

ALLEGHENY COUNTY, PA

GOVERNMENT REVIEW COMISSION

- - -

BEFORE:

Mark Foerster	-	Chair
Jay Hagerman	-	Member
Rick Schwartz	-	Member
Andrea Geraghty	-	Member
Jim Nowalk	-	Member
Doug Price	-	Member
Betsy Magley	-	Member

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

Thursday, January 21, 2016 - 6:05 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
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IN ATTENDANCE:

Joseph Catanese - Chief of Staff, Allegheny County
Council
John DeFazio - Allegheny County Council President
Nick Futules - Allegheny County Council
Vice-President
Sue Means - Allegheny County Council Member
Robert Macey - Allegheny County Council Member
Paul Klein - Allegheny County Council Member
Charles Martoni - Allegheny County Council Member

CHAIR: We're going to start the public hearing for the Government Review Commission. Please rise for the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIR: Okay. Rather than call the roll, would every Commissioner please state their name, since we have a court reporter this evening?

MR. HAGERMAN: Jay Hagerman.

MR. SCHWARTZ: Rick Schwartz.

MS. GERAGHTY: Andrea Geraghty.

MR. FOERSTER: Mark Foerster.

MR. NOWALK: Jim Nowalk.

MS. MAGLEY: Betsy Magley.

MR. PRICE: Doug Price.

CHAIR: Okay. The order for this evening will be that we will be hearing public comment based on the Review Commission's draft recommendations. These recommendations have been offered by the committees to the Board for their consideration at this public hearing. The offering of these proposed recommendations are not evidence of an intent, that the proposed recommendations will actually become recommendations of the Government Review Commission, but only that they represent topics that the majority of the members of the Government Review Commission believe should be discussed.

So we were convened last March. This Board was appointed by County Council and the County Executive per the Charter, per the Allegheny County Charter, which --- the Commission has to review the Charter every ten years. And based on that, we were sworn in last March. We then formed committees, and those committees met at length each month, and the Commission in general met each month. And the Committees came back at last month's meeting with their recommendations, and the Commission did not vote on those recommendations, but felt that --- strongly enough that those recommendations should come to this public hearing for your input.

So since we have a court stenographer, please, as you come forward, please state your name and your address for the record. And if any Commissioner wants to ask questions after, please state your name for the court reporter.

We would encourage the Commission, however, to limit any debate on these recommendations. The point of

this meeting is to get input from our public so we can make our decisions at our meeting next Tuesday.

So if any Commissioner would want to add to what I've had in the instructions ---? Okay. So we will go forward based on who signed up first. First is Mr. Bob Macey. Mr. Macey, you will have five minutes to speak.

MR. MACEY: My name is Bob Macey. I reside at 409 Juniper Drive, West Mifflin, Pennsylvania.

First of all, I want to thank you for your service to County Council, the Chief Executive as well as the residents of Allegheny County. I think you should get twice the amount of pay.

Okay. Well, Commissioners, the Administrative Code, specifically Section 5-1013.0904, indicates that County Council Members are prohibited from being employed in a confidential administrative capacity in local, state or federal government. The Code proceeds to talk about what a confidential administrative capacity means. There really isn't a clear definition on the legalistic front. The Ethics Code can theoretically foreclose a fairly broad spectrum of activities so long as the Council and Executive can agree to enact whatever the prohibition happens to be or as interpreted by the Ethics Commission.

There seems to be really no equity among elected officials. The recommendations came around, handed out by the Government Review Commission at the last Council Meeting on January 19th contains language under recommendation six. The form of a government committee recognizes any restriction on a member of County Council or the Chief Executive become a candidate for another public office should be minimal and the same for both county offices.

The GRC thus appears to be of the opinion that the County's elected officials should be on approximately equal footing when it comes to the restrictions that apply to their respective offices.

If this is, in fact, accurate, the same reasoning should apply to the restriction on the County Council member's employment as to no other elected official in the County is subject to the same provision. Keep in mind, that section on its face only applies to Council Members. Now, one could say that the Executive is a full-time position and that the Council Members only serve part time. And that the likelihood of the Chief Executive being

employed by another elected official is probably pretty low.

That's only partially the point because only one office is expressly forbidden from such employment. And as a result, the Executive or any row officer, in theory, could be employed in such a position. There's some redundancy here, we believe.

The whole point of this prohibition as articulated by the Council way back when the provision was first put in the Ethics Code was essentially to eliminate the possibility of real or perceived conflicts of interest stemming from the external employment or a beneficial endeavor.

As a former Council Member, Fitzgerald, who sponsored the amendment, I think it's very important for reputations in the community that we are thought of as our own entity, not as a representative of somebody else.

But this concern is amply addressed by two other sections of the Administrative Code, Section 5-103.09.M1 requires Council Members promptly to dispose any direct or indirect financial or other private interest in any proposed legislation on which he or she would be required to vote and to abstain from such vote.

In addition, another section prohibits County members from attempting to influence the course of proposed legislation in which he or she or a family member or business associate has a present or potential conflict of interest of a private interest, direct or indirect.

Those two sections in all likelihood already eliminate the possibility of a County Council Member voting based on his or her employment by an elected official. And it's not entirely clear what is to be gained by having a third section that forbids the same behavior, but that only applies to one specific elected office, and that's County Council.

I've only got 33 seconds. I think you get the gist of it, but in closing I would like to say that I was a victim of this particular ordinance. And I believe that if we were going to be fair, and we were going to allow people to represent people in the public sector and allow people to earn a living and be able to take what education and what knowledge they have, they should be allowed to work within your community. Therefore, to eliminate a prohibition of any Allegheny County Council person from serving in another public service capacity such as for an

elected official, I'm asking the GRC to recommend the repeal of Administrative Code Section 5-1013.09.04. Thank you.

CHAIR: Thank you, Councilman Macey. And five minutes goes faster than what you thought, so really, if there's anything more you'd like to add, I don't think the Commission would be opposed to ---.

MR. MACEY: You have the letter, sir.

CHAIR: Yes, okay.

MR. CATANESE: He follows the rules.

CHAIR: Okay. He understands them. Okay.

That's right. Thank you very much for your comments, and the Commission certainly will take all that you just said, in addition to your letter under advisement. And those Commissioners that are not here, I'll make sure that they get an e-mail copy of your statement.

MR. MACEY: Thank you.

CHAIR: Next up is Mr. Nick Futules, Councilman Futules. Please state your name and address for the record.

MR. FUTULES: Nick Futules, 1000 Hulton Road, Oakmont, PA. I'm also the vice president of the County Council.

I want to refer to the booklet that you gave me on the very last page where it states the draft recommendations of all three committees pertaining to the structure of Allegheny County Government Review Commission. The recommendations one, two and three, I believe that I agree completely with because I believe that your hard work for the year should not go unseen or unheard. I believe that in recommendation number one, the Commissioners' findings and recommendations go from one year to 18 months to give you more time, I agree with that. I think it's a great thing that --- what you're doing, it does take some time because you're all part-time, and you're all volunteers, so ---.

And I would also agree with Recommendation Number Two where it would require the County Council and the Chief Executive to hold a public hearing within one year and then five years after the Commission submits its report to the people of Allegheny County to the Commission's findings and recommendations.

I also agree with Recommendation Number Three, the Commission recommend that County Council and the Chief Executive voluntarily agree to hold hearings within one

year and then five years to report to the people of Allegheny County the actions that were implemented.

I think it's very important for the people to know exactly what you did and what we did and what transpired after this time period. And I support it 100 percent. Thank you.

CHAIR: Thank you. Thank you, Councilman Futules. Just as a footnote as we go here, we formed three committees; the Fiscal and Personnel Committee headed up by Andrea Geraghty, the External Entities, Reviews and Independently Elected Officials by Tracey McCants-Lewis and the Form of Government Committee chaired by Jim Nowalk.

These committees met, again, monthly and they interviewed probably quite a few individuals, all free, sitting and former County executives in a historic meeting chaired by Jim. All of County Council was invited and most were interviewed at one point or another. Some spoke to the Commission at the monthly meeting. Most of the elected officials, independently elected officials, were interviewed, most department heads and several others.

So there was a through investigation and we really reached out to as many people as we possibly could at the government --- at the County level. So I think there was a very through job done from that perspective.

And then those committees reported back to the Commission monthly.

I just want to thank our interns that did an incredible job putting together a lot of the information and the backdrop for these recommendations that you see. The recommendations are very short, but a lot of thought went into it, and a lot of hard work was done by the interns. So I wondered if for the record you can all state your name as our interns.

MS. TUTTLE: Hi, I'm Liz Tuttle.

MS. MAGUE: Chelsea Mague.

COURT REPORTER: Chelsea who?

MS. MAGUE: Mague.

MR. LEONELLI: Justin Leonelli.

MR. HOWER: And Court Hower.

MS. TUTTLE: And for the record, there were also two additional interns who couldn't be here today, Maggie McGannon and Emily Seelman.

CHAIR: Thank you very much for your work. You did great. Okay. Next we have Greg Yost. Greg, please step forward and state your name and address.

MR. YOST: Yes. My name is Greg Yost. I'm on Presidential Drive in the town of McCandless. And I do want to thank all of you for your service and all of the hours that you put in. You did a great job of describing how many people were interviewed and everything. Sort of wish that the crowd here were a little larger to listen to your final recommendations, but perhaps they think that they're all fine. Good for you.

I would like to speak on two of the job recommendations of the Form of Government Committee. First of all, on Recommendation Number Two, where the Form of Government Committee recommends that the boundary lines for County Council districts be drawn by an impartial reapportionment commission. I think that's a great idea. I study politics extensively, and gerrymandering in this country, and especially in this state, is a disaster. It is creating --- helping to further the partisan divide that we have in this country. And if it were able to be done --- because that could be debated --- but if we had an impartial reapportionment commission, if we get it started here in Allegheny County, I think that would be a tremendous asset to this County. Maybe we could spread that statewide. I know our state is one of the worst in terms of gerrymandering. If you guys could get this started, if County Council could agree to this recommendation, it would be great.

Let's see if County Council could agree to this recommendation because some of the people on County Council might consider this a threat to their personal --- I don't think they would. I'd love to think that by the ranges of their nature --- would go along with it. But we know to have an impartial reapportionment commission, it might have a more natural district in the County instead of partisan gerrymandering. But the County Council districts are all bipartisan in the gerrymander.

Speaking of natural districts, you have all heard me before address the issue where there should be a more fundamental restructuring of the way that County Council is structured. And that concerns some issues regarding the nature of the Commonwealth form of government in Pennsylvania where the local municipality actually has much greater authority than it does in many other states.

In certain respects, the local municipalities, the towns, borough, villages, what have you, are stronger or more important or more central forms of government that

even a county form of government is, at least in this state because of our Commonwealth system.

With that in mind, as you know, on several occasions prior to tonight in front of your Commission, in front of County Council, I had suggested that the County, that this Commission give serious consideration to the notion where the mayor of the City of Pittsburgh becomes a member of the County Council with the three votes that the population in the City would roughly get. And he be the next --- he or she, in this case he be an ex officio of County Council.

I think that would increase the cooperation between the City and the County because that is so central to the continued operations and the continued direction of the way Allegheny County needs to go. We've had conflicts in the past. I think if one person had to serve both roles, it would be a challenge, yes, but it would be very important to learn how to cooperate between the municipalities.

Given that this would concentrate so much power or influence on County Council in one person from the City, suburbs, suburban communities, in order to keep pace would almost of necessity be forced to cooperate. I'm not talking about consolidation, but I am talking about the type of cooperation, especially with regard to basic municipal services; streets, public works and of course, the single most important, which is public safety.

No, it wouldn't be necessity, it wouldn't be required, but it would make sense for them to learn how to cooperate in those respects. I know I've discussed this with you before. It's not a perfect idea. There's the Mt. Oliver situation which is an island community where you have to draw sort of a strange boundary of Brownsville Road. There also the issue of whether or not the mayor has enough time, and that could perhaps be followed by having the mayor be allowed to send deputies to some county/town meetings on his behalf although any vote, I think, would have to come directly from him or her in this case.

And the issue that less population proceeds into the next decade, that maybe the numbers which currently in this situation would work out perfectly, almost unbelievably perfectly, in terms of portionality, in terms of influence, that may need to be revisited from time to time as population shifts. However, population forecasts

into the middle of the next decade do seem to indicate that this system would work.

You've heard me say this before. I know I came in late to this process. I did not know that this Commission was existing until it was halfway through, and I do apologize for that. That was my fault. And by the time I started making these recommendations, so much of your work had been underway. Still, I would like to think that it deserves a little serious consideration as we proceed. Thank you very much.

CHAIR: Thank you, Mr. Yost. And we will certainly consider your recommendations at our next meeting.

Another comment is we got an incredible amount of help from the staff of the County Executive and the County Council. We want to personally thank you for that, for the record here tonight. And it's been invaluable. You guys have been a resource. You were not interfering in any way, shape or form with our process, but your resources were invaluable. We could not be here to this point without you guys, so we want to thank you personally for that.

And we have not had any interference. It's been a completely independent body with no interference from the Council Executive or any member of the County Council. And it's been a truly independent process that has worked so far.

So I want to ask our next speaker, County Council President, John DeFazio ---. Mr. DeFazio?

MR. DEFAZIO: Yes. My name is John DeFazio. I'm the at-large member and also the President of County Council. I live at 40 Emerson Road, Pittsburgh, PA, 15209.

First of all, thank you, guys. You did a good job, more --- a lot better than originally we thought that you did because we've never seen this much effort go into this. So everyone I've talked to says you're doing a good job.

Quickly, I don't have too much to say. I want to talk about the at-large seat. Going back from the beginning, which I was on it from the beginning, there was two at-large seats. It doesn't have to a Democrat or a Republican. It has to be the top two out of any three groups, Independent, Republican, Democrat or so forth and so on. It has to be a two. And if you go back even before that, even before we started this new form of government, the County Commissions had a minority person involved. So

this is doing basically almost like it was before. I think it even opens the door, I think, for more --- for other people to get involved.

Since the beginning until now, I've never heard any complaints at all of any kind of jurisdictional arguments, of the Council arguing with the at-large --- at-large arguing with Republican or Republican arguing with Democrat. There's never been any complaint at all since I've been here, and I've been here from the beginning.

I, to me, don't believe in cutting two people out to make it a 13 instead of 15. All you're doing is eliminating two positions which could help. They represent the whole county. They help. They work together with the Council people. And like I said, you would think there'd be some arguing. I haven't heard or seen one since I've been here.

Also, in the Charter, the at-large seat plus the County Executive make up the Election Board. So really and truthfully, I don't see a need for this. It's nothing that --- there's always been money there. It's not a money issue. It's not a fight between a jurisdictional group, nothing like that. It's just someone's idea, in my opinion --- I might be wrong --- someone's opinion of just trying to eliminate two positions. For what reason, I don't know.

Thank you very much.

CHAIR: Thank you, Mr. DeFazio. We have one last speaker. Now, if anyone else would like to come forward and speak, please raise your hand after the speakers are completed as far as ones that signed up. Annette, you're next.

By the way, Annette has attended every one of our Commission meetings, so we look forward to hearing what you have to say.

MS. SHIMER: Actually, I don't have a whole lot to say. I left the testimony at home. Dear me. I was sure it was at five o'clock today, but this room was a black as it could be at five o'clock.

Anyway, so let me just go over a couple of things. My name is Annette Shimer, 1609 Ferry Drive. I'm president of --- 15241. I'm president of the League of Women Voters in Greater Pittsburgh. And I have, indeed, attended most of the meetings and enjoyed it, as a matter of fact.

Not necessarily in order, the pay increase we fully approve. And I hold out one of the principles of

League of Women Voters nationally, and I'm just going to quote that the League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government.

Well, in this case, it requires a decent amount of pay and keeping the pay raise at the same level for the last 15 years is not great. Thank you very much. Okay, done with pay.

The Districts that change --- the proposed changes on the Districts we really approve of, I mean, designing the Districts. The issue of going from reducing the two at-large districts --- and I'm not actually speaking against that, but I want to raise the point that Mr. DeFazio did, that the two at-large commissioners plus the County Exec makes up the Election Board. And you will need to address that issue if you --- and we deal regularly with the Election Board and the election machines, the voting machines.

Okay. I think that that is it. I really --- I think that the public really needs to know you've done a very interesting job. I've learned a lot and the interviews that you've had with the --- both the present and the former staff and elected officials have been very informative. And the two have tried to take it ---. Oh, no, there is one other thing.

One recommendation you did not take had to do with County Council and the approval of contracts. And I still think that you ought to consider that again. But we'll leave it perhaps for another time. Thank you very much.

CHAIR: Thank you, Annette. By the way, the League of Women Voters was instrumental in the beginning of the entire County Charter beginning with back in 1998, 1999, and really was instrumental in having the form of government change back in those days. So we appreciate your long time commitment to local government today.

MS. SHIMER: Thank you.

CHAIR: Those are all the speakers for now. If anyone comes in, we would invite them to speak. We are supposed to be here until 7:30. I'm not sure that's necessary, but why don't we --- for a point of clarification, by the way, the draft recommendation of the Form of Government Committee is not to reduce the number of

Council people from 15 to 13, but to maintain the 15 Council people, but eliminate the at-large. That's the recommendation that will come to the Commission next Tuesday. So it's not a reduction in number, it's a reorganization of the number, so to speak.

But at this time, why don't we start with Jay? If there's any questions or anything you want to add for the record, Jay, at this point, not that we want debate any of these issues now, but ---

MR. HAGERMAN: No. I was just thinking ---.

CHAIR: --- any clarifications ---.

MR. HAGERMAN: Yeah. I'm fine with that. I just wanted to thank --- having the opportunity to work with you. I think it's been a long process, but I think that there's some good work done in the past year. Definitely had a great service done by everyone that I've served with and it was my pleasure.

CHAIR: Mr. Schwartz?

MR. SCHWARTZ: I guess the only thing would be the newest recommendations which actually got addressed by Councilman Futules, I think that we really didn't have much chance to discuss them. And I think everybody might want to take a look at them from the perspective of ---.

Do you remember when we first came in and they --- we asked what the last Commission did? And it took a while to find out, but then no one really knew if any of the issues or whatever they addressed were there. And I think that short of giving this Commission referendum power, that seems to be a good compromise where we would --- at least, County Council and the Chief Executive would have to take the report that we had in a year and actually say anybody do anything with this? Did we look at it? Whatever. At least the work is not in vain.

CHAIR: Andrea.

MS. GEHARTY: I wonder if --- sorry. I wonder if members of County Council --- and I see several of you in the room --- could talk to us a little bit more about the value and the purpose for having at-large members rather than simply having members assigned to a specific district.

Mr. DeFazio, you did address that issue, but I wonder if you could --- or if anybody else has anything else to add about whether or not it is --- it would be valuable to have smaller districts in representing the districts, and what the competing values are of having at-large representatives.

CHAIR: And if there's any comment on Andrea's question, if you could come forward and state your name and address, just to keep that format the same.

MR. DEFAZIO: Go ahead.

MR. FUTULES: Nick Futules, 1000 Hulton Road. And to address the at-large, I got the feeling that it's if it's not broke, don't fix it. But as I recall in the beginning they had at at-large for a reason so that it would make sure that both parties would have representation because during County government it's possible, but not probable, that you could have a one-sided, all Democrats or all Republicans at one time during the course of these decades.

So I believe that the purpose of that at the time, essentially, was to make sure that they had at least one of each. And I don't think it's been a problem since I've been here for the last eight years. In fact, I think we've been very well represented with the at-large members that were here, starting with people like Dave Fawcett, Heather Heidelbaugh and now we have Sam DeMarco and then poor John has been here the whole time.

But I think --- I don't feel it's important for us to change that part of County governing, so thank you.

CHAIR: Thank you. John?

MR. DEFAZIO: Do you want me to give my address and everything again?

CHAIR: No.

MR. DEFAZIO: I'm Joe Catanese.

(Laughter)

MR. DEFAZIO: No. I agree with what Nick just said. If something is not broke, what are you trying to fix? I mean, this thing has worked for basically almost 20 years or something. What's the reason for changing it if it's working? And this opens the door even wider. It's not only Democrat and Republican. It could be Independent or another group. It doesn't have to be a Democrat wins it. It doesn't have to be Republican wins it. It could be two different parties, so it opens the door even further than just Democrat or Republican.

So it gives an opportunity for other people. And also we spoke about the Charter, but on --- the at-large person is the member of the Election Board.

And there's nothing much more to say. I mean, it's been working. I mean, if someone --- if something happens to somebody in a different district before you get

a temporary, you start electing people, et cetera, usually the at-large person go in there, and the ball never stops rolling, and you don't miss a beat.

So I think it's a good backup no matter what way you look at it, if you work together. I've been at many meetings where a Council person is working on a particular problem where --- with both of us working and talking with the municipality people, the Executive or et cetera, et cetera.

So I think it's a good thing, and I don't see a reason, a good reason, why --- why would you want to change something that seems to be working for all these years? Thank you.

CHAIR: Mr. Macey.

MR. MACEY: Bob Macey, 409 Juniper Drive, West Mifflin. Just to bring some consensus to this, it's --- you know, I agree with the system as it were. But what's nice about the system is that those two at-large are on the Election Board, which is, I think, significant to all parties, everybody, so that there is adequate representation.

But to carve up Allegheny County into two more districts --- you know, I serve 94,000 people. 94,000, 70,000 what's the difference, you know? But I think that we do well in what we're doing. And I've worked for the Senator, and you know, at one point, I believe that everybody called the Senator's office for County issues because it seemed that they believed that if you go to a Senator, you'll get more juice, but if that's not within his burden ---.

All I'm saying is the way it's working at this point I think is just fine. And as Johnny said, the two at-large, they bring something else to the table. Thank you.

MR. KLEIN: I've been a junior member of this body. My name is Paul Klein. I'll give you my address.

CHAIR: Please.

MR. KLEIN: 813 Hastings Street, Pittsburgh, 15217.

So I said I'm a junior member, like 16 days old since I was just sworn in on January the 4th. But just to offer some perspective on this, I would draw as an example a concern that I had 20 some years ago when City Council, for the first time since 1911, decided to go back to a five district system. And prior to that everyone was elected

at-large. And I guess the concern that I had at the time was that people elected only by district would, you know, return to their silos and speak only for the interest of the district and might lose this larger city-wide perspective.

And so I guess I see the benefit of having two at-large members in it being that at least you have two members who can kind of keep a much larger county-wide focus. And even though we're elected to represent specific areas, specific geographic areas, we're still representing the entire county. And maybe the two at-large elected representatives, you know, might effectively keep our eye on that and keep that in mind as we provide representation for the county.

So would be my take on it.

CHAIR: Thank you.

MS. MEANS: I am County Councilwoman Sue Means. I represent District 5. I live at 3485 South Park Road in Bethel Park, 15102.

I agree with all of my colleagues. I think that if the system isn't broken --- I like having the at-large candidates. Reducing the district setting, making our 13 over 15 is only going to reduce our representation of our population from about 91,000 to 81,000. I don't see that as a great advantage. I think the citizens are better served if they have two at-large and one representative. That way they can have three people they can reach out to, if for some reason, they don't get along with that person or they don't feel like their district representative doesn't represent them.

That way we have three people to lobby if they have an issue. And when a constituent calls and says I'm a constituent, your ears perk up. But I agree with Paul. I think we look at the county as we represent the whole county. So we're here to serve. But again, I agree with my colleagues, if it's not broken ---. And thank you very much.

CHAIR: Thank you, Sue. Andrea's question was directed towards County Council members, but Andrea, if you would like to hear from that gentleman, Greg.

MS. GEHARTY: I'm fine with that.

CHAIR: Greg, one minute, please?

MR. YOST: Thank you for this opportunity. Greg, as I have spoken previously. And I do want to follow upon a couple of comments that Mr. DeFazio and Ms. Means made.

And that is that every other representative government that we have has multiple --- each citizen has multiple representatives. Each one of us has three separate people representing us in Washington, DC, three United States Senators and a local Congress person.

Similarly, in the State, we each have a State Senator and a Stat Representative. And I think Mr. DeFazio and Ms. Means made the comment that when you have multiple people who represent you, you are a little better off. So I thought those comments were very apt. And I'm not an expert on this. They know it better than I. It doesn't seem to me from a distance to be broken so if it ain't broke, don't fix it.

But with this other interest here, that all of our representation at the state and federal level is multiple, why not County as well?

CHAIR: Thank you, Greg. Any other comments or ---?

MS. GERAGHTY: No. Thank you.

CHAIR: Mr. Price had to leave. He is Solicitor of Collier Township. They have their reorganization meeting tonight and he had to be there at 7:00, so we appreciate him coming for the beginning of the meeting anyway.

Betsy, any comments or questions?

MS. MAGLEY: Ms. Shimer, ---

COURT REPORTER: Mic.

MS. MAGLEY: --- or Shimer. I got a little bit --- I don't have all the details, but your comments that we've been talking about --- would you mind addressing your position on behalf of your organization on ---

MS. SHIMER: Sure.

MS. MAGLEY: --- the County Council seat discussion?

MS. SHIMER: In terms of the number of seats, no.

MS. MAGLEY: The at-large number of seats, whatever ---.

MS. SHIMER: We didn't take a position in terms of the number of seats.

MS. MAGLEY: Okay.

MS. SHIMER: Okay. I was just raising the issue.

MS. MAGLEY: Your concern over the Election Board?

MS. SHIMER: Yes.

MS. MAGLEY: Okay.

MS. SHIMER: You bet. You betcha. Okay?

MS. MAGLEY: Yes.

MS. SHIMER: Anything else?

MS. MAGLEY: That was it. Thank you.

CHAIR: Mr. Nowalk?

MR. NOWALK: It's been a pleasure serving on this committee. If you look at our recommendations, there are ten recommendations, and six are focused on County Council. And I think they have a general theme, and that is strength in County Council. But when we had our session with the County Council members, some had suggested that we're --- you know, we've got a lot of work and to the amount of pay that we get. And so we were looking to strengthen the County Council. And that was the reason why we have a County Council, is to have these checks and balances between the Executive Branch and the County Council branch and the Legislative branch.

And you know, a number of County Council members said, you know, we think that we're --- what did Jim Ellenbogen say? So again, the focus was to strengthen County Council.

And with respect to the Form of Government Committee, I appreciate what all of you have said. I just want you to know how this came about --- since we don't have any other speakers, and we still have a little bit of time so I'll just state it for you.

When we had our interview of the County Executives, it was stated that the reason why there were the at-large positions was to ensure that there would be minority representation on Council. And as Commissioner DeFazio, Councilman DeFazio, said, yeah, this is the way that County Council system was set up, with three County Commissioners. You had two from one party and one from another party, and this is like a carryover from that.

But what we know from the way the electorate has elected representatives is I believe you have at least four Republicans that have been elected by Districts, and nine Democrats that were elected by Districts. So you were getting minority --- you know, other party representation from the --- from the district seats. If you make the districts smaller, the chances of that happening will increase, you know, rather than decrease, so ---.

And there isn't any other level of government that's like this. Okay? The state government doesn't have any --- you know, you get elected. You get the most votes,

you get elected. You know, at the local level, you get the most votes, you get elected. It's not --- there isn't any attempt at the local level or at the state level to try to ensure that there will be a two-party or three-party system. It's just not done. It's whatever the electorate wants, that's how --- that's the candidate that goes in.

So theoretically, you could have someone who wanted to run as a Democrat on a write-in vote. You could have two Democrats who both get the greatest amount of votes, and yet one would have to step aside because the system is set up so that it's one party versus another party.

So again, given that these at-large positions were put in for --- to ensure minority representation in there, it's, in fact, minority representation by district. And given that County Council was saying, look, we have a lot of responsibility here and --- you know, we saw an opportunity to make it --- you know, to make it smaller districts.

And you know, I think when you're working part time as a County Council person, and you get 12,000 people knocked off your, you know, your --- out of your district and it becomes smaller, I think it's more manageable.

But you know, so I want you to understand there was a lot of thinking that went --- that went into this. The Districts would be smaller size wise. The districts would be smaller population wise. The districts would be smaller in terms of the number of political entities in it. And to us, I'll say the majority of the members of the Form of Government Committee believed that that was a good --- you know, that that would be good for the people of Allegheny County to have that kind of a, you know, system.

So that's the reason why we proposed it. I think I even mentioned to you, John, you know, at the meeting, you know, what do you think about this? And I mentioned it to a couple others, you know, as well. And you know, we did think that it would be better to make the districts smaller.

The argument about whether there is, you know, this overall perspective, really that --- I think that overall perspective is provided by the County Executive, you know, also elected by, you know, the people at-large, so to speak. And to provide that --- you know, that overall perspective.

The other thing is is that --- and I take this position at the local level, that the kinds of issues that you deal with at County government --- and I'll say it at the local level, you know, having --- being an elected mayor, they're not Democrat, Republican issues. You know, they're --- you know, whether you build a park or you, you know, know who your garbage contract --- these are people issues, community issues. And I'd like to think a lot of what County Council does is the same thing.

The airport, you know, just look at all the services the County government provides. They don't lend themselves to Democrat or Republican sort of divides. I was here --- the one time that I was here, probably one of the most controversial votes that you had was whether to put --- allow fracking at one of the county parks. And I remember we --- you know, we came in that night to talk about radar and we waited the entire time and didn't get a chance until the next meeting.

You know, and I saw that vote. That vote came down not on party lines. That vote came down on, you know, just people's individual beliefs. So when you look at the most controversial vote that the County Council probably had, and it didn't divide along County --- on, you know, Democrat or Republican lines, you know, you have to look at it, and say do we really need to have a system that tries to ensure that there be one party versus another when the people are perfectly capable of doing at the district level?

So again, we're looking to improve county government. We're looking to strengthen your position. To us, a smaller government, fewer people, is going to enable you to have more time to concentrate on, you know, the affairs of county government. And I think that's the reason why --- you know, why we did it. We listened to what you had to say. We listened to what County did --- you know, what we were told was the history. And you know, the idea that we were carrying it over from the three county commissioner system, that system was rejected when we had Home Rule.

When we had Home Rule, the people of Allegheny County said we don't want the three county commissioner system. We want a legislative body and we want a Chief Executive. And so they rejected that idea, I think, of, you know, trying to ensure that there'd be, you know, minority representation.

So again, I think in fairness so much discussion has come up --- and two colleagues are asking about that. I thought it's only fair for you to know why we made that proposal. And you know, again, it was all in the interests of making county government better.

So I think --- let me just --- we still have until 7:30. Just let me just add Councilman Macey --- or we need to consider what --- the point that you raised. And I think it's a very good one. And I think you're absolutely right. County officials should all be treated the same. It should be subject --- and particularly for County Council, you know, when you consider that County Council has a billion dollar --- you know, close to a billion dollar budget between the operating and the capital, that is a lot of responsibility. And I think that every effort should be made to make your --- you know, make it easier to keep you on Council, not to force you to have to resign and take that experience that you developed and send you --- you know, say you can't serve any more. And I really in my research question whether constitutionally that is permissible.

If you look at the section on removal of a county official --- or I'm sorry, an elected official, you know, it takes an act of the governor and the State Senate to remove somebody from a, you know, an office that was elected by the people. And I think any County Council member who took another job like you were talking about, after being elected by their district, the people in your district, in the, you know, West Mifflin area, they want you as their representative. They don't care that you've taken another job.

And so I think your point is very well taken and that's something we can look at, again, in conjunction with what we did look at was whether a member of County Council should have to resign when they run for another office. Why is that? You know, you may or may not get elected. You build up all this experience. You've got this important responsibility about a billion dollar budget, why should you be --- you know, have to leave your office and have the people of that district, you know, get somebody else? You know, it doesn't make any sense.

So I think you --- we'll try to incorporate your idea in with the same idea of whether someone should have to resign because they're pursuing another office. Sorry to take ---.

CHAIR: That's okay. Thank you. Mr. DeFazio, would you like to make another comment?

MR. DEFAZIO: Yeah, I would. You know, let me just rebut just a little bit and really bring you up to the real facts. And I can speak on this subject because when I first started up until I retired from my other job, I never collected more than \$3,000 a year. I donated \$6,000 to the County. I didn't collect, basically collect any expense money. Okay? So here's your problem. People don't care --- believe me when I tell you, they don't care if they service 80,000 or 90,000. They want more money for the job you're doing. Okay? You could drop down to 10,000 people that had twice as many problems. Believe me when I tell you. Okay?

You can drop down that little bit. The thing is certain people --- and I agree with it. Even though I never collected it, I always supported their idea. You don't get on the job and stay there forever without a raise, and that's what's been happening. There's never been a raise. Okay? And it didn't affect me. I wasn't going to get anything out of it, but I supported these people. And that's what the problem is. The problem is they want to get more for what they're doing and they deserve it, believe me when I tell you. Everybody is a hard worker here, believe me.

And like I said, I can speak on the subject because I wasn't ever in this for money. I did this to help people. Okay? And I never worried about getting expenses or getting extra money. I donated it. The County benefited a lot by me. All these years, for maybe 15 years, whatever, all that expense money, all that \$6,000 a year. Add that all up. That's what I gave to the County. I never cared about it. I did my job. I had a good job. I didn't --- wasn't --- I was okay. But the people want to get paid more for what they do. They figure look at all the work we do. We should get more money.

It's not the idea, hey, knock me down from 90,000 to 80,000. That may not make a bit of difference. You could get down to 5,000 and you may have more problems than you had before. Okay? So that's what the real problem of this is. It's not like people want to say, oh, I'll get down to --- I'd like to get down to 80,000 instead of 90,000. Now, that's not the real problem. The real problem is they want to be compensated properly.

CHAIR: And we have --- we've addressed that in terms of raising their compensation and also in your compensation, too, and in putting in a standard that probably in --- ten years from now we won't be, you know, experiencing the same thing.

You know, when you think about the system the way it is now, you know, the limitations that you have, you can have someone who's elected right after a raise and the limitation is you can't raise it in five years; okay? So then you raise it in five years, but anybody in office is not going to be allowed to take that raise because of the Constitution. So now they have to wait four more years or potentially four more years. It's like nine years. And it's a ridiculous system for compensating legislative officials.

Now, we realize --- we realize, John, you know, that it wasn't just the --- you know, we addressed the pay, and then again we sought another way to make it easier. And you know, that was the reason. And you know, I'm just telling you. We were interested in good government. And we appreciate, you know, the different perspectives you have.

MR. DEFAZIO: If you're interested in good government --- and Sue Means will be able to add --- there are certain people, okay, that may not want to deal directly with me for whatever reason. They may want to deal with the other person, and that's fine. We've never had a problem. You can go to any Council person and talk with them, as long as the problem gets worked out.

So if you're basically worried about the people, they should have more representation. And this idea to drop it down, that's not the answer, I can tell you. If you want to solve the problem and make the people happier, I think they're better off with more representation and there should be a way find a way to compensate the people.

I mean, you just can't go on forever without getting a raise. I think there's your problem. Some people don't care. Some of them are like me. Some of them don't care, but there are a lot of others that really feel they should get this. And even though I never would get it, I agree with it also, because you don't go on a job and never get a raise. It don't make sense.

MR. NOWALK: No. We completely agree with you on that. If you look at --- we put together, the Form of Government Committee, put together a chart. And when you

look --- of all the elected officials, and when you look at that chart, the --- I don't have it front of me.

The raises for the other elected officials, except for the County Executive and the County Council, I think it's anywhere from like from 149 percent from 2000 to 156 percent in the case of the District Attorney.

That chart just stands out as, you know, how unfair it's been for both the County Executive and County Council to not have had a raise in what is now 16 years.

MS. MAGLEY: May I jump in?

CHAIR: Betsy?

MS. MAGLEY: I just want to jump in as a member of the Form of Government Committee, too. I just want to assure you that we may not all agree on how the districts and at-large should shake out in the end, but there is a complete consensus that you're all underpaid.

And we're working very hard on finding a way to make it something that doesn't become political, that is --- and we're not quite there yet, but we were just talking on the way in and we're getting close. So I want you to know that that is something that I think is at the very top priority of our commitment, is how you're compensated.

CHAIR: Thank you all. That was some very good input. And again, to reiterate, we will be delivering these --- all of the recommendations. Nothing has been voted on or passed. And we will be deliberating at our next meeting on all of these issues, of which there are many more than just salaries and district sizes that are very important. So please take time to read them and any other input. We can accept written comments by email or if you have any more questions this evening.

But on behalf of Tracey McCants-Lewis, Ms. Lewis has put an incredible amount of time in ensuring her committee has come up with a lot of recommendations under the External Entities, Reviews and Independently Elected Officials Committee. So please read those thoroughly. She's put a lot of time into it. She's a very busy person and could not make it tonight.

Also our Vice Chair, Aradhna Oliphant, Ms. Oliphant has been an incredible partner and Vice Chair, helping to organize the Committee, organize the Commission, keep things moving forward, and she's been an invaluable asset to this Commission. And I know she had a death of a close friend the other day, and we wish her the best, and condolences on that.

Any other questions or comments from the Commission?

MR. SCHWARTZ: Mr. Chair?

CHAIR: Yes, Mr. Schwartz?

MR. SCHWARTZ: I just have one thing, that that's why we're having this public hearing. These are all draft recommendations, and at our next meeting I imagine we will be polling the Commission and taking some type of a vote or see what ones we want to continue with.

And as for your work, you're going to get all of this at the end. We're just going to add to your work because the majority of things here have to be acted on at one point or another by County Council. In other words, whether it is a --- you're going to have to look at it, which is why the reviewing in a year makes a lot of sense.

If it's an Administrative Code change, which a lot of these things are, it's going to come down to County Council and someone is going to have to do it. If it's a Charter issue, the County Council does have the power to put things on the Charter if they feel --- I'm sorry, on the ballot for the Charter, if they feel it's relevant, whereas the public also has the same option on the Charter issue.

So right now they're all recommendations. No matter how people feel about them, everything that was on here was brought to the Commission in one form or another, and it was addressed. Some were a homogenization of ten different ideas, and it's impossible in a year's time frame or --- and in the number of meetings, to get them all.

But this public hearing is going to be beneficial. I mean, I really do. I believe that. I think that you'll --- the finished product, which you will have, will take you into this and you'll see it in the report. Thank you.

CHAIR: I also want to recognize Councilman Martoni's is here in the audience as well. Chuck.

DR. MARTONI: Yes.

CHAIR: One of our original members of County Council, along with Mr. DeFazio. So we appreciate you coming this evening. Mr. Hagerman?

MR. HAGERMAN: Yes. I just wanted to add something along with what Mr. Schwartz said. Not only were there issues that made to recommendations, but we discussed --- at least in our subcommittee, which Ms. Geraghty chaired very well, there were a lot of issues that came up

that we discussed that did not make it to recommendations because we thought that things were working quite well.

You know, the size of this government and with --- we were on the fiscal and personnel --- with the billion dollar on this budget, as has been referenced before, it's quite remarkable how well this government does work. And that should be noted as well on the record.

So just because these recommendations are here, that doesn't mean that this is all that was discussed. There was a ton of time, effort and interviews that went into this, which has been previously referenced. But these final recommendations --- or these proposed recommendations, are just the tip of the iceberg of what we dove into.

CHAIR: Ms. Geraghty?

MS. GEHARTY: If I may just add to that? You know, you heard that we had lots of meetings and lots of interviews, but we also all went back and read the Charter and read the Administrative Code and looked at things that --- just to do a broad overview. So while it's really important to hear what you have to say, it really has been very valuable to me in considering which recommendations I will support and which I will not support.

This whole panel has not only heard testimony, but done a great deal of independent work, along with our law student interns, who have been invaluable. And I certainly, for one, am impressed at how County government works and how hard County Council works. And so you've thanked us for our service. I do want to thank all of you as well for the service you've given and the time that you have spent to help us understand your viewpoints about county government.

MR. NOWALK: I'd like to add to that. You know, with the Form of Government Committee, we first looked at the County Manager and County Council --- or County Executive and the County Council. And with respect to the County Manager, we were very impressed with the County Manager's presentation to us. I think Allegheny County is well served with William McKain as its County Manager. And so we didn't have any recommendations after listening to his testimony.

So I would like to echo the remarks of the other Commission members. We put on testimony and not everything rose to the level of a recommendation because County government is running so well in those areas.

CHAIR: Thank you. Any other comments from the members of the Commission? Are there any other comments from the public? You will have five minutes to speak.

I would like to make just a couple more comments. This has been a purely bipartisan Commission. I can honestly tell you I don't know what anyone's political affiliation is unless I knew them before we were sworn in. I really don't. I've never asked them and I've had no idea, nor do I care. I think we've all pulled on the same end of the rope and really tried to do the best for the people of Allegheny County.

Our report will be to the people of Allegheny County, not to the County Executive or the County Council. However, we will be delivering our report to County Council and to the County Executive if they will have us. We will organize those meetings and to the public of Allegheny County as well.

So without any other comments, do we have a motion to adjourn? Unless we have any other --- technically, we should be here until 7:30, but I don't see any reason from a practical standpoint to stay until then, unless anyone has any objection? If not, do we have a motion?

MR. HAGERMAN: Move to adjourn.

CHAIR: Do we have a second?

MS. GERAGHTY: Second?

CHAIR: All in favor, aye?

(Ayes respond.)

CHAIR: Opposed? Thank you very much for talking today.

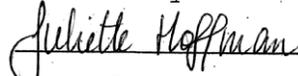
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HEARING ADJOURNED AT 7:10 P.M.

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CERTIFICATE

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


Court Reporter

Juliette Hoffman