

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Via Microsoft Teams
Philadelphia, Pennsylvania
Tuesday, February 23, 2021
2:14 p.m.

PRESENT:

COUNCILWOMAN CHERELLE L. PARKER, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILWOMAN HELEN GYM
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA

BILLS 200587, 210073, and 210080
RESOLUTIONS 200605 and 210085

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COUNCILWOMAN PARKER: I
understand that state law currently
requires that the following announcement
be made at the beginning of every remote
public hearing as follows:
Due to the current public
health emergency, City Council committees
are currently meeting remotely. We are
using Microsoft Teams to make these
remote hearings possible. Instructions
for how the public may view and offer
public testimony at public hearings of
Council committees are included in the
public hearing notices that are published
in the Daily News, the Inquirer, and
Legal Intelligencer prior to the
hearings, and can also be found on
PHLCouncil.com.
I now note that the hour has
come.
Rachel, will you please call
the roll to take attendance.
Members that are in attendance
will please indicate that you are present

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when your name is called. Also, please
say a few brief words when responding so
that your image will be displayed on the
screen when you speak.

THE CLERK: Vice Chair Derek
Green.

COUNCILMAN GREEN: I am
present. Looking forward to today's
conversation.

THE CLERK: Councilmember David
Oh.

(No response.)

THE CLERK: Councilmember Helen
Gym.

COUNCILWOMAN GYM: I am
present. Good afternoon, colleagues.

THE CLERK: Councilmember
Curtis Jones, Jr.

(No response.)

THE CLERK: Councilmember Brian
O'Neill.

(No response.)

THE CLERK: Councilmember Cindy
Bass.

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(No response.)

THE CLERK: Councilmember Maria
Quinones-Sanchez.

COUNCILWOMAN SANCHEZ: Good
afternoon, everyone.

THE CLERK: Councilmember Mark
Squilla.

COUNCILMAN SQUILLA: Good
afternoon, Madam Chair and colleagues.
Present.

THE CLERK: And we are also
joined by Councilmember Allan Domb today.

COUNCILMAN DOMB: Good
afternoon, Madam Chair.

How are you doing, Rachel?

THE CLERK: Good.

COUNCILWOMAN PARKER: Thank
you. Thank you all so much, colleagues,
for your presence.

A quorum of the Committee is
present and this hearing is now called to
order. This is the public hearing of the
Committee on Law and Government regarding
Bill Nos. 210073 and 210080 and

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2 Resolution No. 210085. Both Bill No.
3 200587 and Resolution No. 200605 are
4 being held in committee at the request of
5 the sponsor.

6 Rachel, will you please read
7 the title of the bills and resolutions.

8 THE CLERK: Bill No. 210073, an
9 ordinance providing for the submission to
10 the qualified electors of the City of
11 Philadelphia of an amendment to The
12 Philadelphia Home Rule Charter providing
13 for expansion of the Board of License and
14 Inspection Review, as approved by
15 Resolution of the City Council; fixing
16 the date of a special election for such
17 purpose; prescribing the form of ballot
18 question to be voted on; and, authorizing
19 the appropriate officers to publish
20 notice and to make arrangements for the
21 special election.

22 210085, a resolution proposing
23 an amendment to The Philadelphia Home
24 Rule Charter providing for expansion of
25 the Board of License and Inspection

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2 Review; and providing for the submission
3 of the proposed amendment to the electors
4 of Philadelphia.

5 And 210080, an ordinance
6 amending Section 20-610 of The
7 Philadelphia Code, entitled "Statement of
8 Financial Interests," by revising the
9 required conditions and information for
10 filing, under certain terms and
11 conditions.

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

22 Additionally, prior to
23 recognizing members for questions or
24 comments they have for the witnesses, I
25 will note for the record at this time

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2 that we will use the Chat feature
3 available in Microsoft Teams to allow
4 members to signify that they wish to be
5 recognized. In order to comply with the
6 Sunshine Act, the Chat feature must only
7 be used for this purpose.

8 Rachel, before you call on the
9 first panel for Bill 210073, I just want
10 to make a few comments for the record.

11 On February the 4th, I
12 introduced legislation on behalf of the
13 Administration to expand the Board of
14 License and Inspection Review. The plan
15 is for a ballot question to go on the
16 May 18th ballot. The Charter change
17 would expand the L&I Review Board from
18 six members to nine and would further
19 allow the Board Chair to designate any
20 three or more members of the Board to
21 hear and decide any case. This
22 legislation has the aim of improving
23 government efficiency.

24 The L&I Review Board has been
25 functioning with only three members for

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2 some time pre-COVID, so they've needed
3 all current members present in order to
4 hold any hearings. And of course, my
5 colleagues and I, we know what a
6 challenge that can be when we are trying
7 to get through committee hearings. If
8 only two members show up, they cannot
9 hear a case, and this has really made
10 things challenging in terms of moving
11 cases along, and the public hasn't been
12 shy about communicating their
13 frustration.

14 Currently, the L&I Review Board
15 is experiencing a major backlog of cases.
16 The L&I Review Board hears cases related
17 to L&I violations. When someone receives
18 a violation, they have 30 days to file an
19 appeal with the Board if they disagree
20 with the violation. The Board also hears
21 cases like gun permit denial appeals.

22 The hope is that this
23 legislation will allow the L&I Review
24 Board to eliminate the backlog of cases
25 and, going forward, to hear future cases

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2 in a timely manner. And because I just
3 mentioned that it's been functioning with
4 only three members, someone here is
5 saying, but wait a minute, it can be up
6 to six members, we just need to fill
7 those vacancies. Our goal is to get to
8 nine so that, for example, we could have
9 three different committees all hearing
10 cases at the same time and thus making it
11 more efficient.

12 And with that being said,
13 Rachel, will you call the first panel
14 that we have to testify this afternoon on
15 Bill No. 210073 and Resolution No.
16 210085.

17 THE CLERK: Kirk McClarren,
18 Director of Administrative Services for
19 the Department of Licenses and
20 Inspections.

21 COUNCILWOMAN PARKER: Good
22 afternoon, Kirk. Are you connected and
23 ready to proceed?

24 MR. McCLARREN: Yes,
25 Councilmember Parker, I'm connected and

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ready.

COUNCILWOMAN PARKER: Thank
you. Please state your name for the
record and proceed with your testimony.

MR. McCLARREN: Kirk McClarren,
M-C-C-L-A-R-R-E-N.

COUNCILWOMAN PARKER: Please
proceed.

MR. McCLARREN: Good afternoon,
Chairperson Parker and members of the
Committee on Law and Government. My name
is Kirk McClarren and I am the Director
of Administrative Services for the
Department of Licenses and Inspections.
I am here today with Michelle Rand, the
Board's Administrator for L&I. Thank you
for the opportunity to testify today in
support of Bill No. 210073 and Resolution
No. 210085 that seek to amend the
Philadelphia Home Rule Charter for the
expansion of the Board of License and
Inspection Review.

If approved by City Council, a
ballot will be presented to the City

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2 voters in the May 2021 election.

3 The Board of License and
4 Inspection Review is responsible for
5 hearing several types of cases. First,
6 the Board hears appeals of property
7 violations issued by L&I and other City
8 agencies. Second, the Board affirms or
9 alters property violation decisions
10 issued by L&I or other City agencies.
11 Lastly, the Board hears appeals for
12 licenses to carry firearms and firearm
13 license revocations.

14 Currently, the Charter allows
15 for a maximum of six members to be
16 appointed to the Board. In order to
17 conduct a hearing, at least three members
18 must be present. This proposed
19 legislation would make two important
20 changes. It would allow for a maximum of
21 nine members to be appointed to the
22 Board, and it would permit cases to be
23 heard in panels of not less than three
24 Board members. This means that multiple
25 panels will be able to hear cases

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2 simultaneously.

3 The Board of License and
4 Inspection Review currently has a
5 significant backlog of cases that are
6 waiting to be heard. Prior to
7 March 2020, the Board of License and
8 Inspection Review conducted all of their
9 hearings in person. When the pandemic
10 hit, the Department pivoted to conducting
11 virtual hearings via Zoom. This change
12 took some time, which only added to the
13 existing backlog of cases to be heard by
14 the Board. The proposed expansion of the
15 Board of License and Inspection Review is
16 crucial to ensure that all appeals are
17 heard in a timely manner.

18 Thank you for the opportunity
19 to provide the Department's testimony.
20 We are happy to answer any questions at
21 this time.

22 COUNCILWOMAN PARKER: Thank
23 you, Mr. McClarren. And let me just make
24 sure that I have this accurate. I said
25 three, but is it true that now you have

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four members? Are there four members
now?

MR. McCLARREN: I'm going to
defer to Michelle Rand, our Board's
Administrator.

Michelle, that is correct that
we now have a fourth, right?

MS. RAND: That is, and the
fourth member was appointed in February
of 2020. So basically we were operating
with three until then, and we got our
fourth member and then we shut down the
next month.

COUNCILWOMAN PARKER: Okay.
Got it. Got it. Got it. So four, but
nevertheless, that need for a quorum
still persists, correct?

MS. RAND: That is correct.

COUNCILWOMAN PARKER: All
right.

The Chair recognizes Vice Chair
Green for comments and questions.

COUNCILMAN GREEN: Thank you,
Madam Chair.

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2 I think this is a great
3 opportunity to expand this important
4 board. As you stated earlier in your
5 opening comments, that getting a quorum
6 is at times challenging when you have a
7 board that has a small number of people.
8 I know from my experience as an attorney
9 when working with boards in a pro bono
10 capacity, they're saying, well, how many
11 board members should we have, we often
12 say you should have 9 or 11 or 13 in case
13 you don't have all the numbers that you
14 need in order to operate.

15 The question I have is that as
16 this legislation moves forward, can you
17 give a perspective of when you will
18 really be able to operationalize this at
19 a capacity to get rid of some of the
20 backlog that the Chair talked about?

21 MR. McCLARREN: Michelle, do
22 you want to answer that?

23 MS. RAND: Sure.

24 Well, I believe that with this
25 measure, if it does pass, it would give

1
2 us a lot more flexibility, but we would
3 need additional members to be appointed.
4 So should it pass and we can do
5 three-member panels, our eventual goal is
6 to have multiple panels running, because
7 currently we can only have one. I would
8 need, however, to go from four to six to
9 have two panels working and to nine
10 obviously to have three or, at the very
11 least, enough alternates to have two
12 solid panels working every single week.

13 COUNCILMAN GREEN: Okay. And
14 assuming if the legislation was in effect
15 as of right now, could you give a
16 perspective on what timeline would occur
17 that would reduce the backlog?

18 MS. RAND: Well, the more
19 panels I have, the more I can hear. As
20 far as cases go, I could double what I'm
21 currently hearing. Right now if I have
22 that second panel -- we have one hearing
23 per week. I would like to increase that
24 to two. Three would be great if I could
25 get three panels. And right now because

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2 we are hearing things from Zoom, we can
3 have less cases than we can normally hear
4 in person. There are connectivity
5 issues. We also have to go through with
6 our clients to see if they have the
7 ability to connect to a Zoom hearing, but
8 we could -- what I want to do is, as soon
9 as we have more members, just go right
10 into increasing it. We're prepared to go
11 right ahead once we have enough members
12 to form the two panels or three panels.
13 And we have the cases, so we're anxious
14 to double or triple our current capacity.

15 COUNCILMAN GREEN: And so you
16 say you currently do about one case per
17 week. Generally prior to the pandemic,
18 how many cases were you averaging on a
19 weekly basis with the same number, and
20 also how many cases were you doing per
21 year compared to the cases that have been
22 filed?

23 MS. RAND: Well, we were
24 in-person hearings and we alternate, so
25 one week is firearms hearings and the

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2 next week is code violations. For
3 firearms, we were doing when we had
4 in-person hearings 28 cases per hearing,
5 and for codes we were doing 40 to 45.

6 Now that we have Zoom, because
7 the cases take longer to hear and because
8 we also have to give all of the
9 appellants a choice at the beginning on
10 the record to have that Zoom hearing or
11 do they want to wait to in-person
12 hearings, we can hear 12 to 15 cases at
13 each hearing instead of 28 or 45. So the
14 backlog is just getting bigger as we move
15 along.

16 COUNCILMAN GREEN: And
17 obviously it will continue to grow
18 because of the challenges of having as
19 many cases based on Zoom, and we'll
20 probably be in this type of dynamic for
21 some period of time, so having an
22 expanded Board will definitely help.
23 While not fully eliminate the backlog
24 initially, it will definitely help you to
25 get through more cases both on the gun

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permit as well as the other L&I issues.

MS. RAND: Correct. I would need an expanded Board at this moment just to get back to the amount of cases I was hearing in person as opposed to working virtually.

COUNCILMAN GREEN: Thank you, Madam Chair.

COUNCILWOMAN PARKER: Thank you, Councilmember Green. Those are really good questions so we could quantify what was the workload before and where we are now. So thank you for those questions.

The Chair recognizes Councilmember Sanchez.

COUNCILWOMAN SANCHEZ: Thank you. Thank you, Madam Chair.

I want to recognize that I know that Deputy Mayor Rich Lazer has called me from time to time about appointments to this Board. It's such an important board. It's an appeal process. And I too had questions along the line of

1
2 Councilmember Green around how are we
3 ensuring access, language capabilities,
4 and with more members, how are we going
5 to make sure we have kind of the
6 diversity of thought.

7 This appeal board could be
8 pretty intimidating for the people that
9 come in front of it, so with the
10 technology, what are some of the things
11 you're looking to do, particularly as you
12 bring on new members, to ensure that you
13 have that diversity of thought in that
14 decision-making process?

15 MR. McCLARREN: Thank you,
16 Councilmember Sanchez. The Board has
17 always followed City protocol in terms of
18 language access, but I would like for
19 Michelle to explain a little bit in more
20 detail about how we do that and to kind
21 of go into more detail about what we are
22 looking for to ensure diversity of
23 thought in new appointments.

24 Michelle, do you want to touch
25 on that?

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MS. RAND: Certainly.

So right now we work with appellants when they file to see if they do need language services. We do order in-person interpreters. When we do Zoom hearings, we have that interpreter obviously zoom in. We give them an invite for that.

Nobody, if they're uncomfortable, is forced to go ahead, because sometimes we don't always know there's a language barrier. If someone shows up to the hearing and they're uncomfortable, they will be continued to another date when we can get an interpreter.

The Board is very aware and they want to make sure that everyone gets their due process and is comfortable with the hearing and the situation moving forward.

As far as future members, I feel like right now -- I mean, diversity is always better, and I feel that the

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2 membership that we have even now is very
3 good. I would like to see just more
4 varied and different professions and
5 different cultural makeups. I mean, the
6 more, the better, I feel.

7 COUNCILWOMAN SANCHEZ: Thank
8 you. Again, these are one of those
9 intimidating processes that should be
10 simple for folks, but you well know,
11 you've worked in that, and I just feel
12 like that's one -- it's a board we don't
13 always hear about. I mean, as Chair of
14 L&I, I know about it. So many people
15 come in front of it, and it's one of the
16 places where people are either very happy
17 that we got them through or very upset
18 because they don't feel like they got due
19 process. You really don't have any room
20 in the middle for that.

21 But thank you very much, and
22 thank you, Madam Chair, for this. I
23 think this is a great idea. I do think
24 in this new Zoom reality, the more hands
25 on deck, the better.

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Lastly, is this a paying board?

MS. RAND: Yes. It's -- I'm
sorry.

MR. McCLARREN: No. Go ahead,
Michelle. I'm sorry.

MS. RAND: It is \$85 per
session.

COUNCILWOMAN SANCHEZ: Okay.
No one is going to be rich out of that.
Okay. Thank you.

Thank you. Thank you, Madam
Chair.

COUNCILWOMAN PARKER: Hey,
Councilmember Sanchez, when Michelle said
that \$85, I start thinking about the
28 cases regarding firearms appeals and
then those 40 to 45 code violation
appeals that she answered in response to
Councilmember Green. So you're right, we
won't expect anybody to be getting rich
from this.

But I do just want to state for
the record for your benefit, Kirk and
Michelle, both Councilmember Green and

1
2 Councilmember Sanchez asked really good
3 questions, and you know that once we work
4 very hard to see this legislation
5 shepherded through to Council so that you
6 all can increase your effectiveness and
7 efficiency, that racial equity lens that
8 we are always talking about here in the
9 City, we need to make sure that it's
10 reflected in the membership of the Board.

11 I'm thinking about our
12 neighborhood small businesses. So,
13 Councilmember Sanchez, those are the
14 people who I usually hear from who are
15 sometimes not happy with the outcome. So
16 that's extremely important. And Deputy
17 Mayor Rich Lazer, he has been
18 Johnny-on-the-spot in my communication
19 with him about this issue and has
20 affirmed that he understands that same
21 need, but I thank Councilmembers Green
22 and Sanchez for helping us to get that on
23 the record.

24 And now the Chair wants to
25 recognize Councilmember Gym for comments

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and questions.

COUNCILWOMAN GYM: Thank you so much, Madam Chair.

And I also wanted to thank both of you for the hard work during these difficult times. I support this bill. I think it's very important.

One question that I had was whether members are trained in the use of Language Line, so following up on Councilmember Quinones-Sanchez's question.

MS. RAND: We do actually use the Language Line. We usually get in-person interpreters over the Language Line. The Language Line itself we use as a last resort. We find that it is a much better service to have an in-person interpreter, both for the client that is there for the hearing and also for any connection problems that could happen technically. So we actually go first to the in-person interpreter.

COUNCILWOMAN GYM: So what

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2 languages do you cover in person?

3 MS. RAND: Any language you
4 want. We've had everything from Pashto,
5 we get Spanish, we get -- let's see.
6 We've had Ukrainian. We've had Russian.
7 We have had Chinese Mandarin.

8 COUNCILWOMAN GYM: Ms. Rand,
9 could I just interrupt you here. So I'm
10 trying to get a little bit of clarity.
11 So I assume these people have to be
12 requested ahead of time or how are
13 they -- they're not on staff, are they?

14 MS. RAND: No, they're not. We
15 do request the interpreter ahead of time.

16 COUNCILWOMAN GYM: And so
17 somebody would have to affirmatively make
18 that request and then that interpreter
19 would be provided, and then if somebody
20 showed up who did not have an
21 interpreter, then you would have Language
22 Line; is that correct?

23 MS. RAND: Yes. We could go to
24 Language Line. We would also offer the
25 person an opportunity to have an

1
2 in-person interpreter and continue their
3 case to another day.

4 COUNCILWOMAN GYM: Okay. And
5 usually how would they request it? So at
6 the time of the hearing scheduling, is
7 there a notification that you can make a
8 language request? How is that actually
9 done?

10 MS. RAND: Well, usually when
11 we were open to the public, people would
12 file in person, and when they would come
13 to us, they would request an interpreter
14 or we would find a very polite way of
15 asking if we thought that somebody might
16 need -- we have to be sensitive to that.
17 We would ask someone, oh, do you want an
18 interpreter there. So we would ask them
19 directly. Sometimes people will tell us.
20 Sometimes when they come to file with
21 someone with them to help interpret it,
22 then we would say, you know, we are
23 actually required to have an official
24 interpreter, you're not allowed to bring
25 like a friend or a family member to

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interpret for you. We have to have an official City interpreter. So at that point, we would offer the service.

It's been more of a challenge obviously since people are filing online now.

COUNCILWOMAN GYM: Right.

MS. RAND: The people will sometimes like inform us ahead of time, but again -- and sometimes people when we had in-person hearings, they would arrive there and realize, oh, I can get an interpreter, and then once they ask for one, they get automatically continued, so -- I'm sorry.

COUNCILWOMAN GYM: No. That's okay.

Does the online filing allow for an interpretation box? Is there a box on the online file that says, I request an interpreter for a hearing?

MS. RAND: I would have to check that. I'm not sure.

COUNCILWOMAN GYM: Could you

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check, and would it be difficult to add
if it's not currently there?

MS. RAND: I would ask
Mr. McClarren about that, if that's
something we could get added.

MR. McCLARREN: Yes,
absolutely, Councilmember Gym. We are
continually enhancing the eCLIPSE
software since it's still relatively new,
and we can check on that right away, and
if it isn't already incorporated, I don't
see that being difficult to add. But
regardless of what it takes, we will make
sure we add that.

COUNCILWOMAN GYM: That's
helpful. I know many immigrant
communities need to know more about the
City laws and rules, and certainly as
they are being informed and also
sometimes held accountable for the City
laws and rules, we just want to make sure
that the communication is clear and that
they have an opportunity for that.

I'm just going to add my

1
2 reiteration of what Councilmember
3 Quinones-Sanchez and Parker had said, is
4 that for us, for me and for, I think, our
5 whole City Council body, diversity,
6 racial diversity in particular, is not
7 just about appearances or how things
8 look. It is a fundamental alteration in
9 how City services are both conveyed,
10 understood by our boards. And so I do
11 want to underscore with both the
12 testifiers that we do take a serious look
13 at the diversity of the Board, because we
14 believe that our Board is stronger when
15 it reflects the experiences and the
16 collective experiences of people, and
17 sometimes it's extraordinarily difficult
18 for those of us in government to
19 understand how hard it is to access
20 government and how alienating it can be.
21 So we really want a board that
22 understands that the breadth of our
23 populus is broad, and our City government
24 needs to reflect that, and it actually
25 makes us better at our jobs.

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So I want to thank the Council
Chair for allowing me those comments.
Thank you.

COUNCILWOMAN PARKER: Thank
you, Councilmember Gym. And,
Councilmember, thank you so very much for
just adding your voice relative to the
diversity and inclusion in particular,
along with the language access.
Extremely important, and in all things
that we do, we should make sure that we
keep those issues front and center. So
thank you, Councilmember Gym.

At this time, I just want to
ask if there are any other questions or
comments from members of the Committee?

(No response.)

COUNCILWOMAN PARKER: Is there
anyone else here to testify on the bill
and resolution whose name has not been
called yet?

(No response.)

COUNCILWOMAN PARKER: Hearing
none, Rachel, will you please call the

1
2 first panel that we have here to testify
3 this afternoon on Bill No. 210080. But
4 prior to doing that, Rachel, I do want to
5 acknowledge Councilmember Green, who
6 wanted to give some opening comments
7 relative to Bill No. 210080.

8 The Chair recognizes
9 Councilmember Green.

10 COUNCILMAN GREEN: Thank you,
11 Madam Chair.

12 I just wanted to say a few
13 comments regarding this piece of
14 legislation regarding financial
15 disclosure. Prior to this hearing, my
16 staff circulated to all members of
17 Council kind of a summary of this
18 legislation. I want to thank Sarah
19 Stevenson, the City's Chief Integrity
20 Officer, as well as Michael Cooke,
21 General Counsel for our Ethics Board, for
22 their collaboration on this legislation.

23 This legislation seeks to --
24 and I think the appropriate phrase is
25 rightsize some of the people that need to

1
2 file as part of our Statement of
3 Financial Interest and disclosure laws
4 for the City of Philadelphia.

5 Currently, those who serve on
6 advisory boards and commissions are
7 required to submit this information. I
8 think this puts a limiting effect on
9 those who may want to participate and be
10 more engaged in the City of Philadelphia
11 on activities and engagement at our City
12 boards and commissions, and we don't
13 necessarily need to have that type of
14 level of information for them to
15 participate, and I think it does provide
16 a chilling effect on those who may have
17 an interest and have some concerns or
18 challenges in providing that type of
19 level of disclosure if they're just in an
20 advisory capacity.

21 However, those that serve on
22 boards and commissions that have
23 substantial and significant impact on our
24 City, they still would be required to
25 submit Statements of Financial Interest.

1
2 It also broadens those who are in the
3 executive branch who prior to this
4 legislation, if passed, had not had or
5 were not required to file a Statement of
6 Financial Interest and does require them
7 to do so going forward.

8 So I think it provides a level
9 of transparency and I think, as I said
10 earlier, tries to rightsize who should be
11 submitting information that can allow
12 greater transparency for the public.

13 In addition, it also, based on
14 this legislation, makes some other
15 changes on the contents of disclosure of
16 information and also modernizes our
17 current legislation by mandating online
18 publication of filed forms.

19 I think from that perspective,
20 it does add a level of transparency to
21 make sure that we are providing the
22 public with the information they need
23 regarding those who are involved in our
24 civic affairs as a city, but also not
25 needlessly burdening and putting a

1
2 limiting effect on those who want to
3 participate but are merely serving in an
4 advisory capacity.

5 Thank you, Madam Chair.

6 COUNCILWOMAN PARKER: Thank
7 you, Councilmember Green. And the
8 Committee wants to definitely for the
9 record thank you, Councilmember Green,
10 and members of your staff for all of the
11 work that you did in regards to this
12 issue.

13 With that being said, Rachel,
14 will you please call the first panel
15 scheduled to testify on Bill No. 210080.

16 THE CLERK: Michael Cooke,
17 General Counsel for the Philadelphia
18 Board of Ethics, and Sarah Stevenson,
19 Chief Integrity Officer for the City of
20 Philadelphia.

21 COUNCILWOMAN PARKER: Thank
22 you. Thank you both, Michael and Sarah,
23 for being here. I want you to feel free
24 to please state your name for the record
25 and proceed with your testimony.

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Sarah, we can start with you or
Michael. Sarah, we can start with you.
That's fine.

MS. STEVENSON: Okay. Can you
hear me okay?

COUNCILWOMAN PARKER: I can
hear you well. And, Sarah, I'm starting
with you because your picture is larger
on my screen, right? So that's why I'm
starting with you.

State your name for the record
and proceed with your testimony.

MS. STEVENSON: Thank you,
Chairperson Parker. Sarah Stevenson,
Sarah with an H, Stevenson with a V.
Good afternoon, Chairperson Parker, Vice
Chair Green, and members of the Committee
on Law and Government. I am Sarah
Stevenson, Chief Integrity Officer for
the City of Philadelphia. I'm here today
to testify in support of Bill No. 210080,
which amends Section 20-610 of the City
Code.

I think the Councilmember said

1
2 it right. This bill would rightsize the
3 population of who in government is
4 required to file the City Statement of
5 Financial Interest, also referred to in
6 the short form as the City form. You'll
7 hear me and Michael as well refer to this
8 as the City form. The bill increases the
9 number of executive branch leaders who
10 are required to file the City form, and
11 this expanded transparency keeps City
12 leaders to account.

13 Simultaneously, the amendment
14 reduces barriers to public participation
15 in government by eliminating the current
16 filing obligation for advisory board and
17 commission members. This is incredibly
18 important as we as a government and a
19 society need to include more voices in
20 our decision-making.

21 Members of boards and
22 commissions that exercise significant
23 powers of government -- that's a key
24 phrase -- would still be obligated to
25 file the City form. This makes sense

1
2 because although these boards and
3 commissions are often comprised of
4 non-City employees, these boards and
5 commissions can carry government
6 authority over government -- excuse me;
7 over residents and businesses.

8 The Administration also
9 supports the substantive changes to the
10 contents of the disclosure and the online
11 publication of the filed forms. While
12 the Administration largely does this
13 already, it's important to formally
14 expand public access to the disclosures.

15 We respectfully request that
16 this bill be approved by this Committee
17 today and the full Council as quickly as
18 possible so the immediately effective
19 changes can be incorporated into this
20 year's filing season and communicated to
21 the effective filers as soon as possible.

22 Thank you for the opportunity
23 to appear here today, and I'm happy to
24 take any questions.

25 COUNCILWOMAN PARKER: Thank

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you. Thank you, Sarah.

Michael.

MR. COOKE: Good afternoon,
Chair Parker and Vice Chair Green, other
members of the Committee. My name is
Michael Cooke. That's C-O-O-K-E. I'm
the General Counsel for the Philadelphia
Board of Ethics. Thank you for giving me
the opportunity today to speak on this
legislation, which would update the
requirements in the Ethics Code for
certain City officers and employees who
are required to file an annual Statement
of Financial Interest, the City form, as
Chief Integrity Officer Stevenson alluded
to. I'm here today on behalf of the
Board and at their direction to testify
in support of this legislation.

I note that we had the
opportunity to confer with both
Councilmember Green and his staff and the
Administration about the bill, and we
appreciate their willingness to consider
our thoughts and suggestions for what we

1
2 believe will be an improvement to the
3 existing ordinance.

4 In my written testimony, I gave
5 some summary of what the legislation
6 would do. Both Councilmember Green and
7 Ms. Stevenson have already done that, so
8 I won't do it again. I will say I agree
9 with their description and their
10 expression of the benefits of these
11 changes, the different types of changes
12 regarding who has to file and the
13 information required as they described
14 it, and then, of course, that other very
15 important component of making it the
16 requirement that these filings would be
17 made publicly available online. The
18 Board, of course, supports that as well.

19 So just to wrap up with what I
20 had to say, the Board supports this
21 legislation, thinks it's a notable
22 improvement, and especially in light of
23 the fact that this part of the ordinance
24 has not been updated since 1984. It's a
25 different world than we were in in 1984,

1
2 and so it probably seems like a good time
3 for an update to the rules.

4 With that, I'll conclude my
5 testimony, and of course I'm very happy
6 to answer any questions Committee members
7 may have.

8 COUNCILWOMAN PARKER: Thank you
9 again, Sarah and Michael. Thank you both
10 so very much for your testimony.

11 The Chair recognizes Vice Chair
12 Green for questions.

13 COUNCILMAN GREEN: Thank you,
14 Madam Chair.

15 Ms. Stevenson and Mr. Cooke,
16 thank you for your testimony and your
17 collaboration on this legislation, and I
18 just have a few quick questions.

19 In reference to the mandating
20 of the publication online and its various
21 documents, can you give us some
22 perspective on what that cost may be?
23 I'm not sure if you've had a chance to
24 evaluate that.

25 I know technology has been a

1
2 challenge for the Ethics Board for some
3 years just because of the limited
4 resources they have to try to modernize
5 and provide the information and the
6 access to information that people have
7 been looking for to your documentation,
8 but if you can provide some type of
9 perspective on if this legislation were
10 to pass mandating this requirement of
11 publication what the cost may be and what
12 the timeline would be for implementation.

13 MR. COOKE: Certainly,
14 Councilmember. I will speak to that, and
15 then of course would defer to Ms.
16 Stevenson if she has something that she
17 wants to add.

18 From the Board's perspective,
19 we were very pleased that about a year
20 ago working with OIT and the
21 Administration and the Records
22 Department, we were able to upgrade the
23 system for filing the statements, both
24 the City form and the state form and the
25 existing form required by Mayor's

1
2 Executive Order, to do all of that online
3 to make it a much simpler and much more
4 easy-to-use system. So it's good timing
5 in the sense that there's been a whole
6 modernization and overhaul of the filing
7 system.

8 In addition to that, the
9 Records Department is already posting not
10 all but a number of the forms online, so
11 they have an infrastructure in place that
12 they would be able to use, and my
13 understanding from conversations with
14 Commissioner Leonard is that there would
15 not be any significant expenditure in
16 order to post all of the forms online.
17 He was not concerned that they -- he felt
18 confident that they would be able to do
19 it within their existing budget, is my
20 recollection of that conversation.

21 MS. STEVENSON: Just quickly, I
22 would concur with that. I don't think
23 that there's going to be a major cost to
24 posting these online. As I mentioned
25 earlier, the Administration Records

1
2 Department is largely already doing this
3 already.

4 COUNCILMAN GREEN: And just one
5 other question. Ms. Stevenson, you
6 talked about rightsizing the legislation
7 in reference to the universe. I made
8 comments in that regard, and I agree with
9 you to making sure that those in the
10 executive branch who in the past have not
11 had to file this information are now
12 required and those who are in just merely
13 advisory positions would not have to file
14 a Statement of Financial Interest going
15 forward.

16 But I also want to talk about
17 the other aspect of this legislation,
18 which Mr. Cooke just referenced, the fact
19 that this legislation has not been
20 updated since 1984. So not only does it
21 rightsize but also modernizes things to a
22 current perspective.

23 For example, it's my
24 understanding that if you are a filer
25 under our laws and if this legislation is

1
2 passed and you receive items from the
3 City, those would not have to be
4 disclosed as gifts going forward. So it
5 also modernizes the perspective of how we
6 as a city operates for those who are
7 filers, that if you are someone that is
8 part of the City infrastructure and you
9 receive something from the City, that's
10 not going to be considered a gift based
11 on this legislation.

12 So I think the modernization is
13 very important, and I just want to get
14 some perspective on what was the
15 motivation on making these changes. Was
16 it to make us similar to other
17 jurisdictions around the country that
18 have similar legislation regarding what's
19 considered a gift?

20 MS. STEVENSON: So I will
21 start. Unfortunately, I don't know if it
22 was me or the system. Some of your
23 question was cut out a little bit, but
24 I'll attempt to respond from what I
25 heard.

1
2 So the section of the amendment
3 addressing gifts, the main change there
4 would be that if a filer who was an
5 elected official receives tickets from
6 the City, like the Dell, for example, and
7 if you meet some qualifications in that,
8 you would not have to disclose that on
9 your filing. So that's the major change.
10 And I will defer to Michael on any
11 additional comments related to the
12 changes around the gift portion of the
13 bill.

14 MR. COOKE: Thank you, Sarah.

15 So I concur. The way that the
16 legislation is written, it says that a
17 filer need not disclose any tickets
18 received from the City. The reason it's
19 limited to tickets for that exception is
20 because from our understanding, that is
21 by far the most common, if not really the
22 only thing, that City employees receive
23 that could be described as gifts that
24 come from the City. There's other things
25 we get in the course of our jobs, but

1
2 it's either our salary or it's things to
3 enable us to do our jobs, and I do
4 believe that is consistent with other
5 jurisdictions, although I haven't done a
6 survey of them on this particular
7 question, but certainly think that it's
8 something to your point about the
9 modernization and the experience having
10 shown us that it's not really helpful
11 disclosure to the public for some City
12 official to be listing Dell tickets as
13 gifts they received, especially if it
14 would be required for an elected official
15 where they're getting a block of them
16 that they're handing out to people. It
17 sort of makes it look like a more
18 meaningful transaction is happening than
19 actually is.

20 COUNCILMAN GREEN: Thank you,
21 Madam Chair.

22 COUNCILWOMAN PARKER: Thank
23 you, Councilmember Green.

24 And the Chair wants to
25 recognize the presence of Councilmember

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Cindy Bass. Thank you, Councilmember,
for your presence.

Is there anyone else here who
has any questions from this Committee
and/or for this panel?

(No response.)

COUNCILWOMAN PARKER: Is there
anyone else who is here to testify on the
bill whose name has not yet been called?

(No response.)

COUNCILWOMAN PARKER: Okay.
Listen, we want to thank you both so much
for your presence here today.

I will ask one last time, are
there any final questions or comments
from members of the Committee?

(No response.)

COUNCILWOMAN PARKER: Okay.
Hearing none, there being no further
questions from members of the Committee
and no other witnesses to testify, I will
ask if there is anyone present in this
hearing whose name we have failed to call
that wishes to offer testimony on any of

1
2 the bills or resolutions being considered
3 today?

4 (No response.)

5 COUNCILWOMAN PARKER: All
6 right. Hearing none, we want to thank
7 each and every one of you for testifying,
8 all of the panels and the witnesses for
9 their participation today. We value your
10 opinions.

11 I now invite all panels and
12 witnesses to please disconnect from the
13 meeting before we go into our public
14 meeting, and we will pause now very, very
15 briefly the proceedings as multiple
16 participants leave the hearing. Thank
17 you all again.

18 (Brief pause.)

19 COUNCILWOMAN PARKER: With that
20 being said, this concludes the public
21 hearing of the Committee. We will now go
22 into a public meeting to consider the
23 action to be taken on the bills before
24 this Committee today.

25 We will now convene the public

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meeting. Rachel, will you please call
the roll to take attendance.

Members that are in attendance
will please indicate that you are present
when your name is called. Also, again,
just please say a few words when
responding so that your image will be
displayed on the screen when you speak.

THE CLERK: Vice Chair Derek
Green.

COUNCILMAN GREEN: Thank you,
Madam Chair. Looking forward to wrapping
up this hearing.

THE CLERK: Councilman David
Oh.

COUNCILMAN OH: Thank you very
much, Madam Chair and colleagues, for a
very informative hearing.

THE CLERK: Councilwoman Helen
Gym.

COUNCILWOMAN GYM: Good
afternoon, Madam Chair and colleagues. I
am present.

THE CLERK: Councilmember

1

2 Curtis Jones, Jr.

3 (No response.)

4 THE CLERK: Councilmember Brian

5 O'Neill.

6 (No response.)

7 THE CLERK: Councilmember Cindy

8 Bass.

9 COUNCILWOMAN BASS: I am

10 present. Thank you.

11 THE CLERK: Councilmember Maria

12 Quinones-Sanchez.

13 COUNCILWOMAN SANCHEZ: Good

14 afternoon, and thank you for an efficient

15 hearing.

16 THE CLERK: Councilmember Mark

17 Squilla.

18 COUNCILMAN SQUILLA: Good

19 afternoon, Madam Chair and colleagues.

20 Looking forward to the vote.

21 THE CLERK: And I believe

22 Councilmember -- I'm not sure if

23 Councilmember Allan Domb is still with us

24 or not.

25 COUNCILWOMAN PARKER: Okay.

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Thank you so very much, Rachel.

We will now go into our public meeting, and the Chair recognizes Councilmember and Vice Chair Green for a motion on Bill No. 210073.

COUNCILMAN GREEN: Thank you, Madam Chair, for such an expedited and expeditious hearing.

I move that Bill No. 210073 be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading of this bill at the next session of Council.

(Duly seconded.)

COUNCILWOMAN PARKER: The Chair notes for the record that Councilmember Quinones-Sanchez seconded the motion.

It has been moved and properly seconded that Bill No. 210073 be reported from this Committee with a favorable recommendation and further moved that the rules of Council be suspended to permit first reading of this bill at the next

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session of Council.

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

(Aye.)

COUNCILWOMAN PARKER: Those
opposed?

(No response.)

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

The Chair recognizes
Councilmember and Vice Chairman Green for
a motion on Resolution No. 210085.

COUNCILMAN GREEN: Thank you,
Madam Chair. I move that Resolution No.
210085 be reported from this Committee
with a favorable recommendation.

(Duly seconded.)

COUNCILWOMAN PARKER: The Chair
notes for the record that Councilmember
Oh seconded that motion.

It has been moved and properly
seconded that Resolution No. 210085 be
reported from this Committee with a
favorable recommendation.

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

(Aye.)

COUNCILWOMAN PARKER: Those
opposed?

(No response.)

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

The Chair recognizes
Councilmember Green for a motion on Bill
No. 210080.

COUNCILMAN GREEN: Thank you,
Madam Chair. I move that Bill No. 210080
be reported from this Committee with a
favorable recommendation and further move
that the rules of Council be suspended to
permit first reading of this bill at the
next session of Council.

(Duly seconded.)

COUNCILWOMAN PARKER: The Chair
notes for the record that Councilmember
Quinones-Sanchez seconded the motion.

It has been moved and properly
seconded that Bill No. 210080 be reported

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2 from this Committee with a favorable
3 recommendation and further moved that the
4 rules of Council be suspended to permit
5 first reading of this bill at the next
6 session of Council.

7 All those in favor of the
8 motion will signify by saying aye.

9 (Aye.)

10 COUNCILWOMAN PARKER: Those
11 opposed?

12 (No response.)

13 COUNCILWOMAN PARKER: The ayes
14 have it and the motion carries.

15 This concludes the business
16 before the Committee on Law and
17 Government today. And before we
18 conclude, I want to ask any of my
19 colleagues if they have any closing
20 remarks that we wanted to get on the
21 record?

22 (No response.)

23 COUNCILWOMAN PARKER: Hearing
24 none, I want to thank you all so very
25 much for your attendance.

1
2 And, Vice Chair and
3 Councilmember Green, I want to thank you
4 for being on standby just in case I was a
5 technical catastrophe here today, but we
6 made it through even with the new --
7 Squilla, you know I'm a technical
8 dinosaur, so they're right on key just in
9 case I screwed anything up or got
10 disconnected. So thank you --

11 COUNCILMAN SQUILLA: You did
12 great.

13 COUNCILWOMAN SANCHEZ: Our new
14 reality.

15 COUNCILWOMAN PARKER: Tell me
16 about it.

17 Thank you all so much, and
18 we'll be seeing each other soon.

19 Thank you.

20 (Committee on Law and
21 Government concluded at 3:05 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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