

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON COMMERCE AND
ECONOMIC DEVELOPMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 4, 2015
10:20 a.m.

PRESENT:

COUNCILMAN W. WILSON GOODE, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

BILL 140639 - An ordinance amending Chapter 17-104 of The Philadelphia Code, entitled "Prerequisites to the Execution of City Contracts," by requiring city contractors and subcontractors to use best efforts to provide goods made in Philadelphia, made in Pennsylvania or made in America...

BILL 150010 - An ordinance amending Chapter 17-1600 of The Philadelphia Code, entitled "Economic Opportunity Plans", to require that certain Economic Opportunity Plans incorporate the requirements of the First Source Jobs Policy...

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1
2 COUNCILMAN GOODE: Good
3 morning. This hearing is called to
4 order. This is a public hearing of the
5 Commerce and Economic Development
6 Committee on Bills No. 140639 and 150010.
7 My name is W. Wilson Goode, Jr., Chair of
8 the Committee.

9 I note that a quorum is
10 present. To my far left is Councilwoman
11 Blondell Reynolds Brown. To my immediate
12 left is Councilman Kenyatta Johnson. To
13 my immediate right is Councilwoman Jannie
14 Blackwell. To my far Right is Vice Chair
15 of the Committee, Councilman Mark
16 Squilla.

17 Bill No. 140639 is being held
18 at the request of the sponsors.

19 The title of Bill No. 150010,
20 amending Chapter 17-1600 of The
21 Philadelphia Code, entitled "Economic
22 Opportunity Plans", to require that
23 certain Economic Opportunity Plans
24 incorporate the requirements of the First
25 Source Jobs Policy contained in Chapter

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2 17-2000 of The Philadelphia Code; all
3 under certain terms and conditions.

4 We have one panel. I would
5 call forward OEO and Philadelphia Works.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN GOODE: We will take
9 testimony from both witnesses and then
10 open it up to questions.

11 Please state your name for the
12 record and proceed with your testimony.

13 MR. CLARK: Good morning. My
14 name is William Clark. I'd like to say
15 good morning to Chairman Goode and all
16 the members. I am the Director of
17 Special Projects for the Office of
18 Economic Opportunity. This morning I'm
19 here to read the testimony on behalf of
20 Angela Dowd-Burton, the Executive
21 Director of the Office of Economic
22 Opportunity, regarding Bill 150010.

23 Good morning, Chairman Goode
24 and members of the Committee on Commerce
25 and Economic Development. My name is

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Angela Dowd-Burton and I am the Executive Director of the Office of Economic Opportunity. I am here to testify on Bill No. 150010, which was introduced by Councilman Goode on January 22nd, 2015.

The bill would amend Chapter 17-1600 of The Philadelphia Code, entitled "Economic Opportunity Plans," to require that certain Economic Opportunity Plans incorporate the requirements of the First Source Jobs Policy contained in Chapter 17-2000 of The Philadelphia Code. The Office of Economic Opportunity would be responsible for ensuring that any covered project or contract that is eligible under First Source and also is reasonably anticipated to exceed \$250,000, thus requiring an Economic Opportunity Plan, would include language in its EOP acknowledging the requirements of the First Source Job Policy. The EOP would also require certification from the recipient of financial assistance or from the certifying agency, the Department of

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2 Commerce, that the recipient of financial
3 assistance has entered into or committed
4 to entering into a First Source
5 Employment Agreement as required by
6 Section 17-2002. When signed, OEO would
7 append the agreement of the corresponding
8 EOP.

9 The Office of Economic
10 Opportunity supports this amendment and
11 is prepared to take any necessary actions
12 to meet the requirements of this
13 legislation. OEO, on behalf of the
14 Department of Commerce, will coordinate
15 with recipients of financial assistance
16 as defined by the First Source
17 legislation and with our colleagues at
18 the Philadelphia Works to incorporate
19 this new requirement within qualifying
20 EOPs.

21 Thank you for the opportunity
22 to testify on this issue. I would be
23 happy to respond to any questions that
24 you may have.

25 COUNCILMAN GOODE: Thank you

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2 for your testimony.

3 Mr. Edwards.

4 MR. EDWARDS: Good morning,

5 Chairman Goode and members of the

6 Committee on Commerce and Economic

7 Development. I'm Mark Edwards, President

8 and CEO of Philadelphia Works, and I want

9 to thank you for the opportunity to be

10 here today to testify in support of Bill

11 No. 150010, legislation that requires

12 Economic Opportunity Plans to include a

13 statement acknowledging the receipt of

14 First Source requirements for contracts

15 that were executed to exceed \$250,000.

16 We thank you, Councilman Goode, for

17 introducing this legislation and the work

18 that you've done with my office to get us

19 to where we are now.

20 As the workforce investment

21 board for the City of Philadelphia,

22 Philadelphia Works invests in employment

23 and training solutions that connect

24 employers to workforce talent and career

25 seekers to jobs, while ensuring the

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highest standards and accountability for those investments. In this capacity, we have been and continue to be committed to the success of the City's First Source Job Policy.

As we support the work of the Commerce Department in the City's implementation of this jobs creation policy, we conducted a comprehensive review of first source policies throughout the country by reaching out to eight other cities with similar types of legislation.

Many of these other cities have had first source legislation for quite some time, and as a result, we asked for their input on lessons learned. During our conversations, a common theme arose: Unless we implement an effective mechanism by which we can ensure, one, that all eligible projects are being captured and, two, effective coordination between and among all parties, a first source jobs policy cannot meet its

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2 fullest potential. That makes sense.

3 Unless as a system we are able
4 to say that we have the ability to touch
5 every contractor who qualifies for First
6 Source, we cannot truly measure our
7 success in this initiative.

8 When we spoke with Baltimore,
9 for example, they had a staffer who spent
10 an entire day just reviewing all city
11 contracts to capture those that qualify
12 for their First Source Policy.

13 Given the technology and
14 interagency coordination that takes place
15 in our own city here in Philadelphia, we
16 believe there can be better and more
17 efficient safeguards for making sure that
18 a qualifying First Source project is not
19 missed, and we believe this legislation
20 is a critical step forward in that
21 process to address these concerns that
22 were faced in other cities.

23 By coupling the Economic
24 Opportunity Plan with First Source, we
25 will increase our own ability to make

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2 sure that the First Source is being
3 applied to all projects that may qualify
4 for it and employers and contractors are
5 certain to be aware of the requirements
6 in the legislation and to abide by them.

7 As we had these conversations
8 with other cities and looked at our own
9 First Source law here in Philadelphia, we
10 also see here a solid opportunity in
11 which we can emerge as leaders in this
12 area of job creation.

13 For these reasons, we
14 respectfully request a favorable report
15 and that this Committee approve this
16 bill.

17 Thank you to the members of
18 Council for the opportunity to testify,
19 and I'd be happy to take any questions
20 you may have.

21 COUNCILMAN GOODE: Thank you
22 for your testimony, Mr. Edwards. More
23 importantly, thank you and your staff for
24 the extensive research you've done on
25 best practices in terms of first source

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2 jobs policies. And we've had a law on
3 the books for a couple years, but I know
4 you've taken the time to want to do it
5 right and there are many recommendations
6 in terms of how to do it right, utilizing
7 best practices, and this is one of those
8 in terms of how we monitor and enforce
9 it. So I'm glad to do this piece of it.

10 And with that, those are my
11 only comments. I have no questions.

12 Are there any questions from
13 members of the Committee?

14 Let me note for the record
15 Councilman Brian O'Neill is here as well.

16 Councilwoman Blackwell.

17 COUNCILWOMAN BLACKWELL: I
18 wanted to say thank you as well. You've
19 always been on the mark. It is very
20 important, a great step forward. Thank
21 you.

22 Thank you to the Chairman.

23 MR. EDWARDS: Thank you.

24 COUNCILMAN SQUILLA: Thank you,
25 Mr. Chairman.

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2 During the process, it looks
3 like you did a major review. Do you see
4 where us as a city is lacking in maybe
5 preparing the contractors and/or
6 developers who receive subsidies from the
7 City into participating in this?

8 MR. EDWARDS: I don't. In
9 fact, you know, as indicated in my
10 testimony, based upon what we've seen and
11 the conversations that we've been
12 involved in in partnership with Commerce,
13 I really do think this is an opportunity
14 for Philadelphia to emerge as a leader.
15 I mean, the First Source Policy just
16 makes sense, right. You would think why
17 aren't a lot of cities doing this, and
18 what we found in doing the research is
19 that because many of the cities who are
20 implementing this policy have a municipal
21 entity responsible for serving as like
22 the lead entity and they're working with
23 the local -- its own local public
24 workforce system, which is state funded,
25 and those systems are not always in

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2 alignment. The state system is a very
3 structured process by which all local
4 workforce areas have to proceed. And so
5 there's been a challenge of coordination
6 between those two entities in all of the
7 cities that we've seen. So in two
8 cities, in the case of Baltimore and San
9 Francisco, the local municipality
10 actually developed its own staff with the
11 responsibility for working with the
12 public workforce system to move these
13 issues -- these matters forward. In the
14 case of San Francisco, it worked for a
15 while and then it fell apart.

16 So what we're saying here is
17 that through this process of
18 coordination, with the legislation that's
19 proposed today, we're taking our approach
20 in such a way that we are connecting it
21 to an existing system of oversight that
22 already exists, and we think that through
23 the kind of coordination that we're
24 planning, it would work well.

25 That's what we've seen. We

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2 haven't really -- there's no silver
3 bullet in any of the cities that we have
4 seen. Nobody has really kind of cracked
5 the nut on this, if I could use that
6 term. Some cities have just focused it
7 solely on construction and then some
8 cities have taken a broader approach. I
9 think that the broader approach that
10 we're taking in Philadelphia, connecting
11 it with a system that actually exists,
12 gives us a good path forward.

13 COUNCILMAN SQUILLA: And we
14 believe OEO is capable of being able to
15 do that?

16 MR. EDWARDS: Yeah, we do. I
17 mean, we'll have to continue to work with
18 them on this, but I think that system is
19 in place and we'll work with them to make
20 sure that we do this in a good way.

21 COUNCILMAN SQUILLA: And do you
22 have a comment on it? Do you think that
23 we could put something in place from
24 OEO's standpoint as far as being able to
25 monitor it? Because, listen, all

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2 bills -- we know as legislators we put a
3 lot of things into law, but its
4 enforcement and mechanism to watch it is
5 what's really important, and if we're
6 able to do that, it will be successful.
7 If we're not, we'll fall into some of the
8 same categories some of the other cities
9 have.

10 MR. CLARK: One of the things
11 I'll say on behalf of OEO is, I think we
12 are committed to working with Mark and
13 his team developing the right strategies
14 to monitor this going forward, and we'll
15 work it out together.

16 COUNCILMAN SQUILLA: Thank you.

17 COUNCILMAN GOODE: Councilwoman
18 Brown.

19 COUNCILWOMAN BROWN: Thank you,
20 Mr. Chairman.

21 Let me also congratulate the
22 collaboration that's taken place thus
23 far, but I've learned having been here
24 for a minute that commitment matters and
25 it's important, but it's the tangible

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2 structural, logistical stuff that's put
3 in place to make something real. So talk
4 through what you mean when we say
5 "committed."

6 MR. CLARK: I'm going to keep
7 my comments brief because I want to make
8 sure that I don't misrepresent our
9 Executive Director, but what I will say
10 is that we are committed and we will work
11 with Mark and do whatever it takes to
12 make sure that our Economic Opportunity
13 Plans, one, are inclusive of this policy
14 and then work with Mark to figure out
15 what we think would be the best practice
16 to make sure we monitor going forward.

17 COUNCILWOMAN BROWN: So then
18 share with us then what current apparatus
19 does your department have in place that
20 monitors some of the other measures that
21 have been put forth by this Committee
22 and, most specifically, Councilman Goode?
23 Like is there a professional ID'd in a
24 department whose specific responsibility
25 is to oversee A, B, C, D, E, F, G? Help

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2 us out.

3 MR. CLARK: So we have
4 specialists in our office who monitor EOP
5 results, to monitor EOP results on
6 private projects, and typically what that
7 looks like is, we get feedback from the
8 projects that we're working on and we log
9 our results in our various systems.
10 We've made some adjustments over the past
11 year to improve the way we collect data
12 and analyze data. What I suspect will
13 happen -- and I can't promise this
14 today -- is that after meeting with Mark
15 and other folks within the Commerce
16 Department, we will continue to make
17 adjustments to our collection process
18 that will allow us to improve the
19 reporting and analysis of the data we
20 collect.

21 COUNCILWOMAN BROWN: That's
22 very helpful.

23 So in cities that get it right,
24 are there any, Mark? You mentioned San
25 Francisco. Are there any others where

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2 best practices are in place and it's
3 being implemented in a way that it's
4 intended to be?

5 MR. EDWARDS: Yeah. So we
6 looked at the following cities: San
7 Francisco, Los Angeles, Boston, Chicago,
8 St. Louis, Baltimore, Miami-Dade, and
9 Kansas City. And, again, it's a pretty
10 broad range, but there are some common
11 themes that we've seen where there is a
12 clawback provision or some kind of
13 enforcement, something happens to an
14 employer if they don't comply with this.
15 That's one of the things that we've seen
16 that really make it work. Making sure
17 that there is a very clear system for
18 pushing the information out to projects
19 that qualify or contractors who receive
20 benefit from a municipality that
21 qualifies. So that's another component
22 of what we've seen that make it work.
23 Systems that work in collaboration with
24 the public workforce system in some of
25 the examples that I gave are another

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2 component that makes it work, because
3 most municipalities don't have a system
4 unless they are the municipality managing
5 the public workforce system. Many of
6 them don't have these systems that are
7 already in place. So working in
8 collaboration with the local workforce
9 investment board is another thing that
10 we've seen that works.

11 So we're committed and have
12 been working with Commerce for maybe like
13 the last year or so to kind of step
14 through a lot of what you've heard. So
15 this is not work that's just been done in
16 isolation by Philadelphia Works. It's
17 actually been shared.

18 COUNCILWOMAN BROWN: Well, it
19 wouldn't work.

20 MR. EDWARDS: Right. It's been
21 shared with Commerce, and we work on it
22 together to get to what the essence of
23 the law was trying to achieve.

24 COUNCILWOMAN BROWN: So what
25 have been identified as some of the

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2 hurdles with OEO and/or Commerce that
3 you've worked through already that's
4 brought you to this point?

5 MR. EDWARDS: So the process of
6 figuring out like what goes to a
7 contractor to make them aware that this
8 exists, if it's written into the
9 contract, if there's a particular form
10 that we give them that the contractor or
11 beneficiary has to sign off on
12 acknowledging receipt of the information,
13 making them aware that this exists.

14 COUNCILWOMAN BROWN: Okay.

15 MR. EDWARDS: Making sure that
16 our system on our side has the ability to
17 respond within the ten days that our law
18 requires us to respond to, everybody
19 being clear about when that clock starts.
20 Those are some of the things that we've
21 been able to work through so far.

22 COUNCILWOMAN BROWN: Okay.

23 Thank you. Thank you very much.

24 Thank you, Mr. Chairman.

25 COUNCILMAN GOODE: Thank you.

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2 Any other questions or comments
3 from members of the Committee?

4 (No response.)

5 COUNCILMAN GOODE: Is there
6 anybody else here to testify?

7 (No response.)

8 COUNCILMAN GOODE: Seeing none,
9 we will move from our public hearing into
10 a public meeting to consider Bill 150010.

11 The Chair recognizes Councilman
12 Squilla for a motion on Bill No. 150010.

13 COUNCILMAN SQUILLA: I make a
14 motion that Bill No. 150010 be passed out
15 of Committee with a suspension of the
16 rules to be read at the first hearing of
17 Council.

18 (Duly seconded.)

19 COUNCILMAN GOODE: All in
20 favor?

21 (Aye.)

22 COUNCILMAN GOODE: Those
23 opposed?

24 (No response.)

25 COUNCILMAN GOODE: Bill No.

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2 150010 is reported out of this Committee
3 with a favorable recommendation and
4 suspension of rules to allow first
5 reading at our next Council session.

6 This concludes our public
7 meeting. Thank you very much. The
8 hearing on Bill No. 140639 is recessed to
9 the call of the Chair.

10 (Committee on Commerce and
11 Economic Development concluded at 10:35
12 a.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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