

Allegheny County Council

*County of Allegheny
436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6495
Fax (412) 350-6499*



Committee Meeting Minutes

Thursday, November 16, 2006

4:00 PM

Conference Room I

Committee on Health & Human Services

***Mike Finnerty, Chair; Joan Cleary, Susan Caldwell, Brenda Frazier, Bob Macey,
and William Robinson - Members***

I. Call to Order

Summary: *The meeting was called to order at 4:12.*

Roll Call: Present: Joan Cleary, Susan Caldwell, Brenda Frazier, and Michael Finnerty
Absent: Bob Macey, and William Robinson

Invited Guests:

Jim Flynn, County Manager or Designee

Dr. Bruce Dixon, Director, Health Department or Designee

Mike Wojcik, County Solicitor or Designee

Jack Cambest, Council's Legal Advisor or Designee

Summary: *Mr. Cambest, Mr. Borgoyne, Dr. Dixon.*

Ms. Chatta was recognized.

II. Roll Call

Summary: *Committee Members present: Council Members Finnerty, Caldwell, Cleary and Frazier.*

Ex-officio Member present: President Fitzgerald.

Staff Present: Mr. Barker.

Roll Call: Present: Joan Cleary, Susan Caldwell, Brenda Frazier, Michael Finnerty, and Council Member Rich Fitzgerald
Absent: Bob Macey, and William Robinson

III. Approval of Minutes

2860-06 Motion to approve the minutes of the October 19, 2006 Health & Human Services Committee Meeting.

Summary: *Moved by Council Member Frazier, seconded by Council Member Caldwell, passed by voice vote.*

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

IV. Agenda Items

Ordinance

2797-06 An Ordinance amending Section 880-1, et seq., of the Allegheny County Code of Ordinances by deleting the restriction applicable to within fifteen feet of the entrance to any Enclosed Area where smoking is prohibited.

Sponsors: Chief Executive

Summary: *The Chair summarized the Executive's suggested bill, and moved to approve an amendment by substitution that would ban smoking within five feet of any entrance to an*

indoor area regulated by the smoking ban, and would forbid smokers from blocking such an entrance. President Fitzgerald seconded the motion.

In response to a question from Ms. Cleary, the Chair indicated that he wanted to eliminate discretion from the enforcement process to the extent practicable.

Ms. Caldwell indicated that she preferred a 15 foot buffer zone, noted that Philadelphia uses 20 feet and the Airport just enacted a 15 foot rule, but asserted that five feet is better than nothing.

President Fitzgerald noted that Council would not follow the Airport Authority, but that the Authority would follow the law.

The motion to amend was passed by voice vote.

President Fitzgerald moved to affirmatively recommend the bill to the full Council as amended, Ms. Frazier seconded, and the motion was passed by voice vote.

Action: **A motion was made that this matter be Amended and Affirmatively Recommended as Amended. The motion carried unanimously.**
Enactment No: 36-06-OR

Resolution

2838-06

An Ordinance of the Council of the County of Allegheny recommending the adoption and approval of a proposed Allegheny County Health Department Rule and Regulation (Article IV - Needle Exchange)

Sponsors: Chief Executive

Summary: *The chair read the title and indicated that he would like to amend the bill by substitution to become an ordinance, rather than a resolution. Ms. Cleary seconded.*

Mr. Cambest, Mr. Borgoyne and Ms. Chatta discussed the differentiation between approving a Health Department regulation by ordinance or resolution.

President Fitzgerald noted that the bottom line is that the Council sets policy, and the Health Department gives recommended regulations that implement that policy. Ms. Chatta agreed, and noted that this is an attempt to implement the policy that the Board of Health understood Council to implement. If the Board was incorrect, Council is free to disapprove the regulation and the Board will make another attempt at that point.

The Chair raised a substantive question about the draft regulations allowing for the use of Department funds with the approval of only the Executive to purchase syringes or support the program, and noted that he is not comfortable with this arrangement. He then called for a vote on the amendment by substitution to ordinance form.

The motion was passed by voice vote.

The Chair indicated that he expects the regulation to be changed to alter all references

to the Executive to include Council.

Ms. Caldwell indicated that the draft regulations would permit the Board to change the regulations at any time, without further approval, and noted that this may not be the wisest course.

Ms. Cleary indicated that she felt that the section pertaining to approval from the Department and the municipalities in which the program operates could be clarified.

The Chair noted that conferring sole authority to regulate the program upon the Health Department without any approval takes the Department into the realm of making policy, rather than following Council's policy.

President Fitzgerald noted that he would not be able to support the regulations as drafted, but that he supports the program in general.

In response to a question from the Chair, Ms. Chatta suggested voting the approval resolution down, and allowing the Board to draft new regulations.

The Chair moved to release the bill with a negative recommendation, Ms. Cleary seconded, and the motion was approved by voice vote.

Action: **A motion was made to Amended & Negatively Recommended as Amended. The motion carried unanimously.**

V. Adjournment

Summary: *The meeting was adjourned at 5:06.*