

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON COMMERCE AND ECONOMIC
DEVELOPMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 26, 2016
3:20 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DAVID OH
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN BLONDELL REYNOLDS BROWN

BILLS 160129, 160152, 160325, 160364, and
160370

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COUNCILMAN JONES: Good
afternoon, everyone. This is a committee
meeting of the Commerce and Economic
Development Committee of City Council.
Thank you all for coming. We're going to
bring this meeting to order.

With me on this panel is
Councilwoman Blackwell, Councilman Oh,
Councilwoman Parker, Councilwoman Brown,
Councilman Henon, and also author of one
of the pieces of legislation, Councilman
Greenlee.

Would the Clerk please read the
title of the bill.

THE CLERK: Bill No. 160364, an
ordinance amending Chapter 17-1300 of The
Philadelphia Code, entitled "Philadelphia
21st Century Minimum Wage and Benefits
Standard," to revise the benefits
required to be provided in connection
with application of the Philadelphia 21st
Century Minimum Wage Standard, under
certain terms and conditions.

COUNCILMAN JONES: We will also

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 be hearing Bill 160129, 160152, 160325,
3 and 160370.

4 Will the Clerk please read the
5 first witnesses to testify on Bill No.
6 160364.

7 I'd like to hear from the
8 author of the bill.

9 COUNCILMAN GREENLEE: Thank
10 you. Thank you, Mr. Chairman, members of
11 the Committee. Very quickly, I think a
12 lot of you will remember the long, long,
13 long process of trying to get the paid
14 sick leave bill passed in the City of
15 Philadelphia. During that time,
16 then-Councilman Goode I think
17 appropriately put in requirements on City
18 contractors and subcontractors under the
19 21st Century Minimum Wage Standards that
20 they would have to provide sick leave, as
21 was proposed in one of those bills we
22 were considering. Since that time, we
23 actually passed the paid sick leave law,
24 which had slightly different
25 requirements. So what this bill that

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 your committee is considering today would
3 just make the requirements under the
4 minimum wage standard law and our paid
5 sick leave law uniform. So succinctly,
6 that's -- so I think that's fair to
7 everybody. I know Councilman Goode
8 agrees with us on that.

9 COUNCILMAN JONES: Do you
10 agree, Councilman?

11 COUNCILMAN GREENLEE: The
12 record will show he shook his head.

13 COUNCILMAN JONES: I just want
14 to thank you publicly for being one of
15 the members of this body that was
16 trailblazing on -- I'll never forget, all
17 of the sudden the President on the State
18 of the Union Address is talking about
19 paid sick leave, and I said, I know him.
20 I know Councilman Greenlee.

21 So you're not the only one.
22 Councilwoman Reynolds Brown led the way
23 on menu labeling. So every now and then
24 in Philadelphia, we can be first on some
25 things that have a national implication.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Will the Clerk please read the
3 first witness to testify.

4 THE CLERK: Manny Citron, Chief
5 of Staff, Mayor's Office of Labor.

6 COUNCILMAN JONES: Welcome.
7 (Witness approached witness
8 table.)

9 MR. CITRON: Good afternoon,
10 Chairman Jones.

11 COUNCILMAN JONES: Can you pull
12 it to you, sir.

13 MR. CITRON: How is this?

14 COUNCILMAN JONES: That's
15 better.

16 MR. CITRON: Thank you, sir.

17 Good afternoon, Chairman Jones.
18 Good afternoon, Councilman Greenlee and
19 members of the Committee. My name is
20 Manny Citron. I am Chief of Staff in the
21 Mayor's Office of Labor. Thank you for
22 the opportunity to appear before you and
23 testify on Bill No. 160364 today.

24 I would like to begin by
25 thanking Councilman Greenlee for working

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 with the Administration to bring this
3 bill forward. We proposed this bill in
4 order to bring mandatory paid sick leave
5 requirements imposed on City contractors
6 and subcontractors under Chapter 17-1300
7 of The Philadelphia Code, the
8 Philadelphia 21st Century Minimum Wage
9 Standard, into parity with the general
10 requirements for paid sick leave in
11 Chapter 9-4100, the Promoting Healthy
12 Families and Workplaces part of the Code.

13 Section 17-1300, the minimum
14 wage part --

15 COUNCILMAN JONES: Can we get
16 you some water?

17 MR. CITRON: I'm okay, but
18 thank you, sir.

19 COUNCILMAN JONES: Is this your
20 first time testifying?

21 MR. CITRON: Actually, it is
22 not.

23 COUNCILMAN JONES: Okay.

24 MR. CITRON: I understand the
25 question does. Thank you.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 (Applause.)

3 MR. CITRON: Section 17-1300
4 includes a paid sick leave requirement by
5 reference to Bill No. 080474-AA, a prior
6 citywide paid sick leave bill with
7 provisions different from the bill that
8 ultimately became law.

9 Bill No. 160364 removes the
10 references to Bill No. 080474-AA and
11 replaces them with references to current
12 law as defined under Chapter 9-4100.
13 This will bring citywide uniformity to
14 the earned sick leave benefit required
15 under our local laws.

16 The Administration wishes to
17 thank Council for the opportunity to
18 collaborate on this matter and to add
19 clarity to the City's sick leave
20 requirements. I would be happy to answer
21 any questions the members may have.

22 COUNCILMAN JONES: Are there
23 any questions of the panel for this
24 witness?

25 (No response.)

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Seeing none,
3 just a quick question. On the companion
4 legislation that my colleague introduced
5 on wage theft for non-compliance of
6 either of these bills, have we found
7 anybody that has cheated the workforce?

8 MR. CITRON: So I know --

9 COUNCILMAN JONES: Are you sure
10 you don't want water?

11 MR. CITRON: No. I'm fine,
12 sir, but thank you.

13 So I know that we have for the
14 paid sick leave side of things, we have a
15 website where we are actively tracking
16 requests for information and/or
17 complaints that have come in, and we've
18 been -- we have a staffer who is assigned
19 to look into those issues, to answer any
20 questions that people may have and/or to
21 investigate and see if there's a
22 legitimate concern behind the complaint
23 that's been proposed for this.

24 As of yet, we have not found
25 anything. However, we have -- we've not

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 found anything blatant. However, we have
3 had to, on occasion, give more
4 information to a vendor, to an employer
5 in the City to make sure that they
6 understand the nature of the law and to
7 make sure that they understand what the
8 requirements are under the law.

9 COUNCILMAN JONES: Thank you.

10 COUNCILMAN GREENLEE:

11 Mr. Chairman?

12 COUNCILMAN JONES: Councilman
13 Greenlee.

14 COUNCILMAN GREENLEE: Thank
15 you, Mr. Chairman.

16 There have been a lot of calls
17 and inquiries made, but as Mr. Citron
18 said, they've mostly been
19 misunderstandings of the law. And we
20 consistently meet with Ms. Miller, who is
21 kind of the staff of that office, to go
22 over what's going on and if there's any
23 particular issues that come up.

24 On your question about wage
25 theft, that bill doesn't actually take

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 effect until July 1st.

3 COUNCILMAN JONES: So we're
4 teeing up for that.

5 COUNCILMAN GREENLEE: We're
6 getting ready, yes.

7 COUNCILMAN JONES: Councilman,
8 I just want you to also know that the CCT
9 drivers that actually transport seniors
10 throughout the City were working for over
11 decades at minimum, minimum wage.
12 Because of your insistence and because of
13 Councilman Goode pushing that living
14 wage, all 300 subcontractees got a raise
15 from minimum wage, which was like 7
16 something an hour, up to 12.30 an hour.
17 That was a stimulus package for all of
18 those families, and I want to publicly
19 put that on the record and thank you guys
20 for that.

21 COUNCILMAN GREENLEE: I think
22 Councilman Goode deserves the most credit
23 on that.

24 COUNCILMAN JONES: He's still
25 with us. He hears it.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Thank you for your testimony.

3 Will the Clerk read -- anyone

4 else --

5 MR. CITRON: Thank you.

6 COUNCILMAN JONES: --

7 testifying on this bill?

8 THE CLERK: No.

9 COUNCILMAN JONES: Thank you.

10 Will the Clerk please read the title of
11 the next bill to be heard.

12 THE CLERK: 160325, an
13 ordinance amending Chapter 17-1600 of The
14 Philadelphia Code, entitled "Economic
15 Opportunity Plans," by modifying the
16 monetary threshold to triggering the
17 requirement of an economic opportunity
18 plan on City funded projects or contracts
19 and by modifying the required contents of
20 economic opportunity plans, all under
21 certain terms and conditions.

22 COUNCILMAN JONES: Thank you,
23 Ms. Williams.

24 (Witness approached witness
25 table.)

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Good

3 afternoon, Ms. Dowd-Burton. How are you?

4 MS. DOWD-BURTON: Good

5 afternoon, Councilman. I am fine, and

6 hope you're doing well.

7 COUNCILMAN JONES: It's

8 Thursday, another day in paradise.

9 Can you state your name for the
10 record and begin your testimony.

11 MS. DOWD-BURTON: Good

12 afternoon. My name is Angela Dowd-Burton

13 and I want to thank Councilman Jones and

14 members of the Committee of Commerce and

15 Economic Development for this opportunity

16 to speak with you today. I am here to

17 provide testimony in support of Bill No.

18 160325. This bill amends Chapter 17-1600

19 of The Philadelphia Code by modifying the

20 monetary threshold triggering the

21 requirement of economic opportunity plans

22 on City funded projects or contracts and

23 by modifying the required contents of

24 those plans, all under certain terms and

25 conditions.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 This Administration is
3 dedicated to maximizing opportunities for
4 minority, women, and disabled-owned
5 businesses within the City of
6 Philadelphia. The Economic Opportunity
7 Plan is an effective tool for expanding
8 the engagement of businesses and the
9 inclusion of a diverse workforce. While
10 disparity study data has historically
11 shown that larger projects have higher
12 levels of opportunity for participation,
13 smaller projects offer opportunity for
14 more autonomy and visibility. Reducing
15 the threshold of Economic Opportunity
16 Plans to \$100,000 opens the doors for
17 minority, women, and disabled-owned
18 businesses to operate as prime
19 contractors and deploy their core
20 workforce on projects in a more direct or
21 profitable manner. As prime contractors,
22 M/W/DSBEs will be able to build a track
23 record of success and a foundation of
24 growth.

25 Thank you for this opportunity

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 to testify on behalf of the
3 Administration. I will be happy to
4 answer any questions you may have at this
5 time.

6 COUNCILMAN JONES: So are there
7 questions by the Committee? Because if
8 not, I will ask -- the Chair recognizes
9 Majority Leader Henon.

10 COUNCILMAN HENON: Thank you,
11 Mr. Chairman.

12 Thank you for your testimony.
13 I just have a question in the context of
14 where this would fall into play with
15 procurement in reforming our procurement
16 system, which I know is not up online
17 yet. When there has been public
18 conversation and concern with -- and
19 rightfully so and we should -- giving all
20 Philadelphians the chance to bid and use
21 our procurement system but with 2016
22 technology and the right program. So are
23 you aware or are you working with OIT or
24 the other department when it comes to the
25 backbone of the procurement systems

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 that's going to be in place, breaking
3 down the barriers of the silos?

4 MS. DOWD-BURTON: Absolutely.

5 COUNCILMAN HENON: And where
6 does this come into play with that? Are
7 we prepared for this at this time? So I
8 think it's more of a timing issue that I
9 have a question about. Are we putting
10 the cart before the horse or should we
11 have our systems in place? How effective
12 are we going to be really to have a
13 productive change in what we're trying to
14 accomplish?

15 MS. DOWD-BURTON: So reducing
16 the threshold from \$250,000 to \$100,000
17 impacts a few contracts. I mean, when
18 you look at the fact that we have about
19 120 public works contracts a year, we're
20 talking about maybe 10 to 15 additional
21 contracts that have Economic Opportunity
22 Plans. And so those plans include
23 additional documentation within the
24 contract, but right now within those
25 transactions, we have anti-discrimination

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 language, which encourages inclusion.

3 And so it would be merely a substitution
4 of that language.

5 The challenge and the goal will
6 be to have more minorities and women
7 bidding as primes on these contracts.
8 And so --

9 COUNCILMAN HENON: Amen. I
10 know you --

11 MS. DOWD-BURTON: That will be
12 an opportunity.

13 COUNCILMAN HENON: -- and the
14 Administration are working on a process
15 to be a little more streamlined in that
16 process.

17 So you answered a couple of my
18 other follow-up questions. So there's a
19 total of 120 --

20 MS. DOWD-BURTON: Approximately
21 120 a year.

22 COUNCILMAN HENON:
23 Approximately 120 public works projects,
24 and this would affect 10 to 15
25 additional?

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MS. DOWD-BURTON: Correct.

3 COUNCILMAN HENON: For the
4 contracts that require an EOP, what is
5 the length of additional time it takes to
6 go from the RFP to execution of the
7 contract?

8 MS. DOWD-BURTON: I think it
9 depends on the project and the complexity
10 of it. Included in the process is not
11 only the Office of Economic Opportunity
12 but the operating department in putting
13 together the specs and then when we go
14 out for bid, the responses coming back
15 and their evaluation.

16 One of the things that we're
17 working with the Chief Administrative
18 Office to do is to do things more
19 concurrently so that it's not staged in a
20 parallel fashion.

21 COUNCILMAN HENON: You're
22 talking about --

23 MS. DOWD-BURTON: Or sequential
24 fashion.

25 COUNCILMAN HENON: You're

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 talking about extreme complex public work
3 projects?

4 MS. DOWD-BURTON: So I'm
5 saying --

6 COUNCILMAN HENON: The ones
7 that would be affected, the 10 or 15
8 additional affected by this legislation
9 by lowering the threshold, would you be
10 able to reduce the RFP execution timeline
11 because the threshold is lower and less
12 complex?

13 MS. DOWD-BURTON: So --

14 COUNCILMAN HENON: I would
15 imagine it's less complex because of the
16 threshold.

17 MS. DOWD-BURTON: Correct. So
18 I think these are simpler projects. I
19 don't think there is going to be any
20 additional sort of delays in the
21 processing of these transactions, and we
22 are certainly working with the Chief
23 Administrative Office, along with other
24 operating departments, to make sure that
25 we incorporate a streamlined approach on

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 all of our transactions.

3 COUNCILMAN HENON: And you just
4 made my point. We want to make it easier
5 for people to have the opportunities to
6 do it quicker. I want to make sure the
7 back end on the City side is ready and
8 available to really push people through
9 the vetting process and the RFP process
10 and make sure that execution gets there
11 quicker so that they can get out to work
12 faster.

13 MS. DOWD-BURTON: That's
14 correct.

15 COUNCILMAN HENON: Thank you.

16 COUNCILMAN JONES: Thank you so
17 much, Councilman.

18 So let me give a little context
19 to this. And maybe I'm being redundant
20 in the questioning, but bear with me.

21 This is in anticipation of some
22 form or fashion of funding for the lofty
23 goals that this Mayor has emphasized.
24 We're talking about somewhere in the
25 neighborhood of \$400 million worth of

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 construction. That is the largest amount
3 of new influx of dollars since the NTI
4 program. What this Committee's concern
5 is is structurally are we ready?
6 Philosophically are we ready? And when I
7 say "ready," I don't mean just to throw
8 cranes up. I mean to include people.

9 And so in context, keep in mind
10 we have ten years worth of backlog
11 projects on the capital side of our
12 budget, ten years. We are talking about
13 adding a lofty goal of another 400
14 million worth of things, activities,
15 repairs, possibly new libraries and rec
16 centers. What this Committee's
17 concern -- and whether or not he will get
18 that support from this body, a key
19 linchpin is are people going to be
20 included, people from neighborhoods,
21 African Americans, females. And so
22 juxtapose that that I know you guys are
23 working on some plan, but we ain't seen
24 it, and if we don't know it, it is
25 difficult for members to write a blank

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 check and say trust me. So, yeah, we
3 want to trust, and there's good faith on
4 the 4th floor, good faith on the 2nd
5 floor, but as -- I think it was -- what
6 President? Was it Nixon? No. It was
7 Reagan. Trust but verify. One of them
8 said that. But we want to verify before
9 we trust.

10 So when do you anticipate this
11 unveiling of the plan to happen?

12 MS. DOWD-BURTON: So I think
13 what you're asking for is when are we
14 going to release the strategy for the
15 rebuild?

16 COUNCILMAN JONES: Yes.

17 MS. DOWD-BURTON: And I cannot
18 answer that question. I can say to you
19 and I wouldn't limit it, the
20 conversation, to the impact of this
21 economic opportunity legislation and the
22 impact of lowering the threshold. I
23 would say in general when you de-bundle
24 large projects, you do have an impact in
25 terms of the numbers of transactions that

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 are out there.

3 COUNCILMAN JONES: So are you
4 in the discussions? You are currently in
5 the discussions as a part of this
6 whole --

7 MS. DOWD-BURTON: Yes.
8 Absolutely.

9 COUNCILMAN JONES: For the
10 record, I saw Councilman Domb. I see
11 Councilman Green and Councilwoman Bass
12 have all joined us.

13 So understand there are a
14 couple timelines working synonymously --
15 is that the right word? I went to public
16 school. Work with me. I went to a good
17 one, Overbrook.

18 So what I need you to know is
19 that we're running out of runway to make
20 a decision, that there's going to be a
21 required vote by us, and this thing is
22 either way, and it hinges on is this
23 process going to be fair, is it going to
24 be inclusive. And we have been down the
25 road before, you and I, of good-faith

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 efforts and things like that. So let
3 this be known that a lot depends on our
4 belief that there is a process in place
5 that is inclusive. And so I guess that's
6 all I have to say, and I want to
7 recognize Councilwoman Brown.

8 COUNCILWOMAN BROWN: Good
9 afternoon, Ms. Burton.

10 MS. DOWD-BURTON: Good
11 afternoon, Councilwoman.

12 COUNCILWOMAN BROWN: So it has
13 been said both privately with the Mayor
14 and to members of his team that there are
15 a number of Councilmembers, me included,
16 who will not care about anything if it is
17 not only discussed but that it is in
18 writing, because I come from a school of
19 thought if it's not in writing, it
20 doesn't exist. And so the MBE/WBE
21 numbers, equations, whatever they are,
22 will have to be a part of this
23 budget-ending process, period.

24 MS. DOWD-BURTON: Yes.

25 COUNCILWOMAN BROWN: And so to

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 hear that you're in the meetings is one
3 thing. We have yet to see what the yield
4 of those meetings is in terms of bona
5 fide, guaranteed MBE/WBE inclusion of
6 people from the neighborhoods where those
7 facilities sit. It will be unacceptable
8 for that rebuild to happen and we don't
9 have something in writing within the law.
10 And I learned this from the negotiation
11 of the stadiums. If it's not in writing,
12 it doesn't exist. And so MBE/WBE
13 participation is not an option. It's
14 required if we want rebuild to happen.

15 (Applause.)

16 MS. DOWD-BURTON: Councilwoman,
17 I understand. I hear you loud and clear,
18 and we are absolutely working on a
19 written commitment across the
20 Administration and stakeholders, and we
21 will certainly provide additional
22 information to this Council to ensure
23 that you're aware of the commitment to
24 minority and female participation and the
25 diversity of the workforce.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILWOMAN BROWN: And the
3 what?

4 MS. DOWD-BURTON: Diversity of
5 the workforce that will be incorporated
6 on these projects.

7 COUNCILWOMAN BROWN: Prior to
8 us voting on a budget bill.

9 MS. DOWD-BURTON: Understood.

10 COUNCILWOMAN BROWN: Okay.

11 Thank you.

12 COUNCILMAN JONES: I appreciate
13 that, Councilwoman.

14 Councilman Domb.

15 COUNCILMAN DOMB: Thank you,
16 Mr. Chairman.

17 And good afternoon. I just
18 have a general question, because I'm not
19 that familiar with the process. But this
20 has to do with people contracting for
21 work with the City.

22 MS. DOWD-BURTON: Yes.

23 COUNCILMAN DOMB: And so if I
24 apply for a contract today and fill out
25 the forms, walk me through the timeline

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 of when I will hear from you and what's
3 the process and how long does it take in
4 days or weeks or months to get an
5 approval?

6 MS. DOWD-BURTON: So typically
7 if you're signing a contract with the
8 City, it means that you've participated
9 in a bid or a proposal process. And so
10 once the bids are on the street, they're
11 typically on the street for about two
12 weeks, two to three weeks. And the
13 Procurement Commissioner is here. He can
14 confirm that. But once the bids have
15 been brought back in to the operating
16 department, Procurement, the operating
17 department, the Office of Economic
18 Opportunity evaluate those bids for
19 compliance and responsiveness. We then
20 have a list, a short list, of those that
21 are eligible for award, and then the
22 operating departments work with
23 Procurement and OEO and make that award.
24 Based on that award, we begin the
25 contract process, and that includes a

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 review by the Finance Department to
3 ensure the budget dollars are there based
4 on the quotes that came in with the bids.
5 The Controller's Office has an
6 opportunity to review, the Law Department
7 has an opportunity to review the final
8 documents. And once all of those stages
9 are done -- and I can't tell you how long
10 it takes because it depends on the
11 complexity of the product or service that
12 we're buying. The Chief Administrative
13 Officer would be the best person for that
14 data.

15 COUNCILMAN DOMB: So in
16 reality, would this be a month, two
17 months, three months or we're not sure?

18 MS. DOWD-BURTON: I could not
19 commit to a specific --

20 COUNCILMAN DOMB: So let me
21 just tell you from the other side of the
22 equation, because I've been on the other
23 side of the equation. As a contractor,
24 if I have to bid on a City project and I
25 don't know when I'm going to start, I

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 don't know how to staff up. I have all
3 kinds of issues. Your price is going to
4 be much higher.

5 We need to get our systems more
6 efficient and more in place so a
7 contractor knows what to expect. I mean,
8 that to me is very important for
9 efficiency purposes, because otherwise
10 we're going to pay a lot of money, a lot
11 more money than we need to, because of
12 the uncertainty of timing and process.

13 MS. DOWD-BURTON: We absolutely
14 agree, and Rebecca Rhynhart, along with a
15 team we call a capital team, projects
16 team, that we meet with on a biweekly
17 basis to review processes and continue to
18 see how we can streamline the process and
19 expedite the opportunity for more
20 companies to do business with the City.

21 COUNCILMAN DOMB: If you're a
22 contractor, you're bidding on a City job,
23 you don't know when it's going to start,
24 that's tough to estimate what kind of
25 manpower you're going to need.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MS. DOWD-BURTON: We agree.

3 COUNCILMAN DOMB: Okay. Thank
4 you.

5 COUNCILMAN JONES: Thank you,
6 Councilman.

7 Councilman Oh and then Green.

8 COUNCILMAN OH: Thank you very
9 much, Chairman.

10 Good afternoon.

11 MS. DOWD-BURTON: Good
12 afternoon, Councilman.

13 COUNCILMAN OH: I have enjoyed
14 working with you and your office in our
15 various projects of trying to expand the
16 diverse workforce, but I do have
17 questions and concerns that I'm just
18 posing to you so you could give me
19 information that I may not be aware of.

20 So as we do these programs and
21 as a Councilman at-large, I go out into
22 the communities, do business
23 walk-throughs and whatnot, the feedback
24 that I get, of course, would be --
25 because there's so many businesses that

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 would qualify under the M/WBE, the
3 disadvantaged business process. And so
4 the questions are, how do I get involved?
5 I'm still waiting to be certified. I
6 have been certified, but I don't know
7 where I am in this process. I don't have
8 any feedback. I'm not sure that there's
9 a -- I don't know who to go to.

10 And so kind of my concern --
11 and I have done a resolution, as you're
12 aware of, looking at the City's
13 responsibility. In other words, you
14 can't get certified as a minority-owned
15 business, for example, with the City of
16 Philadelphia. You have to apply outside
17 the City. You can do it online. You can
18 do it with SEPTA. You can do in
19 Harrisburg, I understand. But the
20 positions or the opportunities are
21 different in the City than with SEPTA or
22 in Harrisburg, and even if someone were
23 certified whenever that would be -- I
24 don't know, short or long -- in New
25 Jersey, there doesn't seem to be any

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 stewardship around that process. And
3 maybe there is that I'm not aware of, but
4 what it would appear to me is that if I
5 were applying, I would like to be able to
6 apply with the City for what the City is
7 providing -- for the opportunities that
8 the City is responsible for, even if it's
9 a third-party contractor. And I'd like
10 to know when I apply, what categories?
11 Am I professional services? Am I in the
12 construction field? Am I in procurement?
13 What am I applying for? And then I'd
14 like the information what opportunities
15 are out there, and then I'd like my
16 application evaluated. You are short by
17 these measures. You satisfy these
18 measures. You need to do something. And
19 I'd like to get feedback, and then I'd
20 like to know if I got the opportunity or
21 if I didn't, so that when future
22 opportunities occur, I could improve my
23 situation, develop my business and cater
24 myself towards the City.

25 So that is one of the things

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 that kind of concerned me, that if we
3 don't have that process in the City, that
4 people have nowhere -- once they're
5 certified, they have nowhere to go to get
6 this information. So how would we
7 develop -- in other words, the
8 development of businesses to be better
9 and better to see real opportunities. So
10 could you answer that question?

11 MS. DOWD-BURTON: Where to
12 begin. Well, there are two critical
13 sources of information that I would refer
14 any business to. The first is our
15 website. We put as much information as
16 possible out on our website, from our
17 annual reports, which I call market
18 intelligence, of what the City buys,
19 where they buy from, who they buy from,
20 how much money they're spending, who
21 they're spending it with, whether they're
22 primes or subs. All of that information
23 is in the annual report and it's online.

24 The second piece of information
25 that's online that's also key is around

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 certification. We have a list of all of
3 the agencies that provide certification
4 to minority and women-owned businesses in
5 the marketplace, and those agencies not
6 only include the Pennsylvania Unified
7 Certification agencies, which are located
8 at the airport and SEPTA and Allegheny
9 County, but also the Women's Business
10 Enterprise National Council, the Eastern
11 Pennsylvania Minority Supplier
12 Development Council, who has worked with
13 us and absolutely agreed to provide a
14 discount to minority-owned businesses who
15 are interested in being certified by
16 MSDC. If you're located in the City of
17 Philadelphia, they will offer a discount
18 on their certification.

19 And so we've got the
20 reciprocity with other municipalities.
21 New Jersey is a frequent source of
22 certification. I think they expedite
23 their process, as well as others do when
24 there are contracting opportunities
25 contemplated by minority and women-owned

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 businesses. And so that piece of
3 information is also online.

4 When they're looking for
5 someone to talk to, eye to eye, face to
6 face, they can attend the monthly program
7 for doing business with the City that we
8 offer the fourth Wednesday of every month
9 at 1515 Arch Street on the 18th floor.

10 And there we have the Procurement
11 Department represented, the Finance
12 Department represented. They're
13 responsible for our professional services
14 as well as all of our public works and
15 service, supplies, and equipment
16 contracts. We have the Philadelphia
17 Industrial Development Corporation
18 participating in that program, the
19 Goldman Sachs 10,000 Small Business
20 Program, Temple University. Last month
21 we had the University of Pennsylvania.
22 So it's not only how to do business with
23 the City, but how do you do business with
24 our stakeholders that participate in that
25 monthly program, which is now in its

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 fifth year.

3 And so -- and if they don't
4 know who to call or where to start,
5 there's a calendar of events on our
6 website as well as a link to the
7 Procurement Department and the Finance
8 Department's eContract Philly website
9 where all of the contracting
10 opportunities are at any point in time.

11 We're also open to any
12 additional suggestions for improving our
13 communications, whether it's doing
14 business with the City or our website or
15 information in our annual reports.

16 COUNCILMAN OH: Okay. I do
17 appreciate that. I look forward to
18 having this conversation about providing
19 these steps to the applicants so that
20 they know themselves that they are
21 qualified as an eligible business and
22 that they are qualified in terms of doing
23 the work and that they can follow along
24 the process of whether or not they are --
25 how close they are to being approved or

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 how they can improve themselves, as well
3 as attending all this, all the general
4 things that you have indicated.

5 My other question has to do
6 with this other conversation about the
7 definitive process for ensuring that
8 these businesses and other neighborhood
9 businesses and residents will get an
10 opportunity. So just looking through
11 your response, I do see that, for
12 example, we have placed upon employers or
13 contractors requirements of hiring a
14 certain percentage of minority businesses
15 or residents from the neighborhood. And
16 can I ask, because this is the issue that
17 arises, that when the work is being
18 supplied by union labor, many of these
19 unions are not very diverse, and how will
20 you address the issue that if the unions
21 aren't diverse, then the folks in the
22 community are not going to get a chance
23 to actually even work on these projects?

24 MS. DOWD-BURTON: So,
25 Councilman, that's a good question, a

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 very good question, and thank you. One
3 of the things that we are very much
4 interested in is ensuring that there's a
5 diverse workforce and there's a local
6 workforce, and one of the things that
7 we're negotiating within the
8 Administration is the criteria that
9 should be established as we go into the
10 marketplace and we negotiate with the
11 union leadership about expectations of
12 those appearing and being engaged on
13 these projects. And so that's part of
14 the negotiating strategy that we're
15 working on right now. And I cannot give
16 you any details at this point, but I can
17 tell you that the issues that you're
18 raising and other members of Council are
19 raising are very much front and center in
20 terms of what we're looking for. And
21 when I say "we," I'm not only talking
22 about the Administration but my role,
23 Nolan Atkinson's role as head of
24 Diversity and Inclusion, and Harold Epps
25 as Director of Commerce, Michelle Flamer,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 our attorney, and others are stakeholders
3 in ensuring the level of diversity and
4 inclusion on these projects. We know
5 it's important to you. It is absolutely
6 important to us as well.

7 COUNCILMAN OH: Well, thank you
8 very much. I heard from the Chairman
9 that we really need to have a definitive
10 written, completely agreed to process
11 before we take action on our part.

12 MS. DOWD-BURTON: Absolutely.

13 COUNCILMAN OH: So thank you
14 very much.

15 MS. DOWD-BURTON: You're
16 welcome.

17 COUNCILMAN JONES: The Chair
18 recognizes Councilman Green and
19 Councilwoman Blackwell.

20 COUNCILMAN GREEN: Thank you,
21 Mr. Chair.

22 I apologize because I lost my
23 voice a couple days ago, so I'm
24 struggling in talking over the past
25 couple of days. But I just wanted to

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 bring up a couple questions, because,
3 Ms. Dowd-Burton, you know we've had some
4 conversations during the budget process
5 about OEO and the work. So when you talk
6 about being involved in the meetings
7 regarding rebuild and there are certain
8 things you're not at liberty to --

9 MS. DOWD-BURTON: I'm sorry?

10 COUNCILMAN GREEN: There's
11 certain things you're not at liberty to
12 discuss at this point. However, what
13 steps are you taking from a proactive
14 perspective to do things differently than
15 the website, the monthly meetings, the
16 workshops? Because from my experience in
17 talking to various businesses, especially
18 businesses of color, the current
19 activities that we're doing are not
20 helping people get involved in the
21 process. So what are you doing
22 proactively that's different than you've
23 been doing over the past couple years
24 under rebuild?

25 MS. DOWD-BURTON: So one of the

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 things that we've talked to different
3 Councilpeople and, Councilman, I guess --
4 I think your office was one that we made
5 the offer to. We're willing to go
6 anywhere we need to be in order to
7 communicate to minority and women-owned
8 businesses that we want them engaged in
9 the process. And so we are prepared to
10 take our doing business with the City
11 program on the road. We're prepared to
12 have companies come in.

13 For the first three and a half
14 years that I came into this role, I had
15 monthly meetings where I brought the
16 primes in and I brought the subs in and
17 had operating departments talk about what
18 they should be expecting in the
19 marketplace in the next six months in
20 terms of contracting opportunities to
21 emerge so that there was a planning
22 opportunity for companies to come
23 together, to work together to pursue the
24 opportunities. At one point it gotten to
25 the point where I had more primes coming

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 to meetings than I had subs. And so the
3 thought was we needed to reinvent that
4 kind of program. And so we have not done
5 that type of process and that type of
6 relationship building in the past year
7 and a half. We'll be happy to revisit
8 that and any other opportunities that you
9 can think of or other members of the
10 Administration would like to see us
11 implement, because we're constantly
12 looking for new ways to engage the
13 market.

14 COUNCILMAN GREEN: I'm
15 currently kind of evaluating a number of
16 things from a procurement perspective as
17 well as the things that are done in your
18 office, but you're kind of pushing the
19 information back on Council and others to
20 provide you with information and you with
21 ideas. However, to me, considering that
22 you are the Office of Economic
23 Opportunity, much of what I've seen over
24 the past number of years has always been
25 reactive. I don't really see any

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 proactive nature of the office going out
3 into the community, going out into
4 various parts of the City to reach out to
5 contractors, to reach out to people to
6 find out what issues you're having in
7 reference to how can we help you do
8 business in the City of Philadelphia.
9 It's more of, Well, I'm here, you come to
10 talk to me, as opposed to what I think it
11 should be more of, you going out into the
12 community. I know the Commerce
13 Department does that in reference to our
14 commercial corridors, but too often I see
15 OEO as more of a reactive perspective as
16 opposed to proactive.

17 I mean, there are various
18 contractors here today. I'm not sure if
19 you've had conversation with any of them
20 over the years, but the whole wait and
21 see approach is not going to change the
22 dynamic. So let me ask another question.

23 MS. DOWD-BURTON: Councilman --

24 COUNCILMAN GREEN: While I
25 still have my voice. Hold on. Let me

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 ask another question while I still have
3 my voice.

4 Do you think it's fair that
5 contractors have to go outside of the
6 City for certification?

7 MS. DOWD-BURTON: I think
8 contractors can go wherever they choose
9 to seek certification if they're
10 interested in being certified. And I
11 encourage them to look at the different
12 opportunities they have for certification
13 that are on our website.

14 I wanted to quickly follow up
15 on your comments regarding --

16 COUNCILMAN GREEN: Let me
17 restate the question. Do you think it's
18 fair that we as the City of Philadelphia
19 are telling contractors that we cannot
20 provide you a certification, you have to
21 go to SEPTA, New Jersey, and other
22 locations as opposed to going through the
23 City of Philadelphia?

24 MS. DOWD-BURTON: I think it's
25 fairer to tell them that there are

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 options that they have as opposed to
3 having them come to one location. I
4 think those certifying agencies are a lot
5 more prepared and staffed to provide
6 certification services than the City is,
7 and our focus right now is making sure
8 that there are more opportunities in the
9 market than have ever been there before.
10 And so if we can allow those who are best
11 at certifying to provide those services
12 and we provide opportunities, contracting
13 opportunities and inclusivity, then
14 that's where our wheelhouse is strongest,
15 and our numbers show that.

16 We have been proactive over the
17 last six and a half years that I've been
18 in this role. We have gone out into
19 communities. I've met with the National
20 Association of Minority Contractors. I
21 meet with other stakeholders and bring in
22 minority and women-owned businesses,
23 especially those that are in our registry
24 already, but tying into the network that
25 the minority contracting community has to

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 invite them to participate in programs,
3 in events, in capacity-building processes
4 offered by contractors, as well as the
5 Office of Economic Opportunity. And
6 we'll continue to be proactive and to
7 extend our services wherever we are
8 called upon to do that. Yes, we have
9 limited resources, but we try to be where
10 we need to be in order to make sure that
11 this business community is covered.

12 COUNCILMAN GREEN: Mr. Chair,
13 I'll close on this point. I guess
14 because I've been in this building for a
15 little bit longer than six and a half
16 years, I remember when MBEC was doing
17 certification, and there was MBEC as well
18 as other organizations that were doing
19 certification. From my experience, part
20 of the reason why MBEC was no longer
21 doing certification was it was not doing
22 it properly, and I think part of the
23 issue is that we need a more aggressive
24 stance and not just relying on the
25 registry, and if additional resources are

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 needed, that request and call should be
3 coming to Council to advocate for those
4 dollars in the City budget process.

5 (Applause.)

6 COUNCILMAN JONES: Thank you.

7 The Chair recognizes first
8 Councilwoman Parker and then Councilwoman
9 Blackwell.

10 COUNCILWOMAN PARKER: Thank
11 you, Mr. Chair.

12 And good afternoon. Welcome.

13 MS. DOWD-BURTON: Good
14 afternoon.

15 COUNCILWOMAN PARKER: For the
16 record, if you will, give us an overview
17 of the current threshold, which we see
18 here \$250,000 and just give us a brief
19 summary. Because somebody is watching
20 and they want to know what kind of
21 contracts were awarded that met that
22 \$250,000 threshold. And with the
23 \$100,000 threshold, tell us about others
24 who would be considered when you think
25 about that 250 number. Because when you

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 talk about reducing the threshold, the
3 general layman or woman is saying, This
4 is going to provide more of an
5 opportunity for us to participate. Where
6 and how? And what industry should they
7 be paying very close attention to?

8 MS. DOWD-BURTON: Well, so,
9 Councilwoman, this is the City of
10 Philadelphia and there are a variety of
11 contracts for the Water Department,
12 Aviation, Public Property, License and
13 Inspection, at Streets Department. And
14 so the larger contracts are typically
15 more the capital improvement, expansion.
16 Some offer repairs. And when you look at
17 the smaller projects, there may be an
18 installation of a piece of equipment.
19 There may be a smaller repair in various
20 facilities. And so identifying a
21 specific category would be difficult,
22 because it runs the gamut of what does
23 the City need at any point in time from a
24 capital improvement or repair sense.

25 COUNCILWOMAN PARKER: Let me

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 tell you why I ask that question, and I
3 respect your response 1,001 percent, but
4 when you have not had a seat at the table
5 and you haven't been a part of the game,
6 what other people know of as natural
7 because they have institutional
8 knowledge, because they've been a part of
9 the process, and the idea that I may have
10 a skill set associated with the
11 installation of -- of home installation.
12 So you know how you when you walk by the
13 building and you can see them actually
14 putting up the insulation, and they're
15 doing -- maybe I have that skill set, but
16 I don't know that that is a very specific
17 element that my skill set, with that, I
18 would be eligible to participate in. I
19 think that is what Councilman Green was
20 talking about when he talked about making
21 sure that we're communicating with the
22 constituency that hasn't traditionally
23 had a seat at the table. And when we
24 talk about speaking with them, sometimes
25 we actually use the jargon and lingo of

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 an industry that those who are having a
3 seat at the table are already very much
4 familiar with, because they've been the
5 people who are doing the business. I
6 would venture to say that if it is at all
7 possible for us to develop any kind of
8 promotional material that can be
9 distributed at a very grassroots level,
10 I'm talking about neighborhood-based
11 facilities, like rec centers where we see
12 constant traffic, right, non-traditional
13 folks who may not be in town but doing
14 work and finding a way to survive, if we
15 can find a way to actually explain in the
16 most basic way possible so that people
17 can begin to look and say, Let me see if
18 I can fit in anywhere, if my skill set is
19 applicable, is that something that your
20 office could do and work on doing?

21 MS. DOWD-BURTON: We absolutely
22 can work with the different departments.
23 In fact, one of the things that we're
24 looking at is pulling together -- and the
25 Streets Department has already expressed

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 interest in this. Public Property has
3 already expressed some interest. And
4 we're looking at -- Water Department has
5 very much been engaged in the outreach
6 kinds of programs in the community. And
7 so we absolutely -- and Aviation as well.
8 I can add them. We absolutely can look
9 at how we not only structure the emerging
10 opportunities in general, but what the
11 key components of specific kinds of,
12 let's say, public property alone. When
13 you look at a building, which typically
14 those are the projects to have more
15 opportunities of participation, you're
16 building, you're repairing, whether it's
17 painting or carpentry or electrical,
18 those kinds of things, we can certainly
19 be a lot more elaborate in. I'd have to
20 talk to the Commissioner to talk about
21 the resources available, but I think
22 she'd be amenable to helping us develop a
23 program for the community in that area.

24 COUNCILWOMAN PARKER: Let me
25 ask you, have we had any communication

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 with our non-School District based CTE
3 programs -- that's the career and
4 technical education programs -- that are
5 operating throughout the City of
6 Philadelphia but not necessarily
7 connected to the School District of
8 Philadelphia? Have we established any
9 formal networking or communication with
10 them as it relates to how this process
11 moves forward? And, again, from a very
12 grassroots perspective, I want you to
13 think about my context. At Limekiln Pike
14 and Washington Lane in the 9th
15 Councilmanic District, we have the
16 largest Masjid in the City of
17 Philadelphia housed there. They also
18 house a career and technical education
19 program, with a lot of non-traditional
20 students who you wouldn't expect to be in
21 the program, because they're not
22 affiliated with many of the
23 apprenticeship programs offered through
24 the trades.

25 Do we have any formal

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 relationships with those types of
3 entities?

4 MS. DOWD-BURTON: So we were
5 just this morning at a meeting where the
6 School District --

7 COUNCILWOMAN PARKER: I'm
8 sorry. You said this morning?

9 MS. DOWD-BURTON: Just this
10 morning, with a representative from the
11 School District who is sharing doing an
12 economic opportunity oversight committee.
13 The fact that the School District had
14 1,000 students, 7th and 8th graders,
15 participated in educational programs,
16 non-traditional areas. Many of the union
17 representatives were there to talk about
18 different opportunities within the
19 construction trades. We also had the
20 National Association of Women in
21 Construction represented, because we're
22 trying to attract more young ladies into
23 that field, and we know that we need to
24 start early to gain that traction so that
25 they are thinking about opportunities for

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 what's ahead of them, how do they plan to
3 study in school, what are they taking,
4 how are they positioning themselves from
5 an educational standpoint, from an
6 exposure standpoint to look at all
7 careers, including construction.

8 COUNCILWOMAN PARKER: So I
9 thank you for that response, and I always
10 think that it is important to try to help
11 encourage and mold young minds and for
12 young people to think about expanding
13 their horizons. But the reason why I
14 talked about the CTE programs in
15 particular is because the graduates and
16 the participants in these programs, they
17 are ready to work now. So these are not
18 like the 7th and 8th graders. These are
19 people -- and particularly the program
20 that I know I'm referencing, you know,
21 retired carpenters and electricians and
22 other skilled tradespeople are part of
23 providing the instruction in that
24 program. So, again, I want to make a
25 strong push for a connection and

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 collaboration with the CTEs.

3 Finally, I want to say to you
4 just from an overall perspective -- and
5 we don't need to beat a dead horse. I
6 think Chairman Jones was like really
7 clear that the goals and objectives, all
8 of it needs to take place before the vote
9 occurs, right, here in this body, and I
10 support that notion. But I also want you
11 to note that from the concept of any of
12 the revenue that we're talking about
13 voting for, I also think about the
14 consumption in our neighborhoods for many
15 of these retail outlets. Although we're
16 not talking about trades, we're talking
17 about small business owners and retail
18 outlets. It troubles me to think about
19 the high level of consumption that I've
20 heard hammered and hammered and hammered
21 in the minority community, and as you
22 travel through the minority community,
23 you ask yourself when you look at many of
24 these neighborhood corner stores, how
25 many of them are owned by the people who

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 actually live in those communities and --

3 (Applause.)

4 COUNCILWOMAN PARKER: And I
5 will dare say to you that in no way,
6 shape or form do I not believe that those
7 small businesses yield a great deal in
8 U&O and sales taxes and provide great
9 value in our communities, but I also know
10 they would not be there if there were not
11 great profit in running those
12 neighborhood corner stores.

13 So while we're also talking
14 about diversity and inclusion -- and
15 obviously I support the goals and intent
16 in this legislation -- we also should
17 walk and chew gum at the same time and
18 that we have to develop an opportunity
19 not just for existing small businesses
20 but aspiring, aspiring small business
21 owners or residents in neighborhoods.

22 (Applause.)

23 COUNCILWOMAN PARKER: To think
24 that owning the neighborhood corner store
25 is also -- it also can provide a viable

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 future and a viable option. And so as
3 you are at the table as our sort of head
4 of all of this effort, spokesperson, I
5 ask you to make sure that you echo those
6 sentiments. I definitely have directly
7 to the Administration. I've had several
8 talks with our leadership here and our
9 Council President. I've talked to my
10 colleagues about that, and right now the
11 time is ripe. We should not wait. While
12 everybody is talking about who is going
13 to pay or bear the burden of this tax --
14 and I don't care if you're talking about
15 sugary-sweetened beverage. I don't care
16 if you're talking about container. The
17 people you are talking about who are
18 going to consume the brunt of paying that
19 tax, they don't own those stores that
20 sell that merchandise in the
21 neighborhood.

22 (Applause.)

23 COUNCILWOMAN PARKER: So thank
24 you, Mr. Chairman, for your patience, and
25 thank you so very much.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Not at all,
3 Councilwoman.

4 MS. DOWD-BURTON: Thank you,
5 Councilwoman.

6 COUNCILMAN JONES: Our
7 pleasure.

8 Councilwoman Blackwell.

9 COUNCILWOMAN BLACKWELL: I'll
10 wait. I want to hear what Wilson is
11 going to say.

12 COUNCILMAN JONES: We're going
13 to ask our economic development expert,
14 Wilson Goode, to talk about this. And
15 keep in mind, folks, we have 23 witnesses
16 after this. So if you could codify and
17 if you're saying a lot of the same thing,
18 can we kind of jointly make statements,
19 because we'll be here for a while. All
20 right?

21 Wilson Goode.

22 COUNCILMAN GOODE: Good
23 afternoon, Chairman Jones and members of
24 the Commerce and Economic Development
25 Committee. My name is W. Wilson Goode,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Jr., Senior Policy Advisor for the Office
3 of the Council President.

4 I do not have prepared
5 testimony, but I have remarks to bring in
6 some policy and legislative context to
7 this bill.

8 Several years ago,
9 then-Councilman Clarke introduced the
10 first Economic Opportunity Plan
11 legislation and set the threshold at
12 250,000. The Street Administration asked
13 for that threshold to be raised to a
14 million dollars. And so it was set at a
15 million dollars for a few years. Then
16 Councilman Clarke decided to lower that
17 threshold from a million dollars to
18 hopefully \$100,000, and the Street
19 Administration balked at that suggestion,
20 and the compromise was to set the
21 threshold at \$250,000.

22 Since that time, the City has
23 gone from issuing about 623 contracts
24 between Fiscal Year '07 and Fiscal Year
25 '10 for service, supply, and equipment

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 and public works, but since that time,
3 from 2011-2015, that number has grown to
4 2,042 contracts. So the number of
5 contracts has grown. The number of
6 contracts at the smallest threshold has
7 grown. And to put it in a nutshell, two
8 things are true. Had we lowered the
9 threshold to \$100,000 between 2011-2015,
10 15 percent of the contracts related to
11 public works and service, supplies, and
12 equipment would have been covered, and
13 that's 256 service, supply, and equipment
14 contracts and 57 public works contracts,
15 for a total of 313 contracts that while
16 they have anti-discriminatory language,
17 did not have actual economic opportunity
18 goals. And so we actually left those
19 contracts on the table, because we didn't
20 lower the threshold before.

21 So to also address the intent
22 of this bill, if we are focused on
23 rebuild, lowering the threshold to
24 \$100,000 will absolutely provide more
25 diversity and inclusion.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Thank you.

3 COUNCILMAN JONES: For
4 Councilwoman Reynolds Brown, who you sat
5 next to for a very long time, could you
6 repeat that last paragraph.

7 COUNCILMAN GOODE: Two things.
8 Had we lowered the threshold to \$100,000
9 between the years Fiscal Years 2011-2015,
10 313 more contracts in terms of service,
11 supply, and equipment and public works
12 contracts would have had not just
13 anti-discriminatory language, but would
14 have actual economic opportunity goals.
15 That's 256 service, supply, and equipment
16 contracts and 57 contracts in terms of
17 public works. Therefore, we left
18 contracts on the table without goals that
19 we can now capture.

20 And so if our focus now is on
21 rebuild, then lowering that threshold to
22 \$100,000 will absolutely cause more
23 diversity and inclusion, because it will
24 open up opportunity for those contracts
25 between \$100,000 and \$250,000.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Succinctly
3 put. Thank you.

4 COUNCILMAN GOODE: Thank you.

5 COUNCILMAN JONES: The Chair
6 recognizes the presence of Councilman
7 Johnson as well.

8 Who is the next group of
9 witnesses to testify and if we could read
10 their names.

11 THE CLERK: There's no more
12 witnesses on this bill. We can move to
13 the next bill.

14 COUNCILMAN JONES: There's no
15 more witnesses on this bill. Can you
16 read the title of the next bill.

17 THE CLERK: 160370, an
18 ordinance amending Title 17 of The
19 Philadelphia Code, entitled "Contracts
20 and Procurement," by adding provisions
21 requiring the City Contractors to pay
22 subcontractors promptly and setting forth
23 an alternative process for prompt
24 payment, all under certain terms and
25 conditions.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Can you read
3 the first group of witnesses to testify
4 on this bill.

5 THE CLERK: For Panel 1, the
6 first witness to be testifying would be
7 Angela Dowd-Burton.

8 COUNCILMAN JONES: Come on
9 back.

10 (Witness approached witness
11 table.)

12 COUNCILMAN JONES: Long time no
13 see. Well, you could have stayed up
14 there.

15 Would you please state your
16 name again and read your testimony.

17 Before you start, the Chair
18 recognizes Councilwoman Bass for remarks.

19 COUNCILWOMAN BASS: Thank you,
20 Mr. Chairman.

21 I want to thank the Committee
22 and in particular the Committee Chair and
23 co-sponsor, Councilman Curtis Jones, Jr.,
24 for listening to this very important
25 bill. This is a bill that will provide

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 an important and critical remedy for the
3 many subcontractors in our City contracts
4 who are disproportionately minority,
5 women, and disabled-owned businesses.

6 During the course of my
7 travels, I have met with many
8 contractors, some of whom are here today
9 to testify, who just cannot afford to do
10 business with the City of Philadelphia
11 because of its slow payment process. And
12 it's wrong to balance our City contracts
13 on the back of subcontractors, which is
14 essentially what has been happening in
15 Philadelphia.

16 (Applause.)

17 COUNCILWOMAN BASS: I am
18 appreciative of the Administration
19 working closely with my office to fine
20 tune our bill, and I wholeheartedly
21 support the amendments offered today. I
22 ask for this Committee's support because
23 the financial success of these
24 subcontractors means economic development
25 for our city and its neighborhoods.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 This bill allows
3 subcontractors, rather than waiting until
4 the completion of a project to get paid,
5 will allow them to be paid a significant
6 portion of the invoice submitted. This
7 payment from PIDC or a similar funder is
8 a lifeline for our subs, allowing them to
9 participate and grow their business while
10 supporting our city's economy.

11 I again want to thank my
12 colleagues on the Committee. Thank you
13 all for being here today, all of our
14 subcontractors that came out to testify,
15 acknowledging that you are taking time
16 away from your business because you are
17 aware of what was and, in working with
18 our office, know what should be.

19 So, again, I want to thank
20 everyone for being here today to testify
21 on this very important bill, and hope to
22 bring about a change in the way we handle
23 payment, particularly to our
24 subcontractors.

25 Thank you, Mr. Chairman.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Thank you,
3 Councilwoman.

4 (Applause.)

5 COUNCILMAN JONES: Thank you so
6 much for paying attention to this
7 important issue. If we're doing all of
8 this construction, we'd better get this
9 right, that's for sure. Thank you,
10 Councilwoman Bass.

11 Please proceed with your
12 testimony.

13 MS. DOWD-BURTON: Good
14 afternoon, Chairman Jones, Councilwoman
15 Bass, and members of the Committee of
16 Commerce and Economic Development. My
17 name is Angela Dowd-Burton. I am
18 Executive Director for the Office of
19 Economic Opportunity.

20 I am here today to provide
21 testimony in support of Bill No. 160370
22 sponsored by Councilwoman Bass. This
23 bill, along with proposed amendments,
24 seeks to require the City contractors to
25 pay subcontractors promptly and set forth

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 an alternative process for prompt
3 payment. The Administration wishes to
4 thank Councilwoman Bass and her staff for
5 their openness to collaboration with OEO
6 and others in crafting amendments that
7 reflect the needs of the minority, women,
8 and disabled-owned businesses as
9 subcontractors, as well as maintain
10 efficiency in the contracting process.

11 Small businesses are a vital
12 segment of this city's economy. In
13 Fiscal Year 2015, the City's operating
14 departments awarded 31 percent of
15 contracting opportunities to minority,
16 women, and disabled-owned businesses.
17 For the first time, these disadvantaged
18 businesses exceeded \$200 million in
19 contracts as primes and subcontractors
20 just on City-awarded contracts. An
21 important test of participation and
22 inclusion is the timely flow of funds
23 into this disadvantaged business
24 community for services performed and
25 goods supplied.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Businesses that participate on
3 City contracts should be paid in a timely
4 fashion. In fact, in 2013, the Office of
5 Economic Opportunity launched the
6 Contract Compliance Reporting System with
7 a mission of tracking City payments from
8 prime contractors to subcontractors.

9 Most recently, the City
10 announced a new initiative that will
11 engage operating departments in an effort
12 to ensure prime contractors report on
13 previous payments to subcontractors
14 before receiving subsequent contracts
15 from the City. This initiative will move
16 us one step closer to confirming that
17 M/W/DSBEs actually receive an equitable
18 share of the City's contract spend.

19 In addition, the Chief
20 Administrative Office, Finance
21 Department, Law Department, the Office of
22 Economic Opportunity -- and I should add
23 the Office of Information and
24 Technology -- and others are working
25 closely together to streamline the time

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 it takes to conform contracts and process
3 payments. Our overall goal is to attract
4 more companies to do business with the
5 City, thereby creating a more competitive
6 process and reducing costs. The Commerce
7 Department also works to promote the
8 availability of credit for small
9 businesses in the marketplace.

10 This concludes my testimony. I
11 will be happy to answer any questions you
12 may have at this time.

13 COUNCILMAN JONES: Thank you so
14 much for your testimony.

15 Are there any questions for
16 this witness?

17 Seeing none -- wait a minute.
18 One question. So what is your average
19 receivable in general for prime
20 contractors and what is the average for
21 minority contractors? Do you know that?

22 MS. DOWD-BURTON: When you say
23 "receivable," you mean time to pay?

24 COUNCILMAN JONES: 90 plus, 120
25 plus?

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MS. DOWD-BURTON: I don't have
3 that number. We're working with the
4 Finance Department on that, and it's
5 really a matter of how long it takes to
6 conform a contract. And you're familiar
7 with the contracting process. There are
8 some companies that initiate work prior
9 to having a contract in place, and with
10 delays in conforming contracts, that
11 delays the ability to pay those
12 contractors and suppliers that respond to
13 the City's needs.

14 COUNCILMAN JONES: So how much
15 time, staff time, have you dedicated to
16 this particular portion of the puzzle,
17 prompt pay?

18 MS. DOWD-BURTON: How many?

19 COUNCILMAN JONES: Do you have
20 someone working on it? Is there a study
21 somewhere?

22 MS. DOWD-BURTON: So the
23 departments that are engaged in the
24 process include the Finance Department,
25 the Law Department, the Controller's

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Office, the Office of Economic
3 Opportunity, and others that are engaged
4 in touching those documents that require
5 sign-off from the City.

6 COUNCILMAN JONES: So Revenue
7 Department, treasury?

8 MS. DOWD-BURTON: Yes.

9 COUNCILMAN JONES: So is there
10 an objective to analyze and then review
11 and then change?

12 MS. DOWD-BURTON: Absolutely.

13 COUNCILMAN JONES: So do we
14 have a timetable for that?

15 MS. DOWD-BURTON: So I don't
16 have the timetable.

17 COUNCILMAN JONES: That's fair.

18 MS. DOWD-BURTON: I know that
19 we're moving -- well, I won't speak for
20 the Chief Administrative Officer. I will
21 say that I participate and my team
22 participates on that committee and that
23 our commitment is to streamline the
24 process, because we know how important
25 that commitment is.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: So you've
3 been up to testify now on several bills.
4 If you notice the theme of those bills --

5 MS. DOWD-BURTON: Yes.

6 COUNCILMAN JONES: -- are to
7 break down walls, barriers to inclusion.
8 And these aren't something that we just
9 thought of overnight. These are things
10 that have persistently, since I was on
11 the other side of that table, haunted
12 minority and female contractors and been
13 barriers to inclusion. So, again, as we
14 start to work with a new Administration,
15 we are not going to say with all
16 deliberate speed, because you know what
17 that got.

18 MS. DOWD-BURTON: Sure.

19 COUNCILMAN JONES: We are
20 setting firm timetables, because every
21 day that we don't, there's another
22 company that starves to death because
23 somebody won't pay him, and that has
24 often been used as a tactic to put people
25 out of business.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MS. DOWD-BURTON: Absolutely.

3 COUNCILMAN JONES: So it is our

4 intention to make sure that we put a

5 period at the end of sentences, so that

6 these things don't linger out for long.

7 So, again, a lot is riding on either our

8 working with the Administration to break

9 down these barriers together or left unto

10 our own devices, you know we are capable

11 of just making moves, and sometimes

12 they're wrong moves, so we want to work

13 with you to do that. So we're anxiously

14 anticipating the results of your

15 findings, listening to your recommended

16 strategies. But, again, left unto our

17 own devices, we will get the ball

18 rolling.

19 MS. DOWD-BURTON: Understood.

20 COUNCILMAN JONES: Thank you

21 for your testimony.

22 No other questions?

23 Councilwoman Bass has a

24 question.

25 COUNCILWOMAN BASS: I'm sorry.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 No other questions for Angela, but I just
3 wanted to add on to my remarks that I
4 really wanted to thank my staff for
5 working so hard on this, Tyrone Barge --

6 (Applause.)

7 COUNCILWOMAN BASS: As you can
8 tell, they've been meeting a lot with
9 folks.

10 Tyrone Barge, Shoshana
11 Bricklin, Andre Sawyer, and also John
12 Christmas, who isn't here today, but
13 thank you. I just wanted to mention my
14 staff for helping.

15 (Applause.)

16 COUNCILMAN JONES: Councilman
17 Henon. The Chair recognizes Councilman
18 Henon.

19 COUNCILMAN HENON: Thank you,
20 Mr. Chairman.

21 Angela, Ms. Burton, if you
22 could please approach. I apologize.

23 And I want to commend the
24 sponsor, Councilwoman Bass, for the
25 prompt pay legislation and the attempt to

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 not only make sure -- what can happen is
3 people can go out of business. They
4 don't get paid, they go out of business.
5 We're trying to echo the comment that our
6 Chairman just said, that there's an
7 overwhelming theme of giving people
8 opportunities in the City of
9 Philadelphia. We have Councilwoman
10 Parker talking about small businesses, a
11 majority not being owned by the City of
12 Philadelphia. We're talking about
13 Philadelphians getting a real chance to
14 go to work, starting on their School
15 District, being prepared with CTE, being
16 prepared with a trade, being prepared
17 with a business acumen to succeed, not
18 set up for failure. And if people aren't
19 getting paid, they should go somewhere
20 else, and that's how I feel. I've
21 experienced this, not as a Councilmember
22 with the stadiums. The stadiums, there
23 was a major issue with minority
24 contractors and women-owned and
25 veteran-owned contractors who were not

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 being paid and we had to have hearings in
3 this chamber. We packed the house. The
4 building trades, the chambers of
5 commerce, the elected officials, people
6 in the community, the employees all were
7 here rallying around the same concern
8 that we are here now in 2016 talking
9 about, prompt pay, as Councilwoman Bass
10 is recognizing as an issue.

11 We're lowering the thresholds.
12 We're lowering the thresholds. It does
13 no good if we're not set up for success.

14 So my question is, with all of
15 that in mind and we're all headed in the
16 same direction here to have
17 Philadelphians be paid and be paid on
18 time, how long does it take the City to
19 make a payment for a vendor or
20 contractor?

21 MS. DOWD-BURTON: I can't
22 answer that question. The Finance
23 Department and the various operating
24 departments are really studying how long
25 it takes to process a transaction, and it

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 really depends on whether or not an
3 invoice is coming in, number one,
4 accurately, timely, whether or not it's
5 coming in before a contract is in place.
6 And so there are varying -- there's any
7 number of reasons, and we want to
8 eliminate those reasons. We know that
9 there are structural challenges in our
10 system, and some of it goes back to the
11 legislation and the forming of the
12 Charter, where we have a three-part
13 payment process. And so we know that
14 there are issues. This Administration is
15 prepared to accept the challenge to
16 streamline the process so that we are
17 engaging more companies in the
18 procurement process.

19 COUNCILMAN HENON: So now
20 you're talking about some of the issues
21 that are the challenges. You answered
22 some of the streamlining issues. You
23 answered some, not all, of the challenges
24 that might streamline it. I think it's
25 coming back to we want to make sure all

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 these pieces of the puzzle that we're
3 trying to put together come under a
4 predictable and accessible and
5 transparent procurement process that I
6 think we need to really streamline and
7 to -- for contractors and vendors who
8 perform a service on a timely -- as per
9 their contract, get paid timely or
10 they're out of business. And that's
11 Philadelphians out of business. And by
12 the way, we're talking public works,
13 right? So that's public resources and
14 dollars and public property that we're
15 talking about here. So we want people to
16 be happy.

17 Furthermore, a quick turnaround
18 encourages vendors to do the business in
19 the City, not discourage them, not give
20 them opportunities to say that the
21 hurdles or the challenges or the
22 requirements are too onerous because I
23 don't know if I'm going to get paid. I
24 don't know what the timeline is for
25 streamlining the process. And I think it

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 comes down to our Procurement and the
3 Information and Technology and what the
4 CIO is doing, and I think that it is
5 critical -- and I stated this not just
6 earlier but in all the budget hearings.
7 And it's not just myself. I think it's
8 just about every member of this
9 legislative body has concerns with prompt
10 pay, has concerns with outreaching to
11 certain communities in the City of
12 Philadelphia, giving everybody the
13 opportunities. But if we don't have a
14 system on the back end -- on the front
15 end it may look great and we can have
16 this really cool-looking website, and
17 then you got to go through 15 links just
18 to get a piece of information. The back
19 end is useless. So our back end needs to
20 be consistent, just like we were talking
21 about with sick pay and the 21st living
22 wage being connected together. So these
23 processes, these legislations, this
24 threshold needs to come together in a
25 procurement process that works.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 So it's more of a statement. A
3 couple questions again. I want to thank
4 Councilwoman Bass for recognizing this,
5 where you have people who may be leaving
6 the City. Let's give them a reason to
7 stay in the City, to invest in their
8 neighborhood and raise their family.

9 MS. DOWD-BURTON: We agree.

10 COUNCILMAN HENON: Thank you.

11 MS. DOWD-BURTON: Thank you,
12 Councilman.

13 COUNCILMAN JONES: Councilman,
14 that covers every part of the City, every
15 part. Same problem everywhere.

16 Councilwoman Blackwell.

17 COUNCILWOMAN BLACKWELL: Thank
18 you.

19 I want to thank all my
20 colleagues who care about this issue and
21 who work so hard, but we still are
22 unfortunately where we were. We still
23 have the issue of how we monitor those
24 who are working that hadn't changed.
25 We're still where we were. Very, very

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 frustrating. All of you know I represent
3 West Philly. You know how much work is
4 out there.

5 (Applause.)

6 COUNCILWOMAN BLACKWELL: And
7 you know how frustrated we are, and you
8 know that they do not meet the numbers
9 for inclusion. They just don't. You
10 don't -- nobody has to even --

11 (Applause.)

12 COUNCILWOMAN BLACKWELL: Nobody
13 has to even tell you that.

14 I started not to speak, because
15 it's still the same, and we have so much
16 work out there and so many people who
17 need jobs and so many people who have
18 companies or who want a chance to work
19 for a company, and yet we don't have
20 accounting that is the real thing. We
21 still have all of these license tags from
22 out of the City. We still have people
23 who see what's happening every day and we
24 come here every year. Well, we're trying
25 to work out something. I want a change,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 as all of us do, and we are determined
3 that we're going to have a change in West
4 Philly.

5 (Applause.)

6 COUNCILWOMAN BLACKWELL:

7 Because there's just too much work. The
8 numbers are too big. There's too much
9 money being invested and too many people
10 who live right here in our city who don't
11 get a chance.

12 (Applause.)

13 COUNCILWOMAN BLACKWELL: So we
14 don't have it resolved, but believe me,
15 we're working hard. We're working hard.

16 (Applause.)

17 COUNCILMAN JONES: Thank you,
18 Councilwoman. I'm glad you did speak.

19 COUNCILWOMAN BLACKWELL: Thank
20 you.

21 COUNCILMAN JONES: There are
22 no -- Councilman Domb.

23 COUNCILMAN DOMB: Thank you,
24 Mr. Chairman.

25 I just have a quick question,

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 and I want to thank Councilwoman Bass for
3 this bill too.

4 But do we pay late fees on
5 these bills if we don't pay on time?
6 Because most contractors, I believe,
7 would add on a late fee if not paid
8 within 30, 60 or 90 days, a certain level
9 of late fees. Are we paying late fees on
10 these bills?

11 MS. DOWD-BURTON: No, we're
12 not.

13 COUNCILMAN DOMB: We're not?
14 Okay. Thank you.

15 (Applause.)

16 COUNCILMAN JONES: In the
17 private sector, prompt pay is an
18 important part of doing business, 30
19 days. So good point. Thirty days is a
20 reasonable receivable in the private
21 sector?

22 COUNCILMAN DOMB: Thirty days
23 is pretty typical. In fact, in my office
24 we pay within a week, because you're
25 going to get people to work for you.

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 People will work better when you pay them
3 quicker, and your prices are cheaper.

4 (Applause.)

5 COUNCILMAN JONES: Well said,
6 Councilman.

7 Are there any other questions
8 for this bill?

9 (No response.)

10 COUNCILMAN JONES: Seeing none,
11 can you read the next group of witnesses
12 to testify on this bill.

13 THE CLERK: The next witnesses
14 will be Jihad Ali, David Ross, and Rabbi
15 Mordechai Liebling.

16 COUNCILMAN JONES: Can the
17 three of you come up to the table, and we
18 will take your testimony in that order.
19 Thank you for your patience.

20 (Witnesses approached witness
21 table.)

22 COUNCILMAN JONES: Bring the
23 mic closer to you. State your name for
24 the record and please begin your
25 testimony.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MR. ALI: Good afternoon,
3 Chairman Jones and other honored members
4 of the Commerce and Economic Development
5 Committee. I am Jihad Ali, President of
6 the Contractors Roundtable testifying in
7 support of Bill 160370.

8 Councilman, since you've asked
9 for us to summarize, I'm just going to
10 summarize in two paragraphs.

11 Subcontractors must meet the
12 necessary fringe benefits and expenses
13 for personnel as well as other operating
14 costs. For a union shop, these monies
15 must be paid by the end of each month and
16 sometimes weekly. When the subcontractor
17 does not meet this obligation, he or she
18 in most cases is immediately suspended
19 and thus no longer able to put men and
20 women on their jobs. The scope of work
21 is interrupted; therefore, placing their
22 contract at risk and too often cancelled.
23 To consider this in perspective,
24 subcontractors are pre-funding their jobs
25 for developers and general contractors

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 and prime subs. When not paid in a
3 timely fashion, it puts the motion -- it
4 puts in motion a set of circumstances
5 that begins with financial difficulties,
6 resulting in an inability to meet
7 contractual obligations and putting the
8 company out of business. That's the
9 facts.

10 The other paragraph I'd like to
11 quote, I'd like to quote one of the
12 greatest leaders of our century. That's
13 Dr. Martin Luther King. In Birmingham
14 jail in 1963, he said, I am coming to
15 feel that people of ill will have used
16 time much more effectively than people of
17 goodwill. We will have to repent in this
18 generation not merely for the vitriolic
19 words and actions of bad people, but for
20 the appalling silence of good people. We
21 must come to see that human progress
22 never rolls in on the wheels of
23 inevitability. It comes through the
24 tireless efforts and persistent work of
25 men and women willing to be co-workers

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 with God, and without this hard work,
3 time itself becomes an ally of the forces
4 of social stagnation. We must use time
5 creatively, and forever realize that the
6 time is always ripe to do right.

7 This Bill 160370 is the right
8 thing to do, and this Council is doing
9 the right thing.

10 Thank you.

11 (Applause.)

12 COUNCILMAN JONES: Thank you,
13 Mr. Ali.

14 RABBI LIEBLING: Good
15 afternoon, Chairman Jones. I am one of
16 your constituents.

17 COUNCILMAN JONES: We do
18 potholes on Tuesday.

19 RABBI LIEBLING: Okay. I hope
20 so.

21 I guess I'm here to provide a
22 little bit of a historical perspective,
23 because this is a 3,000-year-old problem.
24 In the Bible it says very clearly in the
25 Books of Leviticus and in Deuteronomy,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 you shall not oppress a hired servant
3 that is poor and needy, whether he be of
4 thy brethren or strangers that are in thy
5 land within your gates. In the same day
6 that you shall give him his wage, the sun
7 shall not go down before you pay, for
8 your worker is poor and his heart and
9 soul needs that money.

10 So this is very clearly stated
11 in the Bible. In the Jewish tradition
12 and then in our sister religions and
13 Christianity and Islam, the same idea is
14 picked up, and in the foundation of
15 Jewish law, the book of the Talmud, it
16 says that if you don't pay your worker on
17 time, you are guilty of six separate
18 sins. If you don't pay your worker on
19 time, you are oppressing your neighbor,
20 you are stealing, you are oppressing the
21 poor, you are failing to pay wages in a
22 due date, and you're failing to pay wages
23 at sunset.

24 So if the City would like to be
25 in compliance with all of the western

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 religious traditions, it needs to pass
3 legislation to make sure that all the
4 workers are paid on time, because we have
5 known for centuries, for millennia, that
6 people need to eat, people need to pay
7 rent, and they have to be paid on time to
8 pay their rent and feed their families.

9 (Applause.)

10 COUNCILMAN JONES: Thank you
11 for your testimony.

12 MR. ROSS: Good afternoon and
13 thank you, panel. I'm here -- my name is
14 David Ross. I'm in support of the Bill
15 160370. I'd like to thank you for
16 allowing me to testify today, and I'm
17 here from Connection Training Services.
18 And some of you may not know, Connection
19 Training Services has been around for
20 almost three decades training individuals
21 in construction trades, carpentry and
22 other disciplines. A lot of the high
23 industry certifications and trainings
24 that we provide, such as fiberoptics,
25 plumbing, retrofit, demolition, we have a

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 great, great success with getting people
3 employed in these areas.

4 Recently, we have found through
5 our research that a lot of people have
6 not gone back into -- let's say a lot of
7 people we deal with are people that are
8 returning citizens. So a lot of them
9 have not gone back into incarceration,
10 not due to the fact that they chose and
11 found out that they were going to be
12 working in construction, but they had to
13 change their career path due to the fact
14 that there were roadblocks in doing so.

15 YouthBuild for one, we've
16 taken -- have like an 80 percent
17 graduation rate with people certified in
18 the construction field, but outside of
19 that, getting them a job in that certain
20 field, it's been a hardship.

21 In going forth with individuals
22 that are just coming home who have 20, 30
23 years in the background of construction
24 or demolition or whatever, they are
25 totally ignored by, you know, let's say,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 unions that come to recruit and stuff
3 like that due to the fact they have a
4 criminal background history.

5 So we have been successful in
6 the sense that we're able to get people
7 employed and not return back to prison,
8 but it's not in the fields of what they
9 desire to do and what they're trained to
10 do and what they had their experience in.
11 And we tried to focus on
12 entrepreneurship. We want to make sure
13 that, you know, a guy who is a trainee
14 today can become a subcontractor
15 tomorrow. And we see that they are
16 apprehensive about traveling that route
17 knowing that these type of effects have
18 something to do on their livelihood,
19 making sure that they can't stay on the
20 job long or the subcontractor is not
21 paying them or they can no longer stay on
22 the job because there's no money
23 available.

24 So I am definitely in support
25 of this bill.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 (Applause.)

3 MR. ROSS: Speaking from a
4 programmatic point of view, as a
5 programmer, as a director, that, you
6 know, we need to open up gates. We need
7 to have these walls taken down so
8 individuals who are pursuing careers in
9 construction, demolition, whatever, can
10 find a decent and suitable living, and
11 right now that is not happening.

12 Thank you.

13 COUNCILMAN JONES: Thank you
14 for your testimony.

15 MR. ALI: Councilman Jones, I
16 just wanted to say I wanted to thank you,
17 Councilman Jones, and Councilwoman Bass
18 and especially her staff. You know, one
19 of the things Councilwoman Blackwell
20 said, you know, here we are, still we're
21 not changing. Now might be time -- we
22 need to look at who is in that process.
23 Without a doubt we know this Council, I
24 know personally from having appeared over
25 the years down here, this Council is 100

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 percent about bringing about change. But
3 when we look at the Administration --

4 (Applause.)

5 MR. ALI: You know, eventually
6 you have to use logic. When you look at
7 the Administration, you know, Ms. Burton
8 is a lovely lady, but at the end of the
9 day, I don't think that she's getting the
10 best bang for the buck that we need. We
11 need a fighter. And so far what I've
12 seen over my years is the Administration
13 is a barrier. They're gatekeepers for
14 us. They're not letting us go out. And,
15 you know, we think about -- we focus on
16 the unions, but, you know, there's a lot
17 to work out there that's non-union.

18 I just lost my son, and one of
19 the most pleasant memories that I have is
20 he graduated from a trade school and he
21 got a job in the trades, in HVAC. He was
22 employed within three weeks of his job,
23 had a job and a car.

24 So there's a ton of work out
25 there, but we just have to give these

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 people opportunities. Because if you're
3 suffering and you're trying to get a
4 living, you're going to go with --
5 whether it's union, you're going to go
6 with that. And for the record, the union
7 guys are doing what their membership
8 wants them to do. Well, you're our
9 membership. So you have to do for us
10 what the union guys are doing for them.
11 It's nothing wrong with that. It's
12 business. But at the end of the day, if
13 we're not getting results from the
14 leadership in place, like Councilman Oh
15 said, the stewardship, then we need to
16 change that steward.

17 (Applause.)

18 RABBI LIEBLING: I was reminded
19 that I did not identify myself for the
20 record. Rabbi Mordechai Liebling here on
21 behalf of the Jewish Labor Committee.

22 COUNCILMAN JONES: Thank you so
23 much.

24 Thank you all.

25 Angela Dowd-Burton, can you

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 please return to the table, please.

3 And can you read the names of
4 the next group to testify so that they
5 can begin to come behind the rail.

6 THE CLERK: The next witnesses
7 are Shaka Trotter, Al Brown, and Kim
8 Riddick.

9 (Witness approached witness
10 table.)

11 COUNCILMAN JONES: Thank you,
12 Angela.

13 Councilman Henon.

14 COUNCILMAN HENON: Thank you,
15 Mr. Chair.

16 Angela, I just have one
17 question I forgot to mention during our
18 conversation here. The types of
19 employees or workers that are on the job
20 sites, so by law, there are two types of
21 workers. There is a licensed contractor
22 or there is an employee of a licensed
23 contractor. So I wanted to have this
24 conversation with you, so when we go back
25 and we put all the pieces together in the

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 bigger picture and making sure that
3 people are getting prompt pay, that
4 1099's aren't legally -- when it comes to
5 construction, aren't technically
6 recognized. So you don't want a
7 contractor taking advantage of somebody
8 because they can, and that's what
9 happens, and that's how we have the --
10 that's why we have the underground
11 economy here in the City of Philadelphia.
12 That's why we have -- the economy drives
13 the industry, and what happens is the
14 construction industry lags a little bit
15 because their monies are -- they come in
16 a little bit later because they're in the
17 planning process. And so we don't want
18 Philadelphians being taken advantage of,
19 and that includes -- I mean, that's all
20 workers. So for a contractor, there
21 needs to be harsh penalties -- and I mean
22 it, harsh penalties -- for somebody who
23 hires somebody for cash. That's not
24 prompt pay. That's breaking the law and
25 that's taking advantage of somebody's

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 either working situation or not.

3 So I want to make sure that we
4 have legal contractors, licensed
5 contractors, on job sites, no matter who
6 it is, and that we have the right kind of
7 worker that reflects some of the goals
8 and what we're trying to accomplish, not
9 just here but the laws that are on the
10 books.

11 So two types of workers, a
12 licensed contractor or an employee of a
13 licensed contractor.

14 MS. DOWD-BURTON: Got it.

15 COUNCILMAN JONES: Thank you.

16 COUNCILMAN HENON: Thank you.

17 MS. DOWD-BURTON: Thank you for
18 that clarification, Councilman.

19 COUNCILMAN JONES: Thank you
20 for your patience. Can we have the next
21 group of witnesses come to the witness
22 table and begin their testimony in the
23 order in which your name was called.

24 (Witnesses approached witness
25 table.)

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Thank you,
3 guys, for your patience, and thank you
4 for your abbreviated testimony, but you
5 are making your point. Pull the mic to
6 you, Mr. Trotter.

7 MR. TROTTER: Okay. Good
8 afternoon --

9 COUNCILMAN JONES: Good
10 afternoon.

11 MR. TROTTER: -- City Council.
12 My name is Shaka Trotter and I'm a
13 general contractor. I went to the Negro
14 Trade Union in like '76. I've built
15 million-dollar homes for Toll Brothers,
16 David Cutler, Rheeling Engineering. They
17 just call themselves Rheeling now. I
18 mean, just Franklin -- there's just a
19 bunch of contractors.

20 I went to trade school,
21 graduated, and it's been a struggle to
22 maintain a construction career in
23 Philadelphia. I got more work in those
24 counties, in Montgomery County, building
25 those homes than I did here in

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Philadelphia, and I'm ashamed to say
3 that, and I'm a taxpaying person in
4 Philadelphia.

5 But what I want to say is, I
6 want to say habani gani (ph), assalamu
7 alaikum. I want to say xie xie to
8 Councilman Oh. The whole dark world
9 watched your community fight the kings of
10 this city politics and prevented a
11 football field, a baseball field being
12 put in the backyard of their community.
13 They continue to fight the casinos of not
14 being able to be put in their living
15 room. They stand as a testimony to what
16 unity is. They didn't fight this city
17 with guns, sticks or chopsticks. They
18 fought it with unity, and we stand here
19 with unity.

20 It's hard for me talking when
21 I'm sitting down. I'm a thinking man. I
22 think on my feet.

23 COUNCILMAN JONES: There's no
24 restriction.

25 MR. TROTTER: Thank you.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 So we come here in unity. We
3 come here in the spirit of --

4 COUNCILMAN JONES: You break
5 it, you bought it.

6 MR. TROTTER: We come here in
7 the spirit of Harriet Tubman, Falou Hama
8 (ph), Ella Baker, Dr. Betty Shabazz,
9 Coretta Scott King, and also in the
10 spirit of Councilwoman Blondell Reynolds
11 Brown and the spirit of Jannie Blackwell.
12 Just recently, Jannie Blackwell went to a
13 job site, this Crooks Mazo (ph) was in
14 60th and Market. She went down there and
15 made that white boy hire black
16 contractors on that job.

17 (Applause.)

18 MR. TROTTER: She had the
19 courage. Now, you go in some of these
20 Councilpeople's offices, they got those
21 silver shovels in there and everything.
22 They need to bury themselves with some of
23 those shovels, Jihad. We need to do the
24 statistics on the shovels and find out,
25 Councilman Goode, how many black people

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 and contractors was on each one of those
3 shovels.

4 We got a new fight, and the
5 fight is a different kind of -- it's a
6 different kind of king. He's like a king
7 snake. He wants control of City Council.
8 He wants control of all of the
9 construction in Philadelphia. If he
10 can't get that, he'll put his brother,
11 sister or cousin on the judicial ball so
12 he can control the judges. I mean, he
13 wants everything. He even wants
14 Councilman David -- Councilman Clarke's
15 seat if he could get it.

16 I know in South Philly they say
17 if it quacks like a duck, it's a duck.
18 In West Philly we say if it hits like a
19 snake, it's a snake.

20 And thank you so very much,
21 Councilwoman. You missed my testimony,
22 but it's an honor to you. It's an honor
23 to you, because you stand up. You've
24 always been on the right side of history.
25 That's what I like. When I come here, I

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 don't feel like I'm against nobody. I
3 feel like I'm here with family. You
4 know, y'all have a long history. You
5 know, like Councilman Curtis Jones looked
6 out for black contractors in West
7 Philadelphia. There's a history here.

8 But I'm here to support the
9 baton that has been passed to
10 Councilwoman Cindy Bass.

11 (Applause.)

12 MR. TROTTER: Stand up. Stand
13 up. Stand up.

14 (Standing ovation.)

15 MR. TROTTER: I support this
16 bill, because they've hurt us so many
17 ways. It's true, Councilman. They have
18 used this as a tactic to shut us down and
19 shut us out. Because who makes the most
20 noise is considered a troublemaker and
21 they trying to find ways to shut you
22 down. But we find ways to get around
23 them and make money outside of the union.
24 We make union money. We make non-union
25 money. We do what we got to do. But we

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 not selling drugs. You know what I mean?
3 And we send our sons to college.

4 (Applause.)

5 MR. TROTTER: I got enough of
6 you in here now. Is he still here,
7 Tyrone?

8 We teach -- each one, teach
9 one. And I want to thank you,
10 Councilwoman Cindy Bass, because so many
11 times people become successful and they
12 forget where they came from and they
13 don't go to that wall and reach over and
14 pull another brother or sister up to help
15 them.

16 But I'm here to support that
17 bill. And another thing, we got your
18 back. Do we look like we scared? Do we
19 look like we scared? We got your back.

20 Thank you so very much, for me
21 and my family.

22 COUNCILMAN JONES: Thank you,
23 Mr. Trotter. And for the record, not in
24 Bucks County but in Wynnefield you put my
25 deck on, and I did pay you. Thank you.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MR. BROWN: Good afternoon. My
3 name is Alburn Brown. I'm the owner of
4 two companies licensed and certified to
5 do business in the City of Philadelphia.

6 I have a problem with one of
7 the words that I just used was
8 "certified." To be in a country that we
9 have today and in a city that we have
10 today to be certified to do any kind of
11 work, I should be doing work as a
12 businessman, which I do work as a
13 business person, but it's a shame that I
14 have to be certified to participate in
15 that type of work where the people that I
16 compete against don't have to be
17 certified. They just get the work.

18 You know, one of my companies
19 is Complete Welding Incorporated. I'm
20 celebrating my 30th year in business this
21 year with that company. We are the
22 manufacturer of steel products and
23 welding services. Another company is
24 Umoja Erectors, where I'm the only
25 African American union steel erector in

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 the tri-state area. And so being paid
3 even as a union contractor, my average
4 payroll is maybe \$40,000 to \$50,000 a
5 week. So if I'm not being paid timely,
6 I'm out of business. And a lot of times
7 even when we're up here supporting bills
8 such as this and protesting, you pay for
9 that protest in the background, because a
10 lot of times money will be held up
11 because of your support and your being
12 outspoken for laws such as this. So we
13 have some contractors that really support
14 this bill, but they didn't want to
15 testify because of the fear of being
16 blackballed or I would call it
17 whiteballed.

18 The construction industry is
19 the only industry that I know where you
20 provide your goods and services and that
21 you have to wait 30, 60, 90 days or even
22 if you're paid at all. You might not
23 even get paid at all depending on the
24 integrity of the contractor that you're
25 working for. I can't purchase a car. I

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 can't purchase a home. I can't buy food.
3 I can't purchase healthcare, not unless I
4 pay for it up front. They want their
5 money immediately. So it's all -- we all
6 work to get paid.

7 This bill will benefit all
8 subcontractors that have a contract to be
9 paid timely.

10 If you look at the flyer that
11 Councilwoman Cindy Bass has, you see a
12 picture of an African American -- it
13 looks like an African American to me that
14 is a contractor or some type of
15 construction worker, you know, and this
16 picture depicts that, but this bill is
17 for all subcontractors to be able to be
18 paid in a timely fashion, but the key to
19 this is that you need a contract. If you
20 don't have a contract, then the bill has
21 no benefit to you at all. You have to
22 have a contract.

23 You know, there's another cute
24 word that we have going around here is
25 "minority." I don't see myself as a

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 minority. In fact, I'm part of the
3 majority. I'm the majority looking at
4 the work from the outside being done on
5 the inside. So I'm not a minority. I'm
6 a majority. You're not getting the work.
7 So, again, I'm a majority without
8 contracts.

9 So we need people that are in
10 power that have the courage that
11 Councilwoman Cindy Bass has to enforce
12 laws that are already in place to make
13 sure that we get fair equity in jobs and
14 so that we can participate on contracts
15 and be paid timely through her bill that
16 she's introducing. So I just wanted to
17 take the time again to thank Councilwoman
18 Cindy Bass for this bill, and we support
19 you 100 percent.

20 (Applause.)

21 COUNCILMAN JONES: Thank you
22 for your testimony. And it's important
23 that you get paid in full because if you
24 had to survive off of your fishing, you'd
25 starve to death.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MR. RIDDICK: Good afternoon.

3 My name is Kim Riddick and I was formerly
4 a demolition contractor in the City of
5 Philadelphia. I did work for the NTI
6 project. And the reason why I'm here
7 today was to challenge the leadership of
8 City Council, but obviously I can see I
9 can't fight that battle. Y'all won. I'm
10 here today and I'm -- it's an honor to be
11 in front of you, because I see that you
12 have our best interest at heart. But
13 what we need to do today, we need to
14 ratify this today. We need to do this
15 today. Today.

16 (Applause.)

17 MR. RIDDICK: We can't hold
18 back.

19 COUNCILMAN JONES: Are you
20 done?

21 MR. RIDDICK: No, I'm not done,
22 sir.

23 COUNCILMAN JONES: Go ahead.
24 Take your time. Take your time.

25 MR. RIDDICK: What we need to

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 do is ratify this. We need to get
3 minority contractors paid in a timely
4 fashion, because when you have your own
5 funds, you can operate your company
6 accordingly. Like I said, I worked for
7 the NTI. I worked on the NTI project. I
8 was listening to the process, and that's
9 not how it go. You go right over across
10 the street. You bid on the project.
11 It's an open bid. The lowest responsive
12 bidder wins. Within two weeks after
13 winning the bid, you get your notice to
14 proceed. You work on the job site. You
15 get paid 50 to 100 percent of the
16 contract depending on the type of work
17 that's being done and the amount of work
18 being done. The check is cut to the
19 prime contractor two weeks to a month. I
20 witnessed it. I worked on the site.

21 So we need to pass this bill
22 today, so that way, the -- like the
23 brother said, we're not minorities.
24 We're contractors. This bill need to be
25 passed so when this man does his work, he

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 can pay his taxes, he can pay his
3 employees, and he don't have to look over
4 his shoulders, and to give him his own
5 sense of responsibility as a man. We
6 need this bill passed immediately.

7 Thank you.

8 (Applause.)

9 COUNCILMAN JONES: Thank you.

10 Thank you for your testimony.

11 Are there any questions for
12 this panel?

13 (No response.)

14 COUNCILMAN JONES: Seeing none,
15 would the Clerk please read the next
16 group to testify.

17 THE CLERK: The next
18 witnesses --

19 MR. TROTTER: Thank you very
20 much, Council. Thank you.

21 COUNCILMAN JONES: You're
22 welcome.

23 THE CLERK: The next witnesses
24 will be Steve Underwood, Malik Abdhadi,
25 James Thompson, and Jimmie Allen.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Please
3 approach the witness table. Thank you
4 for your patience.

5 And can we read the next group
6 so that they can come behind the bar.

7 THE CLERK: The next group will
8 be for Bill No. 160129.

9 COUNCILMAN JONES: So it's a
10 different bill?

11 THE CLERK: Yes.

12 COUNCILMAN JONES: So this is
13 the last group to testify on this bill?

14 THE CLERK: That's correct.

15 COUNCILMAN JONES: Thank you.
16 (Witnesses approached witness
17 table.)

18 COUNCILMAN JONES: Thank you.

19 MR. ALLEN: Good afternoon.

20 COUNCILMAN JONES: Bring the
21 mic closer to you, Mr. Allen.

22 MR. ALLEN: My name is Jimmie
23 Allen. I'm a consultant, community
24 outreach person for Darrell Schultz and
25 Dr. Brenda Mitchell, which is MET,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Management Environment and Technology. I
3 first want to thank Councilwoman Bass for
4 making this effort. We're already in the
5 process of getting people to come out.
6 We're calling people on the phones.
7 We're tapping the churches. We're
8 tapping all our people out there in the
9 streets to come out and vote for this
10 bill.

11 Under Darrell Schultz, he has
12 some concerns and he asked me to come
13 here representing him. One of our
14 concerns -- I'll read the questions that
15 he sent me here with.

16 What is the current government
17 rules and policies concerning payment for
18 government work performed, the 2016
19 edition, so that we can keep in
20 compliance with the rules?

21 Is there any policy, special
22 rules or considerations that allow the
23 services reimbursements process to be
24 reliable, accelerate for disadvantaged
25 businesses and what is the monetary and

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 the penalty to contract if the payment
3 does not occur within a reasonable amount
4 of time?

5 As a disadvantaged minority
6 business, knowing that financial
7 resources are already insufficient and
8 cash flow is consistently exhausted due
9 to the lack of sufficient capitalization,
10 what remedies, if any, can City
11 government exercise to strengthen to
12 expedite service payments, turnaround
13 time?

14 Councilwoman Blackwell said at
15 a hearing before -- and she was right,
16 they write so many things down on paper,
17 but they don't comply with it. And I
18 have to encourage -- I encourage all the
19 youth in Mantua that I work with and in
20 West Philadelphia area to watch the City
21 Council hearings, because you get so much
22 good information there.

23 What presently exists in terms
24 of City government policies, procedures,
25 and legislation monitoring and

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 non-compliance policies for contractors

3 not adhering to the standards?

4 What is the turnaround time for
5 City government to pay prime contractors
6 and how is this enforced?

7 When this bill is passed, where
8 and when can we receive documentation for
9 turnaround time for prime contractors to
10 pay subcontractors, and how is this
11 enforced?

12 Where and when can we receive
13 City government documentations clarifying
14 policies and procedures on payment rules
15 related to this matter?

16 What payment rules have been
17 enforced to date? What is the grievance
18 process? How long are grievances
19 expected to take and what is the prime
20 contractor's primary -- what is the prime
21 contractor's duties to adhere to the
22 timely reimbursements?

23 In this room here, many, many
24 years ago, I grew up under Lucien
25 Blackwell. I grew up under Cecil Moore.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 I grew up under Mr. Coleman, Ethel Allen.

3 This room has changed and saved a lot of
4 lives in the City of Philadelphia. It is
5 now time for it to continue that process.

6 There's no reason why we should
7 be fighting for jobs that we're due.

8 There's no reason why our families can't
9 be fed, our bills can't be paid on time,
10 because we get paid when they feel like
11 paying you.

12 So we have a contract right now
13 with a company and we have the owner's
14 consent, we have the Driscoll Company
15 consenting, and the carpenters are
16 stopping us from going on there. It's a
17 \$900,000 job. We're working very hard to
18 keep our employees and our families up to
19 par, but we're having a problem. So
20 anything that you can advise me to do
21 from this Committee, I will be in touch
22 with some of you guys to make sure that
23 we can get this taken care of.

24 In closing, Darrell Schultz and
25 Dr. Mitchell, we love this process. We

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 love this city. We love the process that
3 we're going through under Cindy Bass, and
4 we support you a hundred percent.

5 MR. ABDHADI: Good evening,
6 Councilman Jones. Good evening,
7 everyone, Committee. I'd like to thank
8 Cindy Bass for inviting us out to support
9 her bill. I think the bill is an
10 absolute necessity and it's been a
11 necessity.

12 I do want to acknowledge the
13 hard work of Jannie Blackwell, who has
14 been very involved with championing the
15 causes of the little guy in her Mantua
16 district, and I'm a beneficiary of it,
17 because I now am a consultant for
18 Bittenbender Construction, who works
19 under Drexel partnership. What we do is,
20 we try to find minority contractors as
21 well as workforce to be a part of that
22 process.

23 So it's indeed an honor and a
24 privilege to be here today. I definitely
25 wanted to acknowledge that.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Curt -- I know Curt has been
3 involved with his efforts in West Philly.
4 PCDC always trying to bring about some
5 inclusion for the little guys as well.
6 So what you guys are doing is commendable
7 and it's necessary and it's a great
8 start, and we have a lot of work to do on
9 our behalf in terms of organizing and
10 getting our agendas in place, and I think
11 that this is a start and it's a definite
12 movement in the right direction.

13 What we want to do on inclusion
14 is, we got to get better at prep. When
15 we start talking about getting people
16 involved in workforce, if you're not a
17 union member, you really don't have an
18 opportunity. So what we've been working
19 with is a company that does construction
20 preparatory -- it's called CAPP,
21 Construction Apprenticeship Preparatory
22 Program. There's some good folks that
23 are pushing that, and I think if you get
24 some legs --

25 COUNCILMAN JONES: I don't mean

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 to interrupt you. Can you say your name
3 for the record so the stenographer has
4 it.

5 MR. ABDHADI: My name is Malik
6 Abdhadi.

7 The CAPP program is a program
8 called -- it's Construction
9 Apprenticeship Prep Program, and what it
10 does is, it prepares young people to take
11 the test, whether it be the carpentry
12 test, the electricians test, tests that
13 we've been told that we can't pass in the
14 past. So what they do is, they take
15 weeks out of a month, weeks, and they
16 prepare kids and they prepare young
17 people to be able to go take the test,
18 and they've been successful at getting
19 young people into the unions. And this
20 has been one of most effective programs
21 that I've seen in my time doing work with
22 workforce inclusion. But if we don't
23 develop some sort of initiative to help
24 kids prepare to get these -- to take
25 these tests, then they're going to keep

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 going down the same -- they're going to
3 keep telling us that the reason why the
4 unions aren't diverse is because we can't
5 pass the test.

6 But I know if -- one of the
7 horror stories that I heard in our last
8 meeting was that there was a certified
9 electrician who came in and took the
10 test, and he knew he passed, and when he
11 came back for the results, he said, You
12 failed.

13 And he said, No, I know I
14 didn't fail. I'm going to get my lawyer.

15 And he said, Okay, here's your
16 union card.

17 So if this can happen in this
18 instance one time, then it's been
19 happening over and over again, and it's
20 probably a pattern that has prevented
21 diversity in the unions.

22 Now, in order to get unionized
23 companies, small contractors, you got to
24 first diversify the unions in itself.

25 COUNCILMAN JONES: Can I let

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 folks know that if I don't have five
3 people up here, I can't pass nothing out.

4 So I'd love for you to abbreviate your
5 testimony so I can get what you want
6 done. Or not. I guess we can sit here.
7 So I just need you to --

8 MR. ABDHADI: I'm going to wrap
9 it up. I'm going to wrap it up.

10 But that's just to say that we
11 have some work to do. This is definitely
12 a step in the right direction, and I
13 commend you guys for your process.

14 Thank you.

15 MR. WOODS: Good evening,
16 Chairman and staff. I'd like to thank
17 Councilwoman Cindy Bass for being here.

18 And I just -- I'm going to say
19 something real brief and short, that I'm
20 here to support both bills, the
21 development and the prompt bill. I'd
22 like to see --

23 COUNCILMAN JONES: Say your
24 name for the record.

25 MR. WOODS: Oh, yeah. My name

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 is Alan Woods. I'm the President of
3 Manatustin's (ph) organization, at 60th
4 and Columbia Avenue, and I'm in support
5 of both bills, but I'm going to speak
6 about the playground right there at
7 Tustin Playground where it needs to be
8 redeveloped. And the kids -- you know,
9 we try to get -- at Manatustin, we try
10 and give the kids the opportunity to see
11 something better and develop better, and
12 we doing everything we can to keep their
13 minds focused on opportunities and things
14 that give them something to look forward
15 to.

16 Tustin Playground is
17 deteriorating. The walls are falling
18 apart. It look like a dungeon. It look
19 like a prison. The gates remind you of
20 prisons, penitentiaries, and the inside
21 remind you of county jails and stuff.
22 It's sickening, and we need that to
23 develop, if able. I hope for y'all to
24 take that in consideration. But that's
25 all I want to speak about, please.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Thank you.

3 MR. ALLEN: And I just want to

4 say that this is not just a union town.

5 This is a citizen down. We are citizens.

6 We're hard workers, and we need to be

7 included in the contracts.

8 COUNCILMAN JONES: Thank you.

9 Thank you, guys, for your testimony.

10 Next group, please.

11 THE CLERK: The next witnesses

12 will be Michael Hickson, Jamal Johnson,

13 Tina Marie, and Tyrece Mills.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN JONES: Thank you,

17 guys.

18 MR. HICKSON: Good evening. My

19 name is Michael Hickson. Today brings

20 joy to my heart. I want to thank the

21 Councilwoman, Cindy Bass, for having the

22 thoughtfulness and the courage to put

23 forth a bill like this to help so many

24 people. I feel good today because I know

25 good men that because of the lack of

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 opportunity have fell to the wayside or
3 have gotten off of the straight path
4 because of the lack of opportunity. This
5 is the day for Philadelphia with a new
6 Administration to move in the right
7 direction, and I think this bill is
8 moving us in the right direction. This
9 is a bill that helps all of us, and I
10 want to thank and commend Councilwoman
11 Cindy Bass for having the thoughtfulness
12 and the courage to bring this bill forth.

13 Thank you. I just wanted to
14 thank you.

15 (Applause.)

16 COUNCILMAN JONES: Thank you
17 for your testimony.

18 MR. JOHNSON: Hi, everybody.
19 How you doing? I'm Colin Jamal Johnson
20 and I'm from the Contractors Roundtable
21 Council. We're a contractor group in
22 Philadelphia that advocates for the
23 proliferation of contracts in the African
24 American construction community as well
25 as the African American business

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 community in general. And we think that
3 legislation is the way to go, because for
4 the last 30 years that I've been in
5 business, we've seen -- we've seen how
6 the Philadelphia construction community,
7 the established construction community,
8 been unfriendly to us in terms of us
9 growing, in terms of us prospering, in
10 terms of us making that hundred thousand
11 dollars a year.

12 So we think that we're in the
13 right direction, and we think that -- we
14 appreciate the Honorable Cindy Bass for
15 spearheading this legislation.

16 We want to add some additional
17 legislation that will benefit the African
18 American construction community, because
19 the other communities, they have their
20 PLA. They have -- the unions have an
21 agreement with the City that the
22 construction contracts that the City
23 gives out have to be signatore to the
24 unions. What we'd like to do is initiate
25 a community labor agreement whereas our

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 community, the inner city contractors,
3 have an agreement with -- the City be
4 signature to us, to the City community
5 contractors also.

6 (Applause.)

7 MR. JOHNSON: I mean, we pay
8 our taxes. We pay our electric bill. We
9 pay our gas bill. We pay our water bill.
10 I mean, we're full Philadelphians. I
11 mean, we want to be part of building the
12 skyline too in the City, and we see
13 that -- we happen to be in one of the
14 most segregated entities in the country
15 via through this union thing. I mean, if
16 you look at the executive membership, you
17 look at the labor membership and it's
18 like a segregated community, but yet we
19 pay a lot -- we pay into the City
20 infrastructure also. But when Brandywine
21 gets \$90 million from the City for a
22 Gallery renovation and when Drexel
23 talking about expanding eastward instead
24 of westward and they getting City
25 dollars, I mean, we feel left out,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 because we like to be at the negotiating
3 table also. And I think through this
4 legislation -- and thank God for Cindy
5 Bass for spearheading such legislation.
6 We think that legislation will get us at
7 the table, because we like to be at the
8 table too. And not just for
9 construction. We want to be at the
10 professional services. We want to do
11 engineering. We want to do legal. We
12 want to do accounting. We like to do
13 across the whole spectrum of business.
14 We don't want to be the invisible man
15 when it come to business in Philadelphia.
16 We like to be at the table too.

17 So we need the multiple
18 legislative ideas and issues, because,
19 you know, other than that, nothing is
20 happening. We need the support of the
21 Council and the members, because a lot of
22 the Councilmembers are from our community
23 too, and the members in our community, we
24 just aren't benefiting from the public
25 sector, public contracts, public jobs. I

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 mean, these jobs are like \$40, \$50 an
3 hour and the contracts are 6 or 7 digit
4 contracts, but our community like to
5 proliferate too, because businesses are
6 the wealth of the community. So when
7 Blackbox coming to the City and renovates
8 two floors in the Cira building, we like
9 to be on those contracts too. When
10 corporate America client comes in Liberty
11 One and he buys three and four floors, we
12 like -- because we support corporate
13 America too. We buy all their products.
14 So when they come in and renovate two and
15 three suites on Liberty One, we like to
16 be involved in the construction contract
17 too, the legal contract, the accounting
18 contract. We like to be at that table
19 too.

20 So we just got to be privy to
21 the deals that come into the City. So
22 we'd like to work in conjunction with the
23 Council, particularly the CRC, or we like
24 to -- one of the suggestions we have is
25 we'd like to have a construction czar,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 because Angela Dowd-Burton, you know,
3 with her beautiful self, I mean,
4 construction is a very complicated
5 industry, and if you don't know the
6 industry, you can get bamboozled quickly.
7 You know what I mean? And, you know, so
8 if you never drove a hammer or you never
9 been in construction, you never did the
10 business, so when you talk to these
11 construction sharks, I mean, you know,
12 you think you're getting a deal, but they
13 already know that you ain't getting
14 nothing for real. That's why when we do
15 this monitoring -- there's a commercial,
16 why monitor it if you don't fix anything.
17 You know what I mean? So, you know, we
18 just need to finish -- stay on the game
19 plan of producing this legislation that
20 will actually have some real results.
21 You know what I mean? Because we've been
22 bidding to white males for 30 years.
23 Now, if we can do directly with the
24 bid -- like her legislation deals with
25 getting the contract. We can bid

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 directly to the City through Wilson
3 Goode's initiative, the small contracts,
4 then we don't have to bid to these white
5 males, because -- I mean, they just don't
6 like us. I mean, we the nicest people in
7 the world, but we get a lot of racial
8 overtones. Because it's not a coincident
9 that you got one guy in a union and 65
10 family members that's working and we
11 can't even get a job. He got 65 family
12 members in the union all working, and a
13 lot of those jobs are to get the City
14 jobs. So they really -- they just
15 highjacking the public works jobs. They
16 hijacking the public jobs and contracts.
17 So, you know, we just want to
18 keep this legislation going so that we
19 can eventually get -- enjoy being
20 Philadelphians also so we could be part
21 of that skyline, that beautiful
22 Philadelphia skyline, that's being built.
23 Because we got a lot -- a lot of us got a
24 lot of Comcast. A lot of us got Comcast
25 all in the house, but when you go down

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 there and look at their construction, you
3 know who is down there? We ain't down
4 there at all. You might have one or two
5 of us, but we used to be -- that
6 construction at Comcast should look like
7 Philadelphia.

8 (Applause.)

9 MR. JOHNSON: So in closing, we
10 appreciate the Councilpeople being here.
11 We appreciate Jannie, because a lot of
12 stuff going on in Jannie's district. And
13 before I talk about building eastward,
14 we'd like for them to start talking
15 westward too. And we appreciate
16 everybody up there, and we hope that we
17 can get some positive feedback from you.

18 (Applause.)

19 COUNCILMAN JONES: Thank you
20 for your testimony.

21 MS. RUSSELL: My name is Tina
22 Marie Russell. My company is AT Russell
23 Construction. I started business not
24 knowing the construction industry as well
25 as my co-contractors here, but I knew

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 enough to start the business, and I was
3 successful at it.

4 I want to say, first of all,
5 thank you to all the Councilpeople. Each
6 of you have -- almost all of you have
7 talked to me over the years and gave me a
8 lot of sound advice. I want to say thank
9 you very much to Jannie Blackwell,
10 because when we was down at -- we were
11 the only minority contractors on the
12 Seventh Day Adventist Church and we were
13 having a lot of problems out there. They
14 withheld -- we couldn't purchase the
15 stone. They made sure they blackballed
16 us everywhere we can be, but we stayed
17 out there for two and a half years,
18 thanks to Councilwoman Blackwell.

19 I also want to say thank you
20 very much to Cindy Bass and Curtis Jones,
21 Wilson Goode. I mean, these are the
22 people that I know personally that if you
23 having a problem -- Kenyatta Jones --
24 Johnson. I'm sorry. But these are the
25 people I know personally that if you have

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 an issue, you can go to them and they
3 will do whatever they can do.

4 But here's the thing: A lot of
5 the things that we need to do in the
6 construction industry can't be done by
7 them. A lot of it we need to do
8 ourselves. One of the things we need to
9 do is look in the book called the law
10 book. There are laws for DBE
11 participation that have not been being
12 met. Why haven't we gathered ourselves
13 together and read these laws? I read
14 them, and when I read them, I said light
15 bulb. This is the reason why we're not
16 getting inclusion.

17 Let me just quote one right
18 here real fast. This is -- I'm not sure
19 who is a DBE, but I'm a DBE and a WBE and
20 MBE and WEOSB and a hub zone and all the
21 kind of acronyms, right? But this rule
22 right here would have solved a whole lot
23 of problems, because the state says --
24 this is form 6100-2. It's kind of funny
25 how it almost mirrors -- but it states

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 that a subcontractor should be getting,
3 at the end of a contract, something
4 called a Participation Form from the
5 prime, and this contract, this form,
6 should be completed by the sub. It asks
7 the questions, what kind of project did
8 you do on this job? Were you paid? Did
9 you get paid on time? What are the issue
10 you have and what are your concerns as a
11 DBE subcontractor? Send this to EPA
12 Region 3, 1650 Arch Street, et cetera, et
13 cetera, et cetera. I've never -- and
14 I've been in business since 2003 -- never
15 received a form like this on any of the
16 jobs that I performed. I've done
17 demolition, site general conditions.
18 I've done carpentry, fit-outs for retail
19 centers. I've never received this form
20 from any prime. Had I received the form
21 like this -- I'm just going to ask
22 anyone, has anyone received this form?
23 If you would have received this form,
24 would your job have gone better the next
25 time? And this is the reasons why the

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 rules are here, the laws are here to
3 govern our certifications. If people
4 adhere to these rules, then we will not
5 have these problems.

6 I sat here back in 1997, I
7 think it was, when Russell came in from
8 Atlanta and he sat here and I think he
9 had on a big old cowboy hat, tall
10 statuesque man, and he said, I don't
11 understand Philadelphia. You could not
12 get me to work here, because I don't
13 understand how you're treating your
14 minority contractors. And at that time,
15 this -- for those of you who were here,
16 this area was jam packed. It was
17 standing room only. Look how few
18 contractors are left. We have been
19 systematically exterminated. We are like
20 the roaches in the projects. I'm
21 serious. It's sad, right? Why aren't we
22 here? We are not here because we failed
23 to read the rules and regulations that
24 govern us as minorities -- I hate to use
25 the term myself -- as minority

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 contractors. The government has them.
3 They have rules to protect us. We have
4 to read them. We have to institute them
5 in Philadelphia.

6 People like Cindy Bass, let me
7 tell, I'm not going to lie, when I saw
8 that flyer, I thought you was crazy. I
9 was like, she's brave. I said, I'm going
10 to stand behind her if it's the last
11 thing I do.

12 (Applause.)

13 MS. RUSSELL: It's hard enough
14 out here as a black person in
15 contracting. It's harder as a woman in
16 construction. I can't even begin to tell
17 you. People like Shaka and Jamal and
18 Alan, let me tell you, when I first
19 started, it was at the Roundtable. The
20 Roundtable is what brought me into the
21 construction industry. I don't know.
22 I'm so sorry I read that article now
23 sometimes. But it brought me here. But
24 I met such courageous people, like we
25 just don't die. We just try to multiply,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 right? But we need assistance, and the
3 assistance that I think we're going -- I
4 know we're going to receive now is from
5 this bill. This bill needs to be passed.
6 We need to go back and look at the DBE
7 certification guidelines. You know,
8 there's also a rule that says -- and I
9 have it right here in my phone -- that
10 says that the prime is obligated,
11 obligated to make sure that their
12 minority certified contractors receive
13 financial support. Obligated to do this.
14 If they was to have supported us on
15 mobilization dollars, do you know how
16 many jobs we would still be having right
17 now, how many secure black companies
18 would be around right now?

19 When I first started, let me
20 tell you, it was -- there were three
21 minority women in the business with me.
22 Not one of them are here now. They're
23 gone. DCA, gone. We are not here. We
24 can't sustain it.

25 However, I'm going to close

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 right now, because I could go more with
3 this. There's some powerful positive
4 things that have happened. Whenever
5 tragedy befalls you, you can look at it
6 and you can cry over the milk that
7 spilled or you can learn lessons from it
8 so that you will not -- the first rule I
9 think they said is my OSHA 30
10 certification class, was that the way not
11 to have an incident is to prevent the
12 incident from happening.

13 So understand the rules.
14 Understand the regulations. Join
15 together. Stop acting like we got to
16 fight each other, because let me tell
17 you, there's billions of dollars of work
18 around the world, and we can get them,
19 but we do have to team up. We do have to
20 work together. We have been bruised out
21 here. All of us are not great like we
22 used to be. Some of us have almost lost
23 our houses.

24 I'm wrapping up.

25 But we have to work together,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 team up, because part of the rules here
3 also says that the prime is obligated to
4 merge other smaller entities together so
5 that they can do the project, right, that
6 they cut out for us. We have to work
7 together more often. We have the
8 Roundtable now. Let's try to work
9 together.

10 I'll share these rules and
11 regulations with everyone, with Cindy
12 Bass's office. We can start from what is
13 already here rather than trying to
14 reinvent the wheel.

15 That's all I have to say.
16 Again, I love you all. I thank you very
17 much, because every one of you
18 Councilpeople have worked very hard to
19 try to make sure that we on these jobs.

20 COUNCILMAN JONES: Thank you,
21 guys, for your testimony.

22 (Applause.)

23 MR. JOHNSON: Curtis, in
24 closing, I just wanted to have you
25 highlight that CLA. It's called a

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 community labor agreement.

3 COUNCILMAN JONES: Yes.

4 MR. JOHNSON: And it's just
5 legislation that will have the City's
6 signature to the community contractors
7 also, so that we can ensure that we go to
8 the bank too, because the PLA, they
9 laughing going to the bank. We need
10 something that ensure that we get --
11 because they ensured, they're guaranteed
12 City dollars. Well, we like to generate
13 something similar to that so we can also
14 benefit from there.

15 And I want to thank Cindy Bass
16 again for spearheading this legislative
17 paperwork, because, you know, we need to
18 come back to back with it, and we thank
19 you very much.

20 COUNCILMAN JONES: Thank you.
21 (Applause.)

22 COUNCILMAN JONES: All right.
23 So, again, it takes five of us to get
24 this bill passed, bill passed out of
25 Committee.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 MR. MILLS: Well, good
3 afternoon, Council and my peers. I'm
4 here to provide testimony to support Bill
5 No. 160370. My name is Tyrece Mills and
6 I am the operator and founder of Mills
7 Electric in the City of Philadelphia.
8 What I would like to share with you today
9 is my brief experience as a minority
10 contractor in the City of Philadelphia.

11 Although I'm a master
12 electrician with 20 years experience, I
13 have 15 years as head electrician for the
14 City of Philadelphia. That's
15 Philadelphia Parking Authority. I will
16 say as a contractor, I'm being overlooked
17 because of a few issues, but number one
18 and most importantly is bonding issues
19 and obstacles that come along with that.
20 And as we all know, without bonding, you
21 do not qualify for major work, be it City
22 government or private sector. So I'm
23 left to work smaller jobs, which costs me
24 more to take on but less profitable.

25 After the twists and turns of

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 trying to finally get to the point of
3 bonding and you make it to the table of
4 major contracts, you possibly lose your
5 business because of not being financially
6 secure enough to cover major expenses
7 prior to receiving payment to cover
8 simple tasks like paying workers. This
9 puts me out of business way before I
10 really get started.

11 On top of trying to build my
12 business, I have to supplement my income
13 by working other jobs while waiting for
14 better opportunities for my particular
15 company. This takes me away from
16 building my company and brand.

17 I would also like to say it
18 will be a great help for subcontractors
19 to receive the same financial assistance
20 to provide qualified service. I would
21 like to say Philadelphia, we all know, is
22 a union town, and it is my ultimate goal
23 to provide prevailing wages to union
24 workers in my trade respectively, and I
25 know I can do that if a provision such as

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 this is passed.

3 And I would personally like to
4 say thank you to Councilwoman Cindy Bass,
5 because this is an argument that I've put
6 forth with my colleagues, other
7 contractors. The situation like this,
8 this is the type of issue that could make
9 or break the sustainability of our career
10 as minority contractors in the City of
11 Philadelphia, which of course affects our
12 families, which trickles down to your
13 citizens.

14 So I would say that I'm
15 patiently awaiting the results, but thank
16 you and I salute you for this initiative,
17 and thank you, Council, for allowing me
18 to speak my peace.

19 COUNCILMAN JONES: Thank you
20 for your patience.

21 Imam, pull the mic to you.
22 State your name for the record.

23 IMAM MUHAMMAD: Imam Suetwidien
24 Muhammad. I know you didn't want me to
25 come down here, Councilman.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 That's a joke. How y'all
3 doing? I ain't going to mess with him,
4 Kenyatta.

5 This is what I want to say.
6 This is serious, though, for real. We
7 all know what's going on in the City. On
8 my way down here, we got -- there are
9 cranes on every corner in this city.
10 Okay? You got one African American guy
11 waving the flag out there. You got one
12 flagman out there. The bottom line is,
13 for the last 40 years or more, we've had
14 1 percent of the contracts in the City
15 and 5 percent of the jobs. That hasn't
16 changed. If this is going to change, I
17 think this is the time that we're going
18 to have to do it now.

19 This bill right here, when I
20 first heard about this, it's been talked
21 about for some time, but when I first saw
22 the flyer and I first -- it was almost
23 like Sister Tina. When I first saw the
24 flyer, I almost went crazy myself, and
25 really my hat goes off to the

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Councilwoman really for doing this,

3 because it takes a lot of heart --

4 (Applause.)

5 IMAM MUHAMMAD: -- to do this.

6 And I'm going to be honest with you, we

7 don't have no choice but to stand with

8 you. And the bottom line is that these

9 subcontractors and all, they've already

10 been pushed out the game enough. They

11 need to be paid on time. They need to be

12 able to pay the people that's working for

13 them, because it's pushing them out of

14 business.

15 When I came down here on my

16 way, when I first heard about it, I'm

17 saying to the brothers, I say really when

18 I get down there, I hope City Hall is

19 busting out the door. Everybody should

20 have been down here. It should have been

21 busting out the door. We've been talking

22 about this for the last 30 years. And so

23 if this is going to be fixed, it needs to

24 be fixed now. And if it's not going to

25 be fixed, then you need to just let us

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 know that.

3 I'm looking at Donald Trump and
4 so forth, looking at the election coming
5 up and all, and I'm saying to myself,
6 yeah, at least somebody -- just tell us
7 what you really going to do to us.

8 Really tell us the truth, because we can
9 stand the truth, because you tell us what
10 you going to do to us, then we know what
11 we got to do. They don't keep lying to
12 us and keep playing games with us and all
13 his kind of stuff. This has been going
14 on long enough. And to have these people
15 coming down here, they working hard
16 trying to support their families, trying
17 to create jobs and we keep talking about
18 we want jobs for the -- create the jobs
19 for the young people and create jobs for
20 the people out there in the City. If
21 you're not going to pay the people,
22 they're not going to be able to create no
23 jobs. They're not going to be able to
24 stay in business.

25 And so the bottom line is,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 again, this bill right here, this bill
3 needs to be passed. We need to support
4 this. I'm going to be honest with you,
5 we're not going to give up here. We're
6 not going to give up here. We're going
7 to be down here. We're going to be down
8 here until this stuff gets straightened
9 out, until we see our people out there
10 working.

11 We got all of the young guys
12 out there selling drugs, getting killed
13 on the corners. Why? It's an economic
14 problem. There's no jobs. There's no
15 businesses. There's no schools. We
16 don't have nothing no more. So they're
17 giving up. They're giving up on
18 everything. And so if we're going to fix
19 this problem, we really need to fix it.

20 I didn't want to come down here
21 and say a whole lot. The bottom line is
22 that people are not getting paid and
23 they're not getting paid on time. It's
24 squeezing them out. It's pushing them
25 out of business. People in our

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 community, they building everything all
3 day long. We're not working. Just as
4 Tina said, we need to study the laws,
5 because the federal laws, they have to
6 have community people working on those
7 job sites. You have to have neighborhood
8 people out there. It's just not
9 happening.

10 So, again, we support the bill.
11 We really hope that we go further with
12 this, that we get this thing moving. I
13 think the timing is right, and if we ever
14 going to do, I think the time is to do it
15 now.

16 Last thing I want to say is
17 because one of the things -- and I got to
18 say this, though. I got to say it.
19 We've been praying to God, and God has
20 been giving us everything that we've been
21 praying for, the black President, black
22 Mayor, black City Council President,
23 black Councilpeople. We're getting
24 everything that we're praying for, but
25 our community still remains a black hole.

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Eminent domain, re-gentrification, you
3 know, no jobs, no money, you know. We
4 should be ashamed of ourself. And I'm
5 just saying if it's going to get fixed --
6 it took a lot of heart, you know, to come
7 out of Germantown. It took a lot of
8 heart. It had to come out of Germantown.

9 (Applause.)

10 IMAM MUHAMMAD: But, you know,
11 bottom line, we got to do better.

12 Councilwoman Blackwell, I know
13 Councilman Curtis Jones, Kenyatta, South
14 Philly, we got a lot of work to do. You
15 all know your pulse is out there. And I
16 can't forget the sister. I apologize
17 too, but we know you've been working hard
18 too, sis. We know you've been working
19 hard. So I can't forget you.

20 But I'm just being honest with
21 you, let's do better. The time to do it
22 is to do it now. We support you. The
23 people out there, this is a now or never
24 for us. If we don't do this now, it's
25 not going to never happen. So please

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 let's try to get this done, Sister
3 Parker, Sister Cherelle, but, you know,
4 all of us. Let's work together. Let's
5 try to make this happen. I stand behind
6 the Councilwoman. Let's get this thing
7 passed. But this ain't the only problem
8 in our community. It's not the only
9 problem in our community. We got a lot
10 of stuff that we got to deal with. We
11 got a lot of things that we have to
12 address. We look at this at the start
13 and as the beginning. We all know what
14 the problems are. We all know what the
15 issues are, so let's tackle it. And I
16 come here representing the Muslim League
17 of Voters as well as the Muslim community
18 here in the City of Philadelphia under
19 President of the Muslim League of Voters
20 of the Delaware Valley and also the Imam
21 in this city for 26 years. And so we
22 trying to give everybody a chance to get
23 it done so that we won't have to do it
24 ourselves. So let's work on it.

25 COUNCILMAN JONES: Just one

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 question, Imam. Where's your second

3 phone? You always have two phones.

4 IMAM MUHAMMAD: I got two on me
5 in my pocket and I got two in the car and
6 I got my favorite flip phone here. You
7 know --

8 COUNCILMAN JONES: Just
9 checking.

10 IMAM MUHAMMAD: We working. I
11 get 400 calls a day. I'm in 30 meetings
12 a day. The people out there are crying.
13 The people are out there crying. We in
14 trouble. So we got to get this thing
15 fixed. So let's do something. Let's
16 work on it. Let's make it happen.

17 COUNCILMAN JONES: Thank you,
18 Imam. Thank you for your testimony.

19 (Applause.)

20 COUNCILMAN JONES: Is that the
21 last to testify on this bill?

22 THE CLERK: No.

23 COUNCILMAN JONES: No? All
24 right. Here's what I'm saying: What I'd
25 like to do -- I'm willing to sit here all

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 night, but we need to take --

3 (Audience member talking.)

4 COUNCILMAN JONES: First of
5 all, we can't hear you. So I'd like to
6 move the bill.

7 (Audience members talking.)

8 COUNCILMAN JONES: So -- pardon
9 me?

10 UNIDENTIFIED SPEAKER: May I
11 speak, please. I signed up to speak.

12 COUNCILMAN JONES: Okay. All
13 right. You have -- I'm going to take one
14 more, because then we're going to do our
15 business. And I'll listen and put on the
16 record everything that you say, but I
17 need to keep a quorum to move this.

18 (Witness approached witness
19 table.)

20 COUNCILMAN JONES: You want to
21 speak on Councilman Oh's bill? No.
22 That's not -- this is not the bill.

23 UNIDENTIFIED SPEAKER: Can I
24 speak?

25 COUNCILMAN JONES: No. When we

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 call up --

3 UNIDENTIFIED SPEAKER: I can
4 speak on economics in general in the bill
5 and everything in regards to that. I've
6 been here all day.

7 COUNCILMAN JONES: No. I'm
8 going to ask --

9 UNIDENTIFIED SPEAKER: May I
10 speak? The sunshine act, federal law of
11 the land.

12 COUNCILMAN JONES: All right.
13 Then sue me, but I'm getting ready to --
14 ma'am.

15 UNIDENTIFIED SPEAKER: I'd like
16 to speak.

17 COUNCILMAN JONES: You will get
18 to speak on the bill.

19 UNIDENTIFIED SPEAKER: Excuse
20 me?

21 COUNCILMAN JONES: We are going
22 to recess for a second, which is my right
23 to do, which I'm going to do, and then
24 you can speak afterwards.

25 UNIDENTIFIED SPEAKER: Okay.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Fine. I got all night.

3 COUNCILMAN JONES: I got all
4 night too.

5 UNIDENTIFIED SPEAKER: I've
6 been here waiting.

7 COUNCILMAN JONES: I work for
8 you.

9 UNIDENTIFIED SPEAKER: After
10 three buses passed me by. Another
11 problem. Union jobs.

12 COUNCILMAN JONES: Okay.

13 UNIDENTIFIED SPEAKER: I showed
14 up at the meeting for SEPTA. Nobody from
15 City Council.

16 COUNCILMAN JONES: Okay.
17 You'll get your chance.

18 So hold on a second. Give me a
19 two-minute recess to figure out what
20 we're going to do. I want to move the
21 bills that we can so that -- because we
22 have a quorum, and we'll be right back.

23 (Brief pause.)

24 COUNCILMAN JONES: Ladies and
25 gentlemen, we're going to resume the

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 hearing. Ladies and gentlemen, we're

3 going to resume the public hearing.

4 Thank you guys for your patience. We're

5 trying to -- we have a lot of witnesses

6 and we want to hear from everyone.

7 So will the Clerk please read
8 the number and title of the remaining
9 bills to be heard today.

10 THE CLERK: 160129, an
11 ordinance amending Chapter 17-1600 of The
12 Philadelphia Code, entitled "Economic
13 Opportunity Plans," by amending certain
14 definitions; and amending Chapter 17-2000
15 of The Philadelphia Code, entitled "First
16 Source Jobs Policy," by designating the
17 Economic Opportunity Review Committee to
18 oversee implementation and enforcement of
19 the City's First Source Jobs Policy;
20 requiring a report of executed First
21 Source Jobs Agreement; modifying certain
22 definitions; providing penalties; and
23 providing for certain technical changes,
24 all under certain terms and conditions.

25 COUNCILMAN JONES: Thank you,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Ms. Williams. Can you read the first
3 panel of witnesses to testify on this
4 bill.

5 THE CLERK: The first panel of
6 witnesses to testify on this bill would
7 be Sylvie Howard and Reverend Gregory
8 Holston.

9 COUNCILMAN JONES: Is there a
10 second panel of this bill?

11 THE CLERK: No.

12 COUNCILMAN JONES: Okay. Thank
13 you.

14 (Witness approached witness
15 table.)

16 COUNCILMAN JONES: Thank you
17 for your patience with us.

18 Can the other witness come up
19 to the table as well.

20 And would you bring your mic to
21 you and state your name for the record
22 and begin your testimony.

23 MS. HOWARD: Sure. Good
24 afternoon -- or good evening, I guess,
25 Chairman Jones and members of the

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Committee. My name is Sylvie Gallier
3 Howard and I'm Chief of Staff for the
4 Department of Commerce. I'm here --

5 (Audience member yelling.)

6 COUNCILMAN JONES: Sorry for
7 the interruption. In this country,
8 everyone has a right to speak.

9 MS. HOWARD: That is right.
10 That is true.

11 Hopefully you heard the first
12 part. I'm here today to provide
13 testimony in support of Bill No. 160129
14 as proposed to be amended, sponsored by
15 Council President Clarke. This bill
16 calls for coordination between the City
17 department that is responsible for the
18 implementation and enforcement of the
19 First Source Jobs Policy and the Economic
20 Opportunity Review Committee. The
21 Department of Commerce, which has been
22 designated to implement and enforce a
23 First Source Jobs Policy, looks forward
24 to sharing performance outcomes and
25 information on compliance regarding first

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 source and coordinating with the EORC
3 pursuant to the process ordained by
4 Council.

5 The Department of Commerce is
6 currently enhancing its efforts in
7 building a viable talent pipeline in
8 Philadelphia and ensuring that there are
9 family-sustaining job opportunities for
10 all Philadelphians. I know that's
11 something that you all share.
12 Specifically, we have formed a Talent
13 Development Unit led by Heloise Jettison,
14 who is here with me today. She's right
15 there. She's new to the Commerce
16 Department and she comes from
17 Philadelphia Works, so she understands
18 the system really well. The First Source
19 Jobs Policy will fall under the purview
20 of the Talent Development Unit and will
21 be one of the many strategies that we
22 hope to test and develop to provide more
23 opportunities for employment in
24 Philadelphia.

25 Thank you for the opportunity

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 to appear before you today.

3 COUNCILMAN JONES: Thank you so
4 very much.

5 Are there any questions for
6 this witness?

7 (No response.)

8 COUNCILMAN JONES: Seeing none,
9 thank you for your testimony.

10 MS. HOWARD: Thank you.

11 COUNCILMAN JONES: Will the
12 Clerk please read the next bill, the
13 title of the next bill and the list of
14 witnesses.

15 THE CLERK: 160152, an
16 ordinance amending Title 17 of The
17 Philadelphia Code, entitled "Contracts
18 and Procurement," by adding a new
19 category of Disadvantaged Business
20 Enterprises and of City contracts
21 entitled "Lesbian, Gay, Bisexual, and
22 Transgender Persons," that must be
23 considered separately by the Finance
24 Director in conducting the Annual
25 Disparity Study and devising the Annual

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Participation Goals as required by
3 Section 6-109 of The Philadelphia Home
4 Rule Charter; and also by adding a
5 rebuttable presumption that Lesbian, Gay,
6 Bisexual, and Transgender Persons are
7 Socially and Economically Disadvantaged
8 Individuals; and further adding a
9 definition of "Lesbian, Gay, Bisexual,
10 and Transgender Persons;" and finally
11 recognizing religious prejudice as a form
12 of prejudice because of identity as a
13 member of a group whose ability to
14 compete in the free enterprise system has
15 been impaired due to diminished capital
16 and credit opportunities as compared to
17 others in the same business who have not
18 been subject to such prejudice or
19 differential treatment; all under certain
20 terms and conditions.

21 COUNCILMAN JONES: Thank you,
22 Ms. Williams. Will you please read the
23 witnesses to testify.

24 THE CLERK: Panel No. 1
25 consists of Angela Dowd-Burton. Panel 2

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 would be Zachary Wilcha and Sulaiman

3 Rahman. And Panel 3, Jacob Bender, Ryan

4 Houldin, Meir Badush.

5 (Witness approached witness
6 table.)

7 COUNCILMAN JONES: I'd like the
8 prime sponsor of this legislation to give
9 an opening statement.

10 COUNCILMAN OH: Yes. Thank you
11 very much, Chairman.

12 As we heard today, there's a
13 lot of concerns over the many years about
14 disadvantaged businesses, minority
15 contractors, and others who are
16 frustrated with our system. As a result,
17 I introduced a resolution to hold
18 hearings on creating a process within our
19 city that would shepherd through the
20 disadvantaged businesses and give them
21 the opportunity to be certified within
22 the City and have an understanding of
23 whether or not they qualify and what they
24 can do to improve their opportunities to
25 get actual work from the City. But when

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 I looked at our current law, the
3 procurement law, I found as an attorney
4 two groups of people missing that are
5 protected within our City ordinances.
6 They are religious minorities that face
7 discrimination and, secondly, LGBT. And
8 as a result, after I had created or
9 introduced a resolution concerning the
10 certification process, I also introduced
11 this bill to amend our disadvantaged
12 business law.

13 The first is that in
14 Philadelphia, we have already recognized
15 in our ordinances that if you are a
16 member of the LGBT community, that you
17 are protected from discrimination. It is
18 already in our constitution, in our state
19 law, and others that you cannot be and
20 should not be discriminated based on
21 religion.

22 When I look at the current
23 state of Philadelphia, for example, three
24 pigs' heads thrown at a mosque or a gay
25 man who is beaten in the street, it is

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 difficult for me to imagine that anybody
3 can say that either of these two classes
4 of people are not subject to
5 discrimination, and that applies to
6 business as well. Is there a level
7 playing field? Because this law is to
8 provide economic opportunity on a fair
9 and meritorious basis.

10 Let me say that if I'm trying
11 to do business with a woman and she is
12 the best qualified and then when I meet
13 her she's wearing a burka, do I treat her
14 fairly? The law says we must, but I'm
15 sure she does not get treated fairly and,
16 therefore, she has an opportunity to
17 develop business and show and learn as
18 we've heard today how business is done.

19 If I select a woman as a
20 business provider and she shows up to my
21 office and I think she is a transgender
22 person, does she have a fair opportunity
23 in front of me? I don't think she does
24 in general. I think that there are
25 groups of people that have been despised

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 or disliked or not -- they're not in the
3 social setting of who we want to do
4 business with, and that's how these laws
5 provide the opportunity for people not to
6 be discriminated against and to have the
7 opportunities to prove themselves and
8 develop their businesses and to be
9 successful.

10 This is the law in
11 Philadelphia, yet they are not in sync.
12 So I've introduced this bill to bring
13 them in sync, and from there, I hope we
14 can address how we ensure that people who
15 qualify can receive the opportunities
16 that everyone has talked about today.

17 Thank you very much,
18 Mr. Chairman.

19 COUNCILMAN JONES: Thank you so
20 much, Councilman.

21 Ms. Dowd-Burton, can you begin
22 your testimony. State your name for the
23 record.

24 MS. DOWD-BURTON: Yes. Good
25 afternoon -- or good evening, Chairman

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Jones and members of the Committee on
3 Commerce and Economic Development. My
4 name is Angela Dowd-Burton. I am
5 Executive Director for the Office of
6 Economic Opportunity. I am here today to
7 provide testimony on Bill No. 160152,
8 sponsored by Councilman Oh. This bill
9 amends the Code by adding LGBT-owned
10 business enterprises and business
11 enterprises owned by adherents of
12 specific religious communities. We
13 support the motivating aims of this bill,
14 fostering sensitivity to societal and
15 institutional discrimination that limits
16 economic opportunity for LGBT persons and
17 others who encounter prejudice and bias
18 in the marketplace. Nevertheless, we
19 believe that this bill requires
20 significant refinement in order to
21 achieve these goals, and we would welcome
22 the opportunity to work with the sponsor,
23 other members, and stakeholders.

24 A few factors must be planned
25 out thoughtfully and collectively by

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 legislators and those charged with
3 carrying out legislation for it to work
4 in the context of LGBT business
5 inclusion.

6 First, precise datasets are
7 required to assess the availability,
8 utilization, and disadvantage experienced
9 by lesbian, gay, bisexual, and
10 transgender business owners in the City's
11 procurement system.

12 Second, prior to any
13 assessment, business owners would need to
14 be identified through a certification
15 process with the same rigor as minority
16 business enterprises and women business
17 enterprises submit to. This avoids fraud
18 in the representation of business status
19 and protects not only the taxpayers'
20 dollars but opportunities for other
21 disadvantaged business enterprises and
22 indeed competition generally.

23 Professionally vetting LGBT businesses
24 through an independent third-party
25 certification organization will allow

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 these businesses to be counted in City
3 contracts, a necessary step towards
4 beginning to make a full assessment of
5 any contracting disparities confronting
6 LGBT businesses. Establishing this
7 foundation is critical to the success of
8 any program seeking to eradicate
9 discrimination and enhance business
10 opportunities. We believe this process
11 requires more extensive input from
12 Council, the Administration, and
13 stakeholders, including LGBT
14 organizations such as the National Gay
15 and Lesbian Chamber of Commerce.

16 Finally, with regard to the
17 bill's identified religions, we believe
18 that, at a minimum, further and broader
19 study is required to assess issues such
20 as feasibility and best approach to
21 economic development in that context. I
22 do note that robust protections are
23 available to protect against religious
24 discrimination. Indeed, the City's Fair
25 Practices Ordinance, as well as an array

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 of other laws, afford all religions a
3 high level of protection when transacting
4 business with the City and with the
5 City's vendors.

6 For these reasons, we
7 respectfully urge the sponsor and his
8 colleagues to retain this bill for
9 further refinement. Let me emphasize
10 that the Administration shares the
11 laudable goal of promoting the
12 development and participation of other
13 disadvantaged businesses and redressing
14 historic wrongs as discussed. We stand
15 ready to consider and work on means of
16 proceeding together with Council and
17 stakeholders.

18 Thank you for the opportunity
19 to appear before you today.

20 COUNCILMAN JONES: Thank you
21 for your testimony.

22 Are there any questions?

23 Councilman Oh.

24 COUNCILMAN OH: Thank you very
25 much, Mr. Chairman.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 I would say that the law is
3 already enacted. The law is already
4 enacted in the City. The question is
5 whether the City's processes will reflect
6 the law. This bill states that these
7 protected groups shall be considered
8 separately by the Finance Director in
9 conducting an Annual Disparity Study and
10 devising the Annual Participation Goals
11 as required by this section. Without
12 this bill, there is no requirement to
13 conduct an Annual Disparity Study. I
14 don't know how we have a disparity study
15 if it is not in this bill.

16 There are already existing laws
17 that protect lots of people in our city,
18 and yet we also include them as
19 disadvantaged businesses because they
20 have that protection.

21 This is not creating a new
22 category. This simply is stating that
23 since the law already includes LGBT and
24 religious minorities who face and can
25 prove discrimination; for example, if

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 someone who is Muslim is going to claim
3 that they have been discriminated because
4 of their religion by an African American,
5 that would not be covered in the current
6 set of business opportunity criteria that
7 we have and, therefore, because of their
8 religion and because historically
9 recently we can see very many incidents,
10 I have included three distinct groups -
11 Muslims, Sheiks, and Orthodox Jews.
12 Because of their religion, they wear
13 clothes that identify them, and actually
14 many of the Sheiks that have been beaten
15 since 9/11, beaten publicly, people
16 thought they were Muslims.

17 For me, I don't know that
18 there's any more studying to be done
19 unless what we're saying is that the law
20 that has been established in this city
21 does not matter. There are protections
22 for women, for persons with disabilities,
23 and for minorities - African American,
24 Asian American, Latino - and yet they are
25 included with the opportunity to

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 participate in a program that levels the
3 playing field for them so they can grow
4 in their business.

5 I've heard different arguments,
6 and I have to say that they're
7 unconvincing to me. Just because people
8 are prosperous in Harlem doesn't mean
9 they had good opportunities. Just
10 because people could do business in
11 Chinatown didn't mean they have
12 opportunities. They were relegated to
13 isolated communities. And I'm not
14 arguing to pass an ordinance. I'm simply
15 stating that ordinance is already passed
16 and it should have been done long ago, in
17 my opinion, that protected classes should
18 be included. They are groups of people
19 that there's a rebuttable presumption.
20 You are African American, if you are
21 Latino, if you're a woman, if you're
22 Asian American, if you have a disability,
23 you may not be hired, you may be fired,
24 you may be socially excluded. It's
25 historical. We're not just making it up.

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 It's not individual; the class of people
3 they belong to. And this city has
4 already included them in the Fair
5 Practices Ordinance, the housing
6 protection, but not in the opportunities
7 to participate in the disadvantaged
8 business program.

9 So I do understand what you're
10 saying, but not you personally, but I
11 think the position of the Administration
12 is insincere. The Administration went
13 ahead and did these things. They are
14 good things to do. The Administration is
15 standing by an inclusive process, and to
16 say we have to set it back and work out
17 details, our job is pass the law. Our
18 job is to ensure the law is consistent.
19 The details is what the Administration
20 does, how to enact it. But nobody says
21 you got to do it today, but you have to
22 begin the process of figuring out how
23 this is going to be done, whether you're
24 going to a third party to certify the
25 LGBT businesses or you're going to

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 identify the process of ensuring that
3 these religious groups are in fact
4 actually discriminated against and how
5 the businesses qualify, to the extent
6 they can participate. I think that the
7 law is already here. It's in
8 Philadelphia. Why would we not begin to
9 move forward? It may take a year. It
10 may take two years to work out the
11 details. But we should start moving
12 forward.

13 That's my statement more than
14 it is a question, but it is a challenge.
15 I say that as a lawyer. This is the law,
16 and the law has to come into sync, one
17 with the other.

18 COUNCILMAN JONES: Thank you,
19 Councilman.

20 Are there any other questions?
21 (No response.)

22 COUNCILMAN JONES: Who is the
23 next witness to testify, Ms. Williams --
24 I'm sorry. Mr. Cohen.

25 THE CLERK: Panel 2 is Zachary

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Wilcha and Sulaiman Rahman.

3 COUNCILMAN JONES: Thank you.

4 Please come up to the witness
5 table, and thank you so much for your
6 patience. We've had a long day.

7 (Witnesses approached witness
8 table.)

9 MR. WILCHA: I'm happy to be
10 here.

11 Good afternoon, Chairman
12 Jones -- good evening, Chairman Jones and
13 members of the Committee. Thank you very
14 much for the opportunity to speak with
15 you today. My name is Zachary Wilcha and
16 I am the Executive Director of the
17 Independence Business Alliance, the LGBT
18 Chamber of Commerce for Greater
19 Philadelphia. I'm also the proxy today
20 for the National Gay and Lesbian Chamber
21 of Commerce.

22 The IBA provides opportunities,
23 access, and resources to LGBT
24 professionals and our visible allies. We
25 promote economic development, growth,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 diversity, and leadership in our region.

3 The mission of the IBA is to
4 promote Greater Philadelphia's LGBT
5 business and leadership communities to
6 enhance financial opportunities, foster
7 diversity, develop leadership and
8 collaboration, and advocate for positive
9 change. We testify today in the spirit
10 of partnership to help convey the
11 importance of adding certified LGBT
12 businesses to Philadelphia's supplier
13 diversity standards.

14 LGBT people have the same
15 American dream to grow a business and
16 create jobs as everyone else. New
17 opportunities that certified businesses
18 would have outlined in a bill like this
19 one would allow LGBT businesses to
20 succeed and give back to the community in
21 jobs, tax revenue, and philanthropy.

22 We believe that adding
23 certified LGBT business enterprises is
24 the next step in full equality for our
25 community. For LGBT citizens in

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Philadelphia, this policy would provide
3 fair and equal access to business
4 contracting opportunities that cultivate
5 innovation, create jobs, and drive
6 economic growth throughout the City.

7 We currently live in a world
8 and state where LGBT individuals are
9 still able to be fired from their jobs by
10 virtue of simply being who they are, and
11 being an out LGBT business owner can
12 adversely affect your bottom line. This
13 diversity initiative is an important way
14 to provide certified LGBT businesses with
15 equal access to City contract bidding
16 processes for construction, design, goods
17 and services. Adding LGBT businesses and
18 individuals to the City of Philadelphia's
19 supplier diversity standards is not just
20 doing the good thing. It's doing the
21 right thing for business.

22 The addition of these
23 businesses to Philadelphia's list of
24 disadvantaged businesses provides more
25 people access to opportunity to this

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 vibrant economy. Unfettered access to
3 economic opportunity is not only an
4 essential element of business success.
5 It's also a principle upon which our
6 nation was founded.

7 Helping increase our
8 community's economic visibility, which is
9 essential in building a diverse and
10 inclusive society. LGBT inclusive
11 supplier diversity means that there will
12 be greater LGBT business visibility
13 across Philadelphia. Economic
14 visibility, just like social visibility,
15 is essential in building a diverse and
16 inclusive society. LGBT suppliers will
17 create new jobs, increase City revenue,
18 and showcase our city as an attractive,
19 inclusive place to work. And it's not
20 about getting special or preferred
21 treatment. It's about winning on merit.

22 What a bill like this
23 fundamentally does is allows a variety of
24 businesses to bring their capabilities,
25 and from the perspective of cities like

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Philadelphia, it allows them to access
3 tremendous talent that they might not
4 have seen before.

5 Our own organization has more
6 than 300 members, many of whom are
7 certified or would be eligible for
8 certification as a business whose
9 ownership can be represented by a 51
10 percent LGBT ownership stake. When all
11 diverse segments of the population are
12 empowered to succeed, it means more
13 success for the City of Philadelphia. It
14 means more tax revenue, more jobs,
15 untapped economic potential and business
16 development. It's a formula for proven
17 success that has already worked in
18 several states across the nation,
19 including Massachusetts and California,
20 and will soon be working in New York.

21 Currently, over a third of the
22 Fortune 500 companies recognize LGBT
23 certification and seek these innovative
24 businesses nationwide. In fact, the
25 Democratic National Convention, which

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 will bring millions of dollars of
3 economic impact to the City of
4 Philadelphia, elected to add LGBT
5 individuals to the minority spend to
6 diversify their options, increase their
7 likelihood of success, and promote
8 fairness.

9 This change would have
10 incredible economic impact on a group
11 historically underrepresented in the
12 contracting process. Contracting with a
13 city that focuses on supplier diversity
14 is just one way we can be sure that the
15 LGBT community isn't just surviving but
16 thriving. It helps raise the visibility
17 of LGBT business community one
18 opportunity at a time.

19 The key to this process is
20 certification by an independent third
21 party, like the National Gay and Lesbian
22 Chamber of Commerce. This staves off
23 self-certification and potential for
24 fraud. It also makes things easier for
25 City government by creating a rigorous

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 unimpeachable standard that the City
3 could use to trust to ensure truly
4 diverse options.

5 NGLCC's certification creates
6 opportunities for taxpayers and job
7 creators. It means having a fair shot to
8 get ahead. LGBT businesses are strong
9 and don't need handouts; just an equal
10 seat at the table. The inclusion and
11 opportunity to compete for LGBT business
12 in a diverse pool of candidates is
13 incentive to identify themselves and
14 improve themselves and provides a
15 mechanism for counting in disparity
16 studies. None of this can happen without
17 an equal seat at the table. As has been
18 said, if you don't have a seat at the
19 table, you're probably on the menu.

20 COUNCILWOMAN BROWN: That's my
21 rule.

22 MR. WILCHA: Yes.

23 That said, we do have major
24 concerns about this particular bill in
25 reaching our goal of having a seat at the

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 economic table in the City. This bill,
3 as it stands, includes a number of
4 religious classifications which muddy the
5 waters of the particular goals it is
6 trying to accomplish. We have absolutely
7 no problem with people of any creed or
8 belief system enjoying every economic
9 opportunity that the City has to offer.
10 However, we believe that this bill should
11 concentrate solely on adding groups like
12 the LGBT business community who must
13 participate in a rigorous, independent
14 third-party certification. Third-party
15 certification states and defines the
16 parameters of an economic program and
17 closes potential gaps of fraud.
18 Inclusion must be intentional. It must
19 be highly regulated. LGBT certification
20 is already accepted by corporate America,
21 many federal agencies, and municipalities
22 across the country. This is because of
23 the certification process, which works
24 for the LGBT community, as it has worked
25 for other minority-owned businesses,

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 women-owned businesses, veteran-owned
3 businesses, and disabled individual-owned
4 businesses. Removing faith-based
5 classifications from this bill and
6 creating another separate bill for them
7 is the first step in progress for this
8 thing.

9 We also would like to see the
10 definition of LGBT individuals to either
11 be more consistent with that used in
12 effective legislation in other states or
13 cities and throughout other documentation
14 in the City of Philadelphia or removed
15 altogether.

16 Supplier diversity initiatives
17 have evolved dramatically over the past
18 couple decades. Allowing LGBT
19 individuals the same economic rights as
20 other discrete, diverse segments in
21 society is the next step in full equality
22 for the City. We believe it is more than
23 a moral imperative. It's good business.
24 It's estimated that 1.4 million LGBT
25 business owners NGLCC represents

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 generates tax revenue, create jobs, and
3 innovate business solutions nationwide,
4 but we want to do this the right way, in
5 a bill that is concise and clear with
6 parameters that lead the way to economic
7 opportunity.

8 The great news is that the
9 NGLCC and the City's Office of LGBT
10 Affairs and Commerce Office will act as
11 resources to shape this idea with the
12 momentum into a bill that will
13 effectively work as a way to add LGBT
14 businesses and individuals to
15 Philadelphia's supplier diversity
16 standards. We want this bill to
17 represent the logical path that will
18 accomplish goals for the LGBT community
19 and the City.

20 We hope that once concerns
21 about the definition of LGBT businesses
22 and the streamlining of communities in
23 the bill are rectified and clarified,
24 that will allow a path for LGBT
25 individuals to enjoy full economic

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 opportunity in the City of Philadelphia.

3 And now I'd like to read a
4 short statement from Sam McClure from the
5 NGLCC to enter it into the record.

6 The NGLCC, National Gay and
7 Lesbian Chamber of Commerce, is the only
8 national not-for-profit advocacy
9 organization dedicated to expanding
10 economic opportunities and advancements
11 of the LGBT business community. They
12 currently have 45 affiliate chambers
13 across the United States, including us,
14 the Independence Business Alliance, the
15 LGBT Chamber of Commerce for Greater
16 Philadelphia.

17 After reviewing the proposed
18 amendments to Bill No. 160152, our policy
19 team recommends the following changes:
20 The removal of the definition for LGBT
21 person and the removal of communities of
22 faith from the bill.

23 I, Sam McClure, recommend the
24 removal of the definition for LGBT
25 persons because LGBT is a commonly used

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 and understood well-defined term. It is
3 used worldwide in everyday conversation
4 in every sector of the business world and
5 established in public policy. As this
6 definition does not align with the
7 existing legal language, there's no
8 reason to include the definition as
9 written within the proposed amendments
10 for the bill.

11 Additionally, and finally, I
12 recommend the removal of faith-based
13 communities from the proposed amendments
14 because communities of faith lack a
15 rigorous certification process. Before a
16 group is considered for inclusion in the
17 City's diverse socially and economically
18 disadvantaged programs, it is logical
19 that they first be subjected to a
20 certification process by an established,
21 well-recognized third party. The
22 certification process creates a standard
23 and rigorous process that can help the
24 City avoid the risk of fraud while
25 ensuring that the program serves its

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 intended communities. As such,
3 certification should be a minimum
4 requirement for any individual or
5 business in order for them to take part
6 in the City's efforts. As no third-party
7 certification widely recognized by the
8 policy and business communities exists
9 for faith-based communities, communities
10 of faith should be excluded from the
11 amendments for this particular bill.

12 I want to thank the Committee
13 for their time, and I'm happy to answer
14 any questions that you may have.

15 COUNCILMAN JONES: Well, were
16 you a broadcaster in another life? I
17 mean --

18 MR. WILCHA: I've been running
19 this over in my head for the past couple
20 hours.

21 COUNCILMAN JONES: That's
22 obvious.

23 Are there any questions?

24 (No response.)

25 COUNCILMAN JONES: We heard

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 your statement and we understood it.

3 MR. WILCHA: Thank you,
4 Chairman.

5 COUNCILMAN JONES: Thank you
6 for your testimony.

7 MR. RAHMAN: Good evening.

8 COUNCILMAN JONES: Thank you
9 for your patience.

10 MR. RAHMAN: Yes. I plan to --
11 I thought it would be an hour.

12 COUNCILMAN JONES: No problem.

13 MR. RAHMAN: Didn't quite work
14 out that way.

15 COUNCILMAN JONES: So we're
16 going to break. We'll be back in an
17 hour.

18 (Laughter.)

19 MR. RAHMAN: This came across
20 my desk yesterday. So I didn't have an
21 opportunity to work out a well-thought-out
22 in detail as the previous testimonies,
23 but I do have some concerns about the
24 bill.

25 In all due respect to

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Councilman Oh, I think it was done in
3 good intent, but the concerns that I have
4 I believe really need to be addressed
5 before a bill is passed.

6 First and foremost, I want to
7 mention that I'm a huge advocate of
8 diversity. I think it's important that
9 every community has an opportunity to
10 participate in economic opportunities,
11 and injustice to any group is injustice
12 to all of us. So it's important that we
13 promote diversity and inclusion.

14 But before considering such a
15 bill to add additional categories to
16 disadvantaged -- as disadvantaged
17 businesses, I believe there's about --
18 there's three things that I have listed
19 here that I think that needs to happen
20 first.

21 To the point of Angela
22 Dowd-Burton, she talked about a disparity
23 study, and I know you mentioned to pass
24 the bill to get the study. I think
25 there's an opportunity to do an

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 independent objective study to identify
3 groups that are being disadvantaged in
4 the business sector. There's other
5 areas, social disadvantages, but we need
6 to look specifically in the business
7 sector.

8 There's been a lot of studies
9 around racial disparities, and it's very
10 clear. I think that there's other groups
11 that could be added to this group, but
12 needs to be an objective study done first
13 before we just open up the door to any
14 group just based on anecdotal evidence
15 that we think they're being discriminated
16 against when it comes to business.

17 Number two, to the point of the
18 last testimony, I have a concern about
19 objective ways to certify groups, an
20 objective way to certify a group.

21 Hearing the testimony, I was not familiar
22 with a rigorous program for LGBT and not
23 familiar with a certification program for
24 religious groups as well. And I believe
25 there's a unique challenge when we talk

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 about sexual orientation. I think
3 there's a unique challenge when we talk
4 about religious beliefs, and in good
5 intent. I think it opens up the door for
6 fraud. It opens up the door to undermine
7 the very reason why we have a bill like
8 this, and I would love to hear more about
9 how the certification -- what the rubric
10 is to certify sexual orientation.
11 Someone saying today who they
12 particularly -- you know, we'll go into
13 detail of that, but I would like to know
14 what that process is. And somebody with
15 belief. Could a white male come in today
16 and say that I'm gay and I'm a Muslim,
17 and how do you certify to that, and be
18 interested in making sure that we really
19 look at that certification process and
20 make sure there's no way of fraudulent
21 process with that.

22 And also as we identify and
23 look at new groups to add to this process
24 or to this list, it should not be a zero
25 sum game, in the respect that right now

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 we have goals for diversity and as we add
3 new groups to this list, does it dilute
4 the existing groups that are on this
5 list. Does it make African American
6 businesses that have a very unique
7 history outside of all other
8 discriminations, slavery and mass --
9 disparity studies behind these things, a
10 very unique history that African
11 Americans have in this city -- or not in
12 this city, but in this country in
13 general. So how do we weigh that? And I
14 believe that in these -- the categories
15 need to be broken down, because these
16 groups that we have kind of lumped into
17 one are not mutually exclusive in the
18 respect that there's racial diversity,
19 and I believe that these goals need to be
20 indexed based upon population. If
21 African Americans are 44 percent of the
22 population, let's index the participation
23 based on that population. Women should
24 not be under racial or under that same
25 line item. It should be a whole separate

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 one. Right now it's basically white
3 women is in this category, but there
4 should be a gender diversity, and maybe
5 LGBT falls under gender diversity. And
6 it's not exclusive to just white women.
7 It's exclusive -- you have -- obviously
8 every racial and ethnic culture is
9 obviously being discriminated from gender
10 discrimination. So it should be broken
11 down to black women, Asian women, and
12 every race that could be affected by
13 those different areas.

14 We can look at also religious
15 diversity. If we choose to add religious
16 diversity, it needs to be a separate line
17 item. Obviously, again, it's not
18 mutually exclusive to race. And, again,
19 the study, the disparity study, should
20 also take into consideration if you are
21 an LGBT community, does it affect you the
22 same way as an African American LGBT,
23 does it affect you the same as an Asian
24 LGBT, and really understand that in this
25 disparity study that we have. And then

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 you also have physical and mental
3 disabilities as well.

4 So really to bring this home, I
5 think the way we have it now with OEO,
6 it's lumped into one whole package.
7 Thirty percent is our goal. If you break
8 down the numbers today, you have 40
9 percent of that 30 percent is going to
10 white women. Forty percent is going to
11 African Americans. When you break down
12 the population in Philadelphia, if I'm
13 not mistaken, the census shows it's 44
14 percent of the population in Philadelphia
15 is African American. If you break down
16 the numbers, I would look -- probably
17 white women in the City in the 20's,
18 about 25 percent, just working the
19 numbers.

20 So there's equal participation
21 for white women as it is with African
22 Americans. We're looking at 44 percent
23 of the population versus 25 percent of
24 the population, each getting 12 percent
25 each. So when we set these goals, it

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 should be more ambitious goals for
3 populations that are a larger
4 representation in the City. I think
5 there's an opportunity to really look at
6 that, and to be very cautious about how
7 we introduce new categories, because the
8 categories you've introduced, I think it
9 opens the door for many other categories
10 to come down the line, and there should
11 be a process in which we decide how we
12 add additional categories, that it's not
13 a zero sum game, and that -- or the
14 groups that are currently being
15 disadvantaged are not pushed out of the
16 system or worked around through
17 fraudulent activity.

18 Thank you.

19 COUNCILMAN JONES: One of the
20 good parts about this job is you do learn
21 something every now and then. So I
22 appreciate your testimony, both of you.
23 Thank you for that.

24 Are there any questions?

25 Recognizing Councilman Oh.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN OH: Thank you very
3 much. I do appreciate both your
4 testimonies. Let me say that I respect
5 both gentlemen. I appreciate differences
6 of opinion. The new groups are already
7 in the ordinance. The law has already
8 been passed. I've been asked to hold the
9 bill to work things out. You both seem
10 to be in agreement with that.

11 The reason why I look to amend
12 the bill to reflect the current law is, I
13 did not feel that I could begin doing
14 this certification process, bringing it
15 back into the City's control and making
16 it accountable to those minority business
17 persons who have expressed to me that
18 they have no place to go when they're
19 frustrated. Without addressing this
20 issue, how could I begin this process
21 when two groups were missing?

22 But I have introduced the bill.
23 If we hold it, I will still move forward
24 with the hearing to look at creating a
25 certification process and a stewardship

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 and an accountability to our minority and
3 disadvantaged participants. I will be
4 more than happy to work to try to satisfy
5 the issues raised. However, I will say
6 that the law is already established. We
7 are out of sync with the law. The
8 details that you've expressed are things
9 to be worked out with the Administration
10 in how they administer the bill, but
11 those two groups are not part of this
12 process at this point in time.

13 And, finally, I will say that
14 it has been a challenge because there's
15 different opinions of who should be and
16 who shouldn't be included, and I've had
17 some groups that don't want to testify in
18 support of the bill because they are not
19 for the other group, but I'm just
20 reflecting the law. I'm not telling them
21 to agree or like or whatever. I'm just
22 saying it's the law in Philadelphia.

23 So I believe with that, our
24 testimony is complete and we shall go to
25 the next step.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Thank you very much.

3 COUNCILMAN JONES: Thank you
4 both for your testimony.

5 Councilwoman Reynolds Brown.

6 COUNCILWOMAN BROWN: Yes. Good
7 afternoon, gentlemen. I want to echo
8 Councilman Jones and say also that the
9 work that we do here never gets old and
10 never gets stale because of the very
11 intellectual testimony that you both
12 provided, and I thank you for that.

13 There were aha moments for me.
14 I learned -- I pride myself in being a
15 student, always a work in progress, and
16 you indeed have enlightened me this
17 afternoon. So I thank you for that as
18 well.

19 And I will say to the sponsor
20 of the bill that I am willing to be a
21 part of subsequent discussions and work
22 groups offline to figure out how we wrap
23 our heads around this issue in a way that
24 honors many of what you discussed,
25 Sulaiman Rahman.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 But thank you as well for the
3 enlightenment around how even members of
4 the LGBT community have a third-party
5 process which certifies them in that way.

6 Thank you both very much.

7 Thank you, Mr. Chairman.

8 COUNCILMAN JONES: Thank you,
9 Councilwoman.

10 And thank you guys for your
11 testimony.

12 MR. WILCHA: Thank you.

13 COUNCILMAN JONES: We have one
14 last witness. Please.

15 THE CLERK: Yes. That would be
16 Orlando Acosta.

17 MR. ACOSTA: How y'all doing?

18 COUNCILMAN JONES: I can't hear
19 you.

20 MR. ACOSTA: Thank you for
21 letting me testify.

22 COUNCILMAN JONES: Repeat your
23 name for the record, please.

24 MR. ACOSTA: My name is Orlando
25 Acosta.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Basically when you're talking
3 about a class that's not being paid
4 attention to -- and I thank Councilman Oh
5 for bringing this to the attention,
6 because there's a lot of disabled
7 individuals that have a lot of issues
8 with trying to get employment in the City
9 and different things like that. So I'm
10 glad that, you know, the disabled
11 community was included in this particular
12 bill.

13 Now, everybody can argue, well,
14 this class wasn't included, that class
15 wasn't included, but as time go on,
16 something has to be presented and put on
17 the floor and things do need to change.
18 Now, as things change and diversity needs
19 to be put on the table among any group,
20 but the point is that we have to start
21 somewhere. We can't just keep saying,
22 okay, let's talk about it, talk about it,
23 do the number, do the analyzation, but
24 nothing still gets done. Because it's
25 been a lot of times that I went into

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 jobs, different things in my past, and
3 they looked at just what they saw. They
4 didn't look at the qualifications. They
5 didn't look at anything, and they have
6 ordinances in the City where a lot of
7 companies for disabled are keeping the
8 disabled for about six months and then
9 they get a tax write-off. Once that tax
10 write-off expires, then they're letting
11 the disabled individual go. So if that
12 disabled individual has a family and
13 trying to build a family, then that's a
14 very in itself -- because how can you
15 establish gainful employment for a long
16 period of time if there's a -- now, I
17 know that's on the federal level, but I'm
18 just saying on the City level, that
19 another ordinance need to be put in place
20 to stop the barrier of them saying, okay,
21 well, for a six-month period they get a
22 tax write-off for hiring the person
23 that's disabled and at the end of that
24 six-month period, they want to let you
25 go. So you can't really gainfully, you

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 know, get long-term employment if you
3 know that this barrier always happens
4 with every employer that you do come
5 across.

6 But, I mean, I thank Councilman
7 Oh and everybody's body of work, from
8 Jannie Blackwell to Ms. Cherelle Parker
9 to Ms. Reynolds Brown and everything,
10 because -- and especially Curtis. You
11 know, you've always helped me different
12 ways and different things. So I really
13 do appreciate it and everything,
14 especially with the testimony that you
15 gave yesterday and especially,
16 Ms. Cherelle Parker, you know. I commend
17 that, and especially Jannie, even though
18 I know you busy over there, you know, and
19 stuff. But I commend everybody on this
20 board.

21 But I think that's a key factor
22 that needs to be put in the legislation
23 so these barriers for disabled don't come
24 and hinder that as well. Other than
25 that, have a good night.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 COUNCILMAN JONES: Thank you
3 for your insight. You raised an
4 interesting point about the six-month tax
5 write-off and then release. And that's
6 something that this Council may want to
7 take a look at. If people are solely
8 hiring people for a write-off and at the
9 moment that they receive that tax
10 write-off they're disposable, that's not
11 the intent of those laws.

12 MR. ACOSTA: Well, actually
13 that's under the federal guidelines.
14 They have that under the ADA law, under
15 the federal guideline, but even -- I
16 don't know what the City could do from a
17 City standpoint, but I know federally it
18 needs to change on that level too. But I
19 was just wondering if an ordinance -- I
20 mean, I can help you, you know, put that
21 type of situation together if it's an
22 ordinance that can be drafted from the
23 City level.

24 COUNCILMAN JONES: We're going
25 to certainly take that under advisement.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 You raise a good point.

3 MR. ACOSTA: Thank you, sir.

4 COUNCILMAN JONES: Thank you.

5 Are there any others to testify
6 on this bill?

7 (No response.)

8 COUNCILMAN JONES: Seeing none,
9 this concludes the public hearing, and we
10 will now go into a public meeting to
11 consider actions to be taken on the bills
12 heard today. As the author of Bill
13 160152 is holding that bill, and we will
14 now begin and I will recognize
15 Councilwoman Parker for a motion on Bill
16 No. 160364.

17 COUNCILWOMAN PARKER: Thank
18 you, Mr. Chairman. I move that Bill No.
19 160364 be reported from this Committee
20 with a favorable recommendation and
21 further move that the rules of Council be
22 suspended to permit first reading of this
23 bill at the next session of Council.

24 (Duly seconded.)

25 COUNCILMAN JONES: It has been

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 moved and properly seconded that Bill No.
3 160364 be reported from this Committee
4 with a favorable recommendation and
5 further moved that the rules of Council
6 be suspended to permit first reading of
7 this bill at our next session of Council.

8 All those in favor will say
9 aye.

10 (Aye.)

11 COUNCILMAN JONES: All those
12 opposed?

13 (No response.)

14 COUNCILMAN JONES: The ayes
15 have it and the motion carries. Bill No.
16 160364 will be reported from this
17 Committee with a favorable recommendation
18 with a request that the rules of Council
19 be suspended to permit first reading at
20 our next session of Council.

21 The Chair now recognizes again
22 Councilwoman Parker for a motion on Bill
23 No. 160325.

24 COUNCILWOMAN PARKER: Thank
25 you, Mr. Chairman. I move that Bill No.

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 160325 be reported from this Committee
3 with a favorable recommendation and
4 further move that the rules of Council be
5 suspended to permit first reading of this
6 bill at the next session of Council.

7 (Duly seconded.)

8 COUNCILMAN JONES: It's been
9 moved and properly seconded that Bill No.
10 160325 be reported from this Committee
11 with a favorable recommendation and
12 further moved that the rules of Council
13 be suspended to permit first reading of
14 this bill at our next session of Council.

15 All those in favor will signify
16 by saying aye.

17 (Aye.)

18 COUNCILMAN JONES: The ayes
19 have it. The motion carries. Bill No.
20 160325 will be reported from this
21 Committee with a favorable recommendation
22 with a request that the rules of Council
23 be suspended to permit first reading at
24 our next session of Council.

25 Public meeting on motion on

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 Bill No. 160370 -- repeat; 160370. The
3 Chair recognizes Councilwoman Parker for
4 an amendment.

5 COUNCILWOMAN PARKER: Thank
6 you, Mr. Chairman. I offer an amendment
7 to Bill No. 160370. A copy of the
8 amendment has been circulated to all
9 members of the Committee. I move that
10 the amendment to Bill No. 160370 be
11 approved.

12 (Duly seconded.)

13 COUNCILMAN JONES: It has been
14 moved and properly seconded that the
15 amendment to Bill No. 160370 be approved.

16 All those in favor will signify
17 by saying aye.

18 (Aye.)

19 COUNCILMAN JONES: All those
20 opposed?

21 (No response.)

22 COUNCILMAN JONES: The ayes
23 have it and the motion carries. An
24 amendment to Bill 160370 has been
25 approved.

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 The Chair recognizes again
3 Councilwoman Parker for a motion on Bill
4 No. 160370, as amended.

5 COUNCILWOMAN PARKER: Thank
6 you, Mr. Chairman. I move that Bill No.
7 160370, as amended, be reported from this
8 Committee with a favorable recommendation
9 and further move that the rules of
10 Council be suspended to permit first
11 reading of this bill at the next session
12 of Council.

13 (Duly seconded.)

14 COUNCILMAN JONES: It has been
15 moved and properly seconded that Bill No.
16 160370, as amended, be reported from this
17 Committee with a favorable recommendation
18 and moved further that the rules of
19 Council be suspended to permit first
20 reading of this bill at our next session
21 of Council.

22 All those in favor will say
23 aye.

24 (Aye.)

25 COUNCILMAN JONES: All those

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 opposed?

3 (No response.)

4 COUNCILMAN JONES: The ayes
5 have it and the motion carries. Bill No.
6 160370, as amended, will be reported from
7 this Committee with a favorable
8 recommendation with a request for a rules
9 suspension of Council to permit first
10 reading of this bill at our next session
11 of Council.

12 The public meeting on motion
13 for Bill No. 160129, the Chair recognizes
14 Councilwoman Parker for a motion to amend
15 that bill.

16 COUNCILWOMAN PARKER: Thank
17 you, Mr. Chairman. I offer an amendment
18 to Bill No. 160129. A copy of the
19 amendment has been circulated to all
20 members of the Committee. I move that
21 the amendment to Bill No. 160129 be
22 approved.

23 (Duly seconded.)

24 COUNCILMAN JONES: It has been
25 moved and properly seconded that the

1 5/26/16 - COMMERCE - BILL 160129, etc.

2 amendment to Bill No. 160129 be approved.

3 All those in favor will say
4 aye.

5 (Aye.)

6 COUNCILMAN JONES: All those
7 opposed?

8 (NO response.)

9 COUNCILMAN JONES: The ayes
10 have it and the motion carries. An
11 amendment to Bill No. 160129 has been
12 approved.

13 The Chair recognizes
14 Councilwoman Parker again for a motion on
15 Bill No. 160129, as amended.

16 COUNCILWOMAN PARKER: Thank
17 you, Mr. Chairman. I move that Bill No.
18 160129, as amended, be reported from this
19 Committee with a favorable recommendation
20 and further move that the rules of
21 Council be suspended to permit first
22 reading of this bill at the next session
23 of Council.

24 (Duly seconded.)

25 COUNCILMAN JONES: It has been

1 5/26/16 - COMMERCE - BILL 160129, etc.
2 moved and properly seconded that Bill No.
3 160129, as amended, be reported from this
4 Committee with a favorable recommendation
5 and further moved that the rules of
6 Council be suspended to permit first
7 reading of this bill at our next session
8 of Council.

9 All those in favor will say
10 aye.

11 (Aye.)

12 COUNCILMAN JONES: All those
13 opposed?

14 (No response.)

15 COUNCILMAN JONES: The ayes
16 have it and the motion carries. Bill No.
17 160129, as amended, will be reported from
18 this Committee with a favorable
19 recommendation with a request that the
20 rules of Council be suspended to permit
21 first reading at our next session of
22 Council.

23 If there is no further business
24 for this body, we are adjourned.

25 (Committee on Commerce and

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1 5/26/16 - COMMERCE - BILL 160129, etc.
2 Economic Development concluded at 6:50
3 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, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

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