

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Dr. Charles J. Martoni	-	President, District 8
Nicholas Futules	-	Vice President, District 7
John P. DeFazio	-	Council-At-Large
Heather S. Heidelbaugh	-	Council-At-Large
Matt Drozd	-	District 1
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Krista L. Harris	-	District 5
John F. Palmiere	-	District 6
Robert J. Macey	-	District 9
William Russell Robinson	-	District 10
Barbara Daly Danko	-	District 11
James Ellenbogen	-	District 12

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

Tuesday, April 2, 2013 - 5:03 p.m.

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

IN ATTENDANCE:

Joseph Catanese - Director, Constituent Services  
Jared Barker - Director, Legislative Services  
Walter Szymanski - Budget Director  
Jack Cambest - County Solicitor

PRESIDENT MARTONI: Please rise for the Pledge of Allegiance to the flag and remain standing for a moment of silent reflection. The pledge will be led by Mr. Palmiere.

(Pledge of Allegiance.)

(Moment of silent reflection.)

PRESIDENT MARTONI: Please be seated. Roll call.

MR. CATANESE: Mr. Burn?

MR. BURN: Here.

MR. CATANESE: Ms. Danko?

MS. DANKO: 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: Ms. Green Hawkins?

(No response.)

MR. CATANESE: Ms. Harris?

MS. HARRIS: Here.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Here.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rea?

(No response.)

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Here.

MR. CATANESE: Thirteen (13) members currently present.

PRESIDENT MARTONI: Proclamations/  
Certificates. 7513-13.

MR. CATANESE: Proclamation naming the month of April 2013 as Fair Housing Month in Allegheny County.

Sponsored by Council member Martoni and the Chief Executive.

BRIEF INTERRUPTION

PRESIDENT MARTONI: Thank you for your patience. This is a very fitting proclamation. Richard is here to receive it. I'll read the proclamation and Richard is going to say a few words. Okay.

WHEREAS, the Fair Housing Act, FHA, of 1968, prohibits discrimination in the sale and rental of residential housing, regardless of race, color, national origins, religion, sex, familial status and disability; and

WHEREAS, Allegheny County has expanded the protected classes to additionally include ancestry or place of birth, gender, identity or expression of sexual orientation, marital status, age, use of guide or support animal because of blindness or because the user is a handler of trainer --- handler or trainer of support of guide animals or deafness or physical disability of any individual or independent contractor, or because of disability of an individual with whom the person is known to have an association; and

WHEREAS, Allegheny County is pleased to cooperate with all levels of government to enforce this policy of fair treatment of all citizens; and

WHEREAS, through the support of our communities, businesses and residents, Allegheny County is dedicated to providing housing opportunities for all; and

WHEREAS, Allegheny County ensures its communities are open to all people and citizens may exercise freedom to choose where they live; and

WHEREAS, the month of April is set aside to acknowledge the 45th anniversary of the Fair Housing Act and to recognize the work of the U.S. Department of Housing and Urban Development, the Human Relations Commission of Allegheny County, the Pittsburgh Commission on Human Relations and the Fair Housing Partnership of Greater Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, jointly with Allegheny County Executive, Rich Fitzgerald, hereby proclaims April 2013 as Fair Housing Month in Allegheny County. Richard, say a few words.

MR. FITZGERALD: Thank you. This is our Pledge of Allegiance to fair housing. I appreciate it.

(Applause.)

(Pictures taken.)

PRESIDENT MARTONI: 7514-13.

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

7514-13. Proclamation declaring Tuesday, April 9, 2013, as Equal Pay Day in Allegheny County. Sponsored by Council members Green Hawkins, Burn, Danko, DeFazio, Ellenbogen, Finnerty, Futules, Harris, Macey, Martoni, Palmiere, Rea and Robinson.

7515-13. Proclamation celebrating the University Center for Social and Urban Research of the University of Pittsburgh, upon its 40th anniversary. Sponsored by Council members Macey, Burn, Danko, DeFazio, Ellenbogen, Finnerty, Futules, Green Hawkins, Martoni, Palmiere, Rea and Robinson.

7516-13. Certificate of Recognition honoring Maggie Marie Donaldson, for being crowned the 2013 Miss Smiling Irish Eyes. Sponsored by Council members Burn, Danko, DeFazio, Drozd, Ellenbogen, Finnerty, Futules, Green Hawkins, Harris, Macey, Martoni, Palmiere, Rea and Robinson.

7517-13. Certificate of Recognition honoring Shea Shovlin, for serving as a 2013 Miss Smiling Irish Eyes court maiden. Sponsored by Councilman Martoni.

7518-13. Certificate of Recognition honoring Erin Marie McMahon, for serving as a 2013 Miss Smiling Irish Eyes court maiden. Sponsored by Councilman Palmiere.

7519-13. Proclamation declaring the month of April 2013, as Pennsylvania 8-1-1 Safe Digging Month in Allegheny County. Sponsored by Councilman Macey.

7520-13. Proclamation honoring the late Selma Hortense Burke, for her numerous and invaluable contribution to the arts community. Sponsored by Councilman Macey.

7521-13. Certificate of Achievement awarded to the South Allegheny High School girls' soccer team, for winning the WPIAL Class A, Section 2 Championship. Sponsored by Councilman Macey.

PRESIDENT MARTONI: Thank you. Before I go on to Public Comment, I have one announcement. The County Council recently became aware of the extent to which the County Executive has requested pre-signed letters of resignation. I, as the President of Council and the two

caucus chairs, went to the County Executive to discuss this issue. Together, we have decided to discontinue this practice. All previously signed letters will be immediately destroyed. And that's the end of it. Public Comment on Agenda Items.

MR. CATANESE: We have eight.

PRESIDENT MARTONI: Okay.

MR. CATANESE: Excuse me. We have nine, with one addition.

PRESIDENT MARTONI: We have one addition. Let me find it. Mike Suley. Mike? I knew I saw you there.

MR. SULEY: President Martoni and Council, it's good to be back. I haven't seen some of you in some time. I'm here as a private citizen. I think you know some of my history. I was the previous manager of the Assessment Office. But I'm here tonight as the previous vice-chairman of the County Appeals Board, the Board of Property Assessment and Appeals. I served on the Board in the late '90s for four years, and I heard about 6,500 appeals during that time.

I had a guiding principle that whole time. And when I heard the proclamation tonight about fair housing, it reminded me of that, because I'm a certified real estate instructor and I teach the fair housing courses. I think Councilman Macey took the course once. But the first night of the fair housing course, I put a little phrase up on the board, treat everyone the same, and that's a guiding principle that I use now through my business. And I think --- I'm opposed to the two issues, the rules changes that the Appeals Board came up with.

As you are aware, County Council has 30 days to review those rules changes. I'm totally against them, and I'll explain why. It starts with that guiding principle, teach everyone the same. If you want to have a rule, rule number 1, where some people are compensated and some aren't, you're not treating everyone the same. A better idea would be, don't --- no one is allowed to be compensated. You know, I think the attorneys would have an issue with that. I'm not an attorney. I'm a private citizen. I'm a realtor. I am as qualified as 98 percent of the hearing officers that hear the evidence at the Appeals Board.

I'm a real estate broker. I have over 500 accredited hours in valuation. I have the skills, the knowledge, the education. I believe I have more knowledge

than most attorneys that appear before the board. The second issue where most ---. The second issue that the Appeals Board has deals primarily with settlements. There are two classes of people that come before the Appeals Board, and this has been going on for about eight or nine months. There are some people that come in and present no evidence. The school district, the property owner and the property owner's representative present no evidence, and they sign a piece of paper and the Appeals Board signs off on it. I don't know if the Appeals Board had the authority to stipulate these cases; but again, this is one of the rules changes that the Board is proposing.

I ask in closing, basically, that we shoot both of these proposals down. I know all of the Board members. They're good people. These are just two bad ideas. Councilman Ellenbogen, thanks for the good catch. And I hope you waive the second reading and shoot this proposal down. Thank you.

PRESIDENT MARTONI: Thank you. James Uhler? If I mispronounced it, Jim, I apologize. Maybe you can --- I forgot to ask our ---.

MR. UHLER: My name is James Uhler. I'm a real estate broker for 38 years. I used to be a hearing officer from 2002 to 2006. I've represented thousands of people from 2006 to the current, on doing their assessment appeal. Most of my clients that I've represented are senior citizens and low income people who could not hire an attorney to do their appeal, so they ask me to do their appeal for them. And I think the proposed resolution --- I agree with it, that we should abolish the --- what happened with the Board, the property assessment, with regards to you saying you have to be an attorney to represent somebody or do it for free. I feel, as a real estate broker, we are the best people to give the opinion of value for real estate, because I've been doing that for 38 years, where an attorney may not have the expertise of knowing value and may know the law but not necessarily value.

So I am in favor of you passing a resolution that's coming to you tonight, and I appreciate all your help on this. Thank you.

PRESIDENT MARTONI: Thank you, sir. Josh Caldwell? Josh, start with your name and address for the record; okay?

MR. CALDWELL: Josh Caldwell from Imperial, PA. I thank you for your time, ladies and gentlemen. I'm the President of the Western Pennsylvania Real Estate Investors Association. I represent over 450 real estate investors. Collectively, we own thousands of properties across your district, and it will hurt us, kind of unevenly, if you eliminate people who can go argue for us that designate it here. If you limit it just to attorneys, a lot of our people aren't going to be served. Thank you for your time.

PRESIDENT MARTONI: Thank you, sir. Jerry Speer? Jerry, name and address, please.

MR. SPEER: My name is Jerry Speer. I live at 5535 Forbes Avenue. It's the 14th Ward of the City of Pittsburgh. I come here on my own behalf and also on behalf of the Realtors Association of Metropolitan Pittsburgh. As you have noted, I'm a resident of the city. I have a company called Equity Real Estate located in the City of Pittsburgh. We manage investment properties. We also sell and lease commercial property throughout western Pennsylvania. I'm a state certified real estate appraiser. I'm a certified property manager. And with your approval, this Council's prior approval, I served 11 years on the Board of Property Assessment Appeals and Review.

I was the Chair in 2005 and 2006. And every year or two during my time there, the Bar Association, or a representative thereof, would ask us to attempt to make a change to prevent the illegal practice of law. No one was in disagreement with the illegal practice of law, but we also did not want to permit the illegal practice of appraisal. Now the only thing we could find in the process, which could be considered the illegal practice of law --- and I'm not an attorney, certainly --- but was that someone could not ask a question of witnesses. And that was the only thing that didn't have to be done and we would not be, apparently, practicing law illegally.

Now the appeals form does not even request the reasons to file an appeal, and that's because there is only one reason; the appellant or property owner thinks the value is wrong. And the only people in Pennsylvania who can value property are real estate appraisers. They're not attorneys. There are over 750,000 properties in Allegheny County, and many of these property owners can't even afford to take the day off of work to come down

and have their appeal heard. This system is meant to be fair, inexpensive and unintimidating, and that means that these people can come down there in that venue and complain about an improper assessment. That's occurring now. So I'm asking that the Appeals Board rules not be accepted, and that we appreciate Councilman Ellenbogen's proposal. And I'd like to --- hope that you support that resolution. Please vote yes on that. I thank you for listening and also would say here that for many years, I have never gotten the chance to talk before this group. But I thank you for all the work you've done, because I can't believe you spend all the time you spend and have to work during the day. So thank you very much.

PRESIDENT MARTONI: Thank you, sir. Michael Septik? Michael? One more time; Michael? Okay. Michael, name and address, please.

MR. SEPTIK: I'm not part of the --- my name is Michael Septik, President of Allegheny City Electric. I'm in the --- a resident of Allegheny County. That's not part of this real estate ---. I'm here in support of this ordinance that Mr. Drozd is going to submit to the Council, to eliminate the PLAs. The reason I'm in support of that is the Project Labor Agreements --- as I'm pointing out, I found this in a recent bid document. And in this bid document, if you read through here, the language of a Project Labor Agreement is installed.

And what it does is --- I'm not a union contractor. I'm an independent. I've been doing work for the city and for the county for the past 30 years and a taxpayer in the city and county for the past 30 years. Back in March of 2010, an amendment was issued to county projects. And this amendment, it adds a Project Labor Agreement. This Project Labor Agreement stipulates that if I bid on this project, I have to be a signatory of labor council, and I have to pull employees off the bench to work on projects. And I have to pay the dues and things to the union, which I'm not set up to do.

I have successfully completed projects for the county for, like I said, the past 30 years and for the city. And we pay prevailing wage. We pay --- we have an apprentice program. We have all the requirements for a stabilization agreement, which --- we used to work for under the county for years and years and years. It wasn't until this amendment was put in that prohibits me from bidding on projects; I mean --- and I'm asking you today

as a county taxpayer, and my employees who are county taxpayers, why they should be prohibited from, you know, bidding on these projects. I'd like you people to read the language and see if that's fair. I think it should be fair for everybody across the board, not just a certain group. Thank you.

PRESIDENT MARTONI: Thank you, sir. Steve Glickman? Steve? Steve, your name and address.

MR. GLICKMAN: My name and address?

PRESIDENT MARTONI: Before you speak, yeah.

MR. GLICKMAN: Steve Glickman, 5821 Forward Avenue, Pittsburgh, 15217.

PRESIDENT MARTONI: Go ahead.

MR. GLICKMAN: I am a retired attorney, a former board member for over ten years. I'm with the old administration, and things were done differently and fairly. I am also a broker, albeit in escrow. I, for over ten years, have been attempting to get in touch with both the state and the local Board of Ethics, because my position is exactly the opposite of this proposal. I may be going out on a limb, but I believe it's actually unfair, conceivably unethical for attorneys to appear at hearings, because there are no legal issues at these hearings. If these issues are --- what are these --- what is the property worth? And attorneys are not prepared to discuss that.

In the old days when I held hearings, I would just get the two parties to agree to a settlement. There was a tough guy representing the assessors, Wayne Bernacki, who knew what he was doing. And the appellant, who did not necessarily have an attorney or the attorney had nothing to say, but he had an expert. And the two of them fought it out and they reached a settlement. Moreover, it's unfair because the board does not have an attorney there. Why should the appellant have to have an attorney, if the board doesn't? What's good for one is good for the other.

But in general, there were no --- rarely --- legal issues involved in deciding what a property is worth. Fran Daley, who is here, who will testify, has over 30 years with the board and was the expert in deciding how much shopping centers and apartment buildings are worth. He will not be able to represent people if this rule is passed, even though he probably can decide better than most what properties are worth, because he is

not an attorney. I would not even be able to represent someone. I don't do those for a living. But I, with my credentials and all my experience, would not be permitted to represent anybody --- and just totally unfair, this rule. It just makes no sense. Attorneys do not even belong at these hearings. I reserve my last minute for questions.

PRESIDENT MARTONI: Thank you. Barbara Stern? Barbara Stern? Barbara, your name and address, please.

MS. STERN: Thank you. My name is Barbara Stern. I reside at 1540 Evergreen Avenue, Pittsburgh, 15209, in Shaler Township. I am a former councilwoman in Aspinwall, the proud mother of a Harvard-educated attorney. And now I live in Shaler Township, as I mentioned, and we're just here today to thank Councilman Ellenbogen very much for putting this forth. We are in strong disagreement with the board's new rule, and we thank you for considering this really important resolution to eliminate the board's restrictions on non-attorneys. Thank you. Oh, excuse me. And this is my fiancé, Will Harris (phonetic), and he agrees.

MR. HARRIS: I'm not a lawyer, either. Some people may not think I was much of a football coach. I think it's unfair for the taxpayers of Allegheny County.

MR. DROZD: You think there's some undue influence there?

PRESIDENT MARTONI: Thank you both very much. Okay; thank you. Douglas Bovard? Douglas?

MR. BOVARD: My name is Doug Bovard. I live at 2301 Brookfield Road, Scott Township, 15243. I have been a state, local and property tax practitioner in Allegheny County for, I would say, about 33 years. I'm a certified general appraiser. I have an MBA in Finance. I'm also --- actually, I have the CAE designation, which is the top designation in assessing property taxes. Most of your chief assessors nationally have what is called the CAE designation. I'm here to oppose BPAAR's new rules limiting appearances just by attorneys and supporting Mr. Ellenbogen's proposals here.

BPAAR is your initial level, folks, where taxpayers can come in, and you know, meet with a hearing officer --- and the hearing officers are usually very excellent --- when they have a dispute with their property. They have no other thing that they can do if they disagree with the real estate --- if they disagree

with the value. They could talk to the assessor about measurements and everything, but they can't do anything about the hard right (phonetic). We need to keep that as open for taxpayers, for their representatives, for real estate agents, for brokers, for anybody who's trained and qualified to --- you know, to answer the questions, because as the last gentleman said, 99.9 percent of these issues are, what is the fair market value of the property in question? And the attorneys are not qualified to do that. They can't help with that. There's also the issues that sometimes you don't realize. There are a lot of out-of-town property owners. I represent some. There are very, very specialized properties --- which it's still helpful to bring in, you know, particularly people that are specialized in that area.

And obviously, there's low income. I had represented, for instance, Station Square, Miracle Mile Shopping Center. Yet I work with --- I have done things for free for people that's just like them. And they have small businesses and things. So it's --- we need to keep that initial level open. That's all I have to say.

PRESIDENT MARTONI: Thank you, sir. Francis Daley? Francis? Francis, name and address.

MR. DALEY: Thank you very much for calling my name and to let me speak today. I appreciate that. And I know a lot of you Council people. Throughout the years, I've been in political matters, once as the mayor of Duquesne. And I've spent some time in politics, but I spent 35 years in the assessment office. And I've worked from an assessor up to the vice-chairman of the board. And I'd like to read my resume to you, if you don't mind. I did give some copies to a couple of Council people.

And my accomplishments were as a real estate licensed salesman to begin with, which I was working before I got on the board. I was an assessor for property assessment appeals and review. I was promoted to a supervisor in the next three or four years. I also went to school to become a CPE, which is a certified Pennsylvania evaluator, so --- and all the traits of being a good board member and assessor. I was promoted to a position as board member. And from there, I was promoted to vice chairman of the board, which I heard many big cases, like the U.S. Steel Building, the ---. And there were some other properties also that I heard appeals on and --- besides the Steel Building, there was the PPG

Building, also the Oxford Building. All the high rise buildings in downtown Pittsburgh, I handled all of those as a hearing officer and board member.

Also, I was promoted to vice chairman of the Board of Property Assessment Appeals and Review. And I taught classes at Allegheny County Community College for assessors, to elevate the knowledge of the assessment process and then the appraisal process of residential and commercial properties. I did that for five years. I presided over hearings, as I said before, the high rise apartments and office buildings. I retired in 1993 with 35 years of service in property assessment appeals and review. And the day I retired, the City of Pittsburgh asked me to work for them handling their assessment cases.

So I did go to work for the City of Pittsburgh, also, and I spent two years working with them. Then another company asked me to join them, which was RITC, Bureau of State Tax Consultants, and they're still in business. And I've worked with them for about ten years. And from 2004 to 2009, I was employed by the City of Duquesne as a tax consultant for properties. So as you can see, I've had plenty of experience in hearing residential and commercial properties. And the proposed action that they want to put attorneys on to me sounds somewhat strange and --- because to be a good assessor, you have to have experience in valuing properties.

And valuing properties is not as easy as some people may think, because you have to do commercial properties and you have to know the income approach to value, which not too many people know that, unless they're a certified appraiser. And my talents probably match any certified appraiser in the business. And of the 35 years I spent there, I worked hard and learned a lot, and I learned one thing. Treat civilians that come in with property problems, with care and understand their issues. And I don't know if you're going to have that if you get attorneys to represent people on values. They can represent people on law. I know that because my son is an attorney, also; but I'm not, so there's one thing I learned from him as an attorney. And he is a managing partner at Peirce & Associates.

So I feel that I have enough knowledge in all of these fields, that I think to approve a law that --- to bring attorneys in as the only ones to represent

appellants is not --- to me is not inclusionary, it's exclusionary.

PRESIDENT MARTONI: Well, we thank you for that.

MR. DALEY: So I'll end this at this point, and I appreciate you being here, and I hope we can --- you can help us on this. Thank you.

PRESIDENT MARTONI: Thank you, sir. Approval of Minutes. I think we can do two of the meetings at one time. 7494-13 and 7495-13.

MR. CATANESE: Motion to approve the minutes of the general meeting of Allegheny County Council held on February 19th, 2013 and March 5th, 2013.

MR. DEFAZIO: So moved.

PRESIDENT MARTONI: We have a motion.

MR. PALMIERE: Second.

PRESIDENT MARTINO: Second. Question? All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered. Presentation of Appointments. 7496-13. Shall I take two of these with one ---?

MR. CATANESE: We've got to do the first two individually.

PRESIDENT MARTONI: Yeah, the first two. 7496-13 and 7497-13.

MR. CATANESE: Approving the appointment of State Senator Wayne D. Fontana, to serve as a member of the Sports and Exhibition Authority of Pittsburgh and Allegheny County, for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Appointment Review Committee.

MR. CATANESE: 7497-13. Approving the appointment of Daniel Styche, to serve as a member of the Allegheny County Human Relations Commission, for a term to expire on December 31st, 2016. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Appointment Review Committee. 7498-13.

MR. CATANESE: Do you want me to take them as a group?

PRESIDENT MARTONI: I would like that, yes.

MR. CATANESE: It would be Bill 7498-13 through 7507-13. They're all going to the same committee for the same group. Approving the reappointment of Dorothy

Antonelli, Chester R. Babst, Jeanne K. Clark, Dr. Michael Finewood, Steven Hvozdoich, Mark Jeffrey, David P. Mazzocco, Robert Orchowski, Joe Osborne and John Palmiere, to serve as members of the Air Pollution Control Advisory Committee, for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT MARTONI: They all go to the Appointment Review Committee. Unfinished Business. Committee on Appointment Review, Second Reading. 7452-13.

MR. CATANESE: Approving the reappointment of James M. Flynn, Jr., to serve as a member of the Community College of Allegheny County, Board of Trustees, for a term to expire on December 31st, 2018. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Motion; John?

MR. DEFAZIO: Yeah. I'd like to make a motion that we go along with this reappointment.

MR. DROZD: Second. Question?

PRESIDENT MARTONI: Moved and seconded. Question?

MR. DROZD: I was prepared prior to what you had said tonight, President Martoni, to vote no on all these appointments, because of that resignation letter. And I want to commend you and the caucus chairman for having the foresight to sit down with the Chief Executive and to point out that this could put these boards in great jeopardy in what their mission is about, and that is to be independent bodies that represent the people of this county. So I thank you for doing that, and now I'm prepared to vote accordingly. Thank you, sir.

PRESIDENT MARTONI: Okay. We have a motion and a second. We have a voice vote on this, I believe. All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered. 7454-13. John?

MR. DEFAZIO: Yeah, I'd like to make a ---.

MR. CATANESE: I have to read it.

PRESIDENT MARTONI: I'm sorry.

MR. DEFAZIO: Go ahead, read.

MR. CATANESE: Approving the appointment of Richard Hrivnak, to serve as a member of the Personnel Board, for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

MR. DEFAZIO: I'd like to make a motion that we go along with this appointment.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved and seconded.

Question? All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered.

7456-13.

MR. CATANESE: Approving the appointment of Daryl Jackson, to serve as a member of the Allegheny County Mental Health/Intellectual Disability Advisory Board, for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT MARTONI: John?

MR. DEFAZIO: Yeah. I'd like to make a motion that we go along with this appointment.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved and seconded.

Question? All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered.

7457-13.

MR. CATANESE: Approving the reappointment of Joseph Serrao, to serve as a member of the Allegheny County Property Assessment Appeals and Review Board, for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT MARTONI: John?

MR. DEFAZIO: I'd like to make a motion that we go along with this reappointment.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved and seconded.

Question? All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered.

7458-13.

MR. CATANESE: Approving the reappointment of Thomas Headley, to serve as a member of the Agricultural Land Preservation Board, for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT MARTONI: John?

MR. DEFAZIO: I'd like to make a motion to go along with this reappointment.

MR. FINNERTY: Second.

PRESIDENT MARTONI: Moved and seconded.  
Question? All in favor?  
(Chorus of ayes.)  
PRESIDENT MARTONI: Opposed? So ordered.  
7460-13.

MR. CATANESE: Approving the reappointment of Anthony Saveikis, to serve as a member of the Agricultural Land Preservation Board, for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT MARTONI: John?  
MR. DEFAZIO: Yeah. I'd like to make a motion that we go along with approving this reappointment.

MR. FUTULES: Second.  
PRESIDENT MARTONI: All in favor?  
(Chorus of ayes.)  
PRESIDENT MARTONI: Opposed? So ordered.

7483-13.  
MR. CATANESE: Approving the appointment of Robert D. Hurley, to serve as a member of the Allegheny County Port Authority Board, for a term to expire on December 31st, 2016. Sponsored by the Chief Executive.

PRESIDENT MARTONI: John?  
MR. DEFAZIO: Yeah. I'd like to make a motion that we approve this appointment.

MR. MACEY: Second.  
PRESIDENT MARTONI: Moved and seconded.  
Question? All in favor?

(Chorus of ayes.)  
PRESIDENT MARTONI: Opposed? So ordered.  
MS. HEIDELBAUGH: Opposed.  
PRESIDENT MARTONI: I'm sorry. We had ---.  
MR. ROBINSON: Opposed.  
PRESIDENT MARTONI: Did you get that? We have two opposed. I want to make sure you got those. Thank you. Okay. Liaison reports. Go ahead, Mike. It's your turn. Liaison Reports, I said it's your turn.

MR. FINNERTY: Oh, I'm sorry. I was writing some things down. Excuse me.

PRESIDENT MARTONI: That's okay.  
MR. FINNERTY: The Sprinkler Industry Joint Apprenticeship Committee of Pittsburgh is opening up their apprenticeship program. So if you're interested in that, they're located at 227 Scranton (sic) Avenue, Pittsburgh, PA, 15209. And that's the Borough of Millvale. So if

you're interested, you could also give them a call. It's 412-821-1561. Thank you.

MR. BURN: Mr. President?

PRESIDENT MARTONI: Jim?

MR. BURN: Thank you, Mr. President. My condolences --- our condolences should go out to Mayor Ben Killian in Aspinwall Borough, on the passing of his wife, Dorothy, over the weekend. Thank you.

PRESIDENT MARTONI: Thank you. Any others? Hearing none, we'll move on. New Business. Ordinance and Resolutions. 7522-13.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, to amend and supplement the Allegheny County Code of Ordinances, Division 1, Chapter 5, entitled Administrative Code, in order to prohibit the execution of certain service contracts by the County and enumerated County agencies. Sponsored by Councilman Drozd.

PRESIDENT MARTONI: That goes to Government Reform. Mr. Drozd?

MR. DROZD: Yes, sir. Thank you, Mr. President, and thank you, my fellow Council members, for letting me elaborate a little on this. Let me first say that this used to be what was called a Project Stabilization Agreement. And most businesses in Allegheny County could easily do such and enter into such an agreement. But for some reason, it changed to a Labor Agreement in 2010. Why, I don't know. And I don't know if anyone knows, and we got to find that out. I am doing research to find out why that changed. But fair is fair. It doesn't matter if you belong to a collective bargaining unit or not. If you pay taxes to this county, you live in this county, you employ our people, then you should have a right --- a right to bid on any contract without degrading (sic) your workforce by having them to go into a collective bargaining unit or having to sometime bring someone off the bench, so to speak, what the gentleman here pointed out, and then don't know the quality of the end work.

Well, let me point this out. Two reasons why I'm putting this up --- and very, very seriously. First and foremost, it is, I feel, a misuse of taxpayer dollars. And what I mean by that is, I have evidence --- and I asked ALCOSAN --- they pay higher for a contract --- and this is only the tip of the iceberg --- \$176,000 more for that contract than the lower bidder, because the lower

bidder didn't have the PLA, but yet that lower bidder sits in this hall and does ---. When you walk out of here tonight, he does all the street lights for the City of Pittsburgh. Now what makes him less qualified to do work at ALCOSAN and in this county, if he does those street lights? What makes him or anyone less qualified? First and foremost, this is discriminatory. It is discriminatory against about 80 percent of the businesses in Allegheny County, many of those which are small business, women and minorities. They could not easily or readily --- could they? Yes. Could they readily, no, bid on such contracts. Why should we discriminate? This is not what the American Way is.

There are state laws that say we cannot discriminate, yet we impose these type of contracts in these agreements. I say, live and let live. I will stand to defend anybody, whether they're a collective bargaining unit or not, but I want them to be fair. I think we need to make this fair in Allegheny County. Let me point out some other things. The gentleman that just spoke here tonight, not only has he been a resident of this county for 30 years, he served our country. And this discriminates against veterans, too, and what we could be doing. Not only is he a veteran in his --- of our country, but he also put over \$1,000,000 dollars into a building that stood dilapidated in Ross Township, over \$1,000,000. It was an eyesore --- did not pay much in taxes to our county, to our school district or to our municipality and was an eyesore.

And he stood up and put over \$1,000,000 in that building. You can see it along Babcock Boulevard as you look up over. He employs over 50 people at different times that are residents, many of which are residents of our county. He could have taken his building and moved it across the county lines and still paid and did work here within this county, but he chose not to. What I mean is, in essence, in --- ALCOSAN, when I called them, I said, did you or did you not do this? They said yep, we did it. I said, you did it, for \$176,000 for just that one component of the contract, mind you. That didn't include what could have been in other parts of that contract. I said, how can you justify --- how can you justify increasing your rates to your users? There was no answer on the other end.

We have to stop this practice. We have to be fair to everybody concerned. There has to be a level playing field. We have to be recognized and recognizable, that the people that live in this county, that serve our country, that pay taxes here and employ our people, have the God-given right of anyone else in this country to work the way anyone else would and be able to bid on contracts that they, themselves, reach in their pockets and they pay more themselves in their good, hard-earned tax dollars. I want this to go into committee, because I don't want it to die this time. And by the way, these people pay prevailing wages, I'll guarantee you that. It's in the contracts. They pay prevailing wages. So I want this to go in committee, and I don't want it to die this time. We did this a year or two years ago. We can't let it die, because if we do let it die, then we are turning our backs on our taxpayers, those that employ our people, our veterans, 80 percent of the businesses in this county and women and minorities. And we cannot do that.

We just can't do that. So I welcome the debate. I would ask the Council members --- I will have more research on this, and I'll do my due diligence. I'm sure others will, too. But we got to end it. It's got to end. Thank you, Mr. President, and thank you to my fellow Council members for allowing me to elaborate.

PRESIDENT MARTONI: That goes to Government Reform Committee. 7508-13.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, resolving the proposed changes to the Board of Property Assessment Appeals and Review's Rules and Regulations, shall not go into effect. Sponsored by Council members Ellenbogen, Macey, Finnerty, Palmiere, Robinson, Martoni, Futules, Danko, DeFazio, Drozd and the County Treasurer.

PRESIDENT MARTONI: Mr. Ellenbogen.

MR. ELLENBOGEN: Wow. Where do I even start with this? There's a couple issues that are at hand here, and I have to be honest with you. In the 34 years that I've been involved in government, I have never seen anything that has come across my desk that is more blatantly against what the taxpayers even knew about or the elected officials in this county.

PRESIDENT MARTONI: Mr. Ellenbogen, can I ask you ---? I think you want to do some of this tonight. Would you start with waiving the second reading?

MR. ELLENBOGEN: Okay. Anyway ---.

PRESIDENT MARTONI: That way we can talk about that ---.

MR. ELLENBOGEN: Okay. Well, don't you think we should explain why we need to waive the second reading?

PRESIDENT MARTONI: Maybe, you're right; if you feel more comfortable.

MR. ELLENBOGEN: No. Well, okay, I'll do that, but I'm going to ask to waive the second reading on this. And the reason I'm going to ask for the second reading to be waived on this is because if I don't, it's going to automatically go into law without us even having an opportunity to review it. So Mr. President, in deference to you, I'd like to call for that.

MR. DROZD: I'll second that.

PRESIDENT MARTONI: We have a motion and a second to waive the second reading. All in favor?

(Chorus of ayes.)

PRESIDENT MARTONI: Opposed?

MS. HEIDELBAUGH: Nay.

PRESIDENT MARTONI: Okay. The second reading is waived. Now you can go free on the ---.

MR. ELLENBOGEN: So I can go free on --- right? I happened to catch this in reading the agenda, that this board just unilaterally decided that they were going to change the rules about who could represent a taxpayer in front of them. It's always been my opinion that that board's job is to adjudicate the cases that came before them and considering my e-mail, they haven't even done a great job about that. That being said, they want to decide who's qualified to go in front of them. So not only do they want to adjudicate the case, now they want to tell you who is worthy enough to go in front of them.

It's a taxpayer's right to bring anybody that they would like to any hearing that they feel helps justify their case. It's their legal right. And to force people who are at low or medium incomes out of the game by saying, you know what, the person that will do this job for you at a much cheaper rate --- who's qualified ---. Because I'll tell you something, I know a lot of people who are realtors that know a heck of a lot more about real estate, including the county treasurer, than a lot of attorneys. And I'm not disparaging attorneys as a whole. I'm just disparaging this attempt --- I don't even know what it is.

With that being said, you can only bring people in front of them that they would say, who would get paid? So not only that, they're creating an oligopoly in terms of who can get paid to represent you. So now some poor guy that owns a small piece of property has going to come up with a couple thousand dollars to pay somebody who they say is qualified. So let me give you a case scenario. Your grandmother wants her property assessed. So she says to you, well, you know, can you get somebody to do this for me? According to them, if they don't get paid, that's fine. And she decides that she wants to pay for you to --- for them driving down there, for their parking, for the time that they spent, you have legally made her a criminal.

You are legally --- I had people say, well, who would know? It doesn't matter who would know. You're legally saying that she's doing something that's illegal. It's just not right in the face of it. And when I heard in the media --- and I've had various media people tell me that this was their attempt to ensure that you, the public, were well represented and you had recourse, well, you know something? If I wanted the public to know that I was doing a great job for them, the first people I'm going to go to are the 16 people elected in this county to represent the people, so that the idea will get out, so people will know. Ladies and gentlemen, you are the --- we're the 15 people who have to stand for election.

If I did not bring this to you, this would have passed. And I'll guarantee you there would have been more people that are in this chambers today that would have come in front of us and said, well, where were you at? I believe that that whole attempt is disingenuous, because why would you try to put this through Council on the back heel of Dr. Martoni's legislation, without us even knowing anything about it? Think about that. That's exactly what would happen. This thing would have --- if this thing was not caught, this would have become law. I mean, think about that.

Do we have to keep an eyeball on a board that's supposed to represent the best will of the people? And this does not, in any sense, represent what's best for the people. And you know what? If you want to make it an economic issue, this country was founded on the same caveat emptor, let the buyer beware. If I'm a taxpayer and I think somebody's qualified to bring them in, then

I'd have a right to bring them in. Now that's what's going on here. They want to decide who can go in front of them. And then there's another part to this. If there's an agreement that's made between, for instance, a school board and the board in that room, if this passes, when you go home as a taxpayer and you think you're paying this or that, well, guess what? The board can now turn around and say, you know what? I changed my mind. We're going to impose this anyway. What kind of nonsense is that? This is absolutely --- on its face, it's just --- you know. And you know, I don't normally, like, rise to this kind of --- but this is just unbelievable.

And you know what? I could not pick out a board member of that board if they were sitting in this audience. So I don't even have a dog in this fight. I don't have anybody that I particularly dislike or the way that they adjudicate the case. I'm saying to you that what they're doing here, ladies and gentlemen, is just --- on its face is wrong to try to run this through Council and change the law, while we are the people who have to stand for election to the public; because I'll guarantee you that if this law goes into effect, hold on to your e-mails and your phone calls, because you're going to get them. And we don't even know what they look like, unless --- well, you might, Mike, but I don't.

The bigger issue here, even more important than this is, those of us who have been involved in government for over 30 years and remember the original creation of boards --- and Councilman Robinson, you know what I'm talking about --- they were originally created so that city council, when it was enlarged 30, 40 years ago, and those guys had power at large --- could run for mayor, whatever --- a certain mayor did not want things to go in front of that council because they wanted to have that kind of control. Am I right, Councilman?

(Councilman Robinson nods in agreement.)

MR. ELLENBOGEN: The idea kind of caught on. You know what? Why not create boards that just do whatever they want to do? The public has no input. The people they elect can't say anything. Now I'm not going to disparage all the boards. There's a lot of boards in this county that do a lot of great work and in the city. And folks that serve on them do, you know, should be commended for the services they do. But there are instances, like you see right here, that just aren't

right. It's just not right. So I ask you, ladies and gentlemen, for your comments, and I ask you to strike this down. And I also say to you that we are the ones who stand for election. Remember that. We are the ones who make policy for this county. We are the ones who are elected to make policy for this county. And I must be doing a pretty damn good job, because I haven't been opposed by the Democrats or Republicans yet, because everybody knows that I stand for what I think is right. And this is just --- on its face, is wrong. So thank you. I'm sorry I went on a little bit, but that's what happened before. Thank you.

PRESIDENT MARTONI: Before we get a lot of comments, did I have --- did we have a motion on the floor to put this on the agenda?

MR. FINNERTY: Yeah, we would have ---.

MR. DROZD: Mike, yeah, we did.

MR. FINNERTY: Now we need a motion.

PRESIDENT MARTONI: Now we need a motion for the bill itself

MR. DROZD: I would make that motion.

MR. DEFAZIO: Second.

PRESIDENT MARTONI: Moved and seconded. I think we have to have a roll call.

MR. DEFAZIO: Remarks.

PRESIDENT MARTONI: What?

MR. DEFAZIO: Remarks.

PRESIDENT MARTONI: Remarks, yeah. I figured there was going to be some remarks. Remarks.

MR. BURN: I have a couple.

PRESIDENT MARTONI: We'll start with this end, and I'll go around. Jim, you're first.

MR. BURN: Thank you, Mr. President. I have a procedural question. First of all, Councilman Ellenbogen, kudos to you for your due diligence. And had you not caught this, you're absolutely right. We could have been in a very precarious situation and disenfranchised possibly thousands of citizens who may not have the ability or the desire to obtain counsel on this issue. But it's a question that goes back to Section 5-207.06(c) of the Administrative Code. I'd ask our solicitor or Mr. Barker, procedurally, in order to amend that provision, what would need to be done, the provision which enabled the Board to do this in the first place?

PRESIDENT MARTONI: I know --- I'll try to answer that. I'm not a legal person, but it seems like the resolution we have on the table is going to do it.

MR. BURN: No. Mr. President, I'm talking about the mechanism which brought this to us in the first place.

PRESIDENT MARTONI: Oh, okay. You're talking about the ---.

MR. BURN: I'm talking about the systemic way that this came before us.

PRESIDENT MARTONI: Okay.

MR. BURN: Is there a way that it can be altered; and if so, what is it, because --- to stop them from doing it again, so that we don't have to read the --- read the notices, this, to me, is backwards; if there's a way to change it, which would reverse this. And then what we should do is, if we can amend this, I would suggest I can introduce the legislation myself or with Jimmy, who brought this to our attention, or whomever, and say, look, it doesn't become law if we miss it. You have to ask us if you can change it. And you can't do anything unless we give you our blessings.

This way it's like it's --- unless we catch it or unless we say no, it becomes law. It's like getting one of those subscriptions. Unless you say no, you're going to get 50 issues of this magazine. If there's a way for us to create a mechanism here tonight or at the next couple of meetings --- or legislation, I would suggest to my colleagues we draft something to take this toy away from them and have it done the right way.

PRESIDENT MARTONI: If I can respond to that first, we're talking about a time limitation here.

MR. ELLENBOGEN: Yeah. If we don't do this now, it won't pass.

PRESIDENT MARTONI: If we don't do this now ---.

MR. BURN: I'm on the same page.

PRESIDENT MARTONI: Oh, okay.

MR. BURN: I'm saying that for --- let's get this done, Jimmy. I'm with you. I'm talking about in the future.

PRESIDENT MARTONI: Yeah.

MR. BURN: If not for Councilman Ellenbogen's due diligence in catching this, we would have had a problem. Why does it have to be that way? If there's a way for us to change this so that we don't have to be looking over our shoulders ---

PRESIDENT MARTONI: Okay.

MR. BURN: --- then perhaps if we'd be willing to do that, we should fix this so that this doesn't happen again.

PRESIDENT MARTONI: I'm with you on that. I'm with you on that.

MR. BURN: That's all I'm saying.

PRESIDENT MARTONI: Okay.

MR. BURN: Mr. Cambest, anyway, ---.

MR. CAMBEST: Yeah. Jim, you're right. John and I were talking about that while you were having your discussion. So Jared and I will take a look at that and, you know, if we have to amend the Administrative Code, we'll do that. But we understand what your thinking is.

MR. BURN: But if we can, I'd like to see the draft --- piece of legislation, and I'd like to sponsor it.

MR. CAMBEST: John, likewise?

MR. DEFAZIO: Yeah. We can change the Administrative Code to do exactly what he said, because look, sooner or later we're going to be caught with something --- a few words here and there. We're going to miss this. And I agree 100 percent, and Jim would also agree 100 percent with the other Jim.

MR. ELLENBOGEN: It's pretty bad when we got to watch our back against our own board.

MR. DEFAZIO: Right.

MR. BURN: That's exactly right.

MR. DEFAZIO: Well, the smart way around it is, let's change the Administrative Code to put in there, we have to know about these things.

MR. ELLENBOGEN: I agree.

MR. DEFAZIO: What do you want to do when things go bad, they're chasing us all over, so we might as well get it done right.

MR. BURN: And Mr. DeFazio, may I suggest that if it's not just indigenous --- if it's just indigenous to this one provision, that's one thing. But I would query whether or not this type of trap exists in other parts of the Administrative Code. And if we're going to do this, let's do one clean stroke and clean it up all at once, essentially.

PRESIDENT MARTONI: I agree. Thank you.

MR. ELLENBOGEN: Good comment.

PRESIDENT MARTONI: Jim, anything else before we ---?

MR. BURN: That's all I have. Thank you, Mr. President.

PRESIDENT MARTONI: Okay. Anybody else before ---?

MR. DROZD: Yes.

PRESIDENT MARTONI: Who said yeah? Mike?

MR. FINNERTY: I didn't say anything.

PRESIDENT MARTONI: Mr. Drozd? Go ahead, Matt. I couldn't tell if it ---. Go ahead, yeah.

MR. DROZD: Okay. Thank you. First and foremost, what I'm about to say isn't --- I have no derogatory comments against, you know, attorneys. You know, they're quality people, some of which are brokers. As you see here today that appeared before us, there's very quality people. And not to take away from the board itself necessarily, but what concerns me --- and I think we all have to be concerned as a council and the administration should be --- in the essence of how this decision was arrived at in the first place.

You know, I know that, you know, the realtors maintain a very high standard of performance. They have a very professional organization. It's a very, very high standard. And what concerns me is that we have so much, you know, dilemma within our assessments now in Allegheny County, that such a decision that we're having to debate here on the floor in the first place, that this was made in the first place. But how they could bypass --- bypass, in essence, a group, the realtors themselves, within this state, that are very, very highly qualified in order to --- when making these decisions and making assessments, making appraisals; how they could bypass that?

That concerns me even greater than this itself, as much as this itself, I should say, and we really need to explore what's happening there, not only on this board and other boards, but how decisions are being made and what's coming out, and how they're getting their advice. Lastly, I'll say this in this way is --- you have to walk in someone's shoes. I believe that, and I would ask this board if they walked in the shoes of the realtors to see what they're doing and what they understand, had they sat in on those assessments themselves? I would hope to think

they did and maybe they, themselves, had to appear before an assessment board.

And if they did, how did they arrive at this decision then, that they would say that a realtor --- an appraisal --- appraiser would be excluded from going in to represent someone? Or even if they want to bring a family member that's qualified to do that. It amazes me. It really does amaze me. Lastly, I'll say this. I think we also have to bring out what's in the committee; and what I think one of our fellow council people put in is this. When someone brings a bona fide, certified appraisal to the assessments and says, here's my appraisal, this person is a certified, bona fide appraisal within the State of Pennsylvania --- certified, and it's about a 10, 15-page document, and says this is what they say it's worth, and they say, Allegheny County Assessors, where's yours? Where's yours from a certified, bona fide appraisal? If they don't show one, then what should stand is the one that our constituents bring to that --- that pay to have this done, a certified, bona fide appraisal.

And they bring that to that assessment and say, here's mine, where's yours? And if Allegheny County can't produce it, guess who should stand? It should be automatically accepted. I think we need to scrub this. And if that is so --- such in committee, we need to bring that out at the same time and work it, okay, because if someone goes to get a certified, bona fide appraisal from someone that's done years and years of work in this work and we got to listen to it ---. Then if we can't produce ours or --- I say ours --- the assessment cannot produce theirs, it should stand as record. And that's what it should be. Thank you, sir.

PRESIDENT MARTONI: Are there any other comments?

MR. DROZD: Thank you, ladies and gentlemen of the Council.

PRESIDENT MARTONI: Yes? Go ahead.

MR. FUTULES: Yes. Jim, thank you very much for catching this. This was such an important issue, I hadn't realized it. So we started receiving a lot of e-mails from people that were very concerned. I want to thank everyone that came in this evening to make your comments, because every one of you had valid points. And we repeat --- for the sake of not repeating ourselves, it just feels so disingenuous as to what they were trying to

do or maybe what they were trying to undermine, the integrity of the office itself. It certainly is an opportunity for all of us here to exercise the fact that elected officials caught it. And thank God that we did. And I'm in support of this, and I'm going to vote in my favor of it.

PRESIDENT MARTONI: I think --- yes? I'm sorry. Go ahead.

MS. HEIDELBAUGH: My comments are going to be lengthy, so I would ask for the indulgence of the ---.

PRESIDENT MARTONI: Yes, please.

MS. HEIDELBAUGH: Thank you.

PRESIDENT MARTONI: We want to get everything out.

MS. HEIDELBAUGH: Thank you very much. This was sent to all the members of Council, and it was --- we were notified that we should look at it to determine --- if we didn't object to it in 30 days, that it was going to go through. Originally, when I read it, I was opposed to it, just like Mr. Ellenbogen was opposed to it. Just --- to give you just a moment, the reason I became a lawyer 30 years ago was, my grandfather was a house painter. He worked for three years, didn't get paid. Went to a lawyer to sue them for the payment of three years of work and the lawyer said, you have to give me money before I can --- I can help you.

So I'm keenly aware that people need help and can't pay for lawyers. It's the backbone of --- it's the reason why I went into the profession. So I began to make some calls to try to figure out why this rule was promulgated. And I talked to Kate Barkman, who is a county employee. She is a lawyer. She's the Chief of our Civil Division Records. She was the prior Chair of the PAAR Board. And what she indicated to me --- and she sent me a case, and I can provide everybody on Council with a copy --- is that this exact situation was previously litigated in another county.

There was a rule that said that --- and we have to be careful here with the facts. In Allegheny County, if I am going in front of the PAAR Board, I can bring Mr. Spear (phonetic), who's not a lawyer --- he's very knowledgeable. I know him. He's more knowledgeable than many, many, if not all, the lawyers. I can't pay him. If this rule stays the same or doesn't pass, that's still the rule. I can bring in my daughter. I can bring in Mr.

Spear. I can bring in a lawyer. I can bring --- the only person I can pay is a lawyer.

Now, the reason why this committee wanted to make this change is because the Unauthorized Practice of Law Committee, which is an adjunct --- it is an adjunct arm of the Supreme Court --- has been pestering the PAAR Board for a long time. And they have been saying that what's going on here in Allegheny County is the unauthorized practice of law. Now, just hold with me for a second. Okay? That is a fact. You may not like it. I don't like it, either. It's a fact that we have to deal with. So what can happen in this area is you can be --- there can be an action brought against the individuals who are not lawyers, who the Committee on Unauthorized Practice deems are acting like lawyers. And this has already been decided by a court.

And you will be charged with the unauthorized practice of law. You may not know it, but this is what's going to happen. So what the PAAR Board wanted to do was to make it clear that only lawyers can be paid. Okay? So I'm here to tell you that I think the best solution to this problem is a different solution. I agree with you that individuals ought to be able to bring in a non-lawyer, pay them a different rate --- for instance, I don't know what you gentlemen charge, but maybe you charge \$40 or \$50 an hour, something quite less than an attorney. But in order to do that, I think the best solution is to get an exemption through the Pennsylvania Supreme Court, through a rule change --- through a rule change. It's a committee.

I served on the Pennsylvania Supreme Court's Civil Rules Committee for six years. I served on these committees. I understand how they work. It's not easy, but it's a possibility. So I want to make clear to the citizens of Allegheny County, I want to make clear to my colleagues, I am with you in spirit. It is not that I disagree with the fundamental premise of what is trying to be accomplished here. But the PAAR Board felt that they were getting pressured from the Supreme Court Rules Committee and did not want the individuals who appear to be sued for the unauthorized practice, nor did they want to have to defend an action for the unauthorized practice.

Many people can disagree with me. I'm happy to have you disagree with me. But that is the basis for which I'm going to have to vote no, not because I don't

want you qualified, hard-working, intelligent people to be able to help the citizens of Allegheny County. But I don't think that this --- if we do what Mr. Ellenbogen is suggesting, is going to fix the problem. So that's my position.

PRESIDENT MARTONI: Thank you for your input. I think, Jim, you're next.

MR. BURN: No. John is next.

MR. DEFAZIO: Jim can go.

MR. BURN: Thanks, John.

PRESIDENT MARTONI: Go ahead.

MR. BURN: Thank you. Thank you, Mr. President, and members of Council. In response to my colleague, Ms. Heidelbaugh's, comments, I'd like to share with you in the room and those who might be watching, that you know, I'm privileged to serve for the Pennsylvania Supreme Court on the Disciplinary Board as a Hearing Committee Officer. I do agree that the unauthorized practice of law is an issue that is of concern, in any venue, in any form, at any time. But I would urge those watching and those listening, those here today, not to be alarmed or frightened by those remarks. There are many checks and balances in place.

Those on this board are professionals. Those on this board know when lines are crossed. Those on this board --- they have an obligation and the ability, as do others on other boards and others in society generally, to report the unauthorized practice of law to the appropriate individuals or authorities; i.e., the Disciplinary Board of the Supreme Court of Pennsylvania. So my point is, there are checks and balances in place to catch that type of behavior. So what does that leave us here tonight?

That leaves us to do a cost benefit analysis on this specific piece of legislation and as it pertains to thousands of Allegheny County residents who would be disenfranchised if we would allow the PAAR Board to do what they planned on doing. So based on the fact that there are safety nets in place, based on the fact that we are doing our due diligence in regard to the issue that my colleague put forward tonight as a reason to oppose this, and based on the fact that we have professionals on the board who can know it when they see it and will turn it in appropriately through already existing channels, I think the benefits outweigh the risks, and I think we should support this. Thank you.

PRESIDENT MARTONI: John, I think you were next, then Jim is next.

MR. DEFAZIO: Yeah. I agree with Jim, but I'd like to say, look, we have time constraints here. We have --- the smartest thing to do, in my opinion, is let's pass it. Every time we see ambiguous language, by the time it's over --- Heather, you may be right at the end of the day. We can't take that chance. Let's do it our way. If things have to change, we can change our opinion on things. For now, the smartest thing to do, in my opinion, is let's pass it, then we'll talk about it, because none of us have seen any of this language. No one has come before us with any language. So you know, every time we see people --- we hear people talk. And then when you read the language, it's ambiguous. Oh, we thought it meant that. Let's pass it, and we'll deal with it later if we have to.

PRESIDENT MARTONI: Jim?

MR. ELLENBOGEN: With respect to my colleague's comments, first of all, I don't know of any board in this county that, if they felt pressure from the judicial branch of government, would not immediately report it to either the --- our solicitor or the county solicitor. I have had no communication with the PAAR Board of any sort, not only regarding anything that's illegal, but anything, period. And you know, here my colleague, Councilman Burn, sits on that board. If I was getting heat from a certain board, I would believe that Councilman Burn would probably be the first one here to know it.

I also have great confidence in the judicial system of this county, particularly when it comes to assessments, because there is no question, this much --- that if we were --- if anything was being done in regards to assessments, that there's a certain judge in this building that would slap an injunction down so fast, our heads would spin. But yet I've heard nothing from the courts. At the end of the day, if my colleague is correct, then so be it. But there are time constraints here and I move to pass this bill, so that the taxpayers of this county are not disenfranchised and the true professionals in this venue have the opportunity to pursue their careers, also. Thank you.

PRESIDENT MARTONI: Thank you. Mike, and then Heather, and then I think we're going to call for a vote.

MR. FINNERTY: Thank you, Mr. President. I'd just like to read the passage that was put in here, because one of the big problems here is the way it's written. It's just not clear, number one. It's full of ambiguous language. It muddies this whole water. So if you just bear with me, it says, A, an attorney-at-law in any case where the authorized representative has agreed to accept compensation from the interested party, in exchange for such representation, or B, a certified property manager, or C, an employee of interested party, or D, an adult individual --- and there's a bunch of things crossed out --- authorized but not compensated by the interested party to act on behalf of the interested party.

That's the passage we're talking about here, so there's really --- my question about this whole situation is, why is this necessary? It isn't necessary. It's just giving a lot of googleygob in here that's going to have to be somehow interpreted by somebody. And that's not the worst part. To me, the worst part of this document is what they talk about in stipulations, where it says here, the hearing officer may accept --- and this is all new --- may accept written stipulations of value authorized by the property owner and the school district, only where the parties have submitted into record, documentary evidence supporting the stipulations.

Furthermore, the parties must agree on the record to send a copy of the stipulation to the non-signature taxing bodies. And the final sentence says, the board reserves the right to reject, accept or modify such stipulations, which means your stipulation means absolutely nothing, because they can change it. So these are things that are in this document that I think make it worthless to us as people. And I think at the same time, it is --- shouldn't even be there. There's no reason for this. The way it was done is fine. If you kept --- if you have somebody to come in and help you out with it, that's great. And I just --- obviously, I'm going to vote for this.

PRESIDENT MARTONI: Thank you. One more speaker. Heather?

MS. HEIDELBAUGH: I understand my colleague's position, but I do want to just clear up the record. David Montgomery, who's the solicitor for the board, did reach out to me. I did not have time to call him back. I would like to have the members of Council have him come in

and explain his rationale for this, along with the members of the PAAR Board who voted for it. In addition, I do have a piece of legislation, as my colleague, Mr. Drozd, referenced, to have a certified appraisal within certain parameters operate as a rebuttable presumption of value, and it was referred to the Government Reform Committee several months ago. And my last statement is, although it may appear to you here in the chamber, that my thoughts and opinions are contrary to you, my concern is that you not be inadvertently charged with the unauthorized practice of law, which would be a real burden to you, should someone charge you with that.

PRESIDENT MARTONI: We appreciate that. We're ready to vote. Okay? So I'm going to call for the vote. We already have a motion and a second, I believe.

MR. DEFAZIO: Yes.

PRESIDENT MARTONI: That's correct.

MR. DROZD: Yes, we do.

PRESIDENT MARTONI: Roll call.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

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: Ms. Harris?

MS. HARRIS: Yes.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: No.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Martoni, President?

PRESIDENT MARTONI: Yes.

MR. CATANESE: Ayes, 12, noes, 1. The bill passes.

PRESIDENT MARTONI: Thank you to everyone for their patience. Okay? 7509-13.

MR. CATANESE: A resolution of the Council of the County of Allegheny, authorizing pursuit of a Tax Increment Financing Plan to pay for portions of a project to be located in the Borough of Sewickley, Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Executive --- Economic Development and Housing Committee. 7510-13.

MR. CATANESE: A resolution of the Council of the County of Allegheny, authorizing pursuit of a Tax Increment Financing Plan to pay for portions of the Dormont T-I-F, TIF, Project, to be located in the Borough of Dormont, Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Economic Development and Housing Committee. 7511-13.

MR. CATANESE: A resolution of the County of Allegheny, amending the Grants and Special Accounts Budget for 2013 (Submission 4-13). Sponsored by the Chief Executive.

PRESIDENT MARTONI: Budget and Finance Committee. 7512-13.

MR. CATANESE: A resolution finding and declaring the need for the continued existence of the Allegheny County Residential Finance Authority, and extending the existence of the Allegheny County Residential Finance Authority for a term of 50 years. Sponsored by the Chief Executive.

PRESIDENT MARTONI: Economic Development and Housing Committee. New Business, Motions.

MR. CATANESE: We have none.

PRESIDENT MARTONI: We have none. Public Comment on General Items. We have three registered speakers. Ruth? Ruth, are you here? Harry Liller, are you here? He's not here. Lester Ludwig? He left. And we're at the most important part of the meeting. Do I have a motion for adjournment?

MR. FINNERTY: Yes.

(Chorus of seconds.)

PRESIDENT MARTONI: Moved and seconded. Question? All in favor?

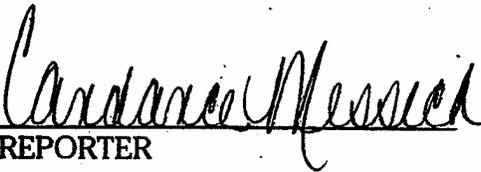
(Chorus of ayes.)

PRESIDENT MARTONI: Opposed? So ordered.

MEETING ADJOURNED AT 6:25 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.

  
REPORTER