



Allegheny County Council

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Legislation Details (With Text)

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On agenda: **Final action:** 11/22/2016

Title: Motion of the Council of Allegheny County repealing the findings and provisions of Bill No. 9398-16, a "Motion of the Council of Allegheny County Censuring Council Member Sue Means for conduct, specifically the introduction of a motion to approve the minutes of various committee meetings by the full Council at the December 15, 2015 regular meeting, contrary to the Rules of Council and past practice, and which directly lead to a breach of confidentiality regarding the unapproved minutes by Council staff."

Sponsors: Nick Futules

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Date	Ver.	Action By	Action	Result
11/22/2016	1	County Council		

Motion of the Council of Allegheny County repealing the findings and provisions of Bill No. 9398-16, a "Motion of the Council of Allegheny County Censuring Council Member Sue Means for conduct, specifically the introduction of a motion to approve the minutes of various committee meetings by the full Council at the December 15, 2015 regular meeting, contrary to the Rules of Council and past practice, and which directly lead to a breach of confidentiality regarding the unapproved minutes by Council staff."

WHEREAS, on January 19, 2016, County Council considered and approved Bill No. 9398-16, a motion sponsored solely by Council Member Michael Finnerty to censure Council Member Susan Means for an alleged confidentiality breach related to the public disclosure of draft minutes of previously held committee minutes; and

WHEREAS, Council Member Finnerty's motion barely received the eight votes necessary for approval after he read it in its entirety, with nine Members of Council (Mr. DeFazio, Mr. Ellenbogen, Mr. Finnerty, Mr. Futules, Mr. Klein, Mr. Macey, Mr. Martoni, Mr. Palmiere, and Mr. Walton) voting in favor, four Members of Council (Mr. Baker, Mr. DeMarco, Ms. Kirk, and Ms. Means) voting against, and two Members of Council (Mr. Kress and Ms. Ranalli-Russell abstaining); and

WHEREAS, at least some hesitance was expressed with regard to voting in favor of Mr. Finnerty's motion to censure Ms. Means, as President DeFazio made a suggestion to move the discussion to an executive session, which Mr. Finnerty successfully opposed based upon his pending motion to approve and Mr. Macey's second; and

WHEREAS, on September 29, 2016, the Commonwealth's Office of Open Records issued an advisory opinion in which it indicates that draft committee minutes become public documents as of (1) the earliest of (a) the date of their approval by the committee for which they were taken, or (b) the date of the next meeting of the committee for which the minutes were taken, or (c) the next regularly scheduled meeting of the full Council, or

(2) pursuant to any policy created by the Council regarding the matter; and

WHEREAS, pursuant to this rationale, all of the draft minutes distributed by Ms. Means and which led to her censure by Mr. Finnerty were already public documents under the terms of the Commonwealth's Right to Know Law before Mr. Finnerty's motion was introduced or approved, as this was done at a regularly scheduled meeting of the full Council which took place after all of the committee meetings in question; and

WHEREAS, at the November 16, 2016 meeting of the Executive Committee, Mr. Finnerty moved to establish a policy for approval of committee minutes consistent with the Office of Open Records' advisory opinion, which Mr. DeFazio seconded and which passed with all five members of the Executive Committee (Mr. Futules, Mr. DeFazio, Mr. Finnerty, Mr. Macey and Mr. Palmiere) who were present at the time voting in favor; and

WHEREAS, due to overwhelmingly persuasive evidence that Mr. Finnerty's motion to censure Ms. Means was unfounded and that they currently agree regarding the policy governing the draft committee minutes, it is the judgment of Council that it is patently unfair and unreasonable to leave the passage of Mr. Finnerty's motion to censure Ms. Means on the record;

NOW THEREFORE, IT IS MOVED, BY THE COUNCIL OF ALLEGHENY COUNTY,

That the findings and provisions of Bill No. 9398-16, a "*Motion of the Council of Allegheny County Censuring Council Member Sue Means for conduct, specifically the introduction of a motion to approve the minutes of various committee meetings by the full Council at the December 15, 2015 regular meeting, contrary to the Rules of Council and past practice, and which directly lead to a breach of confidentiality regarding the unapproved minutes by Council staff,*" are hereby repealed, revoked, and withdrawn in their entirety by the Council.

IT IS FURTHER MOVED,

That the Chief Clerk is hereby instructed to attach a certified copy of this motion with a notation describing the repeal accomplished herein to the record of Bill No. 9398-16.