

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

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

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

Tuesday, November 15, 2011 - 5:00 p.m.

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

IN ATTENDANCE:

James Flynn - County Manager
Michael Wojcik - County Solicitor
Joseph Catanese - Director of Constituent Services
Jared Barker - Director of Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT BURN: Good evening, everyone. I'd like to welcome all of you to the regularly scheduled meeting of the Allegheny County Council scheduled for Tuesday, November 15th, 2011. I'd like to thank my colleagues and our guests for being with us today at this time. I would ask all of you to rise and join us for the Pledge of Allegiance, followed by a moment of silent prayer and/or reflection.

(Pledge of Allegiance.)

(Moment of silent prayer and/or reflection.)

PRESIDENT BURN: Thank you. Please call the roll.

MR. CATANESE: Ms. Danko?

MS. DANKO: Here.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

(No response.)

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Mr. Gastgeb?

(No response.)

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Present.

MR. CATANESE: Mr. Kress?

(No response.)

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rea?

(No response.)

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Burn, President?

PRESIDENT BURN: Here.

MR. CATANESE: Eleven (11) members present.

PRESIDENT BURN: Proclamations and Certificates.

MR. CATANESE: Proclamation congratulating the Allegheny County Economic Development Department and Allegheny Places for earning the American Planning Association's 2011 Daniel Burnham Award for a Comprehensive Plan. Sponsored by Council members Finnerty, Burn, Danko, DeFazio, Drozd, Ellenbogen, Futules, Gastgeb, Green Hawkins, Kress, Macey, Martoni, Palmiere, Rea and Robinson.

PRESIDENT BURN: Mr. Finnerty.

MR. FINNERTY: Thank you, Mr. President. If Kay Pierce, Lynn Heckman and Christine Goswick would please come up and join me, this is a big part of our Economic Development Department here. I'd just like to say a few words. Allegheny Places is quite a phenomenal document. It was years in the making, with a lot of pain, crying and suffering on everybody's part. And it has received an award, and it should receive an award. It is a great document. It will help all of the municipalities and industries as they expand in Allegheny County. And I'd just like to read the proclamation now.

WHEREAS, Allegheny Places, adopted on November 5th, 2008, is Allegheny County's first comprehensive plan; and

WHEREAS, Allegheny Places provides the county with a framework for strategic use of public resources to improve the quality of life for all residents; and

WHEREAS, while counties are required by Commonwealth law to adopt a comprehensive land use and growth management plan, Allegheny Places meets and even exceeds those requirements; and

WHEREAS, Allegheny Places was recognized by the American Planning Association as a dynamic document and website guide for extensive public outreach, including a highly successful, What's Your Favorite Place campaign; and

WHEREAS, it is fitting and proper that Allegheny Places, a truly impressive comprehensive plan, was honored by the American Planning Association with the 2011 Daniel Burnham Award for a Comprehensive Plan, and awarded with honors, the great American planner and architect, Daniel Burnham.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council does hereby congratulate the Allegheny County Economic Development Department and Allegheny Places, the Allegheny County comprehensive plan, for

earning the 2011 Daniel Burnham Award for a Comprehensive Plan. Furthermore, this Council celebrates the creation of Allegheny Places for establishing a sustainable developmental plan for Allegheny County. This is sponsored by Allegheny County, all of Allegheny County and presented the 15th day of November, 2011. Congratulations.

(Applause.)

MS. PIERCE: Well, thank you, everybody, for this award. It's a great honor and the honor goes to all the citizens of Allegheny County, as well. This is their plan. They've hung in there with us through the process that was very eloquently described by Mr. Finnerty. And without their input, Allegheny Places would not be the plan that it is, so I thank you.

(Applause.)

MS. HECKMAN: We enjoyed having a vision and a plan that included equity and diversity, the first plan that did that in our state. And we're really pleased to be implementing the plan right now. I work in the transportation section, mainly. Kay and Chris are real busy implementing other sections of the plan, and we're happy to say that many others in the county are doing that, too, and so are the municipalities.

(Applause.)

(Pictures taken.)

PRESIDENT BURN: 6603-11.

MR. CATANESE: Let the record show that Councilwoman Rea and Councilman Gastgeb and Councilman Drozd are present. Proclamation recognizing Mr. Joseph F. Gurcak for his 42 years of dedicated service to Allegheny County. Sponsored by Council members Palmiere, Ellenbogen, Finnerty, Macey and the County Treasurer.

MR. PALMIERE: Good evening, everyone. Thank you, Mr. President. We're here tonight to honor one of our own, Joseph Gurcak, for his 42 years of dedicated service to Allegheny County. I wanted to also --- I want to recognize this gentleman on my right here, Mr. Weinstein, who is the Treasurer of Allegheny County. Welcome.

MR. WEINSTEIN: Good evening, ladies and gentlemen. As Councilman Palmiere mentioned, I'm the Treasurer of Allegheny County. It's always a pleasure to be here in front of Council. This is a great evening for me to stand here and tell you that I have had the pleasure

of working with this gentleman for 19 years that I've been in the Treasurer's Office, but 12 as the Treasurer. For 42 years, this courthouse has been Joe Gurcak's home away from home. I was five when he started, just to put that into perspective for you. He served under four treasurers, Dr. Ed Cook, Jay Costa, Mary Alice McDonough and myself. So he has a vast array of experience, and it was difficult for us to let him go. But there comes a time in everyone's life that you have to say, the next chapter of his life has opened and the opportunity presented itself. His wife, Donna, is here, his daughter, Jenna (phonetic), and his son, Gregory; and his mother-in-law, Virginia, is also here.

But it was a pleasure to work with Joe. He was a consummate professional. Under his physical leadership, we have never lost one penny of County money. Joe was the chief fiscal officer in the county and responsible for investing the money in our portfolio every day. He worked very closely with my deputy, Janice Vinci, who's also here this evening, and Shawn Morgan from my office. Every day he was responsible for ensuring that the taxpayers' money was accounted for down to the penny. And it was an honor to work with him. I can't stress enough how valuable he was as an employee. And for over four decades, the taxpayers of Allegheny County got their money's worth with Joe Gurcak.

So with that being said, I'm honored to be here tonight and to share the proclamation with the other Council members and to wish Joe well and to thank him --- sincerely thank him from the bottom of my heart and on behalf of the taxpayers of this county, for the great job that he did. Thank you.

(Applause.)

MR. PALMIERE: Joe, on behalf of Allegheny County Council, I'm going to read this proclamation, if you don't mind.

WHEREAS, Allegheny County is blessed with individuals such as Joseph F. Gurcak, who has placed his standing of character and hard work throughout the community as both a public servant and a strong leader; and

WHEREAS, Mr. Gurcak, a resident of Whitehall, began his career with Allegheny County in 1969 as a part-time employee, which eventually led to a full-time

position as Chief Investment Officer in the Treasurer's Office; and

WHEREAS, in his role as Chief Investment Officer, Mr. Gurcak served as a watchdog for taxpayer dollars, managing millions of dollars of cash for Allegheny County; and

WHEREAS, upon his well-earned retirement, Joe will be free to spend more time with his wife, Donna, and their two grown children, Gregory and Jenna.

NOW, THEREFORE, BE IT RESOLVED, that the Allegheny County Council does hereby recognize and commend Mr. Joseph F. Gurcak for his 42 years of unparalleled dedication and commitment in serving Allegheny County. This Council joins his family and friends in celebrating this momentous occasion with him and wish him the very best. So on behalf of my colleagues and everyone here tonight, Joe, congratulations, and I wish you the best.

(Applause.)

PRESIDENT BURN: Before you speak, a couple of our colleagues, Mr. Drozd and Mr. Ellenbogen, would like to say a couple things.

MR. DROZD: Joe, I apologize. I missed this somehow, and jeez, 42 years. One of my colleagues up here just said, when you were here, you were always working. I mean, you were always on the run. And I'm really going to miss that.

MR. GURCAK: Thank you.

PRESIDENT BURN: Mr. Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. I had the fortunateness to work with Joe when I worked in the Treasurer's Office. And this is the first time, as long as I've ever known Joe that he wasn't actually working. I just wanted to wish you well and congratulate you. One thing the Treasurer did say, that the taxpayers got more than their money's worth. I could never understand why I got paperwork that kind of had a little lunch on it. You didn't stop to eat lunch. Congratulations on a career and a job well done. Thank you.

MR. GURCAK: Thank you, Jim.

PRESIDENT BURN: Please add me as a co-sponsor. Sir, congratulations and thank you so much for your great work.

MR. GURCAK: Thank you.

PRESIDENT BURN: John is a great Treasurer, and I know from having great staff in some of the offices I hold, you're only as good as the folks that work with you. John is an outstanding leader, but you have helped to make that office an outstanding office. Best of luck.

MR. GURCAK: Thank you very much. I want to thank Council and John Weinstein for inviting me today. Words really can't express how I feel at this moment, and I will cherish this moment for the rest of my life. Thank you very much.

PRESIDENT BURN: Thank you.

(Applause.)

PRESIDENT BURN: Please add Ms. Danko and Mr. DeFazio, as well. Does anybody not want on? Please add the entire body as co-sponsors, and thank you.

MR. PALMIERE: And just as a personal note, I've come to know Joe and his family over the past few years, and he has a wonderful family. And I'll tell you this, and I mean this sincerely, if the Good Lord said to me, you've got to pick out a father and I'm just going to be raised by someone, Mr. Gurcak would be my first pick. And that's how highly I think of Mr. Gurcak and his family. Thank you very much for coming on over here, Joe.

(Applause.)

MR. GURCAK: Thank you. Thank you very much.

(Pictures taken.)

PRESIDENT BURN: The remaining proclamations and certificates shall be read into the record.

MR. CATANESE: Let the record show that Mr. Kress is present. 6604-11. Proclamation congratulating the Gemilas Chesed Synagogue of White Oak upon its 125th anniversary. Sponsored by Councilman Macey.

6605-11. Certificate of Achievement honoring Philip Thomas Washy of Boy Scout Troop 368 for earning his Eagle Scout ranking. Sponsored by Councilman Drozd.

6606-11. Certificate of Achievement honoring Benjamin J. Grassi of Boy Scout Troop 210 for earning his Eagle Scout ranking. Sponsored by Councilman Palmiere.

6607-11. Certificate of Achievement honoring Gabriel Trey Gaspar of Boy Scout Troop 36 for earning his Eagle Scout ranking. Sponsored by Councilwoman Rea.

6608-11. Certificate of Achievement honoring Emma Trombetta, of Girl Scout Troop 50310 for earning the Silver Award. Sponsored by Councilman Finnerty.

6609-11. Certificate of Achievement honoring Natalie Zinski of Girl Scout Troop 50310 for earning the Silver Award. Sponsored by Councilman Finnerty.

6610-11. Certificate of Achievement honoring Sravanthi Chintakunta of Girl Scout Troop 50310 for earning the Silver Award. Sponsored by Councilman Finnerty.

PRESIDENT BURN: Public Comment on Agenda Items.

MR. CATANESE: We have none.

PRESIDENT BURN: Approval of Minutes.

MR. CATANESE: We have none.

PRESIDENT BURN: Presentation of Appointments.

MR. CATANESE: We have none.

PRESIDENT BURN: Unfinished Business.

MR. CATANESE: We have none.

PRESIDENT BURN: Liaison Reports. Any liaison reports? Mr. Macey?

MR. MACEY: Thank you, Mr. President, and members of Council. The Allegheny County Airport Authority Finance Department received a Certificate of Achievement Excellence Award for its 2010 Comprehensive Annual Financial Report. They do a pretty good job with their finances. Also, Allegheny County Airport Authority is accepting statements of qualifications from firms interested in providing consulting services related to developing the PIT Connector Regional Air Service Plan, on behalf of the Pennsylvania Air Service Committee of the Pennsylvania Bureau of Aviation. We're growing.

And on another positive note, passengers have increased by four percent this third quarter, as compared to the third quarter of last year. Thank you.

PRESIDENT BURN: Thank you, Councilman. Mr. Finnerty?

MR. FINNERTY: Just the Steamfitters Local Union 449 is opening an apprentice program. If you are interested in that, you can give them a call or write them a letter. I'm trying to find out the number on here, but they don't have it. Oh, here it is. It's 412-481-0333, and they're located on 1459 Woodruff Street, Pittsburgh, PA, 15220. It's right outside of the Fort Pitt Tunnels, actually.

Also, Western Pennsylvania Construction Laborers Joint Apprenticeship --- Training Program is opening up. And if you would like to apply for that, you can call

1-800-442-8868. And they're located on 317 Deer Creek Road, Saxonburg, PA, 16056. And that's all.

PRESIDENT BURN: Thank you. Any other liaison reports? At the last meeting, several of my colleagues had asked that we invite the Director from the Public Defender's Office, Michael Machen, to come to speak to us, because we --- to answer some questions and address the concerns my colleagues had about recent reports and studies that we had seen regarding how the Public Defender's Office has been run. In that regard, Mr. Machen was notified by our body to please attend tonight. He was kind enough to send me a letter indicating that because of some other commitments, he was not able to attend, but that he would be free and willing to make himself available at a future date to answer any questions any of us may have of him. So I wanted to alert my colleagues to that. Councilwoman Green and Councilman Robinson will try and sponsor the motion. Is there anything you'd like to do this evening, or is there anything you'd like me to do as we move forward?

MS. GREEN HAWKINS: May I?

PRESIDENT BURN: Sure.

MS. GREEN HAWKINS: Thank you, Mr. President. We also ask that the County Executive and the County Manager also appear to answer some questions as well.

PRESIDENT BURN: Mr. Flynn is here. Mr. Flynn, would you --- do you want Mr. Flynn to come up?

MS. GREEN HAWKINS: Yes, please.

PRESIDENT BURN: Mr. Flynn, thanks for being with us.

MR. FLYNN: Glad to be here.

PRESIDENT BURN: Yes, sir. Ms. Green?

MS. GREEN HAWKINS: Thank you. And thank you, Mr. Flynn, for coming. We all have seen reports in the paper about the running of the PD's Office, but we're trying to really understand what's going on, how we can best work with that office to do what's best for the people of Allegheny County. So in trying to understand everyone's role, so that we're all, I guess, on the same page, to start, for identification, could you describe what your role is with regards to the PD's Office, the Public Defender's Office?

MR. FLYNN: Sure, I'd be glad to. My role is the County Manager and as such, the Chief Public Defender, Michael Machen, reports to me.

MS. GREEN HAWKINS: And is there a process for evaluating the efficiency or effectiveness of that office? Do you have one?

MR. FLYNN: Well, there's not a formal process. I think everybody read the articles. Several years back, some issues were raised to my attention which were constitutional issues, so we take that very seriously, the mission of the Public Defender's Office. We commissioned a study by an independent third party to make --- to look at it. It took several months to prepare, and the study was issued. This was back in 2008, I believe. At the end of 2008, beginning of 2009, the report was issued. We took the recommendations to heart and implemented many of those recommendations.

MS. GREEN HAWKINS: And when was that implementation done?

MR. FLYNN: That's been ongoing since the report, since prior to the issuance of the report.

MS. GREEN HAWKINS: And was there a method for evaluating the effectiveness of all the implementations? Was there an annual review, periodic review, to see if things were running smoothly or could run better?

MR. FLYNN: I think there are --- I meet with all the directors monthly, if not twice monthly; if not, you know, as the need arises. So that's a constant process where we talk about the progress of what we are trying to accomplish in the PD's Office.

MS. GREEN HAWKINS: Okay. So you did that with this office, in particular?

MR. FLYNN: Yes.

MS. GREEN HAWKINS: Okay. And can you describe what issues or concerns or problems were brought to your attention during this periodic review?

MR. FLYNN: Well, during the periodic reviews and primarily stemming from the report, the issues were several different categories. Management style was one. It was widely reported. Staffing, in the early part of this administration we were under a Consent Order that, I think, is the Doyle case. I think that's the Consent Decree. We were successful in leaving that behind us and moving forward. So we were released from the Doyle Consent Decree. There were facilities issues that were raised in the report that have been addressed. There was a centralized case management system that was addressed also. But those are just some of the highlights.

MS. GREEN HAWKINS: Okay. With regards to the staffing, were there any issues regarding supervision? One of the allegations --- big allegation in the report had to do with public defenders not showing up for court, allegations that they were unprepared, allegations that they misplaced files.

MR. FLYNN: You know, I think prior to the implementation of the case management system --- it's a paper intensive business so there probably were some lost files. As far as public defenders arriving in court unprepared, I'm not aware of any of that.

MS. GREEN HAWKINS: Would you have had any authority or control over that office to do anything in the event those things were going on?

MR. FLYNN: What things?

MS. GREEN HAWKINS: If people were, in fact, losing files; people weren't, in fact, showing up for court when they were supposed to. Things like that.

MR. FLYNN: Well, I think the way the office is structured, there are times where a public defender may be scheduled in one courtroom and has a client in another courtroom. I think that's a scheduling issue that's not unique to the Public Defender's Office. I think it affects any of the criminal justice groups, whether it's the DA, the courts, the public defender, even the law enforcement agencies.

MS. GREEN HAWKINS: I do appreciate your being here. It seems to me --- and this is not a slight against you, but it just seems to me that you're probably not going to be the best person to answer these questions. It's probably going to be the Director, and I definitely had a host of questions I wanted to ask him, but I do understand that he could not be here this evening. I think because these are some serious allegations that we need to address them. The people want to know, and we want to know. And we're going into our budget for the next year, and so I know one of these issues that was raised were budgetary issues.

I mean, it might --- like probably all departments, more money. And so these are definitely things that we need to address and understand before we look at the budget for that department for the next year.

MR. FLYNN: No, I agree. And this is something the defense --- any offense is something we take very seriously. I think the employees work hard and are very

committed. They've got high caseloads, just like the courts and the DAs, that we try to do the best that we can and provide the best service. And I think first and foremost, that's the most important part.

MS. GREEN HAWKINS: I don't have any further questions for Mr. Flynn. I'll see if any my colleagues have any questions.

PRESIDENT BURN: Mr. Robinson?

MR. ROBINSON: Thank you, Mr. President, and members of Council. Thank you, Mr. Flynn, for being here. Machen also sent me a copy --- well, an original letter indicating that he could not be here because of a medical appointment. And certainly I respect and understand that. He also indicated, while he would not be available today, this evening, he would be available sometime in December. I'll use you as a foil, Mr. Flynn, for Mr. Machen. We'll be here in December, and I hope he's here in December, because we're not going to pass this budget and we're not going to pass a budget for the Public Defender's Office until Mr. Machen stands exactly where you are. I wish him well with his medical recovery.

Now you mentioned that this was a serious issue, and I'm going to presume he takes it serious as well. If we are not following a court order, then we've got problems. Is this county under any kind of court order as it relates to the Public Defender's Office?

MR. FLYNN: No, we're not.

MR. ROBINSON: Are there any legal ramifications that you're aware of, any cases that have been filed with the Public Defender's Office since you've been County Manager and Mr. Machen has been the Public Defender, the times here being roughly the same, that we have been sued by citizens of this county based on the operation of the Public Defender's Office?

MR. FLYNN: I'd have to defer to the County Solicitor for that, but I don't recall anything off the top of my head.

MR. ROBINSON: Let me not trouble Mr. Wojcik this evening. He has more than enough things to do.

MR. FLYNN: But I don't; right?

MR. ROBINSON: Now you've got it, because you love to be here with us.

MR. FLYNN: I'll be here with you in December, so --- I'll be here.

MR. ROBINSON: If you and Mr. Machen and Mr. Wojcik could prepare that information for this Council, that would be very helpful, because as you know, citizens, people you serve, we serve, Mr. Machen serves, Mr. Wojcik serves, have raised some serious questions about whether or not we're meeting our constitutional responsibility to indigent people. And I think it's important for us to get clarification internally. While it's nice for people outside of this Council, outside of this government, to inform us as to their observations about how we're operating, we have an obligation to do our own investigation on our own information. Part of what Ms. Green Hawkins and I are trying to do is compile our own information, so that we do not have to fully depend upon outside sources, as expert as they may be.

The County Public Defender's Office is your responsibility and ours, mainly ours for two reasons. One, we fund it every year; and two, we are responsible to make sure that every department in county government is reviewed annually. Mr. Gastgeb and I have had some interesting conversations on that, and we agree. We have not had enough review of the internal operations of this county, and I would hate to think that people on the outside are complaining about our Public Defender's Office because we haven't done enough internal to the operation.

One other comment. I think it's very inappropriate for people who are working in the Public Defender's Office, to possibly betray confidential conversations and put that stuff in the media. That's wrong. That doesn't help Mr. Machen, it hurts him. Mr. Machen is capable of speaking for himself. He's a grown man. And I hope he is available in December. I'll be here, Mr. Flynn will be here, Mr. Wojcik will be here. Hopefully, our Chief Executive will be here, and Mr. Machen needs to be here. We need to hear from him, and I would encourage people in the Public Defender's Office to tone it down. Tone it down. Stop suggesting that everything is okay over there. It's obviously not okay.

If we need to fix it, let's work together and fix it. If there are questions that have to be asked, let's ask them of the appropriate people and get that information. If there's a concern about whether or not the Public Defender's Office is adequately funded, that's a definite issue for this Council. All the departments in county government have felt some pain, and we've had

serious conversation about that. If the Public Defender's Department has suffered budgetary pain caused by the administration of this county or the Council, we need to know. And if that prevents us from doing the things we need to do on behalf of indigents, we need to know. Having said that, let me ask you this one last question. Have you presented, in the eight years you've been County Manager and Mr. Machen has been the Public Defender, any requests to County Council for funding for the Public Defender's Office, that we did not honor?

MR. FLYNN: No. I think that the budgets for the Public Defender's Office have been passed by Council as they've been presented.

MR. ROBINSON: Okay. Thank you, Mr. Flynn. I appreciate your cooperation. Thank you, Mr. President.

PRESIDENT BURN: Thank you, Mr. Robinson. Does anyone else have any questions? Mr. Drozd?

MR. DROZD: Thank you, Mr. President. I'm sure you're as surprised as we are with what we've seen come out in the ACLU, which I think at the moment we're looking at very carefully. It's very difficult --- and I just asked our Solicitor here, and it would be very difficult for Mr. Flynn to see that creeping up in that essence. And it would be very difficult for that to happen. I think what we need to do is to quantify --- and I've said this before --- the staff's substandards of performance in all our departments and try to quantify them as much as we can, so that we can see deviations from those quantifications when it deviates in the negative, especially when it goes into the negative.

I would ask Council, before this gentleman appears before us, that, you know, there were some questions --- and it would help you, Mr. Flynn, too, and your staff when we evaluate this more clearly and we see where he intends to dig into this report and what actions that he feels needs to be done. I'd like to see that before he appears to us, in writing to us, not just to come stand before us and talk in generalities. I want to talk in specifics, too. So we need that before he comes before us, to see some of those stats or whatever he can give us the standards of performance and where --- and dealing directly with what was reported in that report of the ACLU. I'd like to see that in writing from him before he appears before us. I'd like to see that.

PRESIDENT BURN: I would suggest, sir, that you put the request in writing, document what you requested, write it and send it over, so that it's documented, and copy all of us.

MR. DROZD: I will, Mr. President. I hope that my fellow Council members agree with me on that. And to have that ahead of time would give us a lot more areas that we can ask questions on, some really valid and quantifiable questions.

PRESIDENT BURN: Any and all information ahead of time will expedite the process. I agree.

MR. FLYNN: Mr. President, if I could jump in here, just to --- you know, I do want to point out that the initial report by the consultant that we engaged was in 2008, early 2009. And you know, I want to put those things in context because I think there's been a lot of positive changes that have been made in the Public Defender's Office. So I don't want you to get hung up on what was written from a report in 2008, because it's a dynamic office and it's really changed a lot.

PRESIDENT BURN: Well, with all due respect, I think it beckons to part of the other problem. I mean, when did the 2008 report arrive in the Chief Executive's Office, 2008?

MR. FLYNN: That was issued the beginning of --- it was finalized at the beginning of 2009, January of 2009.

PRESIDENT BURN: Okay. We're two and a half years out, and it just --- I think what my colleagues are saying here is they didn't know about it until they read about it in the paper. And that has accelerated the frustration up here. That's all I'm saying.

MR. FLYNN: I understand.

PRESIDENT BURN: Yeah. I understand, also, that what was in there then and what is over there now are two different things. That was established on a moving picture and I think it's moving in a positive fashion. But again, it's about that fundamental disconnect between a legislative independently-elected body and an independently-elected chief executive. And I think that's what some of the frustration we're hearing up here gets back to. Mr. Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. Flynn, for being here. The question I have is I know you have a lot of confidence in the Director. And personnel issues and

whatnot, I know you have the confidence that they will be able to handle it. In a situation that involves the Director and one that has clearly taken on a life of its own, does your office have a kind of investigative, kind of, wing or --- you know, how do you go about evaluating it from your side of the hall, in terms of it being bigger than just --- and it might involve the Director in a sense that, you know, you may not have the confidence that they can sort it out? Do you have a process from your office?

MR. FLYNN: Well, I think it's handled in my office, Jim, you know.

MR. ELLENBOGEN: Do you mean directed by you, or do you have certain people who ask questions and ---?

MR. FLYNN: You're looking at him.

MR. ELLENBOGEN: Okay. So you've done a lot of evaluating in the situation. All right. Thank you.

PRESIDENT BURN: Mr. Drozd, follow up, please?

MR. DROZD: Yeah. A real quick point is --- you know, thanks for that. That's what we need to see. You know, from those reports in 2008, we're brought up to here. But the areas I'm hearing, too, in addition --- I don't know if this is true or not and I don't want to deal with hearsays. I want to deal in quantifiable terms. There's one area that there are defenders on the payroll, so to speak, that aren't really being utilized for --- you know, are collecting revenues and not doing --- earning those revenues like they should, not that it's their fault or whatever. Maybe they're being under-utilized. I don't know that and we don't know that.

And that's what we have to see, where they're being utilized, and that's quantifiable, you know, in that essence. What caseloads do they have? We need to see that, you know, per the defender that's on those staffs and that's being retained. We need to see that they're being utilized and that we are getting our money's worth.

MR. FLYNN: No. I agree. I think we owe it to the taxpayers and we owe it to the people we're defending. You know, there's no doubt about that. But I think you can't use the metric of how many cases the attorneys have, because of the complexity. There's varying degrees of complexity on cases. So Director Machen will be here to answer any and all questions you have. Mr. President, I have one request.

PRESIDENT BURN: Certainly.

MR. FLYNN: Councilman Robinson requested information. Councilman Drozd wants to get some information. If I could request that all of those requests be filed to a central point from Council and we have one request, we can deal with everything to make sure that we're dealing with everything.

PRESIDENT BURN: Okay. Yeah. What we'll do then is Mr. Robinson and Mr. Drozd, if you can file the specifics of your requests to my office, then I'll write the letter with your itemized requests. I'll send the letter over. And again, that's not just the two gentleman who spoke tonight. Any other members who have anything specific they would like, let's do it once or not at all. Send them over. I'll send them over to you. And then that way we'll just funnel it through my office. I anticipate a follow up over here. Mr. Ellenbogen, then Mr. Robinson.

MR. ELLENBOGEN: Yeah, real quickly. Mr. Flynn, I know that you have done your own investigation. With that being the case, is there a formalized report from your office that you could share with Council?

MR. FLYNN: There is not.

MR. ELLENBOGEN: There is not. Okay.

MR. FLYNN: And one thing I do want to point out. You know, some of the things raised in the various reports and articles that were out there deal with personnel issues, deal with things like that. So Director Machen will be here to answer all your questions. He may not be able to do it publicly. We may have to go to executive session to do that behind closed doors for certain topics. I'm just pointing that out.

PRESIDENT BURN: I understand. I understand that qualifies here. Mr. Robinson?

MR. ROBINSON: Thank you, Mr. President, and members of Council. And thank you, again, Mr. Flynn, for serving as Mr. Machen's foil. Ms. Green Hawkins indicated early on that she had some concerns that she felt would be more appropriately addressed by our Public Defender. I don't want us to forget what those concerns are because I don't think she took the liberty to fully explain them. So let's make sure that her concerns are the first that are on our list, so to speak, and make sure that it is comprehensive. I think your point is well taken. You need one source sending a request so that you can more

efficiently answer them. Thank you for your participation.

MR. FLYNN: And I do want to, you know, just throw out there that, you know, if Council is going to be doing an investigation into this office, which we welcome, I would encourage Council to talk to some of the other stakeholders in the criminal justice system, whether they would be from the courts, the DAs. These are all cogs, they all work together. So if there's an issue, they should be aware of it, too.

PRESIDENT BURN: Thank you. Any other questions for the Manager? No other questions? Mr. Flynn, thank you. Ms. Hawkins?

MS. GREEN-HAWKINS: Thank you. When you say they all work together, could you elaborate on that? Because I'm thinking just as a lawyer, when I think of the public defender working with a judge or ---?

MR. FLYNN: I said in all cogs in the same criminal justice system. They all play individual roles with various firewalls and statutory responsibilities that rest within their offices. And every year we have the District Attorney, a member of the court and the public defender for those cogs.

MS. GREEN-HAWKINS: But are you suggesting that we get opinions from the courts and from the DA's Office?

MR. FLYNN: I just offered that as one of the things that Council can investigate and take a look at, and talk to some of the folks in various other groups, including the indigent defendants that we defend.

MS. GREEN-HAWKINS: Thank you.

PRESIDENT BURN: Thank you, sir. Any other liaison reports? New Business, Ordinances and Resolutions, 6612-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting Paramount Pictures Corporation to use certain county-owned real property. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to the Committee on Public Works. 6613-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting Allegheny County Department of Emergency Services to accept construction of a Mock Production Facility by Huntley and Huntley, Incorporated, at the Allegheny County Fire Academy. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to the Committee on Public Safety. The bill I'm going to be sending to Budget and Finance, I will --- I'm going to read those numbers, Jim, and then after they're all read, I'll ask Chairman Robinson --- after I've read part of them, I'll ask Chairman Robinson to comment collectively on all of them. So I'm going to see him jump a little bit here. 6611-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, enacted pursuant to Article IV, Section 2(k) of the County Home Rule Charter, Section 7147 of the Municipal Claims and Tax Liens Act, Pennsylvania Statute, Title 53, Section 7147 and other applicable laws, authorizing one, the county to sell, transfer absolutely and assign to a third-party purchaser a selected portfolio of county Tax Receivables consisting of the county's right to receive the Face Amount, Interest and Penalty which is due and owed to the county as a result of a property owner's failure to timely and fully pay the county's ad valorem real estate tax during the tax years 2008 to 2011, following the execution of a final agreement for such sale, absolute transfer and assignment between the appropriate officers of the county and the successful third-party purchaser.

Two, the county, acting through its Treasurer or any other person or persons contracted for now or in the future by the county at the request of the Treasurer to service in the capacity of the special tax service, to retain all rights to collect and to bring legal action to enforce the collection of county delinquent taxes, including tax receivables. Three, to grant to the third party purchaser of the Tax Receivables for the year 2008 to 2011 the right to purchase certain Tax Receivables for tax years 2012, 2014 and 2014. And four, the County Manager to take any and all action deemed necessary to carry out and effectuate the purposes of this ordinance. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to the Committee on Budget and Finance. Gentlemen, jump down to 6615-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing the tax levy upon all real property subject to taxation within the limits of Allegheny County. Sponsored by Councilmembers Robinson, DeFazio, Danko, Martoni, Finnerty, Green-Hawkins, Macey, Futules, Palmiere.

PRESIDENT BURN: Refer to the Committee on Budget and Finance. Jim, if you'll go to the next page, we're going to go down to 6619-11.

MR. CATANESE: A resolution of the County of Allegheny amending the 2011 Capital Budget for Allegheny County. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to Committee on Budget and Finance. If we go to the next page, page six, 6622-11.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting an Operating Budget pursuant to Article IV, Section Two and Article VII, Section Four of the Home Rule Charter by setting forth appropriations to pay the expenses of conducting the public business of Allegheny County and for meeting debt charges for the fiscal year beginning January 1st, 2012, and ending December 31st, 2012. Sponsored by Councilmembers Robinson, DeFazio, Danko, Macey, Futules, Finnerty, Martoni, Palmiere, Green-Hawkins.

PRESIDENT BURN: Refer to the Committee on Budget and Finance. 6623-11.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting a Capital Budget pursuant to Article IV, Section Two and Article VII, Section Four of the Home Rule Charter by setting forth appropriations to pay the expenses for the capital expenditures during the fiscal year beginning January 1st, 2012 and ending December 31st, 2012. Sponsored by Councilmembers Robinson, DeFazio, Danko, Futules, Finnerty, Macey, Green-Hawkins, Martoni and Palmiere.

PRESIDENT BURN: Refer to Committee on Budget and Finance. 6624-11.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting the Grants Budget, Special Accounts Budget and Agency Fund Budget by setting forth appropriations to pay said expenses during the fiscal year beginning January 1, 2012 and ending December 31, 2012. Sponsored by Councilmembers Robinson, DeFazio, Danko, Finnerty, Futules, Green-Hawkins, Palmiere, Macey, Martoni.

PRESIDENT BURN: Refer to Committee on Budget and Finance. Chairman Robinson?

CHAIRMAN ROBINSON: Thank you, Mr. President, and members of Council. Certainly, I want to thank those

who were kind enough to co-sponsor these pieces of legislation. And certainly I welcome any other members who would like to join us. The bill will be in committee this Thursday, the 17th of November, at 4:30 in the Budget and Finance Committee. The Chair anticipates that there may be some amendments or other pieces of legislation that will be offered. Those items will be considered as they have been in years past. We will have an in-depth conversation on the budget and take the appropriate actions on Thursday.

The Controller will be visiting with us as he has for the last few years. He'll be talking about what his recommendations and observations have been over the last five years that he has been coming to the Budget and Finance Committee. I encourage all members of the committee and all other members of Council who are interested in the upcoming budget discussions and deliberations to be present at 4:30 on Thursday in our small conference room. Thank you, Mr. President.

PRESIDENT BURN: Thank you, Mr. Chairman. Joe, let's go back to page four, 6614-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division Four entitled Ordinances, through the creation of a new Chapter 495 entitled Community Development Block Grant Program in order to clarify the procedures to be employed by the county in approving grants under the Community Development Block Grant, CDBG Program, within Allegheny County. Sponsored by Councilmembers Gastgeb, Kress and Macey.

PRESIDENT BURN: Refer to Committee on Economic Development and Housing. Mr. Gastgeb?

MR. GASTGEB: Thank you, President Burn. Just briefly, I've talked to Mr. Robinson about this probably for a couple years. And I've tried to get a hold of most of my colleagues about this, thinking what to do to make the program stronger while encompassing us in our districts into the process. So I look forward to having a discussion in committee.

PRESIDENT BURN: Thank you, sir. 6616-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question amending Article III, Section Three and Five of the Allegheny County Home Rule Charter

pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law be placed on the 2012 Primary Election ballot; and further, amending the Administrative Code of Allegheny County contingent upon the passage of the referendum question. Sponsored by Councilman Kress.

PRESIDENT BURN: Refer to Committee on Government Reform. Mr. Kress?

MR. KRESS: Thank you, Mr. President. This will be my last piece of legislation introduced here. The reason why I introduced this legislation, I want to try to improve government and the way to do it --- we have almost 100,000 people registered as independents or nonaffiliated. And we have our seats, one for a Democrat and one for a Republican. Why not add a seat for independents? I believe the strength of government is to bring new people and new ideas to the table. And I believe there's enough room at this table for an independent to sit here in that hard seat. And that's the reason why I introduced this legislation. I know we need to have the voters approve this change to the charter, but this is something I believe would improve government. Thank you very much.

PRESIDENT BURN: Thank you, Mr. Kress. We'll get this on the agenda and have a conversation. 6617-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division Four, titled Finances, Chapter 475 entitled Taxation, through the creation of a new Article XIII entitled Payments in Lieu of Taxes in order to provide for the prompt notification of all taxing bodies when payment in lieu of tax agreements are entered. Sponsored by Councilman Gastgeb.

PRESIDENT BURN: Refer to Committee on Government Reform. Mr. Gastgeb?

MR. GASTGEB: Thank you, President Burn. This may be the time in the sense that it's budget season. And I guess I'm one person who believes in purely public charity acts on a state level. That's pretty much preempted some of the things we'd like to see regarding tax exempt or tax free property. And anyone who can think out of the box on --- maybe have a look at some things differently with regard to our nonprofits is certainly in my ear. This is one scenario. What I'm doing is modeling

a pilot program, if you will, after a TIP program which we're all familiar with, where the TIP process is an opt-in process amongst the municipalities, amongst the school districts, amongst the county. This would have a similar concept where you would actually have an opt-in process to pay property taxes in lieu of. So my vision at least is that the municipality would trigger this and the county must work as a team to see if, in fact, there'd be the need to have an opt-in process with regard to nonprofits and maybe voluntarily paying some of the taxes, if you will, on tax-exempt property apparently we're not getting as a county. So I look forward to having a debate. Again, on a local economy basis here, it's something that maybe we could look into as a county. Thank you.

PRESIDENT BURN: Thank you, Mr. Gastgeb.

6618-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County through the creation of a new Article 707 entitled, Comprehensive Revenue Energy Strategy in order to establish county policy for the implementation of a comprehensive strategy regarding county-owned timber. Sponsored by Councilman Gastgeb.

PRESIDENT BURN: Refer to the Committee on Government Reform. Mr. Gastgeb?

MR. GASTGEB: I'm going to put my Paul Bunyan hat on for a second. We've had a lot of talk about Marcellus Shale and therefore, to having the lands or what have you from the Governor to the Executive Elect who's been talking about what Marcellus should do and how should we proceed. I think there's a comprehensive strategy on energy. There's timber on almost all the land that we're talking about Marcellus --- I shouldn't say all, but a lot of the land. Certainly the airport has a lot. There's other areas, the highways and byways we have. So we probably could have a collective timber strategy also, so we're benefiting the revenue, if you will, not just on Marcellus but maybe on timber as well. So what I'm trying to do is kind of doing that all together. So I'll also look forward to have that committee as well. Thank you.

PRESIDENT BURN: Thank you, Mr. Gastgeb.

6621-11.

MR. CATANESE: A resolution of Council of Allegheny County, Pennsylvania, pursuant to the Local Economic Revitalization Tax Assistance Act, LERTA, Pa. Statute, Title 72, Section 4722, 1995, as amended, providing for a program of temporary exemption from increases in Allegheny County Real Property Taxes for specified time periods resulting from improvements made by an owner of property located within a specific geographic area within Findlay Township, County of Allegheny, Commonwealth of Pennsylvania, previously determined to be a deteriorated area establishing a schedule for exempting increases in Allegheny County property taxes resulting from such improvements. And prescribing the requirements and procedures by which an owner of property located within the deteriorated area can secure the temporary exemption resulting from such improvements. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to the Committee on Economic Development and Housing. 6620-11.

MR. CATANESE: A resolution approving a project for the benefit of Robert Morris University, the "University", to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt and/or taxable bonds to be issued in one or more series in the aggregate principal amount not expected to exceed \$15,000,000 provided that the taxing power of the County of Allegheny, Pennsylvania, the County, shall not be obligated in any way with respect to the bonds, hereinafter defined, and declare the financing of such project as desirable for the health, safety and welfare of the people in the county. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to the Committee on Economic Development and Housing. New Business, Motions.

MR. CATANESE: They are done.

PRESIDENT BURN: Notification of Contracts?

MR. CATANESE: None.

PRESIDENT BURN: Public Comment ---.

MR. GASTGEB: Mr. Burn?

PRESIDENT BURN: Yes, sir.

MR. GASTGEB: If you could just bear with me. I think one of the positions of Allegheny County Council that may be somewhat confusing to many is the at-large position. In spite of if Mr. Kress would put something together and whether you agree or not agree, there is an

at-large position that is not elected by district. It's elected by party affiliation. Tonight on the Republican side I want to say a couple things. This will be Mr. Kress' last meeting. And as the caucus chair, I wanted to thank him for serving on an interim basis. He's been here for six months. Some might think it's six years with the bills he's introduced, but I don't think there's anything wrong with having passion for the position you want to serve on. And in the short time he has had, about a half dozen bills passed in a bipartisan manner from his colleagues up here. So he took his issues seriously. I think he was measured in how he went about the committee process and measured in how he went across talking to all of us. So I think he met his mark for the year 2012 and some of the things he wanted to do. So I wanted to publicly make that comment to him and I thank him for serving.

Additionally, we have Heather Heidelbaugh, who's coming on as part of the Republican at large. Equally, I've been impressed, as well as I think all of us, with her same desire and passion. Even though she's a potent-elect member, she's come to numerous meetings notebook in hand, phone calls, e-mails, taking the position just as seriously. I don't know what people think of the at-large position in general but I think all of the county residents, not just those who may be Republicans, can take some solace in the fact that even though we have this kind of break between November and December between Mr. Kress and Ms. Heidelbaugh, both have performed their job utmost admirably. Both are very talented. And I think the citizens of Allegheny County, and quite frankly, us as a Council, benefited by that. Thank you.

PRESIDENT BURN: Thank you. Mr. Kress, I missed you by an election cycle, you went out and I came in. But I always appreciated your passion and energy back then, and it's been a pleasure to work with you from May up until now and to get some of your bills through the committee in a bipartisan sponsorship. I think there's evidence that your ideas and initiatives were good government initiatives. And it's been a pleasure to work with you now, and I look forward to working with you for the benefit of the county residents in the future. It's been a pleasure to work with you.

MR. KRESS: Thank you.

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

MR. ELLENBOGEN: Thank you, Mr. President and members of Council. I have two points. At the last meeting I had introduced a bill to name a bridge for the late Art Rooney, Sr., and I was informed today by Ms. Liptak that the administration has made some recommendations in terms of putting it in the process, and I'm willing to wait in terms of a little bit of time so that the Rooney family can participate in it and it can be done the right way.

On another note, although I didn't always agree with Councilman Kress, I do have a lot of respect for your energy and the times you pitched in and a lot of things you did achieve in such a short time. And I'm sure that somewhere that you belong as an elected official. And I think you'll have a lot to contribute in the future for the benefit of the people of this county. Thank you for serving with us.

MR. KRESS: Thank you for the acknowledgment.

PRESIDENT BURN: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. This is truly --- you know, there are times --- we have two good people in Councilman Kress and Councilman Elect --- Council Lady Elect Heather Heidelbaugh, that we couldn't have both serve on Council. It's truly great that we have this type of talent at our draw. But I want to point out that Mr. Kress has a record. He's the first councilmember to return to council, to sit in a seat, and the first councilmember resident of Allegheny County, to serve both in a district seat and in an at-large seat.

The last thing I'd like to say is this. You don't know a lot about Ed Kress. I do. I hear him and I hear his voice many, many times. Look beyond Council and look at what the gentleman does as far as not only service to this Council but service to those people that can't help themselves. Mr. Kress is a very avid supporter of such organizations as Shepherd's Heart, those veterans out there that are homeless. There's a lot in Allegheny County and across this country. He's dedicated to it. One day I remember also, Mr. Kress was calling me and we were talking on the phone and he was wringing his heart out to me, spending his own time, even though he's --- you know, he has to earn a living. He was wringing his heart out to me because one older citizen of this county was

going to lose her home and he was going to go in her defense.

And lastly, I want to point out that he's so dedicated to his family, that he has so much love and care for his mother, who's afflicted with something that many of us experienced in our families. I've never seen anyone be dedicated as Mr. Kress is to that lady. And she really truly has a good son, and I'm sure she was a good mother and is a good mother. And I commend him for this. I really mean that, and I'm going to miss him. I'm not going to miss him because he and I deal with each other every day, but that's something you had to hear, releasing all that.

MR. KRESS: Thank you very much.

PRESIDENT BURN: Thank you. Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I'd just like to say, Ed, it's been a pleasure serving with you. Your energy, sometimes you drove me crazy, but it was a good crazy. And you know, you always were after something for the people. That's important. We're going to miss you. God bless you and the best to you.

PRESIDENT BURN: Councilwoman Rea?

MS. REA: I simply want to say thank you, Mr. Kress. It was an honor to serve with you.

PRESIDENT BURN: Not only is Ed a tenacious councilman that I have known personally, he's a tenacious campaigner. That was the campaign, in the Fall of 2005. I wanted to be on this body so badly, and I saw how hard Ed was working. It's just been a privilege to work together. But I still haven't --- I don't think I've really recovered from that campaign. You were everywhere. You were showing up in my home movies. But it's a pleasure to know you and work with you in the future. Public Comment on General Items?

MR. KRESS: Just let me say it really has been a pleasure to serve with you. Even though I'm Republican At Large, I believe that Republican At Large seat represents everybody in this county. And I'm here to work with everybody. And that's the thing. The thing with politics, you don't know, it's like Republican, Democrat, and when you run for office, you know, it's always about negativity. I just wanted to be a real person. I wanted to do what I thought was right for the people of this county. And that's what I hope I accomplished here, because I remember when I had a --- first of all, I'd just

like to say thank you, Councilman Drozd, Councilman Gastgeb, Councilman Rea, for your belief in me because --- and that takes a lot --- but I know there's situations going on and maybe some people don't believe in what I could do. And I hope I proved myself here. I hope I did the right thing. I hope that you don't regret your decision.

The other thing is I want to say thank you to President Burn. I mean, I ran against you in 2005. Here I am right now, I'm working with you. Because we all talk about politics and you make enemies. You know, in politics, I should probably have like 1,000 enemies, but I prefer to have 1,000 friends, because you know, when you run against somebody and then you put yourself on the line, you know, you might get upset about something and you got upset about a couple things when I was running for office, and I apologize for these things. But it's just one of those things. But you know, again and again you want to come together and do what's right for the people.

And that's what I hope I accomplished here, because again --- and then also Sheriff Mullen. I ran against Sheriff Mullen in 2007. We worked together to get a bill finished, completed. So it's working with people. I don't care if you're Democrat or Republican, or an independent, let's do what's right for the people and come together and do the right things. And again, I'd like to say thank you to everybody. Really. I mean, I really think everyone here has done a fantastic job. I'm really proud to be sitting in this seat right now. And all I can say is just thank you for also voting for my bills and listening to me. Because to be honest with you, I'm part of the minority party. You don't have to listen to me. Why would you vote for myself? And I have to say thank you.

PRESIDENT BURN: Thank you. Mr. DeFazio and then Mr. Macey.

MR. DEFAZIO: I just want to say you did a good job on council and we really appreciate all the hard work you did. Thank you.

MR. KRESS: Thank you.

PRESIDENT BURN: Mr. Macey?

MR. MACEY: Thank you, President Burn. Ed, it's been a pleasure to sit next to you and shout about some of the things we have to do here. And the reason why I supported some of your bills, they made sense, you know,

and I felt they were important. That once the dust settles, you know, we're all in this together. I don't care if you're Republican, Democrat, or whatever. And it's interesting, down in my neck of the woods in the Mon Valley, I mean, it's pretty much a Democratic stronghold. And I'm in McKeesport, and who do I see? Ed Kress. I'm in West Mifflin, who do I see? Ed Kress. The reason why he was there is because he wanted to represent people. I think he did a great job of doing that. Thank you.

PRESIDENT BURN: Thank you, Mr. Macey. Mr. Palmiere?

MR. PALMIERE: Thank you, Mr. President. Ed, I've said it to you many times. I don't think I ever ran into anyone more enthusiastic and more informed about things and it's been a pleasure working with you. And I look forward to doing something in the future also. Thank you very much for your time.

MR. KRESS: Thank you, Councilman.

PRESIDENT BURN: Mr. Futules?

MR. FUTULES: Ed, thank you. It's been a great six months and you've become a friend here. And we all talked about how we passed the bills and what was right. It just made sense. It's not about Democrats or Republicans. You did a lot of great work here and you have a lot of energy. And a couple times I wasn't sure what party you actually represented. But that's a good thing because I'm probably the same way at times, you know, I like to do what's right for the people, and so did you. You've become a good friend and thank you for serving with us.

MR. KRESS: Thank you.

PRESIDENT BURN: I would like to acknowledge some elected officials that are here. Former City Councilman, Sala Udin, I believe I saw out there. Yes, good to see you, sir. And Marty Schmotzer was here from the school district. Marty, it was good to see you, too, as well.

Other comments on general items? First speaker Lillard Daniel, please. Mr. Daniel, come on up and --- Mr. Daniel was here last time and he wanted to speak but we asked him to come in and sign up. He's here. Mr. Daniel, give us your name and your address and then you have three minutes, sir.

MR. DANIEL: Thank you. My name is Lillard Daniel and I'm here to speak about the Public Defender's

Office. In August, I was arrested. Three days later I had to appear in court. Between the time I was arrested and the time I had to appear in court I had to go through the pre-detention and arrange bail, speak to the bail people so that they could know my whereabouts. I went to the Public Defender's Office and gave him a statement. And then three days later I went to court. When I got to the court, the issue of why I was arrested was never addressed. The judge immediately sent me for psychiatric treatment to the VA.

Now, the VA is the place where I was kidnapped by Dr. Gertgus (phonetic) and Hopen (phonetic) Thompson in 268. Also, at the VA I had a coupler (phonetic) device put in my head, and they've been torturing me for 20 years. Now, after I go and see the --- after I go to the VA and I talk to the --- I have to have an evaluation. I go back to the court. Now, when I'm in the court initially the person that's interacting with me and the judge is my adversary, Officer Doherty (phonetic) from --- he's part of the arresting officer --- he's from the same station that arrested me. Now, he's instructing me on how I should speak to the judge and he's part of the people that arrested me.

Now, when I get to the judge, the judge never addressed why I'm even there. All he tells me is I have to go see a psychiatrist. Now, after I come back to him, and I tell him that I can't fulfill what he wants me to do because of time restraints, he gives me some more time. And at this time, I asked him, I said, well, where's the public defender? So the public defender --- the Judge tells me and the public defender to step into the closet. So I go into the closet and I'm talking with the public defender and the public defender --- I tell them, I said, this is what I want you to tell the Judge, that I've been illegally arrested, that there was no probable cause for me to be arrested, that the Judge needs to address me even being there.

The Judge ---.

PRESIDENT BURN: Sir, that's the three minutes. If you want to get to a point, I'll give you a couple extra seconds. I understand where you're going with this but --- I understand you're trying to make a point, but the three minutes is up.

MR. DANIEL: Well, what is happening is, I've been to court. The reason I was arrested has never been

addressed. I fired the public defender right then and there because the public defender told me that they weren't going to --- wasn't going to relay my thoughts to the Judge. I said, well, if you can't tell the Judge what I wanted him to hear, I don't have no use for you. And I said I don't want nothing to do with you. So then they go and go up to the Judge and whisper something. So I think that the Judge --- the Judge didn't even ask nothing because he could hear me talking to him. Now, I don't even have --- I don't have the names of the arresting officer ---.

PRESIDENT BURN: All right.

MR. DANIEL: I was illegally arrested. I'm seeing a psychiatrist. And the reason that I was there has never been addressed. There was no probable cause, period.

PRESIDENT BURN: Yes, sir.

MR. DANIEL: And I'm just grateful that you allow me the opportunity to say what I'm saying now. In other words, I told the Judge, I said what you done is you put the cart before the horse.

PRESIDENT BURN: Sir, you made your point. We understand and we appreciate your ---.

MR. DANIEL: Do you really understand the burden that's been put on me?

PRESIDENT BURN: Yes, sir, I do. I'm looking you in the eye and telling you that I do. Your point is well taken based on the issues that you're dealing with, with that officer. Your point was well taken, and I let you go well beyond the allotted three minutes.

MR. DANIEL: I appreciate it. Thank you. Thank you, everyone.

PRESIDENT BURN: Thanks for coming up. I would like to exercise a point of special privilege. We have a former elected official who would like to say a few words. We've done this in the past. Councilman Shields wasn't on the agenda and he wanted to say a few words. We have a former elected official from City Council. Unless there's an objection, I'd like to invite Mr. Sala Udin up to say a few words. I think he wanted to speak in that professional privilege as a professional courtesy one elected body to a former elected official. Come on up. Your name and address, sir, and we'll give you three minutes. Thank you.

MR. UDIN: Sala Udin, 3101 Iowa Street. It's good to see everyone on Council and thank you very much for the moment of special privilege. It's about the Office of the Public Defender, just a few comments I'll make briefly.

Anecdotally what I hear on the streets from many of my constituents who are in and out of the jails is that things are not getting better. Despite the claims of some that things are getting better. Things are not getting better in the Public Defender's Office, that's what I hear. I was glad to hear Councilman Drozd ask for measurable objectives, measurable objectives to which the office could be held accountable, not just subjective testimony.

Thirdly, in order to get to some of the issues in the Public Defender's Office, it may be necessary to afford some of the people who may have information as to how the office really operates, to have some measure of protection and/or anonymity or they may be subpoenaed. I'm not sure which procedures this Council has the authority to execute. But sometimes in order to find out what is really going on, you got to give the people that they need to speak candidly and honestly and then put them in a position where they can tell you what's really going on in that office.

And finally, Ms. Green-Hawkins, your curiosity about the question of interagency collaboration occlusion I think is well taken. The Public Defender's Office needs to be independent of the District Attorney's Office, of the Judges. All three of those bodies need to operate independently, even though they collaborate and work together. Thank you again, very much for your looking into this issue of indigent defense and for allowing me the opportunity to speak without signing up.

PRESIDENT BURN: Thank you, Councilman, a pleasure to see you. Motion to adjourn? Do we have another speaker? Mr. Finberg, are you here? No? Motion to adjourn.

(Chorus of motions).

PRESIDENT BURN: Is there any objection to Mr. Stevens (phonetic) speaking? No objection? Sir, come on up. You've been here before. You know the drill. It's a pleasure to see you.

MR. STEVENS: Thank you, and success in your new position.

I wanted to acknowledge and congratulate Amanda Green-Hawkins and Mr. Robinson for leading the fight on the Public Defender's Office. We've given you something that will be handed to you immediately upon the conclusion of tonight's meeting. It's a five-pager. What I've given you is a five-page summary. It's a summary of the main issues, the problems with regard to both the District Attorney's Office and the Public Defender's Office.

And I've given you several possibilities, some of which have come from various sources, including some attorneys, for solutions. And my request is that you review this case, it will save you some homework. And a couple of main pieces to remember is that the purpose of the Public Defender's Officer is to defend people who are indigent. And what we're doing now in the county is violating that trust. And that's part of who we are as Americans. I'm hoping that you take that trust very seriously.

I want you to acknowledge the fact that most of the provisions that were in the agreement with the ACLU in 1996 mandating improvements have not been met according to the 2008 study. We jumped down. We dropped down. In the ACLU report of October 17, 2011 it states that the Public Defender's Office has not implemented any of the 30 recommendations contained in the 2008 analysis. Then we have another report that also concludes that there are gaping gaps.

Now, on top of the negatives, we've given you some recommendations. The solutions include recommending to the County Executive candidates to implement the Alan Talanoff (phonetic), a report which Mr. Fitzgerald has agreed in that direction, by the way, recommending to the County Exec that the Public Defender's Office operate as independently as the District Attorney's Office. That goes to your point, Ms. Green, that the ten principles of the Public Defense Delivery System which is recommended by the American Bar Association, these are ten principles nationally which drive various progressive initiatives. It's recommended that those ten principles be adopted by Allegheny County. If you don't have those ten principles, we can get those to you. The implemented suggested changes with regard to lost files, lack of training, poor preparation, bad management --- continues institute for law and policy planning of three years ago for you to implement the negotiated agreement of '96 which called for

a higher attorney-to-client ratio nearly doubling the number of attorney support staff, hiring 13 investigators, increased training and supervision standards for attorneys, placing a prohibition on outside practices by new lawyers. Fully review and implement the key recommendations of the examiners for the office. Case flow and filing process performed by University of Pittsburgh's School of Business.

So a lot of this has already been researched so you don't have to grease a wheel that's already been greased. You may want to look at what has been authored, what has been recommended and implemented. The fully utilized \$100,000 legal software program which is aimed at merging the Common Pleas Court, docketing in the Allegheny County Jail's computer system. Support the call for the creation of a statewide office in Pennsylvania to oversee the representation of poor people in the criminal justice system. The statewide office with Commonwealth support will help eliminate the disparities of the quality of representation across counties and help equalize the resources allotted the Public Defender's and District Attorney's Offices across the Commonwealth of Pennsylvania. Right now it depends on what county you're in as to what level of justice you get. There's something wrong with that.

So I will not go through all of this. It is written. There's a five-page report to review. Our request is that you seriously review and look for implementation. Thank you for the opportunity.

PRESIDENT BURN: Thank you, sir. Motion to adjourn.

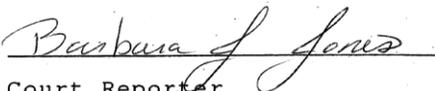
(Chorus of motions).

(Chorus of seconds).

Meeting adjourned at 6:20 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