

Allegheny County Council

*County of Allegheny
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Meeting Minutes - Approved

Thursday, April 24, 2014

4:00 PM

Conference Room 1

Committee on Government Reform

John DeFazio-Chair

Members: Barbara Daly Danko, Jim Ellenbogen, Mike Finnerty, Nick Futules, Amanda Green Hawkins, Ed Kress, Charles Martoni, & Sue Means

I. Call to Order

Invited Guests:

William D. McKain, CPA-County Manager or Designee

Andrew Szefi Esq.- County Solicitor

Jack Cambest Esq.- County Council Solicitor

Jared Barker, Joe Catanese, and Lori Sicard were present from the staff of County Council.

Heather Heidelbaugh joined the committee as a non-member.

No member of the Administration was present.

II. Roll Call

DeFazio
Barbara Danko
Jim Ellenbogen
Michael Finnerty
Nick Futules
Amanda Green Hawkins
Ed Kress
Chuck Martoni
Sue Means

III. Approval of Minutes

[8203-14](#)

Motion to approve the minutes of the meeting of the Government Reform Committee meeting of Allegheny County Council held on January 31, 2013.

Passed

IV. Agenda Items

Resolutions

[8089-14](#)

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the General Assembly and Governor to amend 16 P.S. §6171-B(A)(4)(iii) to authorize the County to revise the eligibility standards for its program establishing Senior Citizen Relief from County real property taxes in order to render such standards consistent with those contained within the Commonwealth's Senior Citizens Rebate and Assistance Act eligibility guidelines.

Sponsors: Council Member Macey

The Clerk read the title of the bill into the record and the Chair asked Mr. Macey to revise its provisions for the committee.

Mr. Macey gave his reasons for introduction and Mr. Martoni made a motion for affirmative recommendation.

Ms. Danko made a suggestion that the language of the income threshold be changed to state that the income cap mimic state law so it wouldn't have to be changed again.

Mr. Finnerty made comment that the resolution should have a fiscal note attached to it as it may affect revenue to the County. He further referred to a document reflecting figures from 2011 regarding revenue impact statistics for such a proposal. Mr. Finnerty stated that the bill should properly be in the Budget and Finance committee.

Mr. Martoni stated that he would withdraw the motion for affirmative recommendation to allow for time to compile a fiscal note.

Mr. Finnerty offered to co-sponsor the bill.

Held in Committee

Motions

[8201-14](#)

Authorizing the hiring of legal counsel in order to conduct an independent legal review and analysis of the proposed lease of the County's interests in the oil, natural gas and other hydrocarbons from all formations deeper than six hundred and fifty feet (650') above the Tully Formation underlying Deer Lakes Park.

Sponsors: Council Member Means

The Chair asked Ms. Means to introduce the reasons for her motion.

Ms. Means reflected on the importance of due diligence in the light of the Robinson Township decision by the Supreme Court of Pennsylvania regarding Act 13 and the duties of the trustees of public land in light of the possibility that a decision regarding Deer Lakes Park and leasing the mineral rights might be challenged in the future in a court.

Ms. Heidelbaugh offered to co-sponsor Ms. Means motion.

Mr. Ellenbogen stated his concern regarding who would be chosen as the independent council.

Ms. Means addressed Mr. Ellenbogen's concern stating that the motion gave guidance and stated that there were already attorneys that were appropriate that had been approached by Ms. Heidelbaugh and Mr. Kress.

Mr. Ellenbogen made the point that a particular attorney might share a particular member's point of view.

Ms. Heidelbaugh stated that in her experience as a lawyer of 30 years, our solicitor, Mr. Cambest stated in a previous meeting of the Parks said that the only issue presented to him was whether the lease "was legal or illegal" and that neither Mr. Cambest nor Mr. Szefi has a wealth of experience in oil and gas law.

Ms. Heidelbaugh further stated that she had used her Council allotted expenses and hired a review of an independent firm because she felt that she needed an independent opinion at this point in the process.

Mr. Futules stated that he had a conversation with Mr. Cambest and Mr. Szefi about the Act 13 case and he thought that he had enough information to run the committee meetings and the process without running afoul of the Act 13 decision by the Supreme

Court.

The Chair stated that the Council has hired Mr. Cambest as the Council Solicitor and that should be sufficient.

Ms. Heidelbaugh made the distinction that Mr. Cambest had not been asked to make a legal decision on the lease terms nor was he qualified to issue an expert opinion on an oil and gas lease.

The Chair stated that the Council had done their due diligence and that they had enough information to make a decision.

Ms. Heidelbaugh made comment that adequate due diligence was a matter of opinion and that it was the largest and most complicated lease that Council had reviewed and that some Members are of the opinion that they had only heard one side of the issue.

Ms. Danko made the distinction that the County Solicitor, Mr. Szefi, hired outside counsel because he knew he didn't have the expertise in the matter and that this issue of leasing park land is an issue that is appropriately complicated for a review by an expert in oil and gas law.

The Chair and Ms. Danko exchanged views on whether or not the groups that have weighed in on the issue were biased and dispassionate.

Mr. Kress said that the point was not to say things against the lease but to make the lease better. As a practising attorney he believes the advice of an attorney in this field would be advantageous.

The Chair stated that they will work with the Administration to address the issues in the lease.

Ms. Green Hawkins made an analogy representing the need to have more than one point of view in consideration of this issue. Mr. Futules interjected and asked if Ms. Green Hawkins should be opining on this issue if she had a conflict of interest.

Mr. Finnerty stated that he believed they had enough information and believed that there was nothing illegal about what was being decided.

Mr. Ellenbogen stated that his main concern regarding the proposed lease was the environmental and health concern and that he would be in favor of hiring an expert in regards to that aspect.

Mr. Macey stated that he doesn't believe an attorney can be hired without a bias and additionally was concerned regarding the provision stating that only the members voting to approve the motion would be able to vote on who would be counsel.

Held in Committee

Council Members Yes: 4 - Danko, Green Hawkins, Kress and Means

Council Members No: 5 - DeFazio, Ellenbogen, Finnerty, Futules and Martoni

V. Adjournment

The meeting was adjourned at 4:55 PM.