

Allegheny County Council

119 Courthouse
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Meeting Minutes

Wednesday, July 8, 2020

4:00 PM

Conference Room I

Committee on Health & Human Services

Cindy Kirk, Chair; Tom Baker, Liv Bennett, Tom Duerr, Bob Macey, Anita Prizio and Paul Zavarella, Members

I. Call to Order

The meeting was called to order at 4:01.

Invited Guests:

Mr. Barker and Mr. Varhola were present from the Office of County Council.

II. Roll Call

Members Present: 2 - Bob Macey and Cindy Kirk

Members Absent: 0

Members Phone: 5 - Tom Baker, Olivia Bennett, Tom Duerr, Anita Prizio and Paul Zavarella

Members Non-Members: 5 - Nick Futules, John Palmiere, Sam DeMarco, Paul Klein and Bethany Hallam

III. Approval of Minutes

[11553-20](#)

Motion to approve the minutes of the June 30, 2020 meeting of the Committee on Health & Human Services.

**A motion was made by Macey, seconded by Baker, that this matter be Passed.
The motion carried by a unanimous vote.**

IV. Agenda Items

Ordinances

[11516-20](#)

An ordinance amending and supplementing the Allegheny County Code of Ordinances, Division 5, entitled "Health and Sanitation," through the creation of a new Chapter 600, entitled "Less Lethal Devices," in order to protect the public health by eliminating the use of certain devices within Allegheny County.

Sponsors: Council Member Hallam and Council Member Bennett

The Chair thanked the members for their participation throughout the consideration of the bill, and indicated that the current session would be for debate and voting, with a few amendments to be considered, as well.

At the request of the Chair, the clerk read the title of the bill. Ms. Bennett moved to open discussion, Mr. Duerr seconded, and the motion passed via voice vote with Mr. Macey voting in the negative.

Mr. Duerr indicated that he has multiple amendments to offer, and thanked the committee members for their work on the bill.

Mr. Duerr indicated that the first amendment that he wishes to offer would alter the language of the bill in order to mitigate or eliminate the preemption concern regarding the Commonwealth's Uniform Firearms Act. Ms. Bennett moved to approve the amendment, Ms. Prizio seconded, and the amendment passed.

Mr. Duerr indicated that the second amendment that he wishes to offer would alter the bill to limit its application to the County Police only. Ms. Bennett moved to amend, Ms. Prizio seconded, and the amendment passed.

Mr. Duerr indicated that the third amendment is intended to re-cast the prohibition as requiring the use of less lethal devices as a last resort in cases where there is a risk of behavior that may cause death or serious bodily injury, rather than as an outright ban in all situations. Ms. Hallam noted that the original intent behind the bill was to create an outright ban, rather than requiring an in the moment judgment call by the officers involved regarding interpretation. Mr. Macey indicated that he believes that the amendment functions to render the ordinance moot. The Chair noted that her feelings are similar to Mr. Macey's, insofar as the amendment essentially preserves the status quo in her view. Mr. Duerr thanked the other members for their input, and indicated that the intent behind the amendment was to account for the feedback that he had received from his constituents who wanted increased accountability for officers using the devices and also those who wanted to preserve the availability of less lethal options. The Chair and Mr. Duerr discussed matters of decorum. Mr. Duerr moved to amend, Ms. Bennett seconded, and the amendment failed.

The Chair again thanked the members for their input and asked for any final remarks that they would like to add.

Mr. Baker commended Mr. Duerr for his efforts at refining the bill.

Mr. Duerr thanked everyone for their input and indicated that his hope is to come to a version of the concept that can garner wide support.

Mr. Macey indicated that his desire is to rely upon the experts who work in County law enforcement, and the guidelines to which they adhere.

Ms. Prizio thanked Mr. Duerr for his efforts.

Mr. DeMarco indicated that his belief remains that less lethal options should not be removed from the police, recapped the safeguards that the law enforcement professionals had outlined, and noted that he believes that these tools generate less severe outcomes.

Mr. Futules expressed a desire to avoid taking tools away from police officers, and noted that the County Police are highly trained and responsible.

Ms. Hallam noted that her belief is that the police have the ability to selectively arrest bad actors, rather than using weapons against crowds, and that her view is that nobody should have the ability to inflict harm on peaceful demonstrators.

Mr. Palmiere expressed support for Superintendent McDonough's leadership of the County Police.

Mr. Klein expressed agreement that the County Police do, in fact, do a good job, but also noted that the fact that nothing unfortunate has happened with the County Police has not happened does not mean that it cannot ever happen, and that this should be taken into consideration.

A motion was made by Macey, seconded by Kirk, that this matter be **Negatively**

Recommended. The motion carried by the following vote:

Members Yes: 2 - Macey and Kirk
Members Absent: 0
Members Phone: 1 - Duerr
Members Yes Phone: 2 - Baker and Zavarella
Members No Phone: 2 - Bennett and Prizio
Members 5 - Futules, Palmiere, DeMarco , Klein and Hallam
Non-Member:

[11556-20](#) An Ordinance of the Council of the County of Allegheny ratifying amendments to Section 2104.10, "Commercial Fuel Oil", of the Allegheny County Health Department Rules and Regulations, Article XXI, "Air Pollution Control".

Sponsors: Chief Executive

Mr. Macey moved to amend the agenda by the inclusion of Bill No. 11556-20, Mr. Duerr seconded, and the motion passed unanimously.

At the request of the Chair, the clerk read the title of the bill and Mr. Kelly explained that the Commonwealth has adopted a lower sulfur limit for certain liquid fuels, and the proposed new County regulation adopts that same standard as of the same effective date. Mr. Kelly noted that the industry has already adopted a similar standard, so it is already largely in compliance.

In response to a question from Mr. Macey, Mr. Kelly indicated that the regulation should have no impact upon the recently passed clean construction ordinance, insofar as its only impact will be limiting the type of fuels that are available rather than on any piece(s) of equipment. Mr. Kelly noted that the requirement can be relaxed in the event of an emergency that would limit access to low-sulfur fuels.

A motion was made by Duerr, seconded by Macey, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.

[11557-20](#) An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, providing for dissemination of data regarding COVID-19 testing, hospitalizations, and outcomes to Allegheny County Council by the Allegheny County Health Department.

Sponsors: Council Member DeMarco , Council Member Kirk and Council Member Baker

At the request of the primary sponsor, the bill was held in committee.

V. Adjournment

The meeting was adjourned at 4:42.