

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 (via telephone)
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
John F. Palmiere	-	District 6
Nicholas Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
James Ellenbogen	-	District 12
Amanda Green Hawkins	-	District 13

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

Tuesday, March 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:

Joseph Catanese - Director of Constituent Services
Jared Barker - Director, Legislative Services
Jennifer M. Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: If everybody would please rise. Welcome to the Tuesday, March 1st, 2001 --- 2011 regular meeting of Allegheny County Council. If everybody would please rise for the Pledge of Allegiance and remain standing for a moment of silent prayer or reflection.

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. CATANESE: Mr. Burn?
MR. BURN: Here.
MR. CATANESE: 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?
(No response.)
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: Fourteen (14) members present.

PRESIDENT FITZGERALD: Proclamations/
certificates. 6225-11.

MR. CATANESE: Proclamation honoring Chief Bob Full for his service and career as director of Allegheny County's Emergency Services. Sponsored by Council Members

Burn, DeFazio, Ellenbogen, Finnerty, Fitzgerald, Futules, Gastgeb, Green Hawkins, Macey, Martoni, McCullough and Robinson.

PRESIDENT FITZGERALD: Councilman Burn.

MR. BURN: Thank you, Mr. President and members of Council. I'd also like to thank the members of Council that offered to co-sponsor this proclamation. Many in the room and those who are watching found out a couple of weeks ago that our Chief of Emergency Management, Bob Full, will be accepting another position in Harrisburg with the same Emergency Management agency. Those of us that have been in county government or been in public services, a municipal office holder like myself, those that have worked up here, either as elected officials or in Public Works in the past, who have had the pleasure to work with Chief Full know what a pleasure it truly is because of his professionalism, because of his talent and his ability to be calm in a crisis. The things that he has seen in Allegheny County, the different natural disasters we've had, the other accidents that he has had to respond to, he's always dealt with the utmost professionalism, and he truly is one of the best, if not the best, in his profession.

Under his leadership, Chief Full has taken the Allegheny County Department of Emergency Services and made it one of the premiere emergency service organizations, as a governmental entity, that is, in the United States. Other Emergency Management coordinators come to Allegheny County to learn from Chief Full. And it's not just other Emergency Management coordinators of the state and counties throughout this nation, but he also teaches those who serve as Emergency Management coordinators and those who have public office at the municipal level.

I'm one of those. I'm one of Chief Full's students. While as Mayor of Millvale and the Council made me the emergency management coordinator. The first thing I did was go see Chief Full, who I had worked with for some episodes and some problems we had had in Millvale in the '90s when I was mayor there. Chief Full taught me how to redo the Emergency Management Plan. I went to his classes. I went to the training. And the Council, under Chief Full's leadership, redid our plan.

One thing Chief Full always taught us was that in a crisis, you may not be thinking logically or rationally. The emergency plan is supposed to be a

document that will speak to you in a crisis to help you get through that crisis, plus it will help you after the crisis to rehabilitate quicker, get funding quicker and move your municipality forward. And it wasn't 18 to 24 months after we finished that plan, the Council voted on it and we submitted it to Chief Full, that Hurricane Ivan struck this region. If it wasn't for his training, that plan would not have been successful. If it wasn't for his training, our town and many other towns like it would not have been along the recovery road as fast as they were.

He's been my friend. He's been a mentor. As chairman of Public Safety, it's been a pleasure to work with him on the County Council for the last five years. Our loss is Pennsylvania's gain. I know he's never going to be that far away, and I know that if I have a question about public safety or need his guidance or his leadership, I know he will be there for me and he will be there for this county. Chief, as a friend, I wish you the best. And my father-in-law sends his best and good luck to you, as well. And my father-in-law was a city police officer who served with the Chief. And with your permission, I would be honored to read this proclamation into the record and invite you to say a few words. If you would please join me.

Whereas, the citizens of Allegheny County depend on the employees of the Department of Public Works when sudden heavy snowfalls impact our region.

Whereas, on February 21st, an unpredicted snowstorm passed through, a record-breaking 7.9 inches of snow for the day, another one of our natural disasters. Led by Mr. Olczak and Chief Full, Allegheny County responded magnificently to that storm. Chief Full has exemplified leadership in this region. He has exemplified leadership in Allegheny County. Whenever there has been a crisis, Chief Full has always been there for us.

As Chairman of the Allegheny County Public Safety, on behalf of my colleagues and as a former mayor of a town which Chief Full helped on innumerable occasions, you have our heartfelt appreciation and our thanks and our best wishes as you move forward in your endeavors. Chief Full, on behalf of the residents of Allegheny County, thank you very much.

(Applause.)

CHIEF FULL: Councilman Burn and members of County Council, obviously, the residents of Allegheny

County and my dear employees that are here today, I want to thank you from the bottom of my heart for this honor. It's been an honor and a privilege to serve the residents of Allegheny County, as well as the government of Allegheny County, for so many years. The Department of Emergency Services, I leave it at the top of its game. I stand here as one individual and just one part of a team. Make no mistake about it, the county residents are in great hands right now. We have great future leaders in the department.

And I will always be beholding to each and every one of you, the county directors, County Manager, Mr. Flynn, as well as County Executive Onorato and previous administrations, for affording me the opportunity to practice my craft, to try to minimize pain and suffering of all of our residents here. And as I go to Harrisburg here, clearly, I'm one not to ever forget where I come from. And I will be an agent for the county, and hopefully, we can make not only Allegheny County and continue to be, but also the Commonwealth of Pennsylvania the safest in the land. Thank you again, members of Council and Mr. Fitzpatrick ---.

PRESIDENT FITZGERALD: Fitzgerald.

CHIEF FULL: Fitzgerald. Excuse me. And also Councilman Burn. I'm a nervous wreck. And again, for my employees that are here, I applaud each and every one of you who came down here, and I thank you very much.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6226-11.

MR. CATANESE: Proclamation honoring the employees of Allegheny County's Department of Public Works for their timely and efficient response to the February 21st snowstorm. Sponsored by Council Members Fitzgerald, DeFazio, Drozd, Ellenbogen, Finnerty, Futules, Gastgeb, Green Hawkins, Macey, Martoni and Robinson.

PRESIDENT FITZGERALD: Thank you. And I'm going to ask George Thompson and Phil LaMay to come up to represent Public Works. Joe Olczak couldn't be here tonight. Joe is the director, doing a terrific job. You know, it's --- come on over here, guys. I'm joined by Jim Ellenbogen, Councilman Ellenbogen, who knows a thing or two about Public Works. And just like we just had Chief Full up here, honoring him for his career in Allegheny County --- and it was certainly appropriate that he

brought his department up with him, because they've done such a great job throughout the years in keeping us safe.

Also, these guys, what they do, the men and women of the Public Works Department, keeping our roads clear. Remember last year, we obviously had a much more severe February once that snow hit. And then we certainly had the big incident last week where we got ten inches of snow. And you know, within hours, our roads were clear.

And it's too often that our government employees don't get the respect and the admiration and the recognition that they deserve. Believe me, if something goes wrong, it makes every newscast, it makes every talk show and they get criticized. But you know, you get on the road and everything's nice and safe and everybody just kind of forgets about it. It doesn't happen by accident. It happens because these folks are out there and they're dedicated in all hours of the day or night to keep our roads safe and keeping our families safe. And it makes my job and my colleagues' jobs a lot easier because we don't get the calls complaining that the road is not clear and I can't get to work and I can't get to the doctor's office, et cetera. And we can't say thank you enough for the work that our employees do for us, and I wanted to honor them, along with all of my colleagues, today. I want to read this into the record, and then I'm going to invite Councilman Ellenbogen to say a few words, and then if you guys want to speak.

Whereas, the citizens of Allegheny County depend on the employees of the Department of Public Works when sudden heavy snowfalls impact our region.

And whereas, on February 21st, an unprecedented snowstorm passed through Allegheny County, depositing a record-breaking seven inches of snow for the day. By February 22nd, a total of 8.4 inches had fallen.

And whereas, led by Director Joe Olczak, the county's Department of Public Works responded timely and efficiently to the snowstorm, plowing streets and de-icing roadways throughout the early morning the day of February 22nd to allow for safe travel.

And whereas, because of the quick response to the storm, Allegheny County residents were able to travel, resume daily activities and get to work without hazardous conditions presenting danger.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny

County, hereby commends the employees of the Department of Public Works for their swift actions to combat the ill effects of the record-breaking February 21st snowfall in Allegheny County. Sponsored by myself and my colleagues on this 1st day of March, 2011. I want to ask Councilman Ellenbogen to say a few words before these gentlemen come up and speak. Jim?

MR. ELLENBOGEN: Thank you, Mr. President. One of the things I wanted to say is before there was Emergency Services and before there was Public Works, everything was done by Allegheny County Special Services and Maintenance. Everything from airplane crashes to snowstorms, from floods to burning buildings, these guys ran it. When I was chief, I was proud to be chief of operations of that department, and my right hand was George Thompson. And when the department split ---. George has been there --- how long have you been there, George?

MR. THOMPSON: Twenty-seven (27) years.

MR. ELLENBOGEN: Twenty-seven (27) years. I'm proud to say that 90 percent of those Special Services supervisors that I supervised are still there. That's why they're so good, because they're not just Public Works guys. These are emergency guys that are working and they do every capacity of it. Now, I just wanted to come up here to say that I'm very proud of George and the accomplishments that he's made through the years. And you do me proud, George, as do all your employees. And thank you, Mr. President, for letting me speak. Thank you.

(Applause.)

MR. LAMAY: On behalf of Director Olczak, I just want to thank you for this honor. Really, the thanks goes to the men and women that are on the front lines, the people that are out there, as you said, Councilman, at all hours of the night. So I just want to thank them for their dedication and their commitment, putting themselves --- putting the interest of the residents of Allegheny County ahead of their own and making sure that our roads are safe. And thank you, George, for helping lead the effort during this storm and thank you for this honor.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6227-11.

MR. CATANESE: Proclamation honoring Reverend Dr. James J. Robinson for his lifelong dedication to improving our community and the lives of the less fortunate. Sponsored by Council Members Fitzgerald, Ellenbogen, Finnerty, Futules, Gastgeb, Green Hawkins, Macey, Martoni, Robinson and DeFazio.

PRESIDENT FITZGERALD: And I want to ask Councilman Bill Robinson if he would join me this evening, along with Councilwoman Amanda Green. Reverend Robinson, I'd like you to come forward, and I'd like Stanley Lowe to come up with me. I don't know if any --- if people of our generation can truly appreciate the hero that this man is. I don't know if everybody knows the story of Reverend Robinson when he came here in the early '60s, but he was truly one of the leaders in the civil rights movement in the '60s.

And I'll tell you, I'm so proud tonight to be able to have proclamations, I have three of them, on my final night that are so appropriate. We have a young man who's 18 years old --- he probably doesn't know anything about the Reverend Robinson. You're going to learn something tonight --- the Football Player of the Year in the WPIAL, and Reverend Robinson, who was doing things as a hero when I was a little boy and didn't even know some of the great things that he did. And I'm going to ask my colleagues also to say a few words.

But it's so appropriate for some of the things that he did way back when, when this struggle was so difficult, the things that now we kind of take for granted, things like housing and employment, that Reverend Robinson led the fight for --- for equality in our region. And he's truly one of the heroes that our young people need to emulate and need to know about. But before I read the proclamation into the record and we get Dr. --- Reverend Robinson up here to talk, I'm going to ask my colleague, Bill Robinson, to say a few words. Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President. I've had the pleasure of knowing Reverend Robinson and his family for many, many years, and just a couple of quick comments. I can remember when Reverend Robinson and some of his associates belonged to the Allegheny Alliance. Back in the day, he wanted to be an elected official. He probably realizes now that that wasn't a good decision.

But Reverend is a person of great integrity, great passion, great emotion. What he tells you is what he means. And we may need him again. Some of the things that are happening in our city and our county and our country as it relates to working families and working people and people who are shut out of the system, Reverend Robinson has always been in the forefront of that fight. While he might not be as swift and fast as he used to be, there's nothing wrong with his mind and there's nothing wrong with his heart and there's nothing wrong with his spirit. I'm glad to be a part of this effort. I wish him and his family well.

(Applause.)

PRESIDENT FITZGERALD: Let me read this for Reverend Robinson.

Whereas, citizens of Allegheny County contribute vitally to the development and enrichment of our communities.

Whereas, Reverend Dr. James J. Robinson arrived to the Manchester area with his wife, Patty Robinson, in 1962 as a pastor to the Bidwell Church.

And whereas, Reverend Robinson actively joined the civil rights struggle in our area, organizing African-American residents to demand adequate housing and fair treatment from slum landlords in Manchester. The efforts led to the creation of the Housing Court, which still works today.

Whereas, Reverend Robinson and his wife founded the Bidwell Education, Music and Recreation Center, Manchester's first recreation center, in the late '60s. They later founded the Manchester Youth Development Center in 1972, providing education, artistic and recreational experiences to minority disadvantaged children. This organization still stands today.

And whereas, Reverend Robinson continues to advocate for the improvement of the Manchester community, recently organizing residents against the proposed demolition of 84 buildings in the neighborhood.

Now, therefore, be it resolved that the Allegheny County Council, on behalf of the citizens of Allegheny County, hereby commends the Reverend Dr. James J. Robinson for his continual efforts to work on behalf of the citizens of Manchester to improve the community. His and his wife's unwavering commitment inspires this Council, and we hope other citizens recognize their

dedication to this community. We use the word hero too often, but this man and his wife are heroes of mine. Congratulations, Dr. Robinson.

(Applause.)

REV. DR. ROBINSON: As a preacher, I'm not going to begin to try to say much because a preacher talks and he talks too much. My wife and I came to Manchester pretty dumb. I didn't know much about an urban situation. But the academic thing, she did most of it. I was more of an assassin than I was anything else. She's smarter than I am, prettier than I am and she's tougher than I am. And we just celebrated 60 years of marriage last week.

(Applause.)

REV. DR. ROBINSON: We have three great-grandchildren and they're --- our granddaughters are married to three of the biggest, toughest guys and to the biggest babies, roughest, toughest kids. But you know, when we came to Manchester, as I said, I came to be a preacher, more of a priestly kind of preacher. Father O'Malley was there for a while at St. Joe's, and then Jack. With the Citizens of Manchester, I learned more in Manchester, did more, got more from them than I did, you know, for them. I think I said that right. But Stanley Lowe is still there and the 84 houses that he's talked about. Stanley grew up in Manchester. He's mainly responsible for what's going on and the area not being demolished, and I've come back an 82-year-old man.

When I was younger, they said I was radical. Now they say he's wise. I ain't all that wise. You keep an elephant in an arena long enough, learning to dance, he'll learn how to dance. That's how wise I am. So we're still there, still working. But it was Bidwell Church that allowed me to do what I did. And the citizens of Manchester, if they weren't supportive of me and didn't respect what the church did, and I am a church man, nothing would have happened in Manchester. And that's what it's all about.

Now, we still work with MCC. Stanley, he's over there. And I just want to say that if it wasn't for Stanley Lowe, at this stage of the game, we would be looking at a commercial area in Manchester. And Stanley, I just want to say that to you. Jack, it's good to see you, man. Jack, you should come down there and play basketball with all the thugs as an All-American

basketball player at St. Joe's. And he had a lot also to do --- are you getting a proclamation?

PRESIDENT FITZGERALD: He's still working tonight. He's here to advocate for people.

REV. DR. ROBINSON: Is that what you're doing?

PRESIDENT FITZGERALD: He's here to fight for the working people.

REV. DR. ROBINSON: Yeah, he looks like a mild-mannered man, but man, he's the toughest dude in the world.

(Applause.)

REV. DR. ROBINSON: Jack, when we used to demonstrate when they were building Three Rivers and you were building the, you know, the USX and we were going to the unions, trying to get jobs --- and Jack, it's good to see you. It's good to see you. Thank you very much.

(Applause.)

PRESIDENT FITZGERALD: I'm sorry. I got ahead of myself, Reverend Robinson. Councilwoman Green now wants to say a few words.

MS. GREEN HAWKINS: Thank you, Mr. President. I just wanted to say thank you so much for your service. Thank you so much for your service. We are truly blessed and fortunate to have you here in Allegheny County.

(Applause.)

REV. DR. ROBINSON: Thank you for the award.

(Pictures taken.)

PRESIDENT FITZGERALD: 6228-11.

MR. CATANESE: Let the record show that Councilwoman Green Hawkins is present. Certificate of Recognition honoring North Allegheny High School football player Alex Papson for receiving distinction as a Player of the Year for his performance last football season. Sponsored by Councilman Fitzgerald.

PRESIDENT FITZGERALD: I'm going to ask Alex Papson and his mom, Barbara, if they would come here and join me at the podium. It is appropriate that we have both generations, the young and the people who have served before, we'll call it that way, with us tonight. I'm going to recognize Alex. I do this with a little bit of --- how do I say --- he beat my team. He beat my Central Catholic and won the WPIAL and the state championship, but I'm still going to honor him. Nick --- Councilman Futules will probably be mad at him because his family --- from the Labriola family in Verona --- if he would have stayed

where he was, he'd have been on the Penn Hills --- won the WPIAL for Penn Hills this year.

But Alex Papson was an absolutely terrific football player this year. He was the Player of the Year at the top level of the AAAA. He led North Allegheny to a WPIAL championship and a state championship, and it's very, very difficult to do. There's a lot of good teams out there. And Mr. Papson's going to be playing locally at Gannon. I was hoping he'd play at Pitt because I want to see him play. If you ever saw this kid run, he can run a football, I'll tell you that. Let me read this into the record.

Allegheny County Council is proud to present this Certificate of Achievement to Alex Papson of the North Allegheny High School football team for the outstanding athletic ability and team sensibility he demonstrated throughout the 2010-2011 football season. In addition to assisting his team capture the 2010 Class AAAA WPIAL and PIAA championships, Mr. Papson was named to the Western Pennsylvania Football Big School All-Star Team, the Pittsburgh Post-Gazette WPIAL All-Conference Team, the Pennsylvania Sportswriters Class AAAA All-State Champions --- All-State Team.

Mr. Papson's contribution to Allegheny County's long legacy of sports championship --- champions are to be commended. On behalf of the citizens of Allegheny County, we join with him in the celebration of his distinguished achievements. And I want to congratulate you. I also want to thank Councilwoman Rea, who allowed me to kind of jump her claim in North Allegheny, because I've been friends with the Papson and Labriola family for many, many years, and they're just a great, great family. And Alex is following along in the traditions. Alex, congratulations.

(Applause.)

MR. PAPSON: This past football season was certainly a memorable one at North Allegheny, but I share this honor with my teammates and coaches because without all of us working towards a common goal, our achievements wouldn't have been possible. So thank you very much.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6229-11.

MR. CATANESE: Proclamation honoring Jack Wise for his career of service to Allegheny County's

Redevelopment Authority and Economic Development.
Sponsored by Council Members Drozd, Burn, DeFazio,
Ellenbogen, Finnerty, Fitzgerald, Futules, Gastgeb, Green
Hawkins, Macey, Martoni and Robinson.

PRESIDENT FITZGERALD: Councilman Drozd.

MR. DROZD: Jack, do you want to come on up here? Let them all get a good look at you. They should know you by now. You know, it was said by one of my fellow Council members --- and you might be interested to hear this, Jack. He said, you know, I don't know what committees or whatever Jack served on, but he was always there. Now, that's really saying something when they say they've always been there. And you know, I always like to say that someone covers my back, and one of the people that I'd want to cover my back is a man like this, a man like Jack Wise.

It has once been said there there's no greater gift that one human being can give to another human being, is of themselves, service to another human being, with no remuneration. And these are what he served on with no remuneration. We give a lot of proclamations to Eagle Scouts. And my Council members heard this before and maybe some of you haven't. And I always like to think, you know, when we go to see God, wherever that God may be, when we go, He's going to say --- or She, and they're going to say, what did you do to make a difference? Oh, I did this for my family, I did that for my family. He says, no, no, no, no, no. That's taken for granted. What did you do for someone else other than your family? And Jack, as I say at a lot of my Eagle Scout presentations, can answer that question without any hesitation. It's going to be easy for him.

I'd like to note that Jack served on, you know, Moon Township. He's served at every level, not just at the county level in the Economic Redevelopment Authority, with no remuneration. He also served on Moon Township's Finance Committee for 8 years, 15 years with the Redevelopment Authority. And he also, by the way --- he also was named as a --- won the West Hills Jaycees Citizen of the Year Award. That's not given lightly to anybody. I know the Jaycees. They don't give that lightly unless you really deserve it, unless you really did something to make a difference. They just don't do that. So that had to have been really something.

And this proclamation, when we give it, I not only give it on my behalf, I give it on behalf of all my Council members and 1.2 million people of Allegheny County. The eyes are upon you, Jack. There's no other greater testimony, by the way, too, as to see your family here in the audience, that they mean so much, that you mean so much to them and they mean so much to you. Because in the end, the end result, that's one of the things that stand by us the most. That shows the testimony of what a great guy this is.

In the proclamation of Allegheny County, of all the eyes of the people of Allegheny County and my fellow Council members, it reads, whereas, talented and dedicated citizens in Allegheny County improve our community's well-being through their commitment to Jack's commitment to our area.

And whereas, Jack W. Wise has faithfully given his superior talents and inimitable service to Moon Township and Allegheny County for over 30 years. That's half of most of us in this room have been alive.

Whereas, Mr. Wise served on Moon Township's Finance and Development Commission for eight years, including five years as its treasurer.

And whereas, Mr. Wise worked for the American Telephone and Telegraph Company for more than three decades, 30 years. And he held numerous positions with the Moon Crescent Athletic Association. That in itself is saying a lot because I've been on those athletic associations and I know what it takes, a lot of nights, a lot of evenings and a lot of parents' calls and a lot of free love to you, those people you serve and those kids that you serve that so badly need us. And you did it. In 1982, you received the West Hills Jaycees Citizen of the Year in Sports Award.

Whereas, Mr. Wise committed 15 years to the Redevelopment Authority of Allegheny County, grew this county over those 15 years, jobs that many of you in this room hold today because of what people like Jack do, serving eight years as chairman and vice-chairman. He resigned the organization on October 1st, 2010. That's only last year.

Now, therefore, be it resolved that Allegheny County Council and those 1.2 million people of Allegheny County, on behalf of the citizens of Allegheny County, hereby recognize the lifelong service to Allegheny County

by Mr. Jack W. Wise. Jack, we thank you for your dedication and we wish you well and the best that life has to offer in the many more years that you'll be on this earth with your loving family as you move into the future with them and us. Thank you, Jack.

(Applause.)

MR. WISE: First, I'd like to thank Commissioner Foerster and Commissioner Flaherty. They're the ones that put me on my first position here back in 1991, and all the way up to the present to County Executive Dan Onorato. And members of the Board, some of you I know personally. Chuck Martoni and I have been down many roads together, as you know. Thank you very much for this. And Jumping Johnny DeFazio, I don't think you're going to put on a show for us tonight.

MR. DEFAZIO: Next time.

MR. WISE: Anyhow, thank you all and God bless you all, and God bless. This is my wife, Kathleen. Here's the saint in our house right here. And this is my son, Patrick. He's a county --- he works for the county. And this is my daughter-in-law, Mary Jo Wise. And my son, Joseph, can't be with us today. And that's my grandson, Christian.

MR. DROZD: Great family.

(Applause.)

MR. WISE: I would not be here if my wife didn't take care of me.

PRESIDENT FITZGERALD: I'd like to recognize Councilman Ellenbogen.

MR. ELLENBOGEN: Jack, I just wanted to say, you know, we've been friends for many, many years. And you know, folks, when you go over a bridge and you see --- when you look at the landscape, you don't realize the girders that are underneath it that hold that bridge up. And that's how Jack always was. He never sought the limelight. He never wanted everybody to know everything he did. He was always a steel girder in that community. He always worked hard, never asked for anybody's recognition. And I'm very proud to be sitting here, that you deserve the recognition, Jack, because all the years that you've worked and other people always took the stage, the people of this county should be very proud of what you've done. And even your son --- I had the pleasure of your son working in my department many years ago, and he's

a chip off the old block, also. Congratulations, Jack. I'm very proud to be your friend. Thank you.

MR. WISE: Jimmy, thank you so much.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6230-11.

MR. CATANESE: The remainder will be read into the record. Certificate of Achievement honoring Zach Podolinsky of Boy Scout Troop 830 for earning the rank of Eagle Scout. Sponsored by Councilman Finnerty.

6231-11. Certificate of Achievement honoring Ryan Jaracz of Boy Scout Troop 365 for earning the rank of Eagle Scout. Sponsored by Councilman Finnerty.

6232-11. Certificates of Achievement honoring Philip Heinrich, Brian Begly, Robert Deklewa, Sean Helliard, Shane Hill, Benjamin Rogers and Broderik Haney of Boy Scout Troop 248 for earning the rank of Eagle Scout. Sponsored by Councilman Finnerty.

6233-11. Proclamation honoring the National Association of Women in Construction for its dedication to acting on behalf of women laborers, and naming the week from March 6th to March 12th as Women in Construction Week in Allegheny County. Sponsored by Council Members Green Hawkins, Burn, DeFazio, Drozd, Ellenbogen, Finnerty, Fitzgerald, Futules, Gastgeb, Macey, Martoni and Robinson.

6234-11. Certificate of Achievement honoring Benjamin Ziegler of Boy Scout Troop 1460 for earning the rank of Eagle Scout. Sponsored by Councilman Macey.

6235-11. Certificate of Recognition honoring Tony Zottola for his career of service to Allegheny County's Department of Public Works. Sponsored by Councilman Macey.

6236-11. Certificate of Achievement honoring the 50th anniversary of Richard and Dolores Ingram. Sponsored by Councilman Macey.

6237-11. Certificate of Achievement honoring the 60th anniversary of Ed and Rae Slater. Sponsored by Councilman Macey.

6238-11. Certificate of Achievement honoring John Patrick Hanna of Boy Scout Troop 17 for earning the rank of Eagle Scout. Sponsored by Councilwoman Rea.

6239-11. Certificates of Achievement honoring North Allegheny High School football players for receiving distinctions as Players of the Year. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Public comment on agenda items. We have nine speakers this evening. Our first speaker is Mr. Patrick McMahon. Mr. McMahon, if you would come forward and state your name and address for the record, please.

MR. MCMAHON: Yes. Thank you, President Fitzgerald. Thank you, Council members, for allowing me once again to address the Council here this evening. It's Patrick McMahon. I'm the president and business agent of Local 85 Amalgamated Transit Union. I represent all the Port Authority transit workers that carry 200,000 people to work every day.

What I'm here to do today is I'm speaking on the motion that's going to be brought before you, item 6241-11. And I'd like to make a special thank you to Councilman Nick Futules for taking a strong public stand for workers.

(Applause.)

MR. MCMAHON: He's taken a strong public stand for the workers in his district who work at the Harmar Garage and for the workers who ride PAT buses to get to and from their jobs every day. Also, please know how grateful that my members, Local 85 members, and the 220,000 people that we ride on the transit system every day through Allegheny County, for the Council's leadership in anticipation of approval of the motion that will be brought to you --- before you today to oppose the devastating and unnecessary cuts the Port Authority has scheduled for March 27.

Cutting transit service at a time of high unemployment and extreme economic distress makes no sense. And it makes even less sense cutting routes when gasoline prices are skyrocketing to over \$4 a gallon and beyond in the very near future. Passing today's motion opposing the cuts will be one more important step in the process of keeping our system running at the level the Port Authority acknowledges is the minimum level of responsible service that our citizens deserve. The next step, we will ask each of you to use your influence with the people --- for the people that you represent, which empower you to put the pressure on the Port Authority of Allegheny County, every Board member and Chief Executive Onorato to stop the cuts.

We cannot let Port Authority management pick and choose who has to suffer now and who will suffer later.

There is no reason why 15,000-plus transit riders need to suffer the indignity of these cuts longer than the rest of us. Stop the cuts now. If the state fails to deliver a solution, we can all bear the burden together and raise our voices to a level that can't be ignored in Harrisburg. We have friends in Harrisburg who want to help us solve this problem. The legislators that we have been speaking to and working with agree that we should use the money Governor Rendell flexed for this year's budget as intended and keep the Authority operating at their current levels.

We cannot let Port Authority management blame the state for these specific cuts. These cuts at this time are unnecessary. This is the Port Authority's call. With the help behind the scenes from members of Allegheny County legislation delegation, the state did its part and delivered \$45 million in emergency funding to keep the services running at the levels until January of 2012. The Port Authority Board is taking financial advice from Steve Bland and his team to save people who told us --- who just blew \$39 million of taxpayer money in a risky hedge fund investment scheme. I think it's time the Board of Port Authority directors get a second opinion. Those of us working against the cut have identified more than \$21 million of savings in this fiscal year budget. The \$21 million from the potential savings does not include even more revenue from the latest ---.

PRESIDENT FITZGERALD: Mr. McMahon --- okay.

MR. MCMAHON: Thanks, Rich. I apologize. It's from the latest round of fare increases which went into effect here in January, which could be added to this year's budget. The Authority refuses to acknowledge the savings and additional revenue that could be used to prevent service cuts. It makes one wonder if the folks who blew the \$39 million plan on bleeding operating funds to fill that hole that they dug themselves into. Again, we thank you for your support of this motion and the leadership you are providing. Thank you.

(Applause.)

PRESIDENT FITZGERALD: The next speaker is Tim Hand. Is Mr. Hand here? Tim Hand? Mr. Hand is not here. Okay. Father Jack O'Malley? I know Father O'Malley's here. Oh, there he is. Father? Father O'Malley, if you would state your name and address for the record, please.

FATHER O'MALLEY: Father Jack O'Malley, 1103 North Highland Avenue, Pittsburgh, 15206, lifelong

resident of Pittsburgh, presently retired with the Catholic Diocese of Pittsburgh but full-time labor chaplain, AFL-CIO, State of Pennsylvania. I thank you for your opportunity to testify today and to speak.

I want to say that working people across our country are threatened every day. The churches are suffering because people do not have transit to get to churches, to get to their jobs. So I'm here to support the transit workers and all people that keep the middle class alive.

(Applause.)

FATHER O'MALLEY: On the steel fabrication plant in Rankin, I want to say to all the Council people that when my grandparents came from Ireland to this country, I'm sure many people helped them to become, at one point, middle class, good citizens of this county and of our state.

I'm here to help these workers and all workers at the steel fabrication plant in Rankin. I went to Baldwin where the workers live in very questionable conditions. But they're here to try to help their families. They're here to try to make a decent living. Catholic Diocese with Bishop Zubik and Catholic Charities, to make sure that these workers were receiving the same wages, they were not put in unsafe working conditions and that the language was not a barrier to take and exploit the working people. So it's a privilege for me to work with an organization out of Chicago, Interfaith Worker Justice, where faithful people come together with blue collar working people to keep the middle class dream alive, where faith communities have an opportunity to put their faith into action and to --- will stand up alongside of working people who built our churches and our schools and keep our communities strong.

If we lose the middle class, we have no one but the poor that can be taken advantage of, and the super rich. Corporations' profits have never been so high as they are now because many of them are abusing workers. So I'm here to say that much of the faith community in this city and this county are standing with working people, and we support them. And we encourage all faith people to preserve and save the middle class. And I wear this red vest today, not because I became the Bishop of Pittsburgh or because I might be a Monsignor when I grow up. It's because --- maybe a cardinal, maybe a St. Louis Cardinal.

That's as close as I'll get. But I'm here with this red vest on because I support the workers in Wisconsin and all public workers, transit workers. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Barney Oursler? Mr. Oursler, if you would state your name and address for the record, please.

MR. OURSLER: Thank you, President Fitzgerald. My name is Barney Oursler. I'm here as executive director of Pittsburgh United, located at 841 California Avenue, Pittsburgh, 15212.

Two weeks ago, this Council voted 11 to 0 to label, to call a company that does business in this county a sweatshop under the county ordinance. This was done based on evidence that was presented to Council members in hearings and indicated pay inequities and serious life-threatening safety violations. The owners and management of W&K Steel have not refuted any of those charges, have simply stated that they pay better than the minimum wage to their workers and that their safety record is no worse than others.

In fact, the medium wage for the industry that they operate in is \$17 an hour. And in fact, we've gone to several universities and asked professors to review their safety and health record. And the comments were reflected --- to quote one, Tom Juravich, Professor at the University of Massachusetts, this company has a significant problem with safety and health. Accidents that, in particular, occur in grinding and crane operations should not have happened and indicate a poor commitment to safety and health.

So what has happened in the last two weeks? There's been no new evidence. In fact, what's happened is there's been a lot of talk on radio. There has been a sustained attack on Democrats as being anti-business. In fact, what we really believe is that this Council stood up with all of the Council support, since Republicans chose to abstain two weeks ago, and they actually stood up for workers, to make sure that they get fair wages and that they get safety and health invested in by their companies. And they really stood up. You all stood up for good business in Allegheny County, to stop sweatshops from coming to Allegheny County.

(Applause.)

MR. OURSLER: So we call on you today to not apologize for standing up for workers and not apologize for standing up for good business in this county.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Mr. Oursler. Kenneth Miller? Ken Miller? Mr. Miller, if you would state your name and address for the record, please.

MR. MILLER: My name is Kenneth Miller. I live at 1306 Sheffield Street in the City of Pittsburgh. I'm very excited about so many things that are going on in Council tonight that I'm going to work very hard to stick to my prepared comments, which you all received earlier today. I have a picture of Roberto Clemente on the front and then it finishes up on the back. There's a map of the Indian subcontinent that I thought might be useful to everyone in the City of Pittsburgh and Allegheny County.

I'm a co-founder of the Pittsburgh Anti-Sweatshop Community Alliance, along with Dennis Brutus, Celeste Taylor, Michelle Gaffey, Joel Woller and others. We encourage you to adopt an anti-sweatshop ordinance, the same one that was adopted by the City of Pittsburgh in 1997. I'm also an alumnus of the United Students Against Sweatshops and I've been a delegate with the --- of the Industrial Workers of the World for ten years. I serve on the Coordinating Council of the Black Political Empowerment Project and I'm on the coordinating committee of the Black and White Reunion.

These organizations have organized numerous policy meetings with the PA Department of General Services and half a dozen other political jurisdictions with similar anti-sweatshop mandates. Workers from Bangladesh have visited Pittsburgh three times with testimony about specific sweatshops from which Allegheny County has procured, and others in which Pittsburgh Pirate baseball caps are sewn. Dan Onorato and his staff of his Administrative Services Department have repeatedly refused to address their testimony or to take good faith efforts to implement our anti-sweatshop ordinance accordingly.

An ordinance seeks to address not merely sweatshops' conditions. It also attempts to address the problem of unemployment. The question of unemployment is the same in Pittsburgh, Bangladesh and Egypt. It's our job to make Pittsburgh a welcoming place for people from all over the world. And we have to be at the forefront of stopping unemployment. We cannot do this by allowing

sweatshop labor conditions to proliferate. Members of County Council, I've asked you many times, are there sweatshops in this area? At PNC Park, people ask, why we should be concerned about sweatshops in Bangladesh when there are sweatshops and so few jobs here in Pittsburgh?

I'm familiar with this legislation. You wrote it and we know how to implement this legislation. The county signatory to a contract must submit to a county designee authorization to verify they inspected working conditions at all factories from which they are supplying the county. Dan Onorato has failed to organize the disclosure of factory locations in a way that could conceivably lead to our making thoughtful decisions about how to best exercise county resources and respond to complaints. Dan Onorato has all but ignored his obligations to appoint a designee to conduct investigations. You have passed a law that is being ignored by our executive branch of the government. Work with us to make the Executive implement our anti-sweatshop ordinance in a unified --- in a uniform way, intending to have the broadest possible impact to workers everywhere, leveraging our human rights campaign effectively. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Mr. Miller. Annette Kroll? Is Annette Kroll here? And Annette, if you would come and state your name and address for the record, please.

MS. KROLL: Good evening. My name's Annette Kroll. I live at 1112 Bank Street in Bridgeville. I am here --- this is the second time I've been here. I was here last summer speaking on regards to the service cuts of the Port Authority.

Mr. McMahon already spoke of the people who will be suffering. I'm already suffering because of the service that was cut on the 36A. I live 15 minutes away from Bridgeville. And since that bus has been cut in September, it would take me two hours each way to get to any mall in Allegheny County. So since September, I have not been to any mall. I have not been to Kohl's, my favorite store. Now, it takes me two buses to do my grocery shopping. Connections do not work. There are times between. Last Thursday, where I sat an hour in between buses last Thursday evening. I think that's kind of a safety hazard that food is sitting out that's

supposed to be refrigerated for over an hour. I'm someone that works.

When I didn't have to --- I don't have a choice to drive. I'm not only speaking on behalf of the people who are disabled. I'm speaking on behalf of maybe the elderly people who have lived in their home for many, many years and grapple with the fact of giving up their independence because they can't drive anymore. And just the fact that anybody who has to come to town to work, the buses are crowded during rush hour. I'm asking that you, County Council, work with Steve Bland, the Board with the Port Authority, Mr. McMahon and the union for the Port Authority, as well as the people in Harrisburg. I'm not saying that we need a Band-Aid. We need something to solve this problem.

I have a letter here from 2003 that I got back from Senator Pippy. That's how long I've been advocating for decent public transportation. So I wish you guys would really --- I'm urging you to work on this matter. I feel like a second-class citizen anymore. I work five, sometimes six days a week. I've even had to turn down overtime because I can't get there on time. So please address this issue and also ask Harrisburg, why has SEPTA gotten increased funding under Act 44 but the Port Authority has gotten decreased funding? Stick up for this area, please. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you. Katrina Kilgore? Is Katrina Kilgore here? Ms. Kilgore, if you would state your name and address for the record, please, followed by the Reverend David Thornton.

MS. KILGORE: My name's Katrina Kilgore. I live at 224 Boggs Avenue, Pittsburgh, 15211. Though it may not be apparent, I'm legally disabled with epilepsy and never had a driver's license in my life. But rather than letting this stop me in this challenge, I've been able to find ways to overcome it. That includes using public transit. I moved in the city for college when I was 18. And for the past ten years, I've lived in downtown, Mt. Lebanon, Perrysville, Millvale, Baldwin and currently Mt. Washington. So if anyone can tell you about the need for Allegheny County to have a viable public transit system, it's me.

I rely on the bus to get to work, to the doctor, to the grocery store, pretty much everywhere. And every

time the Port Authority's had to cut routes, I continue to lose access to the city. My life is further limited about where I can live, where I can have a job, where I can have Medicare. And as Pittsburgh proudly proclaims, it is America's most livable city. Us having a viable public transit system is an absolute necessary.

Every time we lose more routes, it is going to hurt the seniors, the students and the disabled in this city. It's making it that we have less access to pretty much everything in this city. It's going to continue to make it that whenever I'm looking for a job, the area continues to get smaller and smaller as to where I'm going to have access. I've had to turn down jobs because of the fact that I can't access them. I can't get out to Robinson. I can't get to Cranberry. I have to be able to make sure that I can only get it in downtown. I can only get it within a certain area. It makes it difficult for anybody every time that we continue to have cuts.

The State has known about this issue since last April whenever Act 44 was denied and they were told that they couldn't use tolling I-80. But they haven't done anything about it. While this is just a county issue, a state issue, you represent each of the people in this area. You represent all of the people who are here tonight, as they work and live in this area. I ask that you stand up tonight and say that there needs to be something done about this ASAP because of the fact that this will hurt the people who work, live and voted for you. We need to have our voices heard. We've been out there for the past several weeks protesting, growling about the need for this to be addressed. You will have your voices heard louder as elected officials. Do something tonight so that you can be heard in Harrisburg, and Harrisburg will do something for us.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Ms. Kilgore. Reverend David Thornton? Reverend Thornton, if you would state your name and address for the record, please.

REV. THORNTON: Yes. I'm David Thornton, pastor of the Grace Memorial Presbyterian Church and vice-president of the Pittsburgh Interfaith Impact Network. Good afternoon, Mr. President and Council. I follow the footsteps today of Father O'Malley, as well as Mr. Oursler, in reference to the company that has been labeled

a sweatshop. And I'm here to say that we don't need sweatshops. We need safe shops.

(Applause.)

REV. THORNTON: An affiliate of the Gamaliel Foundation, which is found in Chicago, going all the way back to founder Saul Alinsky and how it was influenced by Saul Alinsky, even to the extent that the late, great Dr. Martin Luther King, Jr., who always was behind workers, this organization wants to make sure that there's always equity, equity and that we want to lessen the disparities between those who have and those who have not.

And if there is a situation --- and since it has been concluded that there is a situation where you have workers right beside each other --- and though one may be classified as a refugee and the other --- a U.S. citizen, if they have been trained to do the same job and they are laboring on the same job, they deserve comparable and equitable salaries together.

Also, if the conditions at this particular place are not safe --- and from what I've already heard, there have been even instances of death in the past --- I commend the Council for its findings. I hope that you will stand by your findings and not be influenced by politics or anything else. But it takes courage to have integrity and to keep the integrity. And if you found this particular place to be a sweatshop, we want safe shops. Stand by your integrity. God bless you.

(Applause.)

PRESIDENT FITZGERALD: Thank you, Reverend Thornton. Charles McCollester? Mr. McCollester here this evening? I don't see Mr. McCollester. Okay. Moving on to unfinished business. 6244-11.

MR. CATANESE: Communication from Chief Executive Dan Onorato returning with his veto of Bill Number 6190-11. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Do I have a motion to receive to file?

MR. FINNERTY: So moved.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Committee on Appointment Review, Second Reading. 6146-11.

MR. CATANESE: Approving 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: Chair DeFazio?

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

MR. FUTULES: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed?

MR. MCCULLOUGH: Opposed. Put me down as opposed.

PRESIDENT FITZGERALD: Please mark Mr. McCullough as opposed. Ms. Cimini is approved. 6149-11.

MR. CATANESE: Approving 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: Chair DeFazio?

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

MR. PALMIERE: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Pollard is approved. 6151-11.

MR. CATANESE: Approving the reappointment of R. Lindsay Hargrove to serve as a member of the Drug and Alcohol Planning Council 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.

(Chorus of seconds.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Ms. Hargrove is approved. 6152-11.

MR. CATANESE: Approving the appointment of Dr. Monica D. Lamar to serve as a member of the Drug and

Alcohol Planning Council 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 appointment.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Dr. Lamar is approved. 6154-11.

MR. CATANESE: Approving the appointment of Alice Paylor-Dais to serve as a member of the Juvenile Detention Board of Advisors 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 appointment.

MS. GREEN HAWKINS: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Paylor-Dais is approved. 6155-11.

MR. CATANESE: Approving the reappointment of Erin Dalton to serve as a member of the Juvenile Detention Board of Advisors 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. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Erin Dalton is approved. 6157-11.

MR. CATANESE: Approving the reappointment of George Owens to serve as a member 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: Chair DeFazio?

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

MR. PALMIERE: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Owens is approved. 6158-11.

MR. CATANESE: Approving the reappointment of Michael Enright to serve as a member 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: Chair DeFazio?

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

MR. PALMIERE: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Enright is approved. Committee on Budget and Finance, Second Reading. 6218-11.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2011, Submission 3-11. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

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

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second. 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?
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: Liaison reports. Any liaison reports this evening? Seeing none, new business. Ordinances and resolutions. 6240-11.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2011, Submission 4-11. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. New business, motions. 6241-11.

MR. CATANESE: Motion of the Council of Allegheny County expressing the Sense of Council with regard to proposed route cuts and facility closures by the Port Authority of Allegheny County. Sponsored by Councilmen Futules, Burn, Finnerty, Robinson, Macey, Ellenbogen and DeFazio.

PRESIDENT FITZGERALD: Please add me as a sponsor, too. Mr. Futules. I'm sorry. Mr. Palmiere, too. Councilman Futules?

MR. FUTULES: Thank you. It's always difficult trying to follow Pat McMahan, because we always seem to have the same thing to say. There's a reason for it. It must be true. Okay? It must be true if everybody is repeating themselves. It just must be true. The reason I'm introducing this resolution tonight or this motion is because the Port Authority is closing the Harmar Garage, cutting service routes throughout our districts, drastically affecting the quality of life in Allegheny

County. I'm talking about everybody here, every route and every district. And locally, we're talking loss of tax revenues, local tax revenues from Giant Eagle, Target, restaurants, banks, car dealerships. These people will be directly hurt because of this.

Transportation is vital for any part of our economy. 180 to 200 jobs will be lost. Families will be displaced. I mean, can you imagine yourselves being unemployed and trying to send your kids to college, pay your car payments, your mortgage payments? And even indirect job losses. People that have bus routes --- there's grocery stores that may not have a bus route there no more. People won't go shopping there no more. And the point that we've all been hearing about in the news every day now, the price of gas is going to hit \$4 a gallon quite soon. And if I recall, before it had happened, the bus routes were full of people because they've been deciding that they don't want to drive to work anymore. They decided to get on a bus. Now, guess what's going to happen when this gas hits \$4 a gallon? There's not going to be any buses. Now, what are we going to do? Are we going to bring it back? I think that's really wrong.

Governor Rendell, he made this \$45 million available to support the Port Authority up until the end of the year, in January. And I think that they should follow their own resolution and do what they said they were going to do, to continue these bus routes, because let's face it, let's not kid ourselves, once they've cut these bus routes, they're never going to come back, never. I think we need to take this fight and stop fighting amongst ourselves. Take this fight to Harrisburg because this is where the trouble is. And just because all of us, and I know myself, we all should continue to fight until we're all blue in the face like this.

(Applause.)

PRESIDENT FITZGERALD: Mr. Futules, is that a motion to approve?

MR. FUTULES: I make a motion. I'm sorry. I don't mean to make a mockery of it, but this is no laughing matter.

PRESIDENT FITZGERALD: Do we have a second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.
Discussion? Ms. Green Hawkins.

MS. GREEN HAWKINS: Thank you, Mr. President.
I'd like to be added as a co-sponsor, please.

PRESIDENT FITZGERALD: Mr. DeFazio.

MR. DEFAZIO: Oh, I just have a comment.

PRESIDENT FITZGERALD: Okay. Mr. DeFazio?
Please add Ms. Green Hawkins as a co-sponsor.

MR. DEFAZIO: Okay. Let me say this. First of all, some people are here asking us to help. We're in your corner 100 percent. I'll speak as the Democratic Caucus chair. The majority of the people, I guarantee, are in your corner 100 percent. And I agree with Pat McMahon 100 percent. There's no reason why --- they get \$45 million. They want to stretch it out. We should take that \$45 million with no cuts for now, and everybody go to work. We've been working, trying to get things done. Get it all straightened out later. But I feel we should take that \$45 million and straighten it out for now and work on --- we have more time to work on it for the rest of the time. So with that, I just want to assure people that say go around --- we've been going around. We're trying to get meetings with the Board. We're trying to do everything because it's the right thing to do. It's a shame when you see people that need that service and can't get it. That's just a shame.

(Applause.)

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

MR. DROZD: You know, I'm going to support this, but I also call upon labor, that you have to come to the bargaining table, too, and look at new and innovative ways to serve the people of Allegheny County. That's what the Port Authority is there for, not to support the labor, but there to support the people of Allegheny County. Questions that keep coming up in my constituents and my mind, too, as they see idle buses during the day between the peak hours, they ask, why can't we buy smaller buses which would serve the people of Allegheny County? And the question keeps coming up and the answer is, because we still have to pay the same wage rate on that wage.

I say you have to look at such creative ways of grandfathering who's in the system, and we have new people coming in. That's something for the collective bargaining table. And you need to take it there, too. It's just not the Administration's responsibility or Council's responsibility. It's also your responsibility as rank and

file to help the people of Allegheny County. And I want to see you do your part, too.

PRESIDENT FITZGERALD: Wait a minute. Wait a minute. Wait a minute. Although I appreciate the passion that we have here, we have to let the Council members speak. Whether you agree or disagree, Mr. Drozd has a right to speak. So thank you and listen, but we're going to have a debate and we're going to have Mr. Drozd continue.

MR. DROZD: One last thing and the most important thing is we're here to serve the people of Allegheny County and so is the Port Authority. That's who comes first and foremost in all about this. First and foremost is the people of Allegheny County.

PRESIDENT FITZGERALD: Mr. Ellenbogen? If I hear outbursts from the audience, you're going to be asked to leave. You're going to be asked to leave. We're here to listen. We're here to vote. You can sign up to speak for your three minutes, but we're not going to yell from the audience. It's just not going to happen. Mr. Ellenbogen.

MR. ELLENBOGEN: Thank you, Mr. President. We had a meeting with the Port Authority Board. And Councilman DeFazio and myself and Councilman Finnerty and a couple others, we went toe to toe --- and Councilman McCullough --- we went toe to toe with the director. And I personally feel that I got nothing but a snow job. Now, you guys and gals have heard me say this a number of times. There's a board that's in charge of the Port Authority. And every time there's a problem, the Board goes and hides, and folks need to come to us. Now, you know, one of the funniest things about this whole thing --- and you know, I'm a Democrat and Chuck McCullough's a Republican. But I can remember the last couple years him saying that this Port Authority was full of it. If you go back and you look at the record of everything that Councilman McCullough said, here we are sitting here.

And just like Father O'Malley said --- you know, when my people came over, too, they died in these mines. This is another assault on working guys and gals. And you know, it makes me sick. I agree with what Councilman DeFazio said, that, you know, we need to fight and we need to stand with working people and we need to stop this because, let's face it. I mean, even our kids can't even

get to school. I mean, you know, I have kids in college. You know, they ride buses, you know, the seniors, people who are handicapped. I mean, my goodness. You know, you talk about economic development. How in the Sam Hill can you develop a first-class county when people can't get from here to there? I mean, it just blows my mind.

So like Councilman DeFazio said, I stand strong with you, as do I know most of the members up here. And we're going to do everything we can in spite of the Board trying to hide from us, so --- and incidentally, there's somebody who's on that Board with the same last name as me. We're not from the same family.

(Applause.)

PRESIDENT FITZGERALD: Mr. Burn.

MR. ELLENBOGEN: People are asking me this all the time. Is she my wife? My wife was a Teamster. Thank you.

MR. BURN: Thank you, Mr. President and members of Council. And I'm not going to try --- I'm not going to reiterate what my colleagues have said. I think you have bipartisan support, to some extent, up here. I heard Matt say some things and Chuck has been an advocate for you, as well. The Port Authority is not serving the people by cutting routes. There's just no way around that. Look at what Patrick said two weeks ago. Look what he said again tonight. I mean, the core --- the crux of this issue starts with a resolution enacted by the Port Authority Board of Directors in June of 2010, the resolution indicating that they needed about \$45 million to \$47 million in order to get through fiscal year to July --- or to June of 2011.

Now, they're behaving in a fashion after they got the money, after they got the money, that is completely inconsistent with their own words. Now they're saying, let's stretch it down the road to the end of the year. Let's die a slow death. It doesn't make any sense. They are now --- they are at the same disadvantage by doing this as if they never took the money in the first place. When you look at the long-term analysis, why can't they act in a consistent fashion with the other transit authorities across the Commonwealth? Everybody, apparently, unless Harrisburg comes to a solution, is going to go dry in June. Why can't they stand united with everybody else in a similar situation and work in a

consistent fashion for long-term solutions for the entire Commonwealth?

We're going to hold their feet to the fire on this. We're going to hold their feet to the fire by disenfranchising the Port Authority Police by refusing to bargain with them. We unanimously put our foot down in support of the police department down at the Port Authority, and we're going to put our foot down again on this issue, as well. It starts and stops at the County Council. We hold the purse strings. We vote on the appointment of the Board members. We are going to be very cognizant and very aware and very engaged in the Port Authority's conduct. We're not going to give them any passes. You have my word and many of my colleagues. This is just the beginning, Patrick. Thank you all very much.

(Applause.)

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: First of all, I'd like to thank my colleagues, Councilman Ellenbogen and Councilman Burn, for their fine comments. And Mr. McMahon, I'm not quite ready to assign infallibility to you in all matters of this world, nor, Nick, am I. And I don't need to wear a blue mask, but I do agree with both of you. And I think --- like to think that I've been talking myself blue about the issues of the Port Authority for about two and a half years.

Let me tell you my observations of the Port Authority. Number one, we have seen time and time again these doomsday deadlines. It seems like almost since I got on here, we've been hearing about if this doesn't happen, we're going to lay off and we're going to cut service. If this doesn't happen, we're going to lay off and cut service. And the thing that first got my attention was the labor negotiations back in 2008. And as I recall, service was supposed to go out of business by Thanksgiving. And guess what? Thanksgiving came and went and they went on. And then it was supposed to go early in December, and it came and went.

And I recall having a meeting with management from the Port Authority and trying to pin them down as to if there was a strike, just what money would end it. And it seemed to me like it would be going for a fairly indefinite time. And I have to tell you that I am really tired of this kind of fear mongering, and I think that's what it is. It seems like every time there's an issue

with the Port Authority, the reaction is the same. We've got to lay people off and we've got to cut service. And that's totally irresponsible.

Now, I recall, I think, about two summers ago, or maybe it was last summer, we had a special hearing on this when the Act 44 funding went down the drain. And a member of Council who's no longer here with us said, basically, it's not our responsibility. The Port Authority is a creature of the state. And I'm paraphrasing. The Port Authority is a creature of the state. The state holds primary responsibility for it, but the transit needs and the people of Allegheny County are our concern. And I think you're hearing here tonight there's bipartisan concern for all of you, workers, transit riders, everybody. You're not being well served by this organization.

And the other thing that caught my mind is it seems like almost every month, we've got another screw-up coming out of the Port Authority, the latest one being this \$39 million hit because of a bad bond investment. And having done some, you know, public finance, I can tell you how risky that was. My first reaction is, why don't they file suit? Why hasn't the Board of Management of the Port Authority filed suit against the financial advisor and possibly other responsible parties to try to recoup \$39 million? I mean, think about it. They got \$45 million from the Governor that they weren't counting on, and \$39 million was going out the door. Now, if they had \$45 million in December and they said, well, we can lift the service cuts through the end of the year, how the heck can they do that, to just settle for \$39 million? Think about it. They should only have \$6 million. And basically, what they should be saying is, we got to close now. We got to cut now. And again, that only leads to the perception that these doomsday deadlines, these doomsday alternatives, were a lot of talk. And everybody gets scared, everybody gets upset and everybody's put at risk and there's an awful lot of angst and consternation about it. And frankly, I'm tired of it.

At the last meeting, I talked about --- let's just at least start studying this. And I'm going to really call upon my Council. It's one thing to go off to the state and say, fix it. It's another thing to go off to the state and say, fix it and here's our recommendation, because I'm going to tell you, what some

of these legislatures are going to say is we pay enough and we've got other budget issues. And you need to be prepared to counter those kind of comments. And just going off to Harrisburg, hat in hand, saying, you got to fix it, isn't enough. You've got to have a game plan.

And that's why I've been talking about studying the situation and getting your ducks in line. And Rich, I know you corrected my Yogi Berra-isms in the past. I don't know how much you know about Jean Monnet, but I stand corrected on this. But I believe he said something like, people act out of necessity and they see necessity only in crisis. Well, maybe that explains why there hasn't been enough done to deal with this proactively. But we're on the doorstep of the crisis. The necessity is already here. This Council needs to come up with a game plan and then get off to Harrisburg so we know what we're talking about. So I'm absolutely behind this bill. Nick, I don't need your mask, but I agree with it.

(Applause.)

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. The Port Authority was created to provide service to the people of Allegheny County. As Mr. McCullough said, we're looking at a situation with other Council members where the service is being denied to the public continually. It's not because they don't have the money. The Governor gave them enough money to carry over for a certain period of time. It should be important that they use that money that they accepted to do exactly what the Governor gave it to them for. If it happens --- hopefully it never will, but it might --- that the state can't come up with more money, then we have a big problem.

But to continue this, to cut a little here and to cut a little there, and so on, as we go on through this, is completely wrong to the public. We're talking about disabled people that have a problem. They have to ride the bus. People that don't have cars have to ride the bus. I have a section in Sto-Rox/Preston where people that are --- that don't have a lot of money there. A lot of them don't have cars. And the Port Authority cut their bus. They don't have a bus anymore. They have to walk over to Highland Avenue across --- it's about a quarter of a mile across railroad tracks to get a bus now.

So they're putting people in these positions continually, and this should not be allowed. They're here

to serve the people, just as we are here to serve the people. And we should put our foot down about this and say, let's use the money to keep the routes going. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Ms. Green Hawkins and then Mr. Gastgeb.

MS. GREEN HAWKINS: It seems there's a lot lately where we have public entities wanting to balance budgets on the backs of employees and workers, and that's not fair. I see Father Jack O'Malley wearing his red in support of workers, and I appreciate that as someone who works for the United Steelworkers Union. Balancing budgets on the backs of workers is not anything that should happen. Both sides need to come to the table prepared to give and to take. And as far as ATU goes, I know that you have been to the table and I know that you have given.

(Applause.)

MS. GREEN HAWKINS: Now it's time for the Port Authority to come to the table and do what it's supposed to do. And as far as the union and the public and the residents of Allegheny County go, I know that you all are residents of Allegheny County. So whatever you do for yourselves, you do for us, and I thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. I was at the same meeting that my colleague, Mr. Ellenbogen, brought forth. And one of the things that was frustrating to me was that this is the Port Authority of Allegheny County. That's the official name of the organization. But they don't seem to be listening to the elected officials of Allegheny County, and I find that extremely frustrating.

What needs to happen --- and first of all, let my caucus colleague, Mr. DeFazio. The Republicans are going to support this bill, too, every Republican up here, in a bipartisan way, and Mr. Burn's comments.

(Applause.)

MR. GASTGEB: Thank you. But money exists. You know, we sit up here a lot of times when money doesn't exist and hard decisions need to be made because we don't have the money. And whether you agree or don't agree with how the \$45 million came into this county, it's here and

largely would dictate to the solution that it was brought forth to at least allow things to matriculate until we get to the end of the year. But for some reason, that's not happening, and that's what I find frustrating. And when you ask questions of an elected official --- we had a meeting with other Port Authority Board members --- we just don't get answers. And I will submit to you that if cuts, employment and service, cannot be eliminated, why would we not try to do that? Why would we not try to matriculate this or keep it going?

What we need to do --- and this is where I think we need the help of everybody, labor, management --- when we pass our budget, we allocate \$27 million to the Port Authority. That's Allegheny County's portion, more recently through drink. Whatever the history of the county has been through whatever fund, that's our responsibility. The state matches that. We could give \$27 million, \$28 million, \$24 million, but we need to get some assurances when we're appropriating money that we have more to say. We need to get more assurances when we're appointing Board members --- and the Chief Executive does, not Council. Who are these people? Because I feel disconnected between what my job is and what the Port Authority's doing. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Councilman Macey.

MR. MACEY: Thank you, Mr. President and residents of Allegheny County. I have seen some people out there in the audience from the Mon Valley Unemployed Committee. I can tell you, in the Mon Valley where I'm from my whole life, 52 years, we've been fighting this battle for a long time. And it's a shame that --- we sat down with Steve Bland and other officers of the Port Authority. That was Senator Brewster, Marc Gergely --- Representative Gergely and Representative Kortz. And they showed us the whole picture. They showed us the profitable routes. Well, if you're making a profit, shouldn't some of the profit, so to speak, go to where they're not so profitable?

The Mon Valley has turned into an island of its own. We don't have any bus service in Glassport, White Oak, Elizabeth, in Port Vue, the whole Mon Valley. Now, how much more do you think the Mon Valley has to take over the years, with the mill closures, and not only that, but the lack of economic development that took 20-some years

to develop? I'm telling you this, that economic development and these bus lines go hand in hand. If you sell your home, the value of your home is dependent upon being on a bus line. It adds value to your home. I'm telling you, we've had enough done in our neck of the woods.

And there's only two places now in the Mon Valley where you can get on a bus. That's at the McKeesport Transit Center or the Park-n-Ride in Duquesne. Now, how does a disadvantaged person, how does a handicapped person, how does our seniors get to those bus stations? They're miles away. Not only that, but there's no other means of transportation to get there. I support you. I want to work with you. I'm telling you right now, stop the cuts.

(Applause.)

PRESIDENT FITZGERALD: Mr. Futules?

MR. FUTULES: Thank you for the kind words and the support because Allegheny County certainly needs us. And after listening to everybody speaking, I think it's very imperative that we ask Steve Bland and the Port Authority Board members to come before us, and let's talk about a temporary --- or what I call a stay of execution on March 27th. Let's see if we can postpone it. Let's see if we can go month to month until we find more evidence of what we need to do here, because this date doesn't necessarily have to happen on the 27th. It's not a drop dead --- like Chuck McCullough said, we might be able to get another month, maybe two months, maybe ---.

PRESIDENT FITZGERALD: If I find out who said it, I'm going to throw you --- and really, we're going to have a meeting. We're having a meeting here tonight. You can do it outside, but in this room, I want to let Mr. Futules have the respect that he deserves. He's actually supporting you, so let's let him speak. Thank you, Mr. Futules.

MR. FUTULES: Thank you. I really suggest that we do that because it seems that we need to do baby steps. That's the way government seems to work nowadays. And I believe that we need to start by stopping the cuts by March 27th. And let's talk to them. I suggest as early as next week, we set up a meeting with them and bring them before us on Council.

(Applause.)

PRESIDENT FITZGERALD: That's a call for a motion. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries unanimously.

(Applause.)

PRESIDENT FITZGERALD: 6242-11.

MR. CATANESE: Motion of the Council of Allegheny County establishing a moratorium of county activities in furtherance of the court-ordered 2012 countywide reassessment, authorizing Allegheny County Council's Solicitor to pursue a stay of the countywide reassessment, and further authorizing County Council's Solicitor to seek appellate review by either the Commonwealth Court of Pennsylvania and/or the Pennsylvania Supreme Court in the event of a denial of such stay by the Court of Common Pleas of Allegheny County. Sponsored by Council Members McCullough, Gastgeb and Rea.

MR. DROZD: Add my name, too, Mr. President.

PRESIDENT FITZGERALD: Okay. Councilman McCullough, do you wish to speak to us?

MR. MCCULLOUGH: Yes, I do. And Mr. Fitzgerald, I'm going to want this to go to committee because I think it's so important. It really needs to be looked at. But I do want to make some comments about it.

PRESIDENT FITZGERALD: Please.

MR. MCCULLOUGH: All right. First of all, when I came to this Council three years ago, one of the things I thought I'd bring to bear was my experience with the property assessment issue. And I've been involved with it as the County Solicitor. I don't need to go through what my involvement --- you've heard that all before. It's probably old news to all of you. I was involved in representing a major school district and also a major municipality. I've been involved through the two failed reassessments. I was involved in this litigation.

I haven't been able to get a voice from Council. And I talked about this issue, and it frankly was falling on deaf ears, so the four of us in the Republican Caucus tried to take a shot about doing something about it. And basically what we did is we went into court a couple weeks ago and we asked Judge Wettick to reconsider the Order and we sought an intervention. Now, legally, this is a --- not a novel approach, but it is not something that's used over and over, because the case was already over.

Some interesting comments came out of that hearing. First of all, I had a chance to tell the Court just what the four of us thought about this reassessment. And I think if you had a chance to hear my remarks, it's probably very similar to what all of you have to feel about it, that we're concerned that this is a potential disaster, that there's a lot of procedural issues involved here, it's an inappropriate time to be doing this, we've lived through two failed reassessments in the past, we cannot afford another one right now.

The Administration was in a very analogous position of reluctantly agreeing with the Plaintiff's Counsel in this case that the assessment needed to go forward, which I thought really showed they're between a rock and a hard spot. They basically have been hung in their own rhetoric and they've been hung in their own agreement. They're not in a position to do anything legally to stop this reassessment, because frankly, they've been a party to it.

The other interesting thing was what the Judge had to say. I interpret his remarks as saying that I do not have standing, that my other three colleagues do not have standing because we're not speaking for Council. I believe he left the door open for action by Council formally. All right. If you take a look at the Decisions in this case, the Court was basically looking for a legislative solution. And that's pretty obvious even coming out of a Supreme Court Decision. They're looking for some legislative solution.

The other very interesting thing is, the Supreme Court did not mandate a 2012 reassessment. All it said was, we're referring it back to trial court for a reasonable time frame. Now Council President Fitzgerald has come up with a lot of ideas as to why this time frame is not reasonable. I have, too. I'm sure we all could elaborate why we don't believe it's reasonable.

I think there's a shot here. I think there's a shot if this Council takes formal action to say, we want to stop it. And don't worry about being held in contempt of court because I'm not saying to defy a Court Order. I'm saying, stop it. Authorize your Solicitor to go over and seek a stay. If the Court denies the stay --- you know, don't defy the Court, but appeal it and run it up to the Supreme Court as fast as you can and say, this isn't

reasonable under the circumstances. And if I were a betting man, I think you're going to get relief.

And I want to see this alive. That's why I don't want to push this for a vote. I'm going to ask that you put this into a committee, seriously consider it. And I'll say this to you. I'm not quite sure whether I'm going to be here beyond next Tuesday or not. But if I'm not, you have my full pledge of support. I will appear before any forum, any jurisdiction to help you get this through. If you do not think that this is cost-effective --- and although I have every reason to believe Jack would make it cost-effective --- I'll volunteer my legal services, as I have for other --- for the people in the past when I thought it was something of countywide importance. I can think of no more important issue before us right now, other than the Port Authority issue, than this. So you have my pledge for full cooperation as a citizen, as a councilman and as an attorney. That being said, I'd like to move this into committee.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. 6243-11.

MR. CATANESE: Motion of the Council of Allegheny County of apology to W&K Steel. Sponsored by Council Members Gastgeb, McCullough, Drozd and Rea.

PRESIDENT FITZGERALD: Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. On behalf of the Republican membership, two weeks ago we made the comment that we didn't feel this body was an appropriate measure to be discussing this issue. The Chief Executive obviously agreed with his veto communication. We feel this is an order, so I'd ask this be moved.

PRESIDENT FITZGERALD: Moved. Do I have a motion for a second?

MR. DROZD: Second.

PRESIDENT FITZGERALD: Second. Discussion? Mr. Martoni?

MR. MARTONI: I brought this before Council several months ago. I can't remember the exact date. I was contacted by people to go to W&K Steel because it was alleged to me that it was a sweatshop. Well, I went and I had two Council people with me. Okay. They would not let us in. Okay. I have every reason to believe that we would be very foolish to apologize to them for them being immoral in the way they're doing business. Okay.

(Applause.)

MR. MARTONI: I would recommend that we call them in again --- they probably won't come --- but we call them in and we investigate this totally. Okay. And I can guarantee you one thing. I am sure --- I am sure they made significant improvements there since we started this, okay, because we really literally caught them with their pants down. They had water on the floor where people were welding. It was an absolutely unsafe site. Okay. And I had several Council people with me, and they would not let us in. Okay.

I would recommend to my fellow councilmen that we just don't act on this and we keep our eye open on what we could do to make sure that the working conditions for the workers there are improved, and in fact, that they're come up to the style that American workers should work, okay, and the environment that American workers should work in. And trust me, it's going to, because we already got the heat on them. Okay. I don't think we should apologize to anybody for breaking the rules, okay, for breaking the law and for doing things that are absolutely against the American dream.

(Applause.)

PRESIDENT FITZGERALD: Councilman Burn.

MR. BURN: Thank you, Mr. President and members of Council. I have to respectfully disagree with the sponsors of the motion. I do not think we owe them an apology, and here's why. If, hypothetically, we had put that resolution up two weeks ago with no prior issue, with no prior warning, with no prior discussion, with no prior vetting of the concerns, then perhaps, sure. With no prior opportunity for W&K to come here and have a conversation with us about the allegations that we were dealing with, which had been brought to Dr. Martoni's attention months ago, yeah, perhaps this is a motion that we need to seriously consider. But that's not what happened.

I mean, when you look at the chronology of events, going all the way back to last May of 2010, there were some articles that were in the paper about the allegations of sweatshop conditions. And then you go to November of 2010 and you see where the Doc has indicated that because of these allegations, because of the ongoing concerns brought to his attention, that he and two other colleagues went to this place and asked for a sit-down and

asked to take a look, and they were denied, not once, but on more than one occasion. It was on the radar of W&K management as far back as May and again as recently as November, when the County Council started to step up and show that we had concerns.

If it wasn't our place to do this, then why do we have a sweatshop ordinance? It is definitely within the parameters and the jurisdiction of this Council to investigate these types of issues, which we were asked to do and which then came to my Public Safety Committee, at which time we had a hearing in this room in November of 2010. By then, we had already received a letter from the attorney for W&K indicating to us that they were not going to meet with us, or at least, they weren't going to let some of the members of the Council in.

So at the Public Safety Committee, I took some testimony --- not testimony. Nobody took an oath. But I got some accountings from some of the men and women who brought this concern to Doc Martoni. Those concerns, those statements, those stories were unrebutted and they remained unrebutted. And as we sit here now, they're still unrebutted. Now, if this were a court of law and that were a complaint without an Answer, those are --- averments would be deemed to be admitted as fact. Now, Mr. President, I understand that a couple of weeks ago, they said they would work with you and give you access --- have they made good on that promise?

PRESIDENT FITZGERALD: They have not, Mr. Burn.

MR. BURN: Again, a point taken. They said they would work with us, but so far, they have not done anything objective to manifest that and to work with us, to get in there, drill down on this, do the due diligence and hopefully, you know, get past this. It hasn't happened yet. So here we are two weeks ago with Council. We have two options. We cannot vote to designate a sweatshop, even though we had no indications from the company that the concerns brought to our attention are unfounded, or we can err on the side of public safety. And what public safety, to me is, is the unrebutted facts that were given to us about people being hurt, conditions that could cause death and bodily injury.

So here's the options this body is faced with. You've been designated a sweatshop, which, in the future, you can remove if we have evidence to show that that designation should be removed, and err on the side of

public safety, or you don't make the designation. What happens the next day if we don't make the designation, and God forbid, someone gets killed, someone gets hurt because all those un rebutted allegations turned out to be factually dead spot on? We could never take the clock back --- we could never turn the clock back, get that worker his life back, get that worker his ability to earn for his family back. We can take the designation away from them if they work with us.

So based on that, all this evidence over here or nothing over here, we chose to err on the side of caution. Shame on the media for blasting the people up here who voted for that, the same media, ladies and gentlemen, who, in February of 2007, applauded this Council, who applauded the Public Safety Committee for threatening to issue subpoenas to the Sports and Exhibition Authority when they refused to cooperate with us on structural defaults at the Convention Center. When they would not come before us initially with the evidence we asked for and we rattled the subpoena saber, they showed up. And we were applauded in the media for doing it. This is no different. The only difference is the media being hypocrites. If that factual situation presented itself again next week, I would vote the same way. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Thank you. Mr. DeFazio.

MR. DEFAZIO: Let me say this. I was one of the ones that went over there at the beginning. And we didn't go over --- there was only three of us at the door, a couple of us at the door. All we wanted to do was come in and see if these allegations were like the people told us. They wouldn't let us in. They wouldn't let us come in and talk to them. They stood behind the door. They said, you can't come in. So we had to leave. Then all this happened, and then it was just recently, they were on the radio talking and they said, we --- after we agreed, okay, that we're going along for now with this veto, okay, because of different reasons, and we --- and a woman was on the radio. I heard her. I was driving my car and she said, oh, they can come over anytime, Council.

So I was in the office with President Fitzgerald when he called. They didn't want to hear about it. They didn't want us coming over. They didn't want to do anything. So really and truthfully, I think this motion --- I have to vote against this motion because I

agree with the two people who spoke before me, Mr. Burn and Mr. Martoni. I don't think we could go along with this motion. Thank you very much.

(Applause.)

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: I'll defer to other Council members.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MS. REA: Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yes. I'm sorry. Ms. Rea, do you have something to say?

MS. REA: Yes.

PRESIDENT FITZGERALD: Yes. I'm going to let you jump in. Go ahead, Ms. Rea and then Mr. Ellenbogen.

MS. REA: Okay. Thank you, Mr. President. I'm listening to what everyone is saying, and I listened to testimony last week on the phone. And the issue is whether you truly believe that it was a sweatshop or you believe that no one was really given a fair hearing in it. And at the last committee meeting before it came to the full Council, I looked at the documents that were presented to me. And essentially, it's like we're acting as a government, as a judge and jury of a business and what they are doing without being presented all of the facts. And I also don't believe that a private company not doing business with Allegheny County, that we have a right to label them anything. We don't do any business with them. Every regulation or rule that was broken --- laws are protective for people who work at the steel companies. And what is puzzling to me, and I think should be puzzling to the rest of the Council, we were given a letter at the meeting before the issue went to the full Council, with the majority of the people who work at the company saying they were --- that they were not a sweatshop. So I don't understand how we then can determine, not working there, that it is. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Where do I start? I'm not as articulate as some of the attorneys up here, I guess, being a Lawrenceville street kid. You know, it may sound a little bit more crass. But let me say this. First of all, you know, I'm not going to disparage the Republican Caucus for doing this. I know they want people to be safe. I don't think that --- I think there's some issues here that I think may --- and I don't speak for them. But I think they may feel that maybe we shouldn't be the ones

looking at it, maybe other people. That being said, I know myself, I took a good beating on the radio in the last two weeks myself.

But you have to understand where I come from. I mean, I come from a long line of working people. Congressman Henry Ellenbogen, my uncle, was on the first National Labor Relations Board that gave unions the right to exist and was appointed by Franklin Roosevelt. So you can kind of understand where I come from. My father was a 249er. He was also in the police union. I could go on and on --- the railroad union, the coal miners' union. And I myself was a 1058 guy.

Now, in terms of this is a sweatshop or not, I just want to say this in terms of how the radio has kind of disparaged me. When I was a young guy, almost as young as Mike, I worked heavy construction and I was putting a ditch --- it was about 25 feet deep. And I remember the foreman saying to me, you know, you got to get down there, because my job was to set the laser, if you know anything about laying pipe. Well, I said to him --- I says, there's no shoring in this ditch. He said, well, we're in blue limestone so you don't need no shoring. Well, I'm going to be honest with you. My heart was in my throat. But when you got bills to pay and you got kids --- I was scared to death, but I was more scared of not being able to have a job. So I went in that ditch. I was in there for a while. I went to set a pipe, and the ditch started to collapse. And if it wasn't for a heavy equipment operator who saw the ditch collapsing that pulled me out of that hole by the teeth of the bucket --- I mean, he almost killed me with the bucket, but he did pull me out.

And you know, if you've ever been put in a situation where you got to choose between your job and feeding your family or maybe losing your life, I lived it. If it wasn't for that heavy equipment operator, I wouldn't be here right now to say this. When I got involved in this, I don't ever want anybody to be put in the same situation that I was put in. So when I voted on this, I voted on this because I do not want anybody's death or injury on my conscience.

Now, you know, I listened to people --- you know what's funny, too? I have a district, like everyone, over 100,000 people. Not one single person --- it's a working man's district and woman's --- called me, e-mailed me or told me I was wrong. Oh, I heard the phone calls coming

from other counties and from ritzy places. You know what? If you've ever had your life at risk, it only takes once. Have you ever had the hell scared out of you? It only takes once. So you know what? I don't have a problem saying, bring the feds in, bring OSHA in. Let somebody else look at it. I don't care about that. But I'll be damned to hell if I'm going to apologize for trying to save somebody's life, which I believe.

(Applause.)

PRESIDENT FITZGERALD: Councilwoman Green Hawkins.

MS. GREEN HAWKINS: It looks like it's suggested that we apologize for the motion a couple of weeks ago, one, because the County Executive has a different legal opinion over the law than I do, I would say. I won't speak for the rest of you, but it seems like he has a different opinion of the law than I do. Now, I'm a lawyer in my full-time life, and lawyers often disagree on things. And with all due respect to the County Executive --- I happen to like him. I even voted for him. But I still have my opinion that we were well within our right and within our jurisdiction to vote on that motion.

As far as jurisdiction goes, when we have people relying on county resources for food, medical care and shelter, when they're working in a place that may not be paying them the right wage to treat them fairly, I believe it is our business to open our mouths and speak on their behalf. They're our constituents, and they deserve better than silence when they're working in those conditions and coming to us for help. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I believe that when we voted on this, we did the right thing. We did the right thing for the safety of the working people in that plant. And it's important that we have to speak up sometimes, no matter if we have something to debate on it or not, in relation to it. It's better to air, as Councilman Ellenbogen mentioned, and save someone's life or somebody from getting disabled, than to sit and do nothing and watch it happen. And so I don't know why this motion to apologize for a strong stance like that even belongs here. People have the right to put those things up, but that doesn't make them right. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: I'm not going to revisit the substantive discussion that we had a couple of weeks ago, but I'm going to speak --- I don't think it will be crass, but it will be very frank. I think you guys screwed up legally. I hear all your comments tonight. If that's the case, you should have voted to override the Chief Executive's veto. You didn't. And where you are right now is in a legal no man's land. By not trying to override his veto, you've accepted his legal determinations as binding. So what you've done is you've accepted the fact that the bill violates the Home Rule Charter. That's a legal opinion that now you've hung around your neck. You didn't try to override it.

He also talks about the bill being derived from the anti-sweatshop ordinance. It's not a sweatshop ordinance. I want everybody to understand that. Allegheny County Council does not have a sweatshop ordinance in place. What it has in place is a competitive bidding ordinance that says if you submit a bid, you have to put a letter out saying that you're not a sweatshop. Now, I'm here to tell you, I think Allegheny County has the right to regulate sweatshops. But you haven't done it, and you're not doing it by this. What you should have done is you should have held hearings to determine whether or not you need to regulate sweatshops in Allegheny County. And Jim, that gets to the issue of the SEA. If you weren't getting the kind of information you needed, you conduct --- we tried to do last month with the Port Authority, a Councilmanic investigation with the force of subpoena. Call everybody over, swear in testimony. Now I'm here to say testimony. If either side doesn't want to pony up and come, then you subpoena and get it under oath and then you make a determination as to whether you need to have a sweatshop ordinance. You didn't do it.

You stepped outside your bounds, which is why the Republicans didn't vote on this, because if the Republicans had voted, safe to say it wasn't --- if they voted against this, they would have been making a substantive determination that it was no sweatshop. And that issue is not before Council because the only parameter was in the context of bidding. And what I tried to point out at the last meeting was you could go through this all you want. And if the next day, W&K wrote a

letter in to, I think, our Chief of Procurement saying, we're not a sweatshop, they're eligible to put up --- to submit bids. So basically what you did was you conducted a legal nullity. You got yourself in a potential legal problem and the Chief Executive didn't back you up legally, and you let his veto stand. You're in a precarious legal position here, and I strongly suggest you take this to what it was intended for.

I'll tell you why I went along with this. I'm trying to mitigate the chance of this county being sued. All right. You're familiar with the Constitution. Both the federal and state constitutions have a prohibition against a bill of attainder. Does anyone know what a bill of attainder is? And I'm not here to say that this is a bill of attainder or it's not. But basically, a bill of attainder says the legislative body does not enact a law punishing a person, which has been defined as a company --- as including a company, or a class of persons without due process of law. And unfortunately, I've heard several of you say we're not a court. Well, no kidding. If this were a court or if this were a complaint, this is what would have happened. That's right. You're not a court. You didn't conduct a court proceeding. You didn't conduct a councilmanic inquiry. You've got a due process issue here.

The Constitution --- the federal Constitution has given life for purposes of litigation by Title 42 of the United States Code, Section 1983, which basically says, if a person, which has been defined to include companies or corporations, is deprived of their rights, they can sue, and they can sue and collect legal fees. And that's the problem you've got here. You've got a potential for a lawsuit that if you lose --- even if there's no monetary damage to this company, they get their legal fees. You're in a conflict spiral here. I think you need to try to get out of that. And if you're really worried about regulating sweatshops in Allegheny County, well, then don't regulate. But you didn't do that by this, and I think you've set yourself up for some real serious liability and that's why I'm for this bill. I don't want to see the county get sued. I don't want to see the taxpayers have to pay any legal bills from a third-party plaintiff --- or a second-party plaintiff.

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

MR. DEFAZIO: Yeah. First of all, I think we want to talk about why we're here tonight. There's a motion on there to apologize. Okay. And I don't think we should do that for the reasons I mentioned. I'm going to mention one more. But as far as suing, you can sue anybody anytime you want. We're sued, like, once a month or once every three weeks. That don't mean we're wrong. I don't see us losing too many things. And we're still standing here. They can sue all they want. At the end of the day, I feel we're going to be all right.

Now, let me say one thing. If these people were right and legitimate, let me say one thing that everybody should pay attention to. Number one, we went over there real nice and wanted to talk. They said, no, we don't want to talk. Then this thing was supposedly, more or less, settled, we'll say. They were on the radio and they said, they can come over here any time. A woman was on that sounded real nice. They can come over here any time. I'm at Rich's office. He calls. They didn't want to talk. Here's my opinion. There's no real experts on safety up on this front row. No, there's not. My opinion was let's get the handful of people. I know as much or more about these bills and safety as anybody else.

These people are scared to death they'll lose their job. Naturally, they're not going to speak up against that company. The company's sitting there and they're in here. Do you think they're going to speak up? They're scared to death. They come from other countries. They're petrified. But if they would give us the right to go in with an expert --- I plan to bring an expert who really knows, people who work for OSHA and people that we can count on. Let us go in real quietly, and we can tell you what the problem is. You know what? No's the answer. So I'm not worried about these people. They can sue all day long. We'll have to fight them. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: Thank you, Rich. Remember, all we're talking about is we don't want to apologize to W&K Steel because potentially they could have been doing a bad thing. Okay. And the fact is they locked the doors on us, so we couldn't see if they were doing a bad thing. Why should we apologize to them? This has nothing to do --- my esteemed colleague makes a really good point if we were talking about something other than not

apologizing. I'm talking about not apologizing. If I was living in 1776, I would not tell Thomas Jefferson to apologize to King George for the Declaration of Independence.

(Applause.)

MR. MARTONI: There's nothing illegal about not passing this motion. I appreciate what my colleagues are doing. They're trying to keep us out of trouble, okay, and I appreciate that. No, we appreciate that. I truly believe that. You guys are a lot smarter than most of us. Okay. You had a better upbringing, probably. Okay. But the point is, I don't think we're going to be in trouble. Okay. That's it.

(Applause.)

PRESIDENT FITZGERALD: Mr. Gastgeb and Ms. Green Hawkins.

MR. GASTGEB: Thank you, President Fitzgerald. I mean, I think there's two issues here, as I see it. Back about five years ago, we all passed sweatshop legislation, every one of us up here, all 15. It was unanimous. However, I think where the path gets to be a fork in the road is that what we've passed is a contract for purchase and procurement. That's all we have any authority over. And what we do, we give it over to the Administration. As one of our speakers said, he made the claim tonight that he don't believe the Administration's following what we passed. That's where it ends. Now, if someone came to my house that had no jurisdiction over my business, I'm not going to let him in. Just because someone shows up doesn't mean they should let you in. County Council doesn't have any purview. So if someone comes to your home or your business and it's a private business, why should they let you in? It's like we have some right? We're not OSHA. We're not the federal government. I mean, what we're saying, we did right and what they did was wrong. Now, I'm looking at it the other way.

However, let me look at the other side of the coin. If you really believe in this, and the Democrats did vote 11 to nothing, why did it not override the veto? This apology is somewhat secondary. We're trying to make up for something. And whatever the reasons are, they are. They could be law right now. Thirty (30) minutes ago, it could be law. They could have just overrode the veto and the sweatshop could have stayed. Why did that not happen?

So don't get on your high horse and play these theatrics when you could have had a law and you backed away from having it. You let the communication from Dan Onorato go through with this, receive in file.

There was no sustain or override vote. Did anybody hear one? Did we go through, all of us, to sustain or override? No. Now all of a sudden they want to hang their hat on an apology. You know what? An apology is about ten percent of the issue. The other 90 percent you guys let go by because somehow in two weeks, you changed your mind. We were consistent the whole way. We don't believe this belongs in our chamber. We don't believe these people should be harassed any more than they need to be. Now, everybody else up here on stage with me, I agree with. Why wouldn't we agree with the safety issues, for God's sakes? I mean, we're not stupid. Chuck said we weren't. Right, Chuck? I'm not done.

But getting back to this, we passed a sweatshop legislation, Republicans and Democrats. Now, this has got a life of its own after that. All of a sudden, we have OSHA powers and safety powers and federal government powers and labor powers. And we're going to show up at your door, if you'll let us in, because we're County Council. We have no authority over this issue whatsoever. Thank you.

PRESIDENT FITZGERALD: Ms. Green Hawkins and then Mr. Drozd.

MS. GREEN HAWKINS: Thank you, Mr. President. I'm hearing a lot of talk about constitutional law, which I took as a 1L in law school. And when we're talking about a company being a person, I'm not sure that we should be all that concerned yet because is it clear that a company is a person in all instances? I'm not sure. I know what a bill of attainder is. I'm not sure that this would necessarily be a bill of attainder. That's a constitutional law question which is going to be up to the U.S. Supreme Court to decide. And as for my Solicitor back there, I'm sure he would love to argue this issue before the Supreme Court and win on our behalf, more than likely.

And we've talked about due process. My constitutional law professor always said that it's not always due process. Think about what process is due. And when you're talking about the right that you're trying to take away, think about the procedures that would have to

be in place before you took that right away. So you want to take away somebody's freedom, you want to take away somebody's property, then yes, you have a full-blown hearing, people sworn in and all this other stuff. But we're not talking about taking away anybody's property. We're not talking about taking away anybody's money, anybody's freedom at this point. We're just saying we don't want to do business with you at this point. And I'm not sure that we need a full-blown hearing with people being sworn in and all that when they've had plenty of opportunity since May of 2010, as my colleague said, to at least say something about the allegations. Thank you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Drozd, and then Mr. Ellenbogen. And then we'll take a vote. Mr. DeFazio?

MR. DEFAZIO: Point of order. First of all, Mr. Chairman, we have this in black and white. We're dancing all over the thing. This thing, motion of city --- motion of Council of Allegheny County to apologize ---.

PRESIDENT FITZGERALD: Yeah, let's stay on the apology. You're right. Right.

MR. DEFAZIO: That is the issue right there.

PRESIDENT FITZGERALD: You're right. You're absolutely right, Mr. DeFazio. Mr. Drozd, something on the apology?

MR. GASTGEB: Point of order. I believe the apology carries over to the situation we had two weeks ago. I believe the apology carries over that you're reluctant to override the Chief Executive. I think that's all pertinent. Now, if I want to bring it up and talk about it, I think that is on point.

MR. DEFAZIO: Point of order.

PRESIDENT FITZGERALD: Point of order, Mr. DeFazio.

MR. DEFAZIO: If that's what you think, you should have written it on this paper. You're only talking about an apology; okay? If you wanted all this other stuff, why didn't you do it?

MR. GASTGEB: Because an apology is pertinent to it. We knew you would sustain the veto. We knew you wouldn't override it.

PRESIDENT FITZGERALD: I'm going to ask Mr. Cambest to rule on it.

MR. GASTGEB: Why didn't you want to override ---?

PRESIDENT FITZGERALD: Hold on. I'm going to ask Mr. Cambest to rule on this. Let Mr. Cambest --- I'm going to ask Mr. Cambest as our parliamentarian.

MR. CAMBEST: I think we all understand that when we present an ordinance or resolution or motion, that it is to be toward one issue and one issue only.

MR. DEFAZIO: Right.

MR. CAMBEST: I understand what Vince is saying, that he believes in his mind that the apology is connected with the failure to override. I think that's a little bit of a stretch. We do have a motion to have an apology to W&K Steel. That should be the discussion purposes this evening. Now, Vince, if he wants to, can ask for a motion to override or not to override or do whatever he wants to, and get to the specific issue that way. But I think if we start talking about motions, then bringing in things that occurred in other legislative procedural forms, I think we're going to get beyond what we should be doing.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yes. I'd like ---.

MR. GASTGEB: Point of order. Mr. Drozd, would you mind if I took your turn?

MR. DROZD: Go ahead.

MR. GASTGEB: I'd like to make a motion ---.

PRESIDENT FITZGERALD: We're going to talk about this motion first.

MR. GASTGEB: Well, put me down ---.

MR. DEFAZIO: We still have a motion outstanding.

PRESIDENT FITZGERALD: We have a motion outstanding. Mr. Drozd?

MR. DROZD: No, I did ask --- and this is a matter of point of order. I did ask the Council that if Council really believes strongly about this sweatshop situation, they could override the motion ---.

PRESIDENT FITZGERALD: Mr. Drozd, we're going to stay --- Mr. Cambest just ruled. You're out of order. He just ruled.

MR. DROZD: All right.

PRESIDENT FITZGERALD: Stay on the apology.

MR. DROZD: Okay. I'd like to ask anyone here would you like to have someone from this county come into your home any time of the night and tell you your home's messy or your home's this? I'd like to ask you if you'd like to do that, if you'd want them to do that? I don't.

Wait. Let me finish. It's part of my --- please, Mr. DeFazio. You had your time.

Secondly, let me tell you this, and make no mistake. I saw some people up here speaking about the sweatshop ordinance and whatever the sweatshop --- this company. None of you --- none of you reside in the Steel Valley or the Braddock area where that plant is located and employs those people. I was born and raised in the Steel Valley. I carry the union card. I worked in all those mills; E.T., Homestead, Clairton, all them for the union railroad. I carried the steelworker's card. I saw my neighbors. I saw what happened when the steel mills closed, when they believed it wouldn't close. They needed those jobs. I saw in Lawrenceville and Heppenstall. I saw some people from outside the Lawrenceville area make a decision that killed 200 jobs for Lawrenceville, 200 jobs. I guarantee that, and I can prove it. Secondly, I was parked where I had a company who was going to come in here ---.

PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: No.

PRESIDENT FITZGERALD: Let's stay on the apology.

MR. DROZD: This is part of it.

PRESIDENT FITZGERALD: We're going to stay on the apology.

MR. DROZD: This is part of my argument, Mr. Fitzgerald. It's part of my argument. I had a company that was going to come in and employ 500 jobs, union jobs, in the armor facility. People from outside killed those jobs. Believe me, and believe me on that. I can prove that.

Lastly, I'll tell you this. As I say, I was born and raised in the Steel Valley. My neighbors were steelworkers. They wanted those jobs. They wanted those jobs very badly. This company is located in an economically deprived area. This company did employ and it does employ 50 people. There was, whether you believe or not. You know, things may change and people want to say, oh, well, they cleaned up the company. Well, attitudes don't change and the way people feel don't change.

There was a television media that went into that plant and went through the entire facility and talked to every employee in there, just about, that they wanted to,

they were open to, and no one, no one declined that company. No one criticized that company. They all said they liked their jobs and they liked working there. And they really appreciated the opportunity to feed their families.

It's not the responsibility of this Council. We're not OSHA. We don't dictate those laws. Allegheny County does not do that. It's OSHA's responsibility. And lastly, I'll tell you this. We sent a strong message out there. You sent a strong message. Someone sent a strong message that was heard all the way down into Florida, all the way down through this country, that Allegheny County is not user friendly to industry. That's right. It went on the airwaves, all the way into Florida and it was told within the Florida markets. A friend of mine called me down there. He said, what's going on up there? He saw this all over the media down in Florida, that Allegheny County --- Allegheny County called a company a sweatshop. That sends a message that companies are not welcome here.

And by the way, it affects your drivers. It affects those people that use your buses. It's the economic repercussion effect when it shows each and every time when we send that flag out there and that message out there, that Allegheny County's not user friendly, especially when a body here, this Council, starts getting involved where it does not belong. Believe me on that.

And I'll tell you right now, it hurt us. It hurt us big time. And it's going to continue to hurt us as this continues to be dragged through the news media and wherever it may be. And if we're going to continue this way and be a trial and a jury for companies here in Allegheny County, the last thing I would think --- and I know this is a fact. There are companies out there thinking right now, am I next? And there's companies that are here that maybe --- am I next? There's companies that may come in here thinking, why should I come? Because I might be next. And let me ask you this. Why do companies like Westinghouse go across the border?

PRESIDENT FITZGERALD: Mr. Drozd, let's stay on the apology. Mr. Macey? I'm going to ask Mr. Macey.

MR. MACEY: Okay. Thank you, Mr. President and members of Council. I was a boilermaker. I worked in the Duquesne Mill.

PRESIDENT FITZGERALD: I thought you had something else.

MR. MACEY: I do. Structural steel fabrication/erection. If I had an opportunity to go in that plant, and that plant was equally as good as the place I came from, I would apologize. Question on motion.

PRESIDENT FITZGERALD: We have a motion to call the question. Please call the roll.

MR. ELLENBOGEN: Who called a question?

PRESIDENT FITZGERALD: Mr. Macey made a motion to call the question. Does that need a second, Jack, or is that just ---?

MR. CAMBEST: Yes.

MR. DEFAZIO: You need a second.

PRESIDENT FITZGERALD: You need a second. Do we have a motion to call the question?

MS. GREEN HAWKINS: Second.

PRESIDENT FITZGERALD: Moved and seconded. Please call on stopping debate, to call the question, to stop debate and vote.

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: No.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: No.

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: Aye.

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: That's 10 ayes, noes 5. It fails.
PRESIDENT FITZGERALD: Please call the roll. It passed.
MR. DEFAZIO: Two-thirds. That's it.
PRESIDENT FITZGERALD: Please call the roll on the motion.
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: No.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Mr. Gastgeber?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Nay.
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: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Yeses 4, noes 11. It fails.
(Applause.)
PRESIDENT FITZGERALD: Okay. We're at the end of the meeting. I'm going to be stepping aside from the presidency at this point.

MR. DROZD: Point of order, Mr. Fitzgerald.
PRESIDENT FITZGERALD: I'm sorry. Mr. Drozd, go ahead.

MR. DROZD: I'd like to put a motion up on the floor.

PRESIDENT FITZGERALD: Make a motion.

MR. DROZD: I'd like to put a motion up to uphold the Chief Executive's veto.

MR. DEFAZIO: Point of order.

MR. DROZD: Yeah.

PRESIDENT FITZGERALD: Mr. DeFazio, point of order.

MR. DROZD: Yeah, I can do that.

MR. DEFAZIO: He talked about that before.

MR. GASTGEB: Second. We're able to put a motion up.

MR. DROZD: We can put it up. I checked with Counsel. Uphold the Chief Executive's veto on the W&K sweatshop ordinance.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved, second. I think everybody's in favor of doing it, so I'm just going to call the roll. All in favor signify by saying ---.

MR. GASTGEB: Point of order. Mr. Barker has legislation that happens to be in writing for everybody, please, for that motion.

PRESIDENT FITZGERALD: Do you have it in writing, Mr. Barker?

MR. BARKER: I do.

PRESIDENT FITZGERALD: Okay. Pass it out.

MR. GASTGEB: And I'd like it read.

MR. DROZD: Discussion. Do we have a chance to discuss?

PRESIDENT FITZGERALD: Do you want to discuss it?

MR. DROZD: Yes, sir, I do.

PRESIDENT FITZGERALD: Go ahead, Mr. Drozd. You're first.

MR. DROZD: As was pointed out, this is the time to stand up and be counted. You heard from Council members here that they said they uphold and they have no apology to this company. This is their time to show ---.

MR. BURN: Point of order.

MR. DROZD: No. They really believe --- that they really believe what they said and they told you what

they believed, then it's time for them to say they are not going to uphold the veto of the Chief Executive like we are, if they are true to their word. If they are true to their word, what they said to you tonight and to the people out here in this audience, then they have to --- have to vote against the Chief Executive's veto or they are not telling you what they believe is true. I do. I told you the truth. I'm going to vote to uphold the Chief Executive's veto. Time to stand up and be counted by this Council. If they really believe and they tell you what they believe and they back you, those of you that believe in this, then they have to vote against the Chief Executive's veto. If not, they are not telling the truth to you and not holding to what they believe in.

MR. DEFAZIO: Point of order. Who is he to tell us --- he's speaking for us. Make your vote. Vote any way you want, and the majority rules up here, not you.

(Applause.)

PRESIDENT FITZGERALD: Mr. Gastgeb, you're up. Mr. Gastgeb, then Mr. Ellenbogen.

MR. GASTGEB: The reason why there's a motion right now is because you deserve a vote of override or sustain. This is not a small issue. So it's here in writing. It's very simple. I have to ask a point of clarification. Was this bill read by Mr. Catanese?

PRESIDENT FITZGERALD: Mr. Catanese, did you read this bill?

MR. CATANESE: Motion.

MR. GASTGEB: This motion. I'd ask that you read the --- therefore ---.

PRESIDENT FITZGERALD: Read the motion.

MR. CATANESE: The entire one or ---?

PRESIDENT FITZGERALD: No, the end of it. Now, therefore, be it moved ---.

MR. CATANESE: Now, therefore, it is moved by the Council of Allegheny County that the Council of Allegheny County hereby sustains Chief Executive Onorato's veto of Council Bill Number 6190-11 entitled, a Resolution of the County of Allegheny, Commonwealth of Pennsylvania, establishing county policy with regard to contracting or otherwise doing business with W&K Steel, a steel fabrication plant located in Rankin, Pennsylvania submitted to Council on February 18th, 2011.

PRESIDENT FITZGERALD: Okay. Let me just make one comment, because I said publicly last week when the

Chief Executive vetoed it, and I was backed up by all of my colleagues who sponsored it, that we were going to sustain the veto. I said it in the news media. Other members have said the same thing. We could certainly vote on this, but we've already made that statement. So to make it again --- and we will vote on it. But I mean, to say it and vote on it and say it again, I don't see the purpose. But we could certainly go through this exercise. Mr. Gastgeb, your turn.

MR. GASTGEB: Thank you. I have no comment.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. I appreciate that. First of all, I think it's important to note that Councilman Martoni was not there with Jefferson.

MR. MARTONI: I feel like I was right now.

MR. ELLENBOGEN: But anyway, you know, I've always believed don't let the truth get in the way of a good story. And you know, the thing that really bothers me more than anything, it's how this thing has been polarized and how it's been presented and how these folks on the radio have tried to spin it because it makes good ratings. I probably would do the same thing if I was one of the talk show guys. Why not; right? Everyone's listening. People who are in unions and people who are not in unions do not want to see people get killed; right? But see, what's happened here is, instead of this thing being ---.

PRESIDENT FITZGERALD: Jim, we're going to stay on the motion to override, just to override.

MR. ELLENBOGEN: Wait a minute. You let him talk.

PRESIDENT FITZGERALD: All right. Go ahead. I'll give you ---.

MR. ELLENBOGEN: Let me finish, because it's important because I don't want to hear my name all week long without hearing the truth. So I want them to get the story right; okay? They don't want to see people who are just being hurt. Now, I don't particularly like the way, maybe, this whole thing was phrased. You know, if John DeFazio showed up at my house, I don't know if I'd let him in, either. I saw him wrestle George Steele. I mean, come on. I can understand businesses maybe, you know, wanting to bring their attorneys in because Council and Chuck Martoni, who didn't have his mask on, but he was --- but the point is --- and I have a point to this. I do

have a point to this; okay? I can understand you bringing your attorney. You're not sure. Maybe you're a little nervous, so you close it out.

But see, this is the thing that bothers me more than anything. When the guy showed up with the cameras, though, come on in. Come on in and take a look. Well, you know what? Be consistent. Why weren't you consistent in front of the media? You know, our attorneys don't want people in here. It's not safe for Councilman DeFazio, who I don't even --- I don't know if anything could hurt him. But it shouldn't be safe for the media, either. So that raises questions in my mind. You know, you want to pander to the media to make us look like a bunch of clowns and you want --- but yet you won't let these folks ask a question. So my point to this whole thing is, you know, it's about safety. It's not about whether you're for union or whether you're not for union. That's the biggest bunch of bull I've ever heard. But you know what? It's making great ratings. I may even --- who knows? People might start asking for my autograph, Rich.

PRESIDENT FITZGERALD: I might ask in a little bit.

MR. ELLENBOGEN: They've called me more names on the radio than my wife has called me in 30 years. But the point I'm saying is I don't particularly like this. And I really wish what this Council would do is if we would ask OSHA to come down and professionally, as the federal government, look at this thing and tell us --- because I don't want people saying, you know, you're not qualified to do that. Okay. I'll give you that. Maybe some of us or a lot of us, you know, we don't have that expertise. But the feds do. So let's bring the feds in. And when they tell me that they're a great shop, then maybe I might change my opinion. Thank you.

PRESIDENT FITZGERALD: I'm sensing this is a frivolous vote. This has been going on, and we basically have done it already. We've stated it.

MR. DROZD: Add me as a co-sponsor, please.

PRESIDENT FITZGERALD: Add Mr. Drozd as a co-sponsor. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. Any other motions on the floor this evening? Seeing none, it's a good way to end. It's a good way to end a 12-year career. It was a good debate. We always have good

debates. Sometimes they get a little heated. I'm going to be stepping aside now --- I'll get to that. I'm going to be stepping aside now as president. This is my last meeting. For 12 years I've been on this Council, and it's been truly one of the highlights of my life, you know, other than my children and my family. I really enjoyed this. And I must say to serve with tremendous people --- and I'm sorry Councilwoman Rea had to leave, because she's one of those people, along with my original members, John DeFazio, Chuck Martoni and Councilman Gastgeb.

When we started this new government 12 years ago, it was quite a journey we began. John was the first president and he really had his hands full because we had no Administrative Code, we had no rules, we had no nothing. We just kind of started on the blind. And a lot of people that I served with and serve with now have given their hearts and their souls to this county. And we may have good debates and we just had a good one there and we've had many over the years on assessments and smoking bans and transit, as we still do tonight. This initiative never seems to go away.

I'm going to be resigning in six days and I'm going to miss it. This is my last meeting. I don't think I should have to resign. I don't want to get political about that. But I think it's an unfair provision in the Administrative Code that requires me to do that. And so many other colleagues have been here before me have had to do the same thing. I can say that I will miss it a lot. I will miss the Tuesday night banter. I'm hoping maybe someday if things work out for me that I may be back on a quarterly basis as Mr. Robinson --- as required of the person who sits in a certain position. But we'll see. We'll see how that all plays out. But at this point, I will be stepping aside as the presidency. And per the Home Rule Charter, I believe Mr. DeFazio, the at-large member with the most votes, will sit in my chair. So Mr. DeFazio, I'll leave the gavel to you.

(Applause.)

MR. FUTULES: Chuck McCullough, I want to thank you and Richard for the three years that I've sat with the both of you.

MR. FITZGERALD: John's the chair.

ACTING PRESIDENT DEFAZIO: Let me say one thing. I want to take my 30 seconds out also. I'd like to say one thing. I was the first President, and I can say that

Rich has been the best. When I started and Rich and all of us, we had to write everything. Everything was new. We fought about everything. We have it down to more of a science. And he's been a dedicated, hard-working president, and really, we're all going to miss him. You did a good job, really good.

(Applause).

ACTING PRESIDENT DEFAZIO: Let me go down the line real quick, if you want to say a word or two.

MR. BURN: I would, Johnny. Thank you very much. Rich, I've known you a long time. When I was mayor, I first met you as I started my political career. When I talked earlier tonight, when Chief Full was here, flood waters ravaged our communities, I remember the very next day when the sun was coming up and the town was decimated, up came the county, and there you were with Dan Onorato and Chief Full, and you were instrumental in helping us recover.

And I remember when the County Council first formed. My council member was Councilman Tom Foerster. And his health was beginning to fail him and he took me under his wing as a mentor. He took me to the first dinner we put together for the newly formed County Council. I met you guys the first time. I met Mr. Roddy as our County Executive. And I saw the spirit of bipartisanship that was coming together at that time. And you were part of that.

And as we continue this caucus, as we continue this governmental body, we will have our disagreements on a variety of issues, sometimes partisan, sometimes bipartisan. But as long as we have a healthy, productive debate on moving this county in the best possible direction, I'm all about that. You have been instrumental in making that and laying that foundation for us to move forward. You're one of the originals. And I agree with Johnny. You've done an outstanding job.

I think it is unfair that we as a body are treated in an inconsistent fashion with other colleagues who do not have to resign to run. And that's the debate that we'll continue to have so that we're treated in a similar fashion. It is our loss that you have to step down because of an inconsistent and unfair rule. It's a pleasure to call you a friend. It's been a pleasure to work with you all these years. Thank you, sir.

ACTING PRESIDENT DEFAZIO: Before we go to the next speaker, let me say one thing. Some of you people may or may not know this. What I'm going to do in a few minutes is open up the nomination to fill Rich's presidency. So Matt, you're up to bat right now if you want.

MR. DROZD: Of course. I like to talk more about the personal side of a person. I'd like to talk about Rich and his family. You know, there's no more test to a human being than what their family is and what their family is like. And I look beyond --- not just to Rich, but I look beyond to his family. And I see so much love there. I don't know if you all know that he has eight kids. And in the picture that hangs down on the wall of them all at the beach, you know, those eight children --- and it's a beautiful family. His wife is a lovely person. His eight kids are just good kids. They've all done well and it's a testimony to good parenting by not just him, but his beautiful wife, his lovely wife, both inside and out. They work very hard in making sure those children are very loving and very caring.

You might want to think that maybe he has eight, that large of a family, because it's in the water, but I wouldn't say so because he's a water expert, so I don't know if we can say that in that case. But it's truly a lovely family. I've been to different functions with both him and his wife and some of his children. And you see not just Rich and his wife when they go to certain functions. They'll bring whatever kids aren't at soccer or wherever it might be. They come with them. And that's testimony of good parenting, very good parenting, a person with good character. And I must say that I look with awe and it's just a beautiful thing to see his wife, his family and the love between them.

ACTING PRESIDENT DEFAZIO: Next, if you want to say something.

MR. ELLENBOGEN: It wasn't easy for me to get on this Council. As a matter of fact, you guys even passed a law so that I couldn't serve.

MR. MARTONI: We tried, Jim.

MR. ELLENBOGEN: I know you guys tried. You know I'm bull headed.

MR. FINNERTY: We were trying to help you out.

MR. ELLENBOGEN: You know what? Now I believe you. You know what, Rich? You know, politically you and

I, we've had our battles. But being President of the Council, you know, it's easy for folks to see it takes a tremendous amount of work, a tremendous amount of dedication. And you've shown that. Regardless of how I disagree with you on some issues, you have worked tirelessly to no end. I mean, the time you put into it, I'll be honest with you, I don't know how you do it. And I respect you a lot. On a personal level, Rich Fitzgerald is a tremendous person. He really is. I mean, I've probably been his biggest headache up here, except maybe Chuck.

ACTING PRESIDENT DEFAZIO: Don't forget Matt.

MR. ELLENBOGEN: I almost did. But from a human side --- and Matt mentioned his family. I know my own daughter, who's had some health issues and who wanted to go to med school. And Rich came to me, he has a daughter that's in med school, and introduced the two of them together. And she has been a tremendous mentor to my own daughter who wants to be a doctor. And that just only shows the character of the way Rich Fitzgerald is. As a human being, I don't think you'll find a better quality person. He'll disagree with you, but he has passion the way he feels about things, and I respect his opinions. But on a personal level, you won't find a better human being, someone who will do anything for anybody. So thank you for the comments and I know I'll miss you ignoring me when I want to talk.

(Applause.)

ACTING PRESIDENT DEFAZIO: Mike?

MR. FINNERTY: Thank you. I think just about everything has been said. I mean, it's been a great pleasure serving with Rich on Council. He's taught me many things for the five years, six years I've been here, I'm not sure anymore how long. It seems it's about 30. But there's no doubt that --- what Councilman Ellenbogen said. Rich has --- he's a good character. He does things that he believes are right and he sticks to it. And I think that's important. And he's done a tremendous job here for the people of Allegheny County. And we sure will miss you, Rich.

ACTING PRESIDENT DEFAZIO: Nick, you want to say something?

MR. FUTULES: I guess I talked out of turn before. I agree. Rich, I've been here three years and you've been a good friend and a good leader of the county.

And it is a shame that the two of you both have to resign. And Chuck McCullough, you've been a good friend, too. And I've seen the differences between all of us, but at the end of the day, we're all human. And it's just a shame you guys have to step down. We'll miss all of you, that's for sure.

ACTING PRESIDENT DEFAZIO: Mr. Gastgeb, do you want to say something?

MR. GASTGEB: Thank you, Acting President DeFazio. As Rich mentioned, I'm one of the inaugural members with Rich. And the one thing that I want to bring before I make my comments is that the Charter does mandate that if we want to run for another office, we have to leave this office. We're the only elected officials that has that designation. But Rich is doing it according to the law. He's doing it with a lot of grace. And I think he should be complimented for that, because it's not an easy situation to leave something that you love for something that you believe in. As I mentioned, he's doing it with a lot of grace. And he's following the law and I think that's important.

Sometimes to me it's funny how Rich and I live ten miles apart, and we're like ten million light years away sometimes how we look at issues. But in ten years, even though I would agree he has passion, and so do I, I don't think we've ever got to the point where we never lost trust in each other, that we ever couldn't talk as adults and talk about our families and our kids. I've been out with Kathy. I remember when Tanner played baseball and my son played baseball. It was fun because I was a dad and Rich was a dad and we talked about things dads do. And I think that's a quality that Rich has.

I would also probably say that Rich and I probably agree more than most people would believe. I'm looking at this. I wrote down the Health Department. I think Rich and I really got together and formulated how the Health Department looks today. On assessments, we agreed. On numerous public safety issues, the weather, the floods. The park system is so different. We worked together on that.

And really, one of the things that I think is a legacy to Rich is that he was relentless in his stature to Harrisburg. And what does that mean? When we first started, I remember looking for my desk and I couldn't find one. I was sitting on a phone book just to get up to

a level to write. And people in Harrisburg didn't really think much of us, nor did anybody have the foresight to give us a little bit of a start. But that never deterred Rich. Rich always wanted to make sure that we were of the highest of --- I guess in the eyes of Harrisburg and even Washington. And even today he does.

And it goes back to the grace that I think he's showing right now. He wants this body to look good. And I think he's done a good job of doing that. I don't think the body looks bad because you have disagreement. Tonight there was disagreement, but I thought we looked good in doing it because it was transparent. We want to be open. We want to be honest. And Rich never stopped that. He allows debate, even though it's been hot over the last six or seven years he's been on Council. Maybe there's time he left some of us talk longer than we should have. He did it with grace the same way he's acting tonight. So to me, that means a lot. His passion and not being shy and disagreeing with others is something that I truly admire. You don't have to agree with someone for them to be your friend. So Rich, good luck to you.

ACTING PRESIDENT DEFAZIO: Amanda?

MS. GREEN HAWKINS: Thank you. As one of the more junior members on Council, I have come to know Rich as a teacher and as a mentor and as a great leader. He's been very helpful to me understanding different issues on Council. I could call Rich. Sometimes I'd pick up the phone and it would be ringing and he said hello and I'd realize it's like ten o'clock or a little after ten or something like that and I'm like, oh, sorry, Rich. I didn't know it was this late. He's like, oh, no problem. What's going on? And he's always available to talk with me about things I may not have understood too well, there to explain things, always available to offer assistance, just very, very helpful to me as a new council member negotiating this political world that we're both living in. And I'm really appreciative of that. Rich has been instrumental to my development as a council member, and for that I will always be very grateful. And I wish you the best, Rich. Thank you.

ACTING PRESIDENT DEFAZIO: Mr. Macey?

MR. MACEY: Thank you, Acting President DeFazio. I came to this Council as an appointee. Rich Fitzgerald didn't know me from Adam other than my résumé and my interview. But I think he believed in me because there

was no time wasted. He put me to work. And you know, he had no problem putting me in leadership roles. He mentored me. He leaded me in areas where it may have been somewhat controversial. And I know we had some controversial ordinances. And he'd say, Bob, you're doing the right thing. Just listen. And he taught me some very, very important rules as far as politics and actually doing the right thing for the people in Allegheny County. Good luck to you, Rich, in all your endeavors. You're a great leader. There's no question about that. And God bless you and thank you for your friendship.

ACTING PRESIDENT DEFAZIO: Mr. Martoni?

MR. MARTONI: Rich, I wish you the best in your future endeavors. I only knew a few people in the beginning on this Council. I was one of the, I guess you might call it a charter member. It was John and Rich. And Vince, I knew Vince somewhat, not as well as I do now. And I grew to like them all. Rich was a good leader.

And one thing I love about Rich, okay, no matter what it is, you could debate it. You could disagree. And you pound out something and you come up with some conclusion that works for everybody. And I truly appreciate that, Rich. You've been a good example for all of us. In fact, we became friends, actually before the Council actually organized, because the friends I have at home that went to Central Catholic, I don't hold that against them. They were classmates with Rich and they introduced me to Rich. And when this new government was being discussed, we both talked about it. And we were concerned at that time that we might be in the same districts, so we were kind of negotiating with each other where we would run and so forth.

And it's been an absolute pleasure to work with Rich. And by the way, it's a pleasure to work with all of you. We could go into a lot of disagreements, but everyone here is a really good, good councilperson. Okay. Disagreements aren't bad. Disagreements are good. I wanted to say that because we had a night of a lot of disagreement, okay, and it's not bad.

ACTING PRESIDENT DEFAZIO: Mr. McCullough?

MR. MCCULLOUGH: Thank you, John. This is the president's evening. Whatever I do or don't do, we'll know in a week. But this is your night, Rich. And I want to talk about a couple personal reflections I have on Rich.

The first time I met Rich was in the fall of 2002. I don't know if you remember or not. It was about 8:00 a.m. at a coffee shop up in Squirrel Hill with Ron Schmeiser. And at that time, I had been nominated by Chief Executive Roddy to be the second solicitor in the history of this form of government. And Rich was kind enough to meet with me because he wanted to know me. He wanted to find out about me. And ultimately, Rich was one of the people that gave me the job that I like to think was the high point of my life and my professional career, certainly my professional career. He voted and I became Allegheny County Solicitor. He was one of my bosses. That's how I viewed the members of Council. He was one of my clients. And when you represent somebody as a client, that's a special bond.

We had a lot of good times back then. I remember our discussions up at Seven Springs. I remember coming over to Council meetings. Rich was one of the guys I enjoyed seeing off duty. And Rich was one of the reasons why I wanted to come back to Council. I remember when Chief Executive Roddy lost the election, and Council reorganized in January of 2004. Rich was kind enough to invite me to the reorganization meeting. And I still have a printout of those minutes where he specifically recognized me. He didn't have to do that. I was out the door and that part of my life was behind me. But Rich made a point of recognizing me and thanking me for my efforts.

There are a couple other things that come to mind. When my father-in-law died, the very kind card Rich sent my wife. And to some extent, Rich helped launch her judicial career because he's one of the people that voted to put my wife on the Board of Assessment Appeals, the new Board of Property Assessment Appeals. And I believe that led to my wife becoming a Common Pleas judge and ultimately a Commonwealth Court judge. And I also remember Rich doing that in the height of the battles we were having over the drink tax. So whatever disagreements we were having here, he obviously didn't personalize it. And I can tell you, Rich, that was very deeply appreciated by my wife and by me.

Another thing that sticks out in my mind --- there's two other things. I was out of county service for a couple of years and I was at my son's football game at St. Louise. And somebody called me from across the field,

maybe 25, 30 yards away, and it was Rich. And you know, I always say it's a measure of how somebody feels about you when they don't make eye contact with you and they don't see you, yet they call out to you anyhow. He obviously had enough regard for me that he wanted to see me or call out to me. If he wasn't genuine in his thoughts about me, he didn't have to do that. And that always stuck in my mind.

And another thing that stuck in my mind was, again, in the height of the drink tax battle, my daughter was over here for an award for her grade school cheerleading team. And you asked her to lead the Pledge of Allegiance, Rich, and that just sort of struck me because it was a particularly kind courtesy thing to do.

People don't really understand how you can fight like hell up here, yet love each other outside of this. Rich and I have had our political disagreements. I think you all benefit from that. You wouldn't want a county council that is strictly governed by Rich's point of view, my point of view or anybody else's. That's called a crucible of debate. I believe Rich's advocacy for his position brought out the best in me. I think it made me a better councilman. I like to think that I tried to bring more out of Rich. I think it heightened the debate. It sharpened the arguments. It framed the issues better for all of you. I think of you, Rich, as my Joe Frazier to my Mohammed Ali. I'll let it go at that, Rich. But again, I want to thank you for the personal courtesies you extended my family. I want to thank you for giving me the opportunity to serve Allegheny County as Solicitor. And I want to thank you for your being a colleague and a good colleague here on County Council.

ACTING PRESIDENT DEFAZIO: Mr. Palmiere?

MR. PALMIERE: Thank you, Acting President.

Being the new kid on the block here, just a little over a month, I can't convey my feelings about Rich here as well as I would like to because he's too professional and he's made me feel comfortable and helped me in every way possible. When I took this seat that night, I was so nervous. When he said to me, would you like to say anything, I wanted to fall on the floor and just pass out right there. I was a nervous wreck, but he calmed me down. He said, John --- you know, he made me feel welcome. He's helped me to understand what this Council is truly all about.

And it's a pleasure to serve with good people and it's a privilege to serve with good people. And that goes for everyone on this Council here that I've come to know over these past --- and our staff. We have a wonderful staff here. And Allegheny County, ladies and gentlemen, is in good hands. These are good people. And Rich, you were one of the top people here. We're going to miss you. And I wish you the best and your family and everyone in your future endeavors.

ACTING PRESIDENT DEFAZIO: Mr. Robinson.

MR. ROBINSON: Thank you, Mr. Acting President. As Rich knows and all the members of this Council know, I'm a stickler on process, procedure and protocol. This Council does have in place a protocol where we recognize and honor past members. I'll save my more generous comments for when Councilman Fitzgerald returns to us and receives the accolades that are deserving of him and has an opportunity to bring his family. We have at least two other important items on our agenda. I don't want to detract from that. But I look forward to Rich's return with his family. Thank you, Mr. Acting President.

ACTING PRESIDENT DEFAZIO: Okay. At this time, we are going to have nominations for someone to take the presidency, so I will open up nominations. Does anybody ---?

MR. FUTULES: John, I think you need a motion.

ACTING PRESIDENT DEFAZIO: No, no, no. You don't need a motion.

MR. MARTONI: I would like to nominate Jim Burn to be President of County Council.

MR. MACEY: Second.

ACTING PRESIDENT DEFAZIO: No, you don't need a second either. Okay. Is there any other nomination?

MR. ELLENBOGEN: Yeah. I'd like to nominate John DeFazio.

ACTING PRESIDENT DEFAZIO: No, I wouldn't accept it. I don't want it at this point.

MR. ELLENBOGEN: I still can nominate.

ACTING PRESIDENT DEFAZIO: No. You have to accept it.

MR. MCCULLOUGH: I'd like to nominate Matt Drozd.

ACTING PRESIDENT DEFAZIO: Matt Drozd. Okay. I wouldn't accept it, so we'll be having ---.

MR. ELLENBOGEN: Yes, he did.

ACTING PRESIDENT DEFAZIO: At this point, we have Mr. Fitzgerald and Mr. Drozd. Is there any other nominations?

MR. FITZGERALD: All those kind words, John, I think I am going to come back. Never mind. I'm not ready.

ACTING PRESIDENT DEFAZIO: Everybody loves one another.

MR. ELLENBOGEN: I second Mr. Fitzgerald's nomination.

ACTING PRESIDENT DEFAZIO: Okay. I'm sorry. Mr. Burn and Mr. Drozd. Is there any other nominations? Going once. Going twice. Seeing no more, nominations would be closed.

MR. PALMIERE: I was going to make a nomination that --- a motion that the nominations can close.

ACTING PRESIDENT DEFAZIO: No. You don't have to. Would the clerk please call every Councilperson for their vote?

MR. CATANESE: Mr. Burn?

MR. BURN: Jim Burn.

MR. CATANESE: Mr. Burn votes for Jim Burn.
Mr. DeFazio?

ACTING PRESIDENT DEFAZIO: Jim Burn.

MR. CATANESE: Mr. DeFazio votes for Jim Burn.

ACTING PRESIDENT DEFAZIO: I thought you were calling me again. I get two votes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Matt Drozd.

MR. CATANESE: Mr. Drozd votes for Matt Drozd. Mr. Ellenbogen?

MR. ELLENBOGEN: If I can't vote for John DeFazio, I'm abstaining.

MR. CATANESE: Mr. Ellenbogen abstains.
Mr. Finnerty?

MR. FINNERTY: Jim Burn.

MR. CATANESE: Mr. Finnerty votes for Jim Burn. Mr. Futules?

MR. FUTULES: Jim Burn.

MR. CATANESE: Mr. Futules votes for Jim Burn. Mr. Gastgeb?

MR. GASTGEB: Matt Drozd.

MR. CATANESE: Mr. Gastgeb votes for Matt Drozd. Ms. Green Hawkins?

MS. GREEN HAWKINS: Jim Burn.
MR. CATANESE: Ms. Green Hawkins votes for
Jim Burns. Mr. Macey?
MR. MACEY: Jim Burn.
MR. CATANESE: Mr. Macey votes for Jim
Burn. Mr. Martoni?
MR. MARTONI: Jim Burn.
MR. CATANESE: Mr. Martoni votes for Jim
Burn. Mr. McCullough?
MR. MCCULLOUGH: Matt Drozd.
MR. CATANESE: Mr. McCullough votes for
Matt Drozd. Mr. Palmiere?
MR. PALMIERE: Jim Burn.
MR. CATANESE: Mr. Palmiere votes for Jim
Burn. Ms. Rea?
MS. REA: (No response.)
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Councilman Jim Burn.
MR. CATANESE: Mr. Robinson votes for Jim
Burn. Mr. Fitzgerald?
MR. FITZGERALD: Jim Burn.
MR. CATANESE: Mr. Fitzgerald votes for Jim
Burn.
ACTING PRESIDENT DEFAZIO: Would you please read
the ---?
MR. CATANESE: The vote total for Mr. Jim Burn
is 10, Mr. Matt Drozd is 3, and we had one abstention.
Mr. Burn.
(Applause.)
ACTING PRESIDENT DEFAZIO: Rich, you want to
come back over and lead the meeting?
MR. MCCULLOUGH: No. Jim has it.
PRESIDENT BURN: Thank you, everyone. For those
who voted and those who abstained, I look forward to
working with the entire body for the remainder of this
term. Again, like Chuck said, Rich, this is your night.
I can't wait for you to come back and --- so we can heap
more praise on you. You deserve the praise for the great
work that you have done in your term. Thank you so much
for your leadership. Notification of contracts.
MR. CATANESE: None.
PRESIDENT BURN: Public comment on general
items. Calvin Clinton?
MR. MCCULLOUGH: Excuse me. Personal privilege,
Mr. Burn?

PRESIDENT BURN: Yes, sir.

MR. MCCULLOUGH: May I be excused?

PRESIDENT BURN: Yes, sir.

MR. MCCULLOUGH: Thank you.

PRESIDENT BURN: Public comment on general items. Calvin Clinton, followed by Calvin Hughey.

MR. CLINTON: My name is Calvin Clinton. I'm president of the African American Workers Union. I live at 105 Elena Court, Pittsburgh, PA, 15201.

On August 11, 2010, our union, which is a nondiscriminatory union, formally requested via certified letter to Dr. Alex Johnson of CCAC, its president, that the AAWU, the African American Workers Union, become signatory to the project labor agreement to build the K. Leroy Irvis Science Center. Upon receiving no response, we wrote the then Chairman of the Board of Trustees, Mr. Thomas Santone, via certified mail on September the 7th, 2010. And again, we received no response --- no written response. On January 11th, 2011, we wrote to Dr. Alex Johnson again and carbon copied the current president of the Board of Trustees and County Councilman, Bill Robinson, via certified letter to reiterate our request, and to this day, we have received no written response.

It is clear to us that the leadership of CCAC discriminatorily does not want our union and its membership to participate of the building of the K. Leroy Irvis Science project. It is clear to us that they are doing the bidding of others who raciously believe that this County that no black-founded union or its membership is allowed. This is a shameful display of blatant racism and discrimination. It is contrary to the ideals, life and legacy of K. Leroy Irvis, this nation's law. We request that the County Council intervene and affirm that this County of Allegheny not only espouses equality, rejects sweatshops under the law, but it practices it. Thank you very much.

PRESIDENT BURN: Thank you, Mr. Clinton. Calvin Hughey, followed by Lillian Mosley.

MR. HUGHEY: My name is Calvin Hughey. I live at 3528 McClure Avenue, Pittsburgh, PA, 15212. I am the Board President of the African American Workers Union. Members of Council, I'm here to address the blatant and intentional exclusion by the county to recognize the AAWU as a union of the City of Pittsburgh, more specifically, to recover materials that were taken from our organization

as a result of occurrences arising from the Sanders Decree, 1994.

Please consider the background in your relationship between the county and the AAWU. Back in 1994, the County was found to be discriminatory in historic and systematic racial segregation in the county's public housing. This resulted in the Sanders Consent Decree. As a result, the county was put in charge of the administration of funds, which represents a conflict of interest. The AAWU was secured to be responsible in part to help rebuild the community with the use of CDBG funds.

Soon after the county made a fallacious assertion of misappropriation, which resulted in the disruption of our program by taking all of our funding, our equipment, our training materials, our tools and our building, everything that we needed to become a successful operation. In short, the county tried to destroy us. Eventually it was determined by the Federal Bureau of Investigation that, in fact, the AAWU did not misappropriate any of the funds that it was placed in charge of, and was completely exonerated of those charges.

Instead of acknowledging this and making uniform restitution, the county completely ignored this fact and continues not to recognize the union. We need to have returned to us all materials, tools, building and everything that was taken from us which is rightfully ours. This is the dawn of a new millennium. It's time to join with the rest of the world in the new ways of doing things. Take a look at the construction sites around the city and you can see with your own eyes how much we are underrepresented. We need to be restored and made whole. We have lost ten years of development. And we demand what is rightfully ours. Thank you.

PRESIDENT BURN: Thank you, Mr. Hughey. Lillian Mosely? Lillian Mosely?

AUDIENCE MEMBER: Lilly, not William.

PRESIDENT BURN: I said Lillian with an L. Not here? George Woodson, followed by Dr. Alfred Brown.

MR. WOODSON: Good evening. My name is George Woodson. I'm secretary/treasurer for the African American Workers Union. I have many confidential documents in my files made up of financial reports, forms, labor management forms, community benefit agreements, project labor agreements, the like. And our union was not included in many of those agreements. And so the several

financial reports I have filed have been very insignificant.

There is a project labor agreement I am here to talk about, the project labor agreement between the K. Leroy Irvis Science Center, Community College of Allegheny County and Pittsburgh Regional Building and Construction Trades Council. We have sent e-mails, letters, phone calls requesting to be included as a signatory to this agreement, and as of yet, no one has returned our phone calls, CC'd of e-mailed or returned any of our letters. This is a total lack of respect towards our union and to the hundreds of African American laborers who we represent. To make matters worse, we are constituents of some of the members who are part of the aforementioned PLA.

People who are a part of this Council, we'd like to know if these individuals want to go on record as being biased and discriminatory towards our union. And we are here to ask what is the City Council willing to do to prevent such neglect in future events? If this Council is not biased, and in good faith, includes the AAWU as a signatory also on the K. Leroy Irvis Science Center project, so Mr. Irvis will not roll over in his grave.

The City of Pittsburgh can be a shining example of correction of the deep-seeded racism in this country. We are not asking for free apprenticeship programs. We don't want to just help out. We want our young men and women to go on and become the young journeymen, master craftsmen that they so richly deserve. Let City Council find answers to these important issues. Simply put, it's time to fry the bacon in the Davis Bacon Act of 1934. Thank you.

PRESIDENT BURN: Thank you, Mr. Woodson. Dr. Alfred Brown? Dr. Brown, are you here tonight? Dr. Brown will be followed by Caesar Jones. Doctor?

MR. BROWN: My name is Dr. Alfred Brown. I live at 242 Robinson Street, 15213. In your comments concerning W&K's response to you, I deduce that the term clean hands, which is a legal term meaning when you come to court, you ought to have clean hands if you're looking for justice, and I believe that this Council should have clean hands also. You cannot call W&K a sweatshop because of the treatment of their people and then treat the African American Workers Union as you have treated us.

I'm here today to ask my representative, Mr. Bill Robinson, to introduce a bill that would say that the County Council and its community college will no longer discriminate against the African American Workers Union, and that by March 8th or before, have a meeting with our community that we can be signatures to the --- sir, when you were talking, I wasn't talking. Councilman.

MR. DEFAZIO: Ellenbogen.

MR. ELLENBOGEN: Sorry.

DR. BROWN: Thank you. That we are to be a signature to project labor agreement. Your former president mentioned how dedicated he was to labor. I think he said a good friend or great friend over the 12 years. The African American Workers Union is a labor union also. And that we expect to have the same respect that has been given to those who are signature to the project labor agreement. Today is the time to do. The time is now.

PRESIDENT BURN: Thank you, Dr. Brown. Caesar Jones? Caesar Jones? I have Caesar Jones listed as a speaker.

AUDIENCE MEMBER: Mr. Jones, he's 89 years old, one of our instructors, plumbing instructor, 58 years as a master plumber. And he was kind of wore out by your proceedings, so he had to go home.

PRESIDENT BURN: Hopefully he can come back again if he wishes to speak on these issues here. Always welcome. Motion to adjourn? I'm sorry. My apologies. Margie Rose? Christopher Jones? Mr. Jones?

MR. JONES: Good evening. My name is Christopher Jones. I live at 7413 Schoyer Avenue, Swissvale, PA, 15218. I'm a proud Board member for the African American Workers Union. I'm 25 years old and I'm also an Iraqi war vet. I have a dream to live the American Dream. I have a household, a family, have a prevailing wage, raise my kids, go to good schools. And I'm not the only one of my kind. I'm the youngest Board member for the African American Workers Union, and it seems like today I'm the youngest person here all day. There's a lot more people out there like me. My question for Mr. Robinson is, what is your position on African American Workers Union being a part of the project labor agreement for the K. Leroy Irvis Science Center?

PRESIDENT BURN: This is an opportunity for public comments, sir. The Councilman is not obligated to

answer the question, but it's up to the Councilman. But at this point, you're invited to say a few words. If the Councilman doesn't wish to answer your questions, that's his prerogative, sir. If you wish to continue to speak, you still have the floor.

MR. JONES: I guess I'm here to get answers for some of my issues and the issues that are dealing directly with --- you know, directly with the City of Pittsburgh and the young African American people in this city in a broad way. If I can't have those questions answered, then there's no need for me to speak. I feel disrespected in a way. I mean, I understand there's certain ways that these proceedings go, but ---.

PRESIDENT BURN: But this is not the only opportunity for you to come and voice concerns. This is an opportunity for public comment. This is not an opportunity for interaction with the body, but that doesn't mean that you are precluded from interacting with the body through other means. And we would be willing to share with those other means in which you can address your concerns and interactively respond in a productive fashion. This is the opportunity to say in a nonrebutted fashion what is on your mind and what interests you. And we very much, sir, want to hear what you have to say. So please, go ahead. You have the floor.

MR. JONES: The African American people in this City have been treated unfairly. I've witnessed it growing up. My father has gone through many struggles trying to take care of his family. And I know why. It's because of people who look at the African American Community like a stray dog instead of with respect like human beings deserve. I'm done.

PRESIDENT BURN: Thank you, sir. Nathan Bunn? Fiorillo Bernard? No? Neither one of those speakers is here?

MR. ELLENBOGEN: Mr. President?

PRESIDENT BURN: Yes, sir.

MR. ELLENBOGEN: Point of personal privilege?

PRESIDENT BURN: Yes, sir.

MR. ELLENBOGEN: I just wanted to make a clarification of something that one of the speakers had said. And it was that this body had --- and I don't want to --- I'm just paraphrasing, but this body in some way has disrespected and treated this union any different than any other union. I think what's important here is the

Community College is not governed by this Council. It's governed by a Board of Directors. I am not part of that Board of Directors, as are most of the Councilmen on this Council. We would be more than willing, I'm sure, to help you in any way we can, but I think it's unfair for us to be cast in a way that we have disrespected you in any way, because the truth of the matter is this is the first this was brought to my attention. And again, I say, those decisions are made by the Board of CCAC. So just as a clarification.

PRESIDENT BURN: Sir, at this point, let's continue the conversation afterwards. This is the beginning of a process. We'll continue to have a process. Things are being brought to some of our colleagues' attention for the first time. We will continue this dialogue, sir. Councilwoman Green?

MS. GREEN HAWKINS: Thank you, Mr. President. I know that they've been told by a board --- for example, the Port Authority. We can also bring them in and have them answer questions, so why couldn't we bring in the CCAC Board to also --- I mean, it's just a thought, because some of these allegations deserve some attention, from my perspective. I'd be interested in hearing what CCAC has to say in response to this.

PRESIDENT BURN: The Chair would ask, what's the pleasure of the body? Would you like to invite the Board over and have a conversation?

(Chorus of ayes.)

PRESIDENT BURN: Okay. We will work that out and we'll follow up with you and we will have that conversation. Yes, sir. Thank you for bringing it to our attention. I think the analogy of the Port Authority is an outstanding analogy. Is there a motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

PRESIDENT BURN: Meeting adjourned.

MEETING ADJOURNED AT 8:15 P.M.

CERTIFICATE

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


Court Reporter