

# **Allegheny County Council**

*County of Allegheny  
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## **Committee Meeting Minutes**

**Thursday, October 2, 2008**

**5:00 PM**

**Conference Room 1**

## **Committee on Government Reform**

***Rich Fitzgerald, Chair; Jim Burn, Jim Ellenbogen, Nick Futules, Vince Gastgeb,  
Amanda Green, Bob Macey, and Chuck McCullough - Members***

**I. Call to Order**

**Summary:** *The meeting was called to order at 5:00 PM*

**Invited Guests:**

**Senator Arlen Specter or Designee**

**Senator Bob Casey or Designee**

**Congressman Jason Altmire or Designee**

**Congressman Mike Doyle or Designee**

**Congressman Tim Murphy or Designee**

**Jim Flynn, County Manager or Designee**

**Mike Wojick, County Solicitor**

**Tim Johnson, Director, Administrative Services**

**Mark Wolosik, Manager, Election Division**

**Brad Penrod, Director, Airport Authority**

**Jeff Letwin, Solicitor, Airport Authority**

**Amy Griser, Director, Budget & Finance**

**Summary:** *Invited guests in attendance: Corey O'Connor for Congressman Doyle; Mike Spierito for Congressman Murphy; Derek Uber for Mr. Flynn; Ted Trbovich for Mr. Wojcik; Mr. Johnson, Mr. Wolosik, Mr. Penrod; Mr. Letwin; and Ms. Griser*

*Recognized attendees: Controller Mark Flaherty and Deputy Controller Guy Tumolo*

*Council staff in attendance: John Mascio, Jennifer Liptak, and Joe Catanese*

**II. Roll Call**

***Roll Call:*** Present: Jim Burn, Vince Gastgeb, Amanda Green, Bob Macey, Chuck McCullough, Rich Fitzgerald, Council Member John DeFazio, Council Member Matt Drozd, Council Member Michael Finnerty, Council Member Chuck Martoni, and Council Member Jan Rea  
Absent: Jim Ellenbogen, and Nick Futules

**III. Approval of Minutes**

**4367-08** Motion to approve the Minutes of the September 16, 2008 Government Reform Committee meeting.

**Action:** **A motion was made by Green, seconded by Fitzgerald, that this matter be Passed. The motion carried unanimously.**

**IV. Agenda Items****Ordinances**

4328-08

An Ordinance amending the Allegheny County Code of Ordinances, Chapter 705, entitled "Airports," through the creation of a new Part 4, entitled "County Properties," in order to clarify the procedures by which mineral rights are to be conveyed for property upon which an airport or other asset administered by the Allegheny County Airport Authority is located.

**Sponsors:** Rich Fitzgerald, Jim Burn, Joan Cleary, John DeFazio, Matt Drozd, Jim Ellenbogen, Michael Finnerty, Nick Futules, Vince Gastgeb, Amanda Green, Bob Macey, Chuck Martoni, Chuck McCullough, Jan Rea and William Russell Robinson

**Summary:**

*The Chair provided a summary of the bill. He said that the proposed ordinance would clarify the procedures by which mineral rights may be conveyed by the Airport Authority. He said that the bill was introduced as a result of an announcement that the Airport Authority was soliciting proposals for natural gas drilling on airport property. He said that while he is aware that Federal regulations may come into play regarding the use of funds derived from such natural gas drilling, the bill deals only with the process by which mineral rights may be conveyed. He asked Mr. Penrod and Mr. Letwin to explain to the committee the process by which the Airport Authority issued a Request for Proposal (RFP) for drilling rights. They explained the process to the committee.*

*The Chair asked Mr. Penrod what the Airport Authority plans to do with the possible revenue generated by the drilling. Mr. Penrod said that Federal Aviation Authority (FAA) rules state that all revenue generated from airport related land must be put back into the airport. He did say, however, that the FAA will hear arguments for alternative use of the funds. Mr. Letwin said that he and Council's solicitor Jack Cambest were working on an agreement between the Airport Authority and the County relative to the use of the funds. He said it is still in draft form.*

*Much discussion took place regarding the possible use of the money. Discussion also took place regarding who had the mineral rights to the land.*

*Mr. McCullough told Mr. Letwin that at the last Government Reform Committee meeting Mr. Letwin told the committee that discussion of mineral rights and the RFP were contained in the Airport Authority Minutes. Mr. McCullough said that he reviewed the minutes and did not find any discussion reflecting that. Mr. Letwin said that it would be contained in the September minutes, which have not yet been released. Mr. McCullough said that if those discussion were not in their minutes they may be in violation of the Pennsylvania Sunshine Law.*

*The Chair said that Mr. Cambest and Mr. Letwin are working on a joint agreement and hope to approach the FAA in a unified fashion. Mr. Cambest said that the agreement is in draft form and when it is completed it will come before Council for a vote.*

*More discussion took place regarding ownership of the mineral rights. Mr. Letwin said that the Authority completed clearance of the rights and they have documents and a map to verify that. Mr. Burn asked Mr. Letwin to provide this verification to the committee. Mr. Letwin said that he would. Mr. Letwin said that the issue is not who owns the mineral rights. He said that the more important issue is to have the Airport Authority*

*and the County come together with an agreement regarding the use of the funds, and present that to the FAA for approval.*

*Mr. Trbovich reiterated Mr. Penrod's statement that the FAA rules state that any revenue generated from that land must be put back into the airport. He said that the FAA will ultimately have the final say whether some of these funds can be placed in the county coffers. He said that the county and the Airport Authority will need to lobby the FAA to accomplish that. The Chair asked Mr. O'Connor and Mr. Spierto to relay the message to their respective Congressmen and ask them for assistance in this effort.*

*Mr. McCullough said that if the money is place in an escrow account, then that account should be controlled by the county and not the Airport Authority.*

*The Chair asked Controller Flaherty for his views on this issue. Mr. Flaherty said that he believes that the Airport Authority had good intentions but they got mired in legal regulations. He said that he strongly recommends that the Authority and the county come to an agreement that is amiable to both parties and approach the FAA in a unified manner.*

*Mr. McCullough made a motion to close debate. Mr. Gastgeb seconded the motion. The motion failed by a vote of 3-3, with Councilmembers Burn, Green, and Fitzgerald voting no; and Councilmembers Gastgeb, Macey, and McCullough voting yes.*

*Mr. McCullough then made a motion for an affirmative recommendation on the bill. Mr. Gastgeb seconded the motion. The motion failed by a vote of 2-3, with Councilmembers Gastgeb and McCullough voting yes; and Councilmembers Green, Macey, and Fitzgerald voting no.*

**Action:** Held in Committee

#### **4339-08**

An Ordinance amending the Allegheny County Code of Ordinances, Division 1, entitled "Administrative Code," Article 203, "County Authorities," in order to clarify the County's relation to the authorities designated as "County Authorities" within the Code.

**Sponsors:** Chuck McCullough, Vince Gastgeb, Matt Drozd and Jan Rea

**Summary:** *There was no discussion on the bill*

**Action:** Held in Committee

#### **4340-08**

An Ordinance of Allegheny County, Pennsylvania, directing that the Allegheny County Board of Elections conduct a random sample audit of software installed on the County's voting machines and generate a written report of the results of such audit no later than October 21, 2008, and directing that similar audits be performed in future election years.

**Sponsors:** Amanda Green, William Russell Robinson and Chuck Martoni

**Summary:** *Ms. Green provided the committee with a summary of the bill. She said that the proposed ordinance would direct the Allegheny County Board of Elections to conduct a random sample audit of software installed on the County's voting machines and*

*generate a written report of the results no later than October 21, 2008, and directing that similar audits be performed in future election years.*

*She said that although it appears that the County does already conduct some voting machine audits, it is not clear how many machines are audited or the level of detail on which the audit is conducted. She said that the audits that would be required under this bill would be to verify that the software installed on the audited machines is certified for use in the Commonwealth of Pennsylvania by the Department of State.*

*Mr. Martoni spoke in favor of the bill. Mr. Johnson said that he appreciated the bill's intent. He distributed to the committee a document outlining key measures that the Division of Elections is undertaking to build control of the election process and voter confidence. He reviewed this document with the committee. He said that the measures are organized in five categories: warehouse security, delivery, logic and accuracy testing, tabulation, and auditing. He also distributed a copy of a letter he received from Harry A. VanSickle, PA Deputy Secretary for Administration, which basically commends Allegheny County as a leader in election administration.*

*Mr. Johnson said that they already conduct testing which he believes is sufficient to prevent or discover any software problems. He said that Allegheny County is the first county in the state to perform parallel testing.*

*Mr. DeFazio asked Mr. Johnson if the provisions set forth in the bill could be accomplished before the upcoming election. Mr. Johnson said that would be extremely difficult to do. He asked Council not to approve the bill because he said that they are requesting him to perform a task which he has no control over. He said such an audit could not be done now because the state has no procedures in place to allow them to access the software they would need to perform this audit. He said he already asked the state for assistance with this and they responded by saying that nobody ever asked them for that before.*

*Mr. DeFazio asked him if the county could hire an outside firm to conduct the audit. Mr. Johnson said that even if they had the software it would be too late to conduct an audit prior to the upcoming election because the bidding process alone could take months.*

*Ms. Green said that if it could not be done for the upcoming election, maybe they could amend the bill to have it apply to future elections. Mr. Martoni again asked Mr. Johnson to try to accomplish this prior to the election, but said that if he could not to please make an effort to implement this for future elections.*

*Mr. Johnson said that after the November election he will put together a task force to work with the state to come up with a process by which they could verify the software.*

**Action:**

**Held in Committee**

**Resolutions**

**4181-08**

A Resolution of the Council of Allegheny County, Pennsylvania, requesting that the Allegheny County Controller perform audits of the Sports and Exhibition Authority of Pittsburgh and Allegheny County, Port Authority of Allegheny County, Allegheny County Airport Authority and Allegheny County Sanitary Authority with all deliberate speed, and authorizing the Controller to undertake such audits.

**Sponsors:** Chuck McCullough, Vince Gastgeb and Matt Drozd

**Summary:** *There was no discussion on the bill*

**Action:** Held in Committee

**Motion****4348-08**

Motion of the Council of Allegheny County calling upon the Allegheny County Manager to perform, beginning immediately, a study to determine what mineral rights Allegheny County owns on any parcels within the County and the feasibility and economic value of conveying those mineral rights to other parties for development.

**Sponsors:** Jan Rea and Chuck McCullough

**Summary:** *There was no discussion on the bill*

**Action:** Held in Committee

**V. Adjournment**