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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON LAW AND GOVERNMENT

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 5, 2007
3:05 p.m.

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PRESENT:

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COUNCILMAN WILLIAM GREENLEE, CHAIR

11

COUNCILMAN JAMES F. KENNEY

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COUNCILWOMAN CAROL ANN CAMPBELL

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COUNCILMAN FRANK RIZZO

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COUNCILMAN JACK KELLY

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BILLS 070271, 070340, 070395
RESOLUTIONS 070360 and 070411

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COUNCILMAN GREENLEE: Good

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afternoon, everyone. This is the

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Committee on Law and Government. And I'm

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sure we'll have a big cheer, it's the

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last committee hearing of the day, which

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we're all very happy for.

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Just for the record, we have a

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quorum, with myself; Councilman Kenney,

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the Vice-Chair of the Committee;

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Councilman Rizzo; and Councilwoman

12

Campbell.

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If I could ask Mr. Boyle, the

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Clerk of the Committee, to read both

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ordinances, 070340, 070395, and

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Resolutions 070360 and 070411.

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THE CLERK: Ordinance 070395,

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an ordinance providing for the submission

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to the qualified electors of the City of

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Philadelphia of an amendment to the

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Philadelphia Home Rule Charter creating

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the Office of the Handicapped and

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Disabled Advocate, as approved by

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Resolution of the City Council; fixing

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the date of a special election for such

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 purpose; prescribing the form of ballot
3 questions to be voted on; and authorizing
4 the appropriate officers to publish
5 notice and to make arrangements for the
6 special election.

7 Resolution 070411, resolution
8 proposing an amendment to the
9 Philadelphia Home Rule Charter to create
10 the Office of the Handicapped and
11 Disabled Advocate, and providing for the
12 submission of the amendment to the
13 electors of Philadelphia.

14 Ordinance 070340, an ordinance
15 providing for the submission to the
16 qualified electors of the City of
17 Philadelphia of an amendment to the
18 Philadelphia Home Rule Charter creating
19 the Office of the Public School Family
20 and Child Advocate, as approved by
21 Resolution of the City Council; fixing
22 the date of a special election for such
23 purpose; prescribing the form of ballot
24 questions to be voted on; and authorizing
25 the appropriate officers to publish

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 notice and to make arrangements for the
3 special election.

4 Resolution 070360, resolution
5 proposing an amendment to the
6 Philadelphia Home Rule Charter to create
7 the Office of the Public School Family
8 and Child Advocate, and providing for the
9 submission of the amendment to the
10 electors of Philadelphia.

11 COUNCILMAN GREENLEE: Thank you
12 very much.

13 Just for the record, in the
14 advertisement there was also another bill
15 that was advertised, Bill 070271, but it
16 is my understanding Councilwoman
17 Campbell, the sponsor of the bill, is
18 withdrawing it.

19 Is that correct?

20 COUNCILWOMAN CAMPBELL: Yes.

21 COUNCILMAN GREENLEE: Thank
22 you. So that bill will be listed as
23 withdrawn.

24 Ms. Wilkerson, I think, is here
25 to speak on both bills and resolutions,

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 so if she could speak first.

3 Good afternoon again.

4 MS. WILKERSON: Good afternoon.

5 I'm Joyce Wilkerson, Chief of Staff to
6 the Mayor. I'm here today to offer
7 testimony regarding Bill No. 070340 and
8 Resolution 070360, which, if approved by
9 the voters, would amend the Home Rule
10 Charter to create an Office of Public
11 School Family and Child Advocate, and
12 Bill No. 070395 and Resolution No.
13 070411, which, if approved by the voters,
14 would amend the Home Rule Charter to
15 create an Office of the Handicapped and
16 Disabled Advocate. The Administration
17 supports both proposed amendments to the
18 Charter.

19 First, I want to offer just a
20 brief general comment. The City's Home
21 Rule Charter was enacted in 1951. That
22 was a time when ENIAC occupied a whole
23 room at Drexel University and times were
24 really different. For the first 39
25 years, there was not one amendment to the

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 Charter. Over the course of the next ten
3 years, the Charter was amended once. But
4 from 2002 to 2007, there have been 20
5 changes to the Home Rule Charter. The
6 proposed reforms before you today as well
7 as other dramatically changed
8 circumstances over the last half century
9 suggest perhaps the Charter does indeed
10 need to be revisited in a comprehensive
11 way.

12 That said, the Administration
13 supports both the proposed Charter
14 amendments. They create offices within
15 government to advocate for the concerns
16 of individuals in our City with special
17 needs that might not otherwise be
18 addressed.

19 I urge you to consider two
20 revisions. First, I urge that the terms
21 of the appointed advocate be coterminous
22 with that of the Mayor, the appointing
23 authority. Second, the advocate in both
24 instances ought to serve at the pleasure
25 of the appointing authority, as do

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 virtually all other appointed officials.
3 Both positions are significantly
4 different from the Ethics Commission
5 position where independence is essential
6 to the integrity of the ethics oversight
7 function. That is not the case with
8 either advocacy positions being proposed
9 by these Charter reforms.

10 COUNCILMAN GREENLEE: Thank
11 you, Ms. Wilkerson.

12 If I could note for the record
13 Councilman Kelly, also a member of the
14 Committee, is here.

15 And, Ms. Wilkerson, my
16 understanding is that these are in
17 conjunction with the wishes of the
18 sponsor, Councilwoman Campbell.

19 You're agreeing with that?

20 I'm getting an affirmative head
21 shake there. Thank you.

22 MS. WILKERSON: Just one other
23 comment. I think that in particular with
24 the position for the disabilities, for
25 individuals with disabilities, it's

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 something that currently exists as a
3 result of an Executive Order. I think
4 that it is a position that is more
5 appropriately reflected in the Charter
6 with resources that are determined as a
7 result of the Charter. And I think it's
8 also appropriate that it be an appointee
9 of a Mayor for his term, because part of
10 what you want to do is get a close enough
11 relationship with the Administration so
12 that you can have somebody who has the
13 flexibility to move around in the
14 departments and work in a collegial
15 fashion to get the kind of changes you
16 need, but because it's a Charter
17 position, you also have somebody that has
18 sufficient independence in order to bring
19 the baseball bat in the room when that's
20 needed. And it's needed at times. So I
21 think these are two --

22 COUNCILMAN GREENLEE: Every
23 once in a while, right?

24 MS. WILKERSON: -- good Charter
25 amendments that are probably long

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 overdue.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Councilman Kelly.

6 COUNCILMAN KELLY: Ms.
7 Wilkerson, I just want to ask, how are
8 these advocates going to be funded? Are
9 they going to be funded by the City?

10 MS. WILKERSON: They'll be
11 funded by the City. Both Charter
12 amendments define at least the beginning
13 salary for both advocates at \$100,000 a
14 year. They also provide that the
15 advocate has the authority to appoint
16 appropriate staff. So it will become a
17 conversation with the Budget Director
18 once you get past the initial salary.

19 COUNCILMAN KELLY: So it's in
20 addition to the advocate themselves, it
21 will be staff positions also?

22 MS. WILKERSON: That's right.

23 COUNCILMAN KELLY: And it would
24 be funded fully by the City
25 Administration?

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2 MS. WILKERSON: By the General
3 Fund.

4 COUNCILMAN KELLY: Thank you.
5 Thank you, Mr. Chairman.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 Any other questions for
9 Ms. Wilkerson?

10 (No response.)

11 COUNCILMAN GREENLEE: Seeing
12 none, thank you very much, Ms. Wilkerson.

13 First we're going to deal with
14 the bill and resolution dealing with the
15 Handicapped and Disabled Advocate, but
16 before we go into our list of witnesses,
17 I believe Councilwoman Campbell, the
18 sponsor of all these bills and
19 resolutions, would like to make a
20 comment.

21 Councilwoman Campbell.

22 COUNCILWOMAN CAMPBELL: Yeah.
23 I would like to say that it is indeed a
24 privilege to be able to bring this
25 legislation to this point.

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2 I have not always been
3 disabled, but I became disabled about a
4 year and a half ago, and although I've
5 always been sensitive to other people's
6 sensitivities and their needs, I never
7 was as sensitive as I am now. And I see
8 myself -- I am disabled as a result of
9 medication that I had to take to save my
10 life from pneumonia. And I'm resourceful
11 and I have some resourceful
12 relationships, and it began to worry me
13 about people who don't have resources.
14 And I know that we have a Commission in
15 place that meets six times a year, but
16 there are thousands and thousands of
17 disabled people in this City that need
18 help, and we need a regular office
19 totally committed to helping these people
20 for their needs, and that's why I have
21 proposed this legislation.

22 Thank you.

23 COUNCILMAN GREENLEE: Thank
24 you, Councilwoman.

25 On my list to testify, let me

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 call up a few people at the same time to
3 try to keep the hearing moving, and if I
4 could just, as I always do, just
5 respectfully urge, particularly if you
6 have written testimony, if you submit
7 that testimony, it will be made part of
8 the record, and if you could summarize
9 your written testimony in the interest
10 of, again, keeping the hearing moving,
11 since we're already about an hour and a
12 half behind where we were supposed to be.

13 My list calls first for
14 Mr. Bruce McElrath, Rocco Iacullo -- I'm
15 sorry if I'm messing up your name -- and
16 Thomas Earle or representatives of the
17 Disabilities Rights Network.

18 Good afternoon, sir.

19 MR. IACULLO: Good afternoon.

20 COUNCILMAN GREENLEE: If you
21 could identify yourself for the record,
22 please, and proceed with your testimony.

23 MR. IACULLO: Sure. My name is
24 Rocco Iacullo. I'm a staff attorney at
25 the Philadelphia office of the Disability

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2 Rights Network of Pennsylvania. We're
3 actually formerly the Disabilities Law
4 Project. We have since merged with
5 Pennsylvania Protection and Advocacy, so
6 we are the designated P&A for
7 Pennsylvania.

8 DRN is a non-profit statewide
9 public interest law firm that provides
10 legal assistance and other services to
11 individuals with disabilities, their
12 organizations, their families and their
13 advocates. Our main purpose is to
14 advocate for the civil rights of persons
15 with disabilities. We have worked to
16 ensure that people with disabilities in
17 the City and across the state have equal
18 and unhindered access to employment,
19 transportation, public accommodations and
20 government services.

21 I appreciate the opportunity to
22 comment on Bill No. 070411, which
23 proposes the creation of the Office of
24 Handicapped and Disabled Advocate. I
25 believe that it is extremely important

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2 for people with disabilities to have a
3 strong voice in City government, and I
4 believe establishing an executive level
5 department or office focusing on
6 disability matters can fulfill that goal
7 if it has the right focus. And that's
8 why I'm here today, just to offer
9 actually two brief comments with regard
10 to the bill.

11 The first comment is dealing
12 with the sensitivities that Ms. Campbell
13 spoke of, and I understand people who are
14 not in this business of advocating for
15 the civil rights of people with
16 disabilities on a daily basis sometimes
17 are not aware of these sensitivities.
18 The one suggestion I had was possibly to
19 revise the name of the office. The term
20 "handicapped" has become sort of a no-no
21 within the disability organization just
22 because of the historical negative
23 connotations that means that there's
24 something wrong with those people. So
25 that would be a suggested revision to

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2 changing the title of this office either
3 maybe to the Advocate for People with
4 Disabilities or some other similar type
5 of name. So that's the first suggestion.

6 COUNCILMAN GREENLEE: Sir, if I
7 could interrupt you just a second on that
8 point, and I think the other Committee
9 members will bear me out on this, the
10 problem with that is, that that is in the
11 title of the ordinance and resolution.
12 We cannot amend that. It would mean that
13 we would have to put a whole new bill and
14 resolution in, and I think we're going to
15 run into time issues there.

16 So I just throw that out there.
17 I guess we could amend it out after it's
18 passed.

19 COUNCILMAN KELLY: You can put
20 an amendment on the floor of Council.

21 COUNCILMAN GREENLEE: For the
22 title? I don't think you can amend the
23 title.

24 All of us non-lawyers are here
25 arguing this, but I think we're, through

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2 the wealth of experience that we have
3 here, I think I'm accurate.

4 Councilwoman Campbell.

5 COUNCILWOMAN CAMPBELL:

6 Mr. Chairman, according to the City
7 Solicitor, I have spoken about that, and
8 we cannot change the title. If we do, we
9 will not be able to get it to the ballot.
10 We don't have the time.

11 COUNCILMAN GREENLEE: See, we
12 have a time issue in getting it on the
13 ballot, sir.

14 MR. IACULLO: Is there some
15 other mechanism even after this is
16 created then to alter that?

17 COUNCILMAN KELLY: Sure. You
18 can amend it once it's through, once it's
19 voted on, once it's out.

20 MR. IACULLO: Sure. And that's
21 all. I just wanted to throw it out there
22 that that should be a consideration at
23 some point. But that should be a
24 consideration whenever it's possible.

25 COUNCILMAN GREENLEE: I

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 understand your concern.

3 MR. IACULLO: Sure. The only
4 other suggestion in reviewing the bill
5 that I had -- and, again, with the issue
6 that you raised, I'm not sure what the
7 possibility of amendments are at this
8 point in time, but with regard to
9 clarifying the role and the duties of
10 this office, the duties that are
11 mentioned in the bill seem to be very
12 general, and we support those duties.
13 However, I wanted to discuss whether it
14 was possible to somehow either
15 incorporate the people who are working
16 through the Mayor's Commission and with
17 people with disabilities dealing with
18 Title II ADA compliance issues into this
19 office, because we feel that that's a
20 very important function that needs to be
21 addressed so that we can ensure that all
22 construction or renovation projects in
23 the City of Philadelphia are in
24 compliance with the ADA and that the
25 City's programs, services and activities

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2 are in compliance with the ADA.

3 I understand that there are
4 individuals who are here present today
5 who currently are handling those types of
6 duties, but if they could maybe be
7 incorporated into this office and be
8 given increased staff and maybe increased
9 power to be able to have a role in that
10 process, because we are finding that
11 there are some private renovation
12 projects that have to get City permits.
13 We've been encountering that they are
14 having access problems. And if we think
15 if that could be incorporated into this
16 office, that it might be able to avoid
17 some of those accessibility problems.

18 COUNCILMAN GREENLEE: Okay. I
19 appreciate that. I'm not sure how the
20 sponsor feels and I don't know how
21 specific we can really get in the duties,
22 but that is not in the title, so I guess
23 that could be a consideration. I mean,
24 that's up to the sponsor of the bill.
25 And it's also, as Councilman Kelly points

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2 out, the Mayor is the appointing
3 authority in this, so I don't know if we
4 can dictate exactly who is on this. We
5 set up the mechanism for it.

6 MR. IACULLO: Sure. Or at
7 least just to possibly incorporate that
8 function into the office. I mean, not
9 necessarily hiring a specific person.
10 But that's it. Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you, sir.

13 Also on my list I have the
14 following people. I don't know who are
15 here. Karen Detamore.

16 UNIDENTIFIED SPEAKER: She will
17 not be here.

18 COUNCILMAN GREENLEE: Okay. A
19 representative of the Legal Clinic for
20 the Disabled?

21 (No response.)

22 COUNCILMAN GREENLEE: And then
23 I have representatives from the Mayor's
24 Commission on People with Disabilities.
25 Are any of them here? Yes. Okay.

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2 Please come forward.

3 MR. MIGLIARESE: My name is
4 Phil Migliarese. I'm the Chairman of the
5 Employment Committee, and I respectfully
6 withdraw my testimony.

7 COUNCILMAN GREENLEE: So you do
8 not wish to testify?

9 MR. MIGLIARESE: It's a
10 complete duplication of all the rest of
11 the testimony that you're going to hear,
12 so for the sake of saving time, I
13 withdraw.

14 COUNCILMAN GREENLEE: We really
15 appreciate that, sir. Thank you very
16 much.

17 Anybody else wish to testify?

18 Good afternoon, sir.

19 MR. MARGULIES: Good afternoon.

20 COUNCILMAN GREENLEE: Could you
21 identify yourself for the record and
22 proceed. Thank you.

23 MR. MARGULIES: Yes. I'm Roger
24 Margulies, Assistant Deputy Mayor for the
25 Mayor's Commission on People with

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 Disabilities.

3 I respectfully thank the City
4 Councilmembers here today for the
5 opportunity to testify this afternoon and
6 state that I support Bill No. 070395 and
7 Resolution No. 070411, which proposes to
8 amend the City Charter to provide for the
9 Office of Handicapped and Disabled
10 Advocate.

11 I believe that the Mayor's
12 Commission on People with Disabilities
13 represents and advocates for thousands of
14 citizens with disabilities in
15 Philadelphia. However, a formal office
16 with a staff and a budget that has a
17 budget line would even make our successes
18 even better.

19 And I just want to very briefly
20 mention some of the initiatives that the
21 Mayor's Commission on People with
22 Disabilities currently do, because this
23 new office that you are putting -- that
24 you are organizing, we are doing many of
25 those responsibilities right now. And

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2 some of our major initiatives are the ADA
3 Title II oversight, which ensures that
4 City buildings and private buildings
5 where City services are provided and City
6 programs and services are accessible, as
7 required by Title II of the Americans
8 with Disabilities Act.

9 One of our ongoing missions is
10 to change attitudes and promote
11 disability pride. We want to have
12 positive visibility for people with
13 disabilities. The Mayor's Commission on
14 People with Disabilities and City
15 department heads right now, the Mayor's
16 Commission is part of the Division of
17 Social Services and I sit with the
18 Commissioners of the major cities
19 departments to ensure that disability
20 matters are included, and with this new
21 office, that would even be promoted to a
22 higher level.

23 And I think that this office
24 would also continue to increase
25 employment opportunities for people with

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 disabilities and have the attitude of
3 mainstreaming and inclusion, bringing all
4 segments of the disability community
5 together to advocate for mainstreaming
6 and inclusion of citizens with
7 disabilities in all aspects of life.

8 Currently, the Mayor's
9 Commission on People with Disabilities is
10 operating on a very minimal expenditure
11 of \$25,000 of discretionary funds in the
12 Managing Director's Office. So a real
13 office with a substantial budget will
14 really help us to even continue and
15 improve what we can accomplish.

16 Thank you very much.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Margulies. If I could just
19 state for the record, as you know, in my
20 previous life with Councilman Cohen, you
21 and I talked many times on issues of the
22 disabled, and I always appreciate your
23 help and your insight. Thank you.

24 MR. MARGULIES: Thank you.

25 COUNCILMAN GREENLEE: Any

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 questions from members of the Committee?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing

5 none, thank you, sir.

6 Are there any other individuals

7 that wish to speak on the bill and

8 resolution dealing with the Office of

9 Disabled Advocate?

10 (No response.)

11 COUNCILMAN GREENLEE: None?

12 MS. ERB: Well, I -- Suzan.

13 COUNCILMAN GREENLEE: Oh, okay.

14 I'm sorry. Please. Good afternoon,

15 ma'am.

16 MS. ERB: Good afternoon.

17 COUNCILMAN GREENLEE: Please

18 state your name for the record and

19 proceed with your testimony.

20 MS. ERB: My name is Suzan Erb.

21 I'm Chair of the Mayor's Commission on

22 People with Disabilities, and it gives me

23 great pleasure to be able to testify on

24 behalf of this legislation.

25 I heartily concur with

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 everything that Roger has said
3 previously, and I would just like to add
4 one or two points, and, namely, that one
5 thing that has always given me great
6 pleasure that the Commission has provided
7 is the scholarships that we provide for
8 students with disabilities who have
9 completed secondary education and are
10 going on to academic or vocational
11 training. And just think what more we
12 could do for students with disabilities
13 if we had a budget and if we had more
14 power, more oomph to be able to do --
15 maybe even provide more things for
16 students, more things for all sorts of
17 people in the City of Philadelphia. And
18 because -- I think an important thing to
19 remember too is that with this increasing
20 problems of budgets, that we're all
21 confronted with the shrinking dollar, the
22 smaller pieces of the pie, that it's so
23 important for people with disabilities to
24 have someone advocating on our behalf,
25 and especially we have to be able to

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 spend our resources widely. So to have
3 someone who can give advice regarding the
4 needs of people with disabilities is
5 always an important thing.

6 So, again, I heartily concur
7 with everything that Roger has said and I
8 hope that this will have fair
9 consideration.

10 Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you, Ms. Erb.

13 Any questions or comments?

14 (No response.)

15 COUNCILMAN GREENLEE: Thank you
16 very much, ma'am.

17 Is there anyone else who wishes
18 to testify on this bill or resolution?

19 MS. McCANDLESS: Theresa said
20 she wanted to.

21 COUNCILMAN GREENLEE: Okay.
22 Just stay there, ma'am. We'll try to get
23 a mike over there. We'll bring a mike
24 over to you, ma'am.

25 If you could just state your

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 name and then say whatever you'd like.

3 MS. GATES (THROUGH

4 INTERPRETER): Her name is Theresa Gates.

5 I'm happy that you're going to
6 have this office.

7 She asked of you that this
8 office has some power behind it.

9 Please don't let this be a
10 token person. We need somebody with a
11 disability with a background in advocacy.

12 Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you, ma'am. Thank you for your
15 testimony.

16 We have one more person to
17 testify. Please again state your name
18 and --

19 MS. McCANDLESS: My name is
20 Michelle McCandless. I have two things.
21 Thomas Earle is not here today, so I'm
22 going to get him to write out his.

23 I like this bill, but two
24 things. You're only going to put one
25 person in power. That thing I really

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 don't like, but if you do, make sure he
3 has a coalition of people underneath him.
4 What I mean by "coalition," you do have a
5 Mayor's Commission, but as you can see
6 around this room, we have a group of
7 people with disabilities. The Mayor's
8 Commission -- a bunch of people that are
9 in law. Three of us are from the Liberty
10 Resources, which is a center for
11 independent living. The Councilperson
12 said that she didn't know about people.
13 We also have people from Disabled in
14 Action that know also rights, and you
15 also have a disability community. Many
16 of them could not be here today.

17 If you want to know what's out
18 there and what people need, those are the
19 people you need to speak to. Many of
20 them couldn't be here today, but if you
21 want to know what the true people need,
22 that's who you need to talk to. If you
23 want them to be a part of this, those are
24 the people. Yes, you need a coalition
25 there, not just some token people that

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2 don't know.

3 I know a lot of people sitting
4 around this table know me and know some
5 of these people sitting back here. If we
6 don't like what's going on, we'll be
7 right around this table again. So if you
8 want something done and you want it done
9 properly, bring us around this table, or
10 I'll be right back up here starting
11 trouble.

12 COUNCILMAN GREENLEE: Thank
13 you.

14 Anyone else that wishes to
15 testify on this bill and resolution?

16 (No response.)

17 COUNCILMAN GREENLEE: Seeing
18 none, we will move to the next bill and
19 resolution, which had already been read,
20 dealing with the Office of the Public
21 School Family and Child Advocate.

22 I have two names listed here to
23 testify. Leon Williams, Esquire?

24 UNIDENTIFIED SPEAKER: Leon
25 called. He is not able to attend. And

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 David Krain is not here.

3 COUNCILMAN GREENLEE: But we
4 have written testimony from him.

5 Is there anyone else that
6 wishes to testify on this bill?

7 (No response.)

8 COUNCILMAN GREENLEE: Everybody
9 has Mr. Krain's testimony. I think it's
10 in our little packet there.

11 Ms. Campbell, would like to say
12 anything on this?

13 COUNCILWOMAN CAMPBELL: Yeah.
14 This bill is because we've had many, many
15 situations of grandparents raising
16 grandchildren and it's been years since
17 they were educated and they don't
18 understand the intricacies involved in
19 the educational process now, and
20 sometimes -- in fact, many times -- wise
21 choices were not made. A lot of
22 grandparents were not cognizant of the
23 fact that the No Child Shall Be Left
24 Behind Act entitled the child if they
25 were not doing well to tutorial service;

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2 that also if the child had to be moved
3 from one school to another, that it's
4 incumbent upon the School District to pay
5 for the transportation. Now, to a
6 grandparent that's on a fixed income or
7 low income, transportation can really
8 make the difference when you have to put
9 it out of your pocket. Because of this,
10 a lot of children were not given the best
11 education that they possibly could
12 because of the ignorance that existed,
13 and I felt that children have to have
14 someone as an advocate for them.

15 Their grandparents were doing
16 the best that they could do with the
17 advice, with the limited knowledge that
18 they had, but there has to be someone in
19 place that fights for the rights of these
20 children and for their grandparents that
21 are not cognizant of the intricacies
22 involved, and that's why we've gotten to
23 this point with this. This is a very
24 much-needed legislation, because we're
25 talking about thousands and thousands of

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2 children.

3 Thank you.

4 COUNCILMAN GREENLEE: Thank

5 you, Ms. Campbell.

6 Any question or comment?

7 (No response.)

8 COUNCILMAN GREEN: Thank you

9 very much.

10 Once again, is there anyone
11 else to testify on this particular bill
12 and/or resolution?

13 (No response.)

14 COUNCILMAN GREENLEE: Seeing

15 none, that will conclude the public

16 hearing of the Committee on Law and

17 Government. We will now going into our

18 public meeting, and the Chair recognizes

19 Councilman Kelly.

20 COUNCILMAN KELLY: Thank you,

21 Mr. Chairman. I just have a question for

22 Councilwoman Campbell.

23 As the sponsor of this bill,

24 are you requesting a suspension of the

25 rules?

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 COUNCILWOMAN CAMPBELL: Yes, I
3 am.

4 COUNCILMAN KELLY: Thank you.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 In our public meeting, we'll
8 take them in the order as they were
9 heard. First of all, again, for the
10 record, Bill No. 070271 is being
11 withdrawn at the request of the sponsor.

12 The Chair recognizes Councilman
13 Kelly regarding the amendment for Bill
14 No. 070395.

15 COUNCILMAN KELLY:
16 Mr. Chairman, I move that the amendment
17 to Bill No. 070395 be approved.

18 COUNCILMAN GREENLEE: Is there
19 a second?

20 (Duly seconded.)

21 COUNCILMAN GREENLEE: It's been
22 moved and seconded that Bill No. 070395
23 be amended.

24 All in favor say aye.

25 (Aye.)

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2 COUNCILMAN GREENLEE: Opposed?

3 (No response.)

4 COUNCILMAN GREENLEE: The
5 amendment passes.

6 The Chair again recognizes
7 Councilman Kelly regarding Bill 070395 as
8 amended.

9 COUNCILMAN KELLY:

10 Mr. Chairman, I move that Bill No. 070395
11 as amended be reported out of this
12 Committee with a favorable recommendation
13 and also move for a suspension of the
14 rules in order that this bill may be
15 heard at the next session of Council.

16 COUNCILMAN GREENLEE: Is there
17 a second?

18 (Duly seconded.)

19 COUNCILMAN GREENLEE: All in
20 favor please say aye.

21 (Aye.)

22 COUNCILMAN GREENLEE: Opposed?

23 (No response.)

24 COUNCILMAN GREENLEE: The
25 motion passes and Bill 070395 will be

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.
2 reported favorably by this Committee and
3 there will be a suspension of rules to
4 allow for first reading at the next
5 session of Council.

6 The Chair again recognizes
7 Councilman Kelly regarding an amendment
8 for Resolution 070411.

9 COUNCILMAN KELLY:
10 Mr. Chairman, I move that the amendment
11 for Bill No. 070411 be approved.

12 (Duly seconded.)

13 COUNCILMAN GREENLEE: It's been
14 moved and seconded for an amendment to
15 Resolution 070411.

16 All in favor please say aye.

17 (Aye.)

18 COUNCILMAN GREENLEE: Opposed?

19 (No response.)

20 COUNCILMAN GREENLEE: And the
21 amendment passes.

22 Again, the Chair recognizes
23 Councilman Kelly regarding Resolution
24 070411 as amended.

25 COUNCILMAN KELLY:

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 Mr. Chairman, I move that Resolution No.
3 070411 as amended be approved and be
4 reported out of this Committee with a
5 favorable recommendation.

6 (Duly seconded.)

7 COUNCILMAN GREENLEE: It's been
8 moved and seconded Resolution 070411 be
9 reported out favorably by this Committee.

10 All in favor please say aye.

11 (Aye.)

12 COUNCILMAN GREENLEE: Opposed?

13 (No response.)

14 COUNCILMAN GREENLEE: None.

15 The motion carries.

16 The Chair recognizes Councilman
17 Rizzo regarding Bill No. 070340.

18 COUNCILMAN RIZZO: Let's move
19 Bill No. 070340 out of this Committee
20 with a favorable recommendation and that
21 the rules of Council be suspended so Bill
22 No. 070340 can have its first reading at
23 the next session of Council.

24 (Duly seconded.)

25 COUNCILMAN GREENLEE: All in

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 favor please say aye.

3 (Aye.)

4 COUNCILMAN GREENLEE: Opposed?

5 (No response.)

6 COUNCILMAN GREENLEE: The

7 motion carries and Bill 070340 will be

8 reported out of this Committee with a

9 favorable recommendation and that the

10 rules of Council be suspended to allow

11 for first reading at the next session of

12 Council.

13 The Chair recognizes Councilman

14 Rizzo regarding Resolution 070360.

15 COUNCILMAN RIZZO: Resolution

16 No. 070360 be moved out of this Committee

17 with a favorable recommendation.

18 COUNCILMAN GREENLEE: Is there

19 a second?

20 (Duly seconded.)

21 COUNCILMAN GREENLEE: It's been

22 moved and seconded that Resolution 070360

23 be reported out of this Committee with a

24 favorable recommendation.

25 All in favor please say aye.

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 (Aye.)

3 COUNCILMAN GREENLEE: Opposed?

4 (No response.)

5 COUNCILMAN GREENLEE: The
6 motion carries.

7 That concludes the business of
8 the Committee on Law and Government.

9 Thank you, members of the Committee.

10 Just one second.

11 Ms. Eubanks, you have a
12 question?

13 MS. EUBANKS: Yes. I think
14 there were amendments with Resolution
15 070360.

16 COUNCILMAN RIZZO: Yes, there
17 are, proposed amendments.

18 COUNCILMAN GREENLEE: On the
19 Public School Advocate?

20 MS. EUBANKS: Yes.

21 COUNCILMAN GREENLEE: I'm
22 sorry. I missed those.

23 I take that back. The business
24 is not completed yet. I'm sorry. Let's
25 try this again.

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 Is it the resolution and
3 ordinance?

4 MS. EUBANKS: There were two
5 resolutions, this bill and the advocate
6 for the school. Both of them have the
7 same amendment.

8 COUNCILMAN GREENLEE: Is the
9 bill on the Public School Advocate also
10 amended?

11 MS. EUBANKS: The bill number
12 is not.

13 COUNCILMAN GREENLEE: The bill
14 is not. That's what threw me off. Okay.

15 The Chair recognizes Councilman
16 Rizzo regarding an amendment to
17 Resolution 070360.

18 COUNCILMAN RIZZO: 070360 be
19 amended.

20 (Duly seconded.)

21 COUNCILMAN GREENLEE: It's been
22 moved and seconded that Resolution 070360
23 be amended.

24 All in favor please say aye.

25 (Aye.)

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 COUNCILMAN GREENLEE: Opposed?

3 (No response.)

4 COUNCILMAN GREENLEE: Okay.

5 The motion carries and Resolution 070360
6 is amended.

7 Again, the Chair recognizes
8 Councilman Rizzo regarding Resolution
9 070360 as amended.

10 COUNCILMAN RIZZO: That we move
11 that out of Committee with a favorable
12 recommendation as amended.

13 (Duly seconded.)

14 COUNCILMAN GREENLEE: It's been
15 moved and seconded that Resolution No.
16 070360 as amended be reported out of this
17 Committee with a favorable
18 recommendation.

19 All in favor please say aye.

20 (Aye.)

21 COUNCILMAN GREENLEE: Opposed?

22 (No response.)

23 COUNCILMAN GREENLEE: The
24 motion carries, and we have now completed
25 our business of the Committee on Law and

1 6/5/07 - LAW & GOV'T - BILL 070340, ETC.

2 Government. Once again, thank you to
3 everybody. Mostly thank the
4 stenographer, who put up with eight hours
5 of this stuff. Thank you very much.

6 (Committee on Law and
7 Government adjourned at 3:45 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on May 5, 2007, and that this
is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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