

## SUNSHINE ACT ALERT

### WE-HAV MOUNTS AN ATTACK ON THE SUNSHINE ACT

CONTACT WE-HAV @ 412-937-9378 or by mail @ P. O. BOX 8515, PITTSBURGH PA 15220 TO OBTAIN A COPIES OF THEIR MASS MAILING OF JANUARY 2003 OR THEIR PROPOSED BYLAWS.

The January 2003 mailing reads in part: Please be advised that the WE-HAV Board of Commissioners will formally adopt their bylaws at a meeting to be held February 6, 2003 at 6:30 PM at the Sheraden Senior Center, 720 Sherwood Avenue.

WE-HAV is an agency created by the City Council of Pittsburgh by its passage of Bill No. 5 of 2002. The effective date of this legislation forming WE-HAV is 1 January 2003.

To date WE-HAV, with its agenda of mis-information, dis-information and no-information, and with the support of Mayor Murphy's Administration and Councilman Hertzberg's spearheading in City Council, has a record of total annihilation of the wishes of the residents and the requirements of Commonwealth's Neighborhood Improvement District Act.

The January 2003 mass mailing to people in the program district uses some warm fuzzy language to describe the WE-HAE program. WE-HAV is not a government program. WE-HAV is a resident driven, resident managed neighborhood stabilization program. BUT what do these proposed Bylaws say about **RESIDENT PARTICIPATION????**

Following is Section IV. of the proposed "WE-HAV Administrative Board BY-Laws" made available and dated January 2003.

#### Article IV. Meetings

This section defines the procedure for setting meeting times, setting public meetings, the format of meetings, and the format of public meetings.

##### Section 4.01 Regular Meetings

All Regular meetings shall be **CLOSED** to the public. Outside parties are by invitation only. *Community organizations* may request an invitation in accordance with section 4.03. A meeting time for each year shall be chosen during the December meeting. The selected time shall be come effective for January. Parliamentary procedures shall be governed by Robert's Rules of Order. The format of the meeting shall be as follows. (emphasis added)

- (a) Roll Call
- (b) Reading of Minutes
- (c) Officer Reports
- (d) Committee Reports
- (e) Old Business
- (f) New Business
- (g) Announcements
- (h) Adjournment

##### Section 4.02 Public Meetings

Public meetings shall be conducted to keep the public informed of the status and business of the Board and the Program. The order of business shall be the same as for regular meetings except that public comment will be allowed prior to adjournment.

(a) **Public Comment**

Questions and comments shall be entertained at the end of the regular business of the Board meeting and prior to adjournment. Public comment shall be limited to two minutes per individual.

**Section 4.03 Community Participation**

The board encourages community participation. The following sections shall govern such participation. *Community organizations* may request an invitation, and the board may request the presence of *community organizations* or other guests.

(i) **Community Organization Requests**

Requests are to be sent to the WE HAV executive director. The requests must be submitted no less than seven calendar days before the scheduled meeting. The request shall be forwarded to the board officers. The officers will determine if the request is valid and deserves time during new business. The WE HAV executive director will notify the requester of the status of the request.

(ii) **Board Requests**

The Board of Commissioners may, at times, desire the presence of *community organizations*. In such times, the secretary shall send an invitation to such organizations no less than seven days prior to the scheduled meeting.

**Section 4.04 Quorum**

An attendance of five of the nine commissioners is required to conduct official business of the board. Discussion and business may be discussed without a quorum, but a quorum is required for voting on official business.

In the above excerpt for the proposed Bylaws the term *community organization* has been emphasized, as it is a term later defined in the proposed Bylaws.

**Community Organization** – means a not-for-profit organization which has been registered as such with the state of Pennsylvania for at least 5 years, which qualifies for a tax-exempt status under Section 501(c)(3) or 501(c)(4) of the United States Internal Revenue Code of 1986 as now and hereafter amended, which continuously maintains an office within the program district, along with a listed telephone number, and whose members reside within the program district.

To the best of my knowledge there is only one organization in the program district that fulfills these requirements. WE-HAV in the development of these proposed bylaws is showing its true colors. They will do what they want and how they want regardless of State legislation to the contrary. WE-HAV is demonstrating its willingness to treat the Sunshine Act with the same disdain as they treated the Neighborhood Improvements District Act.

This is not a West End problem; it is a City of Pittsburgh problem, for if WE-HAV succeeds, what areas will be attacked next with a WE-HAV-like program that they hide behind another NID?

We are requesting the support of the broadcast and print media in our fight, to at least, force WE-HAV to comply with the provisions of the Sunshine Act.

If I can help you with additional information please leave a message on my machine or E-mail me.

Thank you,

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Please be advised that at this time I am engaged in a lawsuit with the City of Pittsburgh and the West Pittsburgh Partnership. This lawsuit is seeking to overturn the establishment of WE-HAV and to block its implementation.