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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
Thursday, March 26, 2009
9:20 a.m.

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PRESENT:

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COUNCILMAN WILLIAM GREENLEE, CHAIR

COUNCILWOMAN JANNIE BLACKWELL

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COUNCILMAN FRANK DiCICCO

COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN BILL GREEN

COUNCILMAN JACK KELLY

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COUNCILMAN JAMES F. KENNEY

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BILL 080748 - An ordinance providing for the
submission to the qualified electors of the
City of Philadelphia of the proposal set forth
in a Resolution approved by Council proposing
amendment to the Philadelphia Home Rule
Charter to provide within civil service
regulations for the posthumous promotion to
the next rank for any Philadelphia police
officer or firefighter who is killed or who
dies in the line of duty...

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RESOLUTION 080765 - Resolution proposing an
amendment to the Philadelphia Home Rule
Charter to provide within civil service
regulations for the posthumous...

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COUNCILMAN GREENLEE: Good

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morning, everybody. We're running quite

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late, so we want to try to get started.

5

Mr. Boyle, will you please read

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the -- this is the Committee on Law and

7

Government. Just for the record, we have

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a quorum, with Councilman Kenney, the

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Vice-Chair of the Committee, Councilman

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DiCicco, Councilman Goode and Councilman

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Green.

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Mr. Boyle, will you please read

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the bill and resolution before us today,

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please.

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THE CLERK: Ordinance 080748,

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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 the proposal set forth in

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a Resolution approved by Council

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proposing an amendment of the

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Philadelphia Home Rule Charter to provide

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within civil service regulations for the

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posthumous promotion to the next rank for

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any Philadelphia police officer or

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firefighter who is killed or who dies in

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 the line of duty, and providing for the
3 submission of the amendment to the
4 electors of Philadelphia; fixing the date
5 of a special election for such purpose;
6 prescribing the form of ballot question
7 to be voted on; and authorizing the
8 appropriate officers to publish notice
9 and to make arrangements for the special
10 election.

11 Resolution 080765, resolution
12 proposing an amendment to the
13 Philadelphia Home Rule Charter to provide
14 within civil service regulations for the
15 posthumous promotion to the next rank for
16 any Philadelphia police officer or
17 firefighter who is killed or who dies in
18 the line of duty, and providing for the
19 submission of the amendment to the
20 electors of Philadelphia.

21 COUNCILMAN GREENLEE: Thank you
22 very much.

23 Councilwoman Blackwell, as the
24 sponsor of the bill, would you like to
25 say something first?

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 COUNCILWOMAN BLACKWELL: I

3 absolutely would. Thank you,

4 Mr. Chairman.

5 Good morning to all members of

6 the Committee and all who are here in

7 attendance.

8 COUNCILMAN GREENLEE: Good

9 morning.

10 COUNCILWOMAN BLACKWELL: I

11 appreciate the opportunity to be here to

12 speak here before City Council's

13 Committee on Law and Government as it

14 considers Bill 080748 and Resolution

15 080765, which would posthumously promote

16 fallen police, firemen and paramedics

17 killed or who die in the line of duty.

18 While it has generally been the

19 practice of this city to make these

20 promotions, I believe that at a time when

21 we've lost five police officers just

22 during the past 15 months, we should make

23 these promotions the law.

24 On a daily basis we ask our law

25 enforcement officers, firefighters and

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 paramedics to put their lives on the line
3 for the protection of others. They
4 selflessly serve and protect the citizens
5 of our great city, and this legislation
6 presents only a small token of our true
7 debt to the brave men and women who serve
8 this city.

9 I also would like to offer for
10 adoption an amendment to the bill to
11 allow -- that is being amended to
12 indicate May 19th as Election Day when
13 voters will consider the ballot question.
14 Resolution 080765 is being amended to
15 include paramedics. As such, we're
16 asking that the Committee give favorable
17 consideration to this legislation in
18 terms of reporting it out with a
19 favorable recommendation with a
20 suspension of the rules.

21 May I also add that I learned
22 just last evening as I was coming out of
23 an affair downstairs in the Mayor's
24 Reception Room -- one of a few of our own
25 members in Council were being honored --

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 I saw the Mayor and ran into him and he
3 asked to see me and told me that there
4 was an issue, because we've been doing
5 this since 2006. I had a discussion with
6 him when he asked me what my interest was
7 and why I introduced this. I technically
8 introduced this in October, but I've been
9 dealing with this as an issue for many
10 years under the last Administration. I
11 don't know how many years. Maybe five,
12 maybe six. For years I've been dealing
13 with this as an issue, even before we had
14 the issue with police officers that we
15 see in the news today.

16 As all of you know, the money
17 that the families, widows and others
18 receive and their families receive is
19 negligible. So it's not an issue of
20 money, but it does let them know we care.
21 A little more money during these harsh
22 economic times is helpful for everyone,
23 but it would not have any impact on our
24 budget. And I talked to the Mayor and
25 said I have no problem staying in my

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 lane. I understand that we are three
3 equal branches of government, may I add,
4 executive, legislative and judicial. I
5 have no problem staying in my lane. He
6 says that they did it with two officers
7 and that it is a negotiation, a labor
8 issue, and I have no problem. It is not
9 my intention, nor has it been, that we
10 try to involve ourselves in the Mayor's
11 negotiations. I respect his right to do
12 that.

13 But when I come in and I learn
14 that there's -- and this was last
15 evening, I don't know, maybe around 6
16 o'clock or something like that. But when
17 I come in and I learned that all of the
18 sudden we have the Committee of Seventy
19 opposing it -- I mean, we introduced this
20 last October -- all of a sudden, it is
21 being spoken against.

22 I told the Mayor I was happy to
23 work with him, and he said he would send
24 someone up here to talk about it. But
25 when they put us in the position that

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 there's something negative about this
3 legislation, there isn't. This is just
4 some small token to support families who
5 suffer the horrible tragedy of losing
6 their loved one. And if the tone changes
7 that we're doing something wrong, then it
8 forces me to stick with our legislation,
9 and I certainly ask that the Committee
10 would consider this and, again, report it
11 out with suspension of rules, and I thank
12 you for your consideration.

13 COUNCILMAN GREENLEE: Thank
14 you, Councilwoman.

15 Before I call -- Mr. Gillison,
16 you can come to the table.

17 Any comment or question yet
18 from the Committee?

19 (No response.)

20 COUNCILMAN GREENLEE: Seeing
21 none, Mr. Gillison or anybody else from
22 the Administration.

23 (Witness approached witness
24 table.)

25 COUNCILMAN GREENLEE: Good

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 morning. Could you please identify
3 yourself for the record and proceed.

4 DEPUTY MAYOR GILLISON: Thank
5 you. Good morning, Chairman Greenlee,
6 members of the Committee on Law and
7 Government and members of the public. I
8 am Deputy Mayor Everett Gillison. I'm
9 the Deputy Mayor for Public Safety. I
10 appreciate the opportunity to offer
11 testimony today on Bill 080748 and
12 Resolution 080765 that, taken together,
13 propose to change Chapter 4 of the Civil
14 Service Regulations and amend the Home
15 Rule Charter to permit posthumous
16 promotion of any police officer or
17 firefighter or, with the amendment, the
18 paramedic who is killed or dies in the
19 line of duty. The bill further provides
20 for submission of a ballot question to
21 the qualified electors of the City of
22 Philadelphia regarding the proposed
23 amendment to the Home Rule Charter.

24 The intended benefit of the
25 proposed legislation is to provide the

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 surviving families or beneficiaries of
3 the fallen officer or firefighter an
4 increased pension benefit. This is a
5 common practice in some municipalities
6 throughout the United States as a way of
7 helping the surviving families to meet
8 financial obligations following the death
9 of an officer, firefighter or paramedic.

10 As a matter of practicality,
11 there are usually two ways to provide
12 this increased compensation. One way, as
13 described in the proposed legislation, is
14 to promote the fallen individual
15 posthumously. The other way is to
16 provide posthumous pension benefit at the
17 next highest pay grade. The latter
18 method is currently a provision of the
19 existing police and fire contract.

20 And I want to stress that the
21 concept is not new to the City of
22 Philadelphia. It was first articulated
23 in the 1996 through 1998 Act 111 Award
24 where the offset initially was paid by
25 the officers on disability based on

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 outside earnings was waived where the
3 officer had become disabled "as an
4 immediate result of the violent conduct
5 of a third party that was directed toward
6 the officer or a member of the public, or
7 as an immediate result of performing
8 other heroic action in an emergency
9 situation in the line of duty."

10 This concept continues to be
11 articulated in the current police
12 contract that states in part, "Any member
13 of the bargaining unit who is killed in
14 the line of duty as an immediate result
15 of the violent conduct of a third party
16 that was directed towards the officer or
17 a member of the public or an immediate
18 result of performing other heroic action
19 in an emergency situation in the line of
20 duty on or after January 1, 2006 shall
21 have his or her pension calculated as if
22 the officer retired at the next rank,
23 excluding corporal, above the rank held
24 by the officer at the time of his or her
25 death; for example, going from Officer to

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 Sergeant. This section shall not cover
3 death resulting from vehicular
4 accidents."

5 The language in the firefighter
6 contract that was an award is similar.
7 It should be recognized that the
8 requirements for the increased pension
9 benefit in the current contract is more
10 specific than the proposed legislation.
11 The proposed legislation would amend
12 Chapter 4 of the Civil Service
13 Regulation, which is currently silent on
14 the issue, to provide the increased
15 pension benefit by adding the following
16 language to the existing regulation:
17 Quote, "Philadelphia police officers and
18 firefighters who are killed or who die in
19 the line of duty shall be posthumously
20 promoted to the rank that immediately
21 follows the police officer's or
22 firefighter's rank at his or her time of
23 death," unquote.

24 Basically, I thought to address
25 some of the confusion that has arisen, I

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 would like to explain the reason for the
3 recent posthumous promotion of Officer
4 Patrick McDonald to the rank of sergeant.
5 Unique circumstances surrounded the
6 promotion of Officer McDonald that was
7 recommended by Commissioner Ramsey and
8 approved by Mayor Nutter. Officer
9 McDonald had already passed the
10 sergeant's examination and was 12th on
11 the list for promotion and his promotion
12 took effect when all 12 on the list were
13 promoted to sergeant. In this specific
14 case, the promotion of the officer
15 posthumously was deemed to be an earned
16 advancement, worthy of recognition, and
17 as a result of the promotion, Officer
18 McDonald's pension was computed not as a
19 sergeant but as a lieutenant. We
20 recognized a unique circumstance and
21 faithfully responded.

22 As previously explained, the
23 proposed legislation would change and be
24 less specific than the current provisions
25 of the police and fire contracts. My

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 view is that our current position is
3 covered in the current labor agreements
4 and should stay in that context. We do
5 not want to start down the line
6 conferring or taking away benefits by
7 legislation.

8 That concludes my testimony,
9 and I would be pleased to answer any
10 questions from the Committee members.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Gillison. I know we have both
13 Councilman Kenney and Councilman Green at
14 least want to ask a question. I just
15 have one.

16 You talked about the current
17 police contract, last sentence, "This
18 section shall not cover death resulting
19 from vehicular accidents."

20 DEPUTY MAYOR GILLISON: That's
21 correct.

22 COUNCILMAN GREENLEE: Officer
23 Nazario, how was that situation handled?

24 DEPUTY MAYOR GILLISON: It was
25 actually handled the -- and I have an

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 actual quote here. The City had adopted
3 the most complete interpretation of the
4 benefit, which actually allowed it to
5 cover not only Officer Nazario, but also
6 Sergeant Simpson. The authority to
7 determine if an officer is qualified is
8 vested in the Pension Board, and although
9 both Officer Nazario and Sergeant Simpson
10 were killed by vehicular accident, the
11 Pension Board determined, with the
12 support of the Nutter Administration,
13 that their death satisfied the standard
14 for heroic action and their pension
15 benefit was recalculated. So we've
16 already taken the steps to make sure
17 that's going forward.

18 COUNCILMAN GREENLEE: I'm
19 sorry. I should have mentioned Sergeant
20 Simpson, too. I forgot. Thank you.

21 Councilman Kenney.

22 COUNCILMAN KENNEY: Thank you,
23 Mr. Chair.

24 Mr. Gillison, in your
25 testimony, you indicated that this is

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 done contractually relative to the
3 computation of their pension benefits,
4 but not the specific rank. Is that what
5 you're saying? So on a regular basis,
6 when an officer or firefighter is killed
7 in the line of duty, either the Pension
8 Board or some mechanism calculates their
9 pension benefits to the next rank up?

10 DEPUTY MAYOR GILLISON: That's
11 correct.

12 COUNCILMAN KENNEY: So we're
13 doing it now?

14 DEPUTY MAYOR GILLISON: Yes, we
15 are doing it now and --

16 COUNCILMAN KENNEY: And the
17 fact that this legislation would confer
18 the actual rank -- and at Officer
19 McDonald's funeral, it was a major part
20 of the service, the conferring of the
21 rank. In addition to the financial side
22 of it, the conferring of the rank was a
23 very significant, I guess, solace for the
24 family.

25 DEPUTY MAYOR GILLISON:

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 Absolutely.

3 COUNCILMAN KENNEY: And I know
4 that that was determined as the right
5 thing to do by the Commissioner and the
6 Administration.

7 DEPUTY MAYOR GILLISON: That's
8 correct.

9 COUNCILMAN KENNEY: In the
10 event that we -- and I intend to support
11 the bill -- get this out of Committee and
12 get it on the floor, there's not going to
13 be a significant change in the method in
14 which we do this other than the rank
15 being conferred, because contractually
16 the pension benefits, most recent
17 history, have been calculated at the next
18 rank?

19 DEPUTY MAYOR GILLISON: That's
20 correct.

21 COUNCILMAN KENNEY: So there's
22 really not a major or any significant
23 pension impact? Even though it's a
24 higher pension calculation, it's
25 understandable we're able to handle it?

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 DEPUTY MAYOR GILLISON: That's
3 right.

4 COUNCILMAN KENNEY: And I
5 understand your concern relative to
6 legislation of --

7 DEPUTY MAYOR GILLISON:
8 Especially amending the Home Rule Charter
9 in order to do these kinds of things.

10 COUNCILMAN KENNEY: And since
11 I've been here, we've had this problem,
12 because we have no other method of
13 expressing our viewpoint or our intention
14 other than a Charter change. There's
15 no -- I mean, we can't ordain this
16 through ordinance. We can't do it
17 through some referendum that's
18 non-binding. So all we have is the
19 Charter. And I recognize the amount of
20 Charter amendments that have come through
21 in the last number of years, and I share
22 a similar concern. My only message to
23 the Administration, respectfully, today
24 is that we're being asked to do a lot of
25 things over the next year or so, and some

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 of it is not -- all of it is not
3 something that we all want to do, but we
4 know sometimes we have to do things we
5 don't want.

6 I think that in this particular
7 case, Charter concerns aside and contract
8 negotiation concerns aside, I think we're
9 almost bound to show some respect for our
10 people when being asked to do difficult
11 things that will affect their lives going
12 forward, which some of us are willing to
13 do, as you know. But I think in this
14 particular case, we need to maybe balance
15 it out just a bit, and that's why I'll be
16 supporting this. But I do appreciate and
17 respect your position on the law.

18 Thank you.

19 COUNCILMAN GREENLEE: Thank
20 you, Councilman. I think that was well
21 said, may I add.

22 Councilman Green.

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

25 I just have a quick question.

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 The Charter is being changed, according
3 to Councilwoman Blackwell, to make this
4 legal under the pension -- I mean, under
5 the Civil Service portion of the Charter
6 and other things. So is what you're
7 doing today even legal without this
8 additional legislation, and, if so, how?

9 DEPUTY MAYOR GILLISON: It's
10 legal because it is a pension benefit
11 that is being recalculated, has been done
12 basically since 1996. It is well within
13 the purview of the Pension Board to do,
14 and because it is a contractual
15 obligation that has been duly negotiated
16 between the parties, the City and the
17 union, all of that brings it together,
18 and the Pension Board actually follows
19 and dictates. So, yes, it is legal.

20 COUNCILMAN GREEN: But you
21 can't actually promote the person, back
22 to Councilman Kenney's point,
23 posthumously under the current Charter
24 provisions. And also, you can't
25 supersede the Charter with labor contract

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 language or even Pension Board action.

3 DEPUTY MAYOR GILLISON: The
4 entire matter, since it is a Pension
5 Board and -- it is labor negotiated and
6 it is a Pension Board calculation, that
7 is well within the deems of the Charter.
8 The promotion ceremony that you're
9 referring to --

10 COUNCILMAN GREEN: No. I
11 understand. Excuse me. Do you have a
12 legal opinion that --

13 DEPUTY MAYOR GILLISON: I did
14 not have an opportunity to take a look at
15 and I don't know whether or not even Law
16 has had an opportunity to even review
17 this matter. I know that --

18 COUNCILMAN GREEN: Not this
19 matter. I just mean with respect to the
20 current activity.

21 DEPUTY MAYOR GILLISON: The
22 only time that it came up is in the
23 context of Officer McDonald -- I'm sorry;
24 Lieutenant McDonald. And I know that Law
25 did review the matter, found that what we

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 did was permitted, which is why we went
3 forward with not only the ceremony but
4 also the pension calculations and
5 everything else.

6 I do not -- I know that they
7 haven't had an opportunity to look at
8 this piece yet, because as of last night,
9 I was asking the Solicitor for any
10 guidance that they might have on this
11 bill.

12 COUNCILMAN GREEN: Did you find
13 it difficult to get a direct answer to
14 that question?

15 DEPUTY MAYOR GILLISON: No, not
16 at all.

17 COUNCILMAN GREEN: You don't
18 have to answer that.

19 Thank you.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 Just for the record, please
23 reflect that Councilman Kelly is also
24 here, a member of the Committee.

25 Councilman DiCicco.

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 COUNCILMAN DiCICCO: Thank you,
3 Mr. Chairman, and good morning.

4 It sounds to me as though the
5 bigger issue here, even as far as Council
6 is concerned -- and I want to support
7 this because I think it's the right thing
8 do. The end result is the right thing to
9 do.

10 DEPUTY MAYOR GILLISON: As we
11 do --

12 COUNCILMAN DiCICCO: It's a
13 question of how do we get there, and the
14 concern is about the change to the
15 Charter.

16 DEPUTY MAYOR GILLISON:
17 Absolutely.

18 COUNCILMAN DiCICCO: Without
19 getting involved in any bargaining labor
20 negotiations, could this, what we're
21 attempting to do here, become part of the
22 labor contract going forward? And why I
23 say that is, it seems to me that this
24 bill will come out of this Committee. If
25 it's voted on by the full body, then this

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 would be on the May primary ballot. If
3 we had -- I'm speaking for myself. If I
4 had some guarantee that the
5 Administration was going to make it part
6 of the next labor agreement contract so
7 that we would not have to do the Charter
8 change, we could potentially vote this
9 out of Committee and not vote it out of
10 the full body, and see if the
11 Administration lives up to that
12 agreement, assuming they would agree to
13 it, and then we can always put it on the
14 ballot in November, if for some reason it
15 doesn't get us to where we want to get
16 to. And that, I think, would get us to
17 where we want to get to. Hopefully we
18 never have to use this, but the
19 likelihood is, it may happen.

20 Just a thought I'm having,
21 because I didn't get this until this
22 morning, this language or anything, and I
23 heard about it on my way out the door
24 about 6 o'clock last night, and I want to
25 support the folks out there on the front

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 line and I will vote for it either way.
3 I'm just looking to see if there's a way
4 in which we can avoid the Charter change.
5 Just an opinion.

6 DEPUTY MAYOR GILLISON: And I
7 agree. Thank you very much, Councilman.
8 What I will tell you is is that all of
9 these things -- since we are conferring
10 the benefit at this point, one of the
11 things we want to do is take a look at
12 it, because we do feel it's the method
13 that is wrong. The whole underlying
14 issue, we are already doing, we already
15 support and we are well within -- as I
16 think everyone would say, that this
17 Administration has been very responsive
18 to the problems that have been going on.
19 So we want to make sure that we continue
20 doing that. We just want to keep it
21 within the context of --

22 COUNCILMAN DiCICCO: And I
23 agree, but there may be another
24 Administration, and I'm looking at some
25 way in which we can memorialize it in a

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 way that doesn't require us to change the
3 Charter. And I think the sponsor of the
4 bill has great intentions, and we all
5 support that.

6 DEPUTY MAYOR GILLISON: Okay.

7 COUNCILMAN DiCICCO: And maybe
8 we can hear from the union folks as well,
9 if that's something that they feel would
10 be acceptable.

11 DEPUTY MAYOR GILLISON: Not a
12 problem.

13 COUNCILMAN DiCICCO: So we
14 still get a second shot at it, is my
15 point. If we don't do it in May, we can
16 always do it in November.

17 DEPUTY MAYOR GILLISON: Very
18 well. Thank you.

19 COUNCILMAN DiCICCO: Thank you.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 Any other questions or comments
23 from members of the Committee?

24 (No response.)

25 COUNCILMAN GREENLEE: Thank

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 you, Mr. Gillison.

3 DEPUTY MAYOR GILLISON: Thank
4 you.

5 COUNCILMAN GREENLEE: I should
6 know -- I think, union representatives,
7 would you like to testify?

8 Please come to the table.
9 Somehow I thought you might.

10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: Good
13 morning, everybody. I just note for the
14 record we are running late. We're
15 supposed to have Council starting at
16 10:00. So, folks, I think you kind of
17 heard our comments up here, so you know
18 where we're coming from.

19 Whoever would like to go first,
20 identify yourself for the record and
21 proceed.

22 MR. McBRIDE: I'm Brian
23 McBride. I'm the President IAFF, Local
24 22, representing the firefighters and
25 paramedics of this great city, and I

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 thank Councilwoman Blackwell for
3 introducing this bill and members of the
4 Committee.

5 To me, it's a no-brainer.
6 Quite clearly, the Administration could
7 already have given us an agreement to
8 promote these people. It's a no-cost
9 factor, because they're already doing it
10 for pension purposes.

11 I can tell you that since the
12 contract language came into effect, there
13 were -- Captain John Taylor and
14 Firefighter Rey Rubio were two members
15 who were affected and they're being paid
16 at the higher rank that they deserve, but
17 the Fire Department has refused to
18 promote them. So if it's a good
19 intention is to promote, why haven't
20 they?

21 I think that they need
22 something memorialized. We need
23 something stronger than the labor
24 contract, and the Charter is just that
25 tool that directs everyone for eternity.

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 What we do here today goes out for
3 eternity, and I think that it's a good
4 thing to do. I think it's the right
5 thing to do, and I hope the Committee
6 does the right thing. I believe you
7 will.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Mr. Blagmond.

12 MR. BLAGMOND: My name is
13 Eugene Blagmond. I'm a lobbyist for
14 Fraternal Order of Police, Lodge No. 5.
15 And even though the Deputy Mayor is
16 right, the contract language is in the
17 contract, I don't believe that this
18 should ever be an issue of bargaining. I
19 think this should be something that the
20 City does as a tribute to any worker, any
21 firefighter, any paramedic, any police
22 officer who is killed or dies in the line
23 of duty. I don't think that having it in
24 a contract -- anything to be put into a
25 contract can be taken out. I'm not sure

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 that would ever happen, but I think this
3 is something that should be immortalized
4 in our law.

5 COUNCILMAN GREENLEE: Thank
6 you, Mr. Blagmond.

7 Anyone else like to -- sir.

8 MR. CLOTHIER: My name is
9 Raymond Clothier. I'm the Second
10 Vice-President of Local 22.

11 Back in 2005, President McBride
12 directed me to secure as many large city
13 labor contracts as I could for our
14 collective bargaining that was going to
15 be going on that fall, and when I secured
16 the City of Miami's, it contained this
17 exact provision that Councilwoman
18 Blackwell is attempting to introduce for
19 us. This is also in Spokane, Washington;
20 Scottsdale, Arizona; New York City and
21 somewhere in Vermont. I'm not -- I don't
22 exactly remember.

23 But this is the right thing to
24 do. As my friend, Mr. Blagmond, said,
25 this shouldn't be subject to collective

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.
2 bargaining or labor agreements. This is
3 just something that should be done.

4 Thank you.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Anyone else --

8 MR. BLAGMOND: I want to
9 introduce Ron Stagliano. He's our
10 pension representative on the Pension
11 Board.

12 COUNCILMAN GREENLEE: Thank
13 you.

14 Councilman DiCicco.

15 COUNCILMAN DiCICCO: I actually
16 have a question for Mr. Gillison.

17 COUNCILMAN GREENLEE:
18 Mr. Gillison, can you come back to the
19 table, please.

20 (Witness approached witness
21 table.)

22 COUNCILMAN DiCICCO: I
23 understand labor's point of view about
24 this should not have to be part of a
25 bargaining agreement. There may be

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 differences of opinion in that, but I
3 support their notion that it shouldn't.

4 Could something be done -- and
5 if you don't have the answer, I'd like to
6 get it back to the Chair -- prior to
7 labor negotiations, maybe an executive
8 order -- I don't know if that is
9 sufficient -- that makes it binding?

10 Again, I'm only trying to find some
11 middle ground between what we all want to
12 do and believe is the right thing to do.

13 DEPUTY MAYOR GILLISON:

14 Absolutely.

15 COUNCILMAN DiCICCO: But how do
16 we get there again, without changing the
17 Charter. But I want it so I would like
18 for myself to make sure that whatever it
19 is is legally binding and it can't be
20 taken out at some point. I don't know if
21 there's a way of doing that. I'm not an
22 attorney, nor do I pretend to be one.

23 DEPUTY MAYOR GILLISON: And I
24 will look and I will ask both -- and get
25 an opinion.

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 COUNCILMAN DiCICCO: I'll be
3 here voting this out today, but I think
4 some of that might be helpful, whether we
5 get it on the ballot in May or in
6 November.

7 DEPUTY MAYOR GILLISON: Very
8 well.

9 COUNCILMAN GREENLEE: Not to
10 elongate the record, but just as a
11 response to Councilman DiCicco -- not to
12 get into a debate -- I think an executive
13 order just holds for that particular
14 Administration; am I right?

15 COUNCILMAN GREEN: Yes.

16 COUNCILMAN GREENLEE: So I
17 think it's a little bit of the same
18 problem Mr. Blagmond talked about with a
19 contract.

20 Any other questions, comments?

21 (No response.)

22 COUNCILMAN GREENLEE: Thank you
23 all very much.

24 Anyone else here to testify on
25 this bill?

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 (No response.)

3 COUNCILMAN GREENLEE: Seeing
4 none, that will conclude the hearing of
5 the Committee on Law and Government, and
6 the meeting on Law and Government will
7 commence in 20 seconds.

8 Less than 20 seconds. This is
9 the meeting of the Committee on Law and
10 Government, and the Chair recognizes
11 Councilman Kenney regarding Bill No.
12 080765 (sic), amendment to same.

13 COUNCILMAN KENNEY: We're going
14 to do the resolution or the amendment?

15 COUNCILMAN GREENLEE: Do the
16 amendment.

17 COUNCILMAN KENNEY: To the
18 resolution or the bill?

19 COUNCILMAN GREENLEE: Both.

20 COUNCILMAN KENNEY: Which one
21 do you want to do first?

22 COUNCILMAN GREENLEE: The bill.

23 COUNCILMAN KENNEY: Mr.
24 Chairman, I move Bill No. 080748 be
25 amended accordingly with the amendments

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 that have been circulated by the sponsor.

3 (Duly seconded.)

4 COUNCILMAN GREENLEE: It's been

5 moved and seconded for adoption of the

6 amendment.

7 All in favor please say aye.

8 (Aye.)

9 COUNCILMAN GREENLEE: Opposed?

10 (No response.)

11 COUNCILMAN GREENLEE: The

12 amendment is adopted.

13 The Chair recognizes Councilman

14 Kenney regarding the bill, as amended.

15 COUNCILMAN KENNEY: Thank you,

16 Mr. Chairman. I move that Bill No.

17 080748, as amended, be reported out of

18 this Committee with a favorable

19 recommendation and a request made for

20 rules suspension to allow for first

21 reading at our next Council session.

22 (Duly seconded.)

23 COUNCILMAN GREENLEE: It's been

24 moved and seconded.

25 All in favor please say aye.

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 (Aye.)

3 COUNCILMAN GREENLEE: Opposed?

4 (No response.)

5 COUNCILMAN GREENLEE: The

6 motion carries. Bill No. 080748, as

7 amended, has been reported out of the

8 Committee with a favorable recommendation

9 and the rules of Council suspended to

10 allow for first reading at our next

11 session of Council.

12 The Chair again recognizes

13 Councilman Kenney regarding Resolution

14 080765.

15 COUNCILMAN KENNEY: Thank you,

16 Mr. Chairman. I move that Resolution

17 080765 be amended accordingly with the

18 amendments circulated by the sponsor.

19 (Duly seconded.)

20 COUNCILMAN GREENLEE: It's been

21 moved and seconded for the approval of

22 the amendments to the resolution.

23 All in favor please say aye.

24 (Aye.)

25 COUNCILMAN GREENLEE: Opposed?

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 (No response.)

3 COUNCILMAN GREENLEE: The
4 resolution is amended.

5 Again, the Chair recognizes
6 Councilman Kenney.

7 COUNCILMAN KENNEY: Thank you,
8 Mr. Chairman. I move that Resolution
9 080765, as amended, be reported out of
10 this Committee favorably.

11 (Duly seconded.)

12 COUNCILMAN GREENLEE: All in
13 favor please say aye.

14 (Aye.)

15 COUNCILMAN GREENLEE: Opposed?

16 (No response.)

17 COUNCILMAN GREENLEE: Hearing
18 none, Resolution 080765, as amended, has
19 been reported out of this Committee with
20 a favorable recommendation.

21 That concludes the business of
22 this Committee. Thank you all very much
23 for attending.

24 (March 25, 2009 letter from
25 Committee of Seventy attached to

1 3/26/09 - LAW & GOV'T - BILL 080748, etc.

2 transcript.)

3 (Committee on Law and

4 Government adjourned at 9:45 a.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 March 26, 2009, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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