

# **Allegheny County Council**

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## **Committee Meeting Minutes**

**Thursday, July 26, 2007**

**5:00 PM**

**Conference Room 1**

### **Executive Committee**

***Charles Martoni, Chair; John DeFazio, Brenda Frazier, Vince Gastgeb,  
and Jan Rea***

**I. Call to Order**

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

**II. Roll Call**

**Roll Call:** Present: Chair Chuck Martoni, Council Member Brenda Frazier, Council Member John DeFazio, Council Member Vince Gastgeb, Council Member Jan Rea, Council Member Jim Burn, Council Member Matt Drozd, Council Member Michael Finnerty, Council Member Bob Macey, and Council Member William Robinson

**III. Approval of Minutes**

**3346-07** Motion to approve the Minutes of the March 27, 2007 and April 11, 2007 Executive Committee meetings.

**Action:** **A motion was made by Council Member DeFazio, seconded by Council Member Gastgeb, that this matter be Passed. The motion carried unanimously.**

**IV. Agenda Items****Motion**

**3331-07** Motion of the Council of Allegheny County amending Rules of Council for Allegheny County Council.

**Sponsors:** William Russell Robinson

**Summary:** *The sponsor of the bill, Mr. Robinson, provided the Committee with a background and summary of the bill. He said that the bill would amend the Rules of Council to clarify the existing rule governing fiscal notes, as well as to tighten the existing language.*

*He said that the effects of the alterations would be to render the fiscal note process more workable and less susceptible to delaying legislation. He went on to explain in detail the changes, which are follows:*

*Section C.1. would be altered to apply the fiscal note requirement only to ordinances, rather than to all bills, so that fiscal notes need not be generated for items such as sense of council motions and the annual millage resolution (which would arguably require a fiscal note recapping the entire budget process). In addition, the language in this section would be made much more specific about when a fiscal note must be prepared. The current rule says that a note is necessary whenever there "may" be a loss of revenue or an expenditure of County funds associated with a bill, and does not provide any guidance about how theoretical that loss or expenditure can be. The new language would require that the loss or expenditure be an explicit requirement or a direct result of the bill under consideration. The final change in this section would render the fiscal note rule inapplicable to TIF legislation. Because TIF legislation is subject to its own rules, financial information that is generally far more detailed than would be found in a fiscal note must already be provided (albeit in a format that differs from a fiscal note).*

*Section C.2. would be changed to apply the fiscal note requirement only to those bills in*

*the Budget & Finance committee which meet the characteristics described above. As currently written, the rule appears to require a fiscal note for every bill in Budget & Finance, regardless of its fiscal impact. In addition, language in the current rule to the effect that the committee can consider fiscal impacts along with the merits of the bill itself would be deleted as unnecessary.*

*The only change to Section C.3. would explicitly render the same types of bills subject to the fiscal note requirement in all committees.*

*Section C.4. would, in essence, be re-written. As currently written, this section establishes a three member working group to formulate the fiscal notes, and a fiscal note can only be finalized with the agreement of all of these individuals or, in the event that they cannot agree, the preparation of separate fiscal notes by the dissenting member(s). This structure creates a significant risk of delay insofar as any one member of the working group can prevent the creation of a note that meets the rule's requirement simply by refusing to agree with the group's note, and also refusing to prepare his or her own dissenting note. In theory, this gives each member of the working group the ability to keep a bill in committee indefinitely (barring a supermajority vote to waive the fiscal note rule before the bill's second reading). The change would alleviate this possibility by only requiring that Council's Budget Director consult with anyone that he or she has to in the fiscal note process. The new rule would also explicitly indicate that no individual outside the Office of County Council must concur with a given fiscal note, but does explicitly allow for anyone to present information to Council that differs from that presented in the fiscal note.*

*Section C.5. would be a new section, and would simply reaffirm in the rules that the fiscal notes are prepared for informational purposes only, and are not to be viewed as a statement of County policy or endorsement of any particular action.*

*The changes to Section C.6. are largely formal, with two exceptions. First, the rule would be clarified to require the distribution of fiscal notes to all Council Members immediately upon their completion, rather than upon recommendation of the bill from committee. This should function to get the fiscal information to all Members while there is still an opportunity to take part in the committee process, rather than after the process is completed. Second, the language requiring that the fiscal note contain a discussion of the reasons for the committee's recommendation on the underlying legislation was removed, because it is simply not possible for staff to accurately reflect each committee member's reason(s) for voting on recommendations in a particular fashion.*

*Section C.7. would be a new section, explicitly allowing the Budget Director to make estimates of required information where necessary, so long as the note clearly indicates what data is estimated. In addition, the new rule would explicitly forbid the Budget Director from revising a fiscal note or portion thereof at the request of any Council Member.*

*Section C.8. would be another new section, and would function to abbreviate the fiscal note required for ordinances that simply pass grant money through the County. Although ordinances doing this are not commonplace by any means, pass through grants are relatively common and it is anticipated that the grant application process*

*and conditions attending the grant award will be easily summarized in an abbreviated format.*

*The change to Section C.9. would allow any standing committee of Council to waive the fiscal note requirement on any bill which it deems to have a de minimis fiscal impact. This would be unusual insofar as rules do not typically authorize committees to waive their application, but to do otherwise would deprive the waiver section of a significant portion of its meaning because the fiscal note rule is entirely applied in the committee process, and Article II.F.3 appears to prevent the full Council from voting to waive a rule for a bill while it is still in committee.*

*He said that the fiscal notes are not designed to provide anyone's opinion or meant to sway anyone to vote either way. They are designed to provide in-depth fiscal information for Council's use only.*

*Mr. Finnerty asked if this prohibits the Director of Budget & Finance or the Controller from providing fiscal notes. Mr. Robinson said that even though the bill is geared towards Council's Budget Director, Council could certainly t a fiscal note from them or they can provide one if they so desired.*

*Mr. Gastgeb asked if a bill is not in Budget & Finance Committee but require a fiscal note, would that bill need to be moved to Budget & Finance. Mr. Robinson said that the bill would not need to be moved.*

*Mr. Gastgeb made a motion to amend the bill by adding "Special Committee" to Section C9. Ms. Rea seconded the motion and the motion carried.*

**Action:**      **A motion was made by Council Member Frazier, seconded by Council Member DeFazio, that this matter be Amended and Affirmatively Recommended as Amended. The motion carried unanimously.**

#### **Executive Session:**

#### **Personnel Matters**

**Summary:**      *The Chair called for an Executive Session to discuss personnel matters.*

#### **V. Adjournment**

**Summary:**      *The meeting adjourned at 6:35 PM*