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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Remote location using Microsoft® Teams
Monday, May 23, 2022
1:00 p.m.

PRESENT:

COUNCILWOMAN CHERELLE L. PARKER, CHAIR
COUNCILMAN DEREK S. GREEN, VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN HELEN GYM
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN BRIAN J. O'NEILL

ALSO PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE

BILLS: 210630, 220049, 220187, 220360,
220361, 220408, 220409
RESOLUTIONS: 210640, 220197, 220423

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2 COUNCILWOMAN PARKER: Thank you
3 so very much. Good afternoon, everyone.

4 Before we begin the public
5 hearing, I will make the following
6 announcement: Due to the continuing
7 threat of public health from COVID-19,
8 City Council Committees are currently
9 meeting remotely. We are using
10 Microsoft Teams to make these remote
11 hearings possible.

12 Instructions for how the public
13 may view and offer public testimony at
14 public hearings of Council Committees
15 are included in the public hearing
16 notices that are published in the Daily
17 News, Inquirer and Legal Intelligencer
18 prior to the hearings and can also be
19 found on PHLCouncil.com. I now note
20 that the hour has come.

21 Rachel, will you please call
22 the roll to take attendance. Members
23 that are in attendance, will you please
24 indicate that you are present when your
25 name is called. Also, please just say a

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1 few brief words when responding so that
2 your image will be displayed on screen
3 when you speak.

4 THE CLERK: Vice-Chair Derek
5 Green.

6 COUNCILMAN GREEN: Good
7 morning, Madam Chair, members of this
8 Committee. I am present.

9 COUNCILWOMAN PARKER:
10 Morning -- afternoon.

11 THE CLERK: Councilmember Helen
12 Gym.

13 COUNCILWOMAN GYM: Good
14 afternoon, Madam Chair. Good afternoon,
15 colleagues. I am present.

16 COUNCILWOMAN PARKER:
17 Afternoon.

18 THE CLERK: Councilmember
19 Curtis Jones, Jr.

20 COUNCILMAN JONES: Madam Chair,
21 colleagues, Philadelphia, I am present.

22 COUNCILWOMAN PARKER:
23 Afternoon.

24 THE CLERK: Councilmember Brian
25 O'Neill.

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1 COUNCILMAN O'NEILL: I am
2 present.

3 COUNCILWOMAN PARKER: Good
4 afternoon.

5 THE CLERK: Councilmember Cindy
6 Bass.

7 COUNCILWOMAN BASS: Good
8 afternoon, Madam Chair and colleagues.
9 I am present.

10 COUNCILWOMAN PARKER:
11 Afternoon.

12 THE CLERK: And we are joined
13 by Council President Darrell Clarke.

14 COUNCIL PRESIDENT CLARKE:
15 Thank you, Madam Chair, members of the
16 Committee. I'm present.

17 COUNCILWOMAN PARKER: Good
18 afternoon, Mr. President.

19 This is the public hearing of
20 the Committee on Law and Government on
21 Bill Nos. 220187, 220049, 220360 and
22 220361 and Resolution No. 220197. All
23 other bills and resolutions are being
24 held. After the Clerk reads the title
25 of the bills, I am going to be

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1 acknowledging our Council President
2 Darrell Clarke for some remarks.

3 But for right now, Rachel, will
4 you please read the title of the bills
5 and the resolution being heard today.

6 THE CLERK: 220187, an
7 ordinance providing for the submission
8 to the qualified electors of the City of
9 Philadelphia of an amendment to the
10 Philadelphia Home Rule Charter to create
11 the Department of Aviation, to transfer
12 the functions of certain City agencies
13 with respect to the operations of the
14 City's airports to the newly-created
15 Department, and to provide for
16 additional duties of the Department, as
17 approved by Resolution of the City
18 Council; fixing the date of a special
19 election for such purpose; prescribing
20 the form of ballot question to be voted
21 on; and authorizing the appropriate
22 officers to publish notice and to make
23 arrangements for the special election.

24 220049, an ordinance amending
25 Chapter 20-1000 of The Philadelphia

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1 Code, ("Political Contributions and
2 Expenditures") to add and make changes
3 to provisions regarding campaign
4 contributions and disclosure of
5 political committee expenditures; all
6 under certain terms and conditions.

7 220360, an ordinance amending
8 Chapter 20-600 of The Philadelphia Code
9 ("Standards of Conduct and Ethics") by
10 revising and extending the prohibition
11 on retaliation and adding protections
12 against interference with Board of
13 Ethics proceedings, all under certain
14 terms and conditions.

15 220361, an ordinance amending
16 Chapter 20-1000 of The Philadelphia
17 Code, ("Political Contributions and
18 Expenditures") to revise provisions and
19 to make technical changes, all under
20 certain terms and conditions.

21 And 220197, a resolution
22 proposing an amendment to the
23 Philadelphia Home Rule Charter to create
24 the Department of Aviation, to transfer
25 the functions of certain City agencies

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1 with respect to the operations of the
2 City's airports to the newly-created
3 department and to provide for additional
4 duties of the Department; and providing
5 for the submission of the amendment to
6 the electors of Philadelphia.

7 COUNCILWOMAN PARKER: Thank
8 you. Before we begin to hear testimony
9 from the witnesses we have for today,
10 everyone who has been invited to the
11 meeting to testify should be aware that
12 this public hearing is being recorded.
13 Because the hearing is public,
14 participants and viewers have no
15 reasonable expectation of privacy. By
16 continuing to be in the meeting, you are
17 consenting to being recorded.

18 Additionally, prior to
19 recognizing Members for the questions or
20 comments they have for witnesses, I will
21 note for the record at this time that we
22 will use the chat feature available in
23 Microsoft Teams to allow Members to
24 signify that they wish to be recognized.
25 In order to comply with the Sunshine

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1 Act, the chat feature must only be used
2 for this purpose.

3 At this time, I want to
4 recognize our President Darrell Clarke
5 for comments.

6 COUNCIL PRESIDENT CLARKE: Good
7 afternoon, Madam Chair. Thank you. And
8 good afternoon, members of the
9 Committee. Madam Chair, per our
10 conversation earlier, I would like to
11 officially ask that Bill Nos. 210630,
12 220408, 220409; 210, Resolution, 640;
13 and 220, Resolution No., 423. Those
14 bills reference the change in the Home
15 Rule Charter to create a public works
16 residency provision. The bill was
17 written by the Law Department.

18 Late last week I received a
19 memo from the Law Department that
20 indicated as written by them this may
21 not necessarily be enforceable, so we
22 will hold that bill so we can determine
23 the enforceability if it is altered. So
24 we're going to hold that for now.

25 The other bill that talks about

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1 the division of jobs and training
2 opportunities, and I know there has been
3 significant conversation by yourself and
4 Councilwoman Gilmore Richardson with
5 respect to that. There was a flurry of
6 phone calls, which is good, leading up
7 to the possible passage for the hearing
8 for this particular bill.

9 And a number of individuals,
10 and I want to reference particularly Pat
11 Clancy who is currently running Philly
12 Works, indicated that there may be a way
13 of achieving the goals of the
14 legislation without necessarily having a
15 Charter change, which I'm always in
16 favor of. So we will shortly have a
17 conversation with the interested parties
18 and the stakeholders to try to craft
19 something to make sure that there's no
20 gaps in opportunities.

21 Philly Works does great work.
22 No one can question that. But based on
23 the funding formula, there is a
24 significant number of people that may
25 not necessarily qualify to participate

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1 in that. We have to figure out a way to
2 make sure that everybody gets an
3 opportunity.

4 So with that Madam Chair, I'm
5 going to ask for the holding of all
6 those bills and I appreciate your
7 indulgence on this matter. And I want
8 to thank Mr. Clancy for the conversation
9 that we had over the weekend.

10 So thank you, Madam Chair.

11 COUNCILWOMAN PARKER: Thank
12 you, Mr. President, for your summary and
13 providing an overview about those bills
14 and the resolutions. The record will
15 reflect that those bills are being held
16 today. Again thank you, Mr. President,
17 for being here and for providing that
18 summary.

19 With that being said, Rachel,
20 will you please call the first panel
21 that we have to testify this afternoon
22 on Bill No. 220187 and Resolution No.
23 220197.

24 THE CLERK: Yes. We have
25 Rochelle Chellie Cameron and then there

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1 are others available from the Airport
2 for questions, if need be.

3 COUNCILWOMAN PARKER: Thank you
4 so very much. Good afternoon, Chellie.
5 I see you in the box here. Gosh, it's
6 so different, but it'll change soon.
7 You are connected. So just state your
8 name for the record and proceed with
9 your testimony.

10 MS. CAMERON: Good afternoon,
11 Chairperson Parker and members of the
12 Committee on Law and Government. My
13 name is Chellie Cameron, Chief Executive
14 Officer for the Division of Aviation,
15 which manages both Philadelphia
16 International Airport and Philadelphia
17 Northeast Airport. I am here today to
18 testify in support of Bill No. 220187
19 and Resolution No. 220197, which would
20 submit to the citizens of Philadelphia
21 an amendment of the Home Rule Charter to
22 create a Department of Aviation.

23 With me today are members of my
24 leadership team, Tracy Borda, Chief
25 Financial Officer and Delicsha Wilds,

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1 Chief Administrative Officer. Also with
2 me today to take questions is Commerce
3 Director Anne Nadol. Commerce and the
4 Division of Aviation have a strong
5 partnership that I'm confident will
6 continue into the future.

7 Our City's airports PHL and PNE
8 are key regional assets that combine to
9 generate billions in economic impact and
10 help sustain more than 106,000 jobs. To
11 succeed into the future, we need to
12 ensure that PHL and PNE are in the best
13 position to operate efficiently and to
14 adapt to changes in the business
15 environment. The need to make major
16 changes in Airport operations quickly
17 during the pandemic has taught us the
18 value of efficient decision-making.

19 With the support of the
20 Administration, our leadership team has
21 been thoughtfully working on a Charter
22 change proposal which would create a new
23 Department of Aviation to provide the
24 City's airports with stability from
25 Administration to Administration and to

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1 enable our team to meet changes within
2 the industry head-on.

3 A comprehensive overview of the
4 benefits this change could bring to the
5 airport, its stakeholders and passengers
6 has been provided to this body. I would
7 like to touch on a few of the key
8 benefits during my testimony today.

9 First, a key function of this Charter
10 change would be to institutionalize
11 processes and procedures to ensure
12 efficient decision-making.

13 For example, under this change
14 the Airport Director would be able to
15 sign grant agreements, contracts and
16 other binding documents on behalf of the
17 City of Philadelphia. Why is this
18 important? Prior to the current
19 signatory process instituted by the
20 Kenney Administration, airport
21 agreements and other important contracts
22 needed to be signed by other members of
23 the Administration. This resulted in
24 delays, conforming grant agreements,
25 signing leases and authorizing other

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1 important contracts.

2 The benefit of
3 institutionalizing the current process
4 is that it will provide passengers,
5 employees, contractors and stakeholders
6 a quicker delivery of projects and
7 services. Secondly, having an adaptable
8 workforce able to evolve to meet changes
9 within the industry is vital. A
10 Department of Aviation would be able to
11 recruit for talent for key roles not
12 found in other departments and hire for
13 all Airport positions more efficiently.
14 Establishing and growing new teams
15 within PHL such as guest experience
16 which was implemented during the
17 pandemic, or passenger services help
18 serve our passenger base and support our
19 onsite team members.

20 Through this change the Airport
21 team will be afforded the ability to
22 create new positions and make specific
23 personnel units more scalable to better
24 respond to changes within the industry.
25 Finally, this change would make the

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1 Department head a member of the Mayor's
2 cabinet and better position the Director
3 of Aviation to advocate for important
4 policy changes that would benefit
5 employees and passengers.

6 Even though the reporting
7 structure would be different, Aviation
8 would continue to partner with the
9 Commerce Department on important
10 business development initiatives that
11 benefit our City and residents. I'd
12 like to thank you for the opportunity to
13 present testimony today. I kindly ask
14 the Committee for a favorable
15 recommendation and I'm happy to answer
16 any questions you may have.

17 COUNCILWOMAN PARKER: Thank you
18 so very much, Chellie, for your
19 testimony.

20 Let me state for the record and
21 for the benefit of the viewing public
22 that this bill and resolution was
23 introduced by Councilmember Kenyatta
24 Johnson on behalf of Council President
25 Clarke. Councilmember Johnson

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1 represents the District in which the
2 airport is geographically located. So I
3 wanted to note that for the record.

4 Chellie, I would have had a ton
5 of questions for you. However, any and
6 every question that I could think of we
7 asked during budget hearings already and
8 that information has been put on the
9 record.

10 I want to ask are there any
11 questions or comments from members of
12 the Committee? Chair recognizes
13 Councilmember Jones.

14 COUNCILMAN JONES: Thank you so
15 much, Madam Chair. I want you to think
16 about the top five reasons we should do
17 this. I think I know many of them, but
18 I'd like to put it on the record. I
19 know how much just in my tenure with the
20 City, how much the airport and aviation
21 has grown. We are in a lot of senses an
22 independent city out there with
23 commerce, with railways, internal
24 transportation systems, with the whole
25 parking environment.

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1 And with no disrespect to the
2 Commerce Department, I come from that
3 DNA, if you would, by way of work
4 experience, but it always was like the
5 tail wagging the dog in the sense of how
6 federally slanted aviation is and how
7 private sector it could be based on the
8 nine or so back in the day airlines that
9 used to be out of that airport. So I
10 kind of get why.

11 But do me a favor and take a
12 deeper dive for the record the five
13 reasons we should do this.

14 MS. CAMERON: Sorry about that.
15 Thank you for the question,
16 Councilmember Jones. I think first I
17 would start by saying that the three
18 reasons that I outlined in my testimony
19 stand, right. It's the efficiency of
20 the operations, being able to sign
21 agreements quickly, to be able to keep
22 projects and services moving. It's the
23 workforce issues, having the ability to
24 add additional exempt positions when
25 required.

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1 A perfect example of this is we
2 added a Director of Guest Experience,
3 which is a program that many airports
4 had instituted years ago and it was only
5 through borrowing, if you will, a
6 position from the Managing Director's
7 Office and filling that position where
8 we're able to establish that function,
9 so it's workforce issues. And then
10 finally, it's being a member of the
11 Mayor's cabinet.

12 I would point out that when the
13 Charter was written, aviation didn't
14 have near the impact that it has today
15 as you noted. Other cities have
16 realized this impact, and we did a lot
17 of research leading up to this
18 recommendation. Other large hub
19 airports and large cities that have
20 city-owned and operated airports like us
21 have aligned their aviation, their
22 airports, as direct reports to their
23 Mayors. Examples are Denver, Chicago,
24 Atlanta. These are some of the leading
25 airports not just in the country, but in

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1 the world. And you know, we really see
2 this as a modernization, if you will, of
3 the alignment to make sure that we are
4 kind of keeping up with our peers.

5 I talked about the other
6 things, but one other thing that I would
7 mention is to make sure that policy
8 priorities can be acted on quickly.

9 During COVID, we were one of the City
10 divisions, areas that were on site every
11 day. So vaccine roll-out and decisions
12 about how to keep our workforce safe
13 were things that we really would have
14 benefited by having more direct access
15 to the decision-makers. So it's for all
16 of those reasons that I think this makes
17 sense, not just for the Airport but
18 really for the City and its residents as
19 well.

20 COUNCILMAN JONES: Many of your
21 rules and guidelines are federal rules
22 and guidelines anyway, correct?

23 MS. CAMERON: That is
24 absolutely correct. A lot of the things
25 that we do are governed by grant

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1 assurances and other FAA, TSA and CBP
2 regulations, that is correct.

3 COUNCILMAN JONES: Give us a
4 sense of scope -- and I did not, Madam
5 Chair, forgive me for the redundancy in
6 this, I did not actually hear their
7 testimony, so for you it's secondhand,
8 for me it's first time out -- how many
9 employees do you have? Just to give the
10 public a sense of how large you are, how
11 many employees are at the airport and
12 also include the airlines employees in
13 that?

14 MS. CAMERON: Yes, of course.
15 The Division of Aviation, when we staff
16 up to the levels that we need to be,
17 we're a little low right now because of
18 the pandemic, but we have more than 800
19 Division of Aviation employees and
20 another 200 public safety so Police and
21 Fire employees that are at the airport
22 that work for the City. But before the
23 pandemic hit, there were 21,000 people
24 who worked at the airport. So the other
25 20,000 work for predominantly the

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1 airlines, rental car companies,
2 concession operators. And I could keep
3 going on and on. TSA has more than
4 5,000 employees. It's more than 20,000
5 employees that work for all those other
6 companies.

7 COUNCILMAN JONES: So in a lot
8 of cases you're bigger than some small
9 cities?

10 MS. CAMERON: Yes. Yes, we
11 are.

12 COUNCILMAN JONES: Thank you,
13 Madam Chair.

14 COUNCILWOMAN PARKER: Thank
15 you, Councilmember Jones. And no, it
16 was very important to get that
17 information on the record.

18 And because you opened that up
19 regarding the number of employees, tell
20 us, if you will, when you describe that
21 21,000 who work at the airport but work
22 for the airlines, people know that we
23 have not yet signed an agreement. I
24 know you answered this question already,
25 and this is what I was really

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1 referencing, Councilmember Jones,
2 because this question was answered on
3 the record in regards to what is
4 standard operating procedure, if an
5 agreement is not signed by a certain
6 amount of time, what happens with those
7 employees? Put that on the record for
8 us, if you will, Chellie, so members of
9 the public will get a sense of if, in
10 fact, an agreement is not signed, does
11 that mean that our airport stops
12 working, what does that mean for the
13 people who work for those airlines who
14 are there, but in many cases are
15 residents of Philadelphia?

16 MS. CAMERON: It's a great
17 question, Chairperson Parker, and I'd be
18 happy to answer it. If we don't have an
19 agreement in place by June 30th, which
20 is the date when our current agreement
21 expires, we will go to rates by
22 regulation. Our current agreement
23 has -- we had two one-year options and
24 those have both been exercised and those
25 options are exhausted. So we would go

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1 to rates by regulation.

2 We have already filed rates by
3 regulation and started the official
4 process to establish those. And
5 essentially what that means in practical
6 terms is that we will have a way to
7 charge the airlines for use of our
8 facilities and we will have general
9 governing rules by which they have to
10 operate. So everything stays
11 essentially the same as it does under an
12 agreement. And especially in the short
13 term, it allows us to keep going in the
14 right direction. We could do this long
15 term, but ideally we would all like to
16 be operating under an agreement.

17 COUNCILWOMAN PARKER: No, thank
18 you so very much for providing that
19 clarity for the record. Again, you did
20 clearly answer that question regarding
21 the rates by regulation. You got it on
22 the record during the hearing. But when
23 Councilmember Jones was able to sort of
24 get the number of employees who worked
25 there, that was important to affirm.

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1 So thank you, Councilmember
2 Jones, for just getting that line of
3 questioning on the record.

4 And now, the Chair is going to
5 recognize Councilmember Green.

6 COUNCILMAN GREEN: Thank you,
7 Madam Chair.

8 Thank you, Ms. Cameron, for
9 your service at the Airport. Good luck
10 in your new role at the Greater
11 Philadelphia Chamber of Commerce. But I
12 have just a few quick questions, which
13 this would be for more likely your
14 successor at the Airport. And
15 concerning the size of the Airport, I
16 understand it will be the 10th largest
17 Division of Aviation in the country.

18 And I know you as someone who's
19 been in this industry for some time from
20 your time in D.C. and also very
21 cognizant of all the other changes that
22 have happened in the industry, what
23 opportunities do you see or better
24 opportunities will you see by having
25 this division in this new role, assuming

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1 that it's supported and it comes to pass
2 in reference to opportunities like the
3 Bipartisan Infrastructure Law?

4 I'm sure you're very familiar
5 with having LAX, with the major
6 expansion they've done in Los Angeles
7 Airport to make parking much easier in
8 that location. I've been there several
9 times. My sister lives in California.
10 I know the challenges in parking at LAX.
11 But trying to enhance the customer
12 experience, and you talked about having
13 a person in that role.

14 So just like with the
15 Bipartisan Infrastructure Law, other
16 opportunities, what will this change
17 mean going forward in reference to
18 Division of Aviation?

19 MS. CAMERON: Again, I -- and
20 thank you for the question,
21 Councilmember Green. I think that most
22 importantly it gives us a seat at the
23 table where decisions are being made and
24 discussed and contemplated. When you're
25 not at the table, sometimes you're an

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1 afterthought and we do operate with so
2 many federal guidelines as Councilmember
3 Jones said, that sometimes, people think
4 that everything is just happening at the
5 Airport. But we need to be part of a
6 more consolidated strategy moving
7 forward with the City so that everything
8 that we're doing as a City moves
9 together in tandem, that we're
10 incorporating sustainability goals, that
11 we're accessing money that makes sense
12 to all of us and that it works together,
13 and I think that this Charter change
14 mainly will allow us that access and
15 that seat at the table for those
16 decisions.

17 COUNCILMAN GREEN: In your fact
18 sheet, you talked about the work you're
19 doing with Mike Carroll and the Mayor's
20 Office of Transportation and Utilities.
21 What is happening now in reference to
22 the Infrastructure Investment Jobs Act
23 in reference to looking at how we can
24 make critical investments at the
25 Airport? Is there coordination with the

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1 Administration in that regard or is the
2 Airport -- and if this does pass, the
3 Division of Aviation moving in a
4 direction and their focus on their
5 perspective but it's not being
6 coordinated with other parts of the
7 Administration?

8 MS. CAMERON: So we are
9 coordinating now. But again, that's not
10 always the case. And as we move
11 forward -- so let me give you an
12 example. We have said that we would use
13 our infrastructure dollars to advance
14 our cargo development program. That
15 doesn't just impact cargo buildings on
16 the airport. It impacts roadways,
17 right.

18 And so, some of the
19 coordination that I'm talking about that
20 has happened now with Mike Carroll's
21 office is that we're talking about
22 additional access to I-95 and how we as
23 a City can work together to prioritize
24 that Airport project along with other
25 projects that the City has on the books.

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1 And again, it all has to work in tandem.

2 If we build those additional
3 cargo buildings and don't have the
4 additional access on I-95, those trucks
5 could potentially have to go through the
6 airport to get to another slip ramp,
7 which would really gridlock traffic on
8 the airport. So again, we are doing
9 that coordination now. But in the
10 future, it would be very helpful to make
11 sure that we're at the table from the
12 start when those decisions are being
13 contemplated.

14 COUNCILMAN GREEN: Thank you.

15 Thank you, Ms. Cameron. I thank you for
16 your service.

17 Thank you, Madam Chair.

18 COUNCILMAN GREEN: Thank you.

19 COUNCILWOMAN PARKER: Thank you
20 so much, Councilmember Green, for
21 getting those questions on the record.

22 Are there any questions or
23 comments from other members of the
24 Committee?

25 (No response.)

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1 COUNCILWOMAN PARKER: Hearing
2 none, thank you so very much, Chellie,
3 for being here with us today. And if
4 anything comes up after the fact, we'll
5 make sure we forward it to you for your
6 response. But thank you for being here
7 to testify today on Bill No. 220187 and
8 Resolution No. 220197.

9 There being no more questions,
10 Rachel, I'm going to ask you to call the
11 first panel that we have here to testify
12 this afternoon on Bill Nos. 220049,
13 220360 and 220361. But before they
14 begin, we're going to hear from sponsor
15 Councilmember Derek Green.

16 COUNCILMAN GREEN: Thank you,
17 Madam Chair.

18 These three bills, 049, 360 and
19 361, hope to provide some additional
20 change to the ethics laws in the City of
21 Philadelphia. The first piece of
22 legislation 049 helps to address a
23 loophole, where someone can basically
24 bring in a vendor to run their campaign
25 and will not have the -- and through our

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1 current structure, we'd not have the
2 real ability to have oversight in
3 reference to see how that would occur.

4 So this first bill will help
5 address that issue, making sure that
6 those who are desiring to run in the
7 City of Philadelphia do not have the
8 ability to outsource their campaign
9 through a third party, and then we don't
10 have the ability, especially
11 constituents and citizens of the City of
12 Philadelphia, to get a perspective on
13 the operations of that vendor as they
14 provide the campaign apparatus for a
15 candidate running for office, which is
16 really not fair to others who are
17 running their campaigns and are not
18 using outside vendors to run their
19 campaign.

20 The second bill 360 deals with
21 whistleblowers and really just
22 strengthens the protections to make sure
23 that anyone that is providing
24 information regarding ethics violations,
25 that there cannot be retaliation against

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1 them for providing that information. I
2 think it provides additional guidance
3 and support to make sure that we are
4 consistent with the goals of all of us
5 as elected officials who took a duty and
6 oath to provide and support the Home
7 Rule Charter will continue to do so and
8 will also give citizens within the City
9 of Philadelphia that see ethics
10 violations occurring the freedom to be
11 able to come forth with those
12 observations and information and not
13 fear retaliation for doing so.

14 And the final bill is Bill
15 220361, which really deals with
16 technical issues in our ethics codes,
17 ethics laws that need to be cleaned up.
18 For example, throughout our ethics laws
19 we make reference to candidate, but then
20 we also make reference to the entire
21 process, which is a campaign which a
22 candidate is part of. So this is a bill
23 to clean up that language within our
24 ethics laws. There's some other
25 technical changes as well.

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1 I'll have Mr. Cook talk about
2 those things, but 220361 is really to
3 clean up the ethics laws and make it
4 more readable, more plain English and
5 more understandable for anyone that is
6 looking and wants to get an
7 understanding of the laws that operate
8 in the City of Philadelphia as it
9 pertains to ethics.

10 Thank you, Madam Chair.

11 COUNCILWOMAN PARKER: Thank you
12 so much, Councilmember Green.

13 Rachel, will you now call the
14 first panel we have to testify this
15 afternoon on Bill Nos. 220360 and
16 220361.

17 THE CLERK: Yes. It is just
18 Michael Cook, although there's written
19 testimony from Pat Christmas.

20 COUNCILWOMAN PARKER: Thank you
21 so very much. The written testimony
22 from Pat Christmas will be officially
23 added to this Committee's record.

24 Right now I see Mr. Michael
25 Cook. Good afternoon. I see that you

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1 are connected and ready to proceed.

2 Just feel free to state your name for
3 the record and proceed with your
4 testimony.

5 MR. COOK: Thank you, Madam
6 Chair. Good morning, Chair Parker,
7 Vice-Chair Green, Council President
8 Clarke, members of the Committee. My
9 name is Michael Cook and I'm the General
10 Counsel for the City's Board of Ethics,
11 and I am pleased to be here today to
12 speak on Bills 220049, 220360, 220361.
13 I appear on behalf of the Board to
14 testify in support of all three bills.
15 All right. Well, I just at the outset
16 apologize if you're picking up some
17 glare behind me. It seems like the
18 shades in my office are not blocking it
19 as much as might be ideal, so apologies
20 if that is distracting to anybody.

21 So I'll start with Bill 220049,
22 which would amend the City's Campaign
23 Finance Law to tighten rules related to
24 campaigns making expenditures through
25 vendors. And I understand that

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1 Councilmember Green plans to propose an
2 amendment to this bill that would
3 generally update the rules about how
4 candidates use political committees and
5 would update also an existing provision
6 related to payments by candidates to
7 political base to be on sample ballots
8 and would create a new provision
9 allowing candidates to run as slates and
10 share costs.

11 Bill 220360 would amend the
12 City's Ethics Code to revise and extend
13 the existing prohibition on retaliation
14 and add protections against interference
15 of Board of Ethics proceedings.

16 Bill 220361 would make
17 technical changes to the City's Campaign
18 Finance Law to make wording more
19 consistent and clear, would also revise
20 the provision related to doubling of the
21 contribution limits to set a specific
22 time period in which contributions from
23 a candidate to their campaign will count
24 towards the doubling threshold of
25 \$250,000.

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1 I'll just in closing note that
2 the Board believes all three of these
3 bills would be an improvement to the
4 existing laws and commend City Council
5 for taking up these matters, and I am of
6 course happy to answer any questions
7 Committee members may have.

8 COUNCILWOMAN PARKER: Thank you
9 so very much, Mr. Cook, for your
10 testimony.

11 Councilmember Green, as the
12 sponsor, are there any comments aside
13 from what you said or questions that you
14 wanted to ask before we go to other
15 members of the Committee?

16 COUNCILMAN GREEN: I'll let
17 other members of the Committee ask
18 questions. I may have some follow-up
19 after they have questions.

20 COUNCILWOMAN PARKER: Okay.
21 Thank you.

22 Chair recognizes Councilmember
23 Gym.

24 COUNCILWOMAN GYM: Yes, thank
25 you so much, Madam Chair.

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1 And, good afternoon, Mr. Cook.

2 Thank you so much for your testimony and
3 thank you very much to the sponsor of
4 the bill as well. I had a few
5 questions. So I think my first question
6 is around I think it is 220 -- I hope
7 I'm getting it right -- 049. This is
8 regarding the section that talks about
9 vendors and subvendors, Section 13, A
10 campaign may pay a political committee
11 or other person to have the candidate's
12 name placed on sample ballots, et
13 cetera, et cetera. In the case of such
14 payment being made to a person other
15 than the political committee, the
16 campaign shall disclose not just that
17 person to whom it made payment, but also
18 any persons whom that person pays or
19 employs in order to provide the
20 services.

21 So I think one of the questions
22 that I had regarding that is if you
23 could tell us a little bit about the
24 thinking because I think I'm a little
25 confused about how you would see it

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1 being reported. I agree that you would
2 want to report the payment to the
3 particular vendor. But I would hope
4 that the campaign isn't responsible for
5 every single line item of any amount
6 that then gets paid for by that vendor.

7 So could you explain to me how
8 a campaign is supposed to maintain the
9 records or whether that vendor is
10 supposed to maintain the records? I
11 just want to understand the clarity
12 around that.

13 MR. COOK: Certainly. Thank
14 you, Councilmember, for the question.
15 And I would say first that the purpose
16 of that particular provision is to avoid
17 situations where campaigns can use I
18 guess what you could call the equivalent
19 of shell companies. And so, perhaps
20 some LLC or other organization takes
21 money from the campaign and then goes
22 and pays people to do -- it could be
23 canvassing, get out the vote, it could
24 be a payment to a company for
25 advertising. And by acting as that

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1 intermediary, prevents real disclosure
2 from happening. Because if the
3 candidate's committee just discloses,
4 say, \$20,000 XYZ LLC, then the public
5 doesn't get the disclosure that they
6 would get from another campaign, say,
7 that it's gotten using that intermediary
8 so it's disclosing payments to 10 people
9 for a couple hundred bucks each to do
10 canvassing or whatever the case may be.
11 So that is the concern there and the
12 goal to ensure a genuine reporting as is
13 contemplated by the law.

14 COUNCILWOMAN GYM: And I agree
15 with the general, you know, the overall
16 goal here. My question is do you feel
17 like it would -- shouldn't there be a
18 threshold then for a vendor because you
19 don't actually -- the intent of this is
20 not for the campaign to be responsible
21 for every single canvasser that may be
22 paid like, you know, X amount hourly no
23 matter how small that amount may be.

24 I think the goal is to do what
25 you set out. So would you think that

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1 there might or ought to be a threshold
2 minimum before a campaign would have to
3 delineate it?

4 MR. COOK: I think that's a
5 good idea. I had not thought of that
6 before, but I think that makes sense.
7 There's other places in the law that use
8 a similar approach in the Campaign
9 Finance Law to, say, below a certain
10 amount of money we're not going to worry
11 about itemizing. But above a certain
12 amount of money, then yes, the concerns
13 are there.

14 COUNCILWOMAN GYM: Yeah --

15 COUNCILMAN GREEN: Madam Chair,
16 I have a point of information.

17 COUNCILWOMAN PARKER: Chair
18 recognizes Councilmember Green.

19 COUNCILMAN GREEN: Following
20 those lines, Mr. Cook, I know that there
21 are certain de minimis amounts that you
22 don't have to report from a campaign
23 finance perspective, and I understand
24 that within our campaign funds and
25 ethics laws. My understanding, and

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1 correct me if I'm wrong, it's been some
2 time since I've been what someone would
3 say a campaign operative, but campaigns
4 historically had to list every person
5 that received money doing work on behalf
6 of the campaign.

7 I know, for example, wards have
8 to do the same thing from my
9 understanding, so any party that's doing
10 work or being paid out of that campaign,
11 that information needs to be disclosed.
12 And my understanding is this would do
13 the same thing to make sure that if you
14 have a vendor, that that vendor also has
15 to disclose just like any candidate that
16 did not outsource their campaign would
17 have to provide that information of who
18 they paid in reference to working on
19 their campaign.

20 MR. COOK: Yes --

21 COUNCILWOMAN GYM: Point of
22 information. Point of information,
23 Madam Chair.

24 COUNCILWOMAN PARKER: Sure.

25 Thank you.

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1 Chair recognizes Councilmember
2 Gym.

3 COUNCILWOMAN GYM: Before -- I
4 mean, just for point of information for
5 Councilmember Green, are you saying -- I
6 think we fully agree that the question
7 is the vendor should absolutely be
8 responsible for maintenance of records.
9 The question is whether the candidate
10 and the candidate's committee is
11 responsible for the vendors maintenance
12 of records. Obviously, anything that is
13 directly dispensed to an individual paid
14 for by the campaign itself, I think
15 there's case law that says that
16 obviously you want to delineate all of
17 it no matter how small that may be.

18 The question here I think is
19 whether the vendor's responsible for the
20 information and the reporting or whether
21 the candidate is responsible for every
22 dollar no matter how small. So I'm
23 sorry. I just wanted to see,
24 Councilman, if that was your question or
25 if we could clarify that.

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1 COUNCILMAN GREEN: Okay. I
2 think we're -- not sure if we do
3 questions on point of information. But
4 in that regard, I will respond as one of
5 the sponsors of the bill. For
6 candidates and also political action
7 committees, they have that
8 responsibility for providing information
9 to the public regarding who's receiving
10 dollars out of their campaign or out of
11 the political action committee. And to
12 me, that is the intent of this
13 legislation to make sure that if someone
14 is running a campaign and they're hiring
15 people for someone that is hiring a
16 vendor and that vendor's hiring people,
17 we're not putting a lesser burden on
18 someone doing a vendor situation as
19 opposed to a campaign that did not hire
20 a vendor who was responsible for
21 demonstrating what dollars came out of
22 their committee to someone or people
23 working on their behalf to position
24 themselves for elective office.

25 I think it puts an unfair

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1 burden on those who do not outsource
2 their campaign or political action
3 committee that does not have to
4 outsource out another vendor during
5 operation on their behalf to hold them
6 to one standard, but then a different
7 standard if you hire a vendor and then
8 that vendor does not have to provide
9 that type of information.

10 COUNCILWOMAN PARKER:

11 Councilmember Gym, did Councilmember
12 Green in his response to your important
13 formation, did he answer your question?
14 And, Councilmember Gym, did you have
15 anything that you wanted to follow up on
16 from Councilmember Green or Mr. Michael
17 Cook?

18 COUNCILWOMAN GYM: Sorry, Madam
19 Chair.

20 COUNCILWOMAN PARKER: Okay. I
21 can hear you now. You were frozen for a
22 bit. You're back now.

23 COUNCILWOMAN GYM: Yes, my
24 apologies. Yes, I did want to ask
25 Mr. Cook whether -- I mean, I think you

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1 heard both of our perspectives. I've
2 been very clear that I believe that any
3 amount of money, no matter how small,
4 paid for by a campaign directly to an
5 individual should absolutely be
6 accounted for. I think in a vendor
7 category with a subvendor involved, the
8 question is whether the campaign is
9 responsible for every single dollar no
10 matter how small of that expense or
11 whether that was the intent of the bill
12 or the amendment or whether the intent
13 is to do what I thought I heard, which
14 is to certainly capture any kind of
15 significant outlay, but recognize that
16 the vendor themselves are responsible
17 for maintenance of records on small
18 amounts of money that are spent, I think
19 again we do a lot with making sure that
20 we want to -- I think the sponsor of the
21 bill is very aptly pointing out that we
22 want to capture certain things, but I'm
23 trying to figure out how we do it in a
24 way that it's not excessively burdensome
25 on a campaign and maybe unnecessarily

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1 so, because it's not necessarily trying
2 to get at do we really want to know the
3 name and amount of money, for example of
4 every canvasser no matter how little
5 that was spent on them, every lunch
6 item, et cetera, et cetera or are we
7 trying to capture large-scale
8 outsourcing of campaigns in which large
9 sums of money are starting to go out.

10 So I guess I would ask that of Mr. Cook.

11 MR. COOK: Thank you,
12 Councilmember. So I would say that the
13 disclosure of even amounts of \$100, \$150
14 per person to canvassers is what is
15 contemplated by the amendment as written
16 as being comparable to what would be
17 required if the campaign itself was
18 making those expenditures or if they
19 paid the money to a political committee
20 and then the political committee made
21 those expenditures, the political
22 committee would have to disclose those
23 expenditures on its campaign finance
24 report.

25 I think a couple thoughts in

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1 regard to your question. One is the
2 burden as written is on the campaign to
3 make those disclosures and that the law
4 doesn't impose a specific -- as the
5 proposed law doesn't propose a specific
6 burden with regard to that on the vendor
7 which would be different from a
8 political committee, because a political
9 committee if they're filing campaign
10 finance reports, then they have
11 obligations. So that is a distinction I
12 think between the ordinary situations
13 that you might see.

14 I will say though that unlike
15 with the political committee the
16 information here is limited to payments
17 to other persons. So for instance, if
18 the vendor is paying for hoagies or
19 pencils or something, that's not
20 something the campaign has to worry
21 about getting from them. It's whether
22 it's individuals, that they are paying
23 to do the work or some other LLC that
24 they then pass the work on down the line
25 is what's contemplated by the language

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1 proposed.

2 COUNCILWOMAN GYM: Okay. So
3 there are two things that I had raised
4 as a possibility. One, establishing a
5 minimum threshold so that there might
6 be, you know, you don't have to do it
7 for a \$20 whatever thing. And then the
8 other would be you could require -- the
9 law could require the vendor to keep
10 records; is that correct?

11 MR. COOK: So with regard to
12 requiring the vendor to keep records, I
13 think that's right. I think that it
14 would be within the City's power to say
15 that if a vendor wants to provide this
16 kind of service to a campaign, that they
17 would need to maintain documentation
18 showing how everything is spent and then
19 the law could either say they have to
20 provide that to the campaign or they
21 have to provide it to the Board upon
22 request.

23 I think it would actually make
24 sense to say that they have to provide
25 it to the campaign because that gives

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1 the campaign protection that they have
2 those records on hand. And then --

3 COUNCILWOMAN GYM: And then
4 those could be immediately disclosable
5 at --

6 MR. COOK: Yes.

7 COUNCILWOMAN GYM: -- anybody's
8 request?

9 MR. COOK: Yes.

10 COUNCILWOMAN GYM: Okay.

11 MR. COOK: Yep, you could do
12 that. And then with the sort of
13 threshold question, I think that could
14 be an approach to strike a balance
15 between getting the disclosures that are
16 desired and also minimizing the burden
17 on campaigns so that there's not undue
18 burden on campaigns. I would say though
19 that I think that the amount I think
20 would need to be probably below \$100. A
21 \$100 payment is a very typical payment
22 to someone who's doing canvassing or
23 get-out-the-vote activities and then --
24 because otherwise, you could have a
25 situation like Councilmember Green was

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1 talking about where you get the kind of
2 unlevel-playing field where somebody
3 uses, you know, they do a sample ballot
4 through a political committee and it's
5 disclosing the 50 people that pay \$100.
6 And so, the public sees all of that, but
7 somebody does it through some LLC and
8 then they're not disclosing those. Even
9 though \$100 isn't in its own a
10 significant amount of money, in the
11 aggregate showing the full scope of what
12 the campaign is actually spending its
13 money on I think is significant.

14 COUNCILWOMAN GYM: All right.
15 I appreciate that. And I think the
16 question is I believe in disclosure 100
17 percent and I appreciate the attention
18 to it and also capturing sort of the
19 differences. I just want to make sure
20 that candidates and campaign committees
21 themselves aren't put in an undue kind
22 of position.

23 I think that the second
24 question I had a little bit was around
25 say if the work were to go through as it

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1 is, the question is really about
2 reporting because I'm not understanding
3 quite how it wouldn't be some kind of --
4 whether the reporting would make it
5 clear or whether it actually obscures
6 it.

7 So for example, on a committee
8 say if you paid an entity, I'll give a
9 random amount of \$5,000, you do want the
10 public to know that this entity received
11 \$5,000 and you generally want that
12 \$5,000 to generally be disclosable,
13 right. But if the candidate is
14 responsible, is the candidate reporting
15 \$5,000 to that entity and then
16 delineating out how the \$5,000 is spent?
17 Because I wonder whether it almost --it
18 makes it a challenge to not kind of
19 double report or say if you don't
20 disclose that it's going to a committee,
21 you might actually obscure. So how are
22 you handling the way in which it's
23 crystal clear that this entity received
24 a lump sum of this amount and then
25 underneath it disclosed how that money

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1 was spent?

2 MR. COOK: So I'll say this is
3 a great example of something that would
4 be very important for the Board of
5 Regulation to provide that step-by-step
6 instruction, as you said, to make it
7 crystal clear as a possibility of what
8 that could look like, and again there
9 would be a whole regulatory process that
10 would play out, but I think we see it
11 would be so comparable to some of the
12 disclosures that happen with regard to
13 any kind of contributions or campaigns
14 sharing costs and the like, so that say,
15 for example, somebody pays this, an LLC,
16 \$5,000 and \$1,000 of it just the LLC
17 keeps it as their fee. And then 4,000
18 is they're paying 40 people \$100 each, I
19 think I've got my math right there, 40
20 people \$100 each to do the canvassing or
21 whatnot.

22 So what I would say as a way to
23 have the reporting that is accurate but
24 also doesn't result in double counting,
25 that the campaign on its campaign

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1 finance report would disclose \$1,000 to
2 the XYZ, LLC, and in the description
3 field administrative cost for canvassing
4 work, and then for each of those 40
5 people that the LLC paid \$100, the
6 campaign would list each of them, and
7 then in the description say canvassing
8 work paid for through XYZ, LLC. So you
9 would have the full description of what
10 the expenditure was. That's just off
11 the top of my head, though.

12 COUNCILWOMAN GYM: Yeah. I
13 mean, again one of the things that you,
14 you know, I think that it's important
15 for the public to note that these
16 individuals come through this third-
17 party entity. And I think it makes it a
18 challenge in my opinion and, in fact,
19 could potentially obscure the amount
20 that goes to the LLC or to that third-
21 party entity.

22 And again, it's part of the
23 reason why I do feel like consideration
24 of requiring these third-party vendors
25 to have a full maintenance of records

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1 down to the penny, I don't really care
2 if the vendor is doing it, and making
3 that available to the Ethics Board, to
4 the campaign and to everybody feels
5 really important, but placing the burden
6 onto the committee and the campaign
7 itself raises to me some questions about
8 whether actually money does get kind of
9 obscured because you're no longer seeing
10 a lump sum of \$5,000 to one entity.
11 You're seeing \$1,000 to that one entity
12 and then disbursed over many different
13 people.

14 Now, if that's what you want,
15 maybe. But to me, I think that that
16 actually is obscuring and it makes it
17 also burdensome. But it's mostly that
18 it seems like it's almost, you know,
19 it's not necessarily providing clarity.
20 It's providing a lot of work, but not
21 necessarily providing clarity. And I
22 think that there might be ways for us to
23 continue to talk about how to provide a
24 level of clarity that the Ethics Board
25 and the public absolutely wants and

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1 deserves without potentially obscuring.

2 So I'll just stop here.

3 My second question is really
4 for the other bill. And is that 049 or
5 am I on the wrong one -- 361. Could you
6 explain just in your own words what is
7 the thinking around changing the
8 language again from candidate to
9 campaign?

10 MR. COOK: Certainly. So the
11 Campaign Finance Law was I guess as it's
12 generally its current version, the
13 original version of 2006 more or less,
14 the 2007 election was the first time it
15 was fully in effect, and then since then
16 there's been a number of amendments, and
17 the additions -- and I think actually
18 for that matter even in the original
19 version they didn't always sort of
20 follow the same conventions, so
21 sometimes the ordinance would use the
22 word candidate as a stand-in for the
23 larger campaign, because if you give a
24 contribution to the treasurer or an
25 electronic transfer straight to the

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1 committee's account or to the candidate,
2 it's all going to the same place for the
3 purposes of the campaign finance limits.

4 But the law would use the sort
5 of -- I don't know if it was considered
6 so much but just the term candidate as
7 in the individual, but there were other
8 places in the law where it would use the
9 term candidate where it seemed pretty
10 clear that it's meant to actually mean
11 just the individual and not the full
12 operation, so the attempt of this
13 amendment would be to in the places
14 where the coverage of the law really
15 should be for the whole operation, to
16 use the term campaign. And then in
17 instances where actually it's something
18 specific to the individual who's the
19 candidate, then to use the term there.

20 COUNCILWOMAN GYM: So could you
21 clarify about whether -- I mean, there's
22 threshold limits, so this applies
23 threshold limits obviously to the
24 campaign and not to the candidate. Does
25 that mean any campaign expenditure to a

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1 particular campaign applies towards the
2 individual or PAC limits even if it's
3 not directly towards that candidate?

4 MR. COOK: So this amendment
5 wouldn't change the application of the
6 contribution limits. It would just be
7 technical wording. So that would be as
8 is the case now if somebody gives the
9 check to the candidate themselves, they
10 give the check to the treasurer, if it
11 goes through PayPal, it doesn't matter.
12 That's subject to the \$12,000 limit or a
13 \$12,100 for a PAC. It doesn't expand
14 the coverage of the contribution limits
15 in any way.

16 COUNCILWOMAN GYM: Or limit it
17 necessarily?

18 MR. COOK: No, no.

19 COUNCILWOMAN GYM: Okay. All
20 right. Thank you. I just wanted to get
21 that clarified and I appreciate that.

22 Thank you very much, Madam
23 Chair.

24 COUNCILWOMAN PARKER: Thank you
25 so very much, Councilmember Gym.

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1 Councilmember Green, just a
2 point of information before I get to
3 Councilmember Jones, if you will, the
4 legislation, particularly the exchange
5 relative to understanding between you
6 and Councilmember Gym, was this
7 legislation, legislation that was
8 recommended and recommended as essential
9 and/or necessary from the Ethics
10 Committee or Board and saying to
11 Council, look, based on our history,
12 based on our experience here, we know we
13 need some clarity here or is this your
14 intent, Councilmember, sort of combing
15 through it?

16 I guess I'm thinking, for
17 example, it would be like if we get a
18 bill from the Administration and they
19 give us a bill and we would say, here
20 Cherelle Parker's introducing this bill
21 on behalf of the Administration. Help
22 us, if you will, Councilmember Green, in
23 just explaining how this came about.
24 Thank you.

25 COUNCILMAN GREEN: Thank you,

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1 Madam Chair. I've introduced a number
2 of bills, two different packages called
3 a Civic Agenda. And through working
4 with Mr. Cook and Ethics Board staff, a
5 number of ideas have come out. This is
6 one idea that did come from the staff of
7 the Ethics Board because of their
8 observation in recent elections, and
9 making it important that we don't want
10 to obscure the ability for voters to get
11 information about who is paying who, and
12 ultimately a campaign and a candidate is
13 responsible for the vendors they pay and
14 the vendors they hire.

15 So making sure that if I am
16 someone that wants to see who paid what,
17 it makes it easy to go directly through
18 the campaign to find that information as
19 opposed to going through information
20 that a vendor may supply of who they may
21 have paid, but then you got to connect,
22 well, this vendor worked with this
23 campaign so I've got to find that and
24 kind of be a bloodhound and follow the
25 information.

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1 By having it come through and
2 making ultimately the person
3 responsible, the organization that's
4 responsible which is the candidate and
5 as the other bill says campaign, they're
6 ultimately responsible for who they
7 hire, who they pay. So it makes sense
8 for that organization to have to have
9 that information disclosed if a vendor
10 is hired and a vendor is paying people
11 to do work ultimately on behalf of the
12 campaign.

13 COUNCILWOMAN PARKER: Thank you
14 so very much, Councilmember Green, for
15 that response and letting us know sort
16 of where the intent and/or the sort of
17 nucleus of this legislation and where it
18 is proffered from.

19 Chair recognizes Councilmember
20 Jones.

21 COUNCILMAN JONES: Thank you,
22 Madam Chair.

23 And thank you, Mr. Cook, and
24 thank you to the author of this
25 legislation. This is the first time

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1 when dealing with ethics as it relates
2 to campaigns, that it actually seems
3 like the author was somebody who
4 actually ran a campaign. And so, I'm
5 thankful for that kind of directness as
6 to the realities of running, as you
7 said, Member Green, of being an
8 operative, which I found interesting.

9 A couple of things. One, where
10 are we -- can you take a deeper dive as
11 to when candidates might want to share
12 expenses, might want to be on a ballot
13 collectively and it is awkward at times
14 trying to account for who's paying for
15 what, how much a pro rata share. It
16 almost discourages slates, if you would.
17 So tell me the motivation behind this
18 bill and what this bill will actually do
19 to clarify that.

20 MR. COOK: Thank you,
21 Councilmember Jones. And thank you for
22 that question because I think it
23 highlights both a particular aspect of
24 the bill that relates to slates, that a
25 (inaudible) is very notable. But then

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1 also, I really appreciate your comment
2 about the sort of practicality of some
3 of the approach here, because I agree
4 wholeheartedly that that's very
5 important and that we've had, what, 15
6 years of experience now in Philadelphia
7 with this Campaign Finance Law. And I
8 think it's one of the strengths of the
9 approach that the City and City Council
10 is taking the law, the flexibility and
11 the willingness to update the law as we
12 go along so that it continues to fit the
13 reality. So it's both accomplishing the
14 goals of the Campaign Finance Law, but
15 not in a way that it becomes unworkable.
16 Because then if it becomes unworkable
17 then campaigns are going to find
18 themselves in situations where they have
19 really difficult choices to make in
20 terms of how they comply with the law
21 and the realities campaign stuff.

22 And so, I think your point
23 about slates really goes to that.
24 Because under the law as it exists now
25 if two candidates or three candidates

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1 wanted to run as a slate together, they
2 would be significantly limited in how
3 they do so. Because once they're doing
4 it together, then they're coordinating
5 their expenditures and they're each only
6 going to be able to spend up to the
7 contribution limit before they make
8 excess contributions to each other.

9 And if my observation becomes a
10 limitation on campaigns, that doesn't
11 necessarily further the purposes of the
12 Campaign Finance Law because there's
13 nothing inherently troublesome I don't
14 think about campaigns running as slates.
15 But because of the way the law is
16 currently written, it becomes
17 practically not possible for them to do
18 so.

19 So what this amendment would do
20 would say it's okay to run as slates.
21 Now, you need to make sure that
22 everybody's paying their fair share,
23 that it doesn't become an excuse for a
24 couple of other candidates to fund some
25 favored candidate, that that doesn't

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1 become a way to get around the
2 contribution limits or anything like
3 that. And so, it has those safeguards
4 built into it with people paying their
5 fair share and maintaining records and
6 so on. But it would allow now
7 candidates to run as slates in a way
8 that they were not allowed to before.

9 COUNCILMAN JONES: The second
10 question I have is the elephant in the
11 room, both at the federal, statewide and
12 now local levels. All of this
13 transparency is good, but how do you
14 pierce the veil of IEs, independent
15 expenditures, that you don't even know
16 where that money is coming from, what
17 motivations they may have and then
18 accountability for those dollars coming
19 in? And so, there are national entities
20 that are going to come in and because
21 they care about a congressional race or
22 usually something like that, set up shop
23 and kind of manipulate our local
24 elections.

25 So is there any thought -- I

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1 know these laws do not address that, I
2 get it. But if you're trying to get
3 transparency, the elephant in the room
4 is the independent expenditure.

5 MR. COOK: So I would say,
6 Councilmember, that this I think is an
7 area where Philadelphia has really shown
8 leadership in the country in terms of
9 the approach that we have taken through
10 prior amendments to the Campaign Finance
11 Law to ensure genuine disclosure related
12 to independent expenditures, and
13 certainly more than would be required on
14 the federal level, so that the law as
15 written through an amendment in 2015 and
16 then an amendment four years ago to
17 really try to create a system of
18 reporting when it comes to independent
19 expenditures such that the goal of the
20 law as is written to ensure that the
21 actual ultimate funder of an independent
22 expenditure will be disclosed, and that
23 really does relate to the sort of shell
24 company approach that you see in other
25 places.

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1 Again, it'll be some nonprofit
2 organization that was set up two weeks
3 ago is the one writing the check. But
4 the way our law works is it's not enough
5 to just have that XYZ, LLC file a report
6 that says, oh, we got our money from
7 ABC, LLC and that's the end of the day.
8 The way our law works is, no, ABC needs
9 to file a report now until you get back
10 to the ultimate funders.

11 Now, I think the law is really
12 good, but I don't want to pretend that
13 there's not challenges with enforcing
14 that because these folks may be well-
15 funded, they're very clever, they're
16 always looking for weaknesses in the
17 law. But I think that we do have a very
18 good law on the books for when it comes
19 to independent expenditure reporting to
20 get genuine reporting in a way that you
21 don't see at the federal level.

22 COUNCILMAN JONES: Thank you,
23 Madam Chair.

24 COUNCILWOMAN PARKER: Thank you
25 so very much, Councilmember Jones.

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1 I don't see any other questions
2 in the chat for Bill No. 220049 or
3 220360 and 220 --

4 COUNCILWOMAN BASS: Madam
5 Chair --

6 COUNCILWOMAN PARKER: Chair
7 recognizes, is that Councilmember Bass?

8 COUNCILWOMAN BASS: Yes, it is.

9 COUNCILWOMAN PARKER: Chair
10 recognizes Councilmember Bass.

11 COUNCILWOMAN BASS: Thank you,
12 Madam Chair.

13 I just really wanted to thank
14 Councilman Green for his thoughtfulness
15 in the legislation that's being proposed
16 today. I think that while I do have
17 some questions and I need to meet with
18 the Councilman and his staff to be fully
19 briefed on the matter, but I think at
20 first glance that there are a lot of
21 really positives that I think can come
22 further out of the legislation that's
23 being proposed.

24 So my specific questions were
25 more around the slate concept and how

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1 that would work, and I do have some
2 concerns and thoughts around that. But
3 again, I think that's a matter of
4 clarification, that we can have a
5 conversation off the record just to have
6 those clarified and not take up any of
7 the Committee's time on those matters.
8 But we will be in touch with the sponsor
9 and follow up from there.

10 But overall, I think that this
11 is definitely the progress that we need
12 to avoid sort of hiding who's behind the
13 veil and making sure that we get the
14 information out and to know what
15 entities are actually doing what work
16 when we talk about not having to list --
17 well, I guess the third-party vendors
18 not having to list exactly who they're
19 working with and what kind of activities
20 they're up to. So again, just kudos to
21 Councilman Green and we will follow up
22 with him directly.

23 Thank you, Madam Chair.

24 COUNCILWOMAN PARKER: Thank
25 you, Councilmember Bass.

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1 Are there -- and because I
2 don't have the ability to see any hands
3 raised, I can only see what is actually
4 written in a chat, Vice-Chair Green, I'm
5 going to ask, if you will, do you see
6 any hands up that I've missed or is
7 there anyone else here?

8 COUNCILMAN GREEN: Madam Chair,
9 I do not see any additional questions
10 being raised by Members as indicated in
11 the chat feature of Microsoft Teams.

12 COUNCILWOMAN PARKER: Thank you
13 so very much, Vice-Chairman Green.

14 If there are no more questions,
15 Rachel, do we have anyone else here who
16 is scheduled to testify?

17 THE CLERK: No, we do not.

18 COUNCILWOMAN PARKER: Okay.

19 And no further questions or comments
20 from members of the Committee. There
21 being no further questions from members
22 of the Committee and no other witnesses
23 to testify on Bill Nos. 220187, 220049,
24 220360, 220361 and Resolution No.
25 220197, I will ask if there is anyone

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1 else -- excuse me. I will ask if there
2 is anyone else present in this hearing
3 whose name we have failed to call and
4 that wishes to offer testimony on any of
5 these bills or the resolution being
6 considered?

7 (No response.)

8 COUNCILWOMAN PARKER: Hearing
9 none, I want to thank our witnesses for
10 their participation today. We value
11 your opinions. We will now recess the
12 public hearing and go into a public
13 meeting to consider the action to be
14 taken on these bills and the resolution.
15 We will now convene the public meeting.

16 Rachel, will you please call
17 the roll to take attendance. Members
18 that are in attendance, will you please
19 indicate that you are present when your
20 name is called. Also, please say a few
21 brief words when responding so that your
22 image will be displayed on screen when
23 you speak.

24 THE CLERK: Vice-Chair Derek
25 Green.

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1 COUNCILMAN GREEN: I am
2 present.

3 THE CLERK: Councilmember Brian
4 O'Neill.

5 COUNCILMAN O'NEILL: Present.

6 THE CLERK: Councilmember Cindy
7 Bass.

8 COUNCILWOMAN BASS: Good
9 afternoon. I am still present.

10 THE CLERK: Councilmember
11 Curtis Jones, Jr.

12 COUNCILMAN JONES: I am
13 present.

14 THE CLERK: Councilmember Helen
15 Gym.

16 (No response.)

17 THE CLERK: Okay. That's -- we
18 still have a quorum to vote so that's
19 fine.

20 COUNCILWOMAN PARKER: Rachel,
21 was that our final member?

22 THE CLERK: Yes. I do not see
23 Council President Darrell Clarke anymore
24 and no other members of the Committee.

25 COUNCILWOMAN PARKER: Okay.

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1 Thank you. We will now go into our
2 public meeting.

3 The Chair recognizes
4 Councilmember Green for a motion on Bill
5 No. 220187.

6 COUNCILMAN GREEN: Thank you,
7 Madam Chair.

8 I move that Bill No. 220187 be
9 reported from this Committee with a
10 favorable recommendation and further
11 move that the rules of Council be
12 suspended to permit first reading of
13 this bill at the next session of
14 Council.

15 COUNCILMAN JONES: Second.

16 COUNCILWOMAN PARKER: The Chair
17 notes for the record that Councilmember
18 Jones seconds the motion. It has been
19 moved and properly seconded that Bill
20 No. 220187 be reported from this
21 Committee with a favorable
22 recommendation and further move that the
23 rules of Council be suspended to permit
24 first reading of this bill at the next
25 session of Council.

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1 All those in favor of the
2 motion will signify by saying aye.

3 (Ayes.)

4 COUNCILWOMAN PARKER: Those
5 opposed?

6 (No response.)

7 COUNCILWOMAN PARKER: The ayes
8 have it and the motion carries.

9 The Chair wants to note for the
10 record that Councilmember -- one second
11 please. The Chair notes for the record
12 that Councilmember Gym is having
13 technical difficulties. She was sort of
14 knocked off of our platform and is doing
15 her best to get back on right now. So
16 just if her staff is anywhere, please
17 note for the record that Councilmember
18 Gym is having technical difficulties.

19 The Chair recognizes
20 Councilmember Green for a motion on
21 Resolution No. 220197.

22 COUNCILMAN GREEN: Thank you,
23 Madam Chair.

24 I move that Resolution No.
25 220197 be reported from this Committee

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1 with a favorable recommendation.

2 COUNCILMAN JONES: Second.

3 COUNCILWOMAN PARKER: The Chair
4 notes for the record that Councilmember
5 Jones seconds that motion. It has been
6 moved and properly seconded that
7 Resolution No. 220197 be reported from
8 this Committee with a favorable
9 recommendation.

10 All those in favor of the
11 motion will signify by saying aye.

12 (Ayes.)

13 COUNCILWOMAN PARKER: Those
14 opposed?

15 (No response.)

16 COUNCILWOMAN PARKER: The ayes
17 have it and that motion carries.

18 The Chair recognizes
19 Councilmember Green for a motion on the
20 amendment to Bill No. 220049.

21 COUNCILMAN GREEN: Thank you,
22 Madam Chair.

23 I offer an amendment to Bill
24 No. 220049. A copy of the amendment has
25 been circulated to all members of the

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1 Committee. I move that the amendment to
2 Bill No. 22049 -- I'm sorry, excuse
3 me -- Bill No. 220049 be approved.

4 COUNCILMAN JONES: Second.

5 COUNCILWOMAN PARKER: The Chair
6 notes for the record that Councilmember
7 Jones seconds that motion. It has been
8 moved and properly seconded that the
9 amendment to Bill No. 220049 be
10 approved.

11 All those in favor of the
12 motion will signify by saying aye.

13 (Ayes.)

14 COUNCILWOMAN PARKER: Those
15 opposed?

16 (No response.)

17 COUNCILWOMAN PARKER: The ayes
18 have it. The motion carries and the
19 amendment to Bill No. 220049 has been
20 approved.

21 The Chair now recognizes
22 Councilmember Green for a motion on Bill
23 No. 220049 as amended.

24 COUNCILMAN GREEN: Thank you,
25 Madam Chair.

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1 I move that Bill No. 220049 as
2 amended be approved from this Committee
3 with a favorable recommendation and
4 further move that the rules of Council
5 be suspended to permit first reading of
6 this bill at the next session of
7 Council.

8 COUNCILMAN JONES: Second.

9 COUNCILWOMAN PARKER: The Chair
10 notes for the record that Councilmember
11 Jones seconds that motion. It has been
12 moved and properly seconded that Bill
13 No. 220049 as amended be reported from
14 this Committee with a favorable
15 recommendation and further move that the
16 rules of Council be suspended to permit
17 first reading of this bill at the next
18 session of Council.

19 All those in favor of the
20 motion will signify by saying aye.

21 (Ayes.)

22 COUNCILWOMAN PARKER: Those
23 opposed?

24 (No response.)

25 COUNCILWOMAN PARKER: The ayes

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1 have it and the motion carries.

2 The Chair recognizes
3 Councilmember Green for a motion on the
4 amendment to Bill No. 220360.

5 COUNCILMAN GREEN: Thank you,
6 Madam Chair.

7 I offer an amendment to Bill
8 No. 220360. A copy of the amendment has
9 been circulated to all members of the
10 Committee. I move that the amendment to
11 Bill No. 220360 be approved.

12 COUNCILMAN JONES: Second.

13 COUNCILWOMAN PARKER: The Chair
14 notes for the record that Councilmember
15 Jones seconds the motion. It has been
16 moved and properly seconded that the
17 amendment to Bill No. 220360 be
18 approved.

19 All those in favor of the
20 motion will signify by saying aye.

21 (Ayes.)

22 COUNCILWOMAN PARKER: Those
23 opposed?

24 (No response.)

25 COUNCILWOMAN PARKER: The ayes

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1 have it and the motion carries and the
2 amendment to Bill No. 220360 has been
3 approved.

4 The Chair recognizes
5 Councilmember Green for a motion on Bill
6 No. 220360 as amended.

7 COUNCILMAN GREEN: Thank you,
8 Madam Chair.

9 I move that Bill No. 220360 as
10 amended be reported from this Committee
11 with a favorable recommendation and
12 further move that the rules of Council
13 be suspended to permit first reading of
14 this bill at the next session of
15 Council.

16 COUNCILMAN JONES: Second.

17 COUNCILWOMAN PARKER: The Chair
18 notes for the record that Councilmember
19 Jones seconds the motion. It has been
20 moved and properly seconded that Bill
21 No. 220360 as amended be reported from
22 this Committee with a favorable
23 recommendation and further move that the
24 rules of Council be suspended to permit
25 first reading of this bill at the next

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1 session of Council.

2 All those in favor of the
3 motion will signify by saying aye.

4 (Ayes.)

5 COUNCILWOMAN PARKER: Those
6 opposed?

7 (No response.)

8 COUNCILWOMAN PARKER: The ayes
9 have it and the motion carries.

10 The Chair recognizes
11 Councilmember Green for a motion on the
12 amendment to Bill No. 220361.

13 COUNCILMAN GREEN: Thank you,
14 Madam Chair.

15 I offer an amendment to Bill
16 No. 220361. A copy of the amendment has
17 been circulated to all members of the
18 Committee and move that amendment to
19 Bill No. 220361 be approved.

20 COUNCILMAN JONES: Second.

21 COUNCILWOMAN PARKER: The Chair
22 notes for the record that Councilmember
23 Jones seconds the motion. It has been
24 moved and properly seconded that the
25 amendment to Bill No. 220361 be

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1 approved.

2 All those in favor of the
3 motion will signify by saying aye.

4 (Ayes.)

5 COUNCILWOMAN PARKER: Those
6 opposed?

7 (No response.)

8 COUNCILWOMAN PARKER: The ayes
9 have it and the motion carries and the
10 amendment to Bill No. 220361 has been
11 approved.

12 The Chair now recognizes
13 Councilmember Green for a motion on Bill
14 No. 220361 as amended.

15 COUNCILMAN GREEN: Thank you,
16 Madam Chair.

17 I move that Bill No. 220361 as
18 amended be reported from this Committee
19 with a favorable recommendation and
20 further move that the rules of Council
21 be suspended to permit first reading of
22 this bill at the next session of
23 Council.

24 COUNCILMAN JONES: Second.

25 COUNCILWOMAN PARKER: The Chair

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1 notes for the record that Councilmember
2 Jones seconds the motion. It has been
3 moved and properly seconded that Bill
4 No. 220361 as amended be reported from
5 this Committee with a favorable
6 recommendation and further move that the
7 rules of Council be suspended to permit
8 first reading of this bill at the next
9 session of Council.

10 All those in favor of the
11 motion will signify by saying aye.

12 (Ayes.)

13 COUNCILWOMAN PARKER: Those
14 opposed?

15 (No response.)

16 COUNCILWOMAN PARKER: The ayes
17 have it and the motion carries.

18 I see no questions or comments
19 in the chat. With that being said, this
20 will conclude the business of the
21 Committee on Law & Government for today.
22 This public hearing is recessed to the
23 call of the Chair.

24 To members of the Committee and
25 viewing public and all of our witnesses

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1 thank you so much for your participation
2 today. Have a good one.

3 COUNCILMAN JONES: Thank you,
4 Madam Chair.

5 COUNCILMAN GREEN: Thank you,
6 Madam Chair.

7 (Committee on Law and
8 Government concluded at 1:57 p.m.)

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C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are contained
fully and accurately in the stenographic notes
taken by me in the foregoing matter, and that
this is a correct transcript of the same.

TANEHA CARROLL
Court Reporter - Notary Public

(The foregoing certification
of this transcript does not apply to any
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