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COUNCIL OF THE CITY OF PHILADELPHIA

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COMMITTEE ON APPROPRIATIONS

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, February 26, 2009
9:15 a.m.

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PRESENT:

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COUNCILWOMAN JOAN L. KRAJEWSKI, CHAIR

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN FRANK DiCICCO

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN BILL GREEN

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COUNCILMAN CURTIS JONES, JR.

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COUNCILMAN JACK KELLY

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COUNCILMAN JAMES F. KENNEY

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COUNCILMAN BRIAN J. O'NEILL

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

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COUNCILWOMAN DONNA REED MILLER

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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BILLS 090065, 090066, 090067 and 090068

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V A R A L L O Incorporated

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Litigation Support Services

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Eleven Penn Center

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1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

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COUNCILWOMAN KRAJEWSKI: Good

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morning. The Committee on Appropriations

4

is now in session.

5

Will the Clerk please read the

6

title of the bill.

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THE CLERK: Bill No. 090065, an

8

ordinance authorizing transfers in

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appropriations for Fiscal Year 2009

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within the General Fund from certain or

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all City offices, departments, boards and

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commissions to certain or all City

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offices, departments, boards and

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commissions; and

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Bill No. 090066, an ordinance

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authorizing transfers in appropriations

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for Fiscal Year 2009 within the Grants

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Revenue Fund from certain or all City

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offices, departments, boards and

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commissions to certain or all City

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offices, departments, boards and

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commissions; and

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Bill No. 090067, an ordinance

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authorizing transfers in appropriations

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for Fiscal Year 2009 within the Water

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 Fund from certain or all City offices,
3 departments, boards and commissions to
4 certain or all City offices, departments,
5 boards and commissions; and

6 Bill No. 090068, an ordinance
7 authorizing transfers in appropriations
8 for Fiscal Year 2009 within the Aviation
9 Fund from certain or all City offices,
10 departments, boards and commissions to
11 certain or all City offices, departments,
12 boards and commissions.

13 COUNCILWOMAN KRAJEWSKI: Thank
14 you.

15 Do we have anyone from the
16 Administration here?

17 (Witness approached witness
18 table.)

19 COUNCILWOMAN KRAJEWSKI: Good
20 morning.

21 MR. AGOSTINI: Good morning.
22 Good morning, Councilwoman. Good
23 morning, members. I'm Steve Agostini,
24 Budget Director for the City of
25 Philadelphia. I appear before you today

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.
2 to offer testimony on Bill 090065,
3 090066, 090067 and 090068, which make
4 FY2009 budget appropriation transfers
5 between and among classes and departments
6 in the City's General, Grants Revenue,
7 Water and Aviation Funds, respectively.

8 Beginning with the General Fund
9 mid-year transfer ordinance, as shown in
10 Exhibit A, there are 18 transfers
11 requested in Bill No. 090065, including
12 ten transfers involving a net change in
13 departmental appropriations and eight
14 transfers between classes within
15 departmental budgets that do not result
16 in any net changes in appropriations.
17 All General Fund transfers total slightly
18 over 25 million.

19 Among the larger transfers, the
20 Philadelphia Prisons requests 13.278
21 million to fund additional personnel and
22 contractual housing associated with
23 increased prisoner census. Five million
24 is requested by the Law Department to
25 fund costs associated with the increased

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.
2 use of contract experts and attorneys and
3 to fund legal costs associated with
4 recent contract and arbitration
5 settlements. The Police Department
6 requests 1.5 million to fund increased
7 uniform and maintenance allowances
8 awarded in the last FOP arbitration. The
9 Board of Revision of Taxes requests an
10 increase of 1.3 million to fund
11 additional programming and maintenance
12 costs associated with the Computer Aided
13 Mass Appraisal system. And then smaller
14 amounts, the Commerce Director requests a
15 transfer of 580,000 to complete the
16 functional transfer of the Office of
17 Economic Opportunity into the Commerce
18 Department. The Office of Housing and
19 Community Development requests a transfer
20 of 1 million from the Public Health
21 Department to reflect also a functional
22 transfer of the childcare facilities fund
23 and to fund greening and anti-predatory
24 lending initiatives.
25 An internal transfer of 1.9

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2 million is requested by the Managing
3 Director to realign funding for both the
4 3-1-1 system and the Youth Violence
5 Reduction Partnership. And the Division
6 of Technology requests an internal
7 transfer of 300,000 to fund additional
8 equipment purchases.

9 Bill No. 090066 requests a
10 transfer of 11.9 million in the Grants
11 Revenue Fund to provide appropriations to
12 the City Commissioners in order to spend
13 Federal Help America Vote Act funding,
14 what's known as HAVA. Funds will be used
15 for enhanced voter education efforts and
16 to improve place accessibility, as well
17 as reimbursement to the General Fund for
18 the purchase of electronic voting
19 machines.

20 Bill No. 090067 requests a
21 transfer of 10 million in the Water Fund.
22 This transfer is needed to provide for
23 increased debt service costs associated
24 with the turmoil in the global financial
25 markets and certain instruments that the

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 Water Department has.

3 And then, finally, Bill No.
4 090068 requests a transfer of \$34,200 in
5 the Aviation Fund. This transfer is
6 needed to pay increased uniform clothing
7 and maintenance allowances granted in the
8 FOP arbitration award.

9 I am happy to answer questions
10 that you may have, and there are
11 representatives from the individual
12 departments who are also here to provide
13 additional information and answer
14 questions.

15 COUNCILWOMAN KRAJEWSKI: Thank
16 you very much. I understand the rest of
17 the testimony will be read into the
18 record.

19 MR. AGOSTINI: Yes. And I
20 neglected to say -- and I'm going to get
21 better at this, I think. I would
22 appreciate if you would report this bill
23 out of Committee with a favorable
24 recommendation and further request that
25 the rules of Council be suspended so as

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.
2 to permit first reading at the next
3 session of Council.

4 COUNCILWOMAN KRAJEWSKI: Thank
5 you.

6 Regarding the Law Department,
7 how many cases are handled by outside
8 legal counsel on a yearly basis?

9 (Witness approached witness
10 table.)

11 MR. AGOSTINI: I would have to
12 refer to the Law Department on that.

13 MS. SMITH: Good morning, Madam
14 Chairperson, Councilmembers. Shelley
15 Smith, City Solicitor.

16 The number of matters handled
17 by outside counsel in a given year varies
18 from year to year depending on really the
19 demands of the Law Department. Obviously
20 we don't have any control over when we
21 get sued or for what, but typically the
22 reasons that we send matters out are
23 either for capacity -- in the case of
24 labor negotiations, it's a perfect
25 example -- or conflict matters.

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2 In 2006, just to give you sort
3 of an idea over the past few years, in
4 Calendar Year 2006, the Law Department
5 referred out 80 matters. In Calendar
6 Year 2007, the Law Department referred
7 out 68 matters. In Calendar Year 2008,
8 the Law Department referred out 54
9 matters. So they've actually declined
10 last year over the previous couple.

11 COUNCILWOMAN KRAJEWSKI: Well,
12 I do know that a recent news report put
13 the cost of outside legal counsel for the
14 fiscal year around \$7 million. Could you
15 explain to the Committee where the other
16 2 million will come from to make up the
17 difference, since your request today is
18 only 5 million. So I'm guessing that
19 you'll be back at another time for two
20 more million.

21 MR. AGOSTINI: Madam Chair,
22 that is correct. We were looking at the
23 end-of-year ordinance to complete
24 whatever additional funding we might need
25 not only for the Law Department but for

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2 other departments. The 5 million request
3 represents what we need to date to pay
4 outstanding bills that have been incurred
5 to date already. We're hoping that we
6 don't incur the full 7 million. That's a
7 projection. So that's why we're holding
8 that until the end of the year.

9 COUNCILWOMAN KRAJEWSKI: Well,
10 regarding the hiring of firms for
11 negotiations on the City union contracts,
12 why were there only five firms solicited
13 for this work?

14 MS. SMITH: Five firms
15 interviewed for the work?

16 COUNCILWOMAN KRAJEWSKI: Yes.

17 MS. SMITH: There were -- if
18 you're referring to what was reported in
19 the newspaper, we interviewed five firms
20 for the work because we -- the criteria
21 that we established to interview the
22 firms was based on the capacity that the
23 firms would have to handle the work.
24 It's quite voluminous work, as you can
25 imagine, and the expertise to handle the

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2 work; that is, the familiarity with the

3 unions, public sector labor law, which

4 every firm in the City does not handle.

5 And so once you boil that down, there

6 were only five firms that had -- there

7 were only five firms whose resumes fit

8 those criteria.

9 COUNCILWOMAN KRAJEWSKI: Thank

10 you.

11 Are there any questions from

12 members of the Committee?

13 Councilman DiCicco? Councilman

14 Clarke?

15 COUNCILMAN CLARKE: Madam

16 Chair, I actually had a question with

17 respect to Prisons. I'm going to let

18 Ms. Smith go for today.

19 COUNCILWOMAN KRAJEWSKI:

20 Someone down that end has a question.

21 The lights are on.

22 COUNCILWOMAN SANCHEZ: I have a

23 question.

24 Part of what was reported was

25 the issue -- and I guess there's mixed

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2 reviews as to whether we have a hire
3 freeze for attorneys or whether we are
4 going to bring in more attorneys to
5 absorb some of this work, especially some
6 of the more aggressive work that's been
7 done around collections.

8 MS. SMITH: Could you ask the
9 part of our question again about the
10 collections.

11 COUNCILWOMAN SANCHEZ: Do we
12 have a hire freeze for attorneys? Are we
13 hiring attorneys to absorb some of this
14 internal work, increased work, that needs
15 to be done so that we're less reliant on
16 these independent contractors?

17 MR. AGOSTINI: Councilmember,
18 we don't have a hiring freeze. We have a
19 regular review of every request to hire
20 from every department. That includes
21 Water and Aviation funds as well. And
22 what we're trying to do is ensure that
23 the life and safety requirements for the
24 City are taken care of and that critical
25 positions in departments are also taken

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2 care of. In that process of review over
3 the last four to five months, we have
4 approved -- that hiring committee has
5 approved a number of attorney hirings,
6 including some at significant levels of
7 expertise and responsibility for the Law
8 Department.

9 COUNCILWOMAN SANCHEZ: How
10 many?

11 MS. SMITH: In --

12 COUNCILWOMAN KRAJEWSKI:
13 Councilman O'Neill.

14 COUNCILWOMAN SANCHEZ: No.
15 She's answering.

16 MS. SMITH: We've hired --
17 excuse me. Let me find that particular
18 document.

19 We have hired in the Fiscal
20 Year 2008, we hired 13 attorneys, of
21 which nine were in litigation, which is
22 where the conflict -- which is where the
23 outside counsel needs generally arise
24 more frequently, the conflict and
25 expertise issue. And we've hired, I

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2 believe, two since -- two General Fund
3 attorneys in Fiscal Year '09.

4 The issue has been that we
5 looked to increase a net increase in the
6 number of attorneys in the Law
7 Department. We lost more attorneys --
8 obviously we have sort of expected
9 attrition, and in the last year, for a
10 variety of reasons, which is not
11 appropriate for me to get into here, we
12 had some unexpected attrition. That sort
13 of lowers the floor from which we were
14 working. So we haven't experienced a net
15 increase in the number of attorneys in
16 the department.

17 We are working to -- there have
18 been a variety of reasons that have
19 contributed to that. Our salaries, as
20 you read in the paper and I think
21 everybody knows, as compared to the
22 market are very low. The Budget Office
23 has been very supportive of trying to
24 work to figure out ways to do that, but
25 with this very constrained budget

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2 environment, it just becomes more
3 difficult. So we can't always bring on
4 the more experienced attorneys that would
5 allow us, for example, to bring back
6 matters that are already outside. And I
7 came in with a significant number of
8 matters outside, as you can hear from the
9 numbers that I recited to you about the
10 cases that have been referred out in 2006
11 and 2007. Those cases were already out
12 when I got here.

13 So we wanted to, as I said,
14 effect a net increase in the number of
15 attorneys and try to not only reduce,
16 which we were able to do, the number of
17 matters that we referred out, but also to
18 bring some of those matters back, but we
19 weren't able, in many instances, to hire
20 people with the necessary expertise to do
21 that.

22 COUNCILWOMAN KRAJEWSKI:

23 Councilman O'Neill.

24 COUNCILMAN O'NEILL: Yes. Two
25 questions, Ms. Solicitor.

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2 MS. SMITH: Good morning.

3 COUNCILMAN O'NEILL: One, just
4 a general question about auditing outside
5 lawyers' hours. There's a term that I'm
6 sure you're familiar with. It's called
7 over-lawyering a case.

8 MS. SMITH: Yes.

9 COUNCILMAN O'NEILL: Public
10 entities are more susceptible to it, I
11 believe, from having talked to a lot of
12 people in the public sector, than the
13 private sector, which usually when
14 there's house counsel or a client there,
15 they're scrupulous about how many lawyers
16 are doing the same thing. And I just
17 wonder what kind of auditing we have
18 within the department for this, because
19 we're looking at some pretty high bills
20 here.

21 MS. SMITH: Sure. First, let
22 me say that the amount of money that we
23 pay to lawyers at outside firms is so
24 below their market rate that I'm not sure
25 that there's necessarily -- I mean, we

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2 already pay them -- our top rate for
3 billing lawyers is \$225 an hour. That's
4 no matter what their level of seniority.
5 If you're a partner at a law firm with 20
6 years of experience doing city work,
7 you're going to get \$225 an hour.

8 As many of you probably know,
9 an attorney at that level billing a
10 private client --

11 COUNCILMAN O'NEILL: I'm not
12 talking about that attorney. See, I want
13 to make clear what firms often are
14 accused of doing, and I'm not saying you
15 have ever been convicted. And this is
16 with insurance defense work, any
17 low-paying work that is far below their
18 regular hours, they have more lawyers on
19 the matter, because it's not the person
20 sacrificing at the top. It's the people
21 at the bottom that are gathering a lot of
22 hours that are very close to what they're
23 charging.

24 MS. SMITH: I understand.

25 COUNCILMAN O'NEILL: So I don't

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2 need to hear about the top person. I'm
3 talking about when four lawyers are in
4 the room instead of one or --

5 MS. SMITH: Our contracts
6 prohibit that.

7 COUNCILMAN O'NEILL: -- three
8 lawyers or whatever, and I want to know
9 what you have.

10 MS. SMITH: Our contracts
11 prohibit that. Our contracts require
12 that firms that do the City's work only
13 have one attorney working on any given
14 task at any given time for exactly the
15 purpose that you're mentioning, that we
16 don't want over-lawyering. And so the
17 process for making sure that happens is
18 that there's an attorney assigned to
19 oversee each matter that's handled by
20 outside counsel, and those bills come in
21 and those bills are reviewed by outside
22 counsel for the appropriateness of the
23 billing in terms of both the amount for
24 the task and the time spent on the task,
25 and when there appears to have been

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2 overcharging or excessive billing for a
3 particular task or in a particular area,
4 those bills are marked up and reduced and
5 sent back for reductions. And we
6 routinely do that.

7 COUNCILMAN O'NEILL: Do you
8 have any third party that reviews these
9 bills for you, as insurance companies do
10 when they send out work, companies that
11 specialize in kind of keeping your costs
12 down?

13 MS. SMITH: We don't have a
14 third party to do that, no, because --

15 COUNCILMAN O'NEILL: Are you
16 aware that there are companies that
17 that's all they do? They help firms that
18 hire outside counsel keep their costs
19 down by auditing very tightly how many
20 hours are being spent on different
21 matters.

22 MS. SMITH: That may be so.
23 I'm sure they won't do it for free.

24 COUNCILMAN O'NEILL: I would
25 ask you to look into that, because it's

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2 common in the private sector to have that
3 audit.

4 MS. SMITH: Sure.

5 COUNCILMAN O'NEILL: Secondly,
6 do you have a strategy to try to get
7 these costs down going forward?

8 MS. SMITH: Yes. My strategy
9 has been and remains that the only way
10 that we can -- the only way -- there's
11 always going to be categories of matters
12 that we're going to have to send out.
13 Conflict matters will always have to be
14 sent out, because we cannot handle them
15 in the Law Department. Labor
16 negotiations are the kind of work that
17 the Law Department probably would never
18 have the capacity to fully handle
19 in-house, because the work is so
20 voluminous and so time consuming that it
21 would take a staff of -- it would take a
22 certain number of attorneys. It would be
23 their full-time job. And I'm not sure
24 that we would ever be able to build that
25 capacity in-house.

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2 So short of those kinds of
3 matters, it has been my intention to try
4 to hire in-house the attorneys that have
5 sufficient experience to handle the
6 matters that we've sent out for reasons
7 like staffing. For example, we had
8 several matters outside that are class
9 action sorts of matters, several
10 plaintiffs involving sort of complicated
11 legal issues. There was a time when the
12 Law Department had attorneys on the
13 litigation side that had sufficient trial
14 experience that they could handle those
15 matters, but we don't have enough of them
16 now.

17 It's my intention to try to
18 hire them. I have been trying to do
19 that. For all the reasons that I think
20 I've already described, we've just been
21 unable to do that. But we continue to
22 work, and the positive thing is that the
23 down economy in the private sector has
24 sent more experienced lawyers our way.
25 So I'm hopeful that there will be an

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2 uptick in our getting resumes of more
3 experienced attorneys who are willing to
4 work for our, sadly, very low salaries in
5 order for us to try to make those
6 differences. So I'm continuing to work
7 on that.

8 COUNCILMAN O'NEILL: Thank you.

9 MS. SMITH: That's the only way
10 to do it, because the work doesn't go
11 away.

12 COUNCILMAN O'NEILL: Thank you.

13 COUNCILWOMAN KRAJEWSKI: Thank
14 you.

15 Councilwoman Miller.

16 COUNCILWOMAN MILLER: Thank
17 you. Thank you, Madam Chair.

18 Good morning.

19 MS. SMITH: Good morning.

20 MR. AGOSTINI: Good morning.

21 COUNCILWOMAN MILLER: Can you
22 repeat the number of cases in the years
23 '06, '07 and '08?

24 MS. SMITH: Yes. In 2006 --
25 this is calendar year, not fiscal year.

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2 In Calendar Year 2006, the Law Department
3 referred 80 matters to outside counsel.

4 In Calendar Year 2007, the Law Department
5 referred 68 matters to outside counsel.

6 In Calendar Year 2008, the Law Department
7 referred 54 matters to outside counsel.

8 COUNCILWOMAN MILLER: And how
9 many outside counsel firms do you
10 actually use, and of that number, how
11 many are minority firms?

12 MS. SMITH: If you give me a
13 minute, I haven't counted the firms, but
14 if you just give me a moment.

15 COUNCILWOMAN MILLER: I'd
16 actually like it per year, '06, '07.

17 MS. SMITH: Well, I have to get
18 you that information. I can't divide it
19 up.

20 In terms of the number of
21 different firms we've used in each
22 year -- in terms of the number of
23 different firms, I can tell you that in
24 2008 we referred matters to, it appears
25 to be, 16 different firms. I'd have to

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2 get you the specific number of firms used
3 in each of those previous years.

4 COUNCILWOMAN MILLER: All
5 right. I'd like to get that information
6 on the number of firms, and of that
7 number, how many were minority.

8 MS. SMITH: Okay. Nineteen in
9 2007, and I'll get the number for 2006.

10 COUNCILWOMAN MILLER: Okay.
11 All right. Thank you.

12 Thank you, Madam Chair.

13 COUNCILWOMAN KRAJEWSKI: Thank
14 you.

15 Are there any other questions?
16 Councilman DiCicco.

17 COUNCILMAN DiCICCO: Thank you.
18 Good morning. Thank you, Madam Chair.

19 COUNCILWOMAN KRAJEWSKI: It's
20 on another department?

21 COUNCILMAN DiCICCO: Yes.

22 COUNCILWOMAN KRAJEWSKI: Any
23 questions on revenue here?

24 (No response.)

25 COUNCILWOMAN KRAJEWSKI: Okay.

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2 Thank you. I believe we have Councilman
3 Goode.

4 COUNCILMAN GOODE: Thank you,
5 Madam Chair.

6 This question is for the Prison
7 Commissioner.

8 Commissioner, the largest
9 amount in any of these appropriation
10 bills is in your department and related
11 to increased prisoner census. In terms
12 of this particular increase, do we know
13 whether these people have been sentenced
14 already or whether they're simply
15 awaiting trial?

16 COMMISSIONER GIORLA: Good
17 morning, Councilwoman Krajewski, members
18 of the Committee and Councilman Goode.

19 In our population, breakdown of
20 our population, of the 9,700
21 approximately we have in custody on a
22 given day, about 76 percent are awaiting
23 trial and the remainder are sentenced.

24 COUNCILMAN GOODE: I was going
25 to ask the question about the general

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2 figure next, but in terms of this
3 increased cost, this 13 million for
4 increased prisoner census, do we know
5 whether these are people who have already
6 been sentenced or whether these are
7 people awaiting trial? Are we just
8 assuming that about 76 percent are
9 awaiting trial?

10 COMMISSIONER GIORLA: The
11 increased sentence, which the number is
12 approximately 700 over last year, are
13 primarily pre-trial or unsentenced
14 inmates.

15 COUNCILMAN GOODE: I asked a
16 question previously in another meeting
17 related to why we have this many people
18 awaiting trial that have not been
19 sentenced that are increasing our prison
20 costs in this way, and the question was
21 related to the amount of continuances and
22 whether those continuances are actually
23 being requested by the District
24 Attorney's Office or whether there's some
25 other reason for them.

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2 COMMISSIONER GIORLA:

3 Councilman, I don't know or have that
4 data. That would be under the purview of
5 the courts.

6 As it stands right now, we're
7 participating with the other criminal
8 justice agencies in the City. In the
9 Criminal Justice Advisory Board, we've
10 formed a Prison Population Subcommittee
11 to address that, and the courts have some
12 matters in the works, which they could
13 probably explain more fully.

14 COUNCILMAN GOODE: Thank you,
15 Commissioner.

16 Mr. Agostini, since this is
17 going to be a recurring matter
18 budgetarily, and actually not just
19 budgetarily but from a public policy
20 perspective, if the majority of people in
21 our prison system are in fact awaiting
22 trial and have not been sentenced and if
23 it's because of continuances and it's
24 because of continuances possibly that are
25 being requested by the District

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2 Attorney's Office, how do we get control
3 of that and when do we actually approach
4 that issue honestly?

5 MR. AGOSTINI: Councilmember,
6 you're absolutely right. I mean, as the
7 Commissioner said, I mean, the
8 pre-sentencing holds, in essence, for
9 people is what's driving up census. I
10 know that the Deputy Mayor, Everett
11 Gillison, has been working with both the
12 DA and the courts to try to improve that.
13 I will ask him to come back with some
14 update as to what those efforts have done
15 and where we are, but until the courts
16 and the DA actually take a different
17 approach, there's very little Prisons can
18 do and there's very little that our
19 branches of government can do. But we'll
20 bring that up.

21 COUNCILMAN GOODE: Because this
22 is another \$13 million. It's only going
23 to continue and continue.

24 MR. AGOSTINI: You're right.
25 It's a big number.

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2 COUNCILMAN GOODE: Thank you.

3 Thank you, Madam Chair.

4 COUNCILWOMAN KRAJEWSKI: My

5 question is, what were the final costs

6 associated with the 3-1-1 system?

7 Do you want me to finish or do

8 you want --

9 COUNCILMAN CLARKE: Madam

10 Chair, I will always defer to you.

11 COUNCILWOMAN KRAJEWSKI: Okay.

12 I'll recognize Councilman Clarke.

13 COUNCILMAN CLARKE: Thank you,

14 Madam Chair.

15 Good morning.

16 COMMISSIONER GIORLA: Good

17 morning, Councilman.

18 COUNCILMAN CLARKE: My question

19 is actually, to some degree, kind of

20 along the lines of Councilman Goode's

21 question, and Mr. Gillison I see is not

22 here, and I don't know if you can answer

23 these specific questions, but I know that

24 there is -- I think you referenced a

25 committee or a task force that's put

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2 together to try to reduce the prison
3 population generally, because these costs
4 are obviously increasing on a daily
5 basis, and as Councilman Goode said,
6 there's a substantial number of
7 individuals who are awaiting trial.

8 There could conceivably be individuals
9 who should be in a federal prison system
10 or some other type of environment, and
11 we're doing a lot of outsourcing.

12 Can you tell me what the status
13 of that committee is or that task force
14 is that's working on coming up with
15 strategies to reduce that population?
16 Because at this rate, it's clear that we
17 cannot continue the ever-rising increase
18 in costs of our prison population.

19 COMMISSIONER GIORLA: I'd like
20 to answer your question in two parts, if
21 I could. First of all, you alluded to
22 federal prisoners or outside-jurisdiction
23 prisoners within our population. Right
24 now we no longer house federal prisoners.
25 After the Federal Detention Center was

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2 completed in Center City, we no longer

3 had that task. We do, however, house

4 well over 530 state-sentenced inmates,

5 those who have sentences longer than two

6 years, between two and five years.

7 Within that population, we've engaged the

8 State Department of Corrections, who have

9 agreed to take 250 and change the place

10 of confinement, move them up to State

11 facilities. That process has begun.

12 It's moving. We haven't addressed the

13 entire 250 yet.

14 COUNCILMAN CLARKE: Do you have

15 a projected date of completion of the

16 transfer?

17 COMMISSIONER GIORLA: Not at

18 this time. A lot of it is dependent on

19 forms and paperwork that has to be filled

20 out and submitted by the State. There's

21 an approval process based on sentenced

22 calculation.

23 COUNCILMAN CLARKE: Let me ask

24 you a more specific question. Do you

25 anticipate being able to have that

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2 transfer resolved before the next fiscal
3 year --

4 COMMISSIONER GIORLA: Yes, sir.

5 COUNCILMAN CLARKE: -- so that
6 won't be a carryover in our budget
7 projections?

8 COMMISSIONER GIORLA: Yes, sir.

9 COUNCILMAN CLARKE: We do?
10 Okay.

11 COMMISSIONER GIORLA: And as
12 far as the Criminal Justice Advisory
13 Board, all the major components of the
14 criminal justice system are members. We
15 held a meeting just two days ago where we
16 developed bylaws. Personally I'm on the
17 Prison Population Subcommittee. We're
18 performing an analysis of those within
19 our population by hold. And by that I
20 mean sentenced detentioners, those with
21 multiple matters, and it's a large number
22 of the population who they may have -- in
23 addition to court continuances, there are
24 several cases that they have, whether
25 they're probation holds, parole holds or

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2 new cases or who are bench warrants and
3 cases on which they're wanted. That's a
4 significant portion.

5 I don't have those figures, but
6 that's the analysis we're conducting.
7 Once we do that, we expect to be able to
8 identify subsets within the population
9 that we can maybe move through the system
10 a little faster or adjudicate quicker,
11 and we're going to work with the courts
12 to do that.

13 COUNCILMAN CLARKE: Are we
14 looking at an enhanced electronic
15 monitoring process or strategies?

16 COMMISSIONER GIORLA: We have
17 looked at a number of vendors, but at
18 this point, we're in the process of
19 revising our work release policies and
20 procedures to include a phase that would
21 incorporate electronic monitoring. We've
22 looked at several vendors, but haven't
23 awarded a contract as yet.

24 We tested the technology and
25 conducted a pilot. This may give us some

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2 relief or give us some enhanced

3 supervision of those in the community.

4 We feel that it also can be extended to

5 other elements of our population. In the

6 event that we might be ordered -- and

7 after that discussion about litigation,

8 we could be ordered to make emergency

9 releases into the community because of

10 the level of population levels, which has

11 happened in the past. We could use

12 electronic monitoring as somewhat of an

13 intense supervision rather than just

14 letting people go.

15 So they're some of the efforts

16 that we're engaged in right now.

17 COUNCILMAN CLARKE: Okay. And

18 you will keep us abreast? When is the

19 next time you can give us a status report

20 of that reduction strategy?

21 COMMISSIONER GIORLA: The next

22 tentatively scheduled Prison Population

23 Subcommittee meeting for the CJAB is

24 March 11th. I would believe sometime

25 after that. And the actual CJAB meeting

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2 is near the end of March.

3 COUNCILMAN CLARKE: Okay.

4 Would it be possible for, I don't know,

5 Mr. Gillison or the budget individuals to

6 forward just a status report on a

7 somewhat consistent basis so we can have

8 a sense of where we are with that whole

9 program? Because the only time we really

10 get to ask questions about it is when we

11 have a hearing. I think the last time

12 was when Mr. Gillison was here about

13 another unrelated matter.

14 COMMISSIONER GIORLA: I'll

15 submit the matter to the Deputy Mayor,

16 sir.

17 COUNCILMAN CLARKE: Thank you.

18 Thank you, Madam Chair.

19 COUNCILWOMAN KRAJEWSKI: Are

20 there any other questions regarding the

21 Prisons here?

22 Councilwoman.

23 COUNCILWOMAN SANCHEZ: I guess

24 I want to really emphasize what both my

25 colleagues Councilman Goode and Clarke

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2 are getting to. We are making incredibly
3 tough decisions in this budget, and when
4 you look at this single figure of \$13
5 million, that would close our whole
6 libraries and rec centers and everywhere
7 else. And I can't emphasize the urgency
8 when we know we've been carrying 500
9 prisoners that belong at the State. And
10 I am encouraged by our moving of 250.
11 But it's \$100 a day, and I can't think of
12 a more important matter for this
13 Administration to resolve as quickly as
14 possible as it is to just move those
15 prisoners.

16 So I just want to go on the
17 record on that, because if we're doing 13
18 million and it's February, I foresee us
19 potentially looking at another six or
20 seven by the end of the year, and that's
21 really hard for us to grasp, because it
22 just seems as though this is a number we
23 could better control, because we know
24 what some of the solutions are, whether
25 it's the home monitoring or some other

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2 things. So I just really want to

3 emphasize that.

4 MR. AGOSTINI: Well, we

5 appreciate that, but please bear in mind

6 that we have partners on this, and the

7 partners are not just you and the

8 Administration. The partners are also

9 the court system and the DA. And we need

10 those partners to be cognizant of the

11 same fiscal pressures that you've just

12 outlined to assist us in trying to

13 implement those things that we think not

14 only save money but maintain safety at

15 both the prison and the general

16 community.

17 COUNCILWOMAN SANCHEZ: I agree,

18 and I think because we're in season where

19 we have a very contested DA's election, I

20 think it's important for our citizens to

21 be aware that we're never going to

22 control this unless those partners do

23 step up to the plate, and the same way

24 they hold us accountable in Council, that

25 we really look at these partners both on

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2 the judicial side as we elect judges and
3 the District Attorney, that we will
4 grapple with this issue, uncontrollable
5 issue, unless everybody steps up to the
6 plate.

7 COMMISSIONER GIORLA: And I can
8 assure you, Councilwoman, that the bulk
9 of this transfer amount was dedicated to
10 outside housing, and we've managed to
11 reduce that figure by at least
12 two-thirds, and we're intending to try
13 and reduce that as we speak. We hope to
14 be out of nearly all outside contracts,
15 all outside jurisdiction contracts, by
16 the end of the fiscal year.

17 COUNCILWOMAN KRAJEWSKI: Thank
18 you.

19 Are there any other questions?

20 I believe we have Councilwoman
21 Blondell Reynolds Brown.

22 COUNCILWOMAN BROWN: Thank you,
23 Madam Chairwoman.

24 Good morning, members of the
25 Committee.

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2 Could I please ask the City
3 Solicitor to return to the witness table.
4 (Witness approached witness
5 table.)

6 MS. SMITH: Good morning,
7 Councilwoman.

8 COUNCILWOMAN BROWN: Good
9 morning, City Solicitor. I was not privy
10 to your previous testimony, but did want
11 to put on the record the context of why,
12 as you put it here, ongoing labor
13 negotiations and conflict matters also
14 requires additional use of outside
15 counsel.

16 Please give us a status or
17 update as to the -- do you have a unit or
18 a division in the City Solicitor's Office
19 that deals with labor negotiations?

20 MS. SMITH: We have a Labor and
21 Employment Unit into which labor
22 negotiations would fall if we had
23 attorneys with sufficient experience to
24 handle those matters. But we don't.
25 That unit is staffed -- there has been,

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2 first of all, a lot of attrition in that
3 particular unit over the past several
4 years. One of the first things that I
5 did when I was appointed to this position
6 was appoint a new Chief Deputy to oversee
7 that. She is actually now out on
8 maternity leave, but she was very
9 involved in at least overseeing the labor
10 negotiations. But we don't have
11 sufficient -- we don't have attorneys
12 within that unit with sufficient
13 experience to handle the day-to-day
14 demands of the labor negotiations.

15 COUNCILWOMAN BROWN: And so if
16 that be the case for the day-to-day labor
17 demands, what does that mean for the soon
18 to be need to -- in a year you're going
19 to have to approach labor negotiations
20 again, correct?

21 MS. SMITH: We're involved in
22 them now.

23 COUNCILWOMAN BROWN: Okay.

24 MS. SMITH: It's been -- I
25 think the Finance Director was quoted in

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2 the newspaper absolutely correctly, that
3 we have been in virtually non-stop labor
4 negotiations since we -- since this
5 Administration took office, because we
6 took office at a time when we had to
7 begin preparing to negotiate contracts
8 that were about to expire in June of
9 2008, at the end of June 2008, and as you
10 all know, we negotiated one-year
11 contracts, which means those contracts
12 again expire in June of 2009, and we are
13 presently in the process of preparing for
14 those negotiations.

15 COUNCILWOMAN BROWN: Okay.
16 Which means you will continue to use the
17 outside law firms?

18 MS. SMITH: That's correct.

19 COUNCILWOMAN BROWN: Is there
20 any other unit or division in the City
21 Solicitor's Office that is also what one
22 might term understaffed and, therefore,
23 requires you to seek outside counsel if
24 you're indeed in the business of trying
25 as best as possible to keep the City

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2 harmless?

3 MS. SMITH: Yeah. There's a
4 particular need in the General Litigation
5 Unit, which is the unit that handles
6 litigation -- our litigation units are
7 Civil Rights, Labor and Employment,
8 Claims, which handles the personal injury
9 cases, Code Enforcement and General
10 Litigation. General Litigation handles
11 everything that doesn't fall into the
12 specific categories I just described of
13 the other units. That unit presently
14 has, I think, four attorneys and --

15 COUNCILWOMAN BROWN: Is that
16 the norm?

17 MS. SMITH: It's not the norm
18 when you consider that one of those
19 attorneys is a relatively young attorney.
20 Those cases are typically very
21 sophisticated commercial litigation
22 matters. That's another place where
23 we've lost attorneys and expertise over
24 the years and have had to refer matters
25 out. So, for example, we have a voting

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2 rights case that's with outside counsel

3 that would be --

4 COUNCILWOMAN BROWN: What kind
5 of case?

6 MS. SMITH: A voting rights
7 case that's been going on for years
8 that's overseen by the General Litigation
9 Unit, but could be handled within that
10 unit if we had the expertise -- if we had
11 attorneys there with the expertise and
12 experience to handle it. But because of
13 the demands and the low level of
14 staffing, the one attorney -- the couple
15 of attorneys in that unit who actually
16 have fairly significant experience don't
17 have the time to handle the demands of
18 that case with all their other regular
19 caseload responsibilities. That's an
20 example.

21 The Claims Unit is closer to
22 being fully staffed, but we have two
23 attorneys who are about to go out on
24 maternity leave, and our caseloads are
25 such that our attorneys handle somewhere

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2 between 35 and 45 cases per attorney
3 across the litigation units. You compare
4 that with attorneys in a private firm of
5 the same size as the Law Department, they
6 typically handle a third that many. And
7 so every time we lose any person for any
8 reason for any period of time, such as
9 somebody going out on maternity leave,
10 that puts a strain. The cases have to be
11 redistributed. That puts a strain on the
12 attorneys who are left to try to pick up
13 the work that can no longer be done by
14 that person.

15 COUNCILWOMAN BROWN: Okay. So
16 I'm trying to get a handle on then when
17 is it mandatory or essential for you to
18 reach outside of the Law Department to
19 outside law firms to meet the need.

20 MS. SMITH: As a general
21 matter, we refer matters outside when we
22 don't have -- first of all, in conflict
23 matters where we have a conflict of
24 interest. That happens most typically in
25 police civil rights cases where both the

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2 City and the police officers individually
3 are sued and there has been already some
4 disciplinary action taken by the Police
5 Department so that the defenses would
6 conflict. And then when we don't have
7 the internal capacity or expertise; for
8 example, the prison triple celling
9 litigation, we've been subject now to two
10 separate lawsuits. One was the Bowers
11 case that was filed in 2007, I think,
12 over triple celling in the prisons. That
13 case is still active. And there's a
14 subsequent case, a class action alleging
15 the constitutional deficiencies of triple
16 celling. That case is active. We don't
17 have the capacity in-house or the
18 expertise really to handle it. Those
19 cases are referred outside.

20 So those are the kinds of
21 situations -- those are just examples. I
22 couldn't give you like the laundry list,
23 but those are examples of cases.

24 COUNCILWOMAN BROWN: But
25 ultimately if you refer them out, it

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2 costs the City more.

3 MS. SMITH: That's absolutely
4 right. And we don't have control over
5 when we get sued. The cases come in. We
6 are unfortunately in that way like the
7 Prisons, that we get -- the City gets
8 sued and the Law Department has to defend
9 the cases somehow. And we are under the
10 same obligations of professional conduct
11 as every other attorney sworn to the Bar
12 in Pennsylvania to meet our duties of
13 zealous representation. We don't get to
14 slack off because we're overworked and
15 underpaid.

16 COUNCILWOMAN BROWN: And so
17 from a budget analysis standpoint,
18 ultimately which is more cost effective,
19 to hire experienced attorneys in-house or
20 to -- what's the term?

21 MS. SMITH: The most
22 cost-effective way of defending the City
23 is to have experienced lawyers hired
24 in-house to defend the City. We're
25 always going to have situations where

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2 for -- we're always going to have the
3 conflict situation. There's nothing that
4 we can do about that. We can't predict
5 it. I mean, we're never going to be able
6 to handle those in-house just because of
7 the nature of the case. The conflict
8 prevents us from doing that. So there
9 are always going to be situations where
10 we're going to have to refer cases
11 outside, but to avoid having to do that
12 in the situation except -- in situations
13 except where it's absolutely necessary,
14 the most cost-effective way of defending
15 the City is to hire lawyers in-house with
16 the experience to handle the case.

17 COUNCILWOMAN BROWN: Okay,
18 then. Thank you for your testimony.

19 Thank you, Madam Chair Lady.

20 COUNCILWOMAN KRAJEWSKI: Thank
21 you.

22 Councilwoman Sanchez, I believe
23 you have a question.

24 COUNCILWOMAN SANCHEZ: No.

25 COUNCILWOMAN KRAJEWSKI:

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2 Councilman Clarke.

3 COUNCILMAN CLARKE: No.

4 COUNCILWOMAN KRAJEWSKI: Are
5 there any other questions regarding the
6 Prisons?

7 Councilman Jones.

8 COUNCILMAN JONES: Thank you
9 for your indulgence, Madam Chair.

10 Good morning.

11 MR. AGOSTINI: Good morning.

12 MS. SMITH: Good morning.

13 COUNCILMAN JONES: Does the
14 City Solicitor's Office have the primary
15 or partial responsibility for bail
16 collection?

17 MS. SMITH: We have a
18 responsibility to collect delinquent --
19 to collect revenues when they become 90
20 days delinquent, revenues of all kinds
21 that are owed to the City. So to the
22 extent that bail money is owed to the
23 City, yes, the City is -- the Law
24 Department is responsible for collecting
25 that.

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2 COUNCILMAN JONES: Currently,
3 to the best of your knowledge, what is
4 the outstanding amount of bail owed to
5 the City of Philadelphia?

6 MS. SMITH: My understanding is
7 that the amount that is listed as owed to
8 the City, going back to 1968, is a
9 billion dollars, of which we believe
10 about a million is actually collectible.

11 COUNCILMAN JONES: Let's assume
12 your assumption is correct, and I have no
13 reason to doubt it. Of that million
14 dollars, what is your strategy for
15 collecting the receivable that is indeed
16 collectible?

17 MS. SMITH: We have put out an
18 RFP for the collection of that bail
19 money, and we've been working with --
20 we've been working with the Common Pleas
21 Court, which has also put out an RFP to
22 collect the money owed from a certain
23 year forward. And so we've been working
24 together to try to coordinate those
25 efforts, so that we have an understanding

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2 with the court that what they collect
3 that is owed to the City will come to the
4 City, and we have an RFP out to collect
5 the remaining set of that money that's
6 owed to the City.

7 COUNCILMAN JONES: Councilwoman
8 Sanchez, that's a part of your
9 recommendations of the Freshmen 15.

10 And I would only ask for the
11 record that some consideration of that
12 million dollars be considered for the
13 expansion of Community Courts. I don't
14 need a commitment today, but just to put
15 that on your radar screen.

16 MR. AGOSTINI: We'll take that
17 back.

18 COUNCILMAN JONES: Thank you,
19 Madam Chair.

20 COUNCILWOMAN KRAJEWSKI: Thank
21 you.

22 Are there any other questions
23 regarding the Prisons?

24 The Chair recognizes
25 Councilwoman Sanchez.

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2 COUNCILWOMAN SANCHEZ: No. I
3 don't have any questions for the City
4 Solicitor.

5 COUNCILWOMAN KRAJEWSKI: I
6 know, but you have a question.
7 Councilman DiCicco?
8 I'm going to have to get
9 separate mikes down that end.

10 COUNCILWOMAN SANCHEZ: If we
11 can have the Board of Revision of Taxes,
12 Councilman Clarke and Councilman DiCicco
13 have questions for them.

14 COUNCILWOMAN KRAJEWSKI: Thank
15 you.

16 (Witnesses approached witness
17 table.)

18 COUNCILWOMAN KRAJEWSKI: Good
19 morning.

20 MS. MEADE: Good morning. I'm
21 Charlesretta Meade, Chairman of the Board
22 of Revision of Taxes, and with me is
23 Enrico Foglia, our Executive Director.

24 COUNCILWOMAN KRAJEWSKI: Thank
25 you.

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2 Councilman Clarke -- or

3 Councilman DiCicco.

4 COUNCILMAN DiCICCO: Are we
5 starting to look alike?

6 COUNCILWOMAN KRAJEWSKI: You
7 only have one mike among you, that's why.

8 COUNCILMAN DiCICCO: Good
9 morning and thank you, Madam Chair.

10 In relationship to your request
11 for \$1.3 million for the Computer Aided
12 Mass Appraisal system, how long ago did
13 this project begin?

14 MS. MEADE: I think it was
15 2005.

16 COUNCILMAN DiCICCO: Before
17 your time as Chair, I believe.

18 MS. MEADE: 2004. I'm sorry.

19 COUNCILMAN DiCICCO: So 2004.
20 So it's five years. Four and a half,
21 five years.

22 MS. MEADE: Yes.

23 COUNCILMAN DiCICCO: Do we know
24 how much was spent to date on getting
25 this system in place?

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2 MR. AGOSTINI: Just under
3 seven, I believe. Just under \$7 million,
4 I believe.

5 COUNCILMAN DiCICCO: Correct me
6 if I'm wrong, but did we not make an
7 appropriation and additional funding last
8 year available or within the last four
9 years at that number? Has this number
10 not increased?

11 MR. AGOSTINI: I would have to
12 go back and check. I don't recall
13 offhand whether there was an
14 appropriation addition, but I will check.
15 But I believe that to your point, has the
16 number been going up, I believe that's
17 correct.

18 COUNCILMAN DiCICCO: I believe
19 we were told that this program would be
20 operational if not last year, maybe
21 within the last year, and that may have
22 been the second time, quite possibly the
23 third time since '04 that we were told
24 that in another five, six months, the
25 system will be ready.

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2 Why are we not ready and why
3 are we now asking for 1.3 million, of
4 which we've already spent 7 million?
5 That's a significant percentage of the
6 original bill for this program to be
7 implemented. So could you just explain
8 to us where we are and why we're still
9 not there yet?

10 MS. MEADE: Okay. There are
11 multiple reasons why we're not there yet.
12 One of the problems that we had during
13 the summer and the fall since I spoke to
14 you last was in the actual processing of
15 the data in terms of trying to transfer
16 the information from VSAM going to a
17 platform over that's at the Department of
18 Technology and into the new realware
19 program, and the processing back from
20 realware to VSAM was extremely slow.

21 We also had a problem in making
22 sure or assuring that we had dedicated
23 staff over at DOT. We were at the point
24 where when there were problems or
25 inquiries, we had to call in the help

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2 desk.

3 There were also several
4 severity issues that needed what they
5 called work-around that we were still
6 trying to get resolved.

7 In the end of September when we
8 realized the problems we were having, I
9 actually contacted Allan Frank from the
10 Department of Technology to request that
11 he come to provide more dedicated staff,
12 that he could assist in terms of making a
13 review of the project and a determination
14 of how we could actually speed up not
15 only the processing but the entire
16 project, and he made certain
17 recommendations to us. And now I believe
18 we're back on track again, and it appears
19 that we should have -- and I see Allan is
20 here now -- we should have the CAMA
21 system ready April, beginning of May.

22 COUNCILMAN DiCICCO: I'm
23 smiling not to be sarcastic, but --

24 MS. MEADE: I know.

25 COUNCILMAN DiCICCO: -- if we

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2 go back into the notes of testimony over
3 the last couple of years, my guess is --
4 and I think I'd be quite accurate -- that
5 we've basically heard the same
6 explanation and the fact that we would be
7 ready by April or March in the past, and
8 I'm just wondering what will make it any
9 different this year than has not been the
10 case in the previous years. Staffing was
11 always an issue and moving from one
12 system or flatware to another. All that
13 technical stuff, which I don't know about
14 and don't care to know about, seems to be
15 the same old story, if you will. No
16 disrespect, but that's what we've been
17 hearing. And I'm wondering from a
18 technical standpoint if and when the
19 system is finally in place -- and, again,
20 I'm not a technician with computers --
21 will this system be antiquated by the
22 time we get up, since it's five years ago
23 that we started this program?

24 MS. MEADE: Do you want to
25 address that?

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2 MR. FRANK: Would you like me
3 to?

4 MS. MEADE: Yes, the
5 technology.

6 MR. FRANK: Councilman, I'm
7 Allan Frank, and Councilwoman and
8 Appropriations Committee. I'm the Chief
9 Information Officer for the City.

10 I obviously wasn't here in the
11 past, since I'm relatively new, but when
12 I did come in in the fall, I did do a
13 full review of where they are, and I know
14 it does sound like you've heard this
15 before, but there were some real issues
16 with how they were implementing the
17 system, and this was -- this really
18 preceded the Chairman. So I want to make
19 it quite clear that --

20 COUNCILMAN DiCICCO: I agree,
21 and I think I started --

22 MR. FRANK: But where we are to
23 your point is, we had to focus on making
24 sure that the data was available to do
25 the proper type of analysis on full

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2 value. So what we tried to do is to make
3 sure so that we could meet these dates
4 that we pushed aside any other type of
5 work with the system that didn't relate
6 directly to actual value. So I think
7 we're pretty confident that the system
8 itself will be ready as we get into the
9 May timeframe.

10 COUNCILMAN DiCICCO: The data
11 on the values obviously would have
12 changed, I would assume, based on the
13 real estate market. Does that impact
14 this program in any way? Does that mean
15 that at some point we got to come back
16 and then we're looking for more money to
17 make changes or upgrade the system to
18 reflect the real estate market as it
19 exists today as compared to what it was
20 six months ago?

21 MR. FRANK: No, sir. In fact,
22 the data will be ready by May certainly
23 for everybody to look at, and the system
24 itself is designed to be able to handle
25 those changes on an ongoing basis.

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2 COUNCILMAN DiCICCO: Is there
3 any of this money being used for anything
4 other than CAMA? Salaries, operational
5 issues related to the BRT?

6 MS. MEADE: Operational issues
7 related to the BRT?

8 MR. AGOSTINI: Councilmember,
9 no.

10 COUNCILMAN DiCICCO: That's
11 strictly for CAMA?

12 MS. MEADE: Yes.

13 COUNCILMAN DiCICCO: How many
14 Board members are there now?

15 MS. MEADE: Seven.

16 COUNCILMAN DiCICCO: All
17 appointed by the Board of Judges, right?

18 MS. MEADE: Yes, that's
19 correct.

20 COUNCILMAN DiCICCO: Where do
21 you get your salary? Is that State
22 salary or City?

23 MS. MEADE: City. City of
24 Philadelphia.

25 COUNCILMAN DiCICCO: City pays

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 your salaries.

3 I don't have any further

4 questions at this time. Thanks.

5 Thank you, Madam Chair.

6 COUNCILWOMAN KRAJEWSKI:

7 Councilman Clarke.

8 COUNCILMAN CLARKE: Thank you,

9 Madam Chair.

10 Real briefly, the completion of

11 this system, which you're anticipating

12 relatively soon --

13 MS. MEADE: That's the

14 technology end, yes.

15 COUNCILMAN CLARKE: Technology

16 associated with that. What role will

17 this play, if any, in your ability to

18 enact the full value taxation program?

19 MS. MEADE: Well, in terms of

20 having the numbers for the actual value,

21 we anticipate having those numbers within

22 the next 30 days, actually.

23 We're working on two tracks.

24 One track is getting the full technology

25 component of it ready so that we can have

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 the complete and final conversion of the
3 data from the VSAM system into the
4 realware system. At the same time, we're
5 working with our consultants, our
6 modeling consultants, who are doing the
7 statistical analysis. Right now we have
8 Dr. Kevin Gillen, who is working on the
9 statistical analysis of all the land
10 within the City, and with that
11 statistical analysis, that information
12 will then be transferred into VSAM and
13 converted into the new computer system
14 for the land values for the City. And
15 then we have Dr. Forrest Huffman, who is
16 Professor of Real Estate in charge of the
17 real estate department out at Temple
18 University, assisting us with doing the
19 modeling of the improvement or buildings
20 on the land. Those will be combined, and
21 we anticipate completion of that
22 information by the beginning of April.

23 COUNCILMAN CLARKE: Of this
24 year?

25 MS. MEADE: Yes. Yes, by the

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 beginning of April of this year.

3 The anticipation is that we'll
4 be looking to assure that it's within the
5 15 percent allowance of an error rate
6 prior to that information being
7 transferred from VSAM into the realware
8 system. What the realware system will do
9 is to then provide an analysis to take
10 all of the properties that are outliers
11 fitting not within that 15 percent and to
12 try to narrow that error rate. So we
13 hope to have numbers for you that are
14 good numbers in April.

15 COUNCILMAN CLARKE: So your
16 ability -- because you didn't quite
17 answer my question in specific terms. I
18 wanted to know its relationship to your
19 ability to implement the full value,
20 which is a much talked about process.

21 MS. MEADE: So in terms of --

22 COUNCILMAN CLARKE: So is this
23 a part of --

24 MS. MEADE: Yes. So having
25 that information so that the data is

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 clear and correct and in the VSAM system
3 so that it can be converted, which is
4 transferred over into the realware
5 system, which will become our functional
6 system of record, that system is, as
7 Mr. Frank has testified, is expected to
8 be ready April/May. Then we'll be ready.
9 That would be our level of business
10 readiness.

11 COUNCILMAN CLARKE: So does
12 that translate into the BRT, which my
13 understanding --

14 MS. MEADE: That will translate
15 into our ability to provide the actual
16 value numbers to the Administration and
17 to City Council. That does not translate
18 into our taking any step other than
19 providing the information to City Council
20 and the Administration. And then you
21 will take it from there and we will
22 complete all of the other components of
23 the system, which we hope will generate
24 the STEP and PURTA reports and handle all
25 the other functions while you are making

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 your decision of what Council and the
3 Administration does with rate and that
4 sort of thing.

5 COUNCILMAN CLARKE: To make it
6 clear -- and we appreciate -- I'm
7 speaking on my behalf and I'm going to
8 tell you, most members appreciate the
9 fact that you will forward that
10 information to all of the pertinent
11 parties.

12 You do not need City Council
13 and the Administration's approval or
14 permission to start the process of
15 actually implementing full value; am I
16 correct?

17 MS. MEADE: Well, in terms of
18 needing the approval specifically by law,
19 no, we wouldn't, but the cooperation has
20 to be there.

21 COUNCILMAN CLARKE: I
22 appreciate the cooperation.

23 MS. MEADE: Right. So if
24 there's not the cooperation -- the
25 information from the Board of Revision of

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 Taxes on values is translated to the
3 Department of Revenue, and it's the City
4 Council millage -- the millage that's set
5 by City Council is then placed upon the
6 assessed value by the Department of
7 Revenue.

8 COUNCILMAN CLARKE: I
9 understand.

10 MS. MEADE: If we don't have
11 that change, then it's not working. So
12 that's why I'm saying I understand your
13 concern, but it becomes if that millage
14 rate isn't changed, then there's a
15 serious problem. So we have to do our
16 job in terms of having the numbers ready,
17 but there has to be a cooperation by all
18 of us to know --

19 COUNCILMAN CLARKE: I
20 understand that. I just want to clarify.
21 Because when you said you're going to
22 forward this information to Council and
23 the Administration, it's not -- that you
24 cannot say we're implementing on December
25 1st whatever, we're implementing full

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 value, the BRT, and then it's basically
3 our responsibility to come up with a
4 solution to adjust the millage to make it
5 revenue neutral and all of the other
6 things that we have to do.

7 MS. MEADE: What we're
8 expecting once we transfer the
9 information to you is that there will be
10 a multiplicity -- there will be
11 questions. And so there may be
12 questions, there may be information that
13 you need, there may be mapping and
14 diagrams or analysis that we can assist
15 you with. So we're anticipating -- and
16 Mr. Frank and I were speaking about that
17 yesterday -- preparing so that we can
18 help to answer whatever questions that
19 you need answered. You'll have the good
20 numbers, but in terms of the level of the
21 millage rate and how you do that, we're
22 waiting to hear for that, as well as the
23 Board is interested in hearing what
24 happens with, for instance, the Homestead
25 Act that was passed -- the ordinance that

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 was passed by Council about a year ago.

3 But I know you're waiting for the

4 enabling legislation, but with that

5 Homestead Act, as it's written now, the

6 responsibility is on the Board to take

7 some action. So we're waiting to hear

8 that, so that we can get ready for all of

9 those things.

10 So we will be in the mode of

11 providing the information to you, working

12 cooperatively with you and the

13 Administration to understand what it is

14 in addition that you may need in terms of

15 analysis other than those numbers, and

16 then finding out about the Homestead Act

17 and other things that may impact this

18 project. And then we definitely have to

19 work cooperatively to go to the next

20 step.

21 So our next step is to get the

22 numbers to you and then begin the process

23 of working cooperatively to see if

24 there's additional information that

25 possibly our system can assist you with,

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 and then getting in our "get ready" mode

3 to do what needs to be done vis-a-vis

4 Homestead Act and any other ordinance or

5 acts that are passed that the BRT has

6 responsibility for.

7 COUNCILMAN CLARKE: Thank you.

8 Thank you, Madam Chair.

9 COUNCILWOMAN KRAJEWSKI:

10 Councilwoman Sanchez.

11 COUNCILWOMAN SANCHEZ: Because

12 of time, I won't belabor this, but I

13 guess just again to emphasize what my

14 colleague Councilman DiCicco and

15 Councilman Clarke are concerned about, we

16 all want to get the information

17 accurately, but we also need the Board of

18 Revision of Taxes, because it is an

19 independent entity, to understand the

20 urgency, given our financial situation,

21 to have accurate data so that we can make

22 decisions both on the executive side and

23 on the legislative side and have a more

24 predictable form of revenue and

25 correcting a system that we all know has

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 had its issues.

3 So I guess my message to the
4 Board of Revisions and its members is,
5 this is a time when more than any time in
6 our history we need folks to feel the
7 urgency that we're feeling. And our
8 citizens express that to us probably in a
9 more direct way than they do to the Board
10 of Revision of Taxes, but they are
11 unaware that our ability to get this
12 right depends on an independent body like
13 the Board of Revisions to get it right so
14 that we can deliberate in a very
15 thoughtful way as we move forward.

16 So I just want to express that
17 there is a sense of urgency, and we rely
18 on you. Because I'm concerned when I
19 hear Councilman DiCicco, my senior
20 member, talk about déjà vu and we've
21 heard this before. So I just want to
22 make that clear.

23 MS. MEADE: Right. And,
24 Councilwoman, let me just say on behalf
25 of the Board that we understand the

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 urgency as well, and what we put most
3 importance on is assuring that we have
4 accurate data to transfer to you.

5 And there was one question I do
6 want to clarify the answer to, and I
7 think this was Councilman DiCicco. There
8 will be a requirement in terms of
9 updating the data in the system. For
10 instance, the system uses -- and one of
11 the items that is included in this
12 request is for Marshall and Swift. Those
13 are the cost tables, and those cost
14 tables are updated yearly to make sure
15 that we have the proper information on
16 the sales files, which comparable sales
17 are used. So those will be regular
18 costs. That will be regular costs. And
19 there will be some other regular costs
20 for maintenance and updating of certain
21 critical information that's needed so
22 that we will have good data that's
23 ongoing.

24 COUNCILWOMAN KRAJEWSKI: Thank
25 you.

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 Councilman Green.

3 COUNCILMAN GREEN: Thank you,

4 Madam Chair.

5 I'm confused by this whole
6 conversation, because we have a VMS
7 system, which places values on property,
8 which has a full actual value and it has
9 a value for land. Now, we only tax at a
10 certain percentage of that, which is
11 one-third, but doesn't the VMS system
12 have what the Board of Revision of Taxes
13 currently considers to be the fair market
14 value of every piece of property and
15 building in the City of Philadelphia?

16 MS. MEADE: Well, as a function
17 of the project for the -- of the realware
18 project, it does, because that was a
19 portion of gathering --

20 COUNCILMAN GREEN: That's not
21 my question. Doesn't the VMS currently
22 have an assessment of the fair market
23 value of every property and every piece
24 of land in the City of Philadelphia?

25 MS. MEADE: And my answer is

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 that as a function of having the

3 realware --

4 COUNCILMAN GREEN: That's a yes

5 or no question. I'm talking about the

6 VMS system.

7 MS. MEADE: The VSM? As a

8 function -- if you allow me to answer.

9 As a function of preparing for the

10 realware project, then, yes, there was a

11 gathering of information so that we could

12 have the values at actual value.

13 COUNCILMAN GREEN: Isn't your

14 job to have an accurate value for every

15 single property in the City today

16 regardless of the software or the

17 technology?

18 MS. MEADE: Yes.

19 COUNCILMAN GREEN: Do you have

20 that?

21 MS. MEADE: Now, yes, we --

22 we're still working on some of them.

23 COUNCILMAN GREEN: So you're

24 saying that you don't have a fairly --

25 you don't have a fair market value of the

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.
2 properties that exist in the City of
3 Philadelphia? I'm not talking about
4 software platform.

5 MS. MEADE: Right. Well, one
6 of the things that has to be understood
7 why we put in the request and Council was
8 so gracious to allow us to be funded for
9 this system is that with the system as it
10 existed, our evaluators were valuing
11 property basically about every three
12 years, even though it should be done
13 annually, because we just didn't have the
14 staff to do it on a year-by-year basis.
15 So that's why I'm saying yes, we were
16 responsible for doing that, but we needed
17 a mass appraisal system to allow us to do
18 it on a yearly basis. In preparing for
19 this mass appraisal system, we're just
20 about at the point where we have that
21 information now, yes.

22 COUNCILMAN GREEN: Every single
23 property has a value in the BRT that
24 people are currently paying taxes on --

25 MS. MEADE: Yes.

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 COUNCILMAN GREEN: -- that is
3 currently the fair market value of that
4 property as far as the BRT is concerned.
5 So back to Councilman Clarke's question,
6 I'm not sure I understand why a software
7 platform is relevant with respect to
8 state law, which requires that you assess
9 properties at their actual fair market
10 value today. Why are you waiting to act
11 and fulfill your obligation under state
12 law?

13 MS. MEADE: Well, it's not a
14 matter of just sitting idly and waiting.
15 It's a matter of having the number of
16 people that you need on staff in order to
17 be able to do it annually. That's why in
18 most jurisdictions in order to accomplish
19 the goal of having the annual
20 assessments, you need a computerized mass
21 appraisal system to assist the assessors
22 in doing their job. That allows you to
23 do the 567,000 accounts in the City on a
24 yearly basis.

25 COUNCILMAN GREEN: How many

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 assessments were done last year?

3 MS. MEADE: I can get that
4 information to you.

5 COUNCILMAN GREEN: Eighteen
6 thousand.

7 How many assessment were done
8 the year before?

9 MS. MEADE: I can get the
10 actual --

11 COUNCILMAN GREEN: Something
12 like 400,000.

13 So we are in financial trouble
14 in our Five-Year Plan in part because
15 your assessors went from 400,000
16 assessments to 18,000 and because you
17 have failed to follow your state-mandated
18 requirement of being at full value.

19 MS. MEADE: With all due
20 respect, Councilman Green, we're
21 correcting the deficiencies that we have
22 now, but at any time during the 16-year
23 period, Council could have changed the
24 millage rate if you wanted to increase
25 taxes. It's not our job to increase

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 taxes. It's our job to set the values.

3 And what we're doing now is --

4 COUNCILMAN GREEN: That's

5 exactly right. Thank you for clearing

6 that up, because that finally answers

7 Councilman Clarke's question.

8 Please do your job and set it

9 at fair market value, and then we will do

10 our job. That's the way it works, not

11 the opposite. We don't set millage prior

12 to knowing what the total assessed value

13 that we're going to have our tax base off

14 of. When you do your job, we'll do ours,

15 but please --

16 MS. MEADE: And I as a member

17 of the Board of Revision of Taxes never

18 said you did, Councilman.

19 COUNCILMAN GREEN: Please do

20 your job. That's what we're asking.

21 MS. MEADE: And we're doing our

22 job.

23 And, Councilman Clarke, may I

24 just say, if I failed to answer your

25 question, then I apologize. My intent

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 was to answer your question exactly and
3 fully.

4 COUNCILMAN CLARKE: I think you
5 could have -- and for the record,
6 Ms. Meade is a long-time friend,
7 constituent.

8 I thought you could have
9 answered the question more clearly,
10 because from my perspective -- and I
11 don't want to tell you what you should
12 have said, but I'm going to tell you what
13 you probably should have said, is that
14 your ability to accurately implement the
15 full value system requires you to be able
16 to do an appraisal of the entire City all
17 at once, because you can't implement a
18 system that will, as we currently do, 15,
19 20 thousand appraisals a year, and you'll
20 have portions of the City paying full
21 value and other portions not paying full
22 value. So you need to be in a position
23 you can do an appraisal in the entire
24 City in one year and then you implement
25 full value after you had the ability to

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 do that.

3 MS. MEADE: Exactly.

4 COUNCILMAN CLARKE: But you

5 didn't get that --

6 MS. MEADE: I'm sorry. I
7 didn't understand, so may I apologize to
8 you.

9 COUNCILMAN CLARKE: It's okay.

10 MS. MEADE: Because my intent
11 was not to evade the question.

12 COUNCILMAN CLARKE: It's okay.

13 MS. MEADE: We have testified
14 previously in terms of the need for the
15 computerized mass appraisal system to
16 assist the assessors and the Board of
17 Revision of Taxes in being able to do our
18 mandated job of assessing values for the
19 City on an annual basis. And that's our
20 goal and our mission.

21 COUNCILMAN CLARKE: Thank you.

22 Thank you, Councilman Green.

23 COUNCILWOMAN KRAJEWSKI: Thank
24 you.

25 COUNCILMAN GREEN: Just one

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 quick point, Madam Chair.

3 COUNCILWOMAN KRAJEWSKI:

4 Please.

5 COUNCILMAN GREEN: Thank you.

6 I guess what I'm suggesting is

7 perhaps what we have at the BRT is a --

8 and I'm not singling you out in this.

9 I'm talking about the way it is run is a

10 management problem and not a sort of lack

11 of revenue or lack of assessment problem

12 in terms of how things go, and I think we

13 need to look at perhaps the way

14 management works at the BRT so that

15 someone that reports to this body can be

16 accountable for their actions, someone

17 perhaps having the Administration appoint

18 members of the BRT or some other method

19 so that there is accountability for what

20 happens there to us and to the executive

21 so that we can do proper planning in the

22 future.

23 Thank you, Madam Chair.

24 COUNCILWOMAN KRAJEWSKI: Thank

25 you.

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 Are there any other questions
3 from members of the Committee?

4 (No response.)

5 COUNCILWOMAN KRAJEWSKI: Thank
6 you all very much for coming in.

7 That ends our --

8 MS. MEADE: Thank you,
9 Councilmembers, for your time.

10 COUNCILWOMAN KRAJEWSKI: That
11 ends our public hearing. Now we will go
12 into our public meeting.

13 The Chair recognizes Councilman
14 DiCicco for Bill 090065, and I believe a
15 suspension of rules.

16 COUNCILMAN DiCICCO: Thank you,
17 Madam Chair. I move that Bill No. 090065
18 be reported out of this committee with a
19 favorable recommendation and a further
20 recommendation that the rules of Council
21 be suspended so as to permit first
22 reading at our next Council session.

23 (Duly seconded.)

24 COUNCILWOMAN KRAJEWSKI: All
25 those in favor?

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 (Aye.)

3 COUNCILWOMAN KRAJEWSKI:

4 Opposed?

5 (No response.)

6 COUNCILWOMAN KRAJEWSKI:

7 Therefore, Bill 090065 will be reported
8 out of this committee with a favorable
9 recommendation, with a suspension of
10 rules so as to permit first reading at
11 our next session of Council.

12 The Chair recognizes Councilman
13 Clarke on 090066.

14 COUNCILMAN CLARKE: Thank you,
15 Madam Chair. I move that Bill No. 090066
16 be reported out of Committee with a
17 favorable recommendation, with a rules
18 suspension as to allow reading at the
19 next session of Council.

20 (Duly seconded.)

21 COUNCILWOMAN KRAJEWSKI: All
22 those in favor?

23 (Aye.)

24 COUNCILWOMAN KRAJEWSKI:

25 Opposed?

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 (No response.)

3 COUNCILWOMAN KRAJEWSKI:

4 Therefore, Bill 090066 will be reported
5 out of this committee with a favorable
6 recommendation, with a suspension of
7 rules so as to permit first reading at
8 the next session of Council.

9 The Chair recognizes
10 Councilwoman Sanchez for Bill 090067.

11 COUNCILWOMAN SANCHEZ: Thank
12 you, Madam Chair. I move that Bill
13 090067 be moved out of Committee with a
14 favorable recommendation and that the
15 rules of Council be suspended to allow
16 first reading at our next session of
17 Council.

18 (Duly seconded.)

19 COUNCILWOMAN KRAJEWSKI: All
20 those in favor?

21 (Aye.)

22 COUNCILWOMAN KRAJEWSKI:

23 Opposed?

24 (No response.)

25 COUNCILWOMAN KRAJEWSKI:

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 Therefore, 090067 will be reported out of
3 this committee with a favorable
4 recommendation and the rules of Council
5 suspended so as to permit first reading
6 at the next session of Council.

7 The Chair recognizes Councilman
8 Goode for Bill 090068.

9 COUNCILMAN GOODE: Thank you,
10 Madam Chair. I move that Bill 090068 be
11 reported out of Committee with a
12 favorable recommendation and that the
13 rules of Council be suspended so as to
14 permit first reading at our next session
15 of Council.

16 (Duly seconded.)

17 COUNCILWOMAN KRAJEWSKI: All
18 those in favor?

19 (Aye.)

20 COUNCILWOMAN KRAJEWSKI:

21 Opposed?

22 (No response.)

23 COUNCILWOMAN KRAJEWSKI:

24 Therefore, Bill 090068 will be reported
25 out of this committee with a favorable

1 2/26/09 - APPROPRIATIONS - BILL 090065, etc.

2 recommendation and the rules of Council

3 be suspended so as to permit first

4 reading at the next session of Council.

5 Thank you all very much. That

6 ends our public meeting.

7 (Committee on Appropriations

8 concluded at 10:30 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 February 26, 2009, 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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