The Capital Budget, the General and the Grants and Special Accounts Budgets have already been passed. This is allocating money through bonds to fund that Capital Budget, something that should be done. And everyone here that sits on this Council thinks every day in regard to the taxpayers of Allegheny County and what's the right thing to do for the taxpayers. If you don't pass this bond issue, if you decide because of some small thing that happened along the road, then that means that we can fix our infrastructure. We can't look at the roads and do something in regard to that. This is what we're talking about when we say this. That's important to the people of Allegheny County. And as one, I'm going to vote for those bonds because we already passed the Capital Budget and have it in our plans to do certain improvements throughout the County. And that's

extremely important for the people of Allegheny County.
Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: I concur with what Councilman Finnerty said in terms of the infrastructure. The problem that I have is, how does \$11 million for an assessment end up in the Capital Budget? And that's where I'm kind of conflicted here. Isn't it more out of an operating expense? If somebody could shed some light on that, I'd appreciate it.

PRESIDENT FITZGERALD: Mr. Robinson, do you wish to comment on that?

MR. ROBINSON: Yes, Mr. President. Councilman Ellenbogen's concern is one that the Budget and Finance Committee had discussed on a couple occasions. Ms. Liptak and I have discussed this with Ms. Griser and with Mr. Flynn. And several members of this Council have been in those meetings. A decision was made that rather than take money out of any other source available in the County, that utilizing bond proceeds in this instance was not only legal, but seemed to be the most prudent way to address the issue of complying with Judge Wettick's Order that we do an assessment under certain circumstances.

I said publicly before, this approach would not have been my preference if our financial situation were more healthy. Because our financial situation is not more healthy, I have reluctantly supported this approach with the assurance that this is not only legal, but that any other alternative may indeed jeopardize our financial situation. I would encourage members, for some of the reasons that Mr. Finnerty mentioned, to support this. And I give you my assurance as Chairman of the Budget and Finance Committee that I will do what I can to see to it that in the future, even though we can use bond proceeds for operations, this is an exceptional situation, and I would be reluctant to support any effort like this in the future.

MR. ELLENBOGEN: Mr. President?

PRESIDENT FITZGERALD: Continue, Mr. Ellenbogen.

MR. ELLENBOGEN: Okay. So what I'm gathering from you, Mr. Chairman, is that they kind of got pushed in the corner with this; am I correct?

MR. ROBINSON: Yes, sir.

MR. ELLENBOGEN: Okay. Well, the question that I have for you, Mr. President, is, there's been an

allegation that this conflicts with another bill that you have. Do you have any comment on that at all?

PRESIDENT FITZGERALD: I'd rather not.

MR. ELLENBOGEN: Okay. Thank you.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Yes. I might as well mention the other question, which I've asked you about 20 times. Mr. Drozd, you talk about being disingenuous or whatever you want to call it. You keep talking about this North Shore Connector like we have something to do with it, like we could do something with that money. There was a commitment made back in the days of Bob Cranmer. Okay? There was an agreement, so we have to live up to that agreement. Naturally, everybody up here, if they had that money that the Federal government gave us, this \$400 million, whatever it was --- we'd all have a better idea how to spend it. We can't. That money went to that project and that project only. Okay? So don't mislead the people to think that we can do something or should have done something with that money. That was made way before your time.

PRESIDENT FITZGERALD: Mr. Drozd, I'll let you respond.

MR. DROZD: Yeah. I simply asked for a motion, Mr. DeFazio, to try to stop it. You could have stood up. It's not just \$12 million of our County money that went into that river. It's \$84 million. Okay? And you know that it came from the State, \$74 million, that was supposed to be for our capital improvements, roads and bridges and wherever have you in Allegheny County, that went right into that river. And now the people are going to have to reach in their pocket to take care of the lack of that \$84 million that they could have had for their roads and bridges. And that's where it is. The State Governor --- and he even said, the Governor who did it before, quote, unquote, said, this is a mistake. That's what he termed. And you know what? A lesson's learned. Secondly, I'm going to voice the opinion of my constituents, first and foremost, the opinion of those people out there.

MR. DEFAZIO: Tell the people the truth.

PRESIDENT FITZGERALD: Wait a minute. Let him have the floor. He's got the floor.

MR. DROZD: I'll tell you the truth, Mr. DeFazio. Do you know why it was done? Because it was the

movements within your --- and part of your factions wanted it because, supposedly, jobs, temporary jobs. And they're jobs that are not permanent. I'd like to see where they count these jobs. That \$400 million-some could have employed permanently thousands of people in this region. Now those jobs are --- and oh, by the way, who got the contract? Some foreign country from Asia got the contract as the lead, and where did the steel --- I'm still asking, did the steel come from here? I want answers on that as far as the components and the access which went into that river.

So lastly, I'll say this. I'm going to voice the opinion of my constituents any day. First, the people of Allegheny County, they said they don't like it. They don't want it. They never wanted it. And I'm going to go with them any time. That's why I'll vote no. Secondly, they are fearful of these reassessments, and they've said it. And they told you and they told me many, many times over and over again. Thirdly, I'm going to go with my constituents also in my district that wants that Mount Troy Extension, asked for it many, many times. And I've asked for it. So hey, I feel very comfortable in my position. And you know, facts are facts. Truth, I always tell the truth. That's very important to me. And you tell the truth why it was originally --- if you tell the truth, you know why it was originally done and you know ---.

MR. DEFAZIO: I want to ---.

PRESIDENT FITZGERALD: Wait, John. Wait. Let him have the floor. Okay. Councilman DeFazio.

MR. DEFAZIO: Okay. Look, I'm going to say it again and I keep saying it. You're misleading these people. Your people should know the truth. This was voted on by Bob Cranmer and a bunch of people. We weren't even involved --- now, wait. I've got the floor.

MR. DROZD: I know. That's fine.

MR. DEFAZIO: Yeah. Go to sleep.

PRESIDENT FITZGERALD: I'm going to miss this in another month. I'll tell you.

MR. DEFAZIO: I know you like to play politics and tell the people, hey, I want to build you bridges. You can't. That money was for that project. That \$400 million, whatever it was, was for that project. If we didn't get it, Denver would have gotten the money, and they wanted the money but couldn't get it. Okay? So

don't mislead people. Yes, there was a lot of people that got put to work and worked because of that project, but that's beside the point. That thing was decided by Bob Cranmer and a bunch of politicians at that time, not us. So now we'll say you got \$500 million, so now you don't want to spend a couple million dollars because all that money's there and you'll get sued, just like they did --- where was it, in New York --- for \$900 million. Are you crazy?

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Maybe I can add a little sanity to this. First of all, myself and Chuck and Nick and John, we weren't even here. And that being said --- and Amanda. I'm sorry.

MR. MCCULLOUGH: Don't forget John.

MR. ELLENBOGEN: The situation that's going on --- I understand Councilman Drozd's passion. I don't want that tunnel either. If I was the mayor, I probably would have threw a fit, too. But here's the problem. That tunnel's already built. Now, if you know anything about, like, federal waterways, once you get so far out off of the shore, you're no longer in Allegheny County, as far as the Federal government is concerned. You're in federal waterways. They have jurisdiction. So with all respect to Councilman Drozd, it's built. Okay? So now you want to put a little bit of money into it or you want to take it out, okay, or just leave it there.

So you have two choices. You either put a little more dollars into finishing it or you can take it out. The Federal government's going to tell you, oh, no, you cannot leave an obstruction in a federal waterway. So now you have to take it out. So now you're going to have to spend \$2 billion to take that monstrosity back out of the river. That's what's special here, although Councilman Drozd is right. I don't like that tunnel, either. I really don't. I know, my people don't like it, either. We could have balanced the whole city budget with that money. But the point is it's already there --- and what's the expression? Like Mike always says, that ship has sailed. So, you know, we're faced with either finishing it or spending a couple billion dollars, which I don't think the taxpayers would like, and taking it back out of the water. So thank you.

PRESIDENT FITZGERALD: Councilwoman Rea.

MS. REA: I guess I just was going to respond to a few items that I guess everyone said up here. And the one thing, I guess, I don't disagree with Mr. Drozd where the North Shore Connector is concerned. And it always is very frustrating when we have monies in a bond issue or whatever that we've committed, whether you agree with the tunnel or you don't agree with the tunnel. But I mean, I think I did read that the Federal government even said it was the biggest waste of money that they expended. So I think that for you to say you don't support it and you have reasons, good reasons why you don't, that should not be negated because, you know, that's the way you feel. And I feel the same way. So whenever we do have an expenditure in a bond issue we have to vote for the Port Authority tunnel, it's very --- you're very conflicted about it because you don't support it.

The other thing is, where the assessment issue is concerned, it is confusing tonight because we have, what, \$12 million in this bond issue to go to the Assessment Department, which, you know, the Assessment Department, you do need funding if we go through with the assessment or something doesn't happen. But then we have lawsuits and other items on this agenda concerning the assessments. So that's why this bond issue, I think, is very confusing to all of us. What do we do? Are we going to sue? Are we going to say we're not going to get assessed, but we're going to put this --- whatever, how many millions of dollars aside for assessment or not? So it is confusing, everything in the bond issue. Thank you.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Yes, sir, Mr. --- we'll let the Budget Chairman weigh in just on technical issues.

MR. ROBINSON: Thank you. One of the things that we need to remember is that the Court Order that we're operating under puts us in a position of possibly violating Judge Wettick's Order and we might end up in court. Not all of us, not individually, but certainly the Administration and their representative might end up in court to answer the question whether or not we are in violation of the Court Order if we don't make some substantial attempt to address the assessment issue.

Mr. Flynn has made it clear that money has already been expended with the vendor. Mr. McCullough has raised some legitimate concerns about that, and he can address that. But I think it is prudent for us to move

forward believing that we are complying with the Judge's Order and making substantial arrangements to do the assessment. The efforts of members of this Council relative to what we would like others to do or any legal action we might take, I see those as separate issues and not materially connected with our attempts to meet Judge Wettick's Court Order. That's the position I take and that's the direction I have gone as I try to work with the Administration on your behalf to find a way to fund the reassessment. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. McCullough and Mr. Ellenbogen.

MR. MCCULLOUGH: Thank you. I have a couple of points I want to address. First of all, the entry for assessments is not a small matter. It's a significant matter. It's in excess of \$11 million. And we can go round and round as to what's coming first here, the Order, the Order is modified by the Administration without our buy-in. All that's beside the point as far as I'm concerned. We have a contract here we're going to be funding with bond proceeds. And it was pointed out to me once when you take out a GO bond, you take out any bond, you're basically put debt on our children and our grandchildren. We don't even know if this contract is legal yet. All right. And I raised that issue back in December. We're now into February. It shouldn't have taken two months for somebody, either within the Administration or one of those other two row offices that I identified to let us know that. And I'm not going to commit any money to something that may well be illegal. I frankly think it is illegal.

The other thing I want to point out is this. We've been down this road before. When I say we, this Council, back in 2005, where millions and millions of dollars were spent, including the State grant, for an assessment that was never used. Now, it seems to me that if you're going to challenge the assessment, should you not at least be tabling funding this assessment until you try some of these initiatives? Nobody says \$11 million has to be go out the door tomorrow. And if you read the County's plan, the Administration's plan, it said that they have been funding this assessment with monies outside the budget and within budget. All right.

So if you don't pass this thing tonight, it's not like everything is going to stop and the sword of

Damocles is going to drop on us. The other thing is, you know, why not carve out that \$11 million and approve the rest of this bond issue for everything else we do agree upon? So on that basis, unfortunately, until somebody does that and addresses these issues, I'm going to vote against this.

PRESIDENT FITZGERALD: Mr. Ellenbogen.

MR. ELLENBOGEN: Actually, Mr. President, I have two questions. I have one for our Solicitor and I have one for the County Manager.

PRESIDENT FITZGERALD: If I could have Mr. Wojcik and Mr. Flynn come up to the podium.

MR. FLYNN: Who do you want first?

MR. ELLENBOGEN: I'll take Mike first. Thank you, gentlemen, for making the long trip. Mike, let me ask you something. Just in terms of legality, I just want to make sure before I vote on this whether you've determined this to be legal. I just want to hear ---.

MR. WOJCIK: This being the contract ---?

MR. ELLENBOGEN: Well, Councilman McCullough said that there was legality issues.

MR. WOJCIK: It's legal.

MR. ELLENBOGEN: Okay. All right. That's all I've got for you. I'll leave the hard stuff for Jimmy. Jim, I'm a little bit familiar with the County budget and the question I have for you, if we don't pass this thing, you're \$11 million short, so has anybody done any accounting in terms of how many people's jobs could be affected in terms of budget cuts and whatnot to make up that amount of money?

MR. FLYNN: We've got 93 people dedicated to this reassessment under this contract.

MR. ELLENBOGEN: But I'm just saying if we would not pass this, you have to take \$11 million out of operating then; right?

MR. FLYNN: We'd have to find it somewhere.

MR. ELLENBOGEN: But I'm just saying could it not affect maybe laying some people off to come up with that money, is what my question is.

MR. FLYNN: I think we'd have to look at that. You know, jobs could be in jeopardy. You know, this bond issue --- I just want to remind Council this bond issue is only implemented with the majority of this Council approving it to be in the Capital Budget. So to approve the appropriation on one side but not give us the tools to

implement that really ties our hands. And I think Councilman Robinson set a portion of that --- or Councilman, I don't remember the exact amount. I want to say it was \$5 million, \$6 million.

MR. ROBINSON: If I might, Mr. President, ---

PRESIDENT FITZGERALD: Yes, sir, Mr. Robinson.

MR. ROBINSON: --- let me defer again to Ms. Liptak to the specific amount of money that this Council agreed to hold until such time that the Administration came back to us and gave us an update on how they were doing the assessment. We did not want them to be free to spend the \$12 million, \$11 million-plus without our approval, but we did want them to move forward. And Ms. Liptak has the exact amount of money that this Council still holds and will not release until we're satisfied that the assessment process is going according to the way we want it to go.

PRESIDENT FITZGERALD: Ms. Liptak, do you have that number for us?

MS. LIPTAK: I have to pull it up. I have a recollection. I just want to make sure. The Council approved withholding \$4.6 million, which was 50 percent of the \$9.2 million, is my recollection, that was recommended by the Chief Executive in his Comprehensive Fiscal Plan. The \$4.6 million was held in a capital contingency consistent to the process that was established in prior years for the Community College of Allegheny County and the Port Authority of Allegheny County. The language in the resolution states that they have to come back and request additional monies, and at that time, I guess, additional information would be requested per the Chair's request.

PRESIDENT FITZGERALD: And it would only be released with the approval of this body; is that correct?

MS. LIPTAK: Correct. As per the process that's been established in the past.

PRESIDENT FITZGERALD: Okay. Mr. Ellenbogen, any other ---?

MR. ELLENBOGEN: I just have one more thing. My biggest thing here is I know your department is the best and they're doing a lot more with a lot less. And I mean, this stuff gets into a little politics. I don't want to put anybody's job in jeopardy. And that's my biggest concern right now. So thank you. I appreciate you coming up.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yeah. Just for the record, you know, my fellow Councilman, esteemed Councilman, keeps on saying, tell the truth. I always tell the truth. I questioned that this was done before prior Administration. So why do you even allude to the fact that I said it wasn't?

Secondly, it's not just the millions that go into that river, by the way. That's the truth. The fact of the matter is the facts there. Look at the record. Everybody knows that. There's no hidden thing. That's the truth.

Thirdly, let me tell you this. When the Port Authority came before us, they didn't finish. The money they spill in that river is not finished. After it's done, you know what they said when they came before us? Check the minutes. I asked the question, how much is it going to cost and who's going to maintain it? Do you know what their answer was? We don't know. Now you know. It's between \$10 million-plus a year for a little bit of people going through that tunnel, not cars, a few people on a bus. And by the way, there's 40 jobs out there, Mr. DeFazio. They're here. All they're asking for is the cost of living raise, which is reasonable. And it's probably going into that river too, along with that tunnel. Thank you, sir.

PRESIDENT FITZGERALD: Mr. DeFazio, I'll let you speak, and then we'll go ---.

MR. DEFAZIO: You said you're not lying and you're telling the truth and everything. The truth is --- you've heard the other Councilmen speak. They both said it. We had nothing to do with it. And that money --- look, there's no way we can get that money until the road and bridge is built. So when you talk to people, they think, hey, that's a bad project. Take money out of it. It's gone. We can't do anything. So what do you want to do? Stop it when it was 99.9 percent finished and get sued for all --- we've agreed to do certain things. No one up here, I believe. There's no commitment to do that. We had nothing to do with it.

MR. GASTGEB: Call the vote, Mr. Fitzgerald.

PRESIDENT FITZGERALD: Mr. McCullough. Mr. McCullough wanted to speak.

MR. MCCULLOUGH: First of all, like Jim, you know, we went round and round about this and decided I'll

do that if we have to. I don't think so. Let me say this. Neither of you were able to cite for me a provision in our Procurement Code and our Administrative Code that permitted the award of this contract by either going through a public bidding process, which was professional services. Number two, the idea that we're funding contracts with a third-party assessment company is somehow going to affect employment of County employees, I don't buy that either. All right. This is to pay off a third-party firm, not our people. Okay. So I'm not buying that either.

The third thing is if we're serious about trying to make an issue about stopping this assessment, I'll tell you what. Let's table this tonight or at least not vote on this appropriation tonight, and then somebody run in the court tomorrow with an emergency petition to stop this assessment and then you get to the bottom of it. I would think if you're serious about stopping this assessment, you would want to bring this to a head and take it into court rather than trying to go through the very extended calculus of trying to sue the State. And you're probably going to have --- you're not going to be able to do that in the Court of Common Pleas anyhow and it will not stop this assessment. So you want to bring it to a head, you want to be serious, put this off to the side. Send Jack into court tomorrow and let's see where the chips fall. Thank you.

PRESIDENT FITZGERALD: Councilwoman Rea.

MS. REA: I guess the issue with stopping the assessment is if we were serious and it was that critical of us, we should have done it six months ago. Now we're once again --- we're not proactive ever. We're not being proactive. We should have did it six months ago. If that was the intent of Council and that's the way every Council member felt --- you know, Administration may not have disagreed with us, but we should have filed the lawsuit six months ago. Now we're saying, well, we have to fund it, we have to do this, because this that and the other thing, but, you know, to do it this evening, there is obviously a different reason, because if that was truly the intent of everybody, we could have done it six months ago. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. Councilwoman Rea just said a word that I think is

important, and it's proactive. It's hard to be proactive when you don't know what's going on. For those of us who voted against the Capital Budget and made out intentions known from Labor Day, we asked the questions back then. And you're right. If you voted for the Capital Budget, obviously this is the way to fund it. If you didn't, you're going to bring up the same arguments that we made when we had the budget hearings and budget deliberations. Again, it's hard to make a vote and have a debate when new facts keep coming out along the way. I feel that's how it was along this budget process.

Mr. McCullough made a good point that I think he forgot about. In 2005, this County accepted a grant from the State for \$14 million. That's more than we're talking about now, and we've never used it because we never did the assessments. The money we spent on our own. So now we're talking \$14 million to \$11 million, now \$25 million. So, you know, I've been consistent --- back then we could have taken it out, which might have been appropriate. Take it out and pass the Capital Budget without it. But no, people didn't want to do it. The majority didn't want to do it, so you know, those of us who voted against it, I think we're certainly within our rights to continue to do so. Thank you.

PRESIDENT FITZGERALD: Please call --- I'm sorry. Mr. Martoni.

MR. MARTONI: I'm trying my best to understand this. Okay. It's getting a little difficult. If I understand what Mr. Robinson said, we are not buying or paying for anything. We're just setting money aside in the budget in case --- now, you correct me if I'm wrong ---

MR. ROBINSON: Yes, sir.

MR. MARTONI: --- in case the court rules against us. That's a big difference. Okay. We're not spending that money. Now, courts are --- you know how courts are. They're judges and they're --- I'm not sure I can describe them. I'm don't want to say any bad thing about judges. They're like lawyers. You never know what they're going to do. You never know what they're going to do. And I don't think any of us know what the hell they're talking about. Okay.

MR. MCCULLOUGH: I think I do.

MR. MARTONI: No, I don't think any of us do, including me, too; okay? But what I'm saying, that is

money budgeted. That's not money spent. That's a fundamental difference. We've got big issues here to solve. Okay. We've got workers here to talk to us. We've got a lot of things, but we're wasting our time on budget issues that we're not spending a penny. We're budgeting.

Now, what would happen if it goes the other way and we lose all these tort fights? We're going to have to have money to pay for that; right? And we're planning ahead. Maybe it's better if we plan rather than react later. Okay. If it doesn't make sense to you, that's okay.

PRESIDENT FITZGERALD: Mr. McCullough and Mr. Gastgeb.

MR. MCCULLOUGH: Doc, with all due respect, we did the budgeting back in December. We're not spending the tonight. We're borrowing. And that comes at a cost. We're borrowing \$11 million.

MR. MARTONI: We're borrowing from ourselves, though.

MR. MCCULLOUGH: We're issuing a general obligation bond issue.

MR. MARTONI: We issued it anyway.

MR. MCCULLOUGH: No, we haven't issued it. We said --- we passed --- I shouldn't say we. Other people --- some people up here, most people up here passed the Capital Budget. But this is the one --- this doesn't affect ---. Okay. Nobody said we have to borrow \$11 million by February 1st, 2011 to fund this reassessment. So I think we ought to hold off. I think if we're serious about making an issue of that reassessment, set this aside and turn Mr. Cambest loose and see what he can do.

PRESIDENT FITZGERALD: Mr. Gastgeb.

MR. GASTGEB: Just real quick with respect to my colleague, Mr. Martoni. When we started this new government, our Capital Budget was \$60 million. The vote tonight is for \$125 million. We more than doubled in a decade. And not out budget. Our debt. This is a debt that we're taking. And I think the reason why we went from \$60 million to \$125 million is because we're doing these things with \$11 million here, \$7 million there. We have to pay on this debt on the operating side. That's what people get paid, for jobs, the Operating Budget. Thank you.

PRESIDENT FITZGERALD: Please call the roll.
MR. CATANESE: Mr. Burn?
MR. BURN: Yes.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Nay.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: No.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 11, noes four. The bill

passes.

PRESIDENT FITZGERALD: 6139-11.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2011, Submission #1-11, sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Move for approval.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? Please call roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 15, noes 0. The bill

passes.

PRESIDENT FITZGERALD: Committee on Government Reform, second reading. 6136-11.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania urging the Pennsylvania General Assembly and Governor of the Commonwealth of Pennsylvania to enact a statewide property tax reassessment moratorium with all due speed and, in the process, to safeguard the economic stability and prosperity of the residents of the Commonwealth by providing the predictability and equity that exist with regard to property ownership in every other State. Sponsored by Council Members Fitzgerald, Macey and DeFazio.

PRESIDENT FITZGERALD: And we had a Government Reform meeting on the 20th of January. And this was

affirmatively recommended. And I'll tell you, we've never had the kind of leadership in Harrisburg that we have starting this session.

MR. MCCULLOUGH: Rich, point of order.

PRESIDENT FITZGERALD: Point of order, Mr. McCullough?

MR. MCCULLOUGH: Yes. I think you should be turning the gavel over since this is something you're sponsoring and you're leading the ---.

PRESIDENT FITZGERALD: Ms. Green Hawkins, will you hold the gavel for me? I can't think of any time we've had leadership in Harrisburg that has been from Allegheny County like it is right now. We have the Senate minority leader. We have the Governor. We have the speaker --- excuse me, the majority leader in the House and the minority leader in the House. I think that to have a singled out county as we are in Allegheny County as the only county being reassessed not only is unfair, but it's going to hurt every single property owner in this county.

Property values of everybody are going to be lowered if this reassessment goes forward. I know there are inequities in our County. There are inequities in Washington County and in Butler County and in Westmoreland County. And like every other State, we ought to do statewide reassessments. For us to be singled out is unfair, will have a chilling effect on investment in this County, both at the household residential level and at the business level. And it puts us at a competitive disadvantage with our neighbors who surround us. So this resolution is asking that leadership from both parties, Republicans and Democrats, to put a moratorium in place until --- a moratorium in place for individual counties that only have to reassess. And I'm going to ask for a motion to approve.

MR. MACEY: So moved.

MR. DEFAZIO: Second.

PRESIDENT FITZGERALD: Moved and second.

Discussion. I'll go down in order. Mr. Drozd and then Mr. Ellenbogen.

MR. MCCULLOUGH: Excuse me, Rich. He's chairing this.

MR. MARTONI: I'm the Chair.

PRESIDENT FITZGERALD: Oh, I'm sorry.

MR. MARTONI: Let's behave yourself.

MR. MCCULLOUGH: Before you do, I have to ---.

PRESIDENT FITZGERALD: Well, I'll take the gavel back, because I'm done speaking, so ---.

MR. DROZD: Point of order.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. MCCULLOUGH: Point of order. Jack, ---

MR. DEFAZIO: Point of order.

MR. MCCULLOUGH: --- who's running ---?

PRESIDENT FITZGERALD: Mr. Cambest.

MR. CAMBEST: I'll address what I think was the issue. I think Mr. Fitzgerald appropriately passed the gavel. The motion has been made. It's been seconded. I don't see any problem with him having the gavel. We're going to have discussion and a vote.

MR. MCCULLOUGH: Well, I'm going to be offering an amendment.

PRESIDENT FITZGERALD: Do you have an amendment to offer now?

MR. MCCULLOUGH: Yes, I do.

PRESIDENT FITZGERALD: Does anyone else have an amendment that I need to --- when we talk about amendments?

MR. DROZD: Point of order, though.

PRESIDENT FITZGERALD: Go ahead, Mr. Drozd.
Point of order.

MR. DROZD: Mr. Cambest, would you please cite where you come up with that conclusion? Would you cite whatever rule or whatever it may be?

MR. CAMBEST: There's no rule in our Rules of Council that deal with that.

MR. DROZD: That's your opinion?

MR. CAMBEST: That's appropriate. That's our practice. In this Board, when something occurs with the President that he's personally involved with, you pass the gavel to the Vice President.

MR. DROZD: Robert's Rules of Order, what's that state?

MR. DEFAZIO: Point of order.

PRESIDENT FITZGERALD: Point of order, Mr. DeFazio.

MR. DEFAZIO: First of all, he's right. Forget about that. Wait a minute. Listen. Maybe you'll learn something here. Listen, listen. I know you want to --- listen.

MR. DROZD: Go ahead.

MR. DEFAZIO: He is the parliamentarian. Whether we like a decision or not, he makes that decision. He don't have to say it's not in the book, and he told you, so he has the right to make that decision. Okay.

MR. DROZD: That's it. I don't know ---.

PRESIDENT FITZGERALD: Mr. McCullough, would you offer your amendment?

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

MR. MCCULLOUGH: Let me say something. He is the parliamentarian, but if I disagree with the parliamentarian, I'm going to disagree with the parliamentarian. Nobody tells us what we have to do. We set the course.

MR. DEFAZIO: He made the decision.

MR. MCCULLOUGH: He can make the decisions and they can be accepted. That's fine.

PRESIDENT FITZGERALD: All right. Let's talk about the amendment. Go ahead.

MR. MCCULLOUGH: I don't want to talk about the amendment.

MR. DROZD: Mr. Fitzgerald ---. I still have a question.

PRESIDENT FITZGERALD: Ask Mr. Cambest your question.

MR. DROZD: Mr. Cambest does not overrule parliamentary procedures. It may be in Robert's Rules of Order. I'd like to know. Can you cite that it says that specifically?

MR. CAMBEST: I interpret our rules and I interpret Robert's Rules of Order. I've made my interpretation. The only people who can overrule that is to have a vote on something. The majority of Council can vote on it and they can overrule it.

MR. MARTONI: Being I was appointed, please proceed with your --- whatever the hell you're doing.

PRESIDENT FITZGERALD: Mr. McCullough, please go on with your amendment.

MR. MCCULLOUGH: There's something to be said for the spirit of this bill, but there's --- I have some fundamental issues with the text. And that being said, I also don't think it's really anything more than a Sense of Council. So let me go through this. And in bringing this amendment forward, I also --- you'll see later on in the agenda there is a motion that I'm calling for basically a workshop session with our Allegheny County delegation.

Here's my view of how I think we ought to be approaching the State on this, and it's reflected in this. And I'll try not to address the items, but you'll see where it's coming in. The Supreme Court's language in the Clifton case was very clear. They put the General Assembly on notice to fix the base year statutes. There's no two ways about it. And if you read the Opinion, it doesn't say anything about the Governor but makes it quite clear the General Assembly is supposed to do it.

The Supreme Court also says that case that was before them at that time, which involved us, they did not believe it was the appropriate case. We can go back and forth whether or not it was the appropriate case by which they should have fixed the entire system. The point is they ruled and they make the last call. They are the final arbiter of the law of the Commonwealth of Pennsylvania.

My thoughts are as this. First of all, I don't think we ought to have any language in any kind of a resolution that in any way demeans or takes issue with the actions of the Supreme Court, with the Judge of the Court of Common Pleas of Allegheny County, the litigants or their attorneys. And when I see language that says --- it says specifically that our 1.2 million residents have done nothing to earn the targeted assault on their livelihoods that has, in effect, been undertaken by the people that I just identified, there's absolutely no need for that kind of language to accomplish what I believe is the spirit of this, which is to somehow have Allegheny County treated in parity with all the other counties in the State. There's absolutely no need for that kind of language. And this amendment that I have strikes it.

The other thing is the repeated references to House Bill 1661. Well, unfortunately House Bill 1661 is dead.

The other issue I see is we've tried to have a blanket moratorium. I mean, that's basically what happened with what they did --- and I know this is Bob Cranmer night, but that's something that he tried in the '90s. And he wasn't alone. That was ruled unconstitutional. Our base year --- there's essentially a moratorium on reassessing. That was ruled unconstitutional.

I think if we have any chance of getting anywhere with this, we need to couple the request for a

moratorium together with a request for action by the State. I'm not here to say what that specific action is. I'm not here to say that there should be mandatory statewide reassessing. I've spent a lot of time on this issue. For a time, clients of mine were parties to this base year litigation. I always felt that the base year could be adjusted in such a way as to avoid a widespread reassessment. But be that as it may, I think we ought to put that burden, quite frankly, on the people who are supposed to bear it, and that's the General Assembly.

I think a better approach is to basically say we want you to fix it. We want a moratorium, too, but we want action. We want this done by March 31st. If it's not done by then, we reserve the right to do something else. And then hopefully we have a round table discussion with our local delegation to see if we can develop a plan of action. And maybe they can introduce something and maybe that gives us the grounds to go into court here and try to get it stayed. And if that fails, go into the other courts and maybe take it to the Supreme Court. But I think a very quick reasoned but deliberate approach to deal with this is better than something that really is a Sense of Council motion but also takes some scatter shots at some, you know, people at positions of tremendous authority that have been under tremendous pressure. So with that, I'd like to move to have this amendment adopted.

PRESIDENT FITZGERALD: So moved.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Second. I want to pass the gavel again because I really want to talk about that we have been targeted or singled out. And I'm comfortable with the language because I think it is going to have a detrimental effect on the livelihood of the 1.2 million residents. And I am asking the people in those positions of power, who are from Allegheny County and lived through the reassessment in 2001, 2002 and know what kind of an effect it had on this County, to help us. Both parties. And to ask them and to put them on the spot, I don't find that unreasonable. They have the ability to do that, and we're asking them to do that. So I am going to ask my colleagues to not amend this resolution. I think the resolution was discussed. I've talked with many folks in Harrisburg and locally about this, and I feel very comfortable with the way it does not name anybody. It

does not give anybody --- certainly by title we do, but we don't name anybody. And we're going to ask them to please help us. Don't single us out. The base year has been good for us the last ten years. We've seen our property values rise. We've seen stability in the system and we've seen people wanting to move into Allegheny County. And if we allow this reassessment to go forward, we are going to undo all of those things.

MR. MARTONI: Okay. Chuck.

MR. MCCULLOUGH: Yeah. I'd like to respond. First of all, Rich, if you take a look at the amendment, you know the point you're trying to make about the specific targeting of Allegheny County's residences is left in, that whereas clause that recites, the specific targeting of Allegheny County's residential and business property owners for disparate treatment will, in the judgment of Council, have a profoundly deleterious economic effect. What you're quibbling about right now is whether or not you want to take a swat at the Supreme Court and a swat at a Common Pleas judge. There's nothing to be gained by doing that.

The other thing is this resolution as drafted does not put anybody on the spot. That's the incongruity that I see with it. We have some, frankly, I find, inappropriate language in a bill, but at the end of the day, it's nothing more than an ask. And you know, that just does not seem to make any sense to me. I think a much better approach is to take that inflammatory stuff, be more specific on what we're looking for.

And the other thing I point out to you, Rich, is when you introduced this, you said you hope to get 15 people to buy in on this. And I know in the past, John, you and I have worked on motions. And I think when we called the budget summit back in November, you thought there was some language in there that was extraneous and wasn't necessary because it made some references to the Administration. And you said, Chuck, if you want to be fair, take it out. And I took it out.

And I'm here to tell you whether or not you've got this reference in here to the Supreme Court or this judge or these individuals or their lawyers, whether that's in there or not does not affect this bill one iota. I think we're much better off leaving that kind of language out. It's obviously a very sensitive issue. And I don't want to see anybody saying that they're basically

perpetrating and targeting and assaulting our residents. I think it's inappropriate.

MR. MARTONI: Rich.

PRESIDENT FITZGERALD: I just want to respond. I want to keep the language in there. I disagree with my colleague that it's inflammatory. I think that it gets to the point very succinctly. And I think as we're, you know, staring down a deadline on this, I think it's very important that we kind of tell them what we want to do. And I think it's important that we do not allow this new reassessment to go forward. And if the Supreme Court feels uncomfortable with some of the words that were used by singling us out, then I'll live with that. We're an independent branch of government and we don't just have to, you know, follow under a dictatorship. I mean, we have three branches of government, co-equal. And I think we should ask the General Assembly to do this and ask them to do it with all due speed. Thank you.

MR. ELLENBOGEN: Mr. President and Mr. Co-president?

MR. MARTONI: Vice-president.

MR. ELLENBOGEN: I'm just going to talk from my heart. I'm a working guy and, you know, these assessments affect me. They affect Democrats. They affect Republicans. And you know, what we're doing up here, I think, is wrong on both counts, and I'm going to tell you why.

First of all, you know, we have a new Governor who's from here. He's very popular. He's very well liked. And he pays the same assessments. I think he's a little bit familiar with what's going on in the County assessment. The minority speakers, like you said, they're also paying County taxes. They know what's going on with the assessments. It's a very well known thing. I would ask all of us to say, look, you know, to call somebody out --- because basically that's what we're doing. This has been around for a while. But to just say, hey, you know, we'd like you to do this and that, it's still turns into a Democrat/Republican thing. And I don't really care whether you're Democrat or whether you're Republican. I'm interested in trying to solve this thing for not only myself and my family, but for everybody's family in this County.

The point is why don't we just chuck this, and being that the Governor is from here, why don't we ask

somebody to have a meeting with the Governor and see just what he and his people can do, or even with his people? Have a meeting with the legislative body.

I mean, you have to understand the majority of the Senate, their leadership and the leadership for the House, the reality is they're from the other part of the State. They're going to take offense to the fact that they feel that, oh, what's going to happen here is we're all going to get reassessed. So it just seems to me that if we would just, like, pull our heads together and forget about the D's and R's and erase them on our jackets and say, you know what, let's try and solve this thing, let's have a meeting with these folks, let's try to get some input from them and not do it in a way where somebody feels like they're getting slapped in the face, I think we'll get a lot farther. Because what this is going to do is it's going to do exactly what I'm saying. It's going to offend some people. And some people are going to --- and it's not going to go anywhere.

That being said, I mean, I share President Fitzgerald and Councilman McCullough's passion. I don't know this assessment stuff any more than anybody does. You guys are real passionate about it and I know that you really believe in what you're doing and you want to do the right thing, but let's stop and think about it. I mean, we've got a new Governor. He's from here. He knows the issues of what's going on here. Let's try to get somebody to sit down and talk with him or his staff and see where we can go before we start calling people out. Thank you. I appreciate it.

PRESIDENT FITZGERALD: Let's call for the vote on the McCullough --- I'm sorry. Mr. McCullough. Mr. Drozd, you want to speak?

MR. MCCULLOUGH: Jim, that's what I'm trying to accomplish. Okay. That's why this bill that I have strips any references to the Governor. It strips the personal references to the leadership of the General Assembly. It strips the references to the Supreme Court and what have you. That's why if you look down the agenda, I ask for a workshop session with our local delegation to see what can be done. I think part of the problem we've got here is now that this is crystallized and, you know, it may well happen within a year, we've all got a lot of ideas, but I do think there needs to be some cohesion about this. And I've been calling for a session

even among ourselves where --- and we invite --- and you'll see this round table I'm calling for. Ask the Chief Executive to come. Ask the Controller to come up. Ask our assessment people to come over to try to do this on a coordinated basis.

The only reason I offered this amendment is if it's the will of this Council to go forward to the General Assembly before they talk to them first, this is a much more palatable way to do it than putting these kinds of, I think, inflammatory remarks. And Rich, it's not a dictatorship. The Supreme Court is the final word. It's not like --- we have three co-equal branches of government, but they all function in a different realm. And I just don't want to see that kind of language being thrown around among us, among other elected officials. I think everybody realizes we've got a problem here. I think we need to figure out how to do it. If the idea is we want to get something to the General Assembly, this is much less offensive in my book. If the idea is we want to sit and talk to them first, then I think we ought to table both of these. Thank you.

PRESIDENT FITZGERALD: Mr. DeFazio and Mr. Futules.

MR. DEFAZIO: Okay. This is a very serious matter here. These reassessments are going to hurt a lot of people. I don't know. I must be missing something. What's so difficult about taking this to wherever we have to take it to? And they have to make a decision like we do every day. Are you with it, are you against it or you can't do nothing with it? We're trying to get something solved here. We're the only County out of 67 that has this. To me, this is wrong. This is dead wrong, why Allegheny County is being hit like this. I mean, it's a shame. The whole State doesn't do any of these, but we're going to get hit and we're supposed to keep quiet. Well we don't want this poor guy to make a decision. Hey, put it out there. If it's the right thing to do, they should say I'm with you. That guy's against you. How do they stand? We're standing here getting our head beat in while the people we represent --- when this comes back, they're going to be mad as heck. Why not do this? What's so difficult about this?

PRESIDENT FITZGERALD: Mr. Futules.

MR. FUTULES: I have a question, more or less. You know, Rich has a resolution to send them, but --- and

Mr. McCullough seems to be the only one with an amendment, but I have to ask the question, Chuck, would you be interested in doing your own resolution and maybe do two at a time? Is that something that we're allowed to do?

PRESIDENT FITZGERALD: I think we can do as many as we want.

MR. FUTULES: Because I would certainly support your concept of what we're trying to say too, because we all have the same agreement at the end of the sentence.

MR. MCCULLOUGH: I think this is going to work anyhow because it's really nothing more than a Sense of Council motion. I mean, it's striped as a resolution, but when you get right down to it, it's just nothing more than urge. Okay. We're urging people, but at the same time, you know, we talk about targeted assaults. I have a problem with using that kind of language. I mean, if we wanted to do a Sense of Council resolution or a motion where we said we urge the Legislature to act, I'm fine with that. But I have a real problem with some of these whereas clauses. And I think they can be stripped out and I think you can --- and you can accomplish the same point without having that in there.

If you want to do something more critical, well, then you can put them on notice. Rich, if you wanted to keep this --- and you know, I've asked you before, and I sent an e-mail to everybody last week, because, you know, there was an editorial in the PG which basically commended our joint efforts to try to do this. And I think it's important to try to do it on a bipartisan basis. If you want to strip out some of this stuff and leave the urge in, I'm fine with that. But at the end of the day, what I have a problem with is, you know, calling out the Supreme Court, calling out the Governor by name. I just don't think we need to do that to get the point across. And then bring our local delegation in and try to work out something with them and see if they can send it forward. That's where I'm at with this.

PRESIDENT FITZGERALD: I'll pass the gavel again. I don't see the Governor's name in here at all.

MR. MCCULLOUGH: He's identified by title.

PRESIDENT FITZGERALD: Okay. You said I did it by name. And let me just say, today I got a call from the President of the Borough Council of Baldwin. He wants to copy this resolution and he wants other boroughs around him to do this. I think Mr. Martoni talked, used the

analogy, you know, sometimes you've got to get the fire started. And I think we're going to get it started and we're --- and I'm going to send a letter to all municipal --- the presidents of borough councils because I think we need to start a real movement here to make a lot of noise to say, hey, like Councilman DeFazio just said, why us? Why are you picking on us? Sixty-six (66) other counties don't have to do this. Why do you keep coming to Allegheny County?

And I think we can take the lead in standing up. That's what this body is supposed to do. As a County Council, we represent the entire County. And we'll ask our fellow elected officials in the 130 municipalities around here to do it as well because I think it makes sense that we let our legislation --- our legislators know, the delegation, Democratic and Republican, this is not a partisan issue. When you have your taxes raised, it hits you. And it's not one party or another. It's out of your pocketbook. Thank you.

MR. MARTONI: Jim and then Matt.

MR. ELLENBOGEN: Again, let me say this. Do we want to solve this or do we want to turn this into a Democrat versus Republican thing? Because I don't care. This resolution is doing to do that, and that's the reality of it. And people can argue with me all day long. But put it forward and that's what's going to happen. What we should do, let's all kick a couple of bucks in from our expense accounts and send the Democrat leader of our delegation and the Republican leader of our delegation to Harrisburg to let them sit down with them because even if you get the Governor, the president of the Senate and the president of the House are not from this County. And they're going to take this --- it's going to turn into something else by the time it gets here.

You two guys, with our approval, go up there and have a meeting with them and talk to them rationally and talk to them about what's going here and how it could affect you because they're from the other --- they're from central Pennsylvania. Come on. That's the reality of it. When they see a resolution like this, they're going to say, oh, they're going to tell us what to do up here in Harrisburg. They're going to tell us what to do up in Philly. That is the reality. Come on, folks. Let's stop this politics and let's solve this thing. The best way to solve it is intelligently sit down with the head of the

Senate and the Legislature. The Governor is more than aware of it. I'm sure he wouldn't mind sending his people. And go up there and do this rationally. Because what's going to happen here is while we're pandering back and forth that we should put it out there and we should do this and that, I'm going to suffer, my kids are going to suffer and all these fellows and the people in this County are going to suffer because it's going to turn into something else. Trust me. I work for the State. You can say something in Pittsburgh, and by the time it gets to Philadelphia, it isn't even the same story that left. So that's the reality, folks. You guys can go do what you want to do, but mark my words. You folks listening, you watch what happens. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb and Mr. Drozd.

MR. DROZD: Wait a minute. Who has the gavel?

PRESIDENT FITZGERALD: Thank you, Mr. Drozd.
Thank you.

MR. MARTONI: Thanks, Matt.

MR. GASTGEB: I guess I'll weigh in. It seems to me like we're being the fighting AC, the fighting Allegheny County Council, you know, whatever you want to say, body. We're asking on this one and there's another one coming up and we're asking for legal remedy. We've been sued. So that seems a little bit more important than this one. But I guess what I'm lacking here is, you know, what's our responsibility? You know, in 2003 the Chief Executive ran and said he was going to fix this system. That's almost ten years ago. It's almost like is there any responsibility that any of us have or the person that sits down the hall across from our office has? Is it totally the State?

The way it's worded, it's hard not to vote for it because it's the fighting spirit. We're going to stand up and realize what happened. The truth of the matter is there is another County going through this right now. It's Washington County. And the reason why is because whoever files a lawsuit, this is going to happen. The same as Clifton. Someone filed in Washington. Someone's going to file whoever knows where. And maybe that's when the State reps and State senators are going to listen. But I have to agree with Jim a little bit here on this where, you know, a State rep from York or Scranton or, you know, Centre County or wherever, I'm not sure how

motivated they are when they don't have the issue in their own backyard.

And I guess, you know, if this is window dressing, fine, but what do we say at the end of the day when people get their assessment notices and we say, well, we sent a Sense of Council, which is really what it is, to Harrisburg? I don't know what happened. Is that leadership? Do we really want to see results or are we just hoping that we're kind of passing the buck?

Now, I guess I'm torn because Mr. DeFazio has a little bit of a point on my opinion. So what? We're sending it out. It's maybe not worded the best. It's probably worded better than 6194, which says we're going to sue, between the two. And Rich, I know I wasn't there Friday. I know that someone told me you spoke about getting along with people no matter who they are on whatever level. So I'm sure your intentions are pure to get along with whoever, State, Federal. That's what I'm told you were saying, so I won't throw anything more into that than what I heard you say, I guess.

So what at the end of the day, though, do you expect from us sitting up here? Do you expect us to pass paper along to Harrisburg? This court case came down in 2009 in April. It's almost two years and the State hasn't moved. Now, Rich is right. There's some people here from Allegheny County that are in leadership power. Jim's more right, though, because the Speaker of the House isn't. And the Speaker of the House is higher than the majority leader the last time I looked. And the President of the Senate is not from here either. So it's probably not going to hurt anything to do this, but what are we getting back? Do we just say we did it and everything is okay and the assessments are going to go away? Thank you.

PRESIDENT FITZGERALD: Who was next? Mr. Drozd.

MR. DROZD: Thank you, Mr. President. I echo my last two esteemed Council speakers, Councilman Ellenbogen and Councilman Gastgeb. You know, I remember one basic thing in fundraising 101. When you're going to ask a fundraiser --- you're going to ask a donor and say, hey, would you consider whatever? And they say, oh, yeah. They say, why didn't you ever do it before? He says, you never asked. So I would ask you and the leadership, Mr. Fitzgerald, have you ever picked up the phone? Have you ever talked to the Governor? I mean, he's been in office --- or call the Governor's Office. You know, I want it

always more proactive on the part of this Council. I want to be proactive. We do these motions and we send these out. Did you ever pick the phone up? Did anybody in the Administration ever pick the phone up right now and talk to this new Governor and the majority leader, who is from this area, and you know, the Speaker of the House? Anyone ever pick the phone up. I want to know that. Did you ever pick the phone up?

PRESIDENT FITZGERALD: Mr. Drozd, no. I talked to him in person about it.

MR. DROZD: Who?

PRESIDENT FITZGERALD: Both of them.

MR. DROZD: The Governor?

PRESIDENT FITZGERALD: Yes.

MR. DROZD: When did you talk to him?

PRESIDENT FITZGERALD: A couple weeks ago.

MR. DROZD: What did he say?

PRESIDENT FITZGERALD: He said he'd get back to me.

MR. DROZD: Did you follow up from there? And why this if he says he's going to get back to you?

PRESIDENT FITZGERALD: If he said he's going to get back to me, why should I follow up?

MR. DROZD: Because it's basic 101 in anything, is follow-up. It's follow-up. It's picking the phone up again. Wait. Let me finish. Did you send a formal letter out on behalf of this Council to say reference our conversation on such and such a date? I would like this follow-up.

PRESIDENT FITZGERALD: That's what this is.

MR. DROZD: No, no. Did you send a letter, follow-up to this, other than this ---?

PRESIDENT FITZGERALD: That's what this resolution is. This resolution is asking him to do this.

MR. DROZD: How long ago did you do this? When did you talk to him?

PRESIDENT FITZGERALD: I told you a couple weeks ago.

MR. DROZD: And you didn't send a letter since then? I would have had a letter in the mail the next two days.

PRESIDENT FITZGERALD: Well, that's what this is.

MR. DROZD: Two weeks after. Come on, Mr. Fitzgerald. I'm just saying, as Administration --- you

know, pick up the phone and keep follow-up. That's what it does. I'd like to see more --- you know, people on this Council to do that. If you don't have the time to do it, empower people on this Council to do it. That's basic good administrative follow-up. I have follow-up when we get to your resolution. But I think all of you --- don't get me wrong. All of you have good points. Why can't we do all three consecutively? Do what Mr. Ellenbogen is saying, and Mr. Gastgeb. Do what you're doing. I'm not disagreeing with this. And also do what Mr. McCullough is doing. You say you want to pull all stops, then vote for his, too. Let's vote all three. Let's do it. Let's rewrite it and do it, and it may be a separate resolution, but let's just do it and pull all stops out if you say you want to do it. If you really truly want to say it you want to do it, then do it. Thank you, sir.

PRESIDENT FITZGERALD: Mr. DeFazio.

MR. DEFAZIO: If everybody would just stop and think for a minute --- I'd like to know what your answer is. This resolution ain't going nowhere. What has a better chance, if you just sit down with a couple of people and talk, or if we try to pass this, the media weighs in on it and there's all kind of talk about it. What would make this politician or somebody move? By talking to him for a few minutes or something like this coming out? You may get nowhere with either one of them, but I think the better shot is doing this than just sitting talking. I guarantee by just talking, it's going nowhere, and it may go nowhere even with this.

PRESIDENT FITZGERALD: Mr. Finnerty. I'm sorry. Mr. McCullough and then Mr. Finnerty.

MR. MCCULLOUGH: You know, John, I'm going to throw some language back at you. If you want to be fair and if you mean exactly what you say, then amend this to take out the whereas clauses about the targeted assault by six justices of the Supreme Court and all of that. Just take that stuff out, see, because then it depoliticizes it. And what you're saying is you'd sooner urge/ask than try and put some sort of a deadline on it. And if that's the way we are, fine. Then I'll consider withdrawing. Because I just heard something tonight that I didn't know before. I didn't know that Rich had spoken to the Governor. Okay. He spoke to the Governor, and the Governor said he's going to get back to him. I think we should give the Governor a chance, especially since the

other Governor was there for eight years and didn't do a doggone thing about this. I mean, the last time we had a reassessment was in 2002, and nobody felt the need to hit him with one of these. I don't know whether anybody ever spoke to him or not. It's five and a half years ago that the base year litigation began, and none of these came up. House Bill 1661 was passed in the middle of June in 2009, 18 months ago, and nobody thought to ask that General Assembly or that Governor anything like this. So maybe we ought to take the man on his word and see if he gets back to us.

So I'll tell you what I'll do. I'm going to withdraw my bill, okay, because I don't think it needs to go that far and put it under a deadline. And I'm going to ask somebody to table this and let's see if the Governor comes back within a reasonable period of time. Okay. So I'm going to withdraw my amendment.

MR. MARTONI: Rich.

PRESIDENT FITZGERALD: Just real quickly. We did do a resolution during the last session asking the Governor and asking the General Assembly, the Senate and the House. It passed 196 to one and then it died in the Senate. It never got out. I think if we make a public statement asking the Governor, it has a lot more effect than me bumping into him somewhere and saying, could you do something to stop the reassessment, and him saying, I'll get back to you. This is going to have a strong effect when this body speaks saying that we do not want to be singled out for reassessment. I appreciate that you pulled the amendment because I was going to ask my colleagues not to support it anyway. I want it to go forward as it is. It was written by --- you know, I think it was written in good faith. I stand by it. And I'm going to ask for this Council, this body to vote and ask our General Assembly and our Governor to stop singling us out.

MR. MCCULLOUGH: I'll say it again. Take the garbage out referencing the Supreme Court, the Judge here in the Court of Common Pleas. Take that kind of garbage out and I'll be happy to support it; okay? Because it's nothing more than a Sense of Council motion. I'll vote against it as it stands right now. I don't know how many other people want to have kind of insulting language in there. Maybe I'll be the only one. But we know the protocol. When we get a Sense of Council motion, if

somebody dissents to it, you might as well toss it away. I'd like to support the spirit. I would like to think that the idea behind this is to call it to the attention of the General Assembly. But when I hear people arguing that we have to take this kind of --- keep these kind of comments in against these highly respected and important officials, I have to wonder about the motivation, especially since we didn't see this last year.

MR. DROZD: Point of order. We're now talking on Mr. Fitzgerald's resolution?

PRESIDENT FITZGERALD: Yes. His amendment is withdrawn.

MR. DROZD: We're all going to get an opportunity to make ---.

PRESIDENT FITZGERALD: Yeah, you'll get an opportunity, Vince. You will. Mr. Finnerty is very patiently waiting. I want to get to him.

MR. FINNERTY: Thank you, Mr. President. I just want to make one point in regard to this. Number one, it's not a Democratic issue. It's not a Republican issue. It's an issue for the people of Allegheny County. We're looking at an assessment deadline and we'd like that to be postponed. Obviously that's what this resolution is about. So we keep going back and forth, Democrat, Republican. Let's get serious about this. It's for the people of Allegheny County. The people of Allegheny County. Thank you.

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

MR. ELLENBOGEN: I'm going to try this one more time. First of all, the three powers in the Senate of this State are Senator Scarnati, Senator Pileggi and Senator Corman. It would take you two and a half to three hours to reach any one of them. That's how far removed they are from Allegheny County. This resolution, as we call it, is going to look great to everybody. Look what we did. Look what the Democrats did. We called everybody out. And then we're going to go about our business, but there ain't a darn thing getting done.

I didn't say to just like, hey, call them on the phone. I said to send an official delegation. You, yourself, Mr. President, call on the Republican delegation on this Council, and we've got a new Governor to --- maybe they would help us get some issues solved and get it done. Send an official delegation with yourself and with Mr.

Gastgeb to Harrisburg to talk to these three gentlemen who have no idea who probably most of you even are. And to think that they're going to sit there and have a resolution put in front of them, the first thing that's going to come out of their mouth is like, why didn't --- you know, we don't know who these guys are. Allegheny County doesn't mean anything to them. But if you could sit down with them you could maybe explain to them why this could possibly affect their counties down the road, I think it's a smart thing to do.

If it's press we're looking for as a Democrat delegation and we want to look good to the public, we could still do that. If you send an official delegation up there, I think the intelligent people in this County will recognize the fact that we're just not saying, hey, let's just do that, and then like Councilman DeFazio said, oh, it's going to go away. We're actually proactively trying to do something to solve this intelligently, not in a way --- okay. How much garbage do you guys throw away when you get your mail every day because you don't even know who it's from? What do you think is going to happen with this?

Go up there officially and talk to them and explain to them how this could affect them. We're going to get a lot smarter than that. I'm not saying pick up the phone and say, hey, I'm so and so, or send them a letter. Go up officially in cooperation of Councilman Gastgeb and his delegation. That's the way to do it if you really wanted to do it. Or are you really just looking to say, hey, I did what I was supposed to do and nobody listened?

Hey, I grew up with the President Judge of this County. If you put something like this in front of him, you're calling out the Supreme Court, trust me, it would have went right in the garbage. So if you want to just look good and then have the thing go away, fine. Just like I said, if you really, really want to try to do this and get it done right, then do it the right way. You know, go up there as a Democrat and Republican delegation and talk to these senators who don't know any of you and try to explain to them how hey, you know what, this could affect you down the road. Let's try to work together and see how it affects all of us. Thank you for your patience.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. I thought I heard you or someone say we want to stop this assessment or put a moratorium on it. I think that most of probably agree it's a question of how is the best way to make that possible. We has passed bills already --- 5139-09 in the year 2009 spoke to House Bill 1661. There was a different Governor in at that time. Nothing got done. It doesn't matter if one house likes something and the other doesn't. We have to bring results back. So to say we're going to ask someone to stop the assessment --- we haven't been successful yet. This isn't the first time we've tried. I'm not saying we shouldn't try. Don't get me wrong.

But here's what has to happen. Okay. The Supreme Court made a ruling. Okay. We have to conduct an assessment here, whether you like it or not, and maybe everyone here doesn't like it. So now we're asking the legislative body not just to stop the assessment that we all don't like, but to reverse the Supreme Court ruling. I don't know. I'm not an expert in law or history or social studies, but I'm not so sure if a legislative body could usurp a high court decision because they don't like it. There is co-branches of government here. So I just want to make sure we're doing something that's the best way to get done. It seems to me like there's some logic to what Mr. Ellenbogen is saying. Why don't we go up there with the new spirit of cooperation and whatever else is going on now so that we actually have a dialogue? Or this bill is going to be the same as 5139-09. It goes nowhere. And we still have an assessment coming. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. I concur with what you're saying and Mr. Ellenbogen says. They're accessible. These gentlemen are accessible. By the way, two of them live in this area. They just don't live far from me in my neighboring township. I'd venture to say they come home on the weekends, and probably if you called them, this is only Tuesday, they might even meet you Saturday and discuss this from a serious delegation from this body and from the Administration to talk about this and to work this through. By the way, I have the phone number of the one --- both of them if you want to call them now. It's easy to do.

PRESIDENT FITZGERALD: During the meeting?

MR. DROZD: It doesn't take any time to do that. Let me point something else out that I'd like to ask. Everything else is follow-up, good follow-up, besides going to see them with the phones and the letters, an official follow-up to go see them with an official delegation.

Lastly, I'd like to ask you something, Mr. Fitzgerald, if you would, please. As I read this and what you're saying, you know, my constituents, all our constituents throughout Allegheny County are very concerned about this assessment. They would like it to go away, as you know. This only puts a moratorium across the State and whatever else have you. And I'll support that moratorium in any way I can to delay and whatever, but the inevitable may come without a true remedy of what we need to do that involves people within this, so we need to be much more proactive on our part.

Let me ask you this. After all this moratorium goes and whatever it may be, do you or do you not support the reassessment of the people of Allegheny County? Is this just a moratorium on your part or do you or do you not support the reassessment of the people of Allegheny County?

PRESIDENT FITZGERALD: I do not. I support what I said, Mr. Drozd, earlier on, was the reassessment at a statewide level, the way every other State in the nation does it. Pennsylvania has a system in which only --- you do it County by County. We have 67 individual assessments. And my moratorium is I'm asking for a moratorium on counties being singled out.

MR. DROZD: Yeah, but this is not what it says. Yours says until such time to safeguard the economic stability and prosperity of the residents of the Commonwealth. You're saying to go forth with the assessment. This doesn't stop anything other than a moratorium for a period of time. This is not a remedy. It's not a remedy to what ails the people of Allegheny County. This is only a stopgap to send smoke signals to, as I see it, the Commonwealth and whatever. They're going to look at it as Mr. Ellenbogen said. Okay. Now what?

So this is not a remedy. We need a remedy. And it takes more than just smoke signals and a resolution like this. It takes face-to-face contact with the powers that be. And I haven't seen that. I have not seen an honest delegation from this Council. Perhaps the

Administration has, in all due fairness to them, and I'll give them that benefit of the doubt. But I haven't seen it from this Council. I haven't even seen it discussed about people literally physically going to Harrisburg, physically sitting down with the Legislation, a concerted effort. We all have legislators. I have probably 10, 20 of them on this --- and I just spoke to --- regardless of their party affiliation, a State senator about an issue. We could do that, too, but I haven't seen an organized, concerted effort on the part of this Council. And that comes from you, Mr. Fitzgerald, not just a resolution and paper. Thank you, sir.

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

MR. MCCULLOUGH: I think you've got materials I gave out a while ago for this amendment I was going to offer. It was actually a motion for a stay that was filed by the County Law Department in September of 2009. I didn't have attached to it all the exhibits because they were close to 100 pages. But one stuck in my mind, and it was a newspaper article in The Post-Gazette. And it was dated actually May 5th, 2009, so it was about four months before this motion to stay was filed. And it says, Onorato pursues statewide tax fix, heads to capital, seeking legislators' help with the reassessment case. And it basically goes on to say how the Chief Executive was going off to meet with the Harrisburg, meet with the Allegheny County delegation and all that other stuff. And at the end of the day, Judge Wettick denied the motion for stay.

So I want everybody to realize what's going on here. The chances of getting a stay, as Mr. Ellenbogen pointed out, are very, very slim. I'm not saying you don't try. But I can also tell you this was tried before. It was tried quite a while ago. And the County struck out. And what happened? The County kept moving forward with this assessment that it ultimately submitted to the Court but didn't tell us about. A lot of time has passed by. And we can get in the car and we can go to Harrisburg and that's fine. Unfortunately, that's not what this resolution says. I wholeheartedly am in favor. Jim wants to make a motion saying, you know, let's get a delegation and send them up there to see what can be done.

But I'm going to tell you right now, the best thing you're going to get, frankly, is some sort of a

plan, a statewide fix that's going to say people are going to have to do statewide reassessing. You're not very likely to get a moratorium on that.

But more importantly, you just started the assessment that you're now criticizing. And then you've got another bill in here down the road that I'm sure you're going to try to whip up support for, to go around and sue the State at the same time you're urging them to act. I mean, this is not coordinated, to say the least. It's spinning around, chasing a tail, and it's not getting at the meat of it. If you're serious about bringing this thing to a head in court, this doesn't get it done, because every second that goes by, every day that goes by, we're moving closer and closer to this. And if you want to paper it over and say, all right, we took a pot shot at the Supreme Court, we took a pot shot at a local judge, we put the new Governor on the spot trying to get something done, if that makes you feel good, that's not going to get it done. If you want to make a good faith effort and go up there in a bipartisan way and try to talk to him, fine. Then you don't need this thing at all. And you sure as heck don't need this thing with the kind of verbiage in there.

PRESIDENT FITZGERALD: Mr. Burn?

MR. BURN: Call the question.

PRESIDENT FITZGERALD: Do we need a second on that, Mr. Cambest, or no? We just take a vote?

MR. CAMBEST: I think debate's over.

MR. BURN: It's over, yeah.

PRESIDENT FITZGERALD: All right. Let's call the roll on the resolution.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green Hawkins?
MS. GREEN-HAWKINS: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 13, noes 2. The bill

passes.

PRESIDENT FITZGERALD: Committee on Public Safety. 6103-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania permitting the Community College of Allegheny County, CCAC, whereby (sic) CCAC to use office, classroom and kitchen/workshop space from the County at the Police and Fire Academy for CCAC's Food Service Training Program for special needs adults. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Burn?

MR. BURN: Move for approval.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?
MR. BURN: Yes.
MR. CATANESE: Mr. DeFazio?
MR. DEFAZIO: Yes.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN-HAWKINS: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
(No response.)
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 14, noes 0. The bill

passes.

PRESIDENT FITZGERALD: Liaison reports? I want to recognize Councilman Palmiere.

MR. PALMIERE: Thank you very much, Mr. President. You know, it becomes very popular at times to criticize County employees and so on and so forth, but I'm here tonight to point out something very positive that I've experienced and a lot of my fellow runners and cyclists down in South Park have been enjoying. You know, this weather has been absolutely horrible, needless to say, but we've been able to run and we've been able to cycle down at South Park on Corrigan Drive thanks to the hard work and hard efforts of the people down there to keep that clear for us. And I just want to go on record as saying how grateful we really are because, you know, to be cooped up in the house for all these months is very difficult and very --- it's so demanding on us at times. But those of us who feel that exercise is necessary, we go down there on Sunday morning or any other morning and see that place cleared and decent for us. I just wanted --- again, Mr. President, I just want to go on the record as saying we're very appreciative of that happening.

PRESIDENT FITZGERALD: Thank you, Councilman. Any other liaison reports this evening? Mr. Futules?

MR. FUTULES: Thank you. Shortly the tax bills will be coming out for Allegheny County. And once again, we have the announcement of the Parks Foundation. It has

a very nice article on the back page. Pay attention to it when you get your tax bills because it's a great organization and it's private funding that can help the parks. And I want to thank John Weinstein for doing it again two years at no cost. Thank you.

PRESIDENT FITZGERALD: Thank you. Moving on, new business, ordinances and resolutions. 6178-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania directing that a referendum question amending Article III of the Allegheny County Home Rule Charter pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law be placed on the 2011 primary election ballot, and further, amending the Administrative Code of Allegheny County contingent upon the passage of the referendum question. Sponsored by Councilman Drozd.

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

MR. DROZD: Yes. Thank you, Mr. President. Continually this Council is always asking the question why. And the question why is why a part-time Council member who's paid \$9,000 a year and very honorably serves his constituency, and many of us put in 40 to 50 hours a week, I know I do and I'm sure others do, too, that they have to resign their office. Clearly it's rumored, I believe it's so, a rumor, that this was put in place to avert or to protect other elected officials in other areas, to not --- to kind of eliminate competition, you know. And it's not in keeping with the democratic society and free enterprise system that --- anybody should be subject to question and everybody should have the right. It's a constitutional issue as well. And I know my constituents and anyone, including myself, would not want anyone's constitutional rights violated.

This truly and clearly --- by asking any member and not making it uniformly across all elected officials, to ask them to resign, is a violation of our constitutional rights. And whether it be me or whether it be you or anyone, I always defend your constitutional rights. So I'm not just putting this up in essence of me as a Council member, but anybody anywhere should have the right, freedom or whatever. We all fought for our country, myself included, many of us, I should say. And we should have the right, constitutional right to pursue

wherever we may do as long as it does not infringe on the people of Allegheny County.

And I believe the way the people of Allegheny County believe is the way I believe. When you run for an office and you're in an elected office, I'm willing to take a leave of absence without pay. And if I would pursue another office, I would continue to serve my constituency without pay, even if I pursued another office, without pay, meaning at no cost to the taxpayers.

And this is, in essence, the spirit of my ordinance. In the essence, there's two alternatives here. You have a choice. You can continue to serve your constituency without pay or take your leave of absence. Me, in my case, I would choose to serve my constituents at no cost, without pay, which is not, again, substantial at \$9,000 a year.

But I'm not here for the pay. I'm sure many other Council members are not here for the pay. We're here for the people of Allegheny County. And I'm here to defend. We swore to that, to defend the constitutional rights of the people, and that includes, in this case, ourselves, I would say, and any member or elected official which may be out there.

So I would ask my fellow Council members to seriously consider this. It'll go into committee. I'd like this referendum and we'll let the people decide. And I believe the people will concur they don't want anyone to resign. They just don't want you to serve on their taxpayer dollar. And I agree with that 100 percent. I would like to put this on the May primary ballot and bring it out of committee and have it up for a vote by the next meeting, and let's let the people decide.

And I would venture to say this is the right thing to do. It's not just the constitutional right thing to do. Nobody's rights should be violated. And this Charter, the way it's written, directly violates the rights of a select people and lets everybody else out of that select group. It's got to be fair all the way across the board if it's for one group or whatever. And I know, I know our constituents would not want to be treated any differently than anyone else, their neighbor or anyone else. And I don't think they'd expect us to do likewise. Thank you, Mr. President. Thank you, my Council members.

PRESIDENT FITZGERALD: Thank you, Councilman.

6179-11.

MR. MARTONI: Rich, I'd like to comment.

PRESIDENT FITZGERALD: I'm sorry. Yes, Mr. Martoni.

MR. MARTONI: I don't disagree with Mr. Drozd, but I do want to say the reason it's in there is the people who made the Charter for this County wanted a citizens' council, not a council --- and unfortunately, sometimes we revert back to a legal council. I understand that. But that wasn't their vision. I just want to say that was the reason. There was a logical reason for it. Okay. Sometimes we all forget it, too. I just want to say that. I'm not necessarily against what you're doing here but there was a logical reason for it, whether we like it or not. And I'm not against what we're doing here. I just wanted to say that. They had some logic behind it.

PRESIDENT FITZGERALD: We're going to committee. We're not going to debate this. 6179-11.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances through the creation of a new Chapter 785 entitled Natural Gas Extraction in order to provide for the health, safety and welfare of the County's residents by prohibiting the placement of natural gas wells within 2,000 feet of a residential structure. Sponsored by Councilman Finnerty.

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

MR. FINNERTY: Yeah. Thank you. Just briefly. This is for the safety of the people. There was a blowout in Clearfield County that affected an area of 1,500 feet around a gas well. I think in relation to a populated area, we should have a little margin of error there, so that's where the 2,000 feet came from. Thank you.

PRESIDENT FITZGERALD: Thank you. 6180-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania amending Article 903 of the Administrative Code, Section 5-903.02, restricting County purchases of goods or products made in sweatshop conditions in the course of the formal procurement process in order to specify a complaint and investigation procedure, and amending Article 203 and 215 of the Administrative Code of Allegheny County in order to clarify the applicability of the anti-sweatshop ordinance to County authorities and agencies respectively.

Sponsored by Council Members Fitzgerald, DeFazio, Martoni, Burn and Robinson.

PRESIDENT FITZGERALD: I'm sorry. Add Mr. Macey. Add as a cosponsor. Add Councilwoman Green. And let me just comment. I want to thank my colleagues. I want to thank Chairman Burn of Public Safety. We've been working together on this issue. And Councilman Martoni and Councilman DeFazio and I actually went out to visit the one plant that we think kind of falls under this jurisdiction. And I think it's really important that we make sure that we promote business in this County, that we promote business that's safe and gives people, you know, a safe place to work in which to do so. So I'm very proud to sponsor this amendment. We're going to send this to Government Reform and consider it there. Thank you.
6181-11.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division One, entitled Administrative Code, Article 210, entitled Assessment Standards and Practices in order to provide for the creation and function of a Property Assessment Roll Certification Oversight Board. Sponsored by Council Members Fitzgerald, DeFazio and Robinson.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. And again, we have to take a lot of different avenues to try to stop this reassessment. This will give us one more tool in the tool chest.

MR. MCCULLOUGH: Excuse me, Rich.

PRESCIENT FITZGERALD: Yes, Mr. McCullough?

MR. MCCULLOUGH: I have a brief comment and I would like to be added as a cosponsor of this.

PRESIDENT FITZGERALD: Please add Mr. McCullough.

MR. MCCULLOUGH: I like the spirit behind this. You know, getting into the committee process, I may want to propose an amendment or two, but I would like to point out that this is actually consistent with the Government Study Review Commission report back in 2006. I believe it was in 2006. And actually in the same spirit of something I had suggested to the Court in the base year litigation. I like the idea of what's called an assessment backstop, something outside of the assessment bureaucracy. So I think we need to do everything we can, in the event this assessment does go forward, to try to make sure it's fair. And I think this helps move it in that direction.

PRESIDENT FITZGERALD: Mr. Finnerty and Mr. Ellenbogen, do you wish to be added?

MR. FINNERTY: I'd like to be added.

PRESIDENT FITZGERALD: Please add ---.

MR. FUTULES: Mr. President, I think it's a good idea.

PRESIDENT FITZGERALD: Be added as cosponsor, Mr. Futules?

MR. FUTULES: Yes.

PRESIDENT FITZGERALD: Okay. Again, this is going to committee. Mr. Macey --- add Mr. Macey, Mr. Palmiere as cosponsors to the amendment. Mr. Burn, I see your hand up. Mr. Burn. 6182-11.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances through the creation of a new Chapter 785 entitled Natural Gas Extraction in order to provide for the health, safety and welfare of the County's residents by prohibiting the placement of new natural gas wells within 500 feet of a residential structure. Sponsored by Council Members Fitzgerald and DeFazio.

PRESIDENT FITZGERALD: Yes. And this is very similar to what Councilman Finnerty did --- introduced, I believe. His says 2,000 feet. Mine says 500 feet. And I'm not sure what the right answer is. I patterned mine after what they've done in Lycoming County. I think it's important that we capitalize and utilize to the fullest, you know, this resource we have under us called Marcellus Shale natural gas, but we've got to do it safely and we've got to protect homeowners from drilling too close to homeowners. So I look forward to having a good spirited debate and discussion and learn a lot about, you know, what we can do with this. But again, we're patterning this after a County that has done --- been having this a lot more than we have. Refer to Government Reform. 6183-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, providing for the Right to the Uniform Application of the 2012 Reassessment for residential property owners as part of the Residential Property Tax (sic) Bill of Rights. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Yes. And as a personal comment, I'd like to express my gratitude to the Daughters

of the Divine Redeemer who taught me at St. Bart's in Penn Hills in the early '60s, the Sisters of St. Joseph who taught me in the middle '60s, and my eighth grade algebra teacher, Mr. Darrell Beatrice. I hope they're still alive and doing well because they taught me some mathematical skills that I think came into play here.

That being said, this bill hopefully will accomplish three things. Number one, as we know right now, we're assessing at 100 percent of market value. This would attempt to take us away from current market value to assessed value by basically performing a mathematical calculation based on the average percentage increase in assessment countywide. Basically the idea is if you have a \$100,000 property and the countywide average appreciation is 30 percent, you know, and that appreciates, say, to \$130,000, by applying the predetermined ratio, this would get it back to \$100,000. Now, this is across the board. It is uniform. I've actually received some very, very favorable comments from a very interesting source to endorse this, but it's somebody who is, let's say, expert in the area of property assessments and believes that it will reduce some of the concern about assessments.

It also does two other things. Those of us who were involved with the County back in 2002 remember the M class issue where people had assessment reductions in 2001 only to have their properties go up in 2002. That's about 26,000 people. This tries to address that. And part of that, I want to tell everybody out there who may be watching this, and hopefully the media gets this out, too, if you have reason to believe that your property is over-assessed now, I think it makes a lot of sense, especially if we get this through, to file a property assessment appeal for 2011 and not wait for the reassessment. You can always argue current market value even though we're under a base year. And there's an operation they perform to adjust for the base year. So if you think your property is over-assessed, take the appeal now, and that way you may be able to use that going forward by this statute.

And the last thing is really kind of a novel concept. To some extent it's the self-reporting of an assessment, the idea being that usually when people go into the assessment appeal process, they produce a certified appraisal by a qualified appraiser. I have yet

to sit in an appeal hearing, and I've done many, many of them over the years, where the hearing officer didn't recognize that as the final determination of market value. That and recent sales. So what this would hope to do is enable people to do that in advance before they actually get their assessment. And the idea, again, is it's fair. I think if people have their own validation as to what is fair, it's sort of like reporting the income tax or like reporting the State tax or like reporting other taxes. So again, I'm trying to do some things here to deal with the eventuality of this if it happens. And I look forward to discussing these in committee.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform.

MR. GASTGEB: Rich, just a quick comment. We spent probably an hour with this in Harrisburg. I can tell you from being here the first time, this Council can, if it wants to, change the predetermined ratio. Thank you.

PRESIDENT FITZGERALD: Yes. We can talk about that in committee. Do you need a break? Just one second while she changes the paper.

SHORT BREAK TAKEN

PRESIDENT FITZGERALD: Moving on, 6184-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question amending Article III of the Allegheny County Home Rule Charter pursuant to the Home Rule Charter and Optional Plan Law and Second Class County Charter Law be placed on the 2011 Primary Election Ballot, and further, amending the Administrative Code of Allegheny County contingent upon the passage of the referendum question. Sponsored by Councilman McCullough.

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

MR. MCCULLOUGH: Yes, I do. This is a leave of absence bill. It's different from Councilman Drozd's, and let me explain it as follows. We've had a lot of discussion about whether our County officials should take leave of absence to run for statewide office. And the point about their opponents who live outside of Allegheny County is well taken. We obviously can't control that. This tries to basically implement what we have as a rule presently on all County employees, except our elected

officials, or anybody who would want to run for an elected office in Allegheny County. In other words, if you want to run for an elected office in Allegheny County and you're a politician, you take a leave of absence and change our situation from a forfeiture of seat to a leave of absence. I'm hoping this is going to generate some reaction. Maybe we can get some State law or resolution of this. But I think it's a good government issue and I look forward to discussing this as well in committee.

PRESIDENT FITZGERALD: Refer to Government Reform. 6185-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing the referendum question amending Article III of the Allegheny County Home Rule Charter pursuant to the Home Rule Charter and Optional Plan Law and Second Class County Charter Law be placed on the 2011 Primary Election Ballot, and further, amending the Administrative Code of Allegheny County contingent upon the passage of the referendum question. Sponsored by Councilman McCullough.

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

MR. MCCULLOUGH: Yes, I do. Prior to the Government Reform Committee meeting, we had a discussion about this in conjunction with a leave of absence bill. And actually, they were joined together as far as a referendum question. And there were some comments from some in that committee meeting that indicated there was not opposition to the concept of term limits, but there was opposition to how it was phrased in the bill that I had. What this simply does, first of all, it would apply the Chief Executive rule to all County officers, that's County Council and the rows, but it does not apply to anybody presently holding office, which is consistent to the way, Jack can correct me if I'm wrong, but I think it's the 22nd Amendment, term limits for the President of the United States. So it's a forward-looking thing. But again, I think the idea of --- and it would have from three to four-year terms. Capping somebody's service at 12 years, I think, is good.

PRESIDENT FITZGERALD: Government Reform. Thank you. 6186-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Article

911 of the Administrative Code entitled Contracts, Section 5-911.03 entitled Specific Contract Requirements, and governing the County contracting process in order to clarify the effect of the execution of County contracts that will require County budgetary appropriations exceeding those already in place at the time such contracts are executed. Sponsored by Councilman Robinson.

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

MR. ROBINSON: Yes, Mr. President. This bill is the outgrowth of discussions over the last seven years relative to what would be a legitimate role for this Council in the contracting process. There is already some specifics in the Charter and in our Administrative Code to indicate that the negotiation of contracts, the signing of contracts and the execution of contracts is in the purview of the Executive. But this Council has made it clear legislatively that we could establish the parameters in which the Chief Executive performs his duties. This legislation attempts to clarify even further that if the appropriation is made and the Chief Executive proceeds to negotiate a contract based on that, it should not indicate to any prospective vendor that this Council agreed with that negotiating process. This gives us an opportunity to have a legitimate interaction with our Chief Executive prior to and during the negotiation and signing of contracts but is no attempt to interfere with his responsibility to be the person solely responsible for negotiating contracts, signing them and executing them.

PRESIDENT FITZGERALD: Okay. Thank you.
6187-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Allegheny County Code of Ordinances through the creation of a new Chapter 280, entitled Human Trafficking Hotline, in order to require the posting of information regarding the National Human Trafficking Resource Center, NHTRC, Hotline in certain locations within Allegheny County. Sponsored by Councilman Robinson.

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

MR. ROBINSON: Yes, Mr. President. Some of us might believe that slavery has ended in America. It has

not. Human Trafficking is another form of slavery, mainly where young women and young children are sold into human bondage to perform certain work tasks, some that are kind of obvious, some that are not. Both Mr. DeFazio and Councilman Martoni have brought to our situation --- to our attention the situations they believe exist at a company in our County. There's the possibility that human trafficking is occurring in our County where individuals are being brought here in a state of bondage and being forced to perform certain duties, sometimes work-related duties and sometimes sexually-related duties. I think we have an obligation to take seriously this issue of human trafficking as a national problem and take advantage of the resources and interests of the local taskforce on human trafficking.

Dr. Mary Burke from Carlow University has been here on at least two occasions to talk to us about this issue. I have distributed material among my colleagues and will do so again because we have some new members, related to the seriousness of this issue. There is a growing concern that while there are laws that allow our District Attorney and his staff to proceed if people who are breaking our laws, that the issue of human trafficking not only needs to be highlighted, but we need to require employers and governments to do postings so that people here in this country can understand that there are some rights that they do have, and one right is not to be held in bondage. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you. Mr. Finnerty, add Ms. Green Hawkins wish to be added as a cosponsor. And add myself as a cosponsor. Mr. Finnerty. Cosponsor, Mr. Drozd. Cosponsor, Mr. Burn. Cosponsor Mr. Futules, Mr. Palmiere, Mr. McCullough, Mr. Macey, Mr. DeFazio, Mr. Ellenbogen, Mr. Gastgeb. I think we've got everybody. Ms. Rea. All right. Very good. Refer to Committee on Government Reform. 6188-11.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances through the creation of a new Chapter 75, entitled Natural Gas Extraction, in order to provide for the health, safety and welfare of the County's residents by establishing a registry of hydraulic fracture liquid disposal methods for all natural gas wells within Allegheny County. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea? Refer to Committee on Government Reform. Councilwoman Rea, do

you wish to comment?

MS. REA: Yes. I wanted to comment because I guess the concern I have with Marcellus Shale drilling and other drilling is what they --- because of the exorbitant amount of water they use and then the fact that the water is contaminated and can't be reused or disposed of. I think through our Health Department or somewhere, it wouldn't cost them anything, but the drillers maybe would be able to register with us that they would use an outside water treatment facility that does recycle water or that they recycle the water on their own, but to just have on record what they're doing with the water, because just as in any other industry, sometimes water gets into our rivers or whatever, our streams. And I think that if they understand in Allegheny County that that's a critical issue for us, that we just want to know, without costing, without taxing, without doing anything, that we'd just like that registered, I'd like to see if we can do that.

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

MR. FINNERTY: I'd like to cosponsor.

PRESIDENT FITZGERALD: Add Mr. Burn, Mr. Gastgeb, Mr. Ellenbogen, Mr. Drozd, I see your hand, Mr. DeFazio, all down the line. Okay. Add me as a cosponsor as well. I think we've got everybody. Mr. Martoni?

MR. MARTONI: Yeah. I just want to say something on that. I think that we should send that to the State. And what worries me, if they do something like that across the County line, it's going to affect us. We should seek the State to buy in this and do it everywhere. Okay.

MS. REA: May I respond?

PRESIDENT FITZGERALD: Yes.

MS. REA: I understand what the State is doing right now is you can actually drill and not notify them what you're doing with that water, who's treating that water. They give you a whole year. But I think if we have someone drilling in Allegheny County, I think we can ---.

MR. MARTONI: I'm all for it. I just think we should extend it.

MS. REA: Well, the State has kind of ---.

PRESIDENT FITZGERALD: We're going to committee. I think that that's what the committee process will be for. Thank you. 6189-11.

MR. CATANESE: A resolution expressing the Sense of Council of Allegheny County supporting the concept and establishment of Penn Forest Natural Burial Park, a woodland green cemetery in the Municipality of Penn Hills. Sponsored by Councilman Futules.

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

MR. FUTULES: Yes. Thank you. You heard testimony tonight from the people. And the part that I liked at the end was where they said that people who practice bring green and conservation and things, now they have a choice to do the same upon their death. We'll discuss that at the meeting. And I'm not Boris Karloff either.

PRESIDENT FITZGERALD: Thank you, Mr. Futules.
6190-11.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, establishing County policy with regards to contracting or otherwise doing business with W&K Steel, a steel fabrication plant located in Rankin, Pennsylvania. Sponsored by Council Members Fitzgerald, DeFazio, Martoni and Burn.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. Please add Ms. Green Hawkins as a sponsor. And some of the things that have come forward regarding this facility, quite frankly, are disturbing. And I think it would fall under --- if these things are brought forth, we're going to ask that they be done to fall under our sweatshop ordinance, meaning they would not do business with this County. We're going to take a look at that in committee and we'll see where we head from there. 6191-11.

MR. CATANESE: A resolution amending the New Home Construction/Improvement Program Resolution enacted May 23rd, 1996 by the Board of Commissioners of Allegheny County at Agenda Number 700-96, subsequently amended by Resolution Numbers 22-00, 6-01, 61-02, 04-04-RE, 49-05-RE, 07-08-RE and 25-09-RE, by providing for the continuation of the Allegheny County New Home Construction/Improvement Exemption Program. Sponsored by Councilman Macey.

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

MR. MACEY: Yeah. Thank you, Mr. President and members of Council. This is just an extension of the

Improvement of Deteriorated Property Abatement Program as well as the New Home Construction Abatement Program that was established back in 1996. This will take it from 2011 to 2013. Thank you.

PRESIDENT FITZGERALD: Thank you. 6192-11.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2011, Submission 2-11. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. New business, motions. 6193-11.

MR. CATANESE: A motion of the Council of Allegheny County recommending that Allegheny County study the potential for freezing the disbursement of all or a portion of Port Authority's appropriations until such time as the authority finalizes a collective bargaining agreement with the supervisors and officers of the Port Authority Transit Police. Sponsored by Council Members DeFazio and McCullough.

PRESIDENT FITZGERALD: Councilman DeFazio?

MR. DEFAZIO: I want Chuck to start off.

PRESIDENT FITZGERALD: Okay. Mr. McCullough?

MR. MCCULLOUGH: Sure. This matter came to the attention of John and I in our positions as at-large members of County Council, and I think it's something that merits our attention and our bipartisan support. You've heard the officers speak earlier this evening. It's just flat out unfair. This Council has gone through great lengths to --- and controversial lengths to try to properly fund the Port Authority, yet these men who perform a very important health, safety and welfare duty to all of our residents, and particularly our transit drivers, have been left behind. Working three years without a contract is just flat out unfair, whatever those terms would be.

Now, this motion does not attempt to dictate those terms. But I think what it does try to do is to try to set a parameter to get both sides together. And failing that, we consider what else to be done with it. And John, I'll defer to you for other comments, but as far as I'm concerned, I hope this gets the support of every member of Council.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Yeah. Like Chuck said, this is very unfair. There's a disparity of treatment for this

group. Everyone around them gets more money, benefits and different things. This is like collective bargaining. It's like being in a fight with two arms tied behind your back and you have to hop on one leg. They can't go to arbitration. They can strike, but we're not recommending that. But they should be able to go to arbitration and settle this thing. It just sits there, sits there, sits there and no one wants to do anything. They're stuck. And they're looking for some kind of help.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Please list me as a cosponsor. I think it's important to note the way this is being written is that this is very impactful because if we freeze any disbursement or all disbursements, we're no longer matching --- the Port Authority has no money. The State can't match something that's not there. So you have a very strongly worded motion here that I hope the Port Authority looks at and comes to the table. I find it extremely frustrating that we went through a very divided process to fund the Port Authority, and yet decision after decision that comes out has been disappointing. And I'll add this to it.

So without public safety, I don't care if it's transit, if it's your municipality, it's in the court system, that's probably the first level of what we need to offer our residents and our constituents. If you don't have public safety, then what do you have? Nothing else matters. So to me, it's the stuff that's important. I hope we can play a very important part. To me, I'm as strong on this as I was when we were withholding the Health Department Board members until they understood how this Council felt with their confirmation process. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: I'd like to be added also. I think in all fairness, there should be a contract for them.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Other than being a labor issue, these gentlemen are police officers. And to be mistreated and treated the way they are --- and the gentlemen that spoke, I mean, these are the only traffic police officers I've even seen in the City of Pittsburgh in so long. These guys put their lives on the line like any other police officer. And I come from a police family. My

father was a police officer and there were other police officers. I myself for my day job, I carry a badge myself. So I'd like to be added as a cosponsor.

PRESIDENT FITZGERALD: Please add Mr. Ellenbogen. Councilman Burn?

MR. BURN: Please add me as a cosponsor.

PRESIDENT FITZGERALD: Add Mr. Burn as a cosponsor. Mr. Futules?

MR. FUTULES: Yes.

PRESIDENT FITZGERALD: Add as a cosponsor. Add myself. I think we're going to go down --- Ms. Green Hawkins, Mr. Macey. Mr. Palmiere, I see your hand. Ms. Rea, I see your hand. Mr. Robinson, I see your hand. I think we've got the whole group.

MR. MARTONI: Let's don't forget the essence of what we're doing.

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

MR. DROZD: I had a question.

PRESIDENT FITZGERALD: I just wanted to know if you wanted to be cosponsor.

MR. DROZD: Sure.

PRESIDENT FITZGERALD: Mr. Martoni has the floor. Mr. Martoni?

MR. MARTONI: I just want us to make a really strong statement to the management of the Port Authority that what's really important here is to get both sides at the table. That's been the problem. Okay. These guys have not been at the table. And they tell me at the Port Authority that the Port Authority Police have filed --- let me get this straight now; okay? I've been calling all day with them today. Okay. And there's a hearing complaint scheduled for May 18, 2011. Okay. Let's get them on the phone tomorrow. Let's get them together. Okay. I think it's a shame to keep people waiting that long for a contract. Okay. But there's another side to this, too. Okay. We got to be careful as a County that we don't jeopardize the funding, you know. We don't want to shut the Port Authority down because 220,000 --- I don't know the number exactly, but thousands of people use it every day. We got to do this in such a way that we get them what they want, which is a contract.

And there's complexity in this. Some things I don't even understand. They're tied --- and they can correct me if I'm wrong if you would them speak, but they're tied to an unrepresented group for their employee

benefits, which I totally don't understand that. Maybe they do. I don't. Why would they be tied --- they have a union. Why would they be tied to an unrepresented group? I assume that means a nonunion group. And I want to be corrected if I'm wrong, but this is my understanding from some research today. And what the Port Authority is saying --- I'm not necessarily agreeing, but what they're saying is that we have to do all this together. But these guys are a union. Why can't they bargain collectively together as a union? See, I'm at a loss on this. Okay. I don't understand it. But I want to be reasonable, too, because I don't want to shut down the Port Authority. Thousands and thousand of people get to work every day and a lot of people make their living there. So help me out, guys. I don't know.

PRESIDENT FITZGERALD: Let me start on the end. Mr. Burn, Mr. DeFazio and Mr. Drozd.

MR. BURN: Thank you, Mr. President. Doc Martoni makes some points that management has on their side on this. I sat on that board for about two years with Doc Martoni, and I would sit there every day and watch the presentations that would come in and I would hear what management would have to say about a variety of issues. And I would watch some of the department heads and directors come in and make their presentations for funding approval. I would sit there in frustration sometimes and watch some of the money that was being asked for by that board for things like painting greetings in four languages on the buses. There's money down there.

I mean, management can say whatever the hell they want. There's money down there. And it's unconscionable that for seven years --- four years? Four years ---

MR. MARTONI: I agree.

MR. BURN: --- they have sat in frustration while these guys have kept them under the thumb. It makes it equally more frustrating, you know, to see where some of that money is going. I still think management needs to make significant cuts on their side of the balance sheet. And along the way, some of that money should be over here to negotiate in a good faith effort with these brave men and women in law enforcement. Thank you.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: They all are represented by the union, but Bland and his group of management, they put

them in a group with no union. So if you're in that group, then they don't have to deal with them like they deal with all the other union people. What it is is they're holding them down, and it just isn't right. I mean, nobody is looking to strike or do anything like that. They're just looking to at least go to arbitration and see what they can get settled because there's no way --- I have been in negotiations in my other job. I can tell you after all this time goes by like has happened, nothing's going to happen unless someone puts a hammer on someone's head or something because it's not going to happen. We're just kidding ourselves. If you think you should whisper to these people to settle it, they're not going to do it. They have to have some real pressure put on them because they won't. We have to have this settled. Go to arbitration. Maybe the arbitrator will agree with them. Maybe they'll agree with the other side. But you've got to do that.

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

MR. DROZD: You know, I'm kind of listening to my esteemed colleague, Mr. Martoni, Dr. Martoni, and I just think of freezing disbursements, how it could affect the Authority where we are now. This is such a disaster financially. Secondly, it could affect their very jobs, in essence, if that's frozen. I don't know how the State reciprocates. So I don't see this having any teeth to it, really. It really doesn't. Do you really believe that the County or the Administration --- that really belongs to the Administration, whatever they can do and they can negotiate. My point being is I think it also belongs to the board. And I'd ask you, Mr. Martoni --- you know, I've heard this and I had various calls and I've answered the mail, as you know. A lot of you people have called me and I've talked to you about this. I just can't understand why the board hasn't acted on this --- behalf of this group, this class of people, in essence, to help them. It's not only those 40 jobs, but their families. What has the board done to remedy this situation, Mr. Martoni? I'd like to ask you.

MR. MARTONI: I don't think the board has done anything to remedy it.

MR. DROZD: Why has it not been?

MR. MARTONI: I can't answer that, but I don't think they have.

MR. DROZD: You as the representative --- and I'm not putting you on the spot, but you're the liaison.

MR. MARTONI: Oh, you can put me on the spot.

MR. DROZD: Can you take that message back and have them act? You can initiate that.

MR. MARTONI: I have already done it.

MR. DROZD: What have they said?

MR. MARTONI: No answer.

MR. DROZD: No answer?

MR. MARTONI: Yep. I think that this should be resolved and I'm saying we should do that. We should, first of all, encourage both sides to sit down and get into a room and lock it up until they come out with some agreement. These guys should be separated --- here I'm talking about a lot of things I don't know, but they should be separated from the unrepresented employees. They're a union. A union is a separate entity. Maybe I'm wrong. But they should be able to bargain as a union, not --- they're tied in with a group that aren't union. And I could be wrong on this, but that's the way I see it. That's one of the problems. This unrepresented group isn't going to move, and these guys want to move, and I don't blame them. It doesn't make sense, so don't try to make sense out of it.

MR. DROZD: The last thing I'll say, you know, ---

MR. MARTONI: Let them say it. I don't know. They work here. I don't.

MR. DROZD: --- regardless of whether collective bargaining unit or not, I don't understand why, you know, management, the Administration can't sit down and resolve this like gentlemen and ladies, why they can't resolve this. I don't understand. Regardless of collective bargaining units they're asking for a cost of living increase, the way I understand it, and some other things they'd like to look at. Is anybody listening over there? I don't know. Is the word really getting to Mr. Bland? Is it there? I don't know. Mr. Bland seems to be fair, I would hope to think. Have they not been given the same courtesy as they --- they've been put on the other side of that house. Have they not been given the same consideration that's been given to the staff, you know, the non-collective bargaining unit? I don't know. Someone has to look at this. And again, I would ask you, Mr. Martoni --- I think you need to really carry the water

on that one and carry a big bucket. I think you need to do that.

PRESIDENT FITZGERALD: Mr. Ellenbogen, then Mr. McCullough and Mr. Burn. We're coming this way. I'm sorry. Mr. Ellenbogen and then Mr. Gastgeb, McCullough and Burn.

MR. ELLENBOGEN: First of all, you know, to echo Councilman Burn --- I mean, Councilman Burn, he could see a flea from 100 miles away. If he's sitting at meetings and telling you he don't know what's going on, then they're just pulling the wool over his eyes. As far as Councilman Martoni, he's no wallflower. I'll guarantee you he's had his say. My point is these my brothers --- these ladies and gentlemen should be represented by the Fraternal Order of Police.

Now, Councilman DeFazio, you said that these folks have been put under Bland's management and it's his decision. And I'm going to be honest with you. I'm going to say it. I have had about as much of the Port Authority's board presentations and their pretty little freaking packets and all their little viewing things when you ask them questions that I can personally stand. You know, to the public that's listening, you know, these folks do a lot of the jobs that a lot of the city and borough and township police officers have to do, some of them probably a little less pleasant but they get stuck with a lot of these details. I see these folks out there all the time. They're police officers. When you're on a bus and some jerk is acting the way he is, these are the folks that got to come and risk themselves. They all have families. They put themselves at risk. There's a lot of emotion going into that. Anybody that carries a shield will tell you, you know, turning it on, turning it off and dealing with the kind of issues that these folks do ---.

You know what, Chuck? You said it. We're a citizens' council. This is the right thing to do. You know, these folks need to be treated right. And if that board don't want to do it, then we'll do it. That's how I see it. So, you know, I agree with Councilman DeFazio and Councilman McCullough and I'll back this to the hilt.

(Applause.)

PRESIDENT FITZGERALD: Councilman Gastgeb?

MR. GASTGEB: Thank you. I very much agree with Council Member Ellenbogen, but here's the deal. I mean, you guys have lived through this for three or four years.

To say we're going to lock someone in a room, you probably wanted to hear that three years ago. To say that we know what union or not you should be in, we don't. But what we need to do is say we're not going to give you the money, Port Authority. That's County Council's hook. It's the money. It's always the money. If we don't give the money, guess what? There's no money at all. And we're not shutting down the Port Authority. They're shutting it down because they're not doing what we want them to do. Simple as that. If you want the money, this has to be done. We're not going to set the terms. That's not our job. But guess what? We're going to do something on principle and generality. Either get this done or I for one am not going to be allocating any money to the Port Authority. If you don't like it, then you're shutting your service down on your own.

The other thing is we tried this before. And I know this infringes upon the Chief Executive's right to appoint to any board. We should not be confirming any board member until this gets completed or comes to a satisfaction resolution. I don't care if the Port Authority Board goes from none to one. You know what? There will be no board until this gets done. That's the two things we can do for you. That's what we should be doing. Thank you.

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

MR. MCCULLOUGH: Call the question.

PRESIDENT FITZGERALD: Can we get a second on this to call the question once it's done?

MR. CAMBEST: If there's no further debate on it.

PRESIDENT FITZGERALD: Well, Mr. Burn has something to say and I don't know if anybody else did.

MR. BURN: No. I'm fine.

PRESIDENT FITZGERALD: Okay. Everybody ready? Let's just do a roll call vote. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The ayes have it. The motion carries. 6194-11.

(Applause.)

MR. CATANESE: A motion of the Council of Allegheny County authorizing the Allegheny County Council Solicitor to pursue a legal remedy against the Commonwealth

of Pennsylvania challenging the uniformity of the Commonwealth's reassessment system. Sponsored by Council Members Fitzgerald, Macey and DeFazio.

PRESIDENT FITZGERALD: Okay, Vince. You can have it. Again, this is just one more effort to try to do something. We went into court, we meaning the County Solicitor, and they were going to try a different tact. And I think we might be able to do that. I'm going to ask Mr. Cambest --- or I'm going to ask this Council to ask Mr. Cambest to go in and do everything we can do to stop this reassessment. I said it during the last round on the bill and I don't need to redo it. This would give us a legal remedy as opposed to the Harrisburg remedy. And I just think we should try every effort we can to stop the reassessment. So I'm going to ask for a motion to approve sending Mr. Cambest into court.

MR. MACEY: So moved.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? Mr. Drozd?

MR. DROZD: I'd like to ask Mr. Cambest what it would cost this Council and the taxpayers of Allegheny County. What's the probability of winning this? If we're going to invest monies like this, I'd like to know, what is the probability? Give me a probability.

MR. CAMBEST: Well, as you know, we do not discuss litigation in these realms. We don't talk about theories and probabilities on this litigation. I think we ought to do that in an executive session. To try to answer your question on cost, I mean, that's something that's very hard to give to you this evening. We can take a look at it. Jared and I had some discussions and looked at some of the other possibilities and theories. Possibly when we look at that, we may be able to give you a better idea going forward.

MR. DROZD: You've done similar actions before. What does it cost? What did you bill the County on this?

MR. CAMBEST: That's the thing, I don't know which forum we're going to be working in, whether we're working through Common Pleas up to the Supreme Court or going directly to the Supreme Court, whether we're taking another action. I'm not sure of that answer. It's very hard to give you that.

MR. DROZD: You can't give me the outset (sic) on an action that you represented and the low side? I always like to look at the outset and the low side.

MR. CAMBEST: The only thing I can tell you is what our contract calls for is I believe litigation matters are \$100 an hour. So that's the only cost I can give you.

MR. DROZD: What's the highest you've billed the County? You know that, Mr. Cambest.

MR. CAMBEST: I don't know that. We've done litigation going back ---.

MR. DROZD: Could you send that to me?

MR. CAMBEST: We can check on that and get you that information.

MR. DROZD: Thank you, Mr. Cambest.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. I just have a question. What does the other side of the hall feel about this?

PRESIDENT FITZGERALD: I didn't even talk to them. You know, we don't need to get their permission, quite frankly.

MR. ELLENBOGEN: And I'm not saying that, but they have a whole --- two attorneys might not cost us \$100 an hour.

PRESIDENT FITZGERALD: They've already gone with those attorneys and, you know, in all due respect, they did a fine job. We're going to try a different tact. And this is Council's --- we don't have the ability to order or even with a motion to order them into court. We just can't do that. This is our lawyer. And if we fight it as a body and decide we want to send him into court, we can do that. And I want to do that with all due speed, quite frankly.

MR. ELLENBOGEN: Okay. Well, just let me ask you this, with all due respect. I've seen how many hours Councilman McCullough puts into these kinds of things. Where are we going to get the money to pay for this? I've seen some of Jack's bills.

PRESIDENT FITZGERALD: I can't think of a better investment than stopping this reassessment. So of all the things that we spend money on, I think that might be the money --- that might be the best taxpayer dollars we spend this year.

MR. ELLENBOGEN: And I'm not disagreeing with that. But I'm saying let's just say it costs \$100,000 to do it. Where are we going to get this money? I mean, before I vote on this, I don't want us saying, you know, Mr. Flynn, you better come up with \$100,000. Well, you never know. I mean, these things drag on.

PRESIDENT FITZGERALD: I think it's worth the risk.

MR. ELLENBOGEN: I'm just saying there's three attorneys up here. I'd like to hear what they have to say about how long this litigation takes.

PRESIDENT FITZGERALD: Mr. Drozd, you have your hand up?

MR. DROZD: Yeah. As was pointed out by Mr. Ellenbogen, we have legal counsel --- and what's what we draw upon, our Council members for their expertise. If we're going to invest this money, I'd like to know what the probability of success here is. And maybe our legal counsel here on this can address that issue. You know, I haven't got a clear point from our Solicitor and I'd like to hear from some of our ---.

PRESIDENT FITZGERALD: I can certainly ask them. With all due respect to Mr. Burn, Ms. Green Hawkins and Mr. McCullough, I don't know that they specialize in this area. They may. And I'm okay with that. Mr. Burn, do you want to comment on that as one of the lawyers on this body?

MR. BURN: Thank you, Mr. President. I'm a trial lawyer. I work on a contingency, so there's no fee unless I get money for you.

MR. DROZD: I think that's great. I put that motion up.

MR. BURN: My clients ask me that question, what are our chances? I'll say this. We're very blessed. We have a very busy, successful practice. And I wouldn't be sitting here having a conversation with you if I didn't think we had a viable chance to win the case. That's the best I would say to my client. That's the best I would say to this forum. I think Jack just said that.

PRESIDENT FITZGERALD: Mr. DeFazio and then Mr. McCullough.

MR. DEFAZIO: I'm not an attorney, but I do arbitrate cases. You can't tell anyone you've got a sure win or --- we don't know. Look, we've talked. I think Jack's looked at it. We have people looking at this thing

where there is some wiggle room in here that looks like we might have a shot. That's no guarantee we can win or not. But no one can answer for sure what the decision of an arbitrator is going to be. So what do you do? Unless we know it's a complete loser, don't tell us.

PRESIDENT FITZGERALD: Mr. McCullough and then Mr. Gastgeb.

MR. MCCULLOUGH: First of all, before I would ever commit to authorizing anybody to file a lawsuit, I want to see what it says. And I want an estimate as to what it's going to cost. And I want an opinion in writing as to the probability of success. But we don't have any of that here right now. I'm not comfortable authorizing anybody to go out blank like that. I want to see a proposal. I'd like to see some memorandum or a draft complaint as to what is going to try to be accomplished here, what the possible estimate is. I can tell you what. It can be very cheap, because from my perspective, it's going to get thrown out real fast. But if it has some legs to it, it's going to go on a long time because the last lawsuit went on for over five years. So I think we need to get some estimate depending on how far it goes, but most importantly, I want to see --- Jim knows and all the other lawyers up here know you don't file lawsuits for clients until the clients review and sign off. So we're ahead of the game here. I'd like to see the proposal.

And the other question I had --- the other problem I have is Jay Leno or David Letterman or one of those late night talk show guys said something like, yeah, it made a lot of sense to go after terrorism in Iraq --- it was in Afghanistan, so we declared war on Iraq. I mean, the problem here is this assessment is being done in Allegheny County by Allegheny County; all right? You can file whatever lawsuit you want, but I don't know how that stops an Allegheny County assessment unless Allegheny County is a party to it. Do you understand what I'm talking about? I mean, you might as well be filing a lawsuit against the Ohio General Assembly if you're going to do that here unless you want to bring in all the parties that have anything to do with this to try to stop it; okay? Because it gets to an issue of standing. And then, of course, you're going to then --- you know, you're going to have to deal with these other litigants, and that's all well and good.

But you need to scope this out; all right? And somebody's got to explain to me why Allegheny County isn't a party. Let's face it. After all, it was the Administration, okay, that didn't tell us that they were going to present their own plan of reassessment to the judge. They never brought it before us. It was a plan that took away the people's right to have an appeal hearing before their assessment goes into place. It was the Administration that discontinued the appeal that they came and told us they were taking; okay?

And here's the other thing I have a problem with. Jack entered his appearance in August of 2009. When you enter your appearance in a case --- and he did that because he expected to be --- I don't want to put words in your mouth, but you enter your appearance because you expect to appear or get something. I would throw out a plea --- they never served him with a copy of a doggone thing. Okay. Our Solicitor, we're in the same building. Okay. I mean, these guys are in the same room, yet all these pleadings are going on, even the one to discontinue the appeal, all right, even their own proposed plan. They didn't serve him with a copy of a doggone thing. In fact, in December when I asked him when he found out about it, he said he found out after the fact. And that's in the minutes.

So what are we doing here? If you're serious about this, you're going to bring all the parties in and you're going to say, let's freeze this doggone thing right now because we weren't heard and we're looking for the State to fix this problem. Do it right. And until I hear that, until I see what Jack's talking about doing and some estimate as to the likelihood of success --- even if he can't quantify it, he can give some basis on it. And if he tells us it's next to zero or it's ten percent, we may still decide to take the shot. But I want to know what the heck we're talking about and I want to see all the parties involved. Otherwise, I think this is --- you know, what are we doing here? This is what we've done today. We voted to fund an assessment we now want to sue to stop. Okay. That's number one. We passed a resolution urging the General Assembly to do something. We didn't want to go any further than that. We didn't want to say you got so much time to do it or we're going to sue you. But now at the same time, we're given a resolution saying, help us. We're going to turn around

and say we're going to sue you, too, at the same time. It doesn't make any sense to me. Okay.

PRESIDENT FITZGERALD: Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. In my humble opinion, what we're doing is playing politics for somebody up here that's campaigning. And I won't be part of that. We want to sue the State. And about an hour ago, we were saying we should have delegations go up and do this and have a --- you know, leaders of these parties, and someone lives the next town over. But then we're going to sue them in the same breath. And we hear about how we're not working together, but someone can work together with the State officials, the Federal officials. It doesn't matter what party, but we want to sue the State.

And Mr. McCullough is right. How do we sue the State if the County is not part of it? The Administration is not part of it. It's just us going out for whatever reason, and I've already stated my reason. And oh, by the way, Jim had a good point about the Port Authority may or may not have money. You know, I think you brought up different languages on the bus. Well, do we have money just to do this on a whim? We can't even afford the assessments. We just voted to borrow \$11 million, not spend, borrow \$11 million to do the assessments, but yet we have money to do a lawsuit against the State.

I really want this to go to committee. I mean, I'm going to have to abstain on it because this is like way over my head to get this, even though it came out on Friday, to understand the whole thing. I just don't. But you know what? If I wanted to play politics, here's what I could bring into the little foray here. Why don't we include everybody that had a part in this, including the Chief Executive, to unilaterally change the scope of Wettick's Decision also to look at the pay for the cost of reassessment out of the Capital Budget, which I don't agree with? And we had one appeal left. We still could have filed one appeal and went to --- the Supreme Court kicked it back down and we didn't. Should I sue the Chief Executive for political fanfare? I just don't think it's right. I hope something like this doesn't pass. It's bad for both parties if this does. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: Yes, Mr. Fitzgerald. Thank you. I'd like to bring Mr. Wojcik up to the podium here if you would, please. Sorry, sorry.

MR. WOJCIK: Wojcik (corrects pronunciation).

PRESIDENT FITZGERALD: Mr. Wojcik?

MR. DROZD: I should be able to pronounce it. Mine's difficult, too. Our competent, esteemed Solicitor.

PRESIDENT FITZGERALD: And again, Mr. Drozd, I'll just advise you that --- what Mr. Cambest said about things in executive session. We just have to be careful.

MR. DROZD: It's just general questions.

PRESIDENT FITZGERALD: Okay. Okay.

MR. DROZD: Mr. Wojcik, I pronounced it right; right?

MR. WOJCIK: Wojcik (corrects pronunciation).

MR. DROZD: Wojcik. What size of staff do you have?

MR. WOJCIK: Staff, I have ---.

MR. DROZD: Attorneys.

MR. WOJCIK: Approximately 50 attorneys.

MR. DROZD: Fifty (50) attorneys on staff. What's your budget?

MR. WOJCIK: I'm not sure.

MR. DROZD: Roughly. Give me an estimate. Guesstimate. How many millions? Millions; correct? It's in the millions? Let me ask you this. Do you feel your staff is very competent?

MR. WOJCIK: Yes, I do.

MR. DROZD: Yourself, too, I feel, and I feel comfortable with that. Can I ask you this? Did Mr. Fitzgerald ever ask you if you would step into this and maybe pursue a lawsuit? I'm not against taking legal action, whatever remedy we can, but I'd like to ask ---.

PRESIDENT FITZGERALD: Mr. Drozd, ---

MR. DROZD: No, no. I'd like to ask that.

PRESIDENT FITZGERALD: --- a conversation with the Solicitor ---.

MR. DROZD: It's a valid question, a valid question that we're paying a staff of 50 attorneys and you want to pay this gentleman maybe in the \$100,000 range of taxpayer hard-earned dollars. Have you asked the question of Mr. Wojcik and ask him to look into this?

PRESIDENT FITZGERALD: Mr. Wojcik?

MR. DROZD: Mr. Wojcik, did he ask you?

MR. WOJCIK: I don't think it's appropriate for the County Councilmen to ---.

MR. DROZD: All right. Enough said. You didn't. And that's what I mean about --- you want us to spend and pay this gentleman's law firm considerable money when we have 50 attorneys and we pay them millions as competent staff to pursue a legal action. I'm not voting for this. I'm going to abstain from this. And again, I ask you, what is this? Are you proactive or not? You should have sat down and actually had interworkings with the staff to find out the probabilities of success. That's your job as a President of Council. And I don't understand how you can bring this to us and not sit down with a competent staff of 50 attorneys and find out, as well as the Administration, Mr. Flynn. This is ludicrous. What are we doing here?

PRESIDENT FITZGERALD: Mr. Ellenbogen.

MR. DROZD: Thank you.

MR. ELLENBOGEN: I just want to say --- and I don't want to disparage you at all because I know we all feel the same way about this assessment and I appreciate how hard you're working to try to do something about it. My only point is --- I'll steal it from someone else. I mean, Mr. Flynn will --- I mean, he'll fight you over a dime when it comes to the County budget. He's not giving away anything.

Now, they've been in court a few times with --- in Common Pleas Court with Judge Wettick. And I mean, I have to believe in my heart, particularly when it comes to money, if they felt any success with the size of their staff, then they would have pursued it. But I think from what I see, they recognize the fact that they put \$11 million into capital, that we ain't going nowhere with this, and you know, it's better to do what the Judge says than to go any farther with it. That's my own opinion. That's what it appears to me on what I know.

At the same time, too, Councilman Gastgeb brought up, I mean, the best point of all. On one hand --- and I wanted to send a delegation. I followed the will of the Council. You're asking them and you're urging them and the majority of you are saying, hey, look at this. And now you're saying to them, we're going to sue you. Now, I got news for you. If somebody comes to me and says, hey, you know, I want to urge you out of respect, I want to show you, but in my other hand I've got

a lawsuit, now, somebody up here tell me that they're going to, like, take that resolution and say, boy, this is a nice resolution, I'm going to try to help you --- oh, what's this lawsuit over here? What in the hell are we doing here? It makes no logic at all. And I'm not disparaging the President because he's fired up about this assessment and I appreciate how he feels about it, but sometimes our emotions get a little bit farther than our common sense. And that's what's happening here, folks. We got a lawsuit in one hand and a rose in the other. I mean, come on. Thank you.

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

MR. MCCULLOUGH: Actually, Jim, I said that. It reminds me of Fritzie Zivic. Do you remember the pardon me?

MR. ELLENBOGEN: Yeah.

MR. MCCULLOUGH: You probably know that, being the sports fan that you are, Rich, and if you don't, I'll explain it to you afterwards.

MR. ELLENBOGEN: I'll explain it to him. I know it.

MR. MCCULLOUGH: But there's a lot of issues here. And let me say this. As a former County Solicitor, I read Jack's role as he stepped in in litigation when it was a conflict between the County Law Department and County Council; all right? He was to give you representation because we are a class of government.

Now, from my perspective, there may well be a conflict in representation here if you're going to do this right because we may well have recourse against the County. What I'm going to suggest is that you hold an executive session, Rich, for the whole group, maybe within the near future, give Jack a chance to flesh this out so we can come in and discuss this in confidence the way we should with the attorney/client privilege and protection. And we can debate whether or not the County ought to be --- the Administration ought to be a party, whether or not we should be doing anything against the State, what are our likelihoods of success. This is not the forum for it. I also reiterate what I said and what Jim said. On the one hand you're shaking their hand, and the other one, you're giving them a shot when you're talking about the General Assembly.

I think you have to have a little bit of a time frame, which was what I was trying to accomplish earlier with evening with my amendment to your resolution, which said, let's give them a time frame to respond and then consider a recourse. You know, everybody short-circuited that and said we've got to ask them now, but no deadline. But now we're going to come back at the end of the meeting and say we're going to pop you right between the eyes with a lawsuit. So my suggestion, and I'm going to make this motion, I'm going to move to table and ask that you call an executive session so that we can flesh this out with Jack.

PRESIDENT FITZGERALD: And I'm going to respond no and no.

MR. GASTGEB: Point of order. Tabling is no discussion.

MR. CAMBEST: We have a motion to table. We need a second.

MS. REA: Second.

MR. CAMBEST: Motion to table. Second.

PRESIDENT FITZGERALD: No discussion?

MR. CAMBEST: No discussion. Vote.

PRESIDENT FITZGERALD: Motion to table the motion to ask Mr. Cambest to go in and stop the reassessment. Please call the roll. Yes. Explain so people understand what they're voting on.

MR. CAMBEST: The motion is to table 6194-11.

PRESIDENT FITZGERALD: Mr. McCullough made a motion to table my motion to go into court, and that's what we're voting on.

MR. FINNERTY: Does it take a two-thirds vote that want to table?

MR. CAMBEST: No, no. If a majority of this Council does not pass the motion to table, then ---.

PRESIDENT FITZGERALD: That's what we're voting for.

MR. DROZD: No discussion?

PRESIDENT FITZGERALD: No.

MR. DEFAZIO: No, no.

MR. CAMBEST: You have the right to vote on a motion to table and then you have the right to vote on the motion.

MR. GASTGEB: Normally it takes two-thirds to table. It takes the majority to un-table it, bring it back out at the next meeting.

MR. CAMBEST: I'll jump over and check that out.
But I think right now, we have the motion to table.

MR. DEFAZIO: Look at the rules

MR. CAMBEST: We need to vote on it. If the
majority votes ---.

MR. GASTGEB: Well, let's not vote until we know
that because I don't think it's two-thirds.

MR. CAMBEST: Yes, you're correct. It's voted
by the majority of seated members of Council to table, and
it's two-thirds of the seated members of Council to un-
table it.

PRESIDENT FITZGERALD: On the motion to table
the Fitzgerald motion to ask the Court to go in --- this
is the McCullough motion to table to stop my motion to go
in court. Call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: No.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Abstain.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: No.

MR. CATANESE: Mr. Futules?

MR. FUTULES: No.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Abstain.

MR. CATANESE: Ms. Green Hawkins?

(No response.)

MR. CATANESE: Mr. Macey?

MR. MACEY: No.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: No.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: No.

MR. CATANESE: Ms. Rea?

MS. REA: Abstain.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Nay.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: No.

MR. CATANESE: Yeas 3, noes 10, 3 abstentions.

PRESIDENT FITZGERALD: Mr. Burn, you have the floor next.

MR. BURN: I think because of the motion to table, I'll withdraw my comments. I think now at this point a point of order. We now have to vote on the Fitzgerald motion.

MR. CAMBEST: That's correct. May I make one comment before you do that, Mr. President? Mr. McCullough brought up a lot of good points. What I thought this motion was to do was simply this Council to give the authority to go forward with it. Before we would go forward with that, we would come back to you with the pleading, the document, the theory upon which we're going to move on. That's all I see this doing. We're not going to run into court tomorrow. I can guarantee you. I'll be in Erie County if it doesn't snow two feet. We will not file an action tomorrow. We want to explore all the things that you've talked about with Mr. Wojcik's office as well as everybody else. But I would never file anything without this Council knowing what was going to be filed and at least the majority approved it. And we can do that without waiting three months to do it.

PRESIDENT FITZGERALD: Mr. Catanese, please call the roll.

MR. DROZD: Wait, wait, wait. Point of order to discuss.

MR. BURN: After a motion to table has been voted up or down, you go straight to the vote. There's no discussion.

PRESIDENT FITZGERALD: Please call the roll.

MR. DEFAZIO: There was discussion on both of them.

MR. CAMBEST: We had discussion on that. We already had a discussion on both. Then there was a motion to table.

MR. DROZD: I'd like a ruling on this.

PRESIDENT FITZGERALD: You just got a ruling. Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Abstain.

MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Abstain.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Abstain.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Abstain.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: Abstain.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 10, noes 0 and

5 abstentions.

PRESIDENT FITZGERALD: 6195-11.

MR. CATANESE: A motion of the Council of Allegheny County authorizing a public property assessment workshop session to be conducted by Council no later than February 28th, 2011. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough.

MR. MCCULLOUGH: I think it's about time we try to see what we can accomplish for our local delegation to see if we can get them to introduce something. I think if somebody can introduce a bill in the General Assembly, it's going to give the idea to try to get a moratorium a lot more legs than to just have nothing and try to get a general ask for a moratorium, which I doubt anybody would introduce anyhow. So the idea here is to try to call people together. Rich, you've done this in the past with some other issues that we had. I always felt they were productive. And I think this is a necessary step if we're going to be contemplating litigation of any kind to at least say, hey, we tried to talk to some people. And if they gave us no comfort that anything could be done, litigation would be a last resort. And you heard Jack.

He's not going in tomorrow, but in the immediate future. So I think we have time to try to assemble these people. If they don't come, we need to know that, too. So moved.

PRESIDENT FITZGERALD: Having died for a lack of a second. 6196 ---.

MR. GASTGEB: Second. I thought this was going to committee.

MR. MCCULLOUGH: No. I said I moved for approval.

MR. GASTGEB: Okay. Second.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Yes, sir, Mr. Robinson.

MR. ROBINSON: Thank you. On Mr. McCullough's motion, both you and Mr. McCullough have spent a great deal of time taking leadership on this issue, and there are other members of this Council who are very knowledgeable from the past experiences with assessments. It seems to me that the bills that are in Government Reform give you as Chair of that committee, and Mr. McCullough as a member of that committee, an opportunity to accomplish what Mr. McCullough wants to do within our present committee process. I don't think it serves the best interest of this County to go outside of that process to bring interested parties together. I believe both you and Mr. McCullough are capable of making that happen within the committee process that's already established. My friendly advice to you as President and Chair of the Government Reform Committee would be to utilize your committee to bring the appropriate people together so that we can address this in our normal process and not give the impression that we have to go outside of that process to find solutions. Thank you, Mr. President.

PRESIDENT FITZGERALD: And let me just comment. Mr. Robinson, I think you made some excellent points. There were some other points brought up tonight even by members who didn't vote for the resolution. I have been talking about doing that, about going either to Harrisburg or having Harrisburg come to us and talk to the leadership. I don't know that we could get the Governor here, but I think we probably could get the minority leader, majority leader and some of the other folks we talked about tonight to come into this, have a meeting with us. And I certainly am willing to do that. I don't think we need a motion either, Mr. Robinson. I believe you're correct. But that was part of what I was planning

to do over the next few weeks as we wrestle with these issues --- the issue, the issue of reassessment.

Mr. McCullough and I may disagree. He's got a lot of bills in there that deal with the current reassessment and how to do it with Allegheny County being singled out. My goal is not to try to fix the Allegheny County as we're singled out reassessment. My goal is to stop it. And I will recommend to ask them to stop it, and that's what I would do as President of this body, and others can chime in. So I don't have a problem with bringing them in. In fact, it was something I was doing anyway and have been talking to our leaders in Harrisburg, including a member that sat on this body, Senator Fontana, who's really one of the experts up there in the State Senate and has been working with me, along with Representative Jesse White, who has a bill that he is circulating. So those discussions are already occurring. And you're right. We can do it within the regular committee process, and that was my plan all along. And I just don't think we need this motion to do that.

MR. MCCULLOUGH: I'd like to respond.

PRESIDENT FITZGERALD: Mr. McCullough.

MR. MCCULLOUGH: If you didn't think we needed a motion, you should have done it. And the idea was to get this to happen, whether you need a motion to do it or whether you want to give your word you're going to make it happen. That's fine by me. But I think with all the other stuff that's been tossed around here, it makes a heck of a lot of sense to get the players involved, whether you want to call it a round table or if you want to play semantics or we want to call it a Government Reform Committee meeting. Whatever. The idea was to try to get everybody in the room, which is a recurring theme we've been hearing on various issues the last several weeks, and see what can be done, A, to stop it, B, to fix it.

And I also want to point out I don't want my efforts to be mischaracterized solely as trying to do a reassessment. We got stuck. We got put in a really bad way by the Administration. I want everybody to understand that. All right. I didn't find out what was going on with this County reassessment until shortly before we voted on the budget last year. I was under the impression that it was a four-district plan that was ordered by the Court of Common Pleas. The Administration unilaterally

withdrew an appeal from Appellate Court that may have given us some relief here. They didn't do it. They didn't tell us. All right.

So I think this has to be a multi-front approach. And just trying to target the General Assembly with the hope for a moratorium might sound good in the paper, but as a practical matter, it's not likely to succeed unless you have some other things going on. I want to look for a comprehensive approach. Sure, I'd like to stop the reassessment. But I'd also like to take care of the thousands and thousands of poor people in Allegheny County that have been over-assessed for at least five years. I think there is a way to do that. I think there is a way to do it without a countywide reassessment. I have been trying to deal with people in Administration since 2005 about that. People have ignored those efforts. They ignored the inevitable. At least now we're getting some discussion. I hope it's not too late. But I think it's inappropriate to categorize anybody's efforts as one way or the other, for or against assessment. I wish we didn't have to do a reassessment. But I also wish we could find a way without doing a reassessment that we can be fair to people.

And what I'm trying to do is --- we're running around saying on the one hand, we're going to urge the State to take care of us. Well, we haven't urged them for a long time. Then we're going to talk about suing them. But by the same token, we have some things in place that whenever it comes, because right now it's coming, and nobody has done a doggone thing yet to slow it down, that we can deal with it.

And I'd point this out to you, that if we put some of these things in place that I have and they're challenged in court, now you have a basis to stop the assessment. Okay. You have to have something to appeal off of. And you have to have standing. If we pass a measure that says we want to do this or that to this assessment to make it fair and more equitable, and somebody wants to mount a legal challenge, then you have grounds to stop the whole doggone thing and run it up the appellate flagpole again. And that's where I'm going with this.

So Rich, I'll withdraw this motion with your representation that you'll try to assemble these people in at a Government Reform Committee meeting. And let's try

to have a truly bipartisan and open discussion about this. Thank you.

PRESIDENT FITZGERALD: Motion withdrawn.
6196-11.

MR. CATANESE: A motion of the Council of Allegheny County pulling Bill Number 6133-11 in order to amend the Allegheny County Code of Ordinances, Division One, entitled Administrative Code, Article 808.A, in order to reduce the rate of County taxation on the sale of rental retail of liquor and malt and brewed beverages within the County to five percent from committee for immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Actually, this is a motion to pull a bill that would have reduced the drink tax temporarily to five percent for a one-year period effective, I think, the 1st day of the calendar month after adoption; is that right? So if this were to go through tonight, would that be April 1st? Is that when it would go into effect?

MR. BARKER: Correct.

MR. MCCULLOUGH: We can go round and round on this, but I got to tell you, it seems like every time we talk about the drink tax and it gets shot down, the Port Authority Administration comes over and just gives us one more doggone reason as to why we have to be questioning doing anything for them. I can appreciate we have to do something for them, at least right now, but it's clear we're still over-collecting this money. You have a fiscal note from Jennifer that shows it's \$5 million over-collected, and that's in addition to over \$9 million that the Administration gave to the Port Authority above and beyond the match for non-dedicated purposes. And Bill, I heard your comments previously that you wanted to table this until we had a budget signed later this year. The two things are not related. This is not part of Allegheny County's budget. It's something that that pertains to the Port Authority.

And I'll point this out. What we've done now is over-collected and over-subsidized a State agency. I want everybody to understand this. The Port Authority is a State agency, not a County agency. These men came over here tonight, and even though we've over-funded it, they haven't had a contract for over three years. I mean, this is nonsensical. So what are we doing over-funding a State

agency that isn't even taken care of 40 important employees? I move that we pull this out and we vote this, we run it through for a year and we see where we're at with the year at five percent. And then it automatically reverts to seven percent. Let's try it for a year. So moved.

MS. REA: Second.

PRESIDENT FITZGERALD: We have a second. Mr. Robinson?

MR. ROBINSON: Thank you, Mr. President. I appreciate Mr. McCullough's enthusiasm, trying to not only get clarity on the drink tax but to determine at what level it should be. First of all, the drink tax is tied into the County's budget. I won't reiterate previous comments that I had made. The original intent was to replace property tax monies with drink tax monies and car rental tax monies. We have done that. And we have done that based on estimates that this Council has approved as to what our match should be for any State funding. As Mr. McCullough is aware, we've been in court a couple times on this issue of the drink tax, specifically whether it's legal and how that money should be spent. The money is in a special account. Ms. Liptak is much more qualified than I to give you all the particulars, but the money is in a special account. It will only be used to assist the Port Authority, consistent with what this County believes is the interpretation of Judge Olson's Order relative to the drink tax.

I'll say it again. There's no such thing as excess money. Never heard of it. Don't believe it exists. Whatever financial challenges the Port Authority is facing, they are inextricably tied to the financial challenges that this County is experiencing. We can't decouple it without addressing the long-range fiscal stability of this County starting with next year. I believe it's unwise to tinker with the rate of the drink taxes this time without having a better understanding of what the impact will be. Perhaps Mr. McCullough is correct in terms of what we should provide to the Port Authority. But I have not heard him giving the extensive discussion on the long-range fiscal plan for this County.

To Mr. McCullough's credit, he has been asking, along with Mr. Drozd, Mr. Fitzgerald and others, that the Administration provide us with a long-range plan. I've asked the Chief Executive in writing, in this room and in

private, could we work together, this Council and the Administration, on a long-range fiscal plan for the County? Those discussions, those letters have not borne fruit, but we have moved much further than we were last year in trying to look at this early in the year. We've already had one meeting, and Ms. Liptak coordinated it, to try to address the long-term fiscal issues of this County.

I don't want Mr. McCullough to think that I want to wait until the last minute to address it. Ms. Liptak and I are seeing what we can do to get the cooperation of the Administration in this regard. We will redouble our efforts. We'll get on it again tomorrow. And if members of this Council want to put in the time and effort, we'll do what we can to have as many meetings as necessary and we'll bring the Administration in and we'll begin to work on this once again. So I thank all the members who are concerned about the fiscal condition of this County, but I think it's unwise at this point to change the rate of our drink tax.

MR. MACEY: Question on the motion.

PRESIDENT FITZGERALD: Can he call the question? I guess he can.

MR. DEFAZIO: He always has the right to call to question. It needs two-thirds vote unless he wants to back off.

PRESIDENT FITZGERALD: Call the question.

MR. ELLENBOGEN: Who asked to call the question?

PRESIDENT FITZGERALD: Mr. Macey. Please call the roll on calling the question.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: What?

PRESIDENT FITZGERALD: On calling the question, the motion to call the question.

MR. ELLENBOGEN: Cut off debate.

MR. DEFAZIO: Oh, that's right.

MR. DROZD: Cut off debate and let the people be heard.

MR. CATANESE: Mr. Drozd?

MR. DROZD: And it may come down to ---.

MR. MACEY: We've heard meeting after meeting ---.

PRESIDENT FITZGERALD: Right. Mr. Ellenbogen, we will be --- we vote. We vote. We don't discuss.

MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: To call the question?
MR. CATANESE: Yes.
MR. ELLENBOGEN: No.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeber?
MR. GASTGEB: No.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: No.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Respectfully, no.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.

MR. CATANESE: We have six yeses and seven nos.

PRESIDENT FITZGERALD: It fails. We continue.

Who's next? I believe Mr. Ellenbogen was next and then Mr. Drozd.

MR. ELLENBOGEN: First of all, when this thing first came up in 2007, I was a new Council member. I was the only Democrat that voted against it and I said that there would be a surplus. The Democrat delegation wanted to hang me in the quad for voting against it. When there was a surplus, nobody challenged me on it when I was right.

Now, look at it this way. Okay. We give money for incentives for tips to everybody. All I'm saying is everybody is saying if we lower this to five percent, it's going to be an automatic loss of monies. Well, that's where I beg to disagree. Do the math. If you have ten people that buy the beer, you're going to get 70 cents tax; am I correct? All I'm saying is give the restaurants and give the bars an opportunity to put four more people in a bar or restaurant and you still get your 70 cents.

Because I'm going to tell you something. There are those of us that have been in different places that see a substantial decrease in bar business and restaurant business. And a lot of it --- I've had a lot of people say, you know, I'm just going to buy a case. I'm not going to go --- you know. So all I'm saying is, like Councilman McCullough said, this isn't permanent. Give the restaurant industry and the bar industry an opportunity to look at it as though it's a tip, but let them put four more people in their place. We still get our tax money and those folks are rebuilding their businesses and the businesses they lost. That's the way it should be looked at. If you want to get elected Chief Executive, you should jump on this, Rich. Thank you.

PRESIDENT FITZGERALD: Thank you for your advice, Dr. Ellenbogen. Mr. Drozd?

MR. ELLENBOGEN: Friendly advice.

MR. DROZD: Thank you, Mr. President. I remember the old saying, if it quacks like a duck, walks like a duck, it's a duck. And if it's a direct or indirect tax on the people of Allegheny County that comes out of their pocket, this is a tax on the people of Allegheny County. Whatever rate maybe it costs, it's a tax on the people of Allegheny County directly out of their pocket. That's out of their pocket.

The second thing I'd like to say, remember the Alamo? Remember the car rental tax we just brought up here tonight? And I'll remind you that we talked economic development, but we just talk it. We don't walk the walk. And what I mean by that, that car rental tax sits there just as much as anything else. And you know what that tax is on? Our businesses. When that tax came up, we got letter after letter from the largest --- one of the largest corporations in America, the largest of its kind, which is just housed near our borders, from the president in the Erie offices said, please do not enact that tax because we use rental cars and it affects our bottom line. And they were ignored. They were ignored.

So on one side, it is economic development. On the other side, it comes directly out of the pockets of the pockets of the people of Allegheny County, directly out of their pockets. And you show me and you tell me that there isn't 90 percent of those people very upset when there's a tax of any sort imposed on them, whether it

be the drink tax, whatever type of tax. A tax is a tax. Thank you.

MR. DEFAZIO: Rich?

PRESIDENT FITZGERALD: Mr. McCullough and then Mr. DeFazio.

MR. MCCULLOUGH: Thank you. I couldn't agree with Councilman Ellenbogen more. And I point out that he has a degree in economics. The idea that by cutting the tax, you're going to reduce revenues, is purely a static analysis and defies economic study after economic study. Now, I understand that's what was done in our fiscal note, but also note that we have excess money. Keep in mind the following. Earlier this evening, it was trumpeted that we basically kept our property tax frozen for eight years. And that increased the marketability of our homes in Allegheny County. And I would not dispute that. And I would also point out that when there was a reassessment back in 2002, was it Rich, when the Homestead went into effect, ---

PRESIDENT FITZGERALD: Yes.

MR. MCCULLOUGH: --- that that was adopted? That was done by County Council. And that was a tax cut. And I'm here to tell you that a static analysis would say, well, Allegheny County lost millions and millions of dollars by implementing a Homestead Exemption. You know what? The counter argument to that is maybe it stopped some people from moving out of the County and moving elsewhere, and maybe it encouraged some people to come into the County. So let's get past the notion that dropping the percentage necessarily means you've lost revenue, because even by our own empirical knowledge here in Allegheny County, that's been disproven.

Second thing, Bill, is as far as a long-term plan, you know, every effort I've made to try to develop a long-term plan, be it with respect to the Port Authority or with respect to other issues can't even get to first base. One of the solutions I had was an essential services fee for the very wealthy nonprofits like UPMC, which at one time passed unanimously through this Council, was vetoed by the Chief Executive and couldn't even get to a vote in here. So that was another thing that was tossed aside.

But this is not a long-term issue. We're talking about a short-term issue. What we have right now basically is a piggybank for Steve Bland. Okay. It's

sitting in an account. It doesn't help us. We're not allowed to use it. It is excess revenue, Bill, because we had more excess revenues before. And Judge Olson disagreed with you. She found there were excess revenues when she ruled that Allegheny County couldn't take that and use it any way they wanted. So it's sitting in an account. It doesn't do the residents of Allegheny County any good. It's not doing these men any good. It's not doing anybody any good unless and until, I guess, Steve Bland comes over and pitches some sort of a deal and he uses it for something else.

The idea that a two-percent, one-year reduction in the drink tax is somehow going to destabilize the long-term plans of the Port Authority, there's absolutely no rational basis for that kind of consideration. The fact that cutting this drink tax by two percent is somehow going to destabilize the long-term finances of Allegheny County that has a billion and a half dollar a year combined annual budget, again, lacks no rational basis.

Think of this. We're holding this money for a State agency that hasn't availed itself of it and can't. Is the State holding money in piggybanks for us to help us fund some of the things that we've fronted money out to the State over the years and put us in a cash flow crunch that we had to scramble around for at the end of the year? Have they done that for us?

I mean, this is completely wrong-headed thinking. I vote that we pull this out, we pass this doggone thing, we get some relief to small business owners who are entitled to it. You know, we go on and on about corporate welfare for the UPMCs in the world and the big developers. What about the small business owner? It's a token of good will. It's a token of good government. It's a token of recognition that we need to help small businesses in Allegheny County.

PRESIDENT FITZGERALD: Councilman DeFazio?

MR. DEFAZIO: Yes. Jen, I'd like to ask you a question. If we were dropped to five percent, what does that do here?

MS. LIPTAK: Based upon the ordinance presented by Councilman McCullough, I calculated if this five percent rate went into effect beginning in April, it would be an estimated \$24.4 million would be collected in alcohol beverage taxation for 2011 considering the first three months would be collected at the seven-percent rate

and the remaining nine months would be collected at a five-percent rate.

MR. DEFAZIO: Okay. The Port Authority, please, we're trying to do something already tonight, talking about that. If we drop that, doesn't that hurt our case?

MR. MCCULLOUGH: No.

MR. DEFAZIO: Doesn't that hurt our case?

MR. MCCULLOUGH: May I respond, Rich?

PRESIDENT FITZGERALD: No. We're going to go in order.

MR. MCCULLOUGH: He looked at me when he asked that question.

PRESIDENT FITZGERALD: I don't care who he looked at.

MR. MCCULLOUGH: He's obviously looking for a response.

PRESIDENT FITZGERALD: Mr. DeFazio, I'm going to let you have the floor.

MR. DEFAZIO: Well then, I'll ask you as the Chair for now. What we're trying to do is create a situation where we can help the Port Authority. There's other things, but that happens to be here tonight, so I'm not just going to ---.

PRESIDENT FITZGERALD: Are you asking me the question, will it hurt the case? Yes, it will.

MR. DEFAZIO: You know, I just don't want to give them another excuse why they're not going to do something. I think we have a hammer here and we should go to Bland and say, look, we got to get something done.

PRESIDENT FITZGERALD: Yes. It will hurt those men sitting right there. Yes, Mr. DeFazio, you're right.

MR. MCCULLOUGH: I'd like to respond to that.

PRESIDENT FITZGERALD: Are you done, Mr. DeFazio?

MR. DEFAZIO: Yeah, for now.

PRESIDENT FITZGERALD: Okay. Mr. Gastgeb?

MR. GASTGEB: I'll defer my time to Mr. McCullough.

PRESIDENT FITZGERALD: Mr. Macey?

MR. MACEY: Thank you, Mr. President and members of Council.

MR. MCCULLOUGH: Point of order. You know, what's going on here?

PRESIDENT FITZGERALD: There's nothing going on. You're in line --- you've got to get in line.

MR. MCCULLOUGH: I asked to respond ---.

PRESIDENT FITZGERALD: You don't get to say when you get to --- Mr. Gastgeb, if you want to speak, you can speak. If not ---.

MR. GASTGEB: I said no and I'll defer.

PRESIDENT FITZGERALD: I'm not going to defer. Mr. Gastgeb, you have the floor. And then Mr. Macey and then Mr. Futules, then Mr. McCullough.

MR. GASTGEB: Based on what I know of how this works, it would not affect the Port Authority Police. It has to be used for specific purposes outlined by Judge Olson. What's happening now, there's no denying we have an excess. We're over-collecting. We have a fiscal note of \$5 million. We're over-collecting. Okay. Ten percent wasn't the right number, so then we moved down to seven. Now we're down to five. So between five, maybe six, somewhere in there is the right number. We have an excess right now. We are over-collecting the Port Authority tax. So the argument is going to be why don't we use that for infrastructure, put the Port Authority on the capital ledger? Which you could probably do. But the thing is we just borrowed \$125 million or something like that, and our line extension to the Port Authority is usually \$4 million to \$5 million. So that money is sitting there because we're never going to use it. Do you think Steve Bland wouldn't take that money if he couldn't use it for something? It's not applicable, so it's just sitting there.

And the flip side of this is the businesses that we're hurting. We just voiced our vote on November 2nd last year with this tax. And we're sitting here again and again and we have an excess. This is for one year. Mr. McCullough is not saying let's do it forever. It's for one year. But we know we have an excess revenue for this. So I don't know what the big deal is with this, why we can't at least have more of a debate on this. We're talking about bringing it to the floor. We're not even talking about the bill yet. This is a roadblock we're getting up here. Thank you.

PRESIDENT FITZGERALD: Mr. Macey?

MR. MACEY: Thank you, Mr. President and members of Council. When this tax was first enacted, there were bar owners and restaurant owners in my neck of the woods that would have preferred it to be at seven percent. Working with the Administration and also with Councilman

Burn and Councilman Finnerty, we got it down to seven percent. There was a lot of concerns because now you've got to recalculate the cash registers and thing of that nature. On one hand, we hear that there's an overabundance. We've collected excess money. Then we hear from someone else that all the bar owners are hurting and restaurants are hurting. How can you collect more if bars and restaurants --- see, this whole thing is getting really convoluted up here. And I believe, I believe we need to just leave it at seven percent. That money that we have is going to be for capital projects to operate, which can be your insurance. Thank you.

PRESIDENT FITZGERALD: Mr. Futules?

MR. FUTULES: We'll, you're talking to the expert now. I'm the only person that writes that check every month. You guys remember that. Jim, you weren't the only Democrat. I publicly was against it as well, but I couldn't vote for it, so I abstained. So that makes two of us.

MR. ELLENBOGEN: All right.

MR. FUTULES: I want to get right to exactly what Mr. McCullough is saying. He wants to do this for one year. Have we forgotten that Mr. Macey just mentioned that we have to change cash registers? I mean, the restaurant people are mad at us as it is. Now they're going to go to five percent and have to change the registers. And next year we're going to have to put salt in the wound that we've created over the last three years and say we're going back to seven. It's kind of --- we keep bringing something up that's not --- that we'd like to try to forget to some extent.

And sales tax is designed to collect revenues. It's not designed to hit a number each year. The State of Pennsylvania collects six percent, and they don't keep changing when they have a good year or a bad year. And Allegheny County should not be the same. We're going like flip-floppers. We're going to go to five this year. We're going to go to seven next year, then three next year. Personally, I'd like to go to zero, but personally, I realize that that was not the best option to raise property tax. Unfortunately, the drink tax was --- not one of my constituents came to me and said, Nick, I wish you would have raised my property taxes instead of the drink tax. That's one thing no one ever said to me. Yeah, we made the drink tax. I'm not happy with it. I

hate it just as much, if more, than anybody. I write that check every single month. And if I don't pay by the 25th, I pay a penalty. But yet I don't believe that the taxation should be changing on a yearly basis because we up here can't figure out what we want to do with the excess money. I think it should stay the same and just let it ride. That's the way I feel. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Yes. Jen, as I read your fiscal note, if this would go into effect April 1, there would be a total of \$24.4 million in drink tax collected in 2011; is that correct? Is that right?

MS. LIPTAK: That's correct. \$27.3 million we're budgeting in '11. This one looks like it will be approximately \$24.4 million.

MR. MCCULLOUGH: And there's no change to the car rental tax; is that correct?

MS. LIPTAK: Not as proposed.

MR. MCCULLOUGH: Okay. What's the anticipated collection in the car rental tax?

MS. LIPTAK: About \$5 million.

MR. MCCULLOUGH: Okay. And we've got a \$5 million carryover from last year on this?

MS. LIPTAK: It's not a carryover. I want to make sure that my notes are clear. It's not a carryover from 2010 numbers. It's a collective carryover from the inception of both taxes.

MR. MCCULLOUGH: But we've got \$5 million sitting in this fund?

MS. LIPTAK: Unaudited, yes.

MR. MCCULLOUGH: So that's 24 plus 5 plus 5. We're talking about \$34 million. Okay. There's no way that this is going to impact the Port Authority when we get through our budget this year. And keep in mind they got an additional \$9 million from the Administration without our knowledge for unidentified capital projects. Now, when was the last time this County borrowed money from unidentified capital projects? When was the last time this County got a grant for unidentified capital projects? Let's cut through here. Nick, in all seriousness, do you really think your brethren restaurateurs and tavern owners would have a problem with recalibrating their machine if they could save two percent on this tax for a year?

And keep in mind it's an experiment. And there's some precedent to this. Anybody hear of the Bush tax cut? Everybody jumped up and down and said what a terrible idea it was. But guess who put it through Congress? A Democratic-controlled Congress and a Democratic President of the United States because it made sense. So let's see --- let's try it for a year. And if you guys are all right and the revenues drop, well, then it automatically goes back to seven percent. But you have plenty of cover here because of this excess money that's lying around. If I'm right and Councilman Ellenbogen is right, you may want to keep it at five percent, and then, Nick, you don't have to worry about recalibrating your cash register. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you. I'm glad, Ms. Liptak, that you stated that \$5 million wasn't from that overreach of one year. I think the Judge said that we could use that revenue for all Port Authority-related items. And the excess that we collected in the first year was a good amount. I believe it was \$42 million we collected the first year?

MS. LIPTAK: That's right.

MR. FINNERTY: And as Councilman McCullough said, we've used it for their capital budget. And that is allowed under the Court ruling. And I'm sure they have many capital needs. So I think that what we should be doing is keeping it right where it is at seven. It took a lot to come from ten to seven, and there was a lot of opposition from some people in relation to that. But that was done in good faith. But we said when we passed that that if it would be collecting a substantial amount more than it should, then we would reduce it. And we did reduce it.

We're sitting in a situation right now obviously where there is a \$5 million excess, but it's not from one year. It's from at least three years, I believe. So we're sitting in a situation --- we're just about collecting the right amount in relation to that since we have a capital expenditure every year to the Port Authority, and that should go into part of that \$28 million we keep talking about. And I think that's important because what that does is hopefully --- and one of the big discussions we had here tonight was about bonds for our capital projects. And that reduces the amount we

have to borrow in bonds also. So I think we have to look at both sides of this, not just one. And personally, we're talking about seven or five. And Jimmy and I, we've been in a few bars in our lives.

MR. ELLENBOGEN: I'll drink to that.

MR. FINNERTY: And it doesn't matter to me if it costs three more cents. And I don't think it matters to a whole lot of people. And I think it's very important for our County and the people of Allegheny County that it's maintained that way because there's no way that we should be put in a situation, and we might be in years to come, where we have to raise revenue through increasing our property tax. I think it's extremely important. It's not something that I would want to do. And it's not something that we had a lot of options on three years ago. But it did make for a solid budget. And I think that's important for the residents of Allegheny County. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Where do I start here? First of all, in 25 years, if you'd buy once, I'd be happy.

MR. FINNERTY: That's why I've got all this money in my pocket.

MR. ELLENBOGEN: Right. I mean, I love making money, but --- let me address a couple things here. Number one, as far as the excess goes, if we thought that we could overrule Judge Olson, then why did we just earlier pass a motion that we want to sue the Courts? The Judge made it very clear the money is not going to go to the police officers. If you want to just give more money to the Port Authority so they can make more pretty pictures, that's fine.

Nick, you made a couple comments about that you pay the tax. Well, I can tell you there are over 2,000 liquor licenses in Allegheny County. And you're the only one that I've ever heard say that. So for whatever reason, that's your own business.

Now, you also mentioned the State. So let's see. Who would be the chief enforcement officer for the agents for the Pennsylvania DOR? Oh, yeah, that would be me. So I think I know a little bit more about State enforcement of tax laws than anybody on this Council. Now, as far as tips and anything else, I'm telling you that we have an opportunity here to help rebuild the bars and businesses. Now, I know you're not going to let me,

but I guarantee you if you ask these police officers out here if they thought about this from time to time, they'd tell you, yeah. You know, I like to have a beer after work with Mike, and I have to buy all the time, but --- you know. But the point I'm saying here is give them an opportunity to try to increase business. You know, look at it as a tip. You know, my education is in economics. If you want to talk about Keynesian theory, if you want to talk about neoclassical theory, Nick, if you want to talk about economics, let's talk about economics. Let's not just talk about hearsay, what I think. You brought up economic issues. I'm telling you my education and my background is in economics. I'd be happy to discuss any economic theory that you want and prove my point. So from the enforcement end, I think I'm a little more qualified to have an opinion, and from the economic end also.

But I'm telling you --- I'll be the first one to tell you that if I'm wrong, I'll shut my mouth and I'll support it. But at least give them the same opportunity that you did for TelStar down in the Mon Valley where they took their \$25 million, and then they took the money and then they left. You've got 2,000-some businesses, bars, restaurants in this County. Give them an opportunity. They're not all screaming for nothing. Give them an opportunity to put four more glasses of alcohol on the bar and give us back that money. I think they can do it. That's my point. And I don't want to disparage you guys because I know you believe in what you do and I love you guys. But you know, we're supposed to be here to try to encourage business growing. But I'm going to tell some of the other folks up here, some of the things that you guys have said is nothing more than hearsay and I would more than discuss it in front of the media or anybody else. And if you want to challenge my expertise, I'm right here. So thank you for listening, Mr. President.

PRESIDENT FITZGERALD: Mr. DeFazio and then Mr. McCullough.

MR. DEFAZIO: Yeah. Joe, you bring up some good points. You said if I'm wrong. So there's a possibility you're wrong; okay? Now, here's the thing. There's no sense like the rest of saying we don't anything about it but you do. We should be at a committee meeting getting all our answers. We shouldn't be guessing there's not enough money. Look, if it was up to me, I wish it was zero. I wish we could say zero. I'd like to see it be

zero. And I don't know. I have to look at the numbers. I don't want to be irresponsible and say that. I don't want to see no tax on anyone. I'd just like to help people when we can. I think we have to find out more about it before we take any kind of serious vote. And Jen, I'll ask you another question. Are we really over-collecting? If I'm putting you on the spot ---.

MS. LIPTAK: No. If I may, the bulk of the excess in the balance, let's say the fund balance of the transit fund, because it is a separate count, came from that first year. And in 2010, we're approximately a little over \$1 million more than anticipated, than it was budgeted to be collected. I'm not going to --- I mean, you can surmise your own opinions if you think \$1 million is a lot more or not enough. Some people may hope that they collect a little more. Sometimes you're going to collect a little bit less, similar to what Councilman Futules said. There was expenditures that were made and approved by this body, almost \$10 million worth of capital expenditures to use some of that original excess from the 2008 when it was the ten-percent dollars. There's still a bit more money.

Currently now I've been in discussions with the Administration regarding the use of that additional dollars, whether it can be used for capital expenditures or not. And if I may, the uses right now currently are the operating expenses of the Port Authority, the capital expenses of the Port Authority and the debt service, which is an operating expense of this County, on capital projects for the Port Authority. Those are the three purposes that the Council and the County uses those dollars currently. So there's three purposes, not just the operating expenses, not just the capital expenses, but also we're approved for the debt service related to our capital expenditures of the Port Authority.

MR. DEFAZIO: So the money --- if there would be some extra money, it don't just sit there. They can use it for any of the three; right?

MS. LIPTAK: And the Council at any time could choose to appropriate it for capital projects if you wanted to. It's your purview as well.

MR. DEFAZIO: Well, okay. My opinion stays the same. I think we should have a meeting and really go through all the numbers and different things and see what this really does.

PRESIDENT FITZGERALD: Are you done, John? Mr. McCullough, Mr. Robinson and Mr. Futules.

MR. MCCULLOUGH: This Council has been meeting on this for years. We all know the numbers. The idea is we've got more money sitting in that account than the Port Authority knows what to do with. Bill, I know you had a discussion with them about that money, and I don't want to put words in your mouth, but what did they say in response to you when you asked them about accessing that money, that extra --- it's now over \$5 million? Do you recall that? What I understood it was, at the end of the discussion, it was not given to them, and apparently there was no critical need for it because it's still here.

And before we start talking about taking money off of these men, you ought to talk to these men and see who they're up against when they have to have litigation involved with the Port Authority. Two of the most expensive law firms in town; all right? If the Port Authority is in the financial shape that it claims to be, then what are they doing hiring Reed Smith and Eckert Seamans to do a number on these men; all right? There's a lot of doggone good labor attorneys in this town for \$150 an hour. You don't need to pay \$400 and \$500 an hour to keep these guys down. So what you're funding right now is that kind of nonsense.

Take a look at Steve Bland's compensation sometime. That's what you're funding with this. All right. Who are we kidding here? Let's get past that kind of demagogy. This doesn't hurt these men. What it does is it subsidizes that Administration. They don't need this money. They're not entitled to it. We've got no match. I don't know why the heck we would want to go beyond our match. The Chief Executive, quite frankly, took that money when he lost that litigation before Judge Olson and threw it away. And that's what it is. He did it in spite. He threw it away. And it cost him his governorship. Thank you.

PRESIDENT FITZGERALD: Mr. Robinson?

MR. ROBINSON: Thank you, Mr. President and members. This conversation is very interesting. Inasmuch as the original bills to impose the drink tax and car rental tax were in the Budget in the Finance Committee, and I spoke extensively about where I thought those rates should be ---.

PRESIDENT FITZGERALD: Mr. Robinson, I don't mean to interrupt, but our stenographer is having a little trouble here, I think. Are you okay? After you're done --- we're going to have Mr. Robinson continue.

MR. ROBINSON: The official record is replete with my comments on this issue, so I won't try to reiterate all of that. Some of you were not on this Council when that discussion developed and you were not, perhaps, privy to some of the conversations that members of this Council had with some of the tavern owners who felt that this was not a tax that was being fairly imposed, and one industry was singled out. We talked about the legislation here a lot this evening.

The genesis of the concern around the drink tax, the poured beverage tax, was in Harrisburg. I wasn't privy to a lot of the discussions --- or any discussions in Harrisburg relative to why the tavern owners ended up at our podium pretty mad at legislators and now they're mad at us. And then we're mad at the Chief Executive. We made a decision, based on our financial situation, to impose a drink tax and car rental tax. What I'm getting to is there were numerous discussions, numerous meetings, numerous opportunities for all of us to really look at this issue and determine what direction we wanted to go. We went in one direction and then we reversed ourselves and went in another and now we're getting ready to reverse and go in another.

We're sort of acting --- or someone is suggesting we act like sheep. If you know anything about sheep, they can't see more than about six feet in front of them. That's why they need a shepherd. That's why the shepherd carries a stick. All I'm saying is that we have to be able to look beyond six feet relative to this drink tax. And I encourage members to stay engaged in the budget process, stay engaged with our meetings, stay engaged with trying to look at the long-term fiscal health of this County, which is directly tied to the drink tax and the car rental tax.

Mr. Futules raised the T word --- the PT word, property tax. The only person on this Council who has even suggested that we might increase the property tax is yours truly. I did it on two occasions, didn't get any written. Okay. I understand that. All I'm saying is let's not be too quick to pounce on the drink tax or car rental tax without understanding that the major source of

income for this County is the property tax, and we're engaged in a reassessment. We can't have it every way, gentlemen. We can't be investing in our homeowners and others and giving them discounts and not recognize it has some impact on the revenue of the County. That's just a fact.

We have a serious fiscal problem, serious fiscal challenge in this County. And it relates to we don't have enough money, plain and simple. And the day of reckoning is going to come. So I'm just asking people to please keep that in mind as we move forward and talk about adjusting rates and giving discounts, that it's all tied together. And Ms. Liptak and I, on your behalf, are working as diligently as we can to come up with a plan. But we really need more cooperation from the Administration. We will continue to poke them and ask them to join in with us.

Now, just a couple other quick things and I'll stop. I want to speak on behalf of the beer and whiskey drinkers in this County. The people who are paying this tax are not the tavern owners. The people who pay this tax are the people who are drinking. Let's don't get that twisted. Let's don't believe that Mr. Joyce and others he represents are paying the tax. That's not fair. That's not true. Yes, they were inconvenienced to change their registers. There's no doubt about it. And yes, they didn't want the drink tax. They actually want a reduction or an increase in the discount rate at State level for beverages, the price they pay. They wanted it reduced. They felt that someone had taken advantage of them and slipped in this drink tax and ignored their interests. And their interest was to reduce the amount of money they had to pay the State for their beer and liquor. They still haven't got that issue resolved.

My point is the thigh bone is connected to the neck bone. And I would hope that we would remember that. But the beer drinkers and the whiskey drinkers in this County have yet to petition us to get their money back if we are over-collecting. If we want to give the money back to the people who gave it to us because we think we have too much, I would suggest we find out who bought the beer, who bought the whiskey. Let us give them this overage. How are we going to determine that? The tavern owners haven't given us a plan how they're going to redistribute the money even if we give it back to them.

And on top of that, someone suggested that instead of us reducing that tax to seven percent, being fair, they would drop their prices. Well, the taverns I frequent every now and then, they haven't dropped any prices. They increased their prices. Their prices are at the same level when we took it up to ten percent. I used to be a paperboy. I know a little bit about business. It was an opportunity for business owners to pass that tax along to the beer and whiskey drinkers, which they did.

Okay. Then don't come in here crying boo-hoo, that we took advantage. No, we didn't take advantage of you. Not at all. We asked for your cooperation. They wanted the tax to be zero and they still want it to be zero. So I would suggest to Mr. McCullough instead of keep bringing up these ideas of reducing this drink tax, Mr. McCullough, reduce it, eliminate it. Put a bill up to eliminate the drink tax, just to eliminate. And let's have a discussion on that.

One last point. If we're serious about how we're going to fund this County and fund our partners like the Port Authority, then we want to make sure at least the men and women here understand, we cannot give you money to solve your problem tonight. We're on a slippery slope getting involved in any contract negotiations. Dr. Martoni is correct. We need to get some people in a room. We're already holding a portion of Port Authority money. Most people on this Council said they want to do that. That's where we ought to bring this issue up, not just about these gentlemen and the lady, but about how the Port Authority is operating. That's the reason we held some of their money. That's the reason we held some of their money for Community College. If it was left up to me, we would have held out 75 percent. Ms. Liptak, in her wisdom said, if we do that, we might shut the system down. So we came up with a number that would allow us to get back into negotiations, discussions with the Port Authority and the Community College.

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

MR. ROBINSON: I have the floor, Mr. McCullough.

PRESIDENT FITZGERALD: Mr. Robinson has the floor.

MR. ROBINSON: Thank you, sir.

MR. MCCULLOUGH: Point of order.

PRESIDENT FITZGERALD: Mr. Robinson has the floor. Point of order takes precedent. Go ahead.

MR. DEFAZIO: I don't know what his point is.

MR. MCCULLOUGH: The point is he's made a practice of chastising anybody that invokes a member of staff to support anybody's position up here. And he's out of line and he's out of order to be invoking Ms. Liptak ---.

PRESIDENT FITZGERALD: Mr. Cambest, I want you to rule on that.

MR. CAMBEST: I don't know what you mean by invoking the ---. I'm sorry. I don't understand what you mean.

MR. MCCULLOUGH: Jack, one time I made a reference to Mr. Barker assisting me in preparing a bill. And I was called to task by Mr. Robinson for bringing Mr. Barker into it. He's now just done the same thing with Ms. Liptak.

MR. ROBINSON: Only with the approval of the Chair. Mr. McCullough, if you go back through your records, I asked the Chair early on to allow me to utilize Ms. Liptak for her technical expertise. What you did to Mr. Barker is you outed him.

MR. MCCULLOUGH: No, I did not.

MR. ROBINSON: Yes, you did, sir. You outed him in this room, and that is wrong. That information he gave you as a lawyer. He said it as a lawyer with privilege, and you know that.

MR. MCCULLOUGH: You're completely wrong.

MR. ROBINSON: No, I'm not. That was wrong.

MR. MCCULLOUGH: I referenced him as assisting me in drafting ---.

MR. ROBINSON: You outed him.

MR. MCCULLOUGH: That's not how ---.

MR. DEFAZIO: Point of order.

MR. ROBINSON: That's wrong.

PRESIDENT FITZGERALD: Let's move on. Let's move on.

MR. ROBINSON: Can I continue, Mr. President?

PRESIDENT FITZGERALD: Mr. Robinson, you have the floor. Mr. McCullough, let the man speak.

MR. ROBINSON: Now, I let you speak, Mr. McCullough. I have never interrupted you, and don't interrupt me again. Thank you.

PRESIDENT FITZGERALD: Mr. Robinson, are you continuing?

MR. ROBINSON: Yes. If Mr. McCullough attempts to interrupt me again, I'm going to ask for my point of order.

PRESIDENT FITZGERALD: I will use the gavel, Mr. Robinson.

MR. ROBINSON: Thank you, sir.

PRESIDENT FITZGERALD: That's why I have it.

MR. ROBINSON: I'm sure Mr. McCullough is more respectful than he's showing now. I'm positive. We've had a friendly relationship, but if he wants to go another direction, I'm prepared to take it there.

In the interest of time, let me just say I still believe it's unwise to tamper with this rate. And I challenge the maker of this motion to propose a bill to eliminate the drink tax. Thank you, Mr. President and members of Council.

PRESIDENT FITZGERALD: Thank you. Mr. Futules and then Mr. DeFazio.

MR. FUTULES: You make a great point, Bill. I want to put it into perspective for everyone here. Jim Ellenbogen, you can understand it more than some people here. Now, this is a hypothetical; okay? I want everybody to think about this. First of all, I think the State made a big mistake by giving us the opportunity to fluctuate this tax. I think they should have regulated the amount we were going to charge, because if you go too low, you're going to hurt the State. Hypothetically, never give business owners an option. Where you have a five percent tax versus seven, they could shift sales to create money for themselves. Tell me I'm wrong. You can shift your liquor sales to food, food to liquor, to a certain extent, and that's possible. You go over the price of your alcohol, raise the price of food. Who would you rather pay your sales tax to, seven percent to the State, five percent to the County? Take your pick. You're the business owner. What would you do?

PRESIDENT FITZGERALD: Mr. DeFazio and then Mr. McCullough.

MR. FUTULES: No, I'm not.

MR. ELLENBOGEN: Yes, you are.

MR. DEFAZIO: Watch, Nick. They might put you in view.

MR. ELLENBOGEN: Yeah, right.

PRESIDENT FITZGERALD: Mr. Ellenbogen wasn't listening. He wasn't even paying attention. Mr. DeFazio, go ahead.

MR. DEFAZIO: Okay. Like I said from the beginning --- like I said from the beginning, we still need more information. I wish it was zero myself. Believe me. We have to do what we have to do. Mr. Robinson made a lot of good points. Look, you've got to be careful with property tax and everything else. We don't want to do this. But I'd like to ask Chuck a question.

MR. MCCULLOUGH: Go ahead.

MR. DEFAZIO: Real quick, Chuck. Let me ask you a question. Who was the law firm you said charging all that money?

MR. MCCULLOUGH: Eckert Seamans and Reed Smith.

MR. DEFAZIO: Okay. You said you could knock it down to \$100?

MR. MCCULLOUGH: I didn't say me. I said there's plenty of good labor lawyers out there that would ---.

MR. DEFAZIO: I got a better solution and we can get the money right away for these people. They have a law --- our own law staff down there. I've arbitrated with all three of these groups, and they're no better than what we have right here. Believe me when I tell you. They've got some good labor attorneys there. You could get zero. You don't have to pay ---.

MR. MCCULLOUGH: I agree with you, John.

MR. DEFAZIO: Okay. That's what I'm telling you. This is what we have to look into. We have qualified attorneys. I've been up against every one of them. We have good attorneys.

MR. MCCULLOUGH: We sure do. Rich ---.

PRESIDENT FITZGERALD: Mr. DeFazio, are you done? Do you have a point of order, Mr. Drozd? Do you have a point ---?

MR. DROZD: Not at the moment.

PRESIDENT FITZGERALD: Do you have a point of order?

MR. DROZD: Not at the moment.

PRESIDENT FITZGERALD: Okay. Mr. McCullough and then Mr. Drozd.

MR. MCCULLOUGH: Bill, that's where I came in three years ago. I was actually asked by this Council,

and you were one of them, to come up with a solution to find another source of revenue and eliminate the drink tax. And I did it; all right? And it got squashed by the Administration. It took me about another 18 months to get it before this Council over an awful lot of objections, over an awful lot of doubt. And it passed unanimously and it got squashed again. So I'll challenge you, Bill, why don't you get the Chief Executive and you and me and him, we'll sit in on this? And if you want to work out something to eliminate the drink tax, I'll be there. And I'll be there until the door is open. In the meantime, let's not kid ourselves. This is not a zero-sum game. This tax continues to be collected at seven percent. It doesn't need to be. And that's what this bill is all about.

PRESIDENT FITZGERALD: Mr. Drozd, and then we will call the roll.

MR. DROZD: Yeah. It's a long night. And I just wanted to say thank you, Mr. DeFazio. He had said --- and our law firm and our solicitors within the County. But I ask the question, why didn't you vote to support what I said? By the way, our County Solicitor's budget is \$1,794,517. So why didn't you vote --- instead of using and paying ---?

PRESIDENT FITZGERALD: Mr. Drozd, we're going to talk about ---.

MR. DROZD: You talk about the taxpayers' money. Let them use ---.

PRESIDENT FITZGERALD: Mr. Drozd, that debate was over. All right. Call the roll. Let's stay on the bill. Call the roll.

MR. CATANESE: This is to pull the bill.

PRESIDENT FITZGERALD: This is to pull the bill out of committee to vote on a five-percent drink tax.

MR. CATANESE: And it needs two-thirds vote, so we're talking about ten votes or ---?

PRESIDENT FITZGERALD: Yes. Call the roll.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: No. This is to pull it out?

MR. CATANESE: Pull it out.

MR. FINNERTY: You forgot Mr. Burn.

MR. CATANESE: This is to pull the bill.

MR. DROZD: He left.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: No.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Respectfully, nay.
MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: No.

MR. CATANESE: Noes 8, yes 5. It fails.

PRESIDENT FITZGERALD: I hate to disappoint the body, but we're on our last bill. 6197-11.

MR. CATANESE: A motion of the Council of Allegheny County pulling Bill Number 6138-11, a resolution of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the creation of a commission to study the Port Authority of Allegheny County, Port Authority, for the purpose of evaluating the potential for incorporation into the operations of Allegheny County or privatization, from committee for immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: Yes. I think this bill is overly right. And we really need to take a look at what transpired last week when Mr. Bland came over. John, correct me if I'm wrong, but I recall you actually had a question and he's telling you basically he didn't have an answer to it.

MR. DEFAZIO: He said that he was wrong and ---.

MR. MCCULLOUGH: Of course he was. But that was his attitude. That was his mindset. It was part of Councilmanic investigation as to something that occurred

on his watch, and he gives us a slideshow presentation. We have 40 policemen coming over here tonight who are making less than janitors. We've got them paying exorbitant sums to big-time law firms. As John pointed out, they could probably be using the County Law Department. If they were a County department, there's no doubt that they would. If they were a County department, these men would be on parity with the Sheriff's Department or the County Police, one or the other, if not both. Mr. Bland wouldn't be making the kind of compensation that he is. We wouldn't be in this vortex of whether or not we've got extra money. Whatever money was there would be used and used appropriately and we've done on our watch. I think it's time tonight we study this doggone thing and see what could be done with it.

Now, I've heard the comments about County Council can do it itself. There's no reason why you can't. This calls for a commission of nine. Nothing says County Council people can't be on it. I personally don't want to be on it. I want to hear from somebody else. But there's no reason why it can't. It's set up so the Democratic caucus gets six of nine spots. You can put six of yourselves on there if you want. I personally chose nine because there's a lot of studies out there that say once you get beyond a group of nine, the dynamics become much more complicated. It's much more difficult to get a timely decision. That's one reason why there's nine members of the U.S. Supreme Court. You have seven members of the State Supreme Court. The dynamics are a lot easier.

I'd like to move the bill forward with this. It's not going to cost us a dime. And maybe the next time Mr. Bland comes over when we go through this, we'll know where we're going with this so we avoid down the road --- if it goes as a County department, we're not going to have guys basically flipping us off. If it becomes a private entity, you know, that's down the road, too. But again, we don't get caught in the vortex we are right now where we've got this entity that's answerable to us not at all, answerable to the citizens not at all, and it just seems to be floating around stubbing its toes and making one misstep after another misstep.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved and seconded.
Please call the roll. Oh, I'm sorry. Mr. DeFazio?

MR. ELLENBOGEN: We can discuss it up and down. We didn't even go around yet. He wants to go home.

MR. GASTGEB: Point of order. Point of order. Did you and Matt Drozd switch seats?

MR. DEFAZIO: No.

PRESIDENT FITZGERALD: Mr. DeFazio has the floor.

MR. DEFAZIO: This is what you guys do every week. Chuck, you bring up some good points. The only thing I don't like about this is you're talking privatization.

MR. MCCULLOUGH: It's just a look, John.

MR. DEFAZIO: What?

MR. MCCULLOUGH: It's just a look.

PRESIDENT FITZGERALD: The motion is to pull the bill which is in committee. We have a second. Again, I'm going to give the gavel to Mr. Gastgeb so he can have it for a second. You know, I don't know if the amendment is on here, the Martoni amendment, which Chuck Martoni has said and I agree wholeheartedly, we don't need a commission. We can do the study. We can do that. I think this body is more than capable of doing that. It's being worked in committee, you know. Mr. McCullough and I just happen to disagree. He wants to move quicker than, you know, I think would be appropriate, but ----.

MR. MCCULLOUGH: I understand, Mr. President. Hand that to Mr. Gastgeb. He can have the gavel.

PRESIDENT FITZGERALD: And I just think that this should not be coming out of committee yet. And if it does, it should come out as --- with the amendment with Mr. Martoni that had proposed, and we should move on from there. Thank you.

MR. GASTGEB: Any further comments? Mr. Drozd?

MR. DROZD: Yeah, a quick comment. You know, every time that this Council --- we've internalized --- not blaming the Council, but every time it's done internally, the result is the same. Nothing ever happens, zero, when it's done in-house instead of going to get some good people that are qualified, competent and have expertise in their field to do what we need to do. Then it gets done. But when it's done in-house, as you pointed out, Mr. Fitzgerald, nothing ever gets done. Check it and you'll find out. It's zero. The people's business does not get done. Thank you. No actions, no initiatives, nothing comes out of it. That's what happens.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to say, you know, I agree with Councilman DeFazio about the privatization thing. Actually, I've about had it with the Port Authority and, you know, maybe the Port Authority should be under Mr. Flynn. At least I know the money would be well spent and they wouldn't be able to get away with anything. That being said, these police officers would be treated the same and paid as any other police officer that works for the County. So I don't know, Mr. McCullough. The only thing I'd ask you to do is reevaluate that.

MR. MCCULLOUGH: I'll tell you what I'll do.

PRESIDENT FITZGERALD: Wait a minute. First of all, are you done, Mr. Ellenbogen?

MR. ELLENBOGEN: Yes, sir.

PRESIDENT FITZGERALD: Mr. McCullough, go ahead.

MR. MCCULLOUGH: I'll tell you what I'll do. I'll withdraw this motion, and the next meeting I'll ask for a study to see whether we can make it a County department.

PRESIDENT FITZGERALD: The bill is withdrawn. Public comment on general items. We have none this evening. I know I'm going to have a tough one with this, but do I have a motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

MEETING ADJOURNED AT 9:45 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

Beth A. Quigley