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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON LAW AND GOVERNMENT

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, February 19, 2008
10:15 a.m.

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PRESENT:

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COUNCILMAN WILLIAM GREENLEE, CHAIR

11

COUNCILMAN JAMES F. KENNEY

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COUNCILMAN FRANK DiCICCO

COUNCILMAN W. WILSON GOODE, JR.

13

COUNCILMAN BILL GREEN

COUNCILMAN CURTIS JONES, JR.

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

COUNCILWOMAN JANNIE BLACKWELL

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BILLS 080006, 080007 and 080008

RESOLUTIONS 080039, 080040 and 080041

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COUNCILMAN GREENLEE: Good

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morning, everyone. This is the Committee

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on Law and Government. I'm sorry for the

5

slight delay here.

6

Just for the record, we have a

7

quorum consisting of Councilman Kenney,

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Chair of the Committee, Councilman

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DiCicco and Councilman Green. Also

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present is Councilman Jones, and

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Councilwoman Sanchez was here. I'm sure

12

she'll be back.

13

Would Mr. Boyle, the Clerk of

14

the Committee, please read the three

15

bills and three resolutions before us

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today.

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THE CLERK: Ordinance 080006,

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an ordinance providing for the submission

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to the qualified electors of the City of

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Philadelphia of an amendment to the

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Philadelphia Home Rule Charter separating

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and further defining the responsibilities

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of the City Representative and the

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Commerce Department; fixing the date of a

25

special election for such purpose;

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 prescribing the form of ballot questions
3 to be voted on; and authorizing the
4 appropriate officers to publish notice
5 and to make arrangements for the special
6 elections.

7 Ordinance 080007, an ordinance
8 providing for the submission to the
9 qualified electors of the City of
10 Philadelphia of an amendment to the
11 Philadelphia Home Rule Charter to provide
12 for the creation of an Office of
13 Inspector General, to provide for the
14 powers and duties of, and annual
15 appropriations to, such Office, to
16 establish requirements for City officials
17 and employees in connection with the work
18 of the Inspector General, and to
19 otherwise provide for the incorporation
20 of the Inspector General into the City
21 government; fixing the date of a special
22 election for such purpose; prescribing
23 the form of ballot questions to be voted
24 on; and authorizing the appropriate
25 officers to publish notice and to make

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 arrangements for the special election.

3 Ordinance 080008, an ordinance

4 providing for the submission to the

5 qualified electors of the City of

6 Philadelphia of an amendment to the

7 Philadelphia Home Rule Charter to allow

8 the Administrative Board to increase the

9 number of deputies exempt from civil

10 service in City departments; fixing the

11 date of a special election for such

12 purpose; prescribing the form of ballot

13 questions to be voted on; and authorizing

14 the appropriate officers to publish

15 notice and to make arrangements for the

16 special election.

17 Resolution 080039, resolution

18 proposing an amendment to the

19 Philadelphia Home Rule Charter to provide

20 for the creation of an Office of

21 Inspector General and to provide for the

22 powers and duties of, and annual

23 appropriations to, such Office, to

24 establish requirements for City officials

25 and employees in connection with the work

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 of the Inspector General, and to
3 otherwise provide for incorporation of
4 the Inspector General into the City
5 government; and providing for the
6 submission of the amendment to the
7 electors of Philadelphia.

8 Resolution 080040, resolution
9 proposing an amendment to the
10 Philadelphia Home Rule Charter to allow
11 the Administrative Board to increase the
12 number of deputies exempt from civil
13 service in City departments, and
14 providing for the submission of the
15 amendment to the electors of
16 Philadelphia.

17 Resolution 080041, resolution
18 proposing an amendment to the
19 Philadelphia Home Rule Charter to
20 separate and further define the
21 responsibilities of the City
22 Representative and the Commerce
23 Department; and providing for the
24 submission of the amendment to the
25 electors of Philadelphia.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 COUNCILMAN GREENLEE: Thank
3 you. Thank you very much.

4 Please let the record reflect
5 Councilman Goode, also a member of the
6 Committee, is present.

7 Although all of these are
8 Charter change amendments, they obviously
9 take up some different issues, so we're
10 going to take them up separately as far
11 as testimony.

12 The first bill and resolution
13 we're going to deal with are the ones
14 dealing with the separation of the City
15 Rep and the Commerce Department, and I
16 think, Mr. Bumb, you want to testify on
17 that and Ms. Johnson. So please identify
18 yourself for the record and proceed.

19 Let me just say for everyone,
20 if you have written testimony and either
21 have submitted it already or will submit
22 it, that will be made part of the record,
23 and if you want to just paraphrase your
24 remarks, that would be fine too in the
25 interest of time.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 But I understand yours won't be
3 that long anyway, Mr. Bumb, so that's
4 okay. That's why you're going first.
5 See, that helps.

6 Go ahead. Please proceed.

7 MR. BUMB: Good morning,
8 Councilman Greenlee and members of the
9 Law and Government Committee. My name is
10 Duane Bumb and I am the Acting Commerce
11 Director. I am here today with City
12 Representative Melanie Johnson to provide
13 testimony regarding Bill No. 080006 and
14 Resolution No. 080041, which propose to
15 amend the Philadelphia Home Rule Charter
16 to separate and further define the
17 responsibilities of the City
18 Representative and the Department of
19 Commerce by placing a question regarding
20 the change on the April 22, 2008 election
21 ballot.

22 I am pleased to have this
23 opportunity to review with City Council
24 and the public the implications of the
25 proposed Charter change. Since its

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 inception in 1951, the Charter has called
3 for the City Representative to assume
4 both the role of City Representative and
5 Director of Commerce. While the Director
6 of Commerce role was defined as managing
7 commerce and industry within
8 Philadelphia, the City Representative
9 role was focused on ceremonial
10 representation and publicizing the City's
11 special events.

12 The purpose of this proposed
13 Charter amendment is to clarify the
14 responsibility between the City
15 Representative and the Director of
16 Commerce and to enhance duties of each in
17 response to the many significant changes
18 faced by large cities in the area of
19 economic development and matters
20 surrounding promoting the image, branding
21 and representation of a major U.S. city.

22 Under the proposed Charter
23 change, the Department of Commerce will
24 continue to be responsible for the
25 traditional economic development roles it

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 has always assumed; principally, No. 1,
3 promotion of economic development
4 activity; No. 2, develop opportunities
5 for business growth; No. 3, encourage the
6 use of ports and airports as tools for
7 economic growth for our region; and, No.
8 4, increase opportunities for
9 Philadelphia's workforce. In addition,
10 the Charter mandates that the Director of
11 Commerce serve on the City Planning
12 Commission.

13 The City Representative's
14 duties will include, No. 1, serving as
15 the ceremonial representative of the
16 Mayor and the City, preparing and
17 distributing proclamations and official
18 City gifts as appropriate; No. 2,
19 marketing and promoting Philadelphia's
20 image; No. 3, ensuring the design
21 integrity of Philadelphia-produced media
22 content, including web-based content,
23 event photographs, publications and use
24 of the City's seal and logo; and, No. 4,
25 managing the production of Philadelphia's

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 ceremonial and special events.

3 While consistent with the
4 historic division of responsibilities
5 assumed by a Director of Commerce and
6 Deputy City Representative, at least as
7 far back as the Goode Administration,
8 where the individual holding the
9 cabinet-level position focused his or her
10 attention on one half of the combined
11 office and delegated the operational
12 responsibilities for the other half to a
13 deputy, the proposed Charter gives both
14 functions full standing within the
15 government and is currently planned to be
16 revenue neutral.

17 Approval of this legislation
18 would not only formalize a division of
19 responsibility practiced for some time,
20 it would recognize the complexity of
21 economic development and information
22 exchange in the 21st century. Separation
23 of the two positions will also help to
24 define the considerable responsibilities
25 of both the Director of Commerce and the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 City Representative, as the need for
3 focus on business retention and job
4 growth as well as management of the
5 City's image have become much more
6 significant issues in the current
7 environment.

8 Thank you for the opportunity
9 to testify on Bill 080006 and Resolution
10 080041. We respectfully request that
11 this Charter change be reported out of
12 the Committee with a favorable
13 recommendation and that the rules of
14 Council be suspended in order to permit
15 first reading at the next session of
16 Council.

17 We will be happy to answer any
18 questions you may have.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. Bumb.

21 Ms. Johnson, did you want to
22 testify, too?

23 MS. JOHNSON: No. I'm happy to
24 let the --

25 COUNCILMAN GREENLEE: You're

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 just support staff, okay.

3 MS. JOHNSON: Okay. Well, not
4 staff, but supporting.

5 COUNCILMAN GREENLEE: Okay. I
6 think Councilman Kenney had a question.

7 Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you
9 very much.

10 I'd be interested in knowing
11 both of your opinions on the use of paid
12 consultants to promote the City in media
13 and other advertising avenues. My issue
14 is is that for many years, those
15 positions have been used in a patronage
16 type of way, whether or not we need them
17 or not, number one.

18 Number two, does it make sense
19 for the City to have a coordinated bid
20 process for that type of public relations
21 work for all of our departments as
22 opposed to the Commerce Director having
23 one, the Streets Department having
24 another, other agencies within the
25 government, the RDA, the Housing

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 Authority? All those agencies have and
3 have had in the past separate media and
4 promotional consultants, public relations
5 consultants, at a pretty hefty price.

6 Does it make sense to
7 consolidate all of that work to have one
8 solid, dependable message that the City
9 is sending out about all the things that
10 it does as opposed to a disparate group
11 of people fashioning, creating a message
12 that maybe isn't as coordinated as it
13 should be, and is there any movement in
14 that direction?

15 MS. JOHNSON: Let me answer the
16 first question.

17 Yes. During the time that I've
18 been acclimating myself to the office,
19 I've been looking at some of the things
20 that we have done in the past, and, yes,
21 we have used a lot of paid consultants
22 for the promotion of the City. We're
23 looking into bringing a lot of that
24 in-house, but we're still at this point
25 just gathering information.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 A lot of money has been
3 expanded to promote the City, and, as you
4 say, I'm not certain whether it was
5 patronage or what, but we are looking
6 to --

7 COUNCILMAN KENNEY: It was.

8 MS. JOHNSON: Okay.

9 COUNCILMAN KENNEY: You may not
10 be sure, but we're pretty sure.

11 MS. JOHNSON: Okay. I think
12 RFPs are a good way to go in the future
13 so that it's a fair process and a lot of
14 people will have an opportunity to bid
15 and work with the City. But I don't
16 think that we want to use a large number
17 of paid consultants. I think we'd rather
18 put committees together to see what we
19 can.

20 COUNCILMAN KENNEY: And private
21 advertising firms that do work, I mean,
22 they're competent firms who can give us a
23 good message and a good image, and I'm
24 glad that you're bringing a lot of it
25 in-house, but in the event that we need

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 outside help, I would really urge a
3 transparent bid process for the lowest
4 price, and as much as we can coordinate
5 together in every agency, whether it's
6 recycling promotion, whether it's health
7 screenings at our health centers, whether
8 it's fire safety, whether it's fire
9 prevention, all those things can be done
10 within the framework of one firm that is
11 the lowest responsible bidder, and I
12 think we get a better, more dependable
13 message coming out of City government.

14 Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Councilman Green.

18 COUNCILMAN GREEN: I just have
19 a quick question about the interplay
20 between information exchange, which is a
21 large part of economic development. In
22 other words, when we're out putting the
23 message together for why people should
24 move into the City, et cetera, the City
25 Representative is going to conferences or

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 other things that can promote economic
3 development. Since information exchange
4 is a minion avenue for getting economic
5 development, job growth, what is the real
6 need to separate these rather than have
7 one person in charge of economic
8 development and the message related to
9 economic development?

10 MR. BUMB: I think we both
11 maybe want to respond to that.

12 I would sort of say I agree
13 with you that messaging is critically
14 important in economic development and so
15 we'll need to be fully coordinated with
16 that, and there is in fact a specific
17 sort of message that we want to have to
18 the business community, to individuals
19 who would want to start businesses in
20 Philadelphia and those businesses that
21 would be considering growing in
22 Philadelphia, also reaching out to the
23 workforce looking to sort of make sure
24 that that is a workforce that is as
25 highly skilled as it can be, attracting

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 sort of new members of that workforce
3 into the City as we look for population
4 growth.

5 I think that that's one
6 important sort of messaging set, but I
7 think that the role that we're looking
8 the City Representative to undertake here
9 is a much broader role than that for
10 messaging.

11 MS. JOHNSON: He's right.
12 Economic development is a part of the
13 message for Philadelphia to bring in more
14 businesses and residents, but you have
15 the overall image of the City on a local,
16 regional and national level. You have
17 different organizations who are promoting
18 outside and you have the City who are
19 supposed to be promoting inside. So you
20 really need someone who is going to
21 concentrate on that broad message, not
22 only for economic development but there
23 are other aspects to it.

24 So I think that one person
25 can't really be responsible for trying to

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 pull that together since there are so
3 many different messages to be put forth.

4 COUNCILMAN GREEN: And who is
5 going to frame the economic development
6 message for the City of Philadelphia?
7 Will it be the Commerce Department? I
8 mean, obviously the Mayor, but --

9 MS. JOHNSON: I think it will
10 actually be both, the Commerce Department
11 working with the City Representative's
12 Office in terms of getting it out there,
13 but I think the framing will come from
14 the Mayor's Office, his cabinet and the
15 Commerce Director.

16 COUNCILMAN GREEN: Thank you
17 very much for your testimony today.

18 MS. JOHNSON: You're welcome.

19 COUNCILMAN GREENLEE: Thank
20 you, Councilman.

21 Any questions from members of
22 the Committee?

23 Councilman Jones.

24 COUNCILMAN JONES: Good
25 morning.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 MR. BUMB: Good morning.

3 MS. JOHNSON: Good morning.

4 COUNCILMAN JONES: How are you?

5 Duane, they give you the real
6 hard job -- for an "acting" guy, you get
7 to testify more than anyone, but you're
8 doing a great job. I particularly have a
9 fineness for Commerce and City Rep, is
10 where I started, and so I have a little
11 bit of understanding as to why you need
12 to split the two functions, and I think
13 that is an appropriate move, but I have a
14 couple of questions that if they cannot
15 be answered now, that as we progress with
16 budget hearings, that they're jotted down
17 and then researched for future purposes,
18 because I know how it is to be new.

19 Anyway, I was curious as to
20 what the current status of the sister
21 city relationships are and how many of
22 them we have with the City of
23 Philadelphia.

24 MR. BUMB: Actually, I think
25 we're going to have to sort of confirm

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 the number of -- the number of sister
3 cities that we have here with
4 Philadelphia has been, I think, unchanged
5 for, I'm going to say, close to eight
6 years, and we are right now currently
7 evaluating the entire sister cities
8 program, determining whether it's
9 appropriate for us now to be adding
10 sister cities and what the criteria for
11 those additions might be.

12 It's actually a good question,
13 because we both are talking about that
14 very program, because in fact much of
15 sister cities is about how the City holds
16 itself out to the international community
17 and I think, as you know, we've also used
18 the sister cities program very much as a
19 way to sort of attach the business
20 community to international marketplaces.
21 So, in fact, it sort of crosses now both
22 functions that we have here.

23 To the extent that that program
24 is fundamentally a cultural exchange as
25 it was in setting up sort of long-term

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 relationships with cities around the
3 world, it probably appropriately
4 belonged -- that function probably
5 appropriately belongs with the City
6 Representative, recognizing that as we
7 look at international trade missions,
8 which are in fact business specific, that
9 we will continue to manage that sort of
10 function within the Commerce Department.

11 COUNCILMAN JONES: The reason I
12 raise that is because they are a fun,
13 wonderful way to present the City of
14 Philadelphia to another city. I had the
15 opportunity to be a part of the exchange
16 between Amman, Jordan and Philadelphia,
17 and the history there is that
18 Philadelphas and Philadelphia are one and
19 the same by way of their sisterly and
20 brotherly love function. So that was
21 some of our history as a city.

22 But one of the things that I
23 would encourage as you contemplate the
24 future of this program, a great
25 philosopher once said that if dancing

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 don't lead to romancing, you might as
3 well have been born with two left feet.

4 The point to me of being
5 involved with sister cities is also not
6 just the cultural stage but the business
7 opportunity, and somehow we kind of need
8 to reinforce that.

9 When we went to Korea and did
10 the 50 business meetings over a two-day,
11 three-day period, we struck out on maybe
12 49 of them, but the one we hit the home
13 run with is now at the Navy Yard building
14 railcars.

15 So if you look at what we put
16 out as a city to do that trade mission
17 and what the rate of return on our
18 investment will be as the 200-plus jobs
19 that are created there, that's the kind
20 of sister city relationship I would think
21 is more beneficial to the taxpayer. And
22 I don't mind our Cameroon relationship
23 where we exchange soft pretzels for their
24 tea, but if we're not opening up tea
25 distributorships in Philadelphia, it has

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 less of a value to me. So as we look
3 forward to that, I'd like us to kind of
4 consider that.

5 The other thing that I'd like
6 us to look at, is there an Office of
7 Protocol that we have, and how does that
8 work?

9 MS. JOHNSON: You mean in terms
10 of international?

11 COUNCILMAN JONES: Yes.

12 MS. JOHNSON: I think it's a
13 combination of IVC, and we had an office.
14 I'm not quite sure what you call it.
15 It's international trade, where we have a
16 manager who does -- she works with the
17 Consulate core and IVC, as well as my
18 office for ambassadors and heads of
19 states that come in. So I've been
20 working with her a lot, because we've
21 gotten a lot of visits lately.

22 COUNCILMAN JONES: I think this
23 Council would benefit immensely by
24 working with you and that office. We get
25 a lot of inquiries. There is the African

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 Caribbean group, which has managed to do
3 a couple of events now here in the City
4 of Philadelphia, but when it comes to
5 what the customs, what the proper way to
6 greet them, I have no idea, and I'm going
7 to rely on your office to kind of
8 shepherd us through that. And I'm
9 probably sure if we look at different
10 regions of the world where that is
11 appropriate, we would love to be able to
12 rely on you to do that due diligence and
13 homework for us.

14 MS. JOHNSON: Absolutely,
15 Councilman.

16 COUNCILMAN JONES: Finally, I
17 have one other thing that under --

18 COUNCILMAN KENNEY: Just one --

19 COUNCILMAN GREENLEE:
20 Councilman, just one second. I think
21 Councilman Kenney wanted to add something
22 to your point.

23 COUNCILMAN KENNEY: Just one
24 piece of information I recommend, and I'd
25 recommend it to anybody who has got an

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 interest in protocol and things like
3 that. There's a book called "Kiss, Bow
4 or Shake Hands," which is a book about
5 this thick with just about every cultural
6 thing you should or should not do in
7 contact with persons from a foreign
8 country as opposed to how you approach
9 all those things. It's a very
10 interesting book and it's been very
11 helpful, so I'll get you a copy and send
12 it over.

13 COUNCILMAN JONES: I appreciate
14 that, Councilman. I thought that was the
15 way we dealt with the seniority question
16 here in Council.

17 (Laughter.)

18 COUNCILMAN KENNEY: No, no.
19 Seniority is a totally different issue.

20 COUNCILMAN JONES: That's not
21 it? All right.

22 COUNCILMAN KENNEY: It's a
23 totally, totally different issue.

24 COUNCILMAN JONES: As a
25 freshman, I thought that was the book --

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 COUNCILMAN KENNEY: Just ask
3 the Mayor. He knows. He'll tell you.

4 (Laughter.)

5 COUNCILMAN JONES: Finally, my
6 final question is that there was under
7 the Rizzo Administration a group called
8 the City Reps, and it wasn't related to
9 City Representative, but what it was was
10 a group of folk that actually were, for
11 lack of a better word, headhunters that
12 went after different industries in
13 different cities and tried to woo them
14 into the City of Philadelphia, both
15 domestic and foreign, meaning that if
16 there was -- what the example of the
17 Korean experience was that we went over
18 there, we took a group of maybe 20
19 businesspersons, tried to make the
20 connect. Again, realizing that you're
21 going to strike out a lot, but you get
22 one, it pays for the trip. But there is
23 a corresponding relationship to domestic
24 opportunities.

25 North Carolina, High Point,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 North Carolina, I believe, is the
3 furniture capital of the country.
4 There's over 40 different distributors,
5 manufacturers of furniture made in
6 America. It seems to me that there are
7 fewer and fewer furniture outlets here in
8 the City of Philadelphia for some reason.
9 I don't know if it's the tax structure or
10 whatever it is, they have not decided to
11 make Philadelphia their home. But if we
12 developed an ad hoc program that was not
13 made up of employees per se, maybe one or
14 two, but also volunteers that could be
15 solicited to try to attract those
16 businesses, I think that's a good way to
17 encourage both domestic and foreign
18 businesses to the City of Philadelphia.
19 One of the criticisms that I've
20 heard in my economic career is that we
21 don't make as much of a fuss over
22 businesses that might be considering
23 Philadelphia as we should, and I want
24 that to be a priority in this
25 Administration.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 MR. BUMB: I agree with that,
3 and we do need to sort of prioritize.
4 It's all part of what needs to be a
5 well-thought-out business attraction
6 program targeting the right sort of
7 businesses, and then as you would note,
8 once we sort of identify those
9 businesses, making sure we sort of rolled
10 out the red carpet and done all the right
11 things. I agree with you fully.

12 COUNCILMAN JONES: Thank you
13 very much.

14 COUNCILMAN GREENLEE: Thank
15 you, Councilman. Thank you.

16 I know Councilwoman Sanchez had
17 a question, but I know the Mayor is here.
18 My guess is his schedule is just a little
19 tight. So if the two of you wouldn't
20 mind -- in fact, you probably don't have
21 a choice, you'll have to yield, but,
22 Mr. Mayor, I assume you want to speak on
23 all three?

24 MAYOR NUTTER: Yes, Mr.
25 Chairman.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 COUNCILMAN GREENLEE: Okay.

3 We'll make an exception in your case.

4 You can speak on them.

5 MAYOR NUTTER: Thank you.

6 Mr. Chairman, thank you very, very much.

7 Michael A. Nutter, Mayor of the
8 City of Philadelphia.

9 Mr. Chairman and members of the
10 Committee, I greatly appreciate you
11 taking me out of the lineup, and the
12 other Councilmembers who are here. Just
13 a couple quick comments about the three
14 matters that the Law and Government
15 Committee has here today.

16 With regard to the Charter
17 change involving the Commerce Director
18 and the City Rep's Office, I think this
19 presents a tremendous opportunity for us
20 to do formally what has, in essence, been
21 the practice over the past number of
22 Administrations, but also helps to
23 elevate the prominence of what the City
24 Representative component of what has been
25 a dual title job but usually split by

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 functionality, but also represents a
3 unique opportunity to make sure the
4 Commerce Director is primarily doing what
5 the Charter anticipated with regard to
6 commerce, elevating the issue of the City
7 Representative as the primary
8 representative for the Mayor and the
9 Administration, if I'm not or any Mayor
10 is not able to attend an event, but is
11 taken certainly with the seriousness with
12 which I believe the Charter anticipated
13 and maintains its cabinet-level status,
14 which helps to address many of the issues
15 that I know a number of the
16 Councilmembers have raised about the
17 Office of the Commerce Director.

18 Second, with regard to the
19 Charter change involving the number of
20 exempt deputies, I wanted to ask for your
21 kind consideration with regard to that
22 piece of legislation. It will help us, I
23 believe, resolve what has often been
24 referred to in other circles as a bit of
25 the work-around throughout the system,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 but, more importantly, allows
3 commissioners and other department heads
4 to better manage their departments,
5 provide, I believe, ultimately greater
6 service to the citizens of this City by
7 being able to put together a team within
8 that department, of course, much like
9 members of Council, naturally pick their
10 staff and then provide the direction and
11 support that is necessary. This
12 provision would allow us to do the same
13 in a much more transparent fashion in the
14 Administration, and I would greatly ask
15 for your support with regard to that
16 matter as well.

17 Lastly, with regard to the
18 Charter change involving the Inspector
19 General, I've had a number of concerns
20 over the years. Of course, this position
21 was initially created by then-Mayor W.
22 Wilson Goode, Sr. The matter in front of
23 you today comes out of a long series of
24 various Executive Orders that have been
25 issued by a number of Mayors since then,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 but creates the level of independence
3 that all citizens and public employees
4 should expect from that office. It is
5 the kind of office that should not, I
6 think, necessarily be solely dependent
7 upon the Mayor's Office, either for
8 direction or from a budgetary standpoint,
9 and I think all of us deserve to know
10 that the Inspector General is conducting
11 himself or herself with the highest level
12 of integrity regardless of all other
13 factors that may be out there.

14 The person who is in that job
15 today certainly has my highest
16 confidence, having served this City and
17 the federal government very well in the
18 past. There's information certainly
19 available in terms of what the duties and
20 responsibilities are, but I think that
21 this helps to put the final piece into
22 place.

23 When we've talked about the
24 reform agenda and the change agenda for
25 the City to restore a certain sense of

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 integrity and transparency and openness
3 with regard to this particular position
4 and creating the independence and the
5 financial security to make sure that the
6 Inspector General can operate properly, I
7 would certainly ask for your continued
8 help and support that all three of these
9 measures today be reported out of
10 Committee as quickly as possible.
11 Obviously because they're Charter
12 changes, they need to get on the ballot
13 and there is, naturally, a bit of a
14 timing issue, as there always is.

15 But I do appreciate this
16 opportunity to be with you this morning.
17 Certainly if there are any questions for
18 me, I will answer them as quickly and
19 briefly as possible.

20 COUNCILMAN GREENLEE: Okay.
21 Thank you, Mr. Mayor.

22 I know there were some
23 questions that myself and some members of
24 the Committee had on the other two, not
25 this particular one, the other two

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Charter changes. I don't know. Would
3 you be open to addressing some of them or
4 would it be better if your --

5 MAYOR NUTTER: Well, certainly
6 the staff will come up, but if you have a
7 question for me, I'm always pleased to
8 respond.

9 COUNCILMAN GREENLEE: Okay. I
10 guess on the issue of the deputies, I
11 guess the biggest question I had and has
12 been raised in other ways and I'm sure
13 are going to be raised in testimony here
14 is, I guess, to call it the
15 open-endedness of the number, that it
16 leaves open the possibility of a large
17 number of deputies being appointed and
18 also being appointed not necessarily just
19 from the department but from outside the
20 department, outside the City, whatever.

21 Had you thought about that?
22 Are you open to some limitations as far
23 as the number and the manner of the
24 appointees?

25 MAYOR NUTTER: I've certainly

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 thought a great deal about it and, quite
3 frankly, the reality is is that there are
4 a fairly large number of exempt employees
5 today. They attain that status and then
6 ultimately get detailed somewhere else.
7 I'm very mindful not only of the
8 managerial responsibility but also the
9 fiscal responsibility that attaches to
10 this request.

11 Secondly, certainly after
12 coming into office, we went through the
13 process of dealing with additional
14 deputies by convening the Administrative
15 Board, had a hearing, which, of course,
16 they're open to the public and anyone is
17 able to come.

18 You presently have a situation
19 where there are any number of,
20 quote/unquote, "deputies" in departments
21 who technically are actually deputy
22 managing directors or assistant managing
23 directors, and I have to say that I've
24 been surprised over the years at the
25 sheer number of some of those positions.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 This is an attempt, quite
3 honestly, to bring all of this managerial
4 activity to the forefront, seek to
5 eliminate, to the extent that we can, the
6 somewhat circuitous nature under the
7 current Charter provisions with only the
8 two deputies, that many departments
9 clearly have needed more.

10 I understand the concern about
11 the number, but I would also say to you
12 that from a pure management standpoint
13 and for maximum flexibility, I've decided
14 not to put forward a particular number.
15 I think what I can say to you is that we
16 do not expect that there would be an
17 extraordinary number, and you might take
18 some comfort from just the number of
19 deputy mayors that I've put forward.
20 They have a significant amount of
21 responsibility. I've not looked at the
22 deputy mayor title as a position which
23 might be considered a bit of a dime a
24 dozen. We have four, and I purposely
25 planned to keep that number limited

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 because I wanted the importance of the
3 position to not be de-valued by the sheer
4 number of people who hold that particular
5 title.

6 So I understand the concern.
7 We'll be judged based on what we do and
8 you'll always know how many deputies
9 there are.

10 COUNCILMAN GREENLEE: Okay. I
11 appreciate that, Mr. Mayor. I guess the
12 only quick addendum I have to that, that
13 obviously if this is made part of the
14 Charter, it goes beyond the eight years
15 you're going to be here.

16 MAYOR NUTTER: We're taking
17 four at a time. Thank you.

18 COUNCILMAN GREENLEE: So I
19 guess that has to be taken into some
20 consideration, that once it's part of the
21 Charter, unless there's another Charter
22 change to take it out, it's there for
23 whatever the Administration.

24 MAYOR NUTTER: Right, and I
25 understand, Mr. Chairman. Again, I can

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 only, again, emphasize that even with the
3 current Charter provision, there are a
4 lot of people who are in exempt positions
5 in the government, end up with, in
6 essence, dual titles for the sheer
7 purpose of, in essence, getting around
8 the particular restriction that we are
9 trying to take away and do in a more
10 up-front fashion; that if someone is
11 going to be a deputy commissioner in a
12 department, they should get that
13 department's designation as a deputy
14 commissioner.

15 We presently have four deputy
16 police commissioners, two of whom are the
17 deputies out of the department and the
18 other two are deputy managing directors,
19 who have now been redetailed, if you
20 will, to the Police Department, and this
21 Police Commissioner or any other Police
22 Commissioner -- I mean, you have to be
23 able to manage the troops, if you will,
24 and people should be properly titled, I
25 think, in a direct fashion.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 COUNCILMAN GREENLEE: Just
3 offhand, because I know you're definitely
4 a detail person, do you know how many in
5 the previous Administration there was of
6 deputy mayors? Do you know offhand? Or
7 deputy managing directors. I'm sorry.

8 MAYOR NUTTER: That were
9 redetailed?

10 COUNCILMAN GREENLEE: Yes.

11 MAYOR NUTTER: I do not know
12 off the top of my head. I can tell you
13 there are a fair amount.

14 COUNCILMAN GREENLEE: Just one
15 last quick question on that same note.
16 As far as coming from outside the
17 department, do you have any thought on
18 should there be any limitations on that,
19 either outside the department and/or
20 outside the City, I guess?

21 MAYOR NUTTER: I think that the
22 reality here is that it is much more
23 likely that any department head would
24 have the overwhelming majority of their
25 deputies, I would think, would come from

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 within the departmental ranks, with the
3 exception of certainly a couple
4 situations, and obviously I'm the person
5 who has utilized this as well where we
6 have a good combination of current
7 employees who have either moved up or
8 people of previous public service but
9 were here in the City and took new
10 positions, as well as a few people who
11 have come from the outside. But at least
12 for our Administration, I cannot imagine
13 that you would see any significant number
14 of new deputies coming from outside.

15 I will say, though, I mean,
16 again, in all honesty, if a person has
17 come from another place or had some
18 previous experience with someone else and
19 wanted to have a person or two as a part
20 of their team and brought them to
21 Philadelphia, that would not necessarily
22 be the worst thing in the world. And
23 we've brought some pretty good people
24 from other places to run departments
25 here. Again, that's the kind of

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 managerial flexibility I think we all
3 appreciate and need. But my perspective
4 is, the overwhelming majority of new
5 deputies, however many there may be,
6 would come from City employment.

7 COUNCILMAN GREENLEE: Okay.
8 Thank you.

9 Any questions on this
10 particular issue of the deputies for the
11 Mayor?

12 Councilwoman? No.

13 COUNCILWOMAN SANCHEZ: Mine was
14 on the other one.

15 COUNCILMAN GREENLEE: I guess
16 the only other question on the Inspector
17 General was just the -- and I guess we
18 can get into details in further
19 testimony -- was sort of the duplication
20 of some duties of the Inspector General
21 would have that the City Controller, that
22 the Board of Ethics, that the U.S.
23 Attorney, whatever, may have. What
24 thought, if any, was given in that
25 direction?

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 MAYOR NUTTER: Sure. Well,
3 again, as I know you're well aware, we've
4 had an Inspector General since the mid
5 '80s and somehow some way they have
6 operated, I would hope -- but I can
7 assure you from this point going forward
8 that there will be a coordination between
9 or among the Inspector General, the City
10 Controller, the now new Board of Ethics
11 and certainly any other agencies that may
12 exist that might have jurisdiction.

13 At the same time, to minimize
14 any overlap, I think all three have their
15 appropriate roles and responsibilities,
16 should not spend more than a nanosecond
17 of their time in duplication of each
18 other's efforts, but I think all play an
19 important and serious and appropriate
20 role in their various capacities. They
21 have very targeted responsibilities, and
22 I can assure you that we will do
23 everything possible to make sure that
24 there is both coordination and
25 non-duplication of effort. But I do

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 think that the 20-plus-year history of
3 having an Inspector General here in
4 Philadelphia is important to continue
5 and, at the same time, ensure the
6 independence of the Office to make sure
7 that all activities are seen in the
8 appropriate light and not seen as coming
9 out of the Mayor's Office.

10 COUNCILMAN GREENLEE: Thank
11 you. Thank you, Mr. Mayor.

12 COUNCILWOMAN SANCHEZ: I had an
13 issue with the Commerce and the other
14 one. Can I ask the Mayor while I --

15 COUNCILMAN GREENLEE: Sure.
16 Councilwoman Sanchez.

17 COUNCILWOMAN SANCHEZ: Since I
18 ceded my time to him.

19 I had a question regarding how
20 well we are coordinating with people like
21 Greater Philadelphia Marketing Board,
22 Philadelphia Select, Multi-Cultural
23 Affairs Congress, Visitor Center,
24 International Visitor Center and how does
25 this split help us streamline some of

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 that. We're looking for efficiencies in
3 government. It just seems like there's a
4 lot of overlay. As I met with some of
5 these different units, I was amazed that
6 some people don't kind of connect with
7 each other, and some of these people we
8 fund directly.

9 MAYOR NUTTER: As you know,
10 Councilwoman, of course, all of those
11 entities, if I caught them all, that you
12 mentioned are all independent
13 non-profits. They are not under the
14 direct jurisdiction of the City of
15 Philadelphia.

16 I believe that this split
17 clearly allows for us to have more of a
18 focus with many of those entities. As
19 Mayor, I have actually some appointments
20 to make to some of the Boards of those
21 entities, and whether high-level public
22 employees or, of course, private citizens
23 would expect, that we would have a higher
24 level of coordination. And, yes, you're
25 absolutely right, we do help to fund --

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 we may not be the primary funder, but we
3 do help to fund any number of these
4 organizations, and their coordinated
5 efforts only serve all of us better, but
6 having a cabinet-level person directly
7 involved with their activities and not
8 having so many duties and
9 responsibilities as the one, as I
10 referred to, dual-title person I think
11 will help to ensure that we're getting
12 the most for the investment of the
13 taxpayers' dollars.

14 COUNCILWOMAN SANCHEZ: So the
15 City Rep is going to be the person
16 responsible for this versus Commerce,
17 because some of this is economic.

18 MAYOR NUTTER: It really
19 depends on the nature of the
20 organization, but I can assure you
21 between the two individuals at the table
22 and certainly Andy Altman, we will have a
23 coordinated approach. The organizations
24 will know who their primary contact is
25 and we will have thought through why we

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 want one or the other to be the primary
3 contact person. But I think there is so
4 much more that we can do and get out of,
5 in a collective fashion, those groups.
6 Of course, I've had direct contact and
7 relationship with many of them in my
8 previous capacity as Chair of the
9 Pennsylvania Convention Center Authority.
10 I know we can do more together.

11 COUNCILWOMAN SANCHEZ: That's
12 it.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Any other questions for the
16 Mayor?

17 (No response.)

18 COUNCILMAN GREENLEE: Thank you
19 very much, Mr. Mayor. Thank you for
20 coming down.

21 MAYOR NUTTER: Mr. Chairman and
22 members of the Committee, thank you very
23 much. I would greatly appreciate your
24 help and support with these matters
25 today.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Thank you.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Councilman Kenney.

6 COUNCILMAN KENNEY: Thank you
7 very much, Mr. Chairman. I have to leave
8 the Chamber. In my absence, if any bills
9 or amendments come forward through the
10 Chair, I would like to be recorded as
11 voting aye. I'll try to be back as soon
12 as I can.

13 COUNCILMAN GREENLEE: Thank you
14 very much, Councilman.

15 Are there any more questions
16 for Mr. Bumb or Ms. Johnson?

17 (No response.)

18 COUNCILMAN GREENLEE: Seeing
19 none, thank you very much, both of you.

20 MS. JOHNSON: Thank you.

21 COUNCILMAN GREENLEE: The next
22 bill and resolution we're going to take
23 up are dealing with the appointment of
24 deputies, which is Resolution 080040 and
25 Bill No. 080008.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 (Witness approached witness
3 table.)

4 COUNCILMAN GREENLEE: Good
5 morning, Mr. Armbrister.

6 MR. ARMBRISTER: Good morning.

7 COUNCILMAN GREENLEE: Identify
8 yourself for the record and proceed,
9 please. Thank you.

10 MR. ARMBRISTER: Sure. Good
11 morning, Councilman Greenlee and members
12 of the Committee on Law and Government
13 and other members of Council who are in
14 the Chamber this morning. My name is
15 Clarence D. Armbrister, Chief of Staff to
16 Mayor Nutter, and I'm pleased to testify
17 this morning in support of Bill No.
18 080008 and Resolution No. 080040, which
19 provide for an amendment to the
20 Philadelphia Home Rule Charter allowing
21 the Administrative Board to authorize
22 more than two exempt deputies in any City
23 department.

24 This proposed Charter change is
25 an initiative of the Administration that

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 was transmitted to City Council on
3 January 24, 2008, and I want to thank
4 Councilman Greenlee for introducing this
5 legislation and for scheduling this
6 hearing promptly. Since Pennsylvania's
7 primary is on April 22nd, there's a short
8 window of time to get this measure passed
9 and presented to the voters.

10 Pursuant to Section 7-301 of
11 the Philadelphia Home Rule Charter, the,
12 quote, "number of exempt deputies in any
13 department other than the Law Department
14 shall not exceed two," end quote. This
15 is often referred to, as the Mayor said,
16 the two-deputy limit. And for decades,
17 the constraint imposed on department
18 heads by the two-deputy limit has been
19 discussed and changes have been proposed.

20 As long ago as 1986 in a report
21 by the Committee of Seventy entitled
22 "Personnel Practices Governance Study,"
23 the constraint of this two-deputy limit
24 was discussed. That report noted the
25 following: Quote, "Additional exemptions

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 are needed at the highest level of
3 government by cabinet members, department
4 commissioners and agency heads to assist
5 in the development and implementation of
6 public policies," end quote. And the
7 1994 Charter Reform Commission
8 recommended replacing the two-deputy
9 limit with a sliding scale corresponding
10 to the size of each department.

11 Recently, this management
12 constraint received renewed attention
13 when the Philadelphia Inquirer printed an
14 article on November 11, 2007, entitled,
15 quote, "Johnson sees terrible flaw in
16 force," end quote, which included the
17 following comment by former Police
18 Commissioner Sylvester Johnson: Johnson
19 called the Commissioner's limited ability
20 to appoint his own command team a, quote,
21 "terrible flaw," end quote, that few
22 chief executives of other
23 half-billion-dollar organizations would
24 tolerate.

25 This news story also included

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 the following comment from John J.
3 McNesby, President of Lodge 5 of the
4 Fraternal Order of Police: I believe the
5 Police Commissioner in this city,
6 especially in the climate we're in today,
7 should be able to surround himself with
8 the best people. He should have the
9 ability to pick his own team and have the
10 deputies he needs in place, however many
11 that may be.

12 The Committee of Seventy has
13 also renewed its effort to change this
14 restriction as it pertains to the Police
15 Department in a very recent report
16 released on January 3, 2008 called "The
17 Case for Change: Increasing Flexibility
18 in the Philadelphia Police Department."

19 While there is a pressing need
20 in the Police Department to increase the
21 Commissioner's ability to appoint more
22 than two deputies, the two-deputy limit
23 is a managerial impediment that has
24 citywide implications on performance and
25 service delivery. The issues that City

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 government faces today are very different
3 and more complex than those encountered
4 by the framers of the 1951 Charter.
5 Cities must now compete internationally
6 for jobs. Video surveillance cameras are
7 used to fight crime, and federal and
8 state mandates impose more and more
9 responsibilities on local government for
10 the delivery of a wide array of social
11 services. And homeland security was not
12 part of our lexicon in 1951.

13 As responsibilities increase,
14 management and effectiveness become
15 increasingly important. Our citizens
16 deserve a high quality of service, and
17 department heads need the tools to manage
18 effectively. Removing the restriction of
19 the two-deputy limit will provide City
20 department heads with an important
21 management tool.

22 Mayor Nutter strongly believes,
23 as he expressed this morning, that any
24 change to the two-deputy limit should be
25 coupled with fiscal oversight and

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 transparency so that it is not perceived
3 as an avenue for evading the civil
4 service system or significantly expanding
5 the number of exempt employees. The
6 Administration believes that we have
7 provided an appropriate balance between
8 enhancing managerial responsibility with
9 fiscal and public scrutiny in Resolution
10 No. 080040.

11 The Charter change before you
12 today would allow for additional deputies
13 only if authorized by the Administrative
14 Board. As you know, the Administrative
15 Board consists of the Mayor, the Managing
16 Director and the Finance Director.
17 Meetings of the Ad Board are advertised
18 and open to the public. Any request for
19 additional deputies would need to be
20 justified and reviewed in a public
21 process.

22 If approved, this Charter
23 change would bring an end to the widely
24 practiced work-around used by past
25 Administrations and described by the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Mayor this morning which has been used to
3 circumvent the two-deputy limit. Under
4 this scheme, exempt employees were
5 created in the Managing Director's Office
6 where the Charter restriction is not in
7 place, and those, quote, "deputy managing
8 directors," end quote, were then detailed
9 to various City agencies. The proposed
10 Charter amendment before you would end
11 these practices and make the operations
12 of government more transparent to
13 taxpayers.

14 To summarize, in order to
15 provide for modern management practices
16 within City government, while also
17 providing for controls of the number of
18 non-civil service exempt positions, it is
19 recommended that the Charter be amended
20 to allow the Administrative Board to
21 authorize more than two exempt deputies
22 on a department-by-department basis.

23 The Nutter Administration
24 supports this proposed Charter change for
25 the following reasons: It enables

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 department heads to get approval for
3 additional deputies, providing them with
4 the flexibility and management tools
5 necessary to ensure high performance and
6 quality services.

7 It avoids having to determine
8 the right number of deputies for each
9 City department at this moment in time
10 and appropriately places managerial
11 responsibility with each commissioner to
12 determine if any additional deputies are
13 needed and how many.

14 It requires that additional
15 deputies be approved by the
16 Administrative Board, thereby ensuring a
17 public process and a public justification
18 for the additional deputies.

19 It ends the need for the
20 practice of work-arounds, thereby
21 ensuring that government operates in an
22 open, honest and transparent manner and
23 provides a mechanism by which the
24 taxpayers can hold their government
25 accountable.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 I would respectfully request
3 that Council suspend the rules with
4 respect to Bill No. 080008 so that the
5 bill can be reported out of Committee and
6 voted upon at the next session of
7 Council.

8 I'd be happy to take any
9 questions.

10 COUNCILMAN GREENLEE: Thank
11 you, Mr. Armbrister.

12 Before we ask any questions, I
13 want to apologize. I know Mr. Stalberg
14 had some testimony, I think, on the
15 Commerce/City Rep issue too and on the
16 other two. So maybe when I call you,
17 Mr. Stalberg, on this one, you can add
18 whatever you'd like on the Commerce.
19 Sorry about that.

20 MR. STALBERG: No problem.

21 COUNCILMAN GREENLEE: I'm
22 jumping the gun here a little bit.

23 I guess this question is a
24 little bit redundant, Mr. Armbrister,
25 but, again, I guess -- and we're going to

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 hear, I think, from union representatives
3 on some of these issues.

4 It still seems to me -- and I
5 was just wondering your thoughts -- that
6 the fact that there are no limits really
7 raises some concerns. And whoever sets
8 these limits can be certainly flexible,
9 if Council sets them, whatever, but it
10 just seems that the possibility -- and,
11 again, as I said to the Mayor, once this
12 is in the Charter, Councilman Goode and I
13 were talking earlier, this is our one
14 shot at it. Once it's before the voters
15 and if they pass it, we don't have any
16 other real limitations, except another
17 Charter change amendment, I guess.

18 Was there much discussion about
19 that, about the number? Because I just
20 keep going back to that because it just
21 seems like this could be -- and I'm not
22 saying this Administration would -- it
23 could be abused or get carried away with.
24 I won't even use the word "abused."

25 MR. ARMBRISTER: I think there

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 are a couple of responses. As the Mayor
3 mentioned before, I think that there are
4 a couple of safeguards that are in place.
5 One is that any approval of additional
6 deputies would have to go through a
7 public process, which includes a meeting
8 of the Ad Board before it could be
9 approved. Those meetings are advertised.
10 They're open to the public. We've had
11 one Ad Board meeting since we've been
12 here, and that meeting was to approve
13 additional positions for the deputy
14 mayors that the Mayor mentioned.

15 I think the other reason -- and
16 I think this is why we're talking about
17 transparency and open government -- is
18 the fact that this allows the
19 transparency to government about which
20 the Mayor has spoken so often. The
21 biggest problem, quite frankly, right now
22 is these work-arounds. Nobody has any
23 idea, quite frankly, at about how many
24 deputy managing directors or assistant to
25 the deputy managing directors there are.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 And the new Managing Director came in and
3 recently did an inventory, if you will,
4 of those positions and, quite frankly, I
5 was surprised at how many there were. I
6 asked my staff to try to get me that
7 number, but I would tell you that it is
8 in the dozens, probably close to a
9 hundred probably assistant deputy
10 managing directors and deputy managing
11 directors that probably have been
12 created. And one of the things that the
13 Managing Director is trying to do is to
14 try to make sure that those assistant
15 deputy managing directors and managing
16 directors are appropriately detailed to
17 their respective units to bring a form of
18 transparency to government, so that when
19 you look at an organizational chart, you
20 can see who is responsible and who is
21 accountable.

22 So I think that the benefits of
23 the proposed change are certainly
24 enhanced by making it much more
25 transparent, and, quite frankly, I think

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 the appropriate safeguards are in place,
3 because it would be subject to a public
4 disposition at an Ad Board meeting.

5 COUNCILMAN GREENLEE: I
6 certainly agree with you and I think
7 probably most, if not all, members of
8 Council agree that the way it is now is
9 not good. I agree with that. We don't
10 know exactly who they are all the time
11 and it's kind of done sort of
12 willy-nilly, but when you talk about the
13 public process, you're getting into a
14 question that another possibility of
15 doing this is for Council -- because
16 certainly we have a public process here
17 in the hearings. I mean, everybody is
18 kind of aware what we do in here -- is
19 maybe setting or possibly getting some
20 limits on that.

21 Would the Administration be
22 willing to work with Council on that in
23 that end?

24 MR. ARMBRISTER: I think as the
25 Mayor indicated, the thought given to the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 proposal that we brought before you is to
3 maintain the flexibility. I note that in
4 1993 there was a formula that was
5 attempted to try to figure out by the
6 size of budgets and things like that how
7 many deputies a particular department
8 should have.

9 I think what the Administration
10 would like to do is preserve the
11 flexibility, because we really don't know
12 what the future holds, quite frankly. In
13 my testimony I mention that we didn't
14 know about homeland security less than
15 seven years ago. That wasn't a word that
16 was, quite frankly, in our lexicon, and
17 we've had to build up administrative
18 apparatus and procedures to meet the
19 needs of the challenges of what is going
20 on at that time.

21 So I think our recommendation
22 would be, with all due respect, is that
23 we maintain the flexibility that's
24 included in the proposal and not limit
25 the number of deputies for departments,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 and then hold the Administration
3 accountable through the budgetary and
4 other public processes for maintaining an
5 adequate number of deputies.

6 COUNCILMAN GREENLEE: I have
7 another thought on that, but I don't want
8 to dominate here.

9 Councilman Goode.

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

12 Good morning, Mr. Armbrister.

13 MR. ARMBRISTER: Good morning,
14 Councilman Goode.

15 COUNCILMAN GOODE: I think the
16 discussion here is not about whether this
17 needs to be done. Clearly, from every
18 Administration that you talked to, they
19 would talk about the need for this to be
20 done. The question is how it should be
21 done, and the question for us is also
22 flexibility.

23 We definitely need to open up
24 the amount of deputies. We definitely
25 want there to be as much managerial

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 flexibility as possible, but once you
3 change the Charter, you change the
4 Charter.

5 There are other approaches that
6 we can take that still allow some
7 flexibility, if we believe there should
8 be limitations in place. It would allow
9 that to be done by ordinance, which could
10 be done within a matter of weeks to
11 change it one way or the other, which is
12 a lot more flexibility than exists now
13 but not as much flexibility as it being
14 open-ended and not the inflexibility of a
15 Charter change that does not allow it to
16 be adjusted by ordinance.

17 So I don't think the suggestion
18 here is that Council set a number and/or
19 that the Charter set a number, but that
20 we definitely look at how we open this up
21 with some limitations that can be
22 adjusted, noting that once you change the
23 Charter, that's it. And we absolutely
24 salute the Administration for
25 understanding this is something that

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 critically needs to be done and needs to
3 be done at the beginning of an
4 Administration in order to manage more
5 effectively, but at the same time, to
6 change the Charter at the very beginning
7 of the Administration, we're not just
8 changing for one Administration, we are
9 changing it for every Administration
10 going forward.

11 MR. ARMBRISTER: I understand,
12 Councilman, and, again, with all due
13 respect, I think the maintenance of the
14 flexibility, quite frankly, which is
15 currently available to the
16 Administration, although less
17 transparent, is really what we're trying
18 to do. Our goal here was not to try to
19 limit the flexibility, because, quite
20 frankly, I think by putting a limitation
21 on it, it would somewhat limit it.

22 The flexibility that we
23 currently have, although it's just not
24 transparent, I mean, as we can under the
25 existing rules, we can name assistant

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 managing directors and deputy managing
3 directors, and I did get the list and
4 there were probably over a hundred such
5 positions that exist under -- when we
6 came into the government.

7 What we're trying to do, quite
8 frankly, is not limit that but try to
9 make sure it's just much more
10 transparent, and that by doing it through
11 the Charter change amendment, we felt
12 that it would make it much more
13 transparent, that you wouldn't need to do
14 these work-arounds anymore. And so our
15 position was that we wouldn't want to
16 kind of limit, quite frankly, the
17 flexibility we have now. What we're
18 trying to do is just make it much more
19 transparent.

20 COUNCILMAN GOODE: And I
21 believe everyone agrees with that and
22 everyone salutes that. The issue is
23 whether there needs to be not even
24 constraints put within this but that we
25 assure as we do it that we're not

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 creating some inflexibility by doing it
3 through a Charter change, which is
4 required, when we can within that major
5 Charter change also at the same time
6 create some flexibility within the
7 Charter change.

8 MR. ARMBRISTER: Right.

9 COUNCILMAN GREENLEE: I would
10 certainly agree with that, and I think if
11 we did it as Councilman Goode's
12 suggestion, by ordinance, if those
13 situations come up down the line where it
14 was necessary to increase, we could do
15 that by ordinance, right? We could add
16 that to the -- we could put in another
17 ordinance to amend that, right? Am I
18 right?

19 COUNCILMAN GOODE: My thought
20 for that -- I've seen a proposed
21 amendment. My thought is that we should
22 view this with total flexibility, view
23 this as an idea whose time has come, that
24 we should move forward in this fully, but
25 as we're changing the Charter, we know

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 we're not going to be able to go back and
3 change the Charter any time soon if this
4 is approved, that we provide some
5 flexibility within that by having a
6 mechanism that allows for an ordinance to
7 put in needed adjustments if they are
8 necessary.

9 COUNCILMAN GREENLEE: Thank
10 you, Councilman.

11 Any other questions or comments
12 from members of the Committee, or anyone
13 else?

14 (No response.)

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Armbrister.

17 MR. ARMBRISTER: Thank you.

18 COUNCILMAN GREENLEE: I believe
19 there's representatives from the City
20 unions here that would like to testify:
21 Mr. McNesby, Ms. Scott, whomever.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN GREENLEE: It's
25 still morning. Good morning, everyone.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Nice to see you here.

3 Ms. Scott, is this the first
4 time you've testified as the President
5 yet?

6 MS. SCOTT: No. Oh, as
7 President? Yes, as President of District
8 Council, yes.

9 COUNCILMAN GREENLEE:
10 Officially, congratulations.

11 MS. SCOTT: Thank you very
12 much.

13 COUNCILMAN GREENLEE: All these
14 veterans here.

15 I think, Mr. McNesby, you did
16 testify as President one time.

17 MR. McNESBY: Yes, once or
18 twice.

19 COUNCILMAN GREENLEE: So,
20 please, identify yourself for the record
21 and proceed with your testimony.

22 MR. McNESBY: John McNesby,
23 President of Fraternal Order of Police,
24 Lodge No. 5 in Philadelphia. Thank you,
25 Mr. Chairman and members of the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 Committee. I just have a few brief
3 comments that I would like to address,
4 and then I'll stand for any questions.
5 We have a written overview that I will
6 submit to Council.

7 I heard the Chief of Staff,
8 Mr. Armbrister's, statement regarding
9 past Police Commissioner Sylvester
10 Johnson, and one thing that I find
11 troubling in there is that he's talking
12 about a terrible flaw within the City
13 where the people that he appoints are a
14 problem. What I'd like to say is that
15 the current deputies, the four deputies
16 that are in place, three of the four,
17 which are doing a tremendous job there
18 now, Sylvester Johnson did appoint those
19 positions. So it would have been -- as
20 the manager of that department, if there
21 was a problem in that department or a
22 terrible flaw which he had seen, that he
23 should have addressed that problem when
24 he was Police Commissioner.

25 As far as the comments that I

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 had made in the paper regarding the
3 deputy's position, I do believe that
4 Commissioner Ramsey should be able to
5 surround himself with the best possible
6 people for the Philadelphia Police
7 Department.

8 We do have an epidemic out
9 there, a homicide epidemic, and we need
10 the leadership in place to be able to
11 move forward, to go ahead and do what he
12 needs to do to get the job done in the
13 City of Philadelphia.

14 Crime is at an all-time high,
15 and I believe that the officers on the
16 street now are saying that it is time,
17 they're looking for a welcome change, to
18 go ahead and be able to get the job done.

19 That being said, in order to do
20 that, I believe, as Councilman Greenlee
21 had stated, there should be some type of
22 limitations on the number. We have a
23 civil service position that has been
24 laying vacant in the deputy
25 commissioner's position for the Police

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 Department since 2004. They have not
3 filled that position. So that was one
4 way that they could have done that, would
5 be to give a test. And from our point of
6 view at the Fraternal Order of Police,
7 our commanders are second to none
8 throughout the country. The City
9 Administrations in previous years have
10 invested in these commanders. They have
11 given the test. They have come through
12 the ranks of civil service, and we have
13 200-plus commanders on the streets of
14 Philadelphia today. In order to be able
15 to fill the ranks of deputies, they
16 should be able to come from with inside
17 the Philadelphia Police Department.

18 As I said earlier, we have four
19 current deputy commissioners. We have a
20 new police commissioner that had just
21 taken the reins last month. Now we have
22 those four. If he's able to promote
23 another six, seven or eight, there has to
24 be some kind of limitations, because once
25 Commissioner Ramsey leaves in three,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 four, five, six years, those deputies are
3 in place. Does the next deputy appoint
4 another three, four, five deputies and
5 thereby reining it out of control?

6 Basically what I'm saying is,
7 we have the ability to promote within
8 through the civil service. We have a
9 dormant position there now that has not
10 been utilized. I believe they should
11 come from within the Philadelphia Police
12 Department. There should be some sort of
13 limitations in place to be able to
14 address that very issue.

15 So with that, I'll stand for
16 any questions.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 Did the rest of you want to
20 testify at all? Maybe you can have it
21 and then we can have the questions.
22 Maybe that's the best way of doing it.

23 Ms. Scott?

24 MS. SCOTT: Yes. My name is
25 Cathy Scott. I'm President of AFSCME

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 District Council 47. Good morning,
3 Chairman Greenlee and members of the
4 Committee.

5 I did submit written testimony.
6 However, I just want to focus on a couple
7 of things in that written testimony.

8 As President McNesby just said,
9 the Charter is very clear that except for
10 a few exemptions, civil service employees
11 should be the employees of the City of
12 Philadelphia. And we have heard from
13 this Administration that the present
14 language gives the Administration
15 tremendous flexibility in appointing over
16 a hundred assistant managing directors,
17 deputy managing directors, and they
18 certainly have made a lot of use of that,
19 we think to abuses.

20 But what I'd like to focus on
21 is why does the Administration want to
22 avoid -- and this is their language --
23 having to determine the right number of
24 deputies for each City department at this
25 moment. The public is being asked to

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 place its faith in the Administrative
3 Board, thereby ensuring a public process
4 and a public justification for the
5 additional deputies. That's their quote.
6 However, the meetings of the
7 Administrative Board have not really been
8 public. They may be published, but they
9 are not public, and they generally have
10 been cancelled and rescheduled very
11 frequently.

12 If you go to a further section
13 in the present City Charter, it quotes,
14 "Persons temporarily appointed or
15 designed to make or conduct a special
16 inquiry, investigation or examination or
17 to perform a special service where such
18 appointment or designation is certified
19 by the Civil Service Commission to be for
20 appointment which, because of its unique
21 or expert characters, could not or should
22 not be performed by persons in the civil
23 service."

24 Since the Charter already
25 provides for a public independent process

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 to make these exempt appointments, why
3 does the Administration want to avoid
4 that process? Given the existing
5 language of the Charter, which provides
6 for the public hearing by the Civil
7 Service Commission to appoint exempt
8 employees, we would ask that this
9 Committee reject this open-ended,
10 unregulated expansion of the number of
11 exempt deputy commissioners.

12 That concludes my testimony.

13 COUNCILMAN GREENLEE: Okay.

14 Thank you.

15 Anyone else of the group to
16 testify?

17 (No response.)

18 COUNCILMAN GREENLEE: I'm
19 sorry. I missed a little bit,
20 Mr. McNesby, as I was talking to other
21 people. At this point you don't really
22 have a number, right? You're saying that
23 we should --

24 MR. MCNESBY: Just briefly,
25 when the Chief of Staff, Mr. Armbrister,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 had testified regarding comments made by
3 past Police Commissioner Sylvester
4 Johnson, he was talking about a serious
5 flaw within the department regarding the
6 deputies, but the serious flaw existed
7 under his Administration where he
8 appointed each and every one of those
9 deputy commissioners.

10 COUNCILMAN GOODE: Mr. McNesby,
11 I think he was referring to a flaw within
12 the City Charter.

13 MR. McNESBY: Oh, okay.

14 COUNCILMAN GOODE: That only
15 allowed him to appoint two deputies.

16 MR. McNESBY: Well, we were
17 willing to talk -- we've addressed that
18 problem, but the past is the past. We
19 have a new Administration, a breath of
20 fresh air in Commissioner Ramsey, which
21 is a positive thing. I think that the
22 number -- currently, there's a civil
23 service position for deputy commissioner
24 which has been left dormant since 2004,
25 which they have not given a test for.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 That's certainly one way of filling one
3 deputy. My thoughts are there should be
4 some sort of -- he needs to surround
5 himself with definitely the necessary
6 people to do the job. As I said, we're
7 under an epidemic of crime and a homicide
8 rate that's receding a little bit at a
9 time, being able to chip away and get a
10 handle on it, but I believe that there
11 has to be some sort of a limit put in
12 place, because it could just spiral out
13 of control.

14 The four deputies, as I said,
15 that are in place now are doing a --
16 three of the four are doing a great job.
17 They stay on board, appoint another four.
18 If Commissioner Ramsey leaves in five,
19 six years, that we add another four and
20 then another four and then another four.
21 So that's our main concern, and to
22 utilize the civil service position.

23 COUNCILMAN GREENLEE: Okay.

24 Thank you.

25 Councilman Green.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 COUNCILMAN GREEN: I think just
3 the way I understood what the
4 Administration was saying -- and I do
5 think that they're making a good point --
6 rather than focus on the language, we
7 don't want to determine the number of
8 deputies at this point. I think what
9 they're really saying is by putting a
10 strict number limitation in the Charter
11 of the number of deputies that might be
12 appropriate for this time, that number of
13 deputies in five years, eight years, ten
14 years might not be appropriate for
15 another time and we ought to have
16 flexibility to have the Administration
17 maybe working with Council, which I think
18 is what Councilmen Greenlee and Goode
19 were talking about, maybe the limitation
20 should be set by ordinance so that as the
21 different Administrations, different
22 times call for a different number of
23 deputies, we're not putting the limit in
24 the Charter, but we can propose a limit
25 by law.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 I'd just like your reaction to
3 both those points, the first point being
4 really at this time there might be a
5 certain number of appropriate deputies
6 that would be different from another time
7 and should we really put that number in
8 the Charter, and the second point, your
9 views on adding something to the Charter
10 change to allow City Council to set
11 limits by ordinance.

12 Thank you.

13 MR. McNESBY: The Fraternal
14 Order of Police absolutely positively
15 does not want to be a stumbling block in
16 the way of getting what they need to be
17 able to take control of the streets. I
18 believe that working with an ordinance,
19 if that is possible, we would be -- I
20 would be and our membership would be in
21 favor of that. Also, with the limitation
22 end, I mean, there's got to be some sort
23 of -- does it continue to grow? That's
24 our concern, of top heavy.

25 We have invested our futures in

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 the commanders that are presently in the
3 Police Department. They've done a great
4 job. They're out there. You can appoint
5 any one of those as a deputy if need be.

6 COUNCILMAN GOODE: Point of
7 information.

8 COUNCILMAN GREENLEE:
9 Councilman Goode.

10 COUNCILMAN GOODE: Point of
11 information.

12 To comment on Councilman
13 Green's point, it's not just a matter of
14 City Council setting limitations by
15 ordinance, but in fact any given
16 Administration could decide how many
17 deputies they want and set that by
18 ordinance, even with an expiration date,
19 where, in effect, that Administration can
20 determine how many deputies they want
21 during that Administration, and then that
22 ordinance expires, which means you can go
23 back to -- so it's not just a matter of
24 Council involving itself in that
25 managerial decision, but it being

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 approved by ordinance, which would allow
3 some flexibility and more flexibility
4 than a Charter change that either
5 confines it to two or opens it totally
6 up.

7 MR. McNESBY: With an
8 expiration date, the ordinance sounds
9 well.

10 MS. SCOTT: Well, and the other
11 thing that I would like to add, whether
12 Council would consider limiting the
13 number of -- limiting the ability of the
14 Managing Director or the Mayor to appoint
15 deputies to be assigned to departments,
16 because there is nothing in this language
17 that stops the existing practice. All it
18 does is expands the number of deputies to
19 an unlimited number within the operating
20 department.

21 So if the Administration --
22 and, frankly, I applaud the
23 Administration for raising this as an
24 issue for public discussion, because this
25 is something that has not happened in the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 past, and previous Administrations, as
3 you heard from the number, have used it
4 as a work-around. But there should be a
5 companion restriction, then, that the
6 Managing Director nor the Mayor's Office
7 would be assigning people to work in
8 operating departments.

9 COUNCILMAN GREENLEE: That's
10 certainly a good point. I guess we'd
11 have to talk to the lawyers about what
12 our limitations are in doing that, but I
13 think that makes sense because that takes
14 away that issue, takes it off the table,
15 if you will. And I guess would I be
16 right to say -- and, again, I'm not
17 saying this Administration would do it,
18 but as I said earlier, when we have
19 something on the Charter, it's there.
20 The possibility if you added particularly
21 a number of people, number of deputies
22 from outside the department, I would
23 guess as union leaders, there would be
24 possibly morale issues and issues within
25 your membership when it comes to that.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 MS. SCOTT: Absolutely.

3 MR. McNESBY: Absolutely. You
4 would have the testing process. You have
5 the commanders who currently are out
6 there giving their time. Most of the
7 time they're putting in 12, 14-hour days
8 and trying to get a handle on things, and
9 they're some of the best in the country.

10 Like I said, the Police
11 Department can be political, technical
12 and cultural. Political, if you know
13 somebody, you can get the job.
14 Technical, you can grab somebody from
15 Rhode Island, Chicago, they can come in
16 here with a cookie-cutter approach to
17 doing police work. It's done all over
18 the place. But if you bring in a deputy,
19 say, from Chicago and send them to South
20 Philly, they may see the double parking
21 problem and it may cause an uproar in the
22 City of Philadelphia.

23 COUNCILMAN GREENLEE: We never
24 want to touch that, do we? That could
25 really be a problem.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 COUNCILMAN DiCICCO: It doesn't
3 exist there.

4 (Laughter.)

5 COUNCILMAN GREENLEE:

6 Absolutely, it doesn't. That's right.
7 Strike that from the record. It doesn't
8 happen in Fairmount either, by the way.

9 MR. McNESBY: So, I mean,
10 that's some of the things you have to
11 look at with bringing from the inside.

12 But, no, our commanders are
13 some of the best in the country, are the
14 best in the country, and if you can't
15 find your six, seven, eight appointees
16 from within the Police Department of the
17 City of Philadelphia, then we all have a
18 serious problem.

19 COUNCILMAN GREENLEE: I
20 understand. But would you be open -- and
21 this is getting into more if we do this
22 by ordinance. Would you be open to any
23 one or two coming from outside?

24 MR. McNESBY: As President of
25 the Fraternal Order of Police, I'd have

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 to say no. I'd have to say no.

3 COUNCILMAN GREENLEE: I

4 understand. I understand. Okay.

5 Any other questions?

6 Councilman Green.

7 COUNCILMAN GREEN: Just a sort

8 of related question to the point you're

9 raising about the hundred deputy managing

10 directors or assistant managing

11 directors. Right now the way it's

12 currently being done -- and I just sort

13 of -- there is not a requirement

14 obviously that -- these hundred people do

15 not necessarily and probably did not come

16 from the departments to which they have

17 been assigned.

18 MS. SCOTT: Well, some have and

19 some haven't.

20 COUNCILMAN GREEN: But there's

21 not currently any requirement that they

22 do. And so in changing the system, I

23 think all the Administration is doing is

24 trying to maintain the same flexibility

25 that they have today in terms of choosing

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 who they want there and then being held
3 accountable by Council and by the public
4 and then in four years at the polls for
5 the decisions they've made.

6 It sounds like you're asking
7 the Administration to give up flexibility
8 that it has currently, because it can
9 appoint people from anywhere it wants
10 around the country, the best qualified
11 people for these jobs.

12 Could you just address that
13 point?

14 MS. SCOTT: Well, frankly, we
15 think that this is a recent expansion in
16 this Charter that prior to, I would say,
17 the Rendell Administration did not exist.

18 The Charter is very clear, that
19 all officers and employees of the City of
20 Philadelphia, including all officers and
21 employees of all departments, all
22 independent boards and commissions and
23 all departments, boards and
24 commissions -- that's pretty expansion --
25 shall be civil service employees.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 What has happened is, there has
3 been this focus on this particular
4 provision that we're now talking about to
5 greatly expand the number of deputies and
6 assistant managing directors, and,
7 frankly, we think that it's been abused
8 by previous Administrations, and that's
9 why I said I think it is really
10 commendable of this Administration to
11 bring this out and to have a public
12 discussion about how it wants to
13 structure government. But we think that
14 the Charter was very clear that except
15 for certain specific exemptions, that it
16 should be civil service employees, and
17 they certainly shouldn't be deployed to
18 departments.

19 MR. McNESBY: The history of
20 the Philadelphia Police Department,
21 there's never, in my recollection, been
22 an outside deputy commissioner. They've
23 all come from within the department, and,
24 quite frankly, as maybe Jimmy Wheeler, my
25 Vice-President, can elaborate on, back

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 25, 30 years ago, the Police Department
3 was made up of different ethnic
4 organizations. So if you were a member
5 of, say, Shamra, the Jewish organization,
6 you got a pick for deputy. If you were a
7 member of the Emerald Society, the Irish
8 group, you got a pick for deputy. So it
9 wasn't necessarily the best people. It
10 was just what organization put up what
11 deputy.

12 I'm not going to say that's
13 going to happen with this Administration,
14 but that's the thing where we're saying
15 we need to have some sort of limit or
16 some sort of guidelines, and the
17 ordinance with the expiration is a
18 perfect fit.

19 COUNCILMAN GREEN: Thank you
20 for your testimony. I appreciate it.

21 COUNCILMAN GREENLEE: Thank
22 you, Councilman.

23 Any other questions or
24 comments?

25 (No response.)

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2 COUNCILMAN GREENLEE: Thank you
3 all very much. Thank you.

4 Mr. Stalberg, sorry about that.
5 As I said, I know you had some comments
6 on the City Rep/Commerce issue.

7 (Witness approached witness
8 table.)

9 MR. STALBERG: Good morning.
10 Thanks very much for giving me the
11 opportunity to testify. I'm Zach
12 Stalberg and I'm the head of the
13 Committee of Seventy, a non-partisan
14 group interested in good government.
15 With me is Sarah Stevenson, who is the
16 Assistant Policy Director and the lawyer
17 who keeps me out of trouble in situations
18 like this.

19 We've submitted detailed
20 comments on each of the three proposals
21 that are being considered today and also
22 a summary in the form of testimony. For
23 the sake of time, I'll try to just pick
24 out the significant points and paraphrase
25 that testimony, but I hope you'll read it

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 all, because as has been pointed out here
3 today, you're being asked to make a
4 permanent change in the City Charter in a
5 very short period of time.

6 We all know that public
7 officials can come and go, but this
8 Charter provision on the deputies in
9 particular will last forever. So I ask
10 you to take a look at some of those
11 detailed comments.

12 Let me just take a moment to
13 paraphrase the testimony.

14 We essentially support the
15 change that relates to the Inspector
16 General and we essentially support the
17 change that relates to the City
18 Representative and the Director of
19 Commerce. We are concerned about the
20 Administration's and we oppose the
21 Administration's suggestion that would
22 give the Administrative Board the right
23 to pick an unlimited number of deputies.

24 As has been pointed out here
25 earlier, the Admin Board is made up of

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 the Mayor and a couple people who work
3 for him. While its activities are
4 theoretically open, very few people pay
5 attention to what goes on there.

6 So the Committee of Seventy
7 certainly embraces the idea of adding a
8 number of deputies, and we are
9 particularly focused on the Police
10 Department because of the crime
11 emergency, but we think it should be
12 based on some objective formula. Whether
13 that's written into the Charter or
14 whether you decide to find a compromise
15 based on City ordinance, I'd urge you to
16 look for some objective formula that
17 controls the number of deputies.

18 In the proposal which
19 Mr. Armbrister referred to that was
20 released by the Committee of Seventy in
21 early January, we suggested tying --
22 well, we focused, I should say first, on
23 the Police because of the crime emergency
24 in Philadelphia and because of the
25 open-mindedness of the FOP in terms of

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 considering additional deputies. Our
3 preference would be to focus on the
4 number of deputies within the Police
5 Department first and move on from there.

6 In that case, we favored
7 appointing deputies according to the
8 number of bureaus according to the
9 organizational chart of the Police
10 Department. Obviously you can also do it
11 on the basis of the number of employees
12 or the size of the budget, but
13 fundamentally I would argue that it
14 should be done either via Charter or via
15 ordinance with some objective formula in
16 mind or else, as Chairman Greenlee
17 already suggested, the possibility of
18 abuse is high.

19 So that's our basic view on the
20 deputies proposal. I'm happy to take
21 questions on that or any of the other two
22 issues.

23 COUNCILMAN GREENLEE: I guess
24 just for the record, so our suggestions
25 up here about putting any limitations

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 established by ordinance would kind of
3 fit in to what you're talking about, a
4 possible way to address that. Is that
5 basically what you're saying?

6 MR. STALBERG: Yes, that is a
7 possible way to address it. I think you
8 asked the Mayor and Mr. Armbrister, and
9 what I heard back was not much
10 willingness to limit the number of
11 deputies.

12 We would favor -- the Committee
13 of Seventy helped write the Charter,
14 definitely believes in the need for
15 additional deputies in most departments
16 now, definitely believes that it's a good
17 management practice in the 21st century
18 for the leader of a division to have his
19 or her own team. However, we would also
20 be looking for some sort of middle ground
21 that would allow some flexibility but
22 also put some sort of a cap based on some
23 objective criteria.

24 COUNCILMAN GREENLEE: Okay.
25 Thank you.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Any other questions, comments?

3 Councilman Green.

4 COUNCILMAN GREEN: Sorry. Is
5 Mr. Stalberg testifying on the next
6 point, Inspector General, also?

7 COUNCILMAN GREENLEE: No. I
8 was going to hold up, because I wanted to
9 have the -- if you can stay, I'd rather
10 have the Inspector General's testimony
11 separate so we're not doing apples and
12 oranges here. Okay? All right.

13 Thank you very much.

14 MR. STALBERG: Thank you.

15 COUNCILMAN GREENLEE: Is there
16 anyone else here to testify on the deputy
17 issue or on the City Rep/Commerce issue?

18 (No response.)

19 COUNCILMAN GREENLEE: Okay.
20 Now we'll turn to the Inspector General,
21 the bill and resolution dealing with the
22 Inspector General, and I think,
23 Ms. Kurland, you're first up here.

24 MS. KURLAND: Good morning,
25 Councilman Greenlee, members of the Law

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 and Government Committee and other
3 members of City Council in the room
4 today. My name is Amy Kurland and I am
5 the City's Inspector General. It's a
6 privilege to appear before you today to
7 testify in support of Bill No. 080007 and
8 Resolution No. 080039, which provide for
9 an amendment to the Philadelphia Home
10 Rule Charter to create an independent
11 Office of the Inspector General.

12 While campaigning for Mayor and
13 since assuming office, Mayor Nutter has
14 emphasized the urgent need to restore
15 transparency, accountability and
16 integrity to City government in order to
17 restore Philadelphians' trust and
18 confidence in their government. He
19 quickly moved to fill the open seat on
20 the Ethics Board. He created a new post
21 of Chief Integrity Officer and as
22 recently as February 8th of this year, we
23 swore in and provided training for all of
24 the integrity officers in all of the
25 different departments.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Mayor Nutter has also called
3 for a new partnership of cooperation
4 between the Mayor's Office, the District
5 Attorney, the State Attorney General and
6 the U.S. Attorney's Office to root out
7 corruption in Philadelphia in the
8 government and its agencies. Mayor
9 Nutter believes that this partnership
10 will improve City government by ensuring
11 honest and effective delivery of City
12 services. It will instill a sense of
13 pride and trust on the part of all
14 citizens and will end the corrosive
15 corruption tax that has driven people and
16 businesses away from the City.

17 Today the Committee is
18 considering a Charter amendment that will
19 create an independent Office of the
20 Inspector General. The Inspector
21 General's Office has been in existence
22 for 24 years by Executive Order, but
23 still, despite that long-term existence,
24 the public's negative perception of
25 Philadelphia City government persists.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Recent events still leave a cloud on
3 Philadelphia City government and make a
4 compelling case for continued reform.

5 My own experience as a 24-year
6 veteran of the U.S. Attorney's Office
7 resulted in many convictions involving
8 corruption, fraud and abuse throughout
9 City government. Unfortunately, I saw
10 firsthand a culture of corruption in many
11 City departments. I prosecuted
12 individuals from the Plumbing Inspection
13 Department, Licenses and Inspection,
14 Revenue Department, the Fire and
15 Inspection Unit, the Water Department,
16 Prison System and various other agencies,
17 as well as a Parking Authority official
18 who fixed tickets. I know that these
19 cases are not a reflection on the entire
20 City government, but really they involve
21 the bad apples.

22 It's also important to
23 emphasize that while prosecuting these
24 cases, what I did see was many, many
25 honest and hard-working City employees

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 who were victimized by this perception
3 that Philadelphia is corrupt. Most City
4 employees want to do the right thing and
5 they want to do a good job for the
6 taxpayers of Philadelphia.

7 But these events demonstrate
8 that continued vigilance is necessary to
9 restore integrity to City government.
10 The Office of the Inspector General
11 should not be dependent on the Mayor's
12 Office for staffing, for supplies, for
13 equipment. An independent Office of the
14 Inspector General will also remove any
15 perception that a Mayor might in some way
16 control or influence investigations. A
17 strong and independent Office of the
18 Inspector General should also be free
19 from political influence, and that would
20 make a difference to ensure the public's
21 confidence in City government.

22 If I may, I will briefly
23 describe the proposed Charter change
24 that's before you today.

25 First, the proposed Charter

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 change ensures the independence of the
3 Inspector General in a number of ways.
4 There is a five-year term limit with two
5 terms, the IG can only be removed for
6 cause, and there's funding of a million
7 dollars for the first two years. The
8 Charter change also provides the
9 following powers and duties: The main
10 role of the Inspector General is to
11 investigate fraud, corruption and
12 misconduct within City government. The
13 jurisdiction extends to City agencies,
14 employees, elected and appointed City
15 officers, contractors and businesses that
16 do business with the City, in addition to
17 recipients of City funding. It provides
18 for the power to issue subpoenas to
19 compel witnesses and documents. It calls
20 on the IG to recommend policies and
21 protocols to prevent fraud, corruption
22 and misconduct, and instructs the
23 Inspector General to coordinate with
24 other local, state and federal law
25 enforcement agencies.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 There are also reporting and
3 cooperation requirements in the proposed
4 Charter change. City employees, officers
5 and officials shall report instances of
6 fraud, corruption and misconduct. No
7 person shall retaliate against anyone for
8 cooperation with the OIG, and no person
9 should make a frivolous or fabricated
10 complaint to the OIG.

11 Also important are the
12 political restrictions. The IG cannot
13 make campaign contributions to City
14 candidates or incumbents and the IG
15 cannot seek any elective City office for
16 two years after leaving office.

17 This bill and resolution are
18 modeled after comparable legislation in
19 other large cities throughout the country
20 and are based on recommendations from the
21 Association of Inspectors General, which
22 is a nationally recognized organization.

23 Inspector Generals are active
24 in numerous cities throughout the
25 country. In Chicago, in Miami, in New

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Orleans and New York, those cities have
3 independent Inspector Generals and have
4 had a lot of success in restoring the
5 public trust in city government. Those
6 cities recognize the need to police
7 themselves. They do not rely on federal
8 and state law enforcement to clean their
9 houses.

10 An independent Office of the
11 Inspector General in Philadelphia will
12 complement the work of the City
13 Controller, who conducts regular
14 preventive audits to discover fiscal
15 problems and efficiencies, and the Ethics
16 Board, which provides education and
17 enforces the City's ethics code.
18 Together, the Office of the Inspector
19 General, the Board of Ethics and the
20 Controller, along with the Chief
21 Integrity Officer, will work
22 cooperatively to provide a three-pronged
23 approach that combines prevention,
24 education and investigation in order to
25 instill honesty, transparency,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 accountability and integrity throughout
3 City government.

4 The Nutter Administration has
5 set a high standard. The Five-Year Plan
6 calls for ethics and government reform to
7 restore integrity to City Hall and to
8 renew the public's confidence in their
9 government.

10 I respectfully request your
11 support for Bill No. 080007 and
12 Resolution No. 080039, and I urge its
13 quick passage so that the ballot question
14 establishing the Office of Inspector
15 General can be presented to the voters in
16 the April primary.

17 Once again, thank you for the
18 opportunity to testify today and I will
19 be pleased to respond to any questions
20 you may have.

21 COUNCILMAN GREENLEE: Thank
22 you, Ms. Kurland.

23 I know other members have
24 questions, but I guess just generally I
25 wanted to ask if you heard the question I

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 raised with the Mayor. As far as the
3 issue of doing the same duties that other
4 departments are doing now, it does -- I
5 mean, we have the Controller now. We
6 have the Ethics Board. We have the U.S.
7 Attorney's Office.

8 MS. KURLAND: Right.

9 COUNCILMAN GREENLEE: What
10 additionally would the Inspector General,
11 in your opinion, add that they're not
12 doing already? I mean, obviously we have
13 one by Executive Order.

14 What would you see would be the
15 great additions of -- or just the
16 additions? I won't put "great" on there.

17 MS. KURLAND: Well, there are
18 several things, Councilman. First of
19 all, while the Controller does broad
20 efficiency-type audits, what the
21 Inspector General does in the audit
22 function is forensic-type audits that are
23 related to investigations. For example,
24 if there is an individual that an
25 investigation in the IG's Office finds is

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 stealing from a certain department or
3 agency, the type of audit that the IG's
4 Office would do would be to go in there,
5 look at the books and records and try to
6 determine how that theft occurred and how
7 to best prevent it in the future. That's
8 very different from the annual
9 performance-based audits that the
10 Controller does.

11 COUNCILMAN GOODE: Point of
12 information.

13 COUNCILMAN GREENLEE:
14 Councilman Goode.

15 COUNCILMAN GOODE: Ms. Kurland,
16 is the City Controller forbidden by City
17 Charter to conduct forensic audits?

18 MS. KURLAND: I think they are
19 permitted, Councilman, but I don't know
20 that that's being done at this point.

21 COUNCILMAN GOODE: The term I
22 used was are they forbidden?

23 MS. KURLAND: Oh, are they
24 forbidden? I'm sorry. I thought you
25 said permitted. No, they're not

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 forbidden by the Charter, as far as I
3 know.

4 COUNCILMAN GOODE: So what's to
5 stop the City Controller from doing
6 forensic audits?

7 MS. KURLAND: There's nothing
8 to stop them. However, when the audit is
9 done in conjunction with an
10 investigation, it's often times important
11 to ensure the confidentiality of that
12 investigation. The Controller's Office
13 may not know that an investigation is
14 going on and may not know to conduct that
15 type of audit in conjunction with an
16 investigation.

17 COUNCILMAN GOODE: I guess the
18 question in the end is, what's to stop
19 the Controller, under the powers given to
20 he or she through the City Charter, from
21 engaging in the exact same activity you
22 just described?

23 MS. KURLAND: In engaging in a
24 forensic audit on its own?

25 COUNCILMAN GOODE: Yes.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 MS. KURLAND: The problem with
3 that -- they are perfectly able to do
4 that under the Charter, but the problem,
5 Councilman, is that often times these
6 audits come up in conjunction with an
7 investigation. When the IG's Office is
8 conducting an investigation, there's a
9 need to examine the books and records of
10 a certain department or agency, and in
11 examining those books and records, the
12 IG's Office may discover problems that
13 occurred that allowed a crime to occur.
14 And that's a very small and narrow audit,
15 which is different from the large annual
16 performance audits that the Controller's
17 Office does. But, more importantly --

18 COUNCILMAN GOODE: But the
19 question that you were responding to was
20 about duplication of duties by Councilman
21 Greenlee. I believe the question you
22 were responding to was related to
23 duplication of duties and
24 responsibilities and duplication of work,
25 and your example was the difference

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 between a performance audit that's
3 usually done by the Controller's Office
4 and a forensic audit that's done by an
5 Inspector General. But the Charter does
6 not limit the City Controller to perform
7 its audits and, by my estimation, fully
8 allows the Controller to engage in
9 forensic audits.

10 MS. KURLAND: That's correct,
11 Councilman. I agree with that. However,
12 the audit function in the Inspector
13 General's Office has been in effect for
14 the last 24 years. The word "audit" is
15 there in the Executive Order established
16 by former Mayor Wilson Goode and then
17 again by former Mayor Mr. Rendell.

18 But, more importantly, I think
19 the difference between an independent
20 Office of the Inspection General now
21 would be -- Councilman Greenlee, you
22 referred to the U.S. Attorney's Office
23 being able to do these criminal
24 investigations, but I think that part of
25 the problem over the last 24 years has

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 been that the U.S. Attorney's Office has
3 come out and had press conference after
4 press conference announcing indictment
5 after indictment and saying that
6 Philadelphia is corrupt. I think it
7 would be much better for the Office of
8 the Inspector General to work with the
9 U.S. Attorney's Office and show the
10 citizens of the City that we can police
11 ourselves, we're not relying on the
12 federal government to come in and take
13 care of the problems that we may have in
14 our own City government.

15 COUNCILMAN GREENLEE: But in
16 the end, wouldn't they be the
17 prosecuting authority?

18 MS. KURLAND: They may be, but
19 also the District Attorney's Office, the
20 State Attorney General --

21 COUNCILMAN GOODE: Point of
22 information.

23 COUNCILMAN GREENLEE: Hold on.
24 Councilman Goode.

25 COUNCILMAN GOODE: That's

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 exactly my point. The local counterpoint
3 to the U.S. Attorney's Office is the
4 District Attorney's Office.

5 MS. KURLAND: That's correct.

6 COUNCILMAN GOODE: So even
7 without a Charter change, it is my
8 understanding that the Inspector General,
9 if they find criminal wrongdoing, refers
10 it to the District Attorney's Office or
11 the U.S. Attorney's Office, whichever he
12 or she feels appropriate. So the local
13 counterpoint to the U.S. Attorney's
14 Office is not in fact the Inspector
15 General but the District Attorney; is
16 that correct?

17 MS. KURLAND: That's correct.
18 That's correct. But the way I see
19 citizens being more ensured of confidence
20 in their City government is not to have
21 the Inspector General's Office simply be
22 a referral agency but rather to
23 participate in the investigation of
24 serious criminal conduct to show
25 everybody that we as a city can police

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 ourselves.

3 COUNCILMAN GOODE: I'm still
4 not disagreeing with anything you said,
5 aside from the fact that the original
6 question was regarding duplication of
7 duties and responsibilities locally.

8 MS. KURLAND: Well, there is
9 some overlap certainly. Again, I would
10 point out that where I come from in
11 federal investigations, there's a lot of
12 overlap between the FBI, the DEA,
13 Alcohol, Tobacco and Firearms, and those
14 agencies all work together to ensure
15 successful criminal prosecutions.

16 COUNCILMAN GOODE: For
17 instance, what was interesting about the
18 end of your testimony, it says "together,
19 the OIG, the Board of Ethics and the
20 Controller, along with the Chief
21 Integrity Officer, will work
22 cooperatively to provide a three-pronged
23 approach that combines prevention,
24 education, investigation to instill
25 honesty, transparency, accountability and

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 integrity throughout government," and
3 while I ideally would hope that would
4 happen, I don't believe that the OIG or
5 the Chief Integrity Officer can speak for
6 the Board of Ethics or the Controller
7 about working cooperatively.

8 MS. KURLAND: I'm sorry.

9 COUNCILMAN GOODE: You spoke on
10 behalf of two other agencies that are
11 actually independent entities.

12 MS. KURLAND: Yes. That's
13 correct, and I have spoken with the
14 Controller and with the Board of Ethics,
15 and I believe that there would be a very
16 good working relationship.

17 The Board of Ethics has no
18 jurisdiction over criminal-type
19 complaints and the Controller's Office,
20 as I said earlier, focuses on more
21 broad-ranging audits. The Board of
22 Ethics is responsible for education and
23 prevention and enforcement of the ethical
24 code, but not of any type of criminal
25 violations or other serious misconduct.

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2 COUNCILMAN GOODE: Ms. Kurland,
3 I am totally in favor of an independent
4 Office of Inspector General. Once again,
5 as with the issue that was before us
6 before this, the issue is how we do it.
7 And when the question is raised how do
8 you minimize or eliminate duplication of
9 responsibilities and duties, that's a
10 question that still needs to be answered
11 for us as we move forward with what
12 becomes a permanent change to the
13 Philadelphia Home Rule Charter.

14 MS. KURLAND: Yes. And I
15 apologize, Councilman, if I haven't
16 answered that correctly. I really can
17 only emphasize that neither the
18 Controller's Office nor the Board of
19 Ethics deals with serious criminal-type
20 violations, and that type of
21 investigation is only at this point being
22 conducted by the Office of the Inspector
23 General. I think that there is always
24 going to be some overlap of duties.

25 COUNCILMAN GOODE: And the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 District Attorney's Office.

3 MS. KURLAND: But the District
4 Attorney's Office is a separate agency,
5 again, that is not part of the City that
6 polices itself.

7 COUNCILMAN GREENLEE: Yeah, but
8 it's an independently elected person to
9 do that job, and that's one of their
10 jobs, right? Just like the City
11 Controller is independently elected.

12 COUNCILMAN GOODE: And the key
13 point is "elected."

14 COUNCILMAN GREENLEE: Right.
15 Exactly.

16 MS. KURLAND: And, again, I
17 would emphasize that one of the important
18 parts of this proposed Charter change is
19 that the Office of the Inspector General
20 would be free from any type of political
21 influence. With this Charter change, we
22 would never have the possible perception
23 that the Office of the Inspector General
24 is using that office as some type of
25 political platform, because there can be

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 no contributions and there can be no
3 running for office.

4 COUNCILMAN GOODE:
5 Mr. Chairman, my point, again, is not to
6 suggest that the Office of Inspector
7 General would do that or that it should
8 not be independent, which I believe it
9 should be, but that there's already an
10 independently elected official charged
11 with that responsibility by the voters.

12 COUNCILMAN GREENLEE: Right.

13 MS. KURLAND: That's correct.

14 COUNCILMAN GOODE: We can't
15 just take them out of the equation.

16 MS. KURLAND: Well, I wouldn't
17 propose to take them out of the equation.
18 What I would propose is that the
19 Inspector General work together with
20 them.

21 As I said during my testimony,
22 despite the fact that these different
23 entities exist, we still have the
24 perception throughout the City that there
25 is a corruption and fraud problem within

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 Philadelphia City government, and these
3 entities operating by themselves up to
4 this point have not changed that
5 perception.

6 COUNCILMAN GOODE: I agree with
7 that, but you don't change the Charter
8 simply to change perception, or a Charter
9 change, in and of itself, will not change
10 perception.

11 MS. KURLAND: No, sir, but I
12 would point to what has happened in other
13 cities that have established an
14 independent Office of the Inspector
15 General.

16 COUNCILMAN GOODE: They may
17 have also had better district attorneys.

18 MS. KURLAND: I can't comment
19 on that.

20 COUNCILMAN GREENLEE: I'm not
21 going to go there either, but I guess --
22 and I know Councilman Green had a
23 question, but you talk about other
24 cities. I mean, every city is different.
25 Every city is set up different. Do they

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 all have what we have here as far as the
3 Ethics Board, as far as the City
4 Controller? I mean, I don't know. So
5 I'm not sure every city is set up the
6 same way. And do they all have the
7 duties that is now being given or would
8 be given to this Inspector General?

9 MS. KURLAND: I have looked at
10 the law in the other cities that have
11 established Inspector Generals that are
12 independent. In Chicago, there is a very
13 similar setup with a Controller and with
14 a Board of Ethics, but yet they have an
15 independent Inspector General.

16 In New York, Miami and New
17 Orleans where there are also independent
18 Inspector Generals, the powers and duties
19 are virtually identical to the powers and
20 duties established or set forth in this
21 proposed Charter change. But in those
22 cities I don't have the answer right now
23 about whether or not there is also a
24 Controller and a Board of Ethics. I'd be
25 happy to research that and get back to

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 the Committee on that.

3 COUNCILMAN GREENLEE: And in
4 all those cities, do they have powers
5 over all branches of government?

6 MS. KURLAND: They do in New
7 York, Miami and New Orleans and Chicago.
8 Chicago does not have jurisdiction over
9 elected officials. The other cities do.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Councilman Green.

13 COUNCILMAN GREEN: Thanks.

14 I'm going to echo a little bit
15 of the point that's been made by
16 Councilman Goode and Councilman Greenlee.
17 Does the Administration have a chart
18 showing sort of a job description and
19 where there's overlap and where there's
20 not overlap between the City Controller,
21 the Board of Ethics and the proposed
22 Chief Integrity Officer, which we haven't
23 seen yet, but apparently the
24 Administration is going to propose some
25 permanence to that office? We don't have

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 that context in terms of the powers and
3 duties that we're being asked to give
4 you?

5 MS. KURLAND: I do have
6 something that's been prepared by the
7 Administration that gives an overview of
8 the scope, powers and duties and funding
9 for the City Controller's Office, the
10 Ethics Board and the proposed independent
11 Inspector General. As far as the Chief
12 Integrity Officer goes, that role doesn't
13 have any investigative function. That
14 role is to identify, prevent and educate.

15 COUNCILMAN GREEN: Okay. So
16 how much overlap -- I mean, if you've
17 prepared something, is there a chart
18 showing how much overlap there is?

19 MS. KURLAND: I don't have a
20 chart. I just have a summary that has
21 been prepared by the Administration, and
22 there is an overlap with regard to audit,
23 as everybody has pointed out, with the
24 Controller's Office. I don't see as much
25 of an overlap with the Ethics Board,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 except in the matters of training and
3 education.

4 COUNCILMAN GREEN: Right. With
5 respect to the Ethics Board, would it be
6 an ethics violation for someone to be
7 engaged in criminal conduct?

8 MS. KURLAND: I'm not certain.
9 I would think so, but I don't have the
10 ethics rules in front of me now.

11 COUNCILMAN GREEN: I think the
12 Ethics Board is supposed to refer matters
13 that are criminal to the District
14 Attorney.

15 MS. KURLAND: To the Inspector
16 General's Office.

17 COUNCILMAN GREEN: Or to the
18 Inspector General's Office?

19 MS. KURLAND: Right.

20 COUNCILMAN GREEN: Okay. And
21 then presumably the Inspector General
22 makes the decision to refer to the -- are
23 you talking about under the proposed
24 legislation or currently?

25 MS. KURLAND: Well, under the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 current legislation as well as the
3 proposed legislation, what would happen
4 if the Ethics Board was doing an
5 investigation of ethics violations and
6 found something that they thought might
7 be criminal, they would refer it to the
8 Inspector General's Office. There we
9 would do an investigation and either work
10 with the District Attorney or the U.S.
11 Attorney to further the prosecution.

12 COUNCILMAN GREEN: I find it
13 interesting that you keep saying U.S.
14 Attorney. We're the City and County of
15 Philadelphia. The District Attorney is
16 our chief sort of law enforcement officer
17 for the County of Philadelphia. Why
18 would you ever refer something in the
19 first instance to the U.S. Attorney and
20 not to our District Attorney?

21 MS. KURLAND: Well, I can speak
22 from the U.S. Attorney's Office, and
23 there what we found was that there were
24 many violations that were not criminal
25 violations locally but were violations

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 federally. For example, if an individual
3 tries to bribe a City official, there is
4 no real local violation that that City
5 official has committed. On the federal
6 side, if the City official takes money,
7 that is a federal crime. So many of
8 those cases have been prosecuted
9 federally rather than locally.

10 COUNCILMAN GREEN: There's no
11 state law in Pennsylvania that prevents
12 an elected official from taking a bribe?

13 MS. KURLAND: No, no. I'm
14 sorry if I misspoke. I'm speaking more
15 of not necessarily a bribe but of doing a
16 favor that's in relation to their duties
17 or possibly -- not even if it's not
18 completed, if it's just an attempt.

19 But the other issue would be,
20 for example, the plumbing inspection
21 violations. There were numerous five,
22 ten and 15 dollar bribes that were paid
23 to these plumbing inspectors. Had they
24 been prosecuted locally, there would have
25 been many, many counts of five, ten, 15

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 dollar cases. On the federal side, there
3 was an opportunity to prosecute that as a
4 racketeering case where everything was
5 grouped together and all the defendants
6 were tried in one indictment.

7 So there are different ways of
8 prosecuting federally and locally, and
9 that's part of the decision-making in
10 deciding whether the case should be
11 referred to the DA's Office or to the
12 U.S. Attorney's Office.

13 COUNCILMAN GREEN: Go ahead.

14 COUNCILMAN GREENLEE: Sorry.

15 Are you finished, Councilman?

16 COUNCILMAN GREEN: For now.

17 COUNCILMAN GREENLEE: Thank

18 you.

19 Councilman DiCicco.

20 COUNCILMAN DiCICCO: Thank you.

21 Good afternoon. You speak to
22 other cities that have created the Office
23 of the Inspector General. Aside from
24 perception, is there any -- and I know
25 it's only been a couple of years in

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 Chicago. Is there anything that has
3 really changed aside from perception that
4 you can speak to in terms of had not the
5 Inspector General been in place, certain
6 things would have still continued to go
7 on? I mean, is there any empirical
8 evidence that there is something that
9 actually happened that would not have
10 happened had there not been an Inspector
11 General? Do you know of any?

12 MS. KURLAND: I don't have the
13 specifics of cases, but when I met with
14 the Inspector General in Chicago, they
15 listed a significant number of cases that
16 they have prosecuted and they believe
17 would not have happened had they not been
18 able to proceed independently.

19 COUNCILMAN DiCICCO: Why?
20 That's what I'm trying to get. The devil
21 is in the details. What are the details
22 that would have not happened in terms of
23 prosecution had not the IG been in place?

24 MS. KURLAND: And I have to
25 apologize because I don't have those

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 specific cases. Again, I'd be happy to
3 look into that and present them to the
4 Committee.

5 COUNCILMAN DiCICCO: Because it
6 really kind of sets up a whole other
7 level of corruption, because it suggests
8 to me that the IG was able to do certain
9 prosecutions or find certain things and
10 there's some level in the middle that was
11 either overlooking it intentionally or
12 not, and that's -- I'm just a little
13 confused.

14 MS. KURLAND: Well, I don't
15 mean overlooking it intentionally, but I
16 think, for example, in Chicago before the
17 independent Inspector General was
18 established, it was a small office and
19 didn't have the budget, the staffing and
20 the experience to be able to look into
21 more significant criminal violations.
22 Now that office has a staff of
23 approximately 70 people with a large
24 budget and they are looking into things
25 that previously had not been

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 investigated.

3 COUNCILMAN DiCICCO: And what
4 was the office that did not have enough
5 money in staffing? Was that the District
6 Attorney's Office?

7 MS. KURLAND: No. That was the
8 Inspector General in Chicago when it was
9 not independent.

10 COUNCILMAN GREENLEE: But if I
11 could just interrupt, but I think
12 Councilman DiCicco's question is, wasn't
13 there another entity that was supposed to
14 be doing this?

15 MS. KURLAND: You --

16 COUNCILMAN GREENLEE: So are we
17 talking about maybe they just didn't do
18 their job well enough?

19 Councilman, is that where you
20 were going with this?

21 MS. KURLAND: Well, they
22 certainly had a District Attorney and a
23 U.S. Attorney in Chicago that were doing
24 criminal cases. I don't know what the
25 involvement of the Office of the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 Inspector General was before and after
3 with those entities.

4 COUNCILMAN GREENLEE: Okay.

5 COUNCILMAN DiCICCO: Well, it's
6 kind of like it's plugging that hole
7 between the DA and the United States
8 Attorney, and I'm just trying to figure
9 out why someone at the District
10 Attorney's Office would not have been
11 able to do the same -- and I understand
12 you're saying there's some laws that
13 locally they can't be prosecuted, but I
14 would expect that the District Attorney
15 would then bring that to the United
16 States Attorney General's attention if
17 there was something that he or she
18 couldn't prosecute at the local level.

19 MS. KURLAND: I think the
20 problem comes in when those things are
21 not brought to the attention of the
22 District Attorney.

23 COUNCILMAN DiCICCO: That's
24 like another question. Why? I mean, is
25 someone concerned about retaliation,

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 political retaliation, for going to the
3 DA?

4 MS. KURLAND: Many of these
5 investigations are proactive. An
6 informant may -- a City employee may walk
7 into the Inspector General's Office and
8 complain about something that their
9 supervisor is doing, and that's where the
10 investigation would get started.

11 At the District Attorney's
12 Office, I'm not certain how it works
13 there, but I don't know that there's that
14 type of proactive investigation that
15 originates from a complaint by a City
16 official or by a business.

17 COUNCILMAN DiCICCO: You're a
18 former prosecutor. Is it fair to say
19 that the majority of cases that are
20 brought to a prosecutor, whether it's the
21 local, state or federal level, are a
22 result of people coming in to give you
23 information?

24 MS. KURLAND: Some of them are.
25 In fact, the plumbing inspection case

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 that I spoke about earlier came from the
3 Inspector General's Office. However, the
4 Inspector General's Office didn't really
5 get any credit for that, and when that
6 case was brought, it looked to the people
7 in the City that it was the federal
8 government that was coming in and
9 cleaning up the City.

10 COUNCILMAN DiCICCO: But could
11 you tell me how the IG Office got that
12 information? Did someone walk in or
13 someone tipped them off, I would assume?

14 MS. KURLAND: That's right.

15 COUNCILMAN DiCICCO: So that
16 same person could have gone to the DA?

17 MS. KURLAND: That's correct,
18 but they didn't. And part of that could
19 have been confidence in the District
20 Attorney's Office --

21 COUNCILMAN DiCICCO: That's
22 what I'm trying to get at.

23 MS. KURLAND: -- confidence in
24 the U.S. Attorney's Office. But I think
25 the ability for somebody like that to

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 come to an independent office that's free
3 from any type of political influence,
4 it's greater. I think that there will be
5 more people coming forward.

6 COUNCILMAN DiCICCO: No
7 disrespect. I've been in politics, it
8 will be 41 years, and I don't know of
9 anybody, whether it's even in the private
10 sector, that there's some influence or
11 political connection that doesn't have
12 something to do with what we're all
13 doing. I mean, you're going to be
14 appointed by a mayor, whatever the case
15 may be. There's some influence. Someone
16 has touched that other person in some
17 way, shape or form. So I don't know if
18 that let's all the stuff go away.

19 I've always been of the opinion
20 that no matter how many laws are created,
21 if someone wants to do something that is
22 illegal, immoral or corrupt, they're
23 going to do it regardless of that law. I
24 mean, it's illegal to rob banks, but
25 people rob banks every day.

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2 I'm not minimizing the
3 importance of what we're trying to do
4 here. I'm just trying to figure out what
5 the real necessity is when we have all
6 these other different agencies and the
7 duplicity and things that we talked about
8 earlier.

9 MS. KURLAND: My only comment
10 on that is that for the past 24 years,
11 we've had all of these different agencies
12 and we continue to have a problem in the
13 City.

14 COUNCILMAN GREENLEE: But
15 doesn't that go back to what Councilman
16 DiCicco just said, that there are
17 unfortunately going to be people who are
18 going to try to do these things? I mean,
19 is there any indication that's really
20 going to solve anything?

21 COUNCILMAN DiCICCO: What's to
22 prevent that from continuing? You get to
23 the prosecution maybe a little bit sooner
24 and then maybe do a better job at the
25 prosecution level, but it doesn't stop

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 the initial violation of the law or the
3 criminal intent. It never stops that.
4 It may be good in perception, and people
5 out there, Oh, we got an Inspector
6 General, the corruption is going to go
7 away. Although, people in my
8 neighborhood never figure it's going to
9 go away. They just figure we're all
10 corrupt no matter what we do, but
11 that's -- what can I tell you? Forty-one
12 years clean record, it still doesn't make
13 me, in some people's eyes, as being
14 non-corrupt. They figure I'm here
15 because I'm corrupt or something like
16 that.

17 MS. KURLAND: I don't think
18 there's any law that you can pass that's
19 going to prevent all crime, but I think
20 that this is an additional step that
21 would try to prevent the crime that's
22 part of what Mayor Nutter has tried to
23 do.

24 COUNCILMAN DiCICCO: Another
25 set of eyes watching over.

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 MS. KURLAND: Exactly.

3 COUNCILMAN DiCICCO: All right.

4 Thank you.

5 No further questions.

6 COUNCILMAN GREENLEE:

7 Councilman Green.

8 COUNCILMAN GREEN: Yeah. You
9 mention the City of Chicago Inspector
10 General's Office has 70 employees. Once
11 we're past the two years, a million
12 dollars, what do you imagine the number
13 of employees is that you will have and
14 what could you -- is there a writ of
15 mandamus in here?

16 MS. KURLAND: Yes, there is.

17 COUNCILMAN GREEN: How many
18 employees do we need in the Inspector
19 General's Office and how much will it
20 cost?

21 MS. KURLAND: That I don't
22 know, sir. That's why I -- this two
23 years is sort of a trial period, but I
24 can tell you right now that in the
25 Inspector General's Office, we have

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 several possible issues of misconduct to
3 look into, but we don't have the staff to
4 do it.

5 COUNCILMAN GREEN: What is in
6 the Mayor's Five-Year Plan in terms of
7 your funding for the last three years?

8 MS. KURLAND: You mean what has
9 been funded in the last three years for
10 this office?

11 COUNCILMAN GREEN: No. The
12 Mayor just introduced his Five-Year
13 Budget Plan. How much is allocated for
14 the Inspector General in the three out
15 years in the Five-Year Plan?

16 MS. KURLAND: I don't think
17 there's anything specifically allocated
18 at all, because the budget of the
19 Inspector General's Office as it is just
20 comes from the Mayor's Office. For
21 example, if we order paper, we call up
22 the Mayor's Office and they order the
23 paper for us. So there is no specific
24 amount of money that is earmarked for the
25 Inspector General's Office.

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2 COUNCILMAN GREEN: Does anybody
3 know the answer to that question?

4 MR. ARMBRISTER: Clarence
5 Armbrister, Chief of Staff.

6 I don't know the specific
7 number, Councilman, but there is an
8 allocation within the Mayor's Office, as
9 Ms. Kurland was mentioning, that is
10 allocable for the Inspector General's
11 Office. When Ms. Kurland came into or
12 was appointed to the government, she
13 immediately did an assessment of the
14 office and has made several
15 recommendations to the Mayor's Office
16 about increasing the staffing, for which
17 she just described that they are low on
18 staffing. So we're taking a look at
19 their request, but we have not assigned
20 significant additional dollars. We did
21 provide some additional support above
22 prior year's budgets for Ms. Kurland, but
23 probably, in her opinion, not enough.

24 MS. KURLAND: That's correct.

25 COUNCILMAN GREEN: Well, that

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2 sort of gets to the point of the
3 difference between Chicago when it didn't
4 have 70 people in the Chicago Inspector
5 General Office, when it did have 70
6 people, and it's a question of how we're
7 going to allocate the City's resources,
8 whether it would be appropriate to
9 allocate more money to the DA's Office
10 specifically for a public corruption
11 unit, whether it would make sense to
12 allocate -- because the DA never thinks
13 they have enough money from City Council.
14 Whether it would make more sense to
15 allocate -- and the DA also has a writ of
16 mandamus, I believe. No? Okay. And
17 then also to allocate -- do we ask the
18 City Controller, who the last time I
19 spoke to him in the previous
20 Administration was against this
21 legislation because he felt it duplicated
22 his duties, and if he had the resources,
23 he would be conducting forensic audits
24 and other kinds of investigations and
25 looking into this stuff and making the

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 proper referrals to federal, state and
3 local bodies.

4 Are we hearing from the
5 Controller, Bill?

6 COUNCILMAN GREENLEE: He did
7 not ask to testify, no.

8 COUNCILMAN GREEN: Okay.

9 So if it's a question of
10 resources, how does -- as we're thinking
11 about the Five-Year Plan and prioritizing
12 the budget and giving the DA more money,
13 the Controller more money, the Ethics
14 Board more money, how do we sort of make
15 that conclusion in terms of where these
16 resources should go, and how much will it
17 be?

18 MR. ARMBRISTER: I'm not sure
19 what the answer is to your last question
20 about how much it would be, but if we can
21 imagine that the Inspector General's
22 Office was in fact independent, it would,
23 like other independent agencies, come to
24 the Administration or City Council, quite
25 frankly, and make its budget request with

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2 respect to resources, much like the DA
3 does, as you indicated.

4 I think, though, to get to your
5 other point about whether or not there
6 are duplicative efforts, I think
7 Ms. Kurland indicated that the importance
8 of the proposed Charter change is
9 reflected in the fact of its
10 independence, that it is not an elected
11 body in that it could take on and
12 withstand with other political concerns.
13 And I understand what Councilman DiCicco
14 said, that almost everything is
15 political, but there's a certain level of
16 independence. By elevating this office
17 to a Charter-constituted independent
18 body, it would give the kind of
19 protection for the citizens of
20 Philadelphia and enhance the integrity of
21 all public officials that we have been
22 looking to ensure through this
23 Administration.

24 COUNCILMAN GREENLEE: Thank
25 you, Councilman.

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2 Councilman Goode.

3 COUNCILMAN GOODE: Thank you,
4 Mr. Chairman.

5 Finally, Ms. Kurland, I have a
6 slight problem with your description of
7 the need for the Office of Inspector
8 General to be independent based upon
9 perception of corruption. As I said
10 before, I support the Office of Inspector
11 General. I support it becoming
12 independent. I support this Charter
13 change in some form, but not to deal with
14 the perception of corruption, but for it
15 to be part of a team of ethics-related
16 entities that actually roots out
17 corruption, because as far as I know --
18 and you can tell me differently -- as a
19 former U.S. Attorney, there's nothing new
20 to the laws as they relate to bribery,
21 extortion and theft. There are no new
22 nuances there in terms of whether if
23 you're caught stealing or bribing someone
24 or extorting someone, you should go to
25 jail and whoever catches you should make

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2 sure you go to jail.

3 Please explain where the whole
4 issue of perception of corruption falls
5 into this in reality and as separate from
6 the actual functions of an independent IG
7 to root out corruption.

8 MS. KURLAND: Often times in
9 investigations or, I would say, most
10 times in investigations they begin with
11 somebody coming forward, often times
12 somebody from inside the City or inside a
13 business. As long as there is a
14 perception among the community that the
15 Office of the Inspector General is part
16 of the Mayor's Office and not
17 independent, I think that there is some
18 reluctance of people to come forward, and
19 that makes it a lot more difficult to
20 conduct investigations.

21 If somebody is going to come
22 forward to an entity that they believe is
23 free from political influence and
24 independent, I think that they will be
25 more forthcoming, and that would further

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2 an investigation significantly.

3 COUNCILMAN GOODE: And why
4 because it's associated with the Mayor's
5 Office would someone be reluctant?

6 MS. KURLAND: I'm sorry, sir.
7 Could you repeat that?

8 COUNCILMAN GOODE: Why because
9 it's associated with the Mayor's Office
10 would somebody be reluctant to move
11 forward?

12 MS. KURLAND: Well, in the City
13 Hall corruption case most recently, the
14 Inspector General's Office was not really
15 a part of that investigation or very
16 effective in forwarding the investigation
17 because it was part of the Mayor's
18 Office.

19 COUNCILMAN GOODE: I'm not
20 following you. Without getting into the
21 case too deeply, it could be said that
22 someone else caught it, and that's my
23 point in the end, is that if stealing is
24 still against the law and bribery is
25 still against the law, extortion is still

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2 against the law, it doesn't make a
3 difference to me who catches it. Yes, I
4 want to expand our tools to catch it, but
5 we should define how we're going to do it
6 and whether we're actually, in the most
7 effective way, establishing a new tool or
8 not, because I don't think that this
9 particular legislation -- well, I know
10 this particular legislation does not
11 redefine the role of the City Controller
12 within the Charter. It does not redefine
13 other roles. It only defines this role.
14 And so the issue of how we define this
15 role is still one that remains not
16 totally resolved, because at the end of
17 the day, we should define it and we
18 should define it as an independent
19 entity, but that doesn't mean that we
20 should accept the way it's defined within
21 this legislation. And we definitely
22 shouldn't do it based upon the perception
23 of corruption as opposed to creating a
24 new tool that actually is taking a
25 targeted approach toward absolutely

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2 rooting out corruption.

3 MS. KURLAND: I apologize if I
4 left the impression that we were only
5 concerned about the perception of rooting
6 out corruption. I do believe that the
7 proposed Charter change as it's written
8 would be a very effective tool and would
9 establish an investigative agency that
10 would be very effective in rooting out
11 corruption.

12 COUNCILMAN GREENLEE: Thank
13 you.

14 Any other questions or
15 comments?

16 (No response.)

17 COUNCILMAN GREENLEE: Thank you
18 both very much.

19 Mr. Stalberg, did you want to
20 say something on this, or anyone else?

21 Is there anyone else that wants
22 to testify?

23 (No response.)

24 COUNCILMAN GREENLEE: Good.
25 Thank you.

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2 (Witness approached witness
3 table.)

4 COUNCILMAN GREENLEE: Now it's
5 good afternoon.

6 MR. STALBERG: Good afternoon.
7 I'm Zach Stalberg, President of the
8 Committee of Seventy.

9 The Committee of Seventy does
10 support the Administration's proposed
11 Charter change that would make the
12 Inspector General permanent and
13 independent and put the Inspector General
14 beyond the reach of political influence,
15 which has not always been the case.

16 I do think that any changes
17 that you make in this should be done very
18 carefully and very precisely, and let me
19 just make a few points.

20 The Charter amendment should be
21 as clear as possible on the division of
22 responsibility between the ethics
23 agencies, which include the Board of
24 Ethics, the Controller's Office, the
25 Chief Integrity Office and the Office of

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 the Inspector General. For example, the
3 Special Fraud Investigations Division of
4 the Controller's Office is charged with
5 investigating contract fraud, which could
6 also come under the purview of the IG.
7 So it's that kind of potential overlap
8 that I hope will be addressed by the
9 Committee and the Council as it shapes
10 this legislation.

11 Council should amend the
12 legislation so that appointment and
13 removal of the Inspector General mirrors
14 the Charter requirements of the Board of
15 Ethics. Under the Mayor's proposal, the
16 Inspector General is appointed by the
17 Mayor. Members of the Board of Ethics,
18 however, are appointed by the Mayor but
19 must be confirmed by City Council. This
20 is the method used for appointing
21 Chicago's Inspector General.

22 Also under the Mayor's
23 amendment, the Inspector General can only
24 be removed for cause and is given the
25 opportunity for a hearing before the

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2 Mayor. The Committee of Seventy favors
3 the more stringent test for removal that
4 applies to members of the Board of
5 Ethics. Removal of an Ethics Board
6 member requires concurrence of two-thirds
7 of Councilmembers and can take place only
8 after a public hearing in City Council.

9 It also makes sense to appoint
10 an Inspector General whose professional
11 experience qualifies him or her to
12 perform the investigative duties of the
13 office. The proposed Charter amendment
14 here does not specify any criteria for
15 choosing an Inspector General.

16 And, finally, the amendment
17 also imbeds the Inspector General's
18 salary in the Charter. Given the nature
19 of salaries, Council should amend the
20 provision to explicitly define the salary
21 as a minimum amount as opposed to a fixed
22 number.

23 Thanks very much.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 So I guess just as I'm
3 listening to you, it seems like there's a
4 lot of things we still need to discuss on
5 this, in my personal opinion, and that's
6 why I would, just speaking for myself,
7 think that maybe taking a little more
8 time in getting it right and vetting this
9 a little more makes some sense.

10 MR. STALBERG: I should say
11 that our history with this, the Committee
12 of Seventy's history, is that we support
13 the idea of an independent Inspector
14 General. When it came time for a vote,
15 many of these issues had not been really
16 addressed or carefully resolved and we
17 asked for a delay.

18 We still support the idea.
19 However, I think back to the point we
20 discussed when we were talking about
21 deputies, the changes made now will
22 likely last for a very long time, beyond
23 the terms of the individuals involved
24 right now, and I just hope they're done
25 very carefully.

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2 COUNCILMAN GREENLEE: Thank
3 you.

4 Councilman Green.

5 COUNCILMAN GREEN: Yeah. I'd
6 like to hear from the City Controller and
7 the DA and others involved in this in
8 terms of what they think about this
9 legislation and the sort of working --
10 how they see themselves working with the
11 Inspector General, including maybe the
12 Board of Ethics, if they'd be willing to
13 testify. I mean, it's not clear to me,
14 even though the Mayor has some small
15 description, what the job description is
16 really of these different people, and I
17 think we're putting in place permanence
18 in terms of all these different boards
19 and commissions and agencies, et cetera,
20 in the Philadelphia Charter without sort
21 of clear job descriptions, and I'd kind
22 of like to get a handle on that.

23 COUNCILMAN GREENLEE: Thank
24 you. Thank you very much.

25 Councilman Goode.

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2 COUNCILMAN GOODE: Thank you,
3 Mr. Chairman.

4 Mr. Stalberg, just for the
5 record, does the Committee of Seventy
6 have a formal opinion on whether there
7 should be a comprehensive overhaul of the
8 City Charter? I know in the past year or
9 two the Committee has suggested that a
10 lot of this has been done piecemeal and
11 in testimony against Charter changes has
12 mentioned the piecemealing of it and the
13 testimony in favor of Charter changes has
14 not. So is there a formal opinion in
15 terms of whether any of this should be
16 done piecemeal?

17 MR. STALBERG: In the abstract,
18 we would like to see a comprehensive
19 overhaul of the Charter and have been
20 worried about piecemeal changes in the
21 Charter, especially some which appear to
22 be trivial or not related to the actual
23 workings of City government. Offsetting
24 that, I should say, is the 1994
25 experience in which there was an attempt

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2 to make wholesale changes and we saw that
3 contribute to the defeat of the Charter
4 change.

5 So certainly theoretically we
6 would -- it's a 60-some-year-old document
7 and it's probably time for a
8 comprehensive look. The trick is doing
9 it right, and I think we've had trouble
10 imagining a way in which it could be done
11 smartly with the right kind of outcome.

12 COUNCILMAN GOODE: I'll leave
13 it there.

14 COUNCILMAN GREENLEE: Thank
15 you.

16 Any other questions or
17 comments?

18 MR. STALBERG: If I may just
19 say to Councilman Green, we definitely
20 support this change. However, we have
21 gone through the exercise of trying to
22 put down on a piece of paper sort of what
23 falls where under the Controller, the DA
24 or whatever, and it's based on what's
25 been publicly said. It is a little

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2 difficult to complete that chart.

3 Thank you very much.

4 COUNCILMAN GREENLEE: Thank

5 you. Thank you both very much.

6 Anyone else here to testify on

7 this or any of the other bills or

8 resolutions?

9 (No response.)

10 COUNCILMAN GREENLEE: Seeing

11 none, that will conclude the hearing of

12 the Committee on Law and Government, and

13 in one minute we will go into the meeting

14 of the Committee on Law and Government.

15 (Short recess.)

16 COUNCILMAN GREENLEE: Sorry for

17 the delay. This is the meeting of the

18 Committee on Law and Government.

19 The Chair recognizes Councilman

20 Goode regarding Bill No. 080006.

21 COUNCILMAN GOODE: Thank you,

22 Mr. Chairman. I move that Bill No.

23 080006 be reported out of Committee with

24 a favorable recommendation and that the

25 rules of Council be suspended so as to

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.
2 permit first reading at our next Council
3 session.

4 (Duly seconded.)

5 COUNCILMAN GREENLEE: It's been
6 moved and seconded that Bill No. 080006
7 be approved by this Committee and that
8 the rules of Council be suspended for
9 first reading at the next session of
10 Council.

11 All in favor say aye.

12 (Aye.)

13 COUNCILMAN GREENLEE: Opposed?

14 (No response.)

15 COUNCILMAN GREENLEE: The
16 motion passes.

17 The Chair recognizes Councilman
18 Goode regarding Resolution 080041.

19 COUNCILMAN GOODE: Thank you,
20 Mr. Chairman. I move that Resolution No.
21 080041 be reported out of Committee with
22 a favorable recommendation.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE: It's been
25 moved and seconded that Resolution 080041

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 be approved by this Committee.

3 All in favor say aye.

4 (Aye.)

5 COUNCILMAN GREENLEE: All those
6 opposed?

7 (No response.)

8 COUNCILMAN GREENLEE: The
9 motion passes.

10 The Chair recognizes Councilman
11 Goode for an amendment to Resolution
12 080040.

13 COUNCILMAN GOODE: Thank you,
14 Mr. Chairman. An amendment to Resolution
15 No. 080040 has been circulated to the
16 members of the Committee. I move for the
17 adoption of the amendment.

18 (Duly seconded.)

19 COUNCILMAN GREENLEE: It's been
20 moved and seconded that the amendment to
21 Resolution 080040 be approved.

22 All in favor say aye.

23 (Aye.)

24 COUNCILMAN GREENLEE: Opposed?

25 (No response.)

1 2/19/08 - LAW & GOV'T - BILL 080006, etc.

2 COUNCILMAN GREENLEE: The
3 motion carries and Resolution 080040 is
4 amended.

5 That resolution, Resolution
6 080040, and Bill No. 080008 will be
7 continued today until Thursday, February
8 28th at 8:30. Further, Bill No. 080007
9 and Resolution 080039 will be held to the
10 call of the Chair.

11 No further business before the
12 Committee today, the meeting is
13 adjourned.

14 Thank you all very much.

15 (Committee on Law and
16 Government adjourned at 12:50 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on February 19, 2008, and

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that this is a true and correct transcript of

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same.

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MICHELE L. MURPHY

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RPR-Notary Public

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