

Allegheny County Council

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Committee Meeting Minutes

Thursday, January 18, 2007

5:00 PM

Conference Room 1

Special Committee on Government Reform

Rich Fitzgerald, Chair -- Committee of the Whole

I. Call to Order

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

Invited Guests:

John Weinstein, County Treasurer

Jim Flynn, County Manager or Designee

Joseph Rizzo, Deputy County Sheriff

Representative, Allegheny County Deputy Sheriff's Association

Jay Lucas, Pennsylvania American Water

Summary: *Invited guests in attendance: Mr. Weinstein, Mr. Flynn, Mr. Rizzo, Anthony Mann, representing Allegheny County Deputy Sheriff's Association, Mr. Lucas*

Recognized attendees: Dan Huffton, Jeff Maze, Dan Ireland, and Phil Cynar from Pennsylvania American Water Company

Council staff present: John Mascio, Joe Catanese, Jennifer Liptak, Jared Barker, and Stephanie Buka

II. Roll Call

Roll Call: Present: Jim Burn, Susan Caldwell, Joan Cleary, John DeFazio, Matt Drozd, William Lestitian, Dave Fawcett, Michael Finnerty, Brenda Frazier, Vince Gastgeb, Chuck Martoni, Jan Rea, and Chair Rich Fitzgerald
Absent: Bob Macey, and William Robinson

III. Agenda Items

Ordinances

2901-06 An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania directing that a referendum question amending Article III, Section 2 of the Allegheny County Home Rule Charter, pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law, be placed on the May, 2007 Municipal Primary ballot. (Sheriff)

Sponsors: Chief Executive

Summary: *Mr. Flynn provided the committee with the Administrations position on the bill. He said that the bill would direct the placement of a ballot question on the May 2007 Municipal Primary ballot that, if passed, would eliminate the elected office of Sheriff of Allegheny County and replace it with a Sheriff appointed by the Chief Executive. He said it would increase efficiency of the office. He said that the Chief Executive did not submit the bill as a reflection of his opinion on the operation of the office. He said that by consolidating this efficiencies would result from payroll processing, accounting, purchasing, and other functions. He said that all of these processes could be performed under the umbrella of a Public Safety Department.*

The Chair asked Mr. Flynn if he anticipates any loss of jobs if this goes through. Mr. Flynn said that there would be no layoffs as a result of this consolidation.

Mr. Rizzo provided the committee with a description on the functions and duties of the Sheriff's Office.

Mr. Mann said that he was uncomfortable that the Chief Executive would have authority over where this office would be placed. He said that the Sheriff's Association is also uncomfortable because there is no set plan before them. He said that the bill is silent on a variety of potentially relevant issues, such as what the appointed Sheriff's term would be, what the eligibility criteria for appointment might be, whether confirmation by Council would be required for the appointment, and so on. He said that he has seen cases where the police merge with an elected Sheriff and the Sheriff appoints the Police Chief.

Mr. DeFazio said that the bill could affect their method of operation.

Mr. Burn cited court cases and case law regarding change in the form of government and said that he had extreme reservation because of the restrictive statutes of the law.

Mr. Finnerty said that he believes, by law, the county would not be able to accomplish this until 2010.

Mr. Drozd requested a Legal Opinion from the County Solicitor.

Mr. Flynn reminded the committee that when the County Solicitor issued an opinion that the smoking ban legislation was illegal, they passed it anyway.

Mr. Lestitian said that they need to be concerned about the legality of this.

Ms. Cleary said that she too is concerned about the legality of doing this.

Mr. Gastgeb said that he does not like the idea that the bill does not define exactly what these changes will be and the voters need to know that. He said he believes the bill is vague.

Ms. Caldwell asked for a Legal Opinion from Council's Legal Advisor Jack Cambest. She said that she thinks they need a lot more information before they can make a decision on this. She said that she could not agree with this referendum as written because there is no confirmation of the appointee. She said that gives too much power to the Administration.

The Chair said that they can not amend the bill in committee, but he intends to release this bill for placement on the February 6, 2007 Regular Meeting Agenda, and that would give Council time to formulate amendments. He agreed that maybe it would make sense to grant Council the power to confirm the appointee.

Mr. Martoni said that the real issue is whether they should consolidate law enforcement. He said this should come from the law enforcement community and needs more study

and detailed planning.

Mr. Fawcett disagreed with Mr. Martoni by saying that too much studying could stop progressive change.

Ms. Cleary said that she is not looking for a study so much as she is looking for a plan. She said that it would be irresponsible to the voters if they did not have a plan. The Chair said that he would release this bill from Committee for placement on the February 6, 2007 Regular Meeting Agenda in order to provide time to gather some information and maybe come up with some kind of plan.

Action:

Released from the Committee

2967-06

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question amending Article III, Section 2 of the Allegheny County Home Rule Charter, pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law, be placed on the May, 2007 Municipal Primary ballot. (Treasurer)

Sponsors: Dave Fawcett

Summary:

Treasurer Weinstein provided the committee with a visual presentation on the functions and duties of the Treasure's Office, plus performance statistics. He said that the presentation identifies what the Treasure's Office really means to the county and that the information contained in the presentation is based on statistical facts and not innuendo.

He said that 95 percent of the counties throughout the state have an elected Treasurer.

The presentation included such information as Measurement of Performance, Investment Diversification, Budget Performance, Revenue Impact of the Treasure, Benefits of the County Treasure being elected, and the importance of being independent. He compared salaries of elected and appointed Treasurers and said that appointed Treasurers make on an average of \$29,000 per year. He said that statistics prove that independently elected offices run more efficiently.

Mr. Fawcett asked Mr. Weinstein why the Treasurer used only Mellon bank for so many years. Mr. Weinstein said that was a carry over from the Commissioners.

Mr. Fawcett asked Mr. Weinstein if he thought that the other Row Offices would have been better off to stay elected in order to keep the budget down. Mr. Weinstein said that everyone wants to keep the budget down.

Mr. Fawcett asked him if he thinks that his performance would be reflected by the voters. He said that if he did bad would the voters vote him out and if he did good would the voters retain him. Mr. Weinstein agreed with that assessment.

Discussion took place between Mr. Fawcett and Mr. Weinstein regarding the functions of his office. Mr. Fawcett asked him to provide additional written material. Mr. Weinstein said he would provide that to him.

Mr. Finnerty said that according to law this could not be done until 2010. He complimented Mr. Weinstein on his achievements as Treasurer.

The Chair said that he would release this bill from the Committee to be placed on the Regular Meeting Agenda scheduled for February 6, 2006.

Action: **Released from the Committee**

Discussion Topic:

Discussion on the water main break in Lincoln Place

Summary: *Mr. Lucas provided the committee with a visual presentation depicting the pipeline structure of the areas which were affected by the water break. He said that the PUC is conducting Public Hearings regarding this and they need to examine the outcome of these hearings. He provided a history and background of the company. He described the problem in detail and how they addressed it. He said that the company is trying to invest in more personnel.*

He described what happened and said that it was not the tank since the tank had 2 million gallons of water in it. He said that it did not start out as a main break issue but developed into one because of hydraulic issues. He discussed how they are going to address this so that they will not have future problems.

The Chair asked him to what the root of the problem was. Mr. Lucas said that they still are unsure of the root of the problem, they do not know what "got the ball rolling." He described how they maintain the pipes and the electronic devices that detect leaks. The Chair and Mr. Lucas discussed the company in general and their method of operation. The Chair asked him to keep the committee informed of their progress.

IV. Adjournment

Summary: *The meeting adjourned at 6:50 PM*