

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Patrick Catena	-	Chair, District 4
Robert J. Macey	-	Vice-President, District 9
Samuel DeMarco, III	-	Council-at-Large
Bethany Hallam	-	Council-at-Large
Thomas Baker	-	District 1
Cindy Kirk	-	District 2
Anita Prizio	-	District 3
Tom Duerr	-	District 5
John F. Palmiere	-	District 6
Nicholas Futules	-	District 7
Paul Zavarella	-	District 8
DeWitt Walton	-	District 10
Paul Klein	-	District 11
Robert Palmosina	-	District 12
Olivia "Liv" Bennett	-	District 13

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

Tuesday, March 9, 2021 - 5:01 p.m.

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

IN ATTENDANCE:

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

PRESIDENT CATENA: We're going to call the meeting of Allegheny County Council to order. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

PRESIDENT CATENA: We'll now have a moment of silence, but I'd like to remember our former County Council President, Johnny DeFazio, in your thoughts and prayers this evening.

(Moment of Silence.)

PRESIDENT CATENA: Thank you. Please be seated. Jared, please take roll.

MR. BARKER: Mr. Baker?

MR. BAKER: Here.

MR. BARKER: Ms. Bennett?

MS. BENNETT: Here.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Here.

MR. BARKER: Mr. Duerr?

MR. DUERR: Here.

MR. BARKER: Mr. Futules?

MR. FUTULES: Here.

MR. BARKER: Ms. Hallam?

MS. HALLAM: Here.

MR. BARKER: Ms. Kirk?

MS. KIRK: Here.

MR. BARKER: Mr. Klein?

MR. KLEIN: Here.

MR. BARKER: Mr. Macey?

MR. MACEY: Here.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Here.

MR. BARKER: Mr. Palmosina?

MR. PALMOSINA: Here.

MR. BARKER: Ms. Prizio?

MS. PRIZIO: Here.

MR. BARKER: Mr. Walton?

MR. WALTON: Here.

MR. BARKER: Mr. Zavarella?

MR. ZAVARELLA: Here.

MR. BARKER: President Catena?

PRESIDENT CATENA: Here.

MR. BARKER: All 15 members present.

PRESIDENT CATENA: Thank you. We'll now have proclamations and certificates. These proclamations and certificates will be read into the record. 11767-21.

MR. BARKER: A proclamation declaring Friday, March 8, 2021 as International Women's Day in Allegheny County and commending the efforts of World Affairs Council of Pittsburgh for their essential role in drawing attention to the rights of women all over the Pittsburgh region and internationally sponsored by Council Member Prizio.

PRESIDENT CATENA: 11768-21.

MR. BARKER: A proclamation recognizing Mr. Frank Allison for his commitment to the anti-litter efforts throughout the Municipality of Penn Hills sponsored by Council Member Futules.

PRESIDENT CATENA: 11769-21.

MR. BARKER: A Certificate of Recognition presented to Harvey "Frzy" Daniels in acknowledgement of his efforts to raise funds for Children's Hospital of Pittsburgh Foundation sponsored by Council Member Baker.

PRESIDENT CATENA: 11770-21.

MR. BARKER: Certificates of Recognition presented to the 2021 Mt. Lebanon Residents Academy participants sponsored by Council Member Duerr.

PRESIDENT CATENA: Thank you. We'll now have public comment on the agenda items. And before we actually begin, I'd like to say that over the past year we've had many e-mails/public comments during the entire committee process on paid sick leave. And we received numerous e-mails, obviously from Friday up until today. Everyone received those e-mails --- all of those e-mails in your daily e-mail blast from each and every citizen that's e-mailed us. So I'm going to have Ken summarize, basically, the numbers of all of these e-mails that were received over the entire process or over the entire year period. So it'll be broken out, so we'll be able to hear how many we've received for and against. Is everyone good with that?

MR. FUTULES: Are we going to say their names individually and then whether they're for or against?

PRESIDENT CATENA: We weren't going to say their names individually. I mean, you got their names when the e-mails all came through. We're just doing a count of for and against.

MR. FUTULES: Shouldn't we put that on the record?

PRESIDENT CATENA: I mean, it'll be in the public --- it'll be in the record, per se, but Ken won't

be going through them tonight, just like we've done in the past.

MR. FUTULES: Okay.

PRESIDENT CATENA: Ken, go ahead.

MS. KIRK: President Catena?

PRESIDENT CATENA: Yes.

MS. KIRK: Do we have it broken down? I think that there's a difference of opinion between City of Pittsburgh residents and the suburban residents' comments. They seem to be very divided. And is that --- do we have those numbers?

PRESIDENT CATENA: We didn't break them down city versus county, Councilman Kirk --- Councilwoman Kirk. No. I'm sorry.

MS. KIRK: Okay. I just wanted to divide between the two.

PRESIDENT CATENA: I mean, I --- Ken --- I'm looking at Ken right now and he's --- I mean, he's indicating that that's possible moving forwards, but obviously we won't have it for tonight.

MR. DEMARCO: President Catena?

MS. KIRK: Okay. Thank you.

PRESIDENT CATENA: Go ahead, Councilman DeMarco.

MR. DEMARCO: Looking at the list here, I'm fine with a summarization of the e-mails that we got, which were basically the same letter; okay? But I do have a question. The first speaker is listed here to be Joseph Shaulis, who's a Solicitor for the Allegheny Intermediate Unit. You know, I'd like to hear his comments read into the record, because his comments are not part of a form letter that would have come in like the other ones were. Is there a problem with that?

PRESIDENT CATENA: Does anyone object to that?

MR. FUTULES: Nope.

PRESIDENT CATENA: Hearing no objections, so we'll include --- so whenever you're ready, Ken.

CHIEF VARHOLA: Joseph Shaulis Allegheny Intermediate Unit. On January 21, 2021 we wrote to you requesting public school entities be excluded from coverage of proposed paid sick days ordinance for several reasons. The Committee on Health & Human Services ---.

PRESIDENT CATENA: I'm sorry, could you mute your phones out there? We're getting feedback in here.

CHIEF VARHOLA: The Committee on Health & Human Services did not adopt such an amendment in advance of

full Council's consideration of this ordinance on Tuesday. Today we are proposing a more limited amendment to address our core concerns. This relates to day-to-day substitute employees.

So we wrote in January the ordinance already excludes independent contractors and seasonal employees from the definition of employee. Day-to-day substitute personnel, which may include teachers, paraprofessionals, personal-care aides, custodians, bus drivers and cafeteria workers are typically included on a substitute list approved by the School Board annually and offered work only when needed to fill in for absent full-time or part-time employees.

Like independent contractors, day-to-day substitutes often work for multiple entities and they accept or reject any offer of work. The ordinance, as drafted, would require schools to add day-to-day substitutes to systems for tracking paid sick time, even though most are not likely to reach the 90 day employment mark to actually use the paid sick time.

Moreover, the ordinance is incompatible with the very concept of day-to-day substitute employment. Day-to-day substitutes would be able to use paid sick leave only when the school offers them work. This would require schools that already need additional staff to find a substitute for a substitute, and to pay both. Negatively affecting schools' ability to remain open as the pandemic continues.

For these reasons, with respect to day-to-day substitutes, the ordinance represents a burden on schools with little corresponding benefits to employees.

We are proposing you enclose the amendment which would exclude day-to-day school substitute employees from the definition of employee under Section 575-1E of the ordinance. This amendment would not exclude long-term substitutes or floater substitutes who work daily on a regular part-time basis, who typically are entitled to paid sick leave. We ask that you support this proposed amendment when the ordinance is before Council tomorrow.

PRESIDENT CATENA: Thank you. Do you want to summarize the rest?

CHIEF VARHOLA: I can summarize the rest. During the final vote process for this evening, we had a total of 55. Forty-nine (49) came in support, five

opposed and one submitted public comment on an agenda item, with no comment pro or con.

We also --- I have also been asked to summarize the amount that we received during the committee process of Health & Human Services. And during that time we've had 47 communications. Forty-four (44) support, three oppose. And it should be noted that some of those communications during the committee may be similar or the same person who's commented for final vote.

And that's the summary, Mr. President.

PRESIDENT CATENA: Thank you. We'll now have approval of minutes.

MR. DEMARCO: Mr. President?

PRESIDENT CATENA: Go ahead.

MR. DEMARCO: I apologize. If I may. One of my constituents has just texted me to inform me that while we're talking about here we're entering these people's comments into the record here, that we have not posted minutes for committees or Council meetings since mid-2020.

So we're telling the people we're not going to read or have their comments heard because we're putting it into the record, but we're not even taking it and putting it into our minutes or putting them on our --- on our website yet. It's just something that we need to address here, if we're going to provide confidence to the people out there that we are, indeed, listening to the things that they're saying. Thank you, Mr. President.

PRESIDENT CATENA: Duly noted. 11780-21.

MR. BARKER: A motion to approve the minutes of the February 9, 2021 regular meeting of Council.

PRESIDENT CATENA: Is there a motion to approve?

MS. PRIZIO: So moved.

PRESIDENT CATENA: Is there a second?

MS. HALLAM: Second.

MR. PALMIERE: Second.

PRESIDENT CATENA: Motion has been made and seconded. Is there any discussion? Hearing no discussion, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT CATENA: All those opposed? Motion carries. We'll now have presentation of appointments. These are all going to go to --- 11771 through 11779 are all going to go to appointment review.

MR. BARKER: Did you want me to read it in brief or individualize?

PRESIDENT CATENA: I'm sorry?

MR. BARKER: Did you want me to read it in brief or in summary?

PRESIDENT CATENA: Go ahead.

MR. BARKER: 11771-21 is the re-appointment of Lisa Story to the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2024.

11772 is approving the re-appointment of Roxanne Sewell to the MBE Advisory Board for a term to expire on December 31st, 2023.

11773 is the re-appointment of James Overton to the MBE Advisory Board for a term to expire on December 31st, 2023.

11774 is the re-appointment of Tim Stevens to the MBE Advisory Board for a term to expire December 31st, 2022.

11775 is the re-appointment of Kathi R. Boyle to the Area Agency on Aging Advisory Council for a term to expire December 31st, 2024.

11776 is the reappointment of Anthony J. Ross to the Regional Asset District Board for a term to expire on December 31st, 2023.

11777 is approving the re-appointment of Daniel J. Griffin to the Regional Asset District Board for a term to expire on December 31st, 2023.

11778 is the re-appointment of Dusty Elias Kirk to the Regional Asset District Board for a term to expire on December 31st, 2023.

And 11779 is the re-appointment for Jackie Dixon to the Regional Asset District Board for a term to expire on December 31st, 2023.

All sponsored by the Chief Executive.

PRESIDENT CATENA: Thank you. We'll now go to the Committee on Budget and Finance for the second reading. 11763-21.

MR. BARKER: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2021 submission 02-21, sponsored by the Chief Executive.

PRESIDENT CATENA: Mr. Palmosina, are you out there?

MR. PALMOSINA: Yes, President Catena. Thank you. Can you hear me?

PRESIDENT CATENA: Yes.

MR. PALMOSINA: Okay. The Budget and Finance Committee met on March 4, 2021 and affirmatively recommended this resolution that would amend the 2021 Grants and Special Accounts Budget to accept 44.4 million in funding from the State for a Utilities Fitness Program for eligible households impacted by the Coronavirus pandemic, and another 13.7 million in funding from the State for Hospitality Industry Recovery Program for eligible businesses impacted by the Coronavirus pandemic, and I move for approval.

MR. MACEY: Second.

MR. PALMIERE: Second.

PRESIDENT CATENA: Motion has been made and seconded. Is there any discussion? Hearing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT CATENA: All those opposed? Motion carries. We'll now move on to Committee on Health & Human Services, second reading, 11481-20.

Councilwoman Kirk. I'm sorry. Let Jared read it and then we'll go to Councilwoman Kirk.

MR. BARKER: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances Division 5: Health and Sanitation, through the creation of a new Chapter 575, entitled, Paid Sick Days Act, in order to improve the public health by granting paid sick time to employees in the County. Sponsored by Council Members Catena, Prizio, Hallam, Bennett, Duerr and Klein.

PRESIDENT CATENA: Councilwoman Kirk?

MS. KIRK: Thank you, President Catena. Today we are considering a broad, sweeping legislation that will potentially impact every business in Allegheny County. If passed and signed by the Chief Executive, this legislation will impose mandatory sick pay for every full and part-time employee in Allegheny County. This is a complex measure that has long-lasting implications, and therefore, took time.

We've had several meetings over the past ten months listening to all the various stakeholders. We started by listening to expert witnesses and impacted individuals. We've heard from workers, small business owners, union representatives, restaurant associations and others. We have received input from many others via call, e-mails and letters. We thank all of you that have taken

the time to share your thoughts and provide input. Many amendments were proposed. Some passed, others did not.

On March 3rd, 2021 the Committee on Health & Human Services finished their final amendment and voted to affirmatively recommend it to the full Council. Yesterday members of Council received a letter from the County Solicitor. In the letter he told us that the Pennsylvania Supreme Court Opinion that was written to uphold the City of Pittsburgh's paid sick leave legislation does not apply to the County.

In summary, the Solicitor advised that if we want this ordinance to succeed in the County, there's a certain process that must be exercised. For Allegheny County the process must begin at the County Health Department. This ordinance has not been to the Health Department. Thank you.

MR. DUERR: President Catena, this is Councilman Duerr. I'd like to make a motion to approve this ordinance.

MS. HALLAM: Second.

MR. MACEY: Second.

PRESIDENT CATENA: Motion has been made and seconded. At this point in time I'm going to call upon our Solicitor, Jack Cambest. Jack, I have a simple question for you.

Obviously before we entertain, obviously, public comment --- and I'll listen to each and every one of you obviously. But before we begin, just for clarification purposes, as Solicitor for County Council, do we have the right, in order to basically enact this legislation, in your opinion?

MR. CAMBEST: As Ms. Kirk indicated, I did have the opportunity to review Mr. Szefi's memo as of yesterday afternoon. I also had the opportunity to review the City of Pittsburgh case and the two laws that Mr. Szefi indicated in his memo, the Disease Prevention and Control Law and the Local Agency Health Law. A very simple answer to your question, does the Council have the right to enact an ordinance that would contain the provision as indicated in the ordinance as of today? Yes, they do.

And I don't think there's any question in the Supreme Court Decision, and even in Mr. Szefi's Opinion, that the contents of the ordinance are valid, the Supreme Court has said.

So that's the opinion I can give you tonight, based on your question, do they have the right to pass such an ordinance --- the contents of such an ordinance? Yes.

PRESIDENT CATENA: Okay. Thank you. At this point in time, obviously if this were a normal meeting during normal circumstances, we'd sort of have debate going back and forth. But these aren't normal circumstances, aren't normal times, so what I'm going to do is basically go through roll and give everyone ample opportunity to basically make their comments on the issue, to try to keep order among everybody. I think that's trying to be fair to everybody. So we'll begin with Councilman Baker.

MR. BAKER: Thanks, Mr. President. My brief comment would be that I just put a lot of value into what Mr. Szefi put out there, and that helped dictate the way that I'm voting.

PRESIDENT CATENA: Thank you. Thank you. Councilwoman Bennett?

MS. BENNETT: Thank you, President Catena. I just want to share that, again, I feel like this is a very important ordinance that will protect County workers. A lot of vulnerabilities have been exposed during this pandemic, including the need to give workers paid time off. I believe that this is our opportunity to do so and I look forward to voting affirmatively to pass this.

PRESIDENT CATENA: Thank you. Councilman DeMarco.

MR. DEMARCO: Thank you, Mr. President. Small businesses are vital to the American economy. They employ over 60 million people, almost half of the nation's private sector workforce, and they create prosperity for U.S. families. They generate tax revenues, they fund public safety, schools, parks and other municipal services and they bring local color to their communities. They are a vital part of Allegheny County's economy and business community.

I'm struck here this evening because the comments earlier we just referred to the fact that these are not normal times. And we recognize that because in another --- a future agenda item that's coming up here, we will be looking to waive the second reading, because we recognize that folks out there are hurting. But yet what we're looking to do here is to take and place a burden on

small business, many of these folks who today are not fully open.

Under the COVID restrictions passed by the Governor, restaurants and things like that are operating at 50 percent or less capacity. Our hotels and convention center and hospitality industry, indoor seating is at 15 percent of the capacity.

PRESIDENT CATENA: Can everyone please mute their phones? Thank you.

MR. DEMARCO: These folks are not in the position to actually even pay their bills today and we're putting in place something that is going to take and impose an immediate labor burden on them.

Now, under the State's rules, we are a Home Rule County. Under the State's rules for Home Rule and optional plan government, Statute 2962, any such regulation of business and employment, a municipality which adopts a Home Rule Charter shall not deter in duties, responsibilities or requirements placed upon businesses, occupations and employers.

The reason why that's in place is because during the history of the Commonwealth of Pennsylvania, in order to protect our economy, tax revenues and our workers, labor policy has been adopted at the State level to ensure uniform workplace policies in a predictable economic policy across the state. This is common within the state as local government cannot set their own labor policies, such as regarding minimum wage and prevailing wage.

In recent years, however, local government, sometimes in violation of state law, have been adopting local ordinances of labor policy. These local ordinances can be problematic for economy if they ignore the simple fact that all businesses are not the same. We've just heard from the Allegheny Intermediate Unit here ---.

PRESIDENT CATENA: I'm sorry, could you please mute your phone? We're getting a lot of feedback, and that's not fair to Councilman DeMarco. Thank you. Go ahead, Councilman.

MR. DEMARCO: Sure. We've just heard from the Allegheny Intermediate Unit how this would affect that.

When I worked my way through college, one of the things I did, I was a banquet waiter. I worked at the Hilton, Hyatt and William Penn Hotel, but it was all through Local 57. The union was in effect, the employer, and they put us out to these particular hotels to be able

to do that. I don't know how this is going to affect folks like that.

Additionally, these local mandates create an uneven playing field for the businesses located inside Pennsylvania, while raising --- in Allegheny County --- while raising the cost of compliance inside the municipality. These cost increases further hurt businesses operating separate locations inside and outside the municipality.

What about a business that has an office or has a location in Allegheny County that then maybe went in Beaver or Butler or Washington or whatever? Those folks are going to have to take and forced to comply with separate policies on the same spot.

This Bill is Exhibit A, in that it would create that uneven playing field that raise compliance costs, resulting in increased prices or even a loss of jobs. Local mandates on private businesses on sharing not only increased costs, but they create an unequal foundation for Allegheny County's economy.

This negatively impacts our region's economy and our revenue, as labor policy set by local governments have an impact which extends beyond a specific municipality.

Now, I heard Solicitor Cambest's opinion there. I also had the opportunity to work with the County Solicitor, Andy Szefi, on the Board of Elections on a number of other items. The Supreme Court was clear. While Pennsylvania Supreme Court ruled that paid sick leave ordinances are a legitimate exercise of authority as a measure to promote disease prevention and control, that said, the Court also especially laid out a process set forth in the Disease Prevention and Control Law and the Local Health Administration Law that must be followed in order to exercise such authority.

In short, in the face of Allegheny County, that process must begin with the Allegheny County Health Department and then proceed to County Council and the County Executive. Simply put, it can be done, but it must be done in the right order.

Right now we are attempting to take and pass something that will surely be challenged, because it deviates from the path set forth by the Pennsylvania Supreme Court. And the people that are looking for help from this ordinance today are going to be sorely disappointed when that help is forestalled because this

thing is going to be challenged. It's going to be set aside until it's heard in court and then it's struck down. And then they have to start all over again at the Health Department, when this could have all been taking place right now. Thank you, Mr. President.

PRESIDENT CATENA: Thank you. Councilman Duerr?

MR. DUERR: Yeah, President Catena. So personally I want to thank all of my colleagues for the robust discussion that we've had during this topic for almost a year now. I really enjoyed getting to work with all of my colleagues on Health & Human Services, you know, to get this Bill through that body, and you know, work with a lot of colleagues I hadn't got the chance to work with during my first year. So I wanted to thank everyone for all of the discussion.

And also before getting into my full remarks, you, President Catena, for leading the charge on this issue months before I ever got on to Council. So thank you for taking this up. And it's been, you know, really wonderful getting to work with you on this for the past year.

So my remarks --- and everyone should know my feelings on this. I'm a cosponsor of the Bill. I was, you know, pretty loud in my support of it in the Health & Human Services' Committee, but we cannot continue to short-change public health. We have seen the past year, to our own detriment, what happens when you cut corners when it comes to the health and well-being of the community. We cannot separate the health and well-being of communities and the economy. The two are intertwined. But like we have seen that firsthand, during the ramifications that have happened for us, being completely unprepared on every level of government for this pandemic.

Our communities were underprepared, our businesses were underprepared. Our workforces were underprepared. And this Bill, while only allotting for five days paid sick leave out of 365 days a year. Acured (sic) at 35 hours of work to one hour acured of paid sick leave. It seems like a small step. But I think it is an incredibly important one. It moves us in the right direction of being better prepared for future health crises, puts our workforces, our businesses, our communities in a better position to be able to react to these future pandemics, which we have heard are coming.

And that's to be the purpose of government, to hope for the best, plan for the worst. We've seen an example of what happens when we don't plan effectively for the worst this past year. And in that regard I don't think I need to even tell all of my colleagues, because they have lived through it just as I have.

So I will be a proud supporter of this. I am also a proud supporter of this ordinance as I have been throughout the process. And I will continue to fight to make sure that every employee, not just the 25 folks who work in 20 businesses with 26 or more employees that the Bill was amended to, that all employees in the County that this extends to them over the course of my term on Council. So thank you, President Catena. I appreciate the chance to speak, and I yield back.

PRESIDENT CATENA: You're welcome, Councilman Duerr. Councilman Futules?

MR. FUTULES: Well, my problem is I have a whole lot to say. The problem is, I can't. I have to recuse myself, as a business owner. I have a conflict of interest, so I will not be commenting or participating.

PRESIDENT CATENA: Thank you, Councilman Futules. Councilwoman Hallam.

MS. HALLAM: Thank you, President Catena. This Bill has been debated long enough as it is. I'm not going to waste anybody's time grandstanding. I'm going to be a yes and that's that on that. So thank you.

PRESIDENT CATENA: Thank you. Councilwoman Kirk?

MS. KIRK: I'd like to just do a quick follow-up question to Mr. Cambest. Jack, do you feel we're meeting the --- based on --- you and the Solicitor of the County are both in agreement about the content, which is great. But the County's telling us we failed in the process. And I just wanted to hear if you felt we met that process, as defined by the Pennsylvania Supreme Court Opinion that we've been referencing.

MR. CAMBEST: Well, I'll try to answer that as best I can. As I indicated, I just started to look at that aspect of it yesterday afternoon. I think I can honestly say that that specific issue was not addressed by the Supreme Court in their Decision. So I can't tell you what --- whether or not that process is correct or incorrect.

I think I can also state to you that if Council decides, after assessing all the information they have that they decide to vote on this ordinance tonight and approve it, a number of things can happen. Both from the administration end of it to the Health Department end of it or to any business entity out there could be a challenge; could not be a challenge. And I think we --- I can't speculate and try to answer your question, based ---.

I don't have the knowledge that there has been no validity challenge to it. And until that happens, I can't tell you whether or not we have a proper defense or not. I think I can honestly say to you that the Supreme Court has not addressed the issue. So at some point in time, if there is a challenge, some Court's going to make that decision. I don't know that Mr. Szefi or I or any other attorney can make that decision right now.

MS. KIRK: Okay. Thanks, Jack. And President Catena, one more quick comment. I just want to say that I am happy that this ordinance has been amended to avoid the extremely small businesses that seem to have an agreement among the owner and the workers for how it works. But I am very disappointed that this will be enacted in the middle of a state of emergency in the State of Pennsylvania during COVID, that we are adding one additional burden, and that the Council doesn't see fit to delay it until at least after the state of emergency is over. Thank you.

PRESIDENT CATENA: Thank you. Councilman Klein?

MR. KLEIN: Thank you, President Catena. I --- I'd like to offer this. I think that, as it is often said in the law --- am I in an echo chamber, or can you hear me?

PRESIDENT CATENA: We can hear you.

MR. KLEIN: As it is often said in the law, reasonable people can disagree. And even lawyers can disagree with each other. That's why we have lawsuits. And for my own part, I have --- I have great regard for both Mr. Szefi and Mr. Cambest, but clearly there is a disagreement here. And you know, that disagreement is part and parcel of our legal system. I mean, attorneys disagree, courts disagree, members of courts disagree with each other, in terms of the meaning of a law and how the law should be interpreted.

So in light of that, we are --- we are cast out as members of this body to make a decision. And from my part, I will be voting in favor, voting to support this ordinance this evening with great regard for the advice of both attorneys. For my part I think that in this particular case I will support the ordinance that is before us.

PRESIDENT CATENA: Thank you, Councilman Klein. Councilman Palmiere?

MR. PALMIERE: Thank you, Mr. President. Mr. President, I think this is a wonderful idea, and at any other time I would be in support of it. But right now I have so many friends, so many friends in business and right now they're hurting bad and this is just bad timing for this. And I'm sorry to be a no vote for that reason.

I just think that at another time and place this would be fine, but right now it is just not the right time. Thank you, Mr. President.

PRESIDENT CATENA: Thank you, Councilman Palmiere. Councilman Palmosina?

MR. PALMOSINA: Thank you, President Catena. I will be brief. I was in support of this from day one. I want to personally thank you for your leadership and also Councilman Duerr and the rest of my colleagues. I was a yes vote originally, and I will be a yes vote tonight. Thank you very much.

PRESIDENT CATENA: Thank you. Councilwoman Prizio?

MS. PRIZIO: We have --- we have been debating this ordinance for over a year. We have given the Health Department ample time to take up the ordinance to protect the health and safety of Allegheny County residents. In that void, County Council must do what is right to protect the health and safety of our residents. As a small business owner, I understand the challenges a business owner faces, but in my opinion, the benefits of this ordinance outweigh the burdens on the business. I fully support this.

PRESIDENT CATENA: Thank you. Councilman Walton?

MR. WALTON: This is just comments or are we --- this is not our vote?

PRESIDENT CATENA: No. This is if you have any general comment.

MR. WALTON: I'll pass.

PRESIDENT CATENA: Okay. Councilman Zavarella?

MR. ZAVARELLA: Thank you, President Catena. I'd first like to thank Councilwoman Kirk as well as my fellow committee members in the Health & Human Services' Committee for all their hard work and input relative to this --- this ordinance over the past year. I believe this to be a classic balancing the interest test between two competing interests. And for that reason I'll be a yes this evening.

PRESIDENT CATENA: Thank you. And the only thing I would like to say is, obviously I'd like to thank everyone for their continued perseverance through this year-long effort. It's been a year-long discussion, basically, about paid sick leave. Obviously I appreciate Council --- Councilwoman Kirk for everything she's done, having all of these committee hearings, and she's had quite a lot of them. And obviously I honor the opinions of our Solicitor, Jack Cambest and Solicitor Andy Szefi of the County.

But when it comes right down to it, I believe in small business and I believe that's why it came out of committee with the exclusion of 26 --- 25 or greater employees. But I also believe in public health and safety, and I believe it's the right thing to do for the humane factor of what the residents of the Allegheny County need. So without further ado, we've had a motion, so ---.

MR. MACEY: Excuse me, President Catena?

PRESIDENT CATENA: I'm sorry. I missed you. I'm sorry, Councilman Macey.

MR. MACEY: I hate when I'm missed.

PRESIDENT CATENA: I don't know how I missed you.

MR. MACEY: That's okay. That's fine. I have to say that it's been quite a process, but I think that everybody that worked on the committee and those who testified, you know, had good ideas and felt that their position was proper. And you know, some people, obviously they vote because procedure. They vote because of rules and guidelines. Other people vote with their heart, which may not make it palatable to the system.

So this is very confusing. I do support working-class people. I support unions, but I'm just going to hold off on my vote at this particular time.

PRESIDENT CATENA: Thank you. Jared, would you please take a roll call vote at this point in time.

MR. BARKER: On the motion to approve Bill number 11481-20 Mr. Baker?

MR. BAKER: No.

MR. BARKER: Ms. Bennett?

MS. BENNETT: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: I think state of emergency, this is the wrong time. No.

MR. BARKER: Mr. Duerr?

MR. DUERR: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Abstain.

MR. BARKER: Ms. Hallam?

MS. HALLAM: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: No.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: I apologize. Mr. Klein is a yes?

MR. KLEIN: Yes.

MR. BARKER: Thank you. Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: No. Just bad timing. Thank you.

MR. BARKER: Mr. Palmosina?

MR. PALMOSINA: Yes.

MR. BARKER: Ms. Prizio?

MS. PRIZIO: Yes.

MR. BARKER: Mr. Walton?

MR. WALTON: Yes.

MR. BARKER: Mr. Zavarella?

MR. ZAVARELLA: Yes.

MR. BARKER: President Catena?

PRESIDENT CATENA: Yes.

MR. BARKER: Ayes 10, nos 4, with one abstention. The motion --- or the Bill passes.

PRESIDENT CATENA: Thank you. We'll now have liaison reports this evening. Did anyone have a liaison report? No liaison reports?

MR. DEMARCO: President Catena?

PRESIDENT CATENA: I'm sorry, Councilman.

MR. DEMARCO: Not a problem. I'd like to relay --- a comment came in from a constituent today via the website and I called him back. His complaint had to do with the vaccine distribution, and he felt that the County was setting ourselves up to get a bad name, because we all know that the real facts that we only get like 11 percent of the doses that are distributed. His frustration is that when they advertise like the 2-1-1 number for people to call, that it's almost immediately filled up with people looking to get the shots, so that folks can't get through. So he was trying to talk to us or urging that we do something like set up a one-stop shop, you know, registration page. I explained that many folks out there have that.

UPMC, AHN and I talked to him about another website, vaccinefinder.org, but perhaps maybe we can talk to folks at the County that on our COVID website or whatever that maybe we can put the website or that location for some of these other places for people to register. He just feels that we're doing ourselves a disservice, because people are getting frustrated because they can't go through the County. And many of these people either --- don't understand the limitations of what we're faced with and dealing with.

PRESIDENT CATENA: I agree with you. I just think there's a lot of frustration overall, obviously, trying to get the vaccine. So I will support any effort that obviously would make that happen. Anyone else this evening? Councilman Futules?

MR. FUTLES: Thank you. Yesterday, on March 8th Allegheny County just put out a press release notifying businesses for applications starting March 15 and this is specifically for the Hospitality Industry Relief Program. I would suggest business owners and hospitality industry look at this. It gives you instructions in the actual press release on how to apply for relief funding. Thank you.

PRESIDENT CATENA: Thank you. Anyone else? Look around one more time before I say --- okay. I don't think there's any more tonight. We'll now have new business ordinances and resolutions. 11781-21.

MR. BARKER: An ordinance of the County of Allegheny Commonwealth of Pennsylvania extending the County real estate tax discount deadline from March 31st, 2021 to April 30th, 2021 and the gross/face period

deadline from April 30th, 2021 to May 31st, 2021.
Sponsored by Council members Catena, DeMarco, Macey,
Hallam, Prizio, Bennett and Treasurer Weinstein.

PRESIDENT CATENA: Thank you. At this point in
time I'd like to make a motion to waive the second
reading.

MR. DEMARCO: Second.

MS. HALLAM: I'll second that motion.

PRESIDENT CATENA: Motion has been made and
seconded. Jared --- is there any discussion? Seeing no
discussion, Jared, would you please take a roll call vote?

MR. BARKER: On the motion to waive the
second reading, Mr. Baker?

MR. BAKER: Yes.

MR. BARKER: Ms. Bennett?

MS. BENNETT: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Duerr?

MR. DUERR: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Hallam?

MS. HALLAM: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. BARKER: Mr. Palmosina?

MR. PALMOSINA: Yes.

MR. BARKER: Ms. Prizio?

MS. PRIZIO: Yes.

MR. BARKER: Mr. Walton?

MR. WALTON: Yes.

MR. BARKER: Mr. Zavarella?

MR. ZAVARELLA: Yes.

MR. BARKER: President Catena.

PRESIDENT CATENA: Yes.

MR. BARKER: Ayes 15, nos, 0. The motion to
waive the second reading passes.

PRESIDENT CATENA: I'd now like to make a motion to approve the ordinance.

MS. HALLAM: Second.

MR. MACEY. So move. Second.

PRESIDENT CATENA: Motion has been made and seconded. Is there any discussion? Hearing no discussion, Jared, would you please take another roll call vote?

MR. BARKER: On the motion to approve Bill number 11781-21, Mr. Baker?

MR. BAKER: Yes.

MR. BARKER: Ms. Bennett?

MS. BENNETT: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Duerr?

MR. DUERR: Yes.

MR. BARKER: Mr. Futules?

MR. FUTULES: Sure.

MR. BARKER: Ms. Hallam?

MS. HALLAM: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. BARKER: Mr. Palmosina?

MR. PALMOSINA: Yes.

MR. BARKER: Ms. Prizio?

MS. PRIZIO: Yes.

MR. BARKER: Mr. Walton?

MR. WALTON: Yes.

MR. BARKER: Mr. Zavarella?

MR. ZAVARELLA: Yes.

MR. BARKER: President Catena.

PRESIDENT CATENA: Yes.

MR. BARKER: Ayes 15, nos, 0. The Bill passes.

PRESIDENT CATENA: Thank you. We'll now have new business. 11782-21.

MR. BARKER: A motion of the Council of Allegheny County amending the terms of motion 11652-20 in order to direct all Friends of the Park Councils to

suspend all operations and activities through April 30th, 2021 pending revision of the Friends of the Park ordinance. Sponsored by Council Members Palmiere, Kirk and Duerr.

PRESIDENT CATENA: Councilman Palmiere, did you want to make any comment on this or Councilwoman Kirk or Duerr?

MR. PALMIERE: Thank you, Mr. President. I don't know if you've been aware. I've been under a very, very difficult situation with a very sick wife for a while. And I just haven't been able to get my head around this right this moment. And I'm pleading with you to let us have an extension here, so that things can get a little better, my wife gets a little better. I'll be able to address this and take care of it by the end of April. Thank you, Mr. President.

PRESIDENT CATENA: Thank you.

MR. FUTULES: Are you taking comments on that yet? Is that what you're doing?

PRESIDENT CATENA: Well, I just --- he was the sponsor, so I was just giving him the opportunity.

MR. FUTULES: Oh, okay. I'm sorry.

MR. MACEY: Mr. President? Bob Macey.

PRESIDENT CATENA: Yes. Go ahead, Councilman Macey.

MR. MACEY: I just want to be clear on this now. We have a date in April. Do we want to extend it? Is that what Councilman Palmiere was asking?

MR. PALMIERE: No. It's going to be from --- the reason --- it was March and we want to extend it to the 31st of April. The extension is to April 31st.

MR. MACEY: Okay. I'm sorry. I misunderstood. Thank you.

PRESIDENT CATENA: April 30th, just for --- Councilman Futules, go ahead.

MR. FUTULES: The extension, it's great, but I think that, quite frankly, most of people already paid their county taxes. I know I did. But one thing that I really want to emphasize this for people that just may not know this. That as of last year, when COVID struck us, the taxes that were paid by the business people and the people that actually had jobs and whatever, they had the money because they were working. They accumulated that money in the year 2019.

In the year 2020, several --- most businesses lost their incomes. So now they're faced with paying their taxes this year without that income from the year 2020. So I think this is great, but the bottom line is, if you can't pay it by the deadline, chances are the extension probably won't help you all that much. But I will support this.

MS. HALLAM: President Catena?

PRESIDENT CATENA: Hold on, Councilwoman Hallam, for a second. Just for clarification, Councilman Futules, we were on parks at that point in time.

MR. FUTULES: I'm so sorry. I'm glad I got that off my chest. Thank you.

PRESIDENT CATENA: You're welcome. Councilwoman Hallam, go ahead.

MS. HALLAM: No. I was just going to remind my colleague that we were on the parks one. That's all. Thank you.

PRESIDENT CATENA: No problem. Okay. We'll move on to notification of contracts. 11783-21. Councilman Palmiere, were you going to make that motion?

MR. PALMIERE: Yes. I'll make a motion to move for approval, Mr. President. Thank you.

MR. MACEY: Second.

PRESIDENT CATENA: Does anyone have objections to taking a voice vote versus a roll call vote?

MS. HALLAM: No.

PRESIDENT CATENA: All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT CATENA: All those opposed? Motion carries. 11783-21.

MR. BARKER: A communication summarizing approved Executive actions for the month of February 2021.

MR. MACEY: Receive and file.

PRESIDENT CATENA: Is there a second?

MR. WALTON: So moved.

PRESIDENT CATENA: Motion has been made and seconded. All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT CATENA: All those opposed? Motion carries. Public comment on general items, Ken.

CHIEF VARHOLA: Brian Englert, West Mifflin, 15122. Allegheny County Jail Correction Officer Hazard Pay. I wish to reply to comments about jail issues as

political theater for union elections. Many of our concerns were brought to this Council in 2019 regarding safety for officers due to inmates using illicit drugs. There was no election that year or the next. In fact after a dozen or so e-mails in '19, you mentioned that I'm making this an agenda due to running for a union position in the past. There are no politics when it comes to County employee safety. There are no politics when our officers were going out 9-1-1 to the hospital. There are no politics when 25-year-old officers in excellent health have blood pressures of 145 over 98 and resting pulse rates of 131. There are no politics when two officers were stabbed and the Warden didn't shut down and search the entire facility before going to normal routine. There are no politics when officers get handed Hearing Notices instead of hazard pay.

Let me be clear here. Chalking up complaints discussed with management versus employees directly contrasts your statement at the last vote on hazard pay. Empathizing because you were part of two unions some 30-odd years ago, and they handled things --- and how they handled things. Instead of speaking with union officers, you spoke with management. You can't rep your former union member status while speaking with --- sitting with management versus officers. You never sat with the officers bringing concerns to you. Why have I easily met with other Council members over the years, but not you?

Let me remind this Council again that documented concerns brought to any official regarding inmate or officer safety, whether it's to the Warden, County Administration, County Council or even the Jail Oversight Board, as mentioned, leaves these same entities open to lawsuits.

And as I mentioned, then look no further than Cuyahoga County and the dozens of open lawsuits at the end of 2020. Liability is also extended to the same parties under investigation from U.S. Marshalls and Department of Justice. I'm disappointed again that safety concerns are easily dismissed as political theater for union elections.

Dan Warner, Pittsburgh, 15224. I cannot attend this meeting in person, so I am hoping this comment can be read out loud. I am writing about Bill 11762-21, which seeks to establish an independent Police Review Board. I want to say that police are essential for our safety, and county police are no exception, especially with the

complicated inter-municipal situations in our county. Citizen review is the only way (sic) to ensure trust in the populace that police will not abuse their power. And at this time there is skepticism about the ability of the police to be just in their distribution of justice.

An independent Citizens' Police Review Board will ensure that we can all trust the police to act in the good of the whole community and not just faceless authorities. A good police system is publicly accountable and this legislation is an essential step in that direction.

Brian Lengyel, West Mifflin, 152 --- 15122. What is the County doing about motorists driving on the sidewalk on the corner of Homestead Duquesne Road and Worton Boulevard in West Mifflin? Pictures have been submitted with tire marks on the sidewalk. They have also been seen by the Mayor of West Mifflin. Two requests on this item have gone unanswered. With Homestead Duquesne Road being one lane, motorists are using part of the walk bike lane concrete sidewalk to make a right turn from Homestead Duquesne Road to Worton Boulevard. This is a heavily-used walkway by cyclists and pedestrians.

Robert Maddock, Pittsburgh, 15214. In this time of COVID, the County needs to protect the health of its workers and the citizens of the County who come in contact with them. By joining the City in not forcing to interact with the public while ill in the County will be acting to ensure the health of its citizens.

And that's it, Mr. President.

PRESIDENT CATENA: Thank you. Is there a motion to adjourn?

MR. WALTON: So moved.

PRESIDENT CATENA: Motion has been made. Is there a second?

MR. PALMIERE: Second.

PRESIDENT CATENA: Motion has been made and seconded. All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT CATENA: All those opposed? Motion carries. Thank you, everyone. Stay safe.

MEETING CONCLUDED AT 5:51 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.

Dated the 1st day of April, 2021

 _____

Jeremy Harris,

Court Reporter