



County of Allegheny

436 GRANT STREET ♦ PITTSBURGH, PA 15219

Government Review Commission of Allegheny County

Minutes: Tuesday, June 30, 2015
3:00 p.m. – 4:30 p.m.

1. Pledge of Allegiance
2. Roll Call
 - a. All members present by 3:15 p.m.
3. Opening Remarks by the Chair
 - a. Chair complimented committees on getting work started.
4. Introduction and Approval of Bryant Andrews-Nino to serve as support to the Commission.
 - a. Mr. Andrews-Nino noted his thanks and appreciation for the opportunity to serve. Mr. Andrews-Nino was approved to be support staff for the Commission by all members. Motion set forth by Commissioner Jay Hagerman. Motion passed unanimously.
5. Approval of Minutes
 - a. Motion set in place to approve minutes by Commissioner Aradhna Oliphant. Motion passed unanimously.
6. Public Comment:
 - a. Heather Heidelbaugh serves as Allegheny Council Member At-Large. She addressed reasons for which she is not running again for office upon the end of her term in December. She represents the minority party.
 - i. Ms. Heidelbaugh produced an extensive report that spoke about the reality of the home rule charter; specifically, she addressed how it is more restrictive to minority parties than majority parties.
 - ii. Ms. Heidelbaugh stated that the main reason she is not running again for office is that she fears County Council lacks checks and balances in power.
 - iii. Ms. Heidelbaugh used her extensive report to highlight all of the ways in which the Chief Executive holds unbalanced power in Council.
 1. For example, the Chief Executive introduced 2.5x more ordinances than the council members such that the Chief Executive dominates the executive and legislative branch.

- iv. "Bill Aging" was another reason that Ms. Heidelbaugh is stepping down. In essence, she expressed that the "90 Day Rule" is regularly not followed, and that there is no consequence for the regular violation of the 90 Day Rule.
 - v. She mentioned specifically a 2012 ordinance that she introduced to freeze the taxes of the elderly poor that are both republican and democrat in Allegheny County. She stated that she introduced the bill 33 times and it has never been heard. She tried to pull the bill five times, and it failed all five times-even on a 6-5 vote.
 - vi. Ms. Heidelbaugh noted that the County Executive systemically discriminated against bills proposed by Council.
 - vii. Ms. Heidelbaugh prepared a series of suggestions for the Commission to consider:
 1. Amend the charter to require legislative authorization for all contracts, rather than merely those relating to real property dispositions and accepting donations of personal property. Legislative branch involvement
 2. Amend the Charter to include a blanket provision invalidating actions undertaken in violation of any Administrative Code provision that carries no delineation of the consequences of failing to follow its requirements, and expressly forbidding the enactment of any additional Code provisions that can be ignored without consequence.
 3. Consider elimination of the County Council as it is superfluous.
 4. Publically acknowledge the facts contained within the report Ms. Heidelbaugh produced.
 5. Publically condemn the actions of the Chief Executive which circumvent the Charter, the intent of the Home Rule Charter, the Rule of law and will of the people.
 6. Publically advocate that County Council President and the majority party comply with the 90 Day Rule.
 - viii. Commissioner Jim Nowalk responded to Ms. Heidelbaugh with thanks and appreciation, and noted that his Committee would look thoroughly through the report. Chairman Mark Foerster also encouraged the writing of this report.
 - ix. Commissioner Rick Schwartz asked Ms. Heidelbaugh if she will be attending the August 18th meeting at 3:00pm, (yes), and asked Executive's staff how many contracts a year pass through the county. The Executive's staff did not know the exact number but would report at the next meeting.
 - x. Commissioner Oliphant asked about statics on other administrations to see if disparity has been consistent across administrations.
 1. Ms. Heidelbaugh responded that she did not know specifically about other administrations.
 - xi. Commissioner Price asked if the violations are violations are county council rules, and if so, asked what the role of the commission would be.
 1. Ms. Heidelbaugh said that speaking would be the way to respond.
 2. Ms. Heidelbaugh also stated that she might issue a supplemental report.
 - xii. Ms. Heidelbaugh closed by stating that she did her five year term because she loves her country and county.
- b. Annette Shiner (League of Women Voters)
- i. She stated she arrived to determine what the schedule is. She would like to know about future meetings and would like to have future meeting dates available online.
 - ii. The Executive's staff commented that county is transitioning from old website to new website. Once finalized, the information would be available.
 - iii.
7. Review of Templates for Final Report

- a. The Executive's staff stated that there is a separate template if there is a change in the administrative code. The template is not to be interpreted as a recommendation. She also noted the change in the language from "mental retardation" to "intellectual disability."
 - b. Chairman Mark Foerster asked if the Commission would want to use this template for the committee.
 - c. Commissioner Jim Nowalk asked if the template should be used by the commission or the committee. Stated that the recommendations should be from the committee to the commission.
 - d. Commissioner Aradhna stated that each committee chair should keep in mind that the template should be final.
8. Form of Government Subcommittee Report
- a. Commissioner Jim Nowalk stated that he held a committee meeting this afternoon (June 30, 2015). He solicited comments from all three county managers. Mr. Nowalk also stated that he contacted Bob Webb, and that Bob is going to follow up with written comments. Mr. Nowalk also made a call to Jim Flynn encouraging him to give some feedback. He thought the meeting went well.
 - b. Mr. Nowalk thinks the idea of having a decennial review of the commission is good to allow review of county government overall.
 - c. Mr. Nowalk asked if there should be some review of salary throughout county positions to make it comparable with others. He stated that there is the possibility that someone in a county position might find another higher-paying job.
 - d. Mr. Nowalk stated that Mr. Webb believes that the home rule charter needs flexibility so that the relationship between the chief executive and the manager could function more fluidly. Mr. Nowalk stated that this is something that the Commission should be aware of.
 - e. Commissioner Rick Schwartz added that Mr. Web feels the charter is flexible enough to work around what has thus far been done. He believes this might not be the same for the other branches of government.
 - f. Chairman Mark Foerster asked what the current manager's salary is. The Executive's staff stated that it's over \$100,000. Airport: approx. \$250,000. Port Authority: approx. \$250,000.
 - g. Commissioner Schwartz stated that Mr. Nowalk should be the point person for questions from the committees. Mr. Nowalk welcomed this.
9. Fiscal and Personnel Subcommittee Report
- a. Commissioner Andrea Geraghty stated that Committee has not yet met, but that it has a meeting scheduled today (June 20, 2015) for 5:00pm. It will be discussing the actions of the committee. Ms. Geraghty stated that the court itself has comments to offer the committee. She stated that the committee is properly staffed to consider ethics considerations.
10. External Entities, Reviews and Independently Elected Officials Subcommittee Report
- a. Commissioner Tracey Lewis stated that the committee met for the first time last Friday, June 26th. That committee is comprised of Mr. Doug Price and Commission Chairman Mike Foerster. The Committee is charged with looking at independently elected officials and boards, and sunset laws, and to review procedures and the diversity review.
 - b. The Committee determined the individuals it will meet with: the independently elected officials of county controller, county treasurer, district attorney and sheriff. Letters will be sent out to them. Meetings with the commissioner and treasurer will be only July 16th.
 - c. The next meeting is in August with the economic development authorities and housing authorities. Letters will be sent to the Chair and Director of the authorities.

- d. The committee hopes to have information to provide back to this body in late August/early September.
11. Staffing Considerations with Independent Entity
 - a. The committee feels comfortable with the templates.
 - b. Issue of the website: The Executive's staff talked to administrative services, and they are open to having a section on the newly developed website. There will be a section on the website for the government review commission. It will have the agenda, calendar, and other reports.
 - c. Commissioner Aradhna Oliphant asked: "Do we have to be worried about taxing the current staff or seeming to have a lack of objectivity?" The Executive's staff answered that we don't want to compromise the work of the commission and that the commission will continue to search for someone who will be able to provide that service.
Ms. Aradhna asked: "What organizations have we checked with beside from CCAC?–Pitt?" Commissioner Andrea Geraghty stated that there may be people from different departments at Duquesne.
 12. Updated Calendar of Meetings
 - a. The Executives staff thanked everyone for help on the calendar.
 - b. Chair announced date of next meeting as July 16th at 8:30am.
 13. Motion to Adjourn moved by Aradhna Oliphant. Seconded by A. Geraghty. Motion was approved unanimously.