

# Allegheny County Council

*County of Allegheny  
436 Grant Street  
Pittsburgh, PA 15219  
Phone (412) 350-6490*



## Meeting Minutes - Approved

**Wednesday, September 3, 2014**

**5:00 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

*The meeting was called to order at 5:13.*

**Invited Guests: William D. McKain, CPA-County Manager or Designee**

## II. Roll Call

**Members Present:** 7 - DeFazio, Barbara Danko, Michael Finnerty, Nick Futules, Ed Kress, Chuck Martoni and Sue Means

**Members Absent:** 1 - Amanda Green Hawkins

**Members Phone:** 1 - Jim Ellenbogen

**Members** 2 - Heather Heidelbaugh and Jan Rea

**Non-Members:**

## III. Approval of Minutes

[8463-14](#)

Motion to approve the minutes of the Government Reform Committee meeting of Allegheny County Council held on August 28, 2014

*Mr. Martoni moved to approve, Ms. Means seconded, and the motion passed unanimously.*

**Passed**

## IV. Agenda Items

### Ordinances

[8126-14](#)

An Ordinance amending and supplementing the Allegheny County Code of Ordinances, through the creation of a new Chapter 285 entitled "Electronic Mail Retention" for the purpose of establishing a County-wide policy for the schedule and retention of email records by County employees and officials.

**Sponsors:** Council Member Danko and Council Member Robinson

*At the request of the Chair, the clerk read the title of the bill and Ms. Danko explained the rationale underlying the bill.*

*Mr. McKain provided a brief overview of the general structure of email systems within the County, noting that the Courts, District Attorney, Sheriff and Health Department have their own servers, and maintain their own e-mail systems as a result.*

*Mr. Tyskiewicz, Director of Administrative Services, gave additional detail regarding the history of the Courts', District Attorney's and Sheriff's email and computer system administration.*

*Mr. McKain noted that the County receives roughly 80,000 external e-mails and 100,000 internal emails per day, not counting those servers administered outside of DCS. Mr. McKain suggested that the cost of a 2 year email retention schedule would be roughly \$450,000 in hardware and software, plus an additional employee or two and additional server space to accommodate the additional mailbox size.*

*In response to a question from Ms. Danko, Mr. McKain noted that the cost estimates were created by DCS, and offered to provide a copy of the analysis to the committee.*

*In response to a request from Ms. Danko, Mr. McKain briefly described efforts undertaken by DCS to date with regard to retaining email, and indicated that he would expect a final policy to become available perhaps next calendar year.*

*Ms. Danko suggested that her preference had been for holding the bill pending a recommendation, but that if a formalized policy is not anticipated until sometime in 2015, she may prefer having an up or down vote on the bill.*

*Ms. Heidelbaugh noted that e-mail retention policies are common and often at issue in litigation scenarios, and expressed a desire to see a copy of the County's policy. Mr. McKain offered to provide a copy.*

*Ms. Heidelbaugh continued to note that Pennsylvania law requires that evidence be preserved in the event of anticipated litigation, and Mr. McKain indicated that this does take place on occasion. Ms. Heidelbaugh suggested that the central issue is the period of retention, noting that two years may be a bit on the long side, insofar as many private corporations opt for a six month retention schedule. Ms. Danko expressed a willingness to amend the bill to reflect a shorter retention period.*

*Ms. Heidelbaugh suggested that holding the bill pending an analysis of what similarly sized counties do in the way of email retention may be wise.*

*Ms. Means noted that there may be a training need for employees regarding what should or should not be kept on an individual basis.*

*Ms. Heidelbaugh, Ms. Means and Ms. Danko discussed the potential merits of implementing a retention schedule Countywide versus exempting certain offices.*

*In response to a question from Mr. Futules, Mr. McKain noted that his estimates apply to only those e-mails that are received via DCS servers.*

*In response to a question from Ms. Rea, Mr. McKain noted that costs may not follow a linear trend, so a shorter schedule may not result in as much of a cost savings as one might expect.*

*Ms. Heidelbaugh suggested that there is a plethora of regulations that apply to record retention, and we may not know with precision what various regulatory sources require.*

*Ms. Danko suggested that there may be wisdom in holding the bill for a month in order to allow for the creation of a cost estimate for a 6 month and a 90 day retention schedule, as well as to have the law department discuss regulatory issues.*

*Mr. Ellenbogen suggested that the interplay between retention and the 2015 budget should also be considered.*

*Ms. Heidelbaugh noted that document retention is an extremely specialized area of law, and that the County Solicitor may or may not be able to answer retention questions off the top of his head, but that is no reflection on his abilities. Ms. Means expressed agreement.*

*Mr. Ellenbogen suggested that asking some local corporations how they handle email retention may be wise.*

*The Chair expressed a willingness to hold the bill for a month.*

**Held in Committee**

8183-14

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 311, entitled "Official Actions of County Council," §5-311.04, entitled "Consideration," in order to clarify the requirement that all ordinances and resolutions be acted upon in either the affirmative or negative within 90 days of submittal.

**Sponsors:** Council Member Heidelbaugh

*At the request of the Chair, the clerk read the title of the bill and Ms. Heidelbaugh provided an overview of the rationale behind the bill.*

*The chair noted that there is an option to pull bills from committee pursuant to the Rules of Council.*

*Ms. Heidelbaugh and the Chair discussed the mechanics by which bills proceed through the committee process.*

*Mr. Finnerty noted that the Executive's bills tend to pass more readily than others because they proceed through the Committee on Budget & Finance and therefore tend to involve fiscal issues relevant to the County.*

*Mr. Finnerty suggested that the 90 day rule should perhaps be changed because it was established in the early days of Council, and that the Council does have the authority to do so pursuant to the Charter. Mr. Finnerty continued to note that he believes that the motion to pull from committee remains a viable option, regardless of bill age, in order to allow for bills to be considered even if a committee cannot meet for some reason.*

*Ms. Means expressed agreement with the notion that bills should be discussed, but also noted that allowing bills to sit beyond 90 days constitutes a violation of the Administrative Code and that thorough discussion in committee is preferable in her eyes to a discussion on the floor, so the creation of an incentive to process bills through the various committees likely has some merit.*

*Mr. Futules endorsed the notion of the motion to pull from committee if bills are not processed by a committee in a timely fashion.*

*Ms. Heidelbaugh noted that the motion to pull requires at least eight votes to pass, and the minority is thus dependent upon the majority for the motion to pull from committee to be a viable option.*

*Ms. Heidelbaugh and Mr. Futules discussed the mechanical differences between her ordinance and the motion to pull from committee.*

*Ms. Heidelbaugh, Mr. Finnerty and the Chair discussed the mechanics of bringing bills to a vote.*

*Mr. Martoni expressed agreement with the notion that committees should meet regularly*

*to discuss bills referred to them for consideration, but that in his opinion this is a matter of practice, rather than something to be addressed by rule.*

*Mr. Ellenbogen indicated that procedural rules often create hurdles for having bills proceed through the legislative process.*

**Held in Committee**

**Members Yes:** 2 - Danko and Means

**Members No:** 4 - DeFazio, Finnerty, Futules and Martoni

**Members Absent:** 2 - Green Hawkins and Kress

**Members No Phone:** 1 - Ellenbogen

**Members** 2 - Heidelbaugh and Rea

**Non-Member:**

**V. Adjournment**

*The meeting was adjourned at 6:15.*