

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, May 6, 2014
10:15 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

BILLS 130489, 130724, 140140, 140144, 140145,
140146, 140147, and 140148
RESOLUTION 140159

- - -

1

2

COUNCILMAN JONES: Good

3

morning, everyone. This is a

4

continuation of the Committee of the

5

Whole to have a public hearing

6

referencing our budget.

7

Will the Clerk please read the

8

title of the bills.

9

THE CLERK: Bill No. 130489, an

10

ordinance amending Chapter 19-2500 of The

11

Philadelphia Code, entitled "Real Estate

12

Non-Utilization Tax."

13

Bill No. 130724, an ordinance

14

amending Chapter 19-1300 of The

15

Philadelphia Code, entitled "Real Estate

16

Taxes."

17

Bill No. 140140, amending

18

Chapter 19-1500 of The Philadelphia Code,

19

entitled "Wage and Net Profits Tax."

20

Bill 140144, an ordinance to

21

adopt a Capital Program for Fiscal Years

22

2015 through 2020 inclusive.

23

Bill No. 140145, an ordinance

24

to adopt a Fiscal 2015 Capital Budget.

25

Bill No. 140146, an ordinance

1 5/6/14 - WHOLE - BILL 130489, etc.
2 adopting the Operating Budget for Fiscal
3 Year 2015.

4 Bill No. 140147, amending
5 Section 19-1806 of The Philadelphia Code,
6 entitled "Authorization of Realty Use and
7 Occupancy Tax."

8 Bill No. 140148, amending
9 Section 19-1801 of The Philadelphia Code,
10 entitled "Authorization of Tax," to
11 further authorize the Board of Education
12 of the School District to impose a real
13 estate tax.

14 Resolution No. 140159, a
15 resolution providing for the approval by
16 the City Council of Philadelphia of a
17 Revised Five Year Financial Plan.

18 COUNCILMAN JONES: Thank you,
19 Mr. Christmas.

20 Again, good morning, everyone.
21 I believe first up today is the Division
22 of Aviation to present their Fiscal Year
23 2015 budget testimony. Will the
24 witnesses please approach the table.

25 (Witnesses approached witness

1 5/6/14 - WHOLE - BILL 130489, etc.

2 table.)

3 COUNCILMAN JONES: Good

4 morning, everyone.

5 MR. GALE: Good morning,

6 Councilman. How are you this morning?

7 COUNCILMAN JONES: I'm

8 outstanding.

9 Could you please state your
10 name for the record. We know you very
11 well, but for those listening on
12 television. You can begin your testimony
13 at will.

14 MR. GALE: Good morning,
15 Councilman. My name is Mark Gale. I'm
16 the Chief Executive Officer for
17 Philadelphia International Airport,
18 pleased to be here with you this morning
19 to testify on behalf of the Division of
20 Aviation on our Fiscal Year 2015
21 Operating Budget testimony.

22 If it pleases you, I'll just
23 hit some of the highlights that were
24 listed in the testimony that had been
25 previously submitted.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN JONES: It will
3 definitely please Councilman Greenlee.

4 MR. GALE: So the mission of
5 the Division of Aviation is to better
6 position our airport on the global
7 economic stage by providing premier
8 transportation facilities that are safe
9 and secure with unparalleled customer
10 service, exceptional amenities, and
11 superior air service. To achieve this,
12 we focus on three areas consistently:

13 Making sure that we improve and
14 expand the Airport's infrastructure.
15 We'll talk later probably about moving
16 forward with the Airport's Capacity
17 Enhancement Program, and at the same
18 time, complete rehabilitation, repair,
19 and expansion projects in order to keep
20 our infrastructure sound and consistent
21 with what we want to provide to the
22 traveling public;

23 Revitalize and refocus on
24 customer service and amenities to
25 increase the level of customer service

1 5/6/14 - WHOLE - BILL 130489, etc.

2 that our passengers expect when they
3 travel through the Airport; and

4 Third, to promote economic
5 development and to strengthen the
6 Airport's business model. We want to
7 maintain a high level of competitiveness
8 with our neighbor airports. We want to
9 focus on new air service, particularly in
10 the areas of Asia, India, and Latin
11 America. We recently were able to
12 acquire a new airline in Philadelphia,
13 Cutter Airways, and I'll touch upon that
14 later in my testimony as well.

15 We also want to continue a
16 philosophy of economic inclusion by
17 focusing in on the Airport's three
18 business diversity programs, and I have
19 my subject matter experts here with me
20 today, Councilman, Chellie Cameron, who
21 is my Deputy Director for Finance and
22 Administration, Barbara Oliver is our DBE
23 Compliance Officer. They'll get to speak
24 to those areas in greater detail as we go
25 on this morning.

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2 So several key achievements
3 that the Airport has been able to achieve
4 in the last year, we sat before this body
5 in June of last year to get approval for
6 an extension to our Use and Lease
7 Agreement, of which there was \$734
8 million worth of capital expenditures
9 authorized by the airlines, bringing our
10 total authorization to move forward with
11 the Airport's infrastructure and
12 expansion improvement to 1.156 billion.
13 And I'm happy to report that much of that
14 work is underway.

15 Over the past two years, five
16 new airlines have started at the Airport,
17 started service at the Airport, four
18 domestic carriers, including the one --
19 and one new international carrier that I
20 mentioned before, Cutter Airways. In
21 addition to that, American Airlines
22 has -- US Airways now, American Airlines,
23 new American Airlines, has begun
24 initiating new domestic service to
25 different cities in the US as a result of

1 5/6/14 - WHOLE - BILL 130489, etc.
2 the merger and will also begin a seasonal
3 flight to Edinburgh, Scotland on May
4 23rd.

5 We'll talk about how the
6 Airport has gone through outreach
7 programs in order to be as inclusive and
8 diverse as we possibly can, including a
9 review of our federal DBE requirements.
10 We've held a number of different events
11 where we invite the public, and
12 particularly the DBE population, to come
13 in and actually voice their concerns to
14 us and tell us some of the things that
15 they're seeing and some of the interest
16 that they may have in doing work at the
17 Airport. We had a meeting last year
18 where we attracted 66 different
19 individuals representing 42 companies, 48
20 percent of which were DBE firms and 43
21 percent were local firms. That was to
22 give us feedback on our three-year
23 federal DBE goal. In addition to that,
24 we hosted a Business Opportunity Forum
25 last year to educate the community about

1 5/6/14 - WHOLE - BILL 130489, etc.
2 business and employment opportunities
3 stemming from our multi-billion-dollar
4 CEP. The event attracted some 321
5 attendees representing 227 companies, 108
6 DBE, ACDBE, and M/W/DSBE firms and 131
7 local firms. So we're proud of the
8 outreach efforts that we've been making
9 to date.

10 The Operating Budget request
11 for Fiscal 2015 totals 168.3 million, a
12 decrease of 2.2 million from the Fiscal
13 2014 original appropriation of 170.5
14 million. And overall the total 2015
15 Aviation Fund request is 446.3 million, a
16 6.1 percent increase in the Fiscal 2013
17 Operating Budget appropriation of 425.7
18 million.

19 Regarding the Airport's
20 performance, in Calendar Year 2013, PHL,
21 Philadelphia International Airport,
22 accommodated 30.5 million passengers,
23 including more than 4.4 million
24 international passengers on nearly
25 433,000 takeoff and landings. On

1 5/6/14 - WHOLE - BILL 130489, etc.
2 average, over 83,000 passengers travel
3 through our airport each and every day.

4 Currently, Philadelphia
5 International Airport is the 10th busiest
6 airport in the United States in terms of
7 takeoff and landings, and we had over
8 419,000 tons of cargo and mail move
9 through our airport last year. Some 29
10 tenant airlines operated over 560 daily
11 flights to 125 cities, including an
12 average of 57 flights to 38 international
13 destinations. And since 2003, the
14 Airport has invested over \$1 billion in
15 its facilities and improvements and major
16 rehabilitation projects and expansion,
17 including our new international terminal
18 A-West, which just celebrated its 11th
19 anniversary, and we've processed over 44
20 million passengers through that building
21 since its inception in 2003, and we're
22 continuing on with additional
23 improvements going forward.

24 There are several ongoing
25 challenges that face the Division of

1 5/6/14 - WHOLE - BILL 130489, etc.
2 Aviation. Of course, as with the rest of
3 the City, frankly much of the nation, we
4 just went through a horrendous and
5 record-setting winter, facing some
6 operational and financial challenges
7 coming out of that, but I am very, very
8 pleased to report and applaud the efforts
9 of the fine men and women that work at
10 the Airport that kept our airport open,
11 operational, and safe all winter long.
12 We did not close a single time, and for
13 that, they deserve exceptional credit and
14 some recognition.

15 But as happened with many other
16 departments, it put a severe strain on
17 our budget. We had to keep the place
18 open and operating. So we'll need to
19 figure out how to pay for those
20 additional costs in the coming fiscal
21 year. And we also are looking to begin
22 negotiating a new Use and Lease Agreement
23 with our airlines. The existing Use and
24 Lease Agreement expires in a little bit
25 more than a year, so we'll be working to

1 5/6/14 - WHOLE - BILL 130489, etc.
2 secure a new Use and Lease Agreement.

3 On our staffing levels, the
4 Division of Aviation 2015 position
5 request is for 850 full-time positions.
6 During Calendar Year 2013, the Airport
7 hired 86 full-time employees. Of the 86,
8 83, or 96.5 percent, were African
9 American, Asian, Latino and 32, or 37
10 percent, were female. During the
11 calendar year, 92 employees were
12 promoted. Of those promoted, two-thirds
13 were minorities, including 22 African
14 American females.

15 I also have a pretty diverse
16 senior management staff. The five direct
17 reports to myself as the CEO include a
18 Latino male, Deputy Director for Capital
19 Development; two females, my Chief of
20 Staff and my Deputy Director for Finance
21 and Administration; and two white males
22 that serve for my Deputy Director for
23 Operations and Facilities and Property
24 Management. Also, there are
25 approximately 70 staffers at PHL that are

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2 either bilingual or multilingual,
3 speaking a total of 22 different
4 languages. We also have an employee that
5 is able to sign to be able to speak to
6 the deaf.

7 As far as past initiatives, the
8 Airport remains committed to involving
9 disadvantaged business enterprises that
10 possess the necessary qualifications in
11 its contract and business opportunities.
12 The Airport plays an active role in
13 setting and monitoring participation
14 goals for the City's M/W/DSBE programs,
15 but it's also responsible for
16 administering two federal DBE programs.
17 The first federal DBE program applies to
18 all contracts that utilize grant funding
19 from the US Department of Transportation.
20 The Airport receives significant funding
21 from the Federal Aviation Administration,
22 and all of these contracts carry federal
23 DBE goals.

24 The second federal program
25 applies to all Airport concession

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2 contracts, the Airport Concession
3 Disadvantaged Business Enterprise, or
4 ACDBE program. The Airport's Compliance
5 Unit is responsible for following federal
6 guidelines to set separate goals for
7 these two programs, and it is one of five
8 responsible for following federal
9 guidelines to set separate goals --
10 excuse me; and is one of five
11 organizations in Pennsylvania and the
12 only City organization authorized to
13 certify firms for federal DBE
14 participation.

15 We consistently strive to meet
16 or exceed our goals for these three
17 programs, as evidenced by our
18 achievements. The Airport's federal DBE
19 goal for Fiscal Year 2013 was 14.9
20 percent, and actual commitment and awards
21 totaled 17.3 percent. For federal Fiscal
22 Year 2013, the Airport's ACDBE
23 participation goal was 6.3 percent and it
24 achieved 31.3 percent. The Airport's
25 M/W/DSBE goal for Fiscal Year 2013 was 32

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2 percent, and actual commitments and
3 awards totaled 27.5 percent. So we fell
4 slightly shy of our goal there, but we
5 are making commitments or a commitment to
6 actually do as best we can moving forward
7 in order to try to meet that goal.

8 Moving on to current
9 initiatives, continued expansion of the
10 Terminal F facility at the Airport. We
11 opened up the first piece earlier this
12 year, with the opening of the hub at
13 Terminal F. We look to continue to
14 implement projects approved under the
15 current Use and Lease extension, and we
16 look to continue to improve the passenger
17 experience at PHL by providing not only
18 expansion of amenities such as arts and
19 exhibitions and comfort areas and new
20 signage and digital media and WiFi and a
21 whole host of new and innovative
22 concessions throughout the Airport, we
23 want our folks to be comfortable when
24 they travel through the Airport and come
25 back through our facility time and time

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2 again. We also need to utilize capital
3 funding to rehabilitate aging portions of
4 our facility, providing new restrooms,
5 roofs, glass replacements, mechanical
6 rooms, and other infrastructure in order
7 to keep the Airport moving forward.

8 New initiatives, we want to
9 maintain a competitive cost per
10 enplanement. It's a metric used in our
11 industry, both by airlines and airports
12 alike, as an indicator of the Airport's
13 cost effectiveness, essentially taking
14 the cost and dividing it by the number of
15 enplaned passengers that go through the
16 Airport. We want to stay as competitive
17 with our fellow airports as we possibly
18 can, but knowing that we also have
19 increasing costs and we need to do some
20 serious improvements to the Airport
21 moving forward.

22 Sales per enplanements, major
23 non-airline revenue sources at the
24 Airport are the way that we actually help
25 pay for much of what occurs at the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 Airport. So another metric is sales per
3 enplanement, and we look to try to
4 enhance that as much as possible, thereby
5 reducing the airline revenue requirement,
6 what the airlines have to pay.

7 We also are looking to move
8 forward with a computerized maintenance
9 management system upgrade. The Airport
10 is in the midst of an effort to upgrade
11 an outdated work order system. So in
12 order to provide for our maintenance
13 forces to not only provide preventive
14 maintenance, but to respond very quickly
15 to problems within our facility, we're
16 looking to institute this new maintenance
17 management system. It will be the
18 cornerstone of a larger enterprise asset
19 management effort that is continuing to
20 be rolled out as we speak.

21 With that, Councilman, I think
22 I'd like to reserve some time for any
23 questions that you or the other Council
24 folks may have for us and that would
25 conclude a summary of my testimony.

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2 COUNCILMAN JONES: We
3 appreciate your testimony, and it is a
4 pleasure to see that our regional asset
5 is doing well in so many different
6 categories. It's an important part of
7 the City of Philadelphia's perceived and
8 actual growth. So we appreciate the work
9 that you and all of your staff, including
10 your emerging stars, do. You didn't
11 touch on that about your FastTrack
12 Managers Program, but we had an
13 opportunity, Councilman Greenlee and I,
14 to talk to them, and we appreciate that
15 effort as well.

16 MR. GALE: Thank you,
17 Councilman.

18 COUNCILMAN JONES: A couple of
19 quick questions, because I see the board
20 is lighting up.

21 By way of your agreement with
22 Tinicum Township, can you briefly talk
23 about what that actually means, with a
24 particular eye towards where our assets,
25 meaning things like parking facilities,

1 5/6/14 - WHOLE - BILL 130489, etc.
2 are going to be and where, as important,
3 is the rental car companies are still in
4 Philadelphia, so we receive a revenue
5 from the rental tax as well. Can you
6 talk about the piece with Tinicum
7 Township.

8 MR. GALE: Sure. Yesterday the
9 Airport and the City of Philadelphia
10 announced an agreement in principle with
11 three taxing authorities in Delaware
12 County - Delaware County, Interboro
13 School District, and Tinicum Township -
14 to resolve a longstanding dispute that
15 existed between the Township and County
16 and the Airport as it relates to the
17 Airport's expansion program.

18 To remind everybody, that
19 approximately two-thirds of the Airport
20 lie outside Philadelphia County and
21 actually lie in Delaware County.

22 When we were looking to do the
23 expansion, particularly with the
24 relocation of United Parcel Service, UPS,
25 the original plan required the

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2 acquisition of some 72 homes and a number
3 of businesses. Working with their
4 elected officials and listening to the
5 concerns of the residents, we went back
6 to the drawing board and came up with an
7 alternate scheme to be able to provide
8 for the relocation of UPS without the
9 need for the acquisition of the homes and
10 many of the businesses.

11 Because that plan is different
12 than what had been approved by the FAA,
13 we need to take that plan back to the FAA
14 for approval, but we believe because it's
15 reducing a number of the impacts that
16 were there with the first plan, that it
17 should be able to go through, but it's
18 going to take a couple of months for the
19 FAA to review that.

20 Our agreement in principle has
21 many different parts that come along with
22 it, but it is a framework to be able to
23 provide for the Airport to work with the
24 Township on a number of different areas
25 moving forward to include land

1 5/6/14 - WHOLE - BILL 130489, etc.
2 acquisition necessary in order to support
3 the CEP.

4 More specific to your question,
5 when we talk about where parking
6 arrangements and particularly car rentals
7 are going to go as we move forward with
8 the expansion program, those facilities
9 are expected to stay in close proximity
10 to where they are right now in
11 Philadelphia County. They will not be
12 moving outside of Philadelphia County.

13 COUNCILMAN JONES: Could you,
14 for purposes of those who don't spend a
15 lot of time at the Airport, explain your
16 concessions' lease agreements, this
17 master contract. Councilman Johnson is
18 all on top of that, but for the members
19 that may not be as closely associated
20 with it, and with an eye towards how the
21 Mayor's new Executive Order on wages
22 impacts that concession agreement.

23 MR. GALE: Sure. Well, the
24 concession agreement that is currently in
25 place at the Airport dates back -- it

1 5/6/14 - WHOLE - BILL 130489, etc.
2 actually began officially in 1998. It
3 was a 15-year deal that was extended by
4 one year. It expires at the end of June
5 coming up, but it actually had its
6 origins back in the 1994 timeframe where
7 the Airport moved out of one concession
8 provider that provided services to 40
9 locations throughout the Airport and we
10 went into a concession development model
11 whereby a firm was hired to serve as our
12 master developer for all the concessions
13 and then would also not only do the
14 outreach, but to sign the leases with all
15 the different concessions that operate at
16 the Airport.

17 That deal is coming to an end.
18 The Airport engaged in an RFP process for
19 a new concession manager, a slightly
20 different model called a fee manager.
21 Because we've developed most all of the
22 areas at the Airport, we currently have
23 177 locations at the Airport from the 40
24 that I originally identified. So we've
25 not only increased the number of

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2 locations, but sales across the board as
3 well.

4 We're still going through the
5 evaluation process right now. We're not
6 ready to bring that to City Council. We
7 know it needs to come to City Council for
8 approval. We are still in the evaluation
9 process. There were two proposers and
10 we're making our way through that
11 evaluation process.

12 The fee manager, whoever is
13 selected and we negotiate a contract with
14 them, bring it forth to City Council,
15 they will still be responsible for doing
16 a number of things to manage the
17 day-to-day program, to actually do
18 outreach sessions, to find new
19 concessionaires, with a particular eye on
20 meeting our federal ACDBE goals that I
21 mentioned previously within our
22 testimony.

23 COUNCILMAN JONES: What I'd
24 like to know is, the Mayor's Executive
25 Order calling for a new minimum wage, how

1 5/6/14 - WHOLE - BILL 130489, etc.
2 is that going to be transmitted to the
3 concessionaires within Philadelphia
4 County and with the anticipation of a
5 couple of things, maybe a national wage
6 increase, but also a part of the
7 concession agreement may also include
8 that.

9 I had an opportunity to meet
10 some dedicated workers out at the Airport
11 that do everything from provide food
12 services, but also actually transport
13 people with physical disabilities in
14 wheelchairs, and they talked about some
15 of their plight, and it was eye-opening
16 to say the least.

17 So is this Executive Order
18 going to be communicated to all
19 sublessees so that they know that in the
20 City of Philadelphia there is a minimum
21 standard for wages?

22 MR. GALE: Two points,
23 Councilman. First, with respect to the
24 concession program, in the RFP that we
25 have on the streets, we had mandated in

1 5/6/14 - WHOLE - BILL 130489, etc.
2 that RFP we're going to require that a
3 living wage, the current living wage, was
4 going to have to be provided under that.
5 So whoever ended up getting that fee
6 management position, as they signed new
7 leases with new concession operators
8 coming on, they were going to have to
9 ensure that they were going to be paying
10 their employees the living wage at the
11 10.88 per hour.

12 On your second point, I have
13 not yet officially seen a copy of the
14 Mayor's Executive Order. I have to
15 assume that it will replace the living
16 wage at 10.88, and we will follow the law
17 as is written.

18 COUNCILMAN JONES: That's good.

19 MR. GALE: Especially against
20 the Mayor's Executive Order.

21 COUNCILMAN JONES: Specifically
22 people that I've talked to by way of
23 baggage handlers as well, it's amazing
24 they were getting, Councilman, \$2 an hour
25 and to survive off of tips. I mean, you

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2 know, I wouldn't want to live at the
3 bequest of the constituents, even though
4 I know they love me. I would not want to
5 survive off of that as a mainstay. So
6 I'm encouraged to do that.

7 The actual cost of winter
8 cleanups, have you codified what that is?
9 I know the City gave us a whopping bill
10 for snow removal. How has it impacted
11 your bottom line?

12 MR. GALE: We're estimating
13 that our snow costs are going to be in
14 the \$7.3 million range, which is
15 approximately \$3.3 million more than the
16 4 million that we budgeted. So those
17 costs, that additional 3.3 million, will
18 have to be made up as we move forward in
19 future fiscal years, and our rate
20 adjustments with the airlines will
21 actually be able to reflect that.

22 COUNCILMAN JONES: Well, I'm
23 going to call on my colleagues because
24 the board is lit up, and I'll start with
25 Councilman Greenlee.

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

4 Good morning, everyone.

5 MR. GALE: Good morning,
6 Councilman.

7 COUNCILMAN GREENLEE:

8 Congratulations on all the things you're
9 doing down there. I think particularly
10 exciting is the flights now that are
11 going to be assumed going to Asia,
12 because I think that will improve the
13 Airport, improve all the economy for the
14 Airport.

15 The commercial paper program, I
16 know, what was it, a couple years ago
17 that bond request was approved? Can you
18 kind of give an update on that and what's
19 been going on?

20 MS. CAMERON: Good morning,
21 Councilman. Chellie Cameron, Deputy
22 Director for Finance and Administration.
23 I'd be happy to answer your question.

24 We implemented a commercial
25 paper program for the Aviation Fund in

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2 January of 2013, and so we're a little
3 over a year into it, and it's working
4 exactly the way we had hoped. We have
5 access to cash for capital programs when
6 we need it and not before that. So it
7 really is helping us to manage our
8 interest costs over the life of those
9 projects, and we're able to access money
10 at short-term interest rates in the
11 markets. And currently we're paying
12 between 15 and 25 basis points for the
13 money that we've pulled.

14 So it's very, very competitive.
15 And that commercial paper will be taken
16 out over time with long-term bonds. For
17 the time period that it's outstanding, it
18 greatly reduces the interest that we have
19 to pay.

20 Currently, we've drawn about
21 \$39.6 million from the program, and it's
22 been used to pay costs like our PMO, our
23 Program Management Office, and to do a
24 couple of land acquisition activities
25 that we had last year.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN GREENLEE: So it's
3 been successful.

4 MS. CAMERON: Absolutely.
5 Absolutely.

6 COUNCILMAN GREENLEE: Thanks
7 again.

8 Thank you, Mr. Chairman.

9 COUNCILMAN JONES: Thank you,
10 Councilman.

11 The Chair recognizes Councilman
12 Oh.

13 COUNCILMAN OH: Thank you,
14 Chairman.

15 I don't have a lot of
16 questions. We talk fairly frequently,
17 but I did not want to miss the
18 opportunity to say that having looked at
19 the plans and received a briefing on the
20 new airport, I think it's one of the
21 significant achievements of this
22 Administration. I think it's very, very
23 important to our city. I thought it was
24 critical that we deal with this airport
25 situation, and the way it's been handled

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2 with the UPS and the new design and the
3 technology, really, really fantastic. I
4 have to congratulate the Administration,
5 the Mayor and, of course, your staff for
6 doing a fantastic job for this city.

7 MR. GALE: Thank you,
8 Councilman.

9 COUNCILMAN OH: I think we will
10 appreciate it more in the future when it
11 actually happens, but certainly it is
12 happening because of what's been done
13 right now. So thank you very much for
14 your great work.

15 MR. GALE: Thank you,
16 Councilman.

17 COUNCILMAN JONES: Thank you,
18 Councilman Oh.

19 The Chair now recognizes
20 Councilman Henon.

21 COUNCILMAN HENON: Geez,
22 Mr. Chairman, that was quick.

23 Good morning.

24 MR. GALE: Good morning,
25 Councilman.

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2 COUNCILMAN HENON: Thank you.

3 A lot of good questions so far answered,
4 and kind of quick.

5 A couple things I just wanted
6 to touch on. So congratulations on the
7 Tinicum deal. I know that was a long day
8 coming. I think that gives us all a lot
9 of hope on moving forward with the \$7
10 billion program and capital improvement
11 of the Airport. Also, was it last year
12 you received a national award?

13 MR. GALE: Myself personally or
14 the Airport?

15 COUNCILMAN HENON: Okay. You
16 personally on behalf of the Airport.

17 MR. GALE: I think that our
18 airport has been recognized many times.
19 I'm a very proud Chief Executive Officer.
20 I have a great staff, many here with me
21 today that Councilman Jones and Greenlee
22 were introduced to. Thank you,
23 Councilman. I appreciate it.

24 COUNCILMAN HENON: I just
25 wanted to recognize publicly not just

1 5/6/14 - WHOLE - BILL 130489, etc.

2 yourself but your entire team.

3 MR. GALE: Thank you.

4 COUNCILMAN HENON: And all the
5 workers down at the Airport. As you
6 noted, that they didn't take a day off in
7 a grueling bitter winter.

8 So with that being said, I got
9 a few questions.

10 MR. GALE: Okay.

11 COUNCILMAN HENON: On Class 200
12 under the Aviation Fund, you had
13 appropriated \$83 million last year and I
14 don't believe it has been spent, and
15 you're asking for 86 going into FY15.
16 Could you describe a little description
17 on what the use will be and why we
18 didn't -- is that carrying over for what
19 we didn't spend, or am I misreading it?

20 MS. CAMERON: No, you're not
21 misreading. Essentially we spend what we
22 need to in a particular year. Our
23 agreement with the airlines is a cost
24 recovery agreement. So we appropriate
25 what we feel we might need in a

1 5/6/14 - WHOLE - BILL 130489, etc.
2 particular fiscal year.

3 For example, in this past year,
4 we spent a lot on services because of the
5 snow. There may be other things that
6 come up that are unanticipated in a
7 particular fiscal year that we have to
8 cover. So we generally appropriate for a
9 little bit more money than what we feel
10 we need. What we actually spend is only
11 what the airlines have to pay them.

12 COUNCILMAN HENON: So that's
13 just for accounting purposes --

14 MS. CAMERON: That's correct.

15 COUNCILMAN HENON: -- shown in
16 a line item?

17 MS. CAMERON: That's correct.

18 COUNCILMAN HENON: Because I
19 wasn't sure. I'm going to lead into
20 where we are -- and we've had
21 conversations about this on the time, the
22 speed of moving capital projects. So one
23 of the things -- so School District
24 yesterday, one of the questions came up
25 is last year we, City Council and the

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2 School District and Mayor's Office,
3 decided that -- actually it originated
4 here in City Council with our Council
5 President -- selling the schools, the
6 surplus of the schools, but it's taken
7 such a long time. So they developed a
8 process through PIDC which would kind of
9 fast-track some of the surplus sales so
10 we can start getting these surpluses off
11 the rolls of the school and put them back
12 into the kids and trying to spur some
13 economic development, things that are
14 within our own control.

15 So my question to you is, where
16 are we currently with capital
17 improvement? I know the airlines and the
18 Airport has approved X amount of dollars
19 for capital improvement. What's the
20 status of that and are we on a fast-track
21 to put shovels in the grounds and put
22 people to work?

23 MR. GALE: First, thank you,
24 Councilman. Yes. I think that we are
25 moving forward. Last year in June when

1 5/6/14 - WHOLE - BILL 130489, etc.
2 Council approved our Use and Lease
3 Agreement extension, there was some \$734
4 million worth of approved projects that
5 we negotiated with our airlines in order
6 to better the Airport. They were the
7 first projects, real projects, that were
8 associated with the Capacity Enhancement
9 Program. Those projects that we have
10 pretty much entire control over, meaning
11 the projects that were on the airfield,
12 for example, all of those projects had
13 been moving forward. In the one year
14 since we've met last, we've not only
15 designed, but bid and are going through
16 the award stage right now for major
17 taxiway improvements at the Airport
18 totalling some \$26 million. We put out
19 an RFP and we selected a design firm, and
20 we're now moving forward with the design
21 for the runway extension that was
22 approved by the airlines, a 1,500 foot
23 runway extension. And we have a third
24 piece of airfield work that is also out
25 on the streets for bid that's tied into

1 5/6/14 - WHOLE - BILL 130489, etc.
2 the runway extension that we'll move on,
3 and we'll get bids to that probably
4 within the next week to two weeks and
5 hope to move on that.

6 So everything on the airfield
7 that we've had direct control of, we've
8 been moving on as quickly as we possibly
9 can.

10 The other two big pieces that
11 were in the \$734 million was the
12 consolidated ground transportation
13 facility or otherwise known sometimes as
14 a CONRAC, a consolidated rental car
15 facility. That project was slightly
16 delayed because we needed authorization
17 from the State Legislature in order to
18 enact a customer facility charge, or a
19 CFC. That passed with the T-bill in late
20 2013. So now that we have the ability to
21 actually collect fees, that will be used
22 as a revenue source to support that
23 development. We've been meeting
24 regularly with our car rental agencies to
25 design or begin the design aspects of

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2 what that consolidated facility is going
3 to look like. It is some \$315 million
4 facility. We want to get it right. So
5 we're meeting with them, and we hope to
6 get that design underway fully in short
7 order here.

8 And the last big program is the
9 expansion of the Terminal B/C area with
10 US Airways. We've been in discussions
11 with US Airways, particularly even more
12 so now that the merger was approved in
13 December, going back and forth on what
14 that needs to look like. We are at the
15 table with them, and we're hoping that
16 the final deal with US Airways will be
17 done here very shortly, and that project
18 will move into design, probably take a
19 year to 18 months worth of design work as
20 critical as it is in the heart of the
21 Airport. We're going to have to redesign
22 and improve that facility right on top of
23 ourselves while we're staying fully
24 operational. We certainly can't afford
25 to have any major disruption to the US

1 5/6/14 - WHOLE - BILL 130489, etc.
2 Airways and American Airlines system
3 while we're doing that. And then
4 probably in construction within about 18
5 months or so. Once we get into
6 construction, it's probably about a
7 three-year process for construction for
8 that.

9 The other projects that were
10 approved as part of the Use and Lease
11 Agreement last year were a series of
12 repair and rehabilitation projects, roof
13 replacements, looking to replace
14 escalators, restrooms, mechanical rooms,
15 substations. All of that work has either
16 been moved forward through design process
17 and making its way out to the street to
18 bid right now or will shortly be out on
19 the streets, either the summer or into
20 early fall.

21 So we're moving pretty much on
22 everything that we could immediately, and
23 those that required a bit of negotiation
24 with some additional stakeholders, the
25 airlines or the car rental agencies,

1 5/6/14 - WHOLE - BILL 130489, etc.
2 we've been doing that negotiation.

3 COUNCILMAN HENON: And just a
4 statement and I'll wait to the next
5 round.

6 COUNCILMAN JONES: Sure,
7 Councilman.

8 COUNCILMAN HENON: I know
9 there's a lot going on. So I want to say
10 that this body last year with the Use and
11 Lease Agreement, the extension of it,
12 was -- it was quite the negotiation, I'm
13 sure, on your end with the airlines, but
14 we had to make some tough decisions, and
15 I want to publicly let everybody know
16 that through their efforts, through
17 Councilman Johnson's efforts, we've come
18 a long way and we have a lot of things
19 going on, a lot of good positive things
20 in the right direction for not just the
21 City but the region. So I just wanted to
22 get that on the record.

23 COUNCILMAN JONES: We sat
24 through a presentation where they broke
25 down all the Airport employees and what

1 5/6/14 - WHOLE - BILL 130489, etc.
2 districts they live in.

3 MR. GALE: Yes, sir.

4 COUNCILMAN JONES: So we are
5 appreciative of making sure our neighbors
6 and our constituents also have a shared
7 prosperity. So we appreciate that.

8 The Chair recognizes Councilman
9 Kenney.

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

12 I concur with Councilman Oh's
13 remarks and Councilman Henon's remarks
14 about congratulations on the deal with
15 Tinicum, but I want the record to reflect
16 that back in 2010, we were in a totally
17 different situation. And this is
18 exempting you, Mark, from the comment.

19 Basically what was being told
20 to Tinicum and Delaware County is, We're
21 going to build that runway whether you
22 like it or not, and they were going to
23 obliterate Tinicum Township, 80 homes, a
24 score of businesses. And Council
25 injected itself, and people said we

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2 should -- it wasn't our place, as usual,
3 to inject ourselves in the process.

4 COUNCILMAN JONES: We don't
5 have a problem with that.

6 COUNCILMAN KENNEY: Because we
7 were close, and if it had gone the way it
8 was going between the Mayor and Deputy
9 Mayor Cutler, we would be in federal
10 court probably being sued. The State
11 Legislature may have taken the Airport
12 away from us as an authority, and our
13 injection in the process and holding kind
14 of a sword of Damocles over the process
15 not only separated the whole entire
16 borrowing deal to get some of those
17 projects started because the runway was
18 holding up everything, so some of that
19 stuff got started in advance, Tinicum got
20 taken care of, our Delaware County
21 neighbors were not intruded upon, and
22 things moved on.

23 So when we inject ourselves in
24 the process and we're criticized for
25 doing so, I think we have to remember

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2 these kinds of processes, because -- or
3 the outcome of that process, because it
4 was the first time, I was told by
5 Delaware County officials, it was the
6 first time in the history of Council that
7 any Delaware County official or Delaware
8 County resident was asked to come in here
9 and express their opinion about something
10 related to the Airport that was going to
11 affect their lives. Mark Gale had it
12 understood from day one what was going on
13 and worked it out.

14 And I don't need you to
15 comment, but if we had gone in the
16 direction of the Administration wanted to
17 go to in 2010, we would not be sitting
18 here today. So I want to thank my
19 colleagues who were there then and the
20 colleagues who are there now who continue
21 to want to inject themselves into
22 important public policy issues to make
23 things move in the right direction. So
24 we're not obstructionists. We sometimes
25 facilitate things. So just let the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 record reflect.

3 Thank you.

4 COUNCILMAN JONES: Councilman,
5 I was Chair of Transportation back then
6 when you introduced the resolution. We
7 had a packed, a packed auditorium of --
8 well, gallery full of elected officials,
9 many of whom were State Reps. At the
10 time, we depended on them for part of our
11 state budget, and I thought it was wisdom
12 to at least negotiate how that happened.
13 And lo and behold, when people work
14 together, things get accomplished. So I
15 want to thank you personally for
16 introducing the resolution.

17 COUNCILMAN KENNEY: I also want
18 to state that it's sometimes lost in the
19 discussion. You have to go to Tinicum
20 and check out that community of
21 well-maintained homes and decent people
22 and businesses that are viable, and our
23 injection in that process helped save
24 that, get the Airport project moving by
25 bifurcating the runway from the rest of

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2 the improvements, because we may need a
3 runway at some point and maybe we'll do
4 that, but the point is that the rest of
5 the stuff got started because we injected
6 ourselves into it and threatened to hold
7 it all up as opposed to letting it go its
8 own course.

9 So I just make sure the record
10 is clear, while we're celebrating the
11 deal, how we got there.

12 COUNCILMAN JONES: Duly noted,
13 Councilman.

14 The Chair now recognizes
15 Councilman Squilla.

16 COUNCILMAN SQUILLA: Thank you,
17 Mr. Chair.

18 Good morning.

19 MR. GALE: Good morning,
20 Councilman.

21 COUNCILMAN SQUILLA: Again, I'd
22 like to reiterate what my colleagues have
23 said about the good work that's going on
24 down at the Airport and know we still
25 have a lot more work to do, but I know

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2 there's still, I guess, work with UPS
3 also --

4 MR. GALE: There is, yes.

5 COUNCILMAN SQUILLA: -- to get
6 that all worked out, but we do appreciate
7 the effort and time you guys have put
8 into that.

9 But in comparison to other
10 cities throughout the country, where does
11 PHL stand?

12 MR. GALE: In terms of how busy
13 we are?

14 COUNCILMAN SQUILLA: Yeah.

15 MR. GALE: Right now
16 Philadelphia International Airport ranks
17 as the 10th busiest airport in the nation
18 in terms of aircraft takeoff and landings
19 and the 14th busiest airport in the
20 world. We slipped a little bit further
21 down in the ranks if you change the
22 metric to passengers. We're the 18th
23 busiest airport in the US and I think
24 about the 52nd or 53rd in the world right
25 now according to passengers, and that's

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2 largely, Councilman, due to the fact that
3 we have many smaller airplanes flying in
4 and out of the Airport. A large segment
5 of the US Airways operation in
6 Philadelphia is US Airways Express, which
7 is 50, 70, 90 seat airplanes instead of
8 150, 180. And while they have many, many
9 mainline aircraft that have those 180 or
10 even 250 to 300 wide-body airplanes, the
11 large component are the regional express,
12 and that's why the metric is different.
13 But we are clearly one of the busiest
14 airports in the world and a lot of
15 activity happening at our airport.

16 COUNCILMAN SQUILLA: Now, as
17 far as passengers are concerned, do we
18 see that if expansion of the, I guess,
19 additional runways and more international
20 flights available to the City, that would
21 then increase the number of passengers on
22 larger planes coming into the City?

23 MR. GALE: Well, the first
24 project that was approved last year as
25 part of the Use and Lease Agreement

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2 extends our longest runway, which is
3 currently 10,500 feet by 1,500 feet to
4 12,000 feet, which is a length that is
5 sufficient that pretty much any aircraft
6 in the world would be able to fly into
7 Philadelphia fully loaded with
8 passengers, cargo, and fuel and be able
9 to reach pretty much anywhere in the
10 world without having to stop and refuel.
11 That's critically important, not just for
12 the Airport but for American Airlines and
13 for other carriers that we pursue that
14 they know if they're going to come into
15 Philadelphia, they're not going to have
16 to take a penalty either by taking off
17 cargo or taking off passengers and
18 providing more fuel to be able to get to
19 their destination non-stop. So that
20 project was wholeheartedly embraced by
21 the airlines last year with us, and we're
22 moving forward with that.

23 As we look to the other
24 airfield expansion that is called for in
25 the program, we need to do it smartly.

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2 We need to do it at a pace that's
3 consistent to make sure that the Airport
4 remains competitive all throughout the
5 process.

6 But we do remain one of the
7 most congested and delayed airports in
8 the country, and we need to address that.
9 That's been a longstanding problem at the
10 Airport and what our program is designed
11 to fix in the long term. It won't be
12 fixed overnight, but our process calls
13 for actually staying at this and making
14 sure that over the course of the next 15
15 years, we're able to produce an airport
16 that is highly competitive and highly
17 efficient.

18 COUNCILMAN SQUILLA: Do you
19 have a number, a calculation on how many
20 people actually go through the Airport?
21 Not so much as, I guess, use it as a
22 bypass, but actually come in, land, and
23 then come -- or I guess start here to go
24 to a destination?

25 MR. GALE: Sure. On average,

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2 we say 83,000 people go through the
3 airport on a daily basis. I tend to try
4 to put things sometimes in a sports
5 analogy where if you add in the employees
6 and you add in the meeters and greeters,
7 you're up over 100,000 people that are at
8 the Airport every day. That's like
9 filling Lincoln Financial Field and
10 Citizens Bank Park, that number of people
11 that actually come through our facility
12 each and every day.

13 Currently, the mix of folks
14 that are either starting or stopping
15 their trip at the Airport, what we call
16 origin destination traffic, is about 55
17 percent of our traffic, and about 45
18 percent of the folks, of that 83,000
19 passenger count that comes through the
20 Airport, is connecting from one airplane
21 to another airplane. So about 55 percent
22 of the 83,000 is starting or stopping
23 their trip here.

24 COUNCILMAN SQUILLA: Great.

25 Thank you very much.

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2 MR. GALE: Sure. Thanks,
3 Councilman.

4 COUNCILMAN JONES: Thank you,
5 Councilman.

6 The Chair recognizes Councilman
7 Johnson.

8 COUNCILMAN JOHNSON: Thank you,
9 Mr. Chair.

10 Good morning, Mark. How are
11 you?

12 MR. GALE: Good morning,
13 Councilman. How are you, sir?

14 COUNCILMAN JOHNSON: Good
15 morning, everyone. Again, I also want to
16 stand with my colleagues and commend the
17 Administration on negotiating a deal with
18 Tinicum Township, and being a former
19 State Rep, my good friend Representative
20 Nick Miccarelli is from Delaware County
21 and we would speak frequently about this
22 particular issue when I arrived in City
23 Council. And so I'm glad that there was
24 a level of compromise to make sure that
25 we have one of the best airports in the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 country. So I thank you and I thank your
3 outstanding staff.

4 MR. GALE: Thank you,
5 Councilman.

6 COUNCILMAN JOHNSON: A couple
7 of questions. One, I want to commend
8 yourself, Rina Cutler, Maryanne Mahoney,
9 and the Airport team for working with
10 myself and colleagues to establish the
11 Airport Workforce Advisory Board, where
12 we recently just had our first meeting to
13 focus on creating a job pipeline for our
14 young people and also looking at the
15 issue of job development.

16 Can you give us an overview on
17 your diversity plans moving forward on
18 the professional service side and the
19 construction side as a part of the CEP
20 program. When I think about the
21 Philadelphia International Airport and
22 the involvement of African Americans and
23 minorities in the process of gaining
24 business, I think about Maynard Jackson,
25 I think of Atlanta, especially when we

1 5/6/14 - WHOLE - BILL 130489, etc.
2 talk about 6.1 billion, give or take.
3 You know the numbers more accurately than
4 I do, but I know it's a significant
5 amount.

6 How do we make sure and we
7 ensure on the front end that there's a
8 plan to make sure we're engaging as many
9 qualified companies that want to
10 participate and do business, specifically
11 on the professional service side, but
12 also taking a look at on the building
13 trade and construction side? How are we
14 going to ensure that everybody has a
15 chance to participate in the business
16 opportunities moving forward? And also
17 touch on the concession stands, because I
18 know Redwood was part of that process
19 before, a company came in, bought out
20 Redwood and somehow those numbers were a
21 part of the overall minority
22 participation goals. I hate the word
23 "minority," but the diversity
24 participation goals. So give us an idea
25 of how you're going to ensure that we

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2 move forward in making sure taxpayer
3 dollars have an opportunity to
4 participate in diversity inclusion in
5 that process moving forward.

6 MR. GALE: Thank you,
7 Councilman, for first the kind remarks
8 and great team, and we're very pleased we
9 were able to reach that agreement with
10 Tinicum Township, Delaware County so we
11 can move forward on these critically
12 important projects.

13 With respect to some of your
14 questions regarding workforce development
15 issues, Council received from the Airport
16 a summary of the work that we had
17 undertaken to take a look at the
18 workforce capacity in the region and
19 identify where there may be shortfalls as
20 it pertained to overall capacity and then
21 in particularly with capacity for the
22 types of projects that were going to be
23 coming out of the Airport and
24 particularly where those shortfalls may
25 hit with respect to women and minorities

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2 going forth in the future and what would
3 the strategies be working with many, many
4 partners in the area in order to try to
5 address that, and I think that the
6 creation of the Workforce Advisory
7 Committee that you and Deputy Mayor
8 Cutler sit on, along with a number of
9 other influential people in the area from
10 labor and from education and other parts,
11 are going to be able to provide the
12 Airport with a lot of great insight and
13 advice on how to move forward to ensure
14 that we are capturing and being as
15 inclusive as we possibly can be with
16 strategy in order to get as many involved
17 with the program going forward over the
18 next 10, 15, 20 years.

19 With respect to the businesses
20 themselves, I think that the Airport has
21 clearly demonstrated the ability to not
22 only hold outreach events, but hold
23 outreach events that have been highly
24 successful in terms of the number of
25 attendees and the number of DBE, women,

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2 and minority firms that actually attend
3 those sessions. We have another one
4 that's scheduled for this coming
5 September, is the next one, and I know
6 that both Chellie and Barbara can speak
7 more to some of those efforts as well
8 going forward with respect to those
9 events.

10 They're not the only type of
11 events that we do just our own. We
12 participate in events all the time as the
13 Airport, not only economic development
14 events that others may hold that we're
15 asked or invited to participate in, but
16 also things like job fairs to try to
17 promote our inclusive efforts. I think
18 within the last year, the Airport has
19 participated in some 15 or 16 different
20 job fairs in the City.

21 And so we're out there
22 continuously to try to help not only the
23 employment front, but also to encourage
24 as many DBE and local DBE firms to get
25 them positioned to qualify for work at

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2 the Airport.

3 So I'll let if Chellie or
4 Barbara wanted to add to that, because we
5 can come back to the concession piece.

6 MS. CAMERON: Good morning,
7 Councilman Johnson.

8 COUNCILMAN JOHNSON: Good
9 morning.

10 MS. CAMERON: I just wanted to
11 note that we're in the early stages of
12 the CEP. It's absolutely critical to
13 make sure that any business out there
14 that is eligible to be certified as a DBE
15 goes through that certification process
16 and is ready to go. And so Barbara and I
17 have focused very heavily on trying to
18 make sure that we're contacting as many
19 firms as possible to make sure they go
20 through the federal certification process
21 so that they can participate.

22 We're also making sure that
23 even if they're not doing the kind of
24 work that would be eligible for the
25 federal DBE program, that they're

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2 registered in the OEO database as firms.

3 And I just want to point out
4 one program that we did last fall. One
5 of the things that the smaller firms
6 struggle with, especially construction
7 contractors when they're trying to bid on
8 larger work, is that it's difficult for
9 them to get bonded to do the work. So we
10 partnered with DOT and The Enterprise
11 Center and we did a six-week course that
12 was free to the participants that
13 actually walked them through how they
14 could go and get bonded. They met with
15 bonding companies. We did some
16 instruction on the federal certification
17 process, and we actually had 13
18 participants graduate from that program.
19 I know it's small, but it was a start,
20 and that was really the first step for a
21 larger program that we're going to do to
22 make sure that the companies are ready.

23 COUNCILMAN JOHNSON: Do you
24 have a number of minority companies that
25 have applied for GC opportunities like

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2 other than the Keatings of the world or
3 the major typical construction? I
4 understand the small ones that need
5 bonding, but have any construction
6 companies on the larger scale --

7 COUNCILMAN JONES: Prime
8 contractors.

9 COUNCILMAN JOHNSON: Prime
10 contractors.

11 MS. CAMERON: Well, it really
12 depends on the opportunities that we have
13 out there. We have a number of smaller
14 companies that partner with the larger
15 firms so that the larger firms can meet
16 the goals, and then that gives them
17 really a start into the system and it
18 teaches them how really they need to do
19 business at the Airport, because there
20 are a lot of security requirements that
21 are different than doing business
22 elsewhere.

23 We do have a number of smaller
24 construction contracts, though, bathroom
25 work, for example, those repair and rehab

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2 type contracts that are of the 1 to 5 to
3 10 million dollar range that those
4 smaller companies can participate in.

5 COUNCILMAN JOHNSON: Thank you.

6 MS. CAMERON: Yes.

7 COUNCILMAN JONES: Thank you,
8 Councilman.

9 On that note, the object of a
10 sub is to become a prime. The object of
11 a prime is to get capacity to be able to
12 bid on bigger contracts. It would be
13 good to provide to this Council success
14 stories where you -- whether you're
15 talking about construction; supply,
16 services, and equipment; concessions; and
17 professional services where you, through
18 your kind of procurement activity, are
19 able to grow some Philadelphia-based
20 firms that hire Philadelphia residents
21 that improves not only the asset called
22 the Airport, but also the general
23 economy, local economy here. That would
24 be some good examples. You do good work
25 statistically, but we'd like to kind of

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2 be able to kick the tires on the who's
3 and the what's, if you could.

4 MR. GALE: I understand.

5 COUNCILMAN JONES: The Chair
6 now recognizes Councilman Goode.

7 COUNCILMAN GOODE: Thank you,
8 Mr. Chair.

9 Good morning.

10 MR. GALE: Good morning,
11 Councilman.

12 COUNCILMAN GOODE: I know you
13 were about to speak about concessions, so
14 I was going to allow you to do that, but
15 I have some questions regarding that.
16 You can just follow through in terms of
17 whatever else you were going to say.

18 You put out a concession RFP.
19 Has that been awarded yet?

20 MR. GALE: No, Councilman. We
21 spoke a little bit earlier that the RFP
22 is still in its evaluation process and
23 we're not ready to bring it in front of
24 Council just yet, but hope to still this
25 session.

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2 COUNCILMAN GOODE: You hope to
3 still do it during this session?

4 MR. GALE: We hope to, yes,
5 sir. But it's still going through its
6 evaluation process and it's not ready to
7 be brought to Council just yet.

8 COUNCILMAN GOODE: So I'll just
9 skip through all the other preliminary
10 questions.

11 You are aware of the priorities
12 of Council identified in the letter
13 crafted by Councilman Johnson?

14 MR. GALE: I'm not sure that I
15 am exactly aware what you're referring
16 to, Councilman.

17 COUNCILMAN GOODE: Councilman
18 Johnson crafted a letter signed by many
19 members of Council stating the priorities
20 of what should be in that concession
21 contract. Are you aware of that?

22 MR. GALE: I don't believe I
23 am, sir.

24 COUNCILMAN GOODE: You should
25 make yourself aware of that.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 MR. GALE: I will.

3 COUNCILMAN GOODE: Thank you.

4 Thank you, Mr. Chairman.

5 COUNCILMAN JONES: Thank you,
6 Councilman.

7 Before I go to the second
8 round, you're the only one, Councilman
9 Henon. I just wanted to hit a couple
10 questions, if it's okay. No; I'll go
11 with you. Councilman Henon.

12 The Chair recognizes Councilman
13 Henon.

14 COUNCILMAN HENON: Thank you,
15 Mr. Chairman.

16 In your testimony in the
17 budget, you state that \$1.5 million had
18 been earmarked for Class 100 for DC33 for
19 the increase. Is that the proposed
20 increase from the Mayor? Because they
21 are still without a contract and -- I
22 mean, is that just like holding the line
23 item for some dollars there? Because I
24 think it's undervalued, you know.

25 MS. CAMERON: Yes, Councilman.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 We take guidance from the Budget Director
3 on the number that we should budget for
4 based on what they're doing for the
5 overall City. We take a percentage of
6 what it is for the overall City. But
7 whatever the negotiations result in is
8 what will actually end up in our budget.
9 That's just a placeholder at this point.

10 COUNCILMAN HENON: It's a
11 placeholder. Do you have enough -- I
12 guess you would anticipate getting back
13 with the Budget Director if there is an
14 increase in that allocation.

15 MS. CAMERON: That's correct.

16 COUNCILMAN HENON: For the
17 record, again, the employees down at the
18 Airport do a fantastic job. I think --
19 it's my hope that negotiations do
20 continue with the DC33 contract, as they
21 deserve to work respectfully with dignity
22 and with fair wages. So hopefully that
23 will come to an end soon and you will
24 have a for-certain line item in the
25 budget moving forward.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 So that answers my question
3 there.

4 An increase of overtime
5 expenses, 30 percent. Could you
6 elaborate a little more, briefly. I
7 understand unanticipated overtime which
8 is necessary; for example, this last
9 winter. The show must go on. So is that
10 the anticipated 30 percent increase?

11 MS. CAMERON: That's correct,
12 and that's exactly what I was going to
13 say, is snow. That's just something that
14 is very difficult to understand what the
15 exact impact is going to be on the
16 budget, and so we always want to make
17 sure we have sufficient appropriations so
18 that operationally we're able to keep the
19 Airport running the way it's supposed to
20 during those sorts of storms. It's not
21 just snow; it can be other weather events
22 as well.

23 COUNCILMAN HENON: And, lastly,
24 I notice that you have a decrease in
25 staffing, like 20 positions. Do you know

1 5/6/14 - WHOLE - BILL 130489, etc.

2 what positions?

3 MS. CAMERON: I was going to
4 say, we really have no decreases in
5 staffing overall. There are some -- what
6 you might see is just the general
7 fluctuation that happens with how many
8 folks we have on board at any particular
9 point in time, but we are not eliminating
10 or stopping the filling of any positions
11 at the Airport at this time.

12 COUNCILMAN HENON: Because it
13 says on Page 16 that 20 positions were
14 budgeted, but they seemed to be
15 eliminated. So I don't know if that's
16 through attrition or just...

17 MS. CAMERON: We anticipate
18 having the same number of positions that
19 we did before, yes.

20 COUNCILMAN HENON: Are you
21 fully staffed or are you still trying to
22 attract?

23 MS. CAMERON: There are certain
24 disciplines where it's difficult for us
25 to fill all of the open positions.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN HENON: So there's
3 rotation.

4 MS. CAMERON: That's some of
5 the fluctuation that you see. Project
6 managers, for example, and engineering,
7 you know, custodial workers at times
8 because of the security requirements that
9 they have to pass in order to work post
10 security. Those sorts of positions
11 sometimes we have vacancies.

12 COUNCILMAN HENON: That happens
13 with all departments.

14 MS. CAMERON: Yes.

15 COUNCILMAN HENON: But I am
16 concerned with -- like you had mentioned
17 some of the -- in anticipation of a lot
18 of work coming up, engineering, drafting,
19 taking a look at proposals and whatever
20 is necessary in that department. How are
21 you making out in that area with hiring
22 professionals on staff to make sure that
23 if there's a backlog of reviews and
24 processes, that it's streamlined or
25 trying to meeting our target timeline?

1 5/6/14 - WHOLE - BILL 130489, etc.

2 MR. GALE: I think we have some
3 challenges, Councilman, within our
4 Engineering Department. We're running
5 some shortages there and we're looking to
6 attract, as Chellie said, project
7 managers to be able to deal with some of
8 those issues today.

9 With respect to the Capacity
10 Enhancement Program, we have a program
11 management team on board that is scalable
12 that we're able to actually bring on
13 additional resources or actually reduce
14 as necessary, all according to the
15 projects that are out there that have
16 been agreed to and approved by the
17 airlines and how we're moving forward
18 with those projects.

19 COUNCILMAN HENON: If you
20 could -- and we'll talk offline about
21 getting updated on how you're doing
22 trying to fill some of those positions.

23 MR. GALE: Be happy to do so.

24 COUNCILMAN HENON: Only because
25 there's timelines and schedules, and I'm

1 5/6/14 - WHOLE - BILL 130489, etc.
2 sure you set them because you're in
3 charge, but we just want to make sure
4 that things are moving as efficiently as
5 they have been.

6 MR. GALE: Understood.

7 COUNCILMAN HENON: Thank you.

8 MR. GALE: Thank you,
9 Councilman.

10 COUNCILMAN JONES: Thank you,
11 Councilman.

12 COUNCILMAN JOHNSON: Point of
13 information, please.

14 COUNCILMAN JONES: You're next,
15 so okay.

16 COUNCILMAN JOHNSON: Sure. I
17 just wanted to do a small reference,
18 Mark, to the letter that my colleague
19 Wilson Goode was referring to. It was
20 specifically to the individuals who
21 applied for the RFP to do concessions.
22 The members of Council have a strong
23 interest in the issue of labor harmony.

24 MR. GALE: Yes, sir.

25 COUNCILMAN JOHNSON: We don't

1 5/6/14 - WHOLE - BILL 130489, etc.
2 negotiate on behalf of any union but,
3 however, we want to make sure that
4 individual workers or our constituents
5 engage in any type of organizing for
6 wages for better working conditions, they
7 have the right to do so without recourse.
8 And so all members of Council, if I'm
9 correct --

10 COUNCILMAN JONES: It wasn't
11 all.

12 COUNCILMAN JOHNSON: Not all.
13 Not all members of Council, but the
14 majority of members of Council have an
15 interest in it. We did sign a letter of
16 our interest and concerns, and that's
17 just the specific letter that he's
18 referencing. We just wanted to make note
19 for the record.

20 MR. GALE: Okay. Thank you.

21 COUNCILMAN JOHNSON: I'll get
22 you a copy if you need it.

23 MR. GALE: If it's been sent to
24 me, I'll find it. I must have missed it,
25 Councilman, but I'd appreciate another

1 5/6/14 - WHOLE - BILL 130489, etc.
2 copy.

3 COUNCILMAN JOHNSON: Councilman
4 Goode.

5 MR. GALE: The labor harmony
6 piece to it you referenced earlier in the
7 concession RFP, not only did it --

8 COUNCILMAN JOHNSON: Yes, it
9 has been. So we already on that --

10 MR. GALE: It already has a
11 mandate that labor harmony will be part
12 of the new concession agreement. That is
13 there.

14 COUNCILMAN JOHNSON: And I just
15 want to note for the record because I
16 know the first time around this process a
17 little back and forth and folk come down,
18 but my office is very involved in working
19 with Rina and discussing -- and yourself
20 as well. People don't know, we kind of
21 meet frequently on these issues as
22 opposed to always in the public doing the
23 back and forth thing. But thank you.

24 MR. GALE: Agreed. Thank you,
25 Councilman.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN JONES: Thank you,
3 Councilman, for your efforts and staying
4 on top of that, along with Councilman
5 Goode and the living wage legislation.

6 COUNCILMAN JOHNSON: Excuse me.
7 And I want to acknowledge also -- well,
8 obviously Councilman Goode, but Bobby
9 Henon, Councilman Henon, pretty much was
10 working in conjunction with my office and
11 giving us some cue points on certain
12 aspects to pay attention to. So we're
13 doing a whole Kumbaya, Councilman, thing
14 going.

15 COUNCILMAN JONES: That's
16 "Bobby Labor." So we appreciate your
17 efforts as well, Councilman. Thank you.

18 A couple of questions. I want
19 to shift gears a little bit.

20 In light of LAX Airport, active
21 shooter, in light of some intrusions both
22 on the field and in terminals, how
23 closely are you working with the Realtime
24 Crime Center and what improvements can
25 the public expect by way of post 9/11

1 5/6/14 - WHOLE - BILL 130489, etc.
2 environment and how are we improving on
3 our safety measures?

4 MR. GALE: Councilman, with
5 respect to the LAX incident and active
6 shooter, we are actively engaged not only
7 with our own Philadelphia Police
8 Department who does training at the
9 Airport, works side by side with other
10 law enforcement agencies, as well as the
11 Division of Aviation personnel to address
12 security concerns and to be prepared for
13 an unfortunate event should it occur at
14 Philadelphia International Airport. We
15 think that we're moving in that direction
16 collectively with the Philadelphia Police
17 Department.

18 Just this week there are some
19 folks from PHL that are receiving an
20 in-depth security brief from the LAX
21 officials in Los Angeles to get some very
22 specific details about what they faced
23 out there and lessons learned so that we
24 can incorporate that in our plans here in
25 Philadelphia.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 With respect to the security at
3 the Airport, and I think you referenced
4 intrusions, and we had the incident a
5 couple years back where a vehicle had
6 crashed through a gate and had come onto
7 the airfield, our perimeter has been
8 tightened all the way around through the
9 use of cable and barriers so that that
10 would prevent that from happening again
11 in the future. We've reviewed all our
12 patrol procedures with our operations
13 folks as well as the Philadelphia Police
14 Department to look out for different
15 types of behavior that they see driving
16 around the Airport.

17 So we think that we've
18 addressed those concerns pretty
19 adequately. Active shooter is going to
20 be something that's been ongoing for us
21 in the future. It is an unfortunate
22 thing that occurs in today's environment
23 and we just need to be as prepared for it
24 as we possibly can.

25 COUNCILMAN JONES: As tragic as

1 5/6/14 - WHOLE - BILL 130489, etc.
2 those events are, we must learn from them
3 to prevent their replication in other
4 places. So it's important that we
5 integrate that knowledge into our own
6 security capacity.

7 MR. GALE: Agreed.

8 COUNCILMAN JONES: All right.
9 Thank you very much.

10 And I see the President of
11 Council has arrived, so I will relinquish
12 the chair so that he can do his thing.

13 Are there any other questions?
14 Yes, there are.

15 It's Councilman Johnson, but
16 he's gone. So are there any other
17 questions for this panel?

18 (No response.)

19 COUNCILMAN JONES: Seeing none,
20 thank you very much.

21 MR. GALE: Thank you,
22 Councilman.

23 COUNCILMAN JONES: Thank you.
24 Next we'll have the Water Department.

25 (Witnesses approached witness

1 5/6/14 - WHOLE - BILL 130489, etc.
2 table.)

3 (Pause.)

4 COUNCIL PRESIDENT CLARKE: Good
5 morning. Next up we're going to have the
6 Philadelphia Water Department.

7 Please state your name for the
8 record.

9 COMMISSIONER NEUKRUG: Good
10 morning, Council President Clarke and
11 members of City Council. I am Howard
12 Neukrug, Water Commissioner, testifying
13 on behalf of the Philadelphia Water
14 Department and the FY 2015 Operating
15 Budget request.

16 So far 2014 has been a very
17 interesting year for water. The polar
18 vortex, record-breaking snows and floods,
19 water main breaks, including two 48-inch
20 breaks this summer, kept us very busy.
21 Fortunately for the residents of
22 Philadelphia, the Water Department
23 workforce is second to none, and despite
24 these challenges, our drinking water has
25 remained pure, our supplies strong, and

1 5/6/14 - WHOLE - BILL 130489, etc.
2 our rivers are running clean. The 2,000
3 dedicated employees of the Philadelphia
4 Water Department are doing an outstanding
5 job protecting our public's health and
6 their environment and deserve to be
7 recognized and commended.

8 But as we move our utility well
9 into the 21st century and look towards
10 the utility of the future, we are
11 balancing an aging infrastructure, new
12 smart water technologies, the pricing and
13 affordability of our water and aging
14 workforce, limited resources, and the
15 need to provide services on beautiful
16 days like today as well as during
17 catastrophic, natural, and manmade
18 events. As our infrastructure ages, the
19 demands on our employees increase, and
20 the long-term solution is the continued
21 commitment of the City and the Water
22 Department to optimize and upgrade its
23 system of water reservoirs, pipes, pumps,
24 and plants.

25 Our Fiscal Year '15 Water

1 5/6/14 - WHOLE - BILL 130489, etc.

2 Department Operating Budget is proposed
3 at \$354.8 million, 33.7 million over FY14
4 estimated obligations. Our Class 100
5 budget request of \$93.8 million is 4.8
6 million over FY14 estimated obligations
7 for the full funding of anticipated new
8 hires, filling vacancies, and the
9 transfer of employees from the Water
10 Revenue Bureau to the Water Department
11 shut-offs and restore crews.

12 Our Class 200 budget request of
13 \$146.1 million is 17.9 million over FY14
14 estimated obligations for costs
15 associated with new programs aligned with
16 our strategic plan -- and you all have
17 copies of our strategic plan in your
18 folders -- for planning the future of our
19 water supply and infrastructure network,
20 increasing our business assistance
21 program to help commercial properties
22 manage stormwater, conducting the
23 cost-of-service study, and future energy
24 costs.

25 Our Class 3 and 400 budget

1 5/6/14 - WHOLE - BILL 130489, etc.
2 request of 47.7 million is 1.8 million
3 above FY14 estimated obligations due to
4 increase in costs for chemicals, building
5 materials, machinery, and equipment.

6 Our Class 800 budget request of
7 66.9 million is 9.1 million above FY14
8 estimated obligations due to increased
9 transfers to various fund categories,
10 most notably the Residual Fund but also
11 the General Fund and Capital funds.

12 I would like to thank City
13 Council for your support as Philadelphia
14 Water Department moves forward with
15 significant programs geared to reduce
16 costs and improve services; in
17 particular, our efforts to reduce energy
18 costs, which is a \$20 million line item
19 in our budget, through projects like the
20 biogas cogeneration facility and the
21 geosewer thermal installation are
22 state-of-the-art and bode well for our
23 future of energy portfolio
24 diversification and energy independence.

25 Our Green Cities, Clean Waters

1 5/6/14 - WHOLE - BILL 130489, etc.
2 program is coordinating activities with a
3 variety of partners like the Streets
4 Department, Parks and Rec, the School
5 District, and with members of City
6 Council to leverage investments that make
7 Philadelphia a more attractive place to
8 live and work.

9 I am especially pleased with
10 the work we have ongoing to support the
11 diversity of our staff, providing
12 opportunities for advancement and growth
13 and our efforts to support the DBE and
14 the small green business markets.

15 I'd like to introduce Janria
16 Barroso, who is our Director of
17 Participation, part of our executive
18 team, who has come on and really done a
19 great job for us in moving us forward in
20 terms of our minority participation.
21 We've seen a threefold increase in
22 participation since 2009. We've seen in
23 FY13 26 percent participation. That's
24 equal to \$56 million of DBE contracts.
25 We're increasing our DBE goal for Fiscal

1 5/6/14 - WHOLE - BILL 130489, etc.
2 Year '15 from 25 percent to 27 percent.
3 We have a participation plan that is
4 really focused on economic development
5 and jobs for Philadelphians, increasing
6 awareness of Water Department business
7 practices, identifying structural
8 barriers, and improving staff awareness
9 of the importance of diversity.

10 In closing, we are moving
11 forward to improve service, reduce costs,
12 and remain sustainable by examining our
13 water infrastructure needs for our city
14 for today and tomorrow and the next
15 century. We look forward to continued
16 partnership with City Council toward
17 further improvements in FY14 and the
18 years ahead.

19 At this time, I'd be happy to
20 answer any questions that you may have.
21 I have with me our Chief Financial
22 Officer, Joe Clare, and our Chief
23 Operating Officer, Deb McCarty. I'd like
24 to announce that this is Joe's last
25 budget hearing. He is unfortunately

1 5/6/14 - WHOLE - BILL 130489, etc.
2 retiring -- or fortunately for him but
3 unfortunately for the rest of the City.
4 He's done an outstanding job for the
5 Water Department and we're going to miss
6 him.

7 COUNCIL PRESIDENT CLARKE: I'm
8 sure you'll miss us.

9 DEPUTY COMMISSIONER CLARE:
10 Absolutely.

11 COUNCIL PRESIDENT CLARKE:
12 Thank you. I just have a couple of quick
13 questions. Let me start with the first
14 question, Commissioner. The Water
15 Department in terms of its employees of
16 the bargaining unit employees, what's the
17 percentage of those employees in the
18 Water Department?

19 COMMISSIONER NEUKRUG: The
20 percentage of DC33 and 47 employees?

21 COUNCIL PRESIDENT CLARKE:
22 Correct.

23 COMMISSIONER NEUKRUG: I don't
24 have that number, but I would guess near
25 90 percent or higher.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCIL PRESIDENT CLARKE: Did
3 you say 90?

4 COMMISSIONER NEUKRUG: 90, yes.

5 COUNCIL PRESIDENT CLARKE: So
6 we pretty much --

7 COMMISSIONER NEUKRUG: Our
8 operations group is largely handled by
9 DC33, with some DC47 supervisory
10 positions and some management positions.

11 COUNCIL PRESIDENT CLARKE:
12 Okay.

13 COMMISSIONER NEUKRUG: That's
14 1,500 people.

15 COUNCIL PRESIDENT CLARKE: In
16 terms of the workforce, do you have a
17 sick abuse policy that has been adopted
18 by your department?

19 COMMISSIONER NEUKRUG: Yes, we
20 do.

21 COUNCIL PRESIDENT CLARKE: Have
22 you found that to be basically sufficient
23 to deal with any potential sick abuse
24 issues?

25 COMMISSIONER NEUKRUG: We have,

1 5/6/14 - WHOLE - BILL 130489, etc.
2 sir, found it to be useful and
3 sufficient.

4 COUNCIL PRESIDENT CLARKE:
5 Thank you. Okay. I'll move on to the
6 water-related questions.

7 Page 2 of the testimony, you
8 state that for FY13 water main breaks
9 remain below the national average at
10 fewer than 2.25 breaks daily. How are
11 the water main breaks trending in FY14
12 and what impact will this potentially
13 have on ratepayers?

14 COMMISSIONER NEUKRUG: Water
15 main breaks do vary each year and they
16 vary with largely temperature and changes
17 in temperature. This winter has been
18 particularly a tough winter for us.
19 We've seen an increase in breaks over the
20 last year, and two years earlier we were
21 pretty steady and it was mild and we had
22 about 550 versus probably have over 900
23 this year. It's a significant number of
24 breaks. In the US there's a water main
25 break every two minutes. So it's a

1 5/6/14 - WHOLE - BILL 130489, etc.
2 significant issue for Philadelphia and
3 the rest of the country.

4 COUNCIL PRESIDENT CLARKE: So
5 under the current and actually leading up
6 to the current proposal to sell PGW, one
7 of the issues that is before the
8 potential purchasers and the existing
9 company is main replacement, and it has
10 been significantly encouraged by the PUC
11 to have a very aggressive water main --
12 I'm sorry; gas main replacement. Do you
13 have a similar situation with the Water
14 Department in terms of pipe replacement?

15 COMMISSIONER NEUKRUG: We have
16 a significant program that's been in
17 place for the last 30 years that has
18 proven time and time again to be a very
19 appropriate program for the City of
20 Philadelphia. It's based on age and
21 characteristics of the pipe, and we do
22 select which pipes we're going to replace
23 based upon a point system. And by doing
24 that, by replacing .08 percent of our
25 pipes a year, we are keeping up and

1 5/6/14 - WHOLE - BILL 130489, etc.

2 actually getting better in terms of how
3 many breaks we have per year.

4 COUNCIL PRESIDENT CLARKE:

5 Okay.

6 COMMISSIONER NEUKRUG: Even
7 though our pipes are getting older.

8 COUNCIL PRESIDENT CLARKE: That
9 was a voluntary program. There was no
10 mandate by any government agency or --

11 COMMISSIONER NEUKRUG: There is
12 no mandate.

13 COUNCIL PRESIDENT CLARKE: And
14 is there a reason why -- and I understand
15 you don't work for the gas company, but
16 I'm assuming you have a significant
17 knowledge about utilities, and maybe it's
18 because the volatility associated with
19 gas versus water. Water is problematic
20 when you have a break, but tends not to
21 create explosions.

22 Is there a reason why, to your
23 knowledge, that there wouldn't be a
24 similar or comparable strategy associated
25 with replacing gas and water?

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COMMISSIONER NEUKRUG: I'm not
3 privileged to know what the Gas Works
4 process is. I'd be surprised if they
5 don't have a similar process to us.

6 COUNCIL PRESIDENT CLARKE: I
7 understand that question. But you feel
8 real confident and comfortable with the
9 existing replacement in the Water
10 Department?

11 COMMISSIONER NEUKRUG: Yes.
12 Our infrastructure is aging and at some
13 point additional funds are needed for
14 replacement of water pipes, but we are in
15 good stead at the moment.

16 COUNCIL PRESIDENT CLARKE:
17 Okay. On Page 5 of your testimony you
18 show that you have 1,947 budgeted
19 positions, but only 1,701 are filled. It
20 states also on Page 7 in your testimony
21 it's expected during the next fiscal year
22 the overall vacancy rate will be further
23 reduced to around 7 percent of budgeted
24 positions, which is sustainable for the
25 budget and operations.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 Can you explain why your
3 vacancy rate continues to remain high and
4 how this affects ratepayers, and if you
5 are expecting a 7 percent vacancy rate,
6 then why are the positions being budgeted
7 for in the first place?

8 COMMISSIONER NEUKRUG: Good
9 questions. We have a number of positions
10 that -- we have more Civil Service
11 positions at Philadelphia Water than any
12 other department. We have about 240 or
13 so positions, and with that, we have a
14 whole process that needs to take place
15 for replacing every position.

16 Last year we had a
17 significantly higher vacancy rate. We've
18 been making changes at our HR and working
19 better with our OHR and working together
20 to reduce the rates. We're on a
21 significant downward trend and we're
22 expecting to continue that. That is only
23 good for the ratepayer in that it
24 supports our water services and it
25 supports our employees having being able

1 5/6/14 - WHOLE - BILL 130489, etc.
2 to do their job.

3 COUNCIL PRESIDENT CLARKE: I'm
4 not sure that answered my question. So
5 pretty much basic question, you have
6 1,900 positions that you are budgeted
7 for, 1,700 of those positions are filled.
8 So that means that we're appropriating
9 more money than we actually -- well, I
10 don't want to say need, but more money
11 than we're spending, and my question is
12 why. I'm not sure that your response --

13 COMMISSIONER NEUKRUG: You're
14 right.

15 COUNCIL PRESIDENT CLARKE: --
16 really answered that question.

17 COMMISSIONER NEUKRUG: No. And
18 the response is that we don't fully fund
19 the 1,900 positions. We fund somewhat
20 less than them.

21 COUNCIL PRESIDENT CLARKE: We
22 don't fund --

23 DEPUTY COMMISSIONER CLARE: We
24 partially fund our vacant positions, and
25 at any point in time there are numerous

1 5/6/14 - WHOLE - BILL 130489, etc.

2 positions in various stages of hiring.

3 So because of the testing and the number

4 of positions that are in the Department

5 in terms of job titles and number of

6 skilled positions that are difficult to

7 recruit, we found over the years that if

8 we don't have an adequate number of

9 vacancies budgeted, we're not able to

10 keep even the current staffing levels up

11 to where we believe they need to be.

12 DEPUTY COMMISSIONER McCARTY:

13 If I may add, Council President. We

14 are --

15 COUNCIL PRESIDENT CLARKE: I'm

16 asking a basic question.

17 DEPUTY COMMISSIONER McCARTY:

18 We're working very hard to fill those

19 vacancies.

20 COUNCIL PRESIDENT CLARKE: One

21 second, Ms. McCarty.

22 When you say you partially fund

23 the positions, when you say "we," you

24 mean the Department or the City partially

25 appropriates revenue for --

1 5/6/14 - WHOLE - BILL 130489, etc.

2 DEPUTY COMMISSIONER CLARE: The
3 Department only requests partial funding
4 for the 200-odd vacancies.

5 COUNCIL PRESIDENT CLARKE: So
6 we're appropriating the revenue for the
7 1,900, but you're only asking to draw
8 down a portion of the 200?

9 DEPUTY COMMISSIONER CLARE:
10 Correct.

11 COUNCIL PRESIDENT CLARKE: Is
12 that correct? Are you sure that's
13 correct? Because you know we'll check.
14 I just want to make sure, because we have
15 some tight times going on. I just want
16 to make sure we're not appropriating more
17 money than we actually need for
18 departments.

19 DEPUTY COMMISSIONER CLARE: No.
20 We fund roughly half of our vacant
21 positions.

22 COUNCIL PRESIDENT CLARKE:
23 Okay. But you're acknowledging that the
24 City has appropriated enough for all 200
25 of the positions? That's probably more

1 5/6/14 - WHOLE - BILL 130489, etc.
2 of a question for the Budget Director,
3 but I'm going to let that go.

4 DEPUTY COMMISSIONER CLARE:
5 Actually, the appropriations are set at
6 the level we request. So in the magical
7 circumstance that we were able to recruit
8 and retain all 200 vacancies, we would
9 need extra appropriations.

10 COUNCIL PRESIDENT CLARKE: All
11 right. I'm a longtime government
12 employee and I understand. I know what's
13 going on. That's good. Everybody does
14 it.

15 Ms. McCarty, you wanted to add
16 to that?

17 DEPUTY COMMISSIONER McCARTY: I
18 don't know if this adds to it or not,
19 Council President, but we have been
20 filling a lot of vacancies, and while the
21 number might look it's about the same,
22 it's because of attrition and then
23 filling. So just keeping up with that.
24 But we really have been working closely
25 these last two years, I'd say, and I see

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2 it getting better. I mean, the biggest
3 impact is on my division, and we are
4 working really hard with OHR, as the
5 Commissioner stated, and our personnel
6 staff in restructuring to get these
7 vacancies filled. It's a good job. We
8 would love more skilled trades. We have
9 programs to get more skilled trades.
10 It's just a matter of standing it up and
11 filling these positions.

12 COUNCIL PRESIDENT CLARKE: You
13 just triggered a question by Councilman
14 Jones when you talked about skilled
15 trades.

16 One last question. What's our
17 current rating, bond rating, the rating
18 agencies?

19 DEPUTY COMMISSIONER CLARE:
20 We're an A-rated utility right now.

21 COUNCIL PRESIDENT CLARKE: A?
22 That's good?

23 DEPUTY COMMISSIONER CLARE: "A"
24 for a large East Coast utility is
25 actually -- we're one of the lowest rated

1 5/6/14 - WHOLE - BILL 130489, etc.
2 of the 25 major cities that have
3 municipal water departments. We're one
4 of the lowest rated.

5 COUNCIL PRESIDENT CLARKE:
6 Really? Why?

7 DEPUTY COMMISSIONER CLARE: A
8 typical rating for a large major water
9 utility would be a AA.

10 COUNCIL PRESIDENT CLARKE: Why
11 are we rated at "A"?

12 DEPUTY COMMISSIONER CLARE:
13 Well, we're a highly leveraged utility.
14 Our debt-to-equity ratio is extremely
15 high. We have -- our coverage is limited
16 and the amount of capital that we pay on
17 an ongoing basis out of our operating
18 budget is very low. So those are all
19 things we're trying to improve in our
20 financial stability plan.

21 COUNCIL PRESIDENT CLARKE: It
22 sounds like you could possibly be a
23 candidate for a sale. Better be careful.

24 All right. Thank you.

25 The Chair recognizes Councilman

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2 Jones.

3 COUNCILMAN JONES: Thank you,
4 Mr. President. You know me too well now.
5 We spend way too much time together,
6 because you knew the question I would
7 ask.

8 We recently had an opportunity
9 to commend the Streets Department for
10 creating a pipeline from school-to-work
11 program where they took individuals, took
12 them up to Fleet Management, helped them
13 to understand auto mechanics. One has a
14 scholarship to a major university and
15 following up on an advanced degree, and
16 the other was recognized nationally in a
17 competition by way of his ability through
18 a public high school, Randolph, in
19 gaining mastery in practical use of his
20 skills within a city department.

21 If you are having problems
22 filling those vacancies, have you
23 connected with the Philadelphia school
24 system to try to resolve some of those
25 labor issues and pipeline-to-employment

1 5/6/14 - WHOLE - BILL 130489, etc.
2 issues with them?

3 COMMISSIONER NEUKRUG: Thank
4 you for that question, Councilman. Yes,
5 we have. We're working -- began an
6 apprenticeship program this year with
7 Edison High School where we have kids who
8 come in and work with us every Friday for
9 a full day, working with us and learning
10 some of the skills that their teachers
11 and the students themselves have found
12 that place the directions that they want
13 to move in. So, yes, we are doing it at
14 Edison High School. We are also helping
15 with Philly Power Corps where we've just
16 brought in our second round of folks.
17 It's about 20 young adults who are now
18 working at Philadelphia Water on a
19 six-month basis learning, again, how to
20 work, how to hold a job, and some of them
21 are learning how to get some of the
22 higher skills of those that are capable
23 of that.

24 We're also very much into
25 training programs for our employees. We

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2 have quite a lot of semi-skilled workers
3 working for Philadelphia Water and we
4 enjoy having the opportunity to train
5 anyone who would like training, to learn
6 more about other Civil Service
7 opportunities, and try to provide that
8 opportunity within the Department for
9 people to gain new skills and be able to
10 get promoted in the Department.

11 COUNCILMAN JONES: So kudos for
12 that. What I want also to encourage is
13 at Randolph Skill Trade Center Public
14 School, actual Fire Department employees
15 train those young people to prepare them
16 for taking the fireman's test. So
17 conversely, I'd like to see the Water
18 Department actually within the cadre of
19 skills that they provide young people
20 prepare them for test taking so that they
21 can pass the test, become employees.

22 I don't know about you, but I'm
23 going to date myself. The CETA program
24 was my first exposure to City government.
25 Some of those same people that had that

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2 opportunity are now retiring from City
3 government in the Water Department that
4 got those kinds of opportunities. So I'd
5 like to see that design. And then also
6 Jerome Shabazz out on Lancaster Avenue
7 does that environmental training program,
8 particularly focusing on bioretention
9 basins. I'd like to hear about what your
10 plans are.

11 A couple of budgets ago we
12 talked about possibly 1,000 rain gardens,
13 bioretention basins, which take up skills
14 like brick masons, plumbing. You have to
15 know about horticulture. You have to
16 know about insecticides and pesticides.
17 You have to know about all of those
18 skills just to put in a bioretention
19 basin. So I want to know how we're
20 incorporating that into a "from the
21 street, from the classroom to the
22 department" workforce.

23 COMMISSIONER NEUKRUG: We're
24 working in a number of different
25 directions. First of all, we're holding

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2 contractor sessions on a quarterly basis
3 where we invite all contractors who do
4 work for Philly Water or want to do work
5 with Philly Water to come in, learn about
6 our green infrastructure programs and
7 learn the skills, and in return, we're
8 also hearing back from them about ways
9 that we can modify our programs to make
10 them less expensive and better operating.

11 We're also working with
12 different groups to educate people on
13 everything about green infrastructure
14 from -- because it starts with public
15 outreach. It goes to education, goes to
16 conceptual planning, speaking with the
17 community, coming up with designs,
18 construction and operation and
19 maintenance and inspection. So there are
20 a series of job categories with green
21 infrastructure. All of them we're
22 looking to gain support.

23 COUNCILMAN JONES: I hear my
24 bell. Like Pavlov's dog, I'm going to
25 stop, but what I want to challenge your

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2 department to do, because we've been
3 kicking this can down the road, pick a
4 high school, any high school, not even in
5 the 4th, Councilman Johnson.

6 COUNCILMAN JOHNSON: Thank you,
7 sir.

8 COUNCILMAN JONES: Wherever you
9 want to put it, but -- in the 6th? I
10 challenge you to bring to me in two
11 years, not one, in two years five or --
12 no; a dozen individual high schoolers
13 that can build a bioretention basin, if
14 that's the way we're going, and water
15 runoff. I know Councilman Henon is going
16 to talk about that water rate, but if in
17 fact that is a cottage industry
18 development, then I want to see a dozen
19 public school youth that can, with their
20 hands, build that in two years.

21 COMMISSIONER NEUKRUG:
22 Fantastic.

23 COUNCILMAN JONES: Is that a
24 yes fantastic?

25 COMMISSIONER NEUKRUG: That's a

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2 yes. That's a yes.

3 COUNCILMAN JONES: Thank you,
4 Councilman.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you, Councilman.

7 The Chair recognizes Councilman
8 Henon.

9 COUNCILMAN HENON: Thank you,
10 Council President.

11 Good morning, Commissioner and
12 those who have joined you this morning.
13 So, one, I just want to start off by
14 saying Council President didn't ask how
15 we compared to other cities in our
16 rating. You said "A" rating. That was
17 good for me, because I know you guys do a
18 great job, but just a little words of
19 advice.

20 So, one, look, I think the
21 Water Department does a great job. I
22 think its management and its staff -- and
23 I have a new found admiration for what
24 they do on a daily basis, especially
25 after going through what they did in this

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2 winter as more -- there's ways that I
3 delve into my first term with trying to
4 find out how government works, and
5 certainly this arduous process of the
6 budget is one of them, and two is seeing
7 firsthand on what they do. And I went
8 undercover, "undercover Councilman,"
9 which I did not have glasses and mustache
10 on, but I did get a first chance to see
11 what your department does on a regular
12 basis. And the equipment they use, the
13 technology they use, the knowledge of the
14 infrastructure is just -- you can't top.
15 The guys and girls that are out on the
16 street knowing how to operate, where to
17 dig, what level, what to look after, what
18 other utilities you coordinate with is
19 just unbelievable. And I think we
20 mentioned the asset sale potentially with
21 another asset. I mean, our workforce in
22 the City of Philadelphia that are out in
23 the street every day is first class, and
24 I want to thank them all for what they
25 do, because you can't give somebody a

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2 manual, a book and say, Hey, this is what
3 we need you to do. You need to have that
4 kind of experience and you need to have
5 the proper training that our folks have
6 all throughout the City. And it is my
7 hope that they receive the respect and
8 dignity in the fair contract as quickly
9 as possible, because they deserve that.
10 We deserve that.

11 And so with that being said, to
12 touch on the jobs or the vacancies, is
13 there -- two things. One, are you
14 working with -- is the Department working
15 with the Center of Excellence within the
16 Managing Director's Office and HR to try
17 to fill these positions on the fast
18 track? You can answer me that. Well,
19 you know what, if you know the answer,
20 I'd like to hear it. If not, we can
21 talk --

22 COMMISSIONER NEUKRUG: I'm not
23 familiar with it, so I'll look into it
24 and see if we are. It doesn't mean we're
25 not.

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2 COUNCILMAN HENON: No. Without
3 a doubt.

4 The attrition rate and DROP
5 rate that we have in the Department, are
6 those 200 positions -- I know you had
7 mentioned through attrition. That's why
8 we have some of those vacants. Are we
9 keeping on pace? I mean, how much more
10 do we need to do to keep up with the
11 pace? Because I am concerned that we
12 don't have the experience.

13 When I was out in the frigid
14 cold, when they were looking at leaks, I
15 put my ear on a quarter-inch rod to
16 listen for something that I couldn't
17 hear, but they knew. They knew
18 approximately within 10 feet, if not even
19 more precise, of where the leak was. You
20 cannot give somebody, again, a manual to
21 say -- to teach that. You need to have
22 people being trained by those who have
23 the experience.

24 So my concern is we are not
25 keeping up with attrition. We are not

1 5/6/14 - WHOLE - BILL 130489, etc.
2 keeping up with the DROP rate to make
3 sure that we're out there and having the
4 trained workforce.

5 So that's a statement. My
6 question was, what do we need to do to
7 keep you with the attrition and the DROP
8 rate?

9 COMMISSIONER NEUKRUG: We need
10 to keep hiring. We need to keep
11 replacing and educating and training
12 folks to come in at all levels of the
13 Department, from CFO down to semi-skilled
14 laborer, to help us learn -- help the
15 next generation learn and take over where
16 our generation is finishing their work.

17 COUNCILMAN HENON: So I'll wait
18 for round two, but my last question in
19 this round is, is there -- in terms of
20 positions, are they kind of clustered in
21 the vacancies to certain positions or are
22 they just across the board, from Civil
23 Service to professional engineers? I
24 mean, the Water Department is
25 unbelievably educated when it comes to

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2 like chemists and biology and that type
3 of field. So is it across the board or
4 do you see them in clusters?

5 COMMISSIONER NEUKRUG: Actually
6 the answer is both. We have
7 across-the-board needs for one or two
8 positions, one or two vacancies in many
9 different positions. We also have
10 certain clusters.

11 Deb, you want to highlight what
12 clusters you have.

13 COUNCILMAN HENON: If you could
14 just provide them to the Chair. I mean,
15 do you have the answers now?

16 DEPUTY COMMISSIONER McCARTY:
17 Well, I mean, it is skilled trades. What
18 I can tell you about the leak detention
19 folks is that we have entry-level
20 positions that we actually do not have
21 problems hiring. Those tend to be long
22 lists. As the Commissioner mentioned,
23 the semi-skilled laborer and what's
24 called the water operations prepare
25 helper. We just got a huge list. We

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2 hire off that list. We also use that
3 list not only for our distribution unit,
4 but we also use it for some of our other
5 areas when we can't get the other titles
6 we're looking for. So we're moving
7 things around sometimes, getting
8 creative. Some of the trades that we do
9 have challenges with is -- and I think
10 some of our sister utilities do as
11 well -- are instrumentation, electronic
12 technicians, HVAC mechanics, even
13 machinery and equipment mechanics. Those
14 are key titles in my division.

15 COMMISSIONER NEUKRUG: Those of
16 you that have been out to our facilities,
17 you know that our facilities are some of
18 the largest industry actually in the City
19 of Philadelphia, and the need for these
20 skilled trades is tremendous.

21 COUNCILMAN HENON: Thank you.

22 DEPUTY COMMISSIONER McCARTY:
23 Did I mention electricians? If I didn't,
24 I meant to. And I'm not just saying
25 that.

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2 COUNCILMAN HENON: I was going
3 to throw them in anyway.

4 DEPUTY COMMISSIONER McCARTY:
5 They are a challenging trade for us to
6 hire.

7 COUNCILMAN HENON: I assume
8 everybody needs electricians.

9 DEPUTY COMMISSIONER McCARTY:
10 What I can say is we've recently -- we
11 reached out to the local and are going to
12 be meeting with them on some ideas on how
13 to fill some of those vacancies too
14 actually.

15 COUNCILMAN HENON: Thank you.

16 COUNCIL PRESIDENT CLARKE:

17 Okay. Thank you, Councilman.

18 The Chair recognizes Councilman
19 Johnson.

20 COUNCILMAN JOHNSON: Thank you,
21 Council President.

22 Hello. How you doing,
23 everybody? How you doing, Commissioner?
24 Keep up the good work as usual, and I
25 want to also thank you for the

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2 partnership with the Department of Parks
3 and Recreation on how we leverage our
4 resources to develop some of our parks
5 throughout the City. I know a couple of
6 projects we're working on are within the
7 2nd Councilman District, and the work
8 that the Water Department does plays a
9 significant role in helping us leverage
10 the resources that we have as a city. So
11 I want to thank you for that.

12 I have a question regarding the
13 issue of water main breaks. Obviously we
14 were in the trenches together in my
15 district last year sometime, and so I
16 want to get an idea moving forward -- and
17 obviously I'm doing some hearings on the
18 21st and Bainbridge Street water main
19 break, specifically how the residents are
20 allowed to engage in claims.

21 So what are we going to do as a
22 city or are we working with our members
23 in the State Legislature -- I know Larry
24 Farnese introduced a bill to try to
25 increase the threshold from 500,000 to --

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2 I'm not sure of the exact number that
3 he's going to, but obviously \$500,000 is
4 a pretty small amount, depending on the
5 size of the actual water main break.

6 What are we going to do moving
7 forward to address this issue? Because
8 my situation, obviously I have certain
9 corporations that are engaging in the
10 claims process, and from their
11 perspective, they have a right. My
12 primary concern is the constituents that
13 I represent, the people who lose their
14 valuables in this process whose lives
15 will be forever changed. What are we
16 going to do moving forward or what are we
17 doing moving forward to raise this level
18 of threshold so when people are impacted
19 by something they have nothing to do with
20 are made whole?

21 COMMISSIONER NEUKRUG: And it's
22 really a risk decision for the state and
23 the City and much more than just the
24 Water Department. You are correct, we've
25 had the incident at 21st and Bainbridge

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2 and now Frankford and Torresdale where
3 the \$500,000 cap limit is being reached.
4 However, rarely have we reached that cap
5 in the past and we've had a couple of
6 unusual conditions. Not to say that
7 that's not reason to increase it. We're
8 willing to work and talk with City
9 Council and the Risk Management office of
10 the City to come to some conclusions on
11 where we should go with this.

12 Remember that every time that
13 if we do raise the cap, it is the rest of
14 the ratepayers of the City of
15 Philadelphia who will be paying for that.
16 There's no magic insurance company
17 outside of ourselves.

18 So it's a very tough decision.
19 There's a lot of reasons to raise it and
20 reasons why you may not want to raise it.
21 We're here to support City Council and
22 the Administration in whatever decision
23 they make.

24 COUNCILMAN JOHNSON: I guess --
25 and I understand the ratepayers part. So

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2 the residents just take it on the chin?
3 Because in my particular case, you got
4 two major corporations that's pretty much
5 eating up the whole amount. So does that
6 mean the residents, they just have to do
7 without because we may not want to raise
8 rates or are there any -- have we started
9 thinking outside the box and try to
10 figure out how do we address this issue
11 so the average common person don't take a
12 loss as a result of us not investing in
13 our infrastructure?

14 COMMISSIONER NEUKRUG: We
15 recognize the problem, and what we do is,
16 first of all, we identify and shut off
17 the leak as quickly as we can. We come
18 in with services to support the
19 homeowners and making their property as
20 good as we can following the event, and
21 we work with the adjusters and the Risk
22 Management group to support our customers
23 and make sure that they are being made
24 whole. Unfortunately, you are correct,
25 the \$500,000 cap is something that needs

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2 to be determined by -- next step is a
3 judge. So a judge will look at this and
4 take up that issue of certain utilities
5 taking up a large sum of the money and
6 make a decision.

7 COUNCILMAN JOHNSON: Thank you.

8 COMMISSIONER NEUKRUG: Thank
9 you.

10 COUNCIL PRESIDENT CLARKE:

11 Thank you, Councilman.

12 The Chair recognizes Councilman
13 Squilla.

14 COUNCILMAN SQUILLA: Thank you,
15 Mr. President.

16 And thank you. Good afternoon,
17 I guess. I have different questions in a
18 different direction. And I know it's not
19 under their purview, but I have a hard
20 time understanding sometimes. I know
21 we're in the process of, I guess,
22 changing all water meters. Is that
23 something that's complete at this time?

24 COMMISSIONER NEUKRUG: Yes. We
25 just completed a change-out, not of the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 meters but of the device that sends the
3 signal out to the street to read the
4 meter.

5 COUNCILMAN SQUILLA: So is
6 everybody changed at this point?

7 COMMISSIONER NEUKRUG: We're at
8 90-something percent, yes.

9 COUNCILMAN SQUILLA: And the
10 reason I ask is because it seems like
11 sometimes after the change, we get very
12 large increases in bills where residents
13 will receive a 4, 5, 6 thousand dollar
14 water bill, and it's very disheartening
15 to not only the resident, but then when
16 they call and they say they paid every
17 bill all along and the Water Department
18 says, Well, the meter wasn't reading
19 correctly; therefore, you weren't paying
20 enough, which we may understand that, but
21 to me there has to be some onus on the
22 Water Department to work out some type of
23 an arrangement with the resident.
24 Because at the end of the day, they were
25 doing everything that they thought they

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2 needed to do in order to pay the bill,
3 and yet a lot of times when we see that
4 and we go to the Revenue, they'll say,
5 All right, theft of services, the person
6 was stealing water. It's just
7 frustrating. And before going way out on
8 a limb and trying to do something with
9 Water Revenue, I think we need to find a
10 way.

11 Is there something that the
12 Water Department is doing or is that just
13 Water Revenue's decision on how to handle
14 this?

15 COMMISSIONER NEUKRUG: That's a
16 very good question, Councilman, and it is
17 a very serious problem that we've had.
18 When we have a zero read account,
19 one-third of the time it's because it's a
20 vacant property, one-third of the time
21 it's because it's theft of service, and
22 one-third is because of equipment failure
23 that's resulting in the non-reads.

24 What we do is, working with the
25 Water Revenue Bureau, we've come up with

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2 a plan where any homeowner who receives a
3 bill that has zero reads and then we
4 catch up and we find a \$3,000 bill,
5 whatever it may be, we do charge them for
6 usage for the previous one year, and
7 anything that's before that we split the
8 difference with them.

9 So we understand that there is
10 some responsibility on the homeowner to
11 see a bill and show some -- and see that
12 there's no usage going on for a period
13 and time and there's also a
14 responsibility on the water utility's
15 part. So the partnership program that we
16 have of 50 percent share for anything
17 over a year is where we --

18 COUNCILMAN SQUILLA: But some
19 of these bills go back six years, seven
20 years. I mean, is it possible the Water
21 Department didn't know they were paying
22 the wrong amount for seven years and now
23 they expect the resident to come up with
24 that money? I mean, somewhere there's a
25 disconnect, whether it was with Revenue.

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2 Revenue should have known at some point

3 that these people are paying nothing.

4 They're just paying for, I guess --

5 they're not paying for any water.

6 They're just paying for service.

7 COMMISSIONER NEUKRUG: There's

8 a continuing issue of zero reads where

9 for a number of reasons you get zero

10 reads. The fact that there are homes

11 with five, six years of back zero reads

12 is not appropriate, and we're coming to a

13 fix for that at this current fiscal year.

14 COUNCILMAN SQUILLA: So then

15 we're not sure if it's the Water

16 Department issue or a Revenue issue at

17 this point, or we know and you're trying

18 to work out the difference?

19 COMMISSIONER NEUKRUG: We're

20 working closely with the Revenue Bureau,

21 very closely, meeting monthly to rectify

22 this and other issues.

23 COUNCILMAN SQUILLA: I mean, we

24 have houses gone up for Sheriff Sale

25 where the water bills were \$25,000,

1 5/6/14 - WHOLE - BILL 130489, etc.
2 \$30,000. At some point we shut the water
3 off or we do something and they say -- or
4 they're saying, You know what, we didn't
5 shut the water off and it wasn't reading
6 properly, so we generate this bill. It
7 just causes concern from us. I mean, at
8 least from me representing the
9 constituents, and I think we need to have
10 an answer. I mean, there is a way for
11 them to appeal and have a hearing, and
12 then a lot of times that just keeps
13 getting postponed and postponed and on
14 and on and on. And I understand they
15 can't shut their water off as long as
16 they have requested a hearing, but we
17 still -- everybody likes to have closure,
18 so we need to find a way to come up with
19 closure I think that is a little more
20 fair than what is going at this point.

21 COMMISSIONER NEUKRUG: And
22 we've been working diligently on that and
23 would welcome bringing you into the
24 discussion or anybody else in City
25 Council to talk about that.

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2 COUNCILMAN SQUILLA: I would
3 appreciate that very much. Thank you.

4 COUNCIL PRESIDENT CLARKE:
5 Thank you, Councilman.

6 The Chair recognizes Councilman
7 Jones.

8 COUNCILMAN JONES: Thank you.
9 You threw me off with the workforce
10 development question, and you know that's
11 a passion of mine. That was a setup.

12 The way I originally wanted to
13 bring this testimony, or at least my
14 comment, was to say how wonderful I think
15 the Department is and to say how thankful
16 as a Councilperson I am to have a
17 department that works with me. Whether
18 we talk about commercial corridors and
19 being able to use the resources to
20 improve and enhance the corridor or we
21 get to more sophisticated things like
22 daylight where we took a former drain
23 sewage and turned it into a babbling
24 brook with hopefully frogs and fish that
25 we're going to stock the pond. I mean,

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2 that was a wonderful effort.

3 Whether we talk about some of
4 the bioretention basins that you're
5 putting on commercial corridors to
6 capture rain or whether you're talking
7 about dredging on River Road to make our
8 rivers more navigable, it is wonderful
9 the work that you and our partners are
10 using your resources to make us the
11 greenest city in America.

12 So that's a statement that I
13 hold true for you and your department,
14 and I thank you for it.

15 COMMISSIONER NEUKRUG: Thank
16 you, Councilman.

17 COUNCILMAN JONES: I also want
18 to talk about some of the possible
19 efficiencies that we can come up with.
20 We did a tour, I think it was Councilman
21 Kenney and myself, in your Southwest
22 Water Treatment Plant where we realized
23 something that you knew all along, is the
24 high cost of electric in order to produce
25 our quality product called water. And

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2 what we are doing, I think there was an
3 original attempt to do some solar and
4 possibly to kind of circumvent some of
5 the cost of the actual production of
6 water. How have we evolved in that
7 concept?

8 COMMISSIONER NEUKRUG: Thank
9 you, Councilman. That's a very good
10 question. We have a very large program.
11 We're moving our sewage treatment plants,
12 as they were called in the 1920's, to
13 today where they've been called water
14 pollution control facilities. Now we're
15 really looking at them as resource
16 recovery and energy efficiency
17 facilities. So we're looking to see how
18 can we make our wastewater treatment
19 plants in particular energy neutral, and
20 we're coming very close at our Northeast
21 Wastewater Plant where we just installed
22 our cogeneration package where we have
23 biogas that's generated at the site
24 that's used to turn an engine that
25 generates heat for the buildings and for

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2 the processes and 85 percent of the
3 electricity needed for the facility
4 itself, and that is a great example.

5 This past winter we actually saved with
6 the polar vortex that occurred and the
7 spike in electric costs. The fact that
8 we were running 85 percent of our system
9 through the cogeneration facility, we
10 saved \$620,000 just in that two-month
11 period of January, February.

12 So we're looking at this.
13 We're looking at how do you extract
14 everything out of the wastewater, from
15 methane to heat to the nutrients, the
16 solids, to the water itself, and how do
17 we reuse it and make it more efficient
18 and improve our services.

19 COUNCILMAN JONES: So let me go
20 back to workforce development. I ran in
21 2007 on an issue that I found out from
22 Bob Brandt, who does those kinds of
23 studies, that 23 percent of our water,
24 treated water, was being lost in leaks.
25 Has that statistic improved, A, and, B,

1 5/6/14 - WHOLE - BILL 130489, etc.
2 that's the kind of workforce development
3 process that Councilman Henon fights
4 about for labor, but also the use of high
5 school students to matriculate into those
6 kinds of paid internships that gives
7 experience and creates jobs.

8 COMMISSIONER NEUKRUG: Our
9 water loss is still higher than it should
10 be. However, we do have an excellent
11 program in place to monitor our system,
12 check -- every three years we check every
13 mile of our system for leaks, and we do
14 make lots of repairs, and our system is
15 in pretty good shape at this point.

16 COUNCILMAN JONES: Is it still
17 23 percent?

18 COMMISSIONER NEUKRUG: It's
19 still 23 percent.

20 COUNCILMAN JONES: All right.
21 Thank you, Mr. Chairman.

22 COUNCILMAN GREENLEE: Thank
23 you, Councilman.

24 Councilman Henon.

25 COUNCILMAN HENON: Thank you,

1 5/6/14 - WHOLE - BILL 130489, etc.

2 Mr. Chairman.

3 As stated here, it seems
4 like your department is really 2014
5 thinking and in advance in collaboration
6 with other departments, and I'm sure you
7 could -- you have a quantifiable rate of
8 return on the savings that we have as a
9 city dealing with some of our stormwater
10 retention and some of our new
11 technologies. The work that you do with
12 our schools, the work that you do with
13 our Parks and Recs, the work that you do
14 with other departments, I mean, truly
15 is -- just from a personal perspective,
16 as a District Councilperson, I mean, I
17 come to the Department and I say, Hey,
18 look here is my issue, here's my problem.
19 We have -- and it can vary. Nobody has
20 ever told me no from your department.
21 You say, Hey, we recognize that problem,
22 how could we solve or how do we get
23 there, whether it's immediately or if
24 it's in a year or two years.

25 So I thank you for that, and I

1 5/6/14 - WHOLE - BILL 130489, etc.
2 hope that continues, because I think that
3 through the partnerships with other
4 departments, we are saving the City and
5 becoming much, much more efficient.

6 Councilman Jones had mentioned
7 about the greenest city in the country.
8 It took me a little bit to get used to
9 that, but the bottom line is, through the
10 efforts, you are saving the City long
11 term billions of dollars, billions of
12 dollars. And I think you had just
13 mentioned the cogen, which is in my
14 district and I tour it. It's
15 magnificent. And your renewable -- it's
16 not even attempts. I mean, the renewable
17 energy aspect of that, instead of burning
18 off some of the gases, I mean, you're
19 reusing that in a closed loop water
20 system to reheat and reuse and to save
21 600-some thousand dollars is a wise
22 investment that this City Council agreed
23 upon several years ago, even before I got
24 there. So that is what's going to keep
25 us a first-class city. So I don't even

1 5/6/14 - WHOLE - BILL 130489, etc.
2 have to ask about the cogen because
3 you're sold on it.

4 COMMISSIONER NEUKRUG: Thank
5 you, Councilman.

6 COUNCILMAN HENON: I just want
7 to acknowledge that I toured the plant,
8 and I'm sure you have other -- I mean,
9 you can provide to the Chair some other
10 ways that you have savings in the City
11 with some of the collaborative efforts
12 with the other departments.

13 COMMISSIONER NEUKRUG:
14 Certainly, yes. We can provide that.

15 COUNCILMAN HENON: I'd love to
16 hear them.

17 Simple Public Property
18 questions I e-mailed out and sent over to
19 each department in the City of
20 Philadelphia. I don't need an answer
21 now, but I'm just going to give you a
22 line of some of the questions. Where are
23 you located? Do we own the building?
24 How much of the space that you are using,
25 is it for City employees? How much space

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2 that we are using for storage and
3 materials? Are we paying the utilities
4 for that type of space, and how many
5 departments within the Water Department
6 is -- only because it's not just the
7 Water Department. It's Water Revenue and
8 you have -- so all of the Public Property
9 questions I would like to circle back
10 with you at another time if you haven't
11 received them.

12 COMMISSIONER NEUKRUG: That
13 will be fine. We did receive those
14 questions and I'm sure we're working on
15 getting those answers. They're not ready
16 yet.

17 COUNCILMAN HENON: Because that
18 will lead into what we have and what is
19 existing and to the second part of space
20 utilization, and I'm extremely
21 concerned -- or not concerned; interested
22 in space utilization of all our
23 departments in the City of Philadelphia.

24 Mr. Chairman, is there anybody
25 else in the queue?

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN GREENLEE: You're
3 it.

4 COUNCILMAN HENON: I'll end
5 with, your testimony states customers
6 taking advantage of the SMIP program.
7 How successful is that? I don't need all
8 the nitty-gritty details, but successful,
9 which I hope, because that is one of, I
10 think, the programs that is more, I
11 think -- I take pride in working with
12 your department in doing that and trying
13 to accommodate and hear the sensitivity
14 and issues from the people of the City of
15 Philadelphia.

16 COMMISSIONER NEUKRUG: And the
17 Department really appreciates all the
18 help we've gotten from you, Councilman,
19 and from City Council to deal with the
20 stormwater fee issues, and our SMIP
21 program is doing wonderfully. We've
22 increased our budget from last year and
23 the year before of \$5 million a year to
24 \$10 million because we find it to be the
25 most efficient, effective way of managing

1 5/6/14 - WHOLE - BILL 130489, etc.
2 stormwater and supporting our customer
3 base.

4 COUNCILMAN HENON: All right.
5 I have no further questions,
6 Mr. Chairman. Thank you.

7 COUNCILMAN GREENLEE: Thank
8 you, Councilman.

9 Thank you, Commissioner and
10 everyone. Thank you for the work you do.

11 This Committee will stand in
12 recess until 1:30 p.m.

13 (Recess.)

14 COUNCIL PRESIDENT CLARKE: Good
15 afternoon. We're going to reconvene.

16 Please state your name for the
17 record.

18 COMMISSIONER GREENWALD: Good
19 afternoon, Council President Clarke and
20 members of City Council, Councilman
21 Greenlee. I am Bridget
22 Collins-Greenwald, Commissioner of Public
23 Property. With me today is Lori Davey,
24 our Deputy Commissioner of
25 Administration, and members of our

1 5/6/14 - WHOLE - BILL 130489, etc.
2 executive team. It is a pleasure to
3 appear before City Council today in
4 support of Public Property's Fiscal Year
5 '15 budget request.

6 The Department of Public
7 Property's Fiscal Year '15 budget request
8 totals \$209,186,898 in all funds.

9 I'd like to just touch on some
10 highlights that are noted in our
11 submitted total budget package.

12 The mission of the Department
13 of Public Property is to ensure a safe
14 and habitable workplace for our fellow
15 employees and visitors. The Department
16 of Public Property has many outstanding
17 employees that have allowed us to support
18 this mission and accomplish many positive
19 outcomes in the City facilities, but in
20 the essence of time, I will mention just
21 a few.

22 Working with DHS, we were able
23 to restock the One Parkway building to
24 completely eliminate the rent we were
25 paying in a leased facility, one of our

1 5/6/14 - WHOLE - BILL 130489, etc.
2 strategic goals. This enabled us to save
3 1.3 million in rent. This is grant money
4 that the Department of Human Services
5 will be able to use in other areas to
6 foster its mission.

7 We have also completely
8 revamped the way we were providing
9 facilities maintenance. We have
10 established service-level agreements with
11 our stakeholders where we put a set
12 amount of time to complete a task and
13 measure against those levels to ensure we
14 are providing optimal service. We set
15 expectations and communicate with our
16 customers on a much more regular basis,
17 as you have probably noticed through our
18 weekly look ahead to let you know what
19 goes on in City Council -- I mean in City
20 Hall. You should know what's going on in
21 City Council.

22 Through the increase to our
23 budget in Fiscal Year '13 and '14, we
24 established a preventive maintenance
25 program that performs preventive

1 5/6/14 - WHOLE - BILL 130489, etc.
2 maintenance on all our facilities in the
3 same way you would make sure you are
4 changing the oil and rotating the tires
5 in your car. While these employees are
6 performing preventive maintenance, the
7 rest of our core facility staff is
8 working on corrective and reactive
9 maintenance issues as well as proactively
10 performing interior work in our
11 facilities. You may have noticed the
12 work being performed in City Hall,
13 evidenced by the enhanced flooring, the
14 fresh paint, and the new digital signage
15 that is letting our visitors and our
16 workers know what is going on throughout
17 the building. The next areas to tackle
18 are improving the outside experience in
19 the courtyard, placing directional
20 signage throughout the building,
21 installing new ceiling tiles, and
22 performing exterior window cleaning as
23 well as following up on recommendations
24 stemming from our joint inspections with
25 the Office of Emergency Management and

1 5/6/14 - WHOLE - BILL 130489, etc.
2 the Department of Homeland Security.
3 Those changes will be coming in the
4 upcoming months, and we'll continue to
5 work with Council and communicate our
6 plans with you.

7 Finally, we have partnered with
8 the Philadelphia School District on an
9 internship program that will bring local
10 school kids who are interested in trades
11 work into the Department and allow them
12 to gain permanent Civil Service
13 employment at the end of their
14 internship. We are looking forward to
15 that program being a large basis for our
16 recruitment efforts going forward.

17 These are just a few of the
18 initiatives we are working on to support
19 our mission. Thank you for the
20 opportunity to present our budget request
21 to you, and I look forward to answering
22 any questions you may have.

23 COUNCIL PRESIDENT CLARKE:
24 Thank you so much. Just a couple of
25 questions. The City Council of

1 5/6/14 - WHOLE - BILL 130489, etc.
2 Philadelphia has recently made a proposal
3 with respect to vacant land use for the
4 purpose of redeveloping certain
5 communities around the City of
6 Philadelphia. A significant number of
7 those properties that are owned by the
8 City of Philadelphia are currently under
9 your direct jurisdiction. A couple of
10 questions with respect to that.

11 One, have you been a part of
12 the conversations since that proposal was
13 put forward? Because I understand
14 there's a group internally of members of
15 the Administration. And, two, with
16 respect to the policy that you currently
17 have as it relates to disposition of
18 publicly owned properties, what that is?
19 If you can just answer those two
20 questions.

21 COMMISSIONER GREENWALD: Sure.
22 We've been involved in -- after your
23 proposal, we've been involved in internal
24 meetings, as you said, PHDC, the PRA,
25 Public Property, and OHCD. So we've been

1 5/6/14 - WHOLE - BILL 130489, etc.
2 having internal meetings to figure out
3 how we can strategically work within your
4 plan. So, yes, we've been in those
5 internal discussions.

6 As for the disposition policy,
7 we released a disposition policy for all
8 publicly owned vacant land. It was back
9 in May. I want to say '12, I believe,
10 May of 2012, I believe. We have since,
11 that same internal group, along with the
12 Law Department, has since been revamping
13 that policy. I believe we're in the
14 final draft form. I just received a
15 final draft sometime last week. I know
16 after we get all our comments into it,
17 the plan was to present it to Council,
18 get your feedback, and then present it as
19 a comprehensive document. So that's in
20 the works. That should be coming up
21 fairly soon.

22 COUNCIL PRESIDENT CLARKE: Does
23 that incorporate the possibility of all
24 those properties being conveyed to the
25 Land Bank?

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2 COMMISSIONER GREENWALD: What
3 it actually includes, there's a component
4 to do a strategic plan. There was an RFP
5 just put out for a strategic plan, and as
6 part -- it was actually released by the
7 PRA. So as part of that strategic plan,
8 whatever consultant or group wins the bid
9 on that, they are supposed to put
10 together a plan which would absolutely
11 incorporate strategically the plan that
12 you came up, the Land Bank and see where
13 does this fit, how do you fit the puzzle
14 together to actually make --

15 COUNCIL PRESIDENT CLARKE: I'm
16 sorry. The strategic plan for the Land
17 Bank?

18 COMMISSIONER GREENWALD: For
19 the Land Bank and actually to figure out
20 the properties themselves, like the
21 disposition on where the properties
22 should go themselves. So I envision a
23 lot of them would go into the Land Bank,
24 but for other reasons, like you know,
25 there could be reasons we would keep them

1 5/6/14 - WHOLE - BILL 130489, etc.
2 out.

3 COUNCIL PRESIDENT CLARKE: Like
4 a broader plan, okay.

5 Is the -- I haven't heard about
6 this lately. A couple of years ago there
7 was a proposal or actually we asked Mr.
8 Knox, Tom Knox, to do a strategic plan, I
9 guess, for lack of a better term, about
10 publicly owned properties. Whatever
11 happened to that?

12 COMMISSIONER GREENWALD: There
13 was a release in December of last year,
14 December of '13, where the Facilities
15 Task Force, which Tom Knox did chair --
16 he had experts from the real estate
17 world, from utilities experts. He had
18 someone from the Green Council was on the
19 group. There are about, I think, 12 Task
20 Force members. They released a report in
21 December and made 19 recommendations.
22 Like the top three I'll give you like
23 real quick. To start a utility panel.
24 And I think this -- you may remember. I
25 came to talk to you months and months ago

1 5/6/14 - WHOLE - BILL 130489, etc.
2 about the utility panel, getting that
3 started to actually look at where we're
4 paying utilities, what like rec centers
5 we might be paying them for, and what's
6 the strategic reason that we're paying
7 for them.

8 Another was to develop a full
9 asset management plan. As it stands now,
10 kind of our databases are a little
11 scattered between Public Property and Rec
12 and maybe Water and whatnot, so to do
13 more of a comprehensive plan, which makes
14 sense, and to put together -- we put
15 together a template for leasing. So when
16 we're going to go out and lease this RFP,
17 that makes it much more standard than
18 kind of doing them ad hoc.

19 So I can get you a copy of the
20 report. It came out in December.

21 COUNCIL PRESIDENT CLARKE: All
22 right. Thank you.

23 The City of Philadelphia
24 recently submitted a request for
25 proposals and qualifications for the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 possibility of municipal
3 marketing/advertisement on publicly owned
4 buildings. What role is your department
5 playing in that? I understand that the
6 process, at least I believe, was at some
7 point being handled by the Managing
8 Director's Office. So can you talk --

9 COMMISSIONER GREENWALD: It's
10 still being handled by the Managing
11 Director's Office. We're in a support
12 role. So whatever necessary information
13 they need from us on actual buildings and
14 whatnot, we provide that. I believe that
15 RFP bids are due May 15th. So it was
16 extended, I believe. I think they had it
17 as Good Friday, so they wanted to extend
18 it past the holiday. So we should know
19 something fairly soon.

20 COUNCIL PRESIDENT CLARKE: So
21 they're basically driving the train;
22 you're playing a supportive role.

23 COMMISSIONER GREENWALD: Yes.

24 COUNCIL PRESIDENT CLARKE: All
25 right. Thank you.

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2 The Chair recognizes Councilman
3 Greenlee.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. President.

6 Good afternoon.

7 COMMISSIONER GREENWALD: Hi.
8 How are you?

9 COUNCILMAN GREENLEE: Okay.
10 Just two quick questions. One, Dilworth
11 Plaza, latest estimated time was
12 September 2014. Is that still --

13 COMMISSIONER GREENWALD: Still
14 on track for September.

15 COUNCILMAN GREENLEE: I know
16 when you look at it above, it actually
17 looks like something now.

18 COMMISSIONER GREENWALD:
19 There's a lot of work being done out
20 there today. There are more people on
21 site. I think this is -- October of '13
22 is when they had it ramped up the most,
23 and then we had all the snow obviously.

24 COUNCILMAN GREENLEE: I was
25 going to say, the weather I'm sure didn't

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2 help matters.

3 COMMISSIONER GREENWALD: No, it
4 didn't help matters at all. But, yeah,
5 they're still going.

6 COUNCILMAN GREENLEE: The
7 second thing is, I guess it was a few
8 months ago we passed that bill about the
9 lease with SEPTA for the concourse.
10 Where does that stand right now?

11 COMMISSIONER GREENWALD: It
12 just has to be approved by the SEPTA
13 Board, and I believe it's going to go
14 before the SEPTA Board in May, sometime
15 this month. So it passed Council. So
16 we're just waiting for that. And SEPTA
17 has been gracious enough to -- we've been
18 walking them through the concourse to
19 show them what we have going on, and
20 they've been very gracious about that.

21 COUNCILMAN GREENLEE: And
22 hopefully that concourse will even
23 improve the shops and all down there once
24 Dilworth Plaza is finished, I would
25 think.

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2 COMMISSIONER GREENWALD: I
3 would hope so.

4 COUNCILMAN GREENLEE: Because I
5 know that hurt some of those businesses
6 down there. It was kind of unavoidable,
7 but it certainly has hurt them.

8 COMMISSIONER GREENWALD: It's
9 to -- well, you know. To get out the
10 door, you kind of have to walk around.

11 COUNCILMAN GREENLEE: Yeah.

12 COMMISSIONER GREENWALD:
13 Hopefully once that's done.

14 COUNCILMAN GREENLEE: Great.
15 Thank you.

16 COMMISSIONER GREENWALD: Thank
17 you.

18 COUNCILMAN GREENLEE: Thank
19 you, Council President.

20 COUNCIL PRESIDENT CLARKE:
21 Thank you, Councilman.

22 Commissioner, real quick.
23 Dilworth Plaza, please be over soon.
24 This is brutal. You never realize how
25 difficult it is until --

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COMMISSIONER GREENWALD: You
3 and I come in the same door.

4 COUNCIL PRESIDENT CLARKE: --
5 you don't have access to across the
6 street.

7 COMMISSIONER GREENWALD:
8 Walking all the way around, it doesn't
9 seem like much, but it is, especially in
10 the rain and the snow and whatnot.

11 COUNCIL PRESIDENT CLARKE:
12 Actually, when is the anticipated
13 completion?

14 COMMISSIONER GREENWALD:
15 September. It is still September.

16 COUNCIL PRESIDENT CLARKE:
17 December?

18 COMMISSIONER GREENWALD: This
19 September.

20 COUNCIL PRESIDENT CLARKE:
21 September?

22 COMMISSIONER GREENWALD: Yes,
23 September, three and a half months.

24 COUNCIL PRESIDENT CLARKE: All
25 right. A couple of questions. There's

1 5/6/14 - WHOLE - BILL 130489, etc.

2 been some questions that have come up
3 about the ability to utilize the site
4 about who was actually in charge. I
5 mean, we had this conversation early on
6 when we were asked to approve the
7 contract. It was kind of dropped on us
8 at the last minute because a federal
9 grant became available. We were up
10 against a timeline with respect to the
11 Council session, and nobody was going to
12 turn down \$50 million of federal
13 transportation funds.

14 COMMISSIONER GREENWALD: Sure.

15 COUNCIL PRESIDENT CLARKE: We
16 kind of went along, I think, without
17 fully vetting this particular initiative.

18 So can you clarify the process
19 as it relates to the use and who has
20 jurisdiction over Dilworth Plaza.

21 COMMISSIONER GREENWALD: We are
22 actually in the final negotiation stages
23 on an operations plan for Dilworth with
24 Center City District. So it's been the
25 Managing Director's Office who handles

1 5/6/14 - WHOLE - BILL 130489, etc.
2 all the special events permits right now.
3 Public Property, we're involved with the
4 utility and the lighting and all those
5 type of operational issues, the Law
6 Department and Center City District.

7 I just saw another final draft
8 last week on that. So it went back to
9 Center City District. And what I believe
10 will happen, it will still say that the
11 permit process, I believe, is to stay
12 with the Managing Director's Office and
13 that's how that will work, just like the
14 normal process for special events
15 permits.

16 COUNCIL PRESIDENT CLARKE: So
17 if somebody wants to have an event there,
18 it's not through Center City District?

19 COMMISSIONER GREENWALD: No. I
20 believe -- I mean, this was the last I
21 saw it. It should be going through the
22 Managing Director's Office, just like --

23 COUNCIL PRESIDENT CLARKE:
24 That's the gist of the conversation.
25 People were concerned that you turn it

1 5/6/14 - WHOLE - BILL 130489, etc.
2 over to a private or quasi-private
3 organization and the ability to access
4 that site would be at the whim of that
5 particular organization as opposed to
6 prior years, the City of Philadelphia,
7 which is owned by the people, made the
8 determination. So the sooner you can get
9 me --

10 COMMISSIONER GREENWALD:

11 Absolutely. It's all written in that
12 operations plan. The lease was, as you
13 said, the lease was pretty general and
14 then it refers to we would have this
15 operations plan and that would be more of
16 the detailed info.

17 COUNCIL PRESIDENT CLARKE: So
18 can the Council be notified prior to the
19 conclusion of that lease? I mean, I know
20 our limitations as the legislative
21 branch, but we do kind of like represent
22 that.

23 COMMISSIONER GREENWALD: Sure.

24 COUNCIL PRESIDENT CLARKE:

25 Actually, four people here actually

1 5/6/14 - WHOLE - BILL 130489, etc.
2 represent Dilworth Plaza from a Council
3 standpoint. So it would be important if
4 we at least, at a minimum, saw the lease.
5 I'm assuming you don't need any action by
6 Council?

7 COMMISSIONER GREENWALD: I
8 don't believe so, because you passed the
9 lease maybe two sessions ago. So, yeah,
10 I think we're good for now.

11 COUNCIL PRESIDENT CLARKE:
12 Okay. And one last thing on that
13 particular issue. Can you talk to me
14 about the participation rate on Dilworth
15 Plaza. I know there was a lot of
16 questions about the participation, not
17 only on that but I know the Mayor signed
18 an agreement maybe a year ago, project
19 labor agreement, about all contracts
20 relating to publicly owned facilities and
21 buildings and land. Can you talk to me
22 about the numbers associated with that,
23 please.

24 COMMISSIONER GREENWALD: Sure.
25 So for Dilworth -- and let me just refer

1 5/6/14 - WHOLE - BILL 130489, etc.

2 to this so I don't give you --

3 COUNCIL PRESIDENT CLARKE: If
4 you can just give me what the goals were
5 and then what the numbers were.

6 COMMISSIONER GREENWALD: The
7 contracting goals were 36 percent. So
8 I'll do the contracting and then the
9 workforce. The contracting goals were 36
10 percent. As of the last one I got, which
11 was the end of April, for the contracting
12 they were at 35.6 percent. So they were
13 pretty on target with the contracting
14 itself.

15 As for the workforce, the goal
16 was also -- give me one second. The goal
17 for total minority was 32 percent for the
18 workforce, female was 7 percent. They
19 are currently at 22. So it was 32
20 percent total. They're currently at 22
21 percent of participation.

22 COUNCIL PRESIDENT CLARKE: Let
23 me make sure I heard you. The goal was
24 32 percent?

25 COMMISSIONER GREENWALD: The

1 5/6/14 - WHOLE - BILL 130489, etc.

2 goal was 32 for the workforce.

3 COUNCIL PRESIDENT CLARKE: And
4 we're at 22 percent?

5 COMMISSIONER GREENWALD:

6 Currently at 22 percent.

7 COUNCIL PRESIDENT CLARKE: Is
8 there a likelihood that we're going to
9 meet that goal given that September is
10 the conclusion date?

11 COMMISSIONER GREENWALD: I
12 would have to say we probably will not.
13 We do have monthly meetings where we sit
14 in on -- OEO convenes and chairs monthly
15 meetings with Gilbane, who is the project
16 manager, Keating, who is the general
17 contractor. Public Property sits in and
18 Councilman Henon's office sits in. And
19 from what I understand, the rest of the
20 project, the types of trades workers
21 they're using are stone masons and
22 glazers, which historically have had a
23 lower level of participation levels.

24 So, I mean, I don't want to
25 speak for Gilbane in saying they won't,

1 5/6/14 - WHOLE - BILL 130489, etc.

2 but it just seems, like you had said,
3 there's three and a half months left in
4 the project. I just don't see it.

5 COUNCIL PRESIDENT CLARKE: I'm
6 assuming we knew about the various
7 contracts before we set the goal.

8 COMMISSIONER GREENWALD: I --

9 COUNCIL PRESIDENT CLARKE: So,
10 I mean, to say that there have been
11 historically low numbers in a particular
12 trade, I mean, if we knew that, then we
13 should have been --

14 COMMISSIONER GREENWALD: Had
15 the goals a little different.

16 COUNCIL PRESIDENT CLARKE:
17 Yeah. So OEO is the responsible entity?

18 COMMISSIONER GREENWALD: OEO
19 sets the goals based on some type of
20 formula they use.

21 COUNCIL PRESIDENT CLARKE: I
22 mean, that's somewhat disappointing,
23 particularly on a consistent basis we in
24 Council are very aggressive as it relates
25 to any private company that comes before

1 5/6/14 - WHOLE - BILL 130489, etc.

2 us to reach goals as it relates to
3 participation in contracts, and here we,
4 the City of Philadelphia, are 10 points
5 under the goals that we established for
6 something that we in fact own and we in
7 fact, to a degree, funded. And I got to
8 say that I'm extremely disappointed in
9 that. You have to question the level of
10 oversight on that particular project.
11 Very disappointing. So I suspect that
12 you'll hear more, not only throughout the
13 day but during the course of the
14 conversation subsequent to these
15 hearings.

16 I will call on Councilwoman
17 Blackwell at this time. I'll come back
18 later.

19 COUNCILWOMAN BLACKWELL: Thank
20 you.

21 One of the activities is an ice
22 rink; is it not?

23 COMMISSIONER GREENWALD: For
24 Dilworth? Yes.

25 COUNCILWOMAN BLACKWELL: Now,

1 5/6/14 - WHOLE - BILL 130489, etc.

2 you know I've already had people come to
3 me, because we do it at Laura Sims Skate
4 House in Cobbs Creek Park. During the
5 time they don't use it, then they put
6 some overlay on it and they do skating.

7 COMMISSIONER GREENWALD: They
8 do what? I'm sorry. I didn't hear the
9 last thing.

10 COUNCILWOMAN BLACKWELL: They
11 skate, and it's --

12 COMMISSIONER GREENWALD: Like
13 roller skate?

14 COUNCILWOMAN BLACKWELL: They
15 do roller skating in off season. Will
16 that happen?

17 COMMISSIONER GREENWALD: Not
18 that I'm aware of, but I can absolutely
19 find out. I don't actually know what the
20 plan is when it's not ice skating. It
21 looks like it's just green open space
22 from the renderings I've seen, but I
23 could definitely find out if they have
24 any other plans for it.

25 COUNCILWOMAN BLACKWELL:

1 5/6/14 - WHOLE - BILL 130489, etc.

2 Please. Because I've had people come to
3 me and ask it, because they do it around
4 the City. They just have a covering and
5 they do roller skating, and it's just as
6 popular.

7 COMMISSIONER GREENWALD: That
8 makes sense.

9 COUNCILWOMAN BLACKWELL: Thank
10 you.

11 That's all for me,
12 Mr. President. You made me think of that
13 too, Mr. President.

14 COUNCIL PRESIDENT CLARKE:
15 Okay. Nobody else is teed up, so let me
16 get back to the participation.

17 So walk me through the process
18 as it relates to start of the project,
19 the monitoring process as it relates to
20 contracts being let, and who ensures that
21 the goals are met as it relates to the
22 workforce since you say that the
23 contracts are consistent with the goals.
24 Talk to me about how do you --

25 COMMISSIONER GREENWALD: I can

1 5/6/14 - WHOLE - BILL 130489, etc.
2 speak for contracts that we've had more
3 direct control over, like Public Property
4 has.

5 COUNCIL PRESIDENT CLARKE: You
6 told me the contracts are pretty much
7 consistent with the goals.

8 COMMISSIONER GREENWALD: Yeah.
9 I mean, as for --

10 COUNCIL PRESIDENT CLARKE: So
11 I'm a little concerned about the fact
12 that we're 10 points under.

13 COMMISSIONER GREENWALD: Under
14 the workforce. One of the examples I
15 could give you for one where the
16 workforce -- where we've exceeded the
17 goals is the Youth Study Center. So we
18 anticipate the same type of aggressive,
19 getting local workforce, minority
20 participation in the 4601 Market project.
21 They're going to be run very similar to
22 the Youth Study Center. There was
23 community involvement. There were
24 monthly meetings. There were goals set.
25 We exceeded those goals. A lot of

1 5/6/14 - WHOLE - BILL 130489, etc.

2 intervention within the community to get
3 local workers. That's how I anticipate
4 we'll do the 4601.

5 I believe that we did add the
6 agreement. It went in with the ordinance
7 for the sale to actually have the local
8 workforce and set the goals. The goals
9 have not been set yet, but once they are,
10 I anticipate we'll exceed them like we
11 did with Youth Study Center.

12 COUNCIL PRESIDENT CLARKE: I'm
13 not asking about the Youth Study Center.
14 I'm asking about Dilworth Plaza.

15 COMMISSIONER GREENWALD: Oh,
16 I'm sorry. I thought you said going
17 forward what will we do with other --
18 sorry. I misunderstood.

19 COUNCIL PRESIDENT CLARKE: I'm
20 trying to understand why we're 10 percent
21 under the goal that we established for
22 labor, the workforce.

23 COMMISSIONER GREENWALD: The
24 only explanations --

25 COUNCIL PRESIDENT CLARKE: For

1 5/6/14 - WHOLE - BILL 130489, etc.
2 something that we own.

3 COMMISSIONER GREENWALD: I hear
4 you.

5 COUNCIL PRESIDENT CLARKE: I
6 mean, if you tell me that different than
7 other capital projects which we directly
8 oversee versus the fact that Center City
9 District oversaw this project, I mean,
10 that's an answer. I mean, some people
11 were concerned about that. That may not
12 be the case, but why are we 10 percent
13 under? That's a significant number.

14 COMMISSIONER GREENWALD: I
15 agree. From what I understand, this type
16 of project is a hardscape plaza project
17 as opposed to a regular carpentry-built
18 project. So the goals that were set,
19 maybe they should have been a little
20 different. I mean, I can't speak for how
21 the goals were set. I really honestly
22 can't. Like you said, if we weren't
23 going to hit the goal, maybe they should
24 have been a little different just based
25 on the type of trades workers we were

1 5/6/14 - WHOLE - BILL 130489, etc.
2 able to get on this type of project.

3 COUNCIL PRESIDENT CLARKE: All
4 right. So is anybody here that's
5 responsible for that aspect of the
6 project?

7 COMMISSIONER GREENWALD: From
8 Gilbane? I don't think so, no.

9 COUNCIL PRESIDENT CLARKE: Can
10 anybody be here? I mean, I know you guys
11 knew this was going to come up. I mean,
12 this is...

13 COMMISSIONER GREENWALD: If I
14 could, if I can get you a response back,
15 speak to Gilbane again and OEO, and then
16 we'll get back with you and get you the
17 info.

18 COUNCIL PRESIDENT CLARKE:
19 Today?

20 COMMISSIONER GREENWALD: I can
21 certainly try to, yes.

22 COUNCIL PRESIDENT CLARKE:
23 Getting a response with a letter versus
24 getting a response in a budget hearing is
25 a little different.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COMMISSIONER GREENWALD: Okay.

3 COUNCIL PRESIDENT CLARKE: So
4 is she around?

5 MR. RHYNHART: Let me try to
6 find Angela.

7 COMMISSIONER GREENWALD: She's
8 actually not in today. I know she's not
9 in today.

10 COUNCIL PRESIDENT CLARKE: Who
11 is around? Is anybody around?

12 MS. RHYNHART: Let me try to
13 figure it out and get back to you.

14 COUNCILWOMAN BROWN: Point of
15 information, Mr. President.

16 COUNCIL PRESIDENT CLARKE: The
17 Chair recognizes Councilwoman Brown.

18 COUNCILWOMAN BROWN: Thank you,
19 Mr. President.

20 At what juncture in this
21 process did you all discover that you
22 were not meeting goals? How long ago? A
23 month? How often does the committee
24 meet?

25 COMMISSIONER GREENWALD: The

1 5/6/14 - WHOLE - BILL 130489, etc.
2 committee was meeting monthly in the
3 beginning and then it went to quarterly.
4 So I would say probably about -- I would
5 say about five or six months ago, about
6 that.

7 COUNCILWOMAN BROWN: So
8 recognizing that this is in Councilman
9 Clarke's councilmanic district, what are
10 the protocols for informing District
11 Councilmembers of projects that are
12 falling far below goal?

13 COMMISSIONER GREENWALD: In
14 this case, Councilman Henon's office sits
15 on that committee and I believe that
16 Councilman Henon was the representative,
17 like the representative body of City
18 Council.

19 COUNCILWOMAN BROWN: So then
20 there is no protocol whereby the District
21 Councilperson is alerted of the various
22 developments, progress or not, around
23 MBE/WBE activity; is that fair to say?

24 COMMISSIONER GREENWALD: Yes.

25 COUNCILWOMAN BROWN: Okay.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 MS. RHYNHART: I'm trying to
3 find Angela around.

4 COMMISSIONER GREENWALD: I know
5 that Angela said she wasn't in today.

6 COUNCIL PRESIDENT CLARKE:
7 Okay.

8 COUNCILWOMAN BROWN: Thank you.

9 COUNCIL PRESIDENT CLARKE: Do
10 you have additional questions,
11 Councilwoman, on that issue?

12 COUNCILWOMAN BROWN: I do,
13 but --

14 COUNCIL PRESIDENT CLARKE: I
15 mean, nobody else is teed up, so if you
16 have questions.

17 COUNCILWOMAN BROWN: Okay,
18 then.

19 With that said, so I don't
20 think I really heard the answer to
21 President Clarke's question. Who is
22 ultimately supremely responsible for that
23 which happens and that which doesn't
24 happen? Where do the dots end up?

25 COMMISSIONER GREENWALD:

1 5/6/14 - WHOLE - BILL 130489, etc.

2 Meaning from the project management
3 standpoint?

4 COUNCILWOMAN BROWN: Yes.

5 COMMISSIONER GREENWALD: So the
6 project management group on this
7 particular project is Gilbane, which
8 contracted with Center City District.
9 The goals were set by OEO, and then
10 Public Property is the owner, you know,
11 of the Plaza itself.

12 COUNCILWOMAN BROWN: So do we
13 hold OEO responsible, do we hold Gilbane
14 responsible or do we hold Center City
15 District responsible?

16 COMMISSIONER GREENWALD: I
17 would have to get back to you on that,
18 because I'm not actually sure what the
19 exact protocol on that would be, but I
20 definitely will find out.

21 COUNCILWOMAN BROWN: Would that
22 be in the fine print of the contract?

23 COMMISSIONER GREENWALD: Let me
24 find out for you. I don't want to speak
25 to it and give you the wrong answer.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILWOMAN BROWN: Please.

3 And the actual language we would like
4 submitted to the President.

5 COMMISSIONER GREENWALD: Sure.

6 COUNCILWOMAN BROWN: Thank you,
7 Mr. President.

8 COUNCIL PRESIDENT CLARKE:
9 Thank you, Councilwoman.

10 I'll tell you what we're going
11 to do, if it's okay with you, because
12 that's a very important issue. I think
13 it's a \$52 million capital project. And
14 there were some people who early on
15 thought this would be a problem, entering
16 into this kind of contractual
17 relationship with a third party that
18 would be responsible for the construction
19 and the oversight of all of the
20 activities related to the contracts and
21 the trades. So I do believe we have a
22 callback day. So what we'll do, rather
23 than belabor the point, because I
24 understand that Ms. Burton is out of
25 town.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 MS. RHYNHART: Yes, she is.

3 COUNCIL PRESIDENT CLARKE: So
4 why don't we schedule that, a callback.

5 COMMISSIONER GREENWALD: Okay.
6 And we'll give you a whole packet on
7 Dilworth. No problem.

8 COUNCIL PRESIDENT CLARKE: You
9 can go over the specifics.

10 COMMISSIONER GREENWALD: No
11 problem.

12 COUNCIL PRESIDENT CLARKE: All
13 right. Thank you.

14 Are there any other questions
15 for this witness?

16 (No response.)

17 COUNCIL PRESIDENT CLARKE:
18 There being none, I want to thank you
19 very much, and I would like to thank you
20 for your department's assistance in
21 working with City Council as we continue
22 to try and reconfigure our space and work
23 through all of the nuances associated
24 with the buildings and the City Council,
25 and I want to thank all your -- and your

1 5/6/14 - WHOLE - BILL 130489, etc.

2 guys have been extremely responsive, so I
3 want to thank you for that support.

4 COMMISSIONER GREENWALD: Thank
5 you. Yeah. They're very responsive.
6 Thank you. I appreciate that.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you so much for your testimony
9 today.

10 COMMISSIONER GREENWALD: Have a
11 good one. Thanks.

12 COUNCIL PRESIDENT CLARKE: You
13 too.

14 (Witnesses approached witness
15 table.)

16 (Pause.)

17 SOLICITOR SMITH: Good
18 afternoon. Are you ready?

19 COUNCIL PRESIDENT CLARKE: I'm
20 supposed to ask that question.

21 SOLICITOR SMITH: Oh, I'm
22 sorry.

23 COUNCIL PRESIDENT CLARKE: Are
24 you ready?

25 SOLICITOR SMITH: I'm ready if

1 5/6/14 - WHOLE - BILL 130489, etc.

2 you are, Council President.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you. Thank you so much. Please
5 proceed.

6 SOLICITOR SMITH: Good
7 afternoon, Council President, members of
8 City Council. My name is Shelley Smith.
9 As you know, I am the City Solicitor for
10 the City of Philadelphia. With me at the
11 table is Donna Mouzayck, my First Deputy.
12 Members of my executive team are also
13 present in case any questions come up
14 relevant to their particular areas.

15 I've already submitted my
16 testimony in advance, so I'll just
17 summarize the highlights for you.

18 From the General Fund, the Law
19 Department requests a little over \$7
20 million in Class 100, 6 million in Class
21 200, 211 in Class 300, and 37,000 in
22 Class 400, for a total of \$13,262,255.
23 This represents an increase of \$172,000
24 from Fiscal '14.

25 From the Water Fund, the Law

1 5/6/14 - WHOLE - BILL 130489, etc.

2 Department requests \$3.1 million, which
3 is the same as our Fiscal '14 estimated
4 obligations. From the Aviation Fund, the
5 Department requests 1.9 million from the
6 Aviation Fund, which is also the same as
7 our Fiscal '14 estimated obligations.
8 From the Community Development Fund, the
9 Department requests 154,000, which is
10 \$1,303 higher than our Fiscal '14
11 estimated obligations.

12 The Law Department is
13 dedicated, among other things, to
14 providing cost-effective representation
15 in litigation. The Fiscal '14 estimated
16 indemnity obligations are \$41 million as
17 compared with Fiscal '13 budgeted
18 obligations of \$30.3 million. A few
19 higher settlements in civil rights cases
20 and a number of additional new cases are
21 largely the reasons for the increase.

22 New cases continue to increase
23 and are expected to reach 1,791 by the
24 close of Fiscal '14 as compared to 1,744
25 new cases in Fiscal '13. For comparison,

1 5/6/14 - WHOLE - BILL 130489, etc.
2 new cases in Fiscal '09 totaled just
3 1,324. So that's almost 500 more new
4 cases this year.

5 With the rise in cases over the
6 last five years, the Law Department
7 closed 18 percent more cases than in
8 fiscal -- in Fiscal '13 than in Fiscal
9 '09, and by the end of Fiscal '14, we
10 expect to close 1,884 cases, a
11 significant increase from Fiscal '13 when
12 we closed 1,584 cases.

13 As of September 30th, 2013, the
14 Law Department was defending 2,590 active
15 litigation cases. In Fiscal '13, 63
16 percent of cases were closed without any
17 City payment, while 37 percent were
18 closed with pay. Despite the fact that a
19 vast majority of these suits are
20 ultimately deemed to be without merit,
21 the Law Department is still obligated to
22 spend resources to defend the City and to
23 budget funds that may be needed to pay
24 out claims until and unless those cases
25 are dismissed or withdrawn.

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2 In Fiscal '13, 22 civil rights
3 cases were tried to verdict, resulting in
4 20 defense verdicts and two nominal
5 verdicts in favor of plaintiffs. Over
6 100 civil rights cases were closed
7 without any City payment by way of filing
8 a motion and thereby avoiding trial.
9 More than 750 prisoner cases involving
10 allegations of unconstitutional
11 conditions of confinement were resolved
12 for a nominal sum of \$37,500.

13 Regarding civil tort claims,
14 the average cost of closure was among the
15 lowest in the last six years at \$19,443.
16 Claims attorneys were successful in 77
17 percent of the tort claims arbitrated,
18 with payment costs on the remainder
19 consistently less than the plaintiffs'
20 demand. Another 42 cases were resolved
21 by way of dispositive motions, avoiding
22 the necessity of a trial.

23 Finally, the City was
24 successful in having its defense and
25 liability exposure assumed in 12 civil

1 5/6/14 - WHOLE - BILL 130489, etc.

2 actions pursuant to contractual
3 obligations of contractors and insurance
4 carriers.

5 We also provide cost-effective
6 representation in transactions. The Law
7 Department worked on more than 2,151
8 contracts in Fiscal '13, in addition to
9 miscellaneous purchase orders, various
10 forms of competitively bid contracts, and
11 a myriad of real estate transactional
12 documents. By supporting the Division of
13 Aviation's Security Department in
14 negotiating eight separate agreements,
15 responsibility for security monitoring
16 was transferred from the Division of
17 Aviation to appropriate Airport tenants.
18 Also in Fiscal '13, Law provided counsel
19 for the extension to the Airport-Airline
20 Use and Lease Agreement, which I know you
21 heard about, some this morning, which
22 will provide an additional \$721 million
23 in capital improvements and was
24 instrumental in the drafting of
25 legislation which recently passed and,

1 5/6/14 - WHOLE - BILL 130489, etc.
2 therefore, will provide the funding for a
3 proposed consolidated rental car facility
4 at the Airport, while also negotiated a
5 contract with Unisys on behalf of OIT and
6 the Managing Director's Office for a
7 cloud-based software solution for
8 management of the City's 3-1-1 call
9 center. Under this agreement, Unisys
10 Corporation will implement the 3-1-1
11 system by which citizens can request
12 municipal information and report matters
13 requiring municipal action such as
14 potholes or abandoned vehicles or
15 graffiti. This model shifts traditional
16 costs and responsibilities to the
17 provider, resulting in projected cost
18 savings and operational efficiencies as
19 compared with traditional IT systems.

20 As far as our staffing levels
21 are concerned, of the total Law
22 Department staff of 204 as of February
23 2014, which includes attorneys, legal
24 assistants, and support staff, 32 percent
25 are minority and 62 percent are women.

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2 At the executive committee level, six of
3 eight members are women and four are
4 minority.

5 Finally, our contract
6 participation, the Law Department is
7 committed to supporting the
8 Administration's goal of 30 percent
9 minority, women, and disabled-owned
10 business participation in citywide
11 contracting. In Fiscal '13, the
12 Department's participation rate was 45
13 percent as compared to 11.42 percent in
14 Fiscal '12. Based on available
15 contracting opportunities for Fiscal '14,
16 OEO set the Department's participation
17 goal at 25 percent of the contract
18 awards. In Fiscal '14, we anticipate 51
19 percent of contract dollars, totalling
20 \$1.8 million, to be obligated to minority
21 and women certified contractors or those
22 contract interest led by minority and
23 women staff. Our goal for participation
24 in Fiscal '15 is 30 percent.

25 That concludes my oral

1 5/6/14 - WHOLE - BILL 130489, etc.
2 testimony. I'm happy to answer any
3 questions that anyone may have.

4 COUNCIL PRESIDENT CLARKE:

5 Thank you so much for your testimony. I
6 just have one question. It's, to a
7 degree, budget related beyond just your
8 department, because this is very
9 important that the outcome be a positive
10 one.

11 You're going to actually
12 defend, according to your testimony,
13 23,000 in tax year 2014 tax assessment
14 appeals filed with the Board of Revision
15 of Taxes and any related appeals to the
16 Court of Common Pleas and appellate
17 courts, and I don't have to talk about
18 why we're in this position, partly driven
19 by legislation that we introduced and
20 passed that allowed individuals to delay
21 their payments as a result of appeals.

22 Do you have a sense of -- and I
23 know you can't really tell me in very
24 specific terms, but do you have a sense
25 of out of those 23,000 what's the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 likelihood or what has been the norm as
3 it relates to percentages, one, on behalf
4 of the City versus lost? Because that is
5 going to have some significant budgetary
6 impact.

7 SOLICITOR SMITH: I'm going to
8 ask Frank Paiva, the Acting Chief Revenue
9 Counsel, to come up and speak to that
10 issue.

11 COUNCIL PRESIDENT CLARKE: We
12 all know the good gentleman there.

13 (Witness approached witness
14 table.)

15 MR. PAIVA: Good afternoon,
16 Council.

17 COUNCIL PRESIDENT CLARKE: Good
18 afternoon.

19 MR. PAIVA: There have been
20 appeals at this point. However, the
21 appeals that have gone through were
22 selected, and so the results from those
23 appeals are hard to then apply over the
24 whole universe. It would be very
25 misleading if we were to use those

1 5/6/14 - WHOLE - BILL 130489, etc.
2 statistics and say, Well, based on the
3 ones that have gone through, the average
4 reduction was X, and then apply X over
5 the whole pool. So I think it would not
6 be prudent to even guess at that point.

7 COUNCIL PRESIDENT CLARKE: What
8 about the historical analysis, like over
9 the years what do we normally win, lose?
10 Because I know this is a different year
11 because of the AVI.

12 MR. PAIVA: I understand. It's
13 really a different animal altogether,
14 because historically the majority of
15 appeals that were heard were those
16 involving commercial real estate, and
17 although there are some commercial real
18 estate in this, it's quite the minority
19 of the type of cases. So the majority of
20 cases are residential, and to try to --
21 you're basically mixing apples and
22 oranges, for lack of a better word, and
23 so that makes it very difficult and also,
24 I think, misleading to try to suggest
25 that. I mean, these cases, the majority

1 5/6/14 - WHOLE - BILL 130489, etc.
2 of them, will go through the hearing
3 before the Board, and the vast majority
4 of those cases will come to a resolution
5 at that stage. There may be some --

6 COUNCIL PRESIDENT CLARKE: You
7 believe that to be the case?

8 MR. PAIVA: Yes. That is --
9 for the most part, there will be a
10 percentage, and I would be guessing,
11 around maybe 10 percent, that we would
12 see appealed to the Court of Common
13 Pleas. That's our expectation. You
14 never know who is out there beating the
15 fans to make the fire more intense, but
16 that's what we expect at this point.

17 COUNCIL PRESIDENT CLARKE: I
18 understand the difficulties associated
19 with giving us a sense of that, because
20 it is an abnormal year and values have
21 gone up as a result of AVI and the
22 aggressive nature of doing the
23 assessments this year as opposed to --

24 MR. PAIVA: And so many
25 assessments all at once. I mean, there's

1 5/6/14 - WHOLE - BILL 130489, etc.
2 going to be some loss there.

3 I apologize. When I first
4 spoke on the record, I did not identify
5 myself.

6 COUNCIL PRESIDENT CLARKE: I'm
7 sorry. That's what happens when
8 everybody knows you. We didn't even
9 notice. If you could just say it for the
10 record, please.

11 MR. PAIVA: Frank Paiva.
12 That's P-A-I-V, as in Victor, A.

13 COUNCIL PRESIDENT CLARKE:
14 Thank you.

15 Could I ask, Ms. Rhynhart, can
16 I ask you a quick question?

17 SOLICITOR SMITH: Me? Sure.

18 COUNCIL PRESIDENT CLARKE: On
19 the record, please.

20 SOLICITOR SMITH: Yes.

21 COUNCIL PRESIDENT CLARKE: My
22 good friend, Budget Director.

23 (Witness approached witness
24 table.)

25 MS. RHYNHART: Good afternoon.

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2 COUNCIL PRESIDENT CLARKE: Hi.

3 Can you give me a sense from the revenue
4 side, because we projected a certain
5 amount of revenue as a result of AVI,
6 what's the point of concern that if we're
7 not successful in the amount of revenue
8 based on the success rate of appeals,
9 because there is a direct relationship to
10 these appeals and the revenue that we
11 need to generate.

12 MS. RHYNHART: Right. There's
13 a concern with the timing of the
14 processing the appeals as well as what
15 the final win rate ends up being. It's
16 hard to look at history, though, as a
17 predictor for the future in this case
18 since the majority of the assessments
19 should be more accurate after AVI, the
20 majority, so that you would think that
21 appeals might be less likely to be
22 successful in some cases. But we are, as
23 Mr. Paiva said, very -- in the initial
24 stage, I believe, what I've heard is that
25 the appeals -- there's not enough trend

1 5/6/14 - WHOLE - BILL 130489, etc.
2 data to make a prediction of how well
3 we're doing on the appeals.

4 COUNCIL PRESIDENT CLARKE: I'm
5 not sure I understand that last part. So
6 you're saying the initial appeals --

7 MS. RHYNHART: The ones that
8 have the -- the appeals that the BRT has
9 handled to this point, there haven't been
10 enough handled to say, Okay, they're
11 winning X percent.

12 COUNCIL PRESIDENT CLARKE: A
13 trend?

14 MS. RHYNHART: Right. Exactly.
15 Sorry if I wasn't clear.

16 COUNCIL PRESIDENT CLARKE:
17 Well, what I'm trying to get a sense of,
18 say, for instance -- and I know it's
19 difficult answering this question off the
20 cuff. We need a certain amount of
21 revenue, and I know you're concerned
22 about the time that that revenue comes
23 forth. Is there an amount of revenue
24 that would be --

25 MS. RHYNHART: At risk?

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCIL PRESIDENT CLARKE: That
3 would be at risk.

4 MS. RHYNHART: Yes. Yes. And
5 the risk is largely -- it's somewhat in
6 '14, but also in '15, because we made the
7 assumption that the appeals would be
8 finished by the end of Fiscal '15 and
9 that we would win a good number of those
10 appeals. So I could get you the exact
11 number in terms of what's at risk, if
12 that probably would be helpful.

13 COUNCIL PRESIDENT CLARKE:
14 Yeah. I know we could potentially have a
15 shortfall and I just need to get a sense
16 of what that --

17 MS. RHYNHART: Yes. It is an
18 important issue. I'll get that to you.

19 COUNCIL PRESIDENT CLARKE:
20 Extremely. We've made a lot of promises
21 this year about certain areas of
22 investment and I want to make sure that
23 we're all prepared to stand there and
24 take credit for the investment, but if we
25 come up short, we're obviously going to

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2 take the blame.

3 MS. RHYNHART: So are we.

4 COUNCIL PRESIDENT CLARKE:

5 Exactly.

6 MS. RHYNHART: I'll get that to

7 you.

8 COUNCIL PRESIDENT CLARKE:

9 Thank you. That answers my question.

10 Thank you.

11 The Chair recognizes

12 Councilwoman Reynolds Brown.

13 COUNCILWOMAN BROWN: Thank you,

14 Mr. President.

15 Good afternoon, ladies.

16 SOLICITOR SMITH: Good

17 afternoon.

18 COUNCILWOMAN BROWN: My staff

19 and I were struck by an article in

20 today's Inquirer that talks about the

21 Supreme Court is today hearing arguments

22 around the \$500,000 liability cap that

23 Pennsylvania municipalities will have.

24 SOLICITOR SMITH: Yes.

25 COUNCILWOMAN BROWN: So if the

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2 Supreme Court rules that this is invalid,
3 how do you anticipate this affecting your
4 department's budget and the City's
5 overall financial health?

6 SOLICITOR SMITH: Well,
7 certainly if the Supreme Court -- we were
8 actually talking about this a little bit
9 this morning. The issue before the
10 Supreme Court is the validity of the cap,
11 right? It's not an issue of the amount
12 of the cap.

13 COUNCILWOMAN BROWN: Okay.

14 SOLICITOR SMITH: So it seems
15 to us that based on the facts of the
16 case, the issue before the Supreme
17 Court -- the decision before the Supreme
18 Court will either be that the cap remains
19 valid or it does not, but it won't be to
20 expand the cap. So if the Supreme Court
21 were to invalidate the tort claims cap,
22 then the Indemnities Fund would have
23 infinite additional exposure in those
24 cases that are, what we call, cap cases,
25 which are the kinds of cases like the one

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2 that is before the court. In that case,
3 the plaintiff has suffered a catastrophic
4 injury. She had injuries that ultimately
5 resulted in her leg being amputated, one
6 of her legs being amputated. Cases where
7 those types of injuries occur or
8 fatalities occur are the kinds of cases
9 that we call cap cases where the
10 plaintiffs are able to argue that the
11 losses exceed -- the losses suffered as a
12 result of the injury, whether it's lost
13 wages or lost earning potential or lost
14 whatever it is, exceed \$500,000. Without
15 a cap, we have no predictability as to
16 what a case like that could settle for or
17 what a case -- what the verdict could be
18 in a case like that, because we don't
19 even have in those cap -- in our cap
20 cases, typically what happens is that
21 cases settle for less than the cap amount
22 of 500,000 because we have the cap to
23 argue. So we can go to court and say,
24 Our maximum liability, our maximum
25 exposure in this case under the cap is

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2 \$500,000.

3 And so when we're looking at
4 cap cases, we have to apportion, sort of
5 we have to allocate this case is really a
6 cap case versus another case that's worth
7 less than the cap because the injury is
8 less severe. If the cap is eliminated,
9 we don't have that argument anymore, and
10 we have no way -- we'll have no way of
11 predicting the exposure to the
12 Indemnities Fund as a result of that,
13 because there won't be any limitation on
14 those damages.

15 COUNCILWOMAN BROWN: Wow.
16 Okay.

17 It's customary for my office to
18 try to pay attention to what's happening
19 at DHS when it comes to children and
20 youth, and the Law Department we know
21 continues to support DHS in its effort to
22 reduce the number of children in
23 congregate care, advocating for the court
24 to order the least restrictive
25 placements, principally because of the

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2 amount of money -- and I might add, least
3 restrictive placements outside the City.

4 Just discuss, if you would, an
5 update on that initiative and what's
6 happening with DHS, Judge Kevin
7 Dougherty, if there's any dialogue there
8 as well.

9 SOLICITOR SMITH: Sure.

10 (Witness approached witness
11 table.)

12 SOLICITOR SMITH: John.

13 MR. HOULON: I apologize,
14 because my hearing is so bad. Even
15 without my hearing aids, I didn't get the
16 gist of the question.

17 Shelley, if you could tell it
18 to me, I'd be happy to answer it.

19 SOLICITOR SMITH: Well, I'm
20 going to ask the Councilwoman to repeat
21 it, if she doesn't mind, but I'll also
22 introduce John Houlon, who is one of our
23 divisional deputies in the Health and
24 Human Services Unit.

25 MR. HOULON: Good afternoon.

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2 COUNCILWOMAN BROWN: Good
3 afternoon. So the question is around the
4 relationship of the Law Department with
5 DHS and the placement of young people in
6 the least restrictive placements, just an
7 update on where that is. The backstory
8 on that is more than ten years ago, there
9 were far too many young people going out
10 of the City and, of course, the monies
11 followed the young person out of the
12 City, and we know that there's been a
13 dramatic -- let me not tell the story.
14 Let me hear from you what the update is
15 with regards to young people in least
16 restrictive placements.

17 COUNCIL PRESIDENT CLARKE:
18 Before we do that, Councilwoman, the
19 stenographer didn't get your name. So
20 please state your name for the record.

21 MR. HOULON: Sure. My name is
22 John Houlon. My last name is spelled
23 H-O-U-L-O-N, and I'm a Divisional Deputy
24 City Solicitor with the Solicitor's
25 Office and I specifically represent DHS.

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2 COUNCIL PRESIDENT CLARKE:

3 Thank you.

4 MR. HOULON: So I could say a
5 couple things. First, I believe Anne
6 Marie Ambrose will be reappearing here at
7 3:00 p.m. today in terms of statistical
8 information regarding congregate care and
9 placing children in the least restrictive
10 settings.

11 COUNCILWOMAN BROWN: Yes.

12 MR. HOULON: I do believe that
13 there has been a reduction in congregate
14 care over the last couple years, and
15 we're doing a lot better. In fact, I was
16 at the hearings a couple weeks ago and I
17 think it was reported that the number of
18 children placed outside Philadelphia has
19 been reduced in a pretty significant way.
20 I can tell you as someone in the Law
21 Department who represents DHS at the
22 hearings in Dependency Court, it is
23 something at every dependency hearing has
24 to be addressed.

25 COUNCILWOMAN BROWN: Is that

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2 right?

3 MR. HOULON: Is the child in
4 the least restrictive placement. Of
5 course, the main inquiry at a dependency
6 hearing is what is in the child's best
7 interest.

8 COUNCILWOMAN BROWN: Sure.

9 MR. HOULON: But the law itself
10 defines best interest as, or one of the
11 indicia, is what's the least restrictive
12 placement. So that is addressed at every
13 hearing.

14 COUNCILWOMAN BROWN: Is that a
15 new protocol?

16 MR. HOULON: I'm sorry?

17 COUNCILWOMAN BROWN: Is that a
18 new protocol?

19 MR. HOULON: There's actually
20 been, particularly regarding older youth
21 who are the ones who tend to be in more
22 restrictive placements; for instance,
23 what we call congregate care, there is a
24 protocol. We call it the O Court
25 protocol, because over at 1801 O Court

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2 for many years has been the forum where
3 the majority of older youth cases are
4 heard. And one of the things that that
5 protocol requires the court to address,
6 which means we need to present evidence
7 in that regard, is what are we doing to
8 get a child out of congregate care who is
9 in congregate care. So this is certainly
10 something that we're focusing on
11 literally every day at permanency
12 hearings.

13 COUNCILWOMAN BROWN: And
14 because of the laser-beam focus, the
15 trend is downward in --

16 MR. HOULON: I believe so, yes.
17 I know in particular our Commissioner at
18 DHS is reviewing every single case where
19 congregate care is recommended. It used
20 to be a little bit too easy, I think, for
21 DHS to place children in congregate care,
22 because a lot of times, frankly, it's
23 difficult to find a foster home or a less
24 restrictive placement for older youth who
25 is having a lot of, say, behavioral

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2 health issues. But the Commissioner is
3 really focusing on looking at whether
4 it's absolutely necessary in individual
5 cases, and we get that information in the
6 Law Department and it's part of the
7 evidence that we're presenting.

8 COUNCILWOMAN BROWN: Very well.
9 Thank you very much.

10 MR. HOULON: You're welcome.

11 COUNCILWOMAN BROWN: I know
12 we're doing rounds, so I'll have
13 additional questions on the next round.
14 Thank you, Mr. Chairman.

15 COUNCILMAN GREENLEE: Thank
16 you, Councilwoman.

17 Councilwoman Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank
19 you.

20 I just have one question, and
21 my question is, do you have a written
22 policy that defines the circumstances
23 under which the City will pay for Council
24 hiring outside attorneys? We'd like to
25 know if there's a written policy and we'd

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2 like you to submit a copy of it to the
3 President or the Chair, assuming one
4 exists.

5 SOLICITOR SMITH: No, we do not
6 have a written policy. We have a policy
7 that we have followed consistently for my
8 entire time as a managing attorney within
9 the Law Department, which is since 1997,
10 but it is not in writing.

11 COUNCILWOMAN BLACKWELL: Would
12 you explain what that is.

13 SOLICITOR SMITH: Yes. Your
14 question is the policy that applies to
15 determine whether we pay for outside
16 counsel, correct?

17 COUNCILWOMAN BLACKWELL:
18 Absolutely.

19 SOLICITOR SMITH: The Law
20 Department only -- the Law Department
21 provides representation for all City
22 employees who are sued unless we have a
23 conflict of interest in that
24 representation. And if we have a
25 conflict of interest in that

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2 representation, then we have a series of
3 sort of steps that we take in analysis to
4 determine whether -- and it depends on
5 the nature of the allegation and the kind
6 of employee who is sued, but whether we
7 pay for outside counsel and reserve our
8 right to cut off that indemnification if
9 it's determined that the employee acted
10 outside of the scope of their employment
11 or if, at the outset, for a hypothetical
12 example, where a police officer is sued
13 and has been disciplined for something
14 for which the Police Department has
15 already disciplined that employee. Then
16 we would not ever pay for the conflict
17 representation in that case, and the
18 union would pick up that cost. So that's
19 just an example, but that's the basic
20 analysis.

21 So we don't hire outside
22 counsel unless we don't have the internal
23 capacity to handle the matter or we have
24 a conflict of interest. And if one of
25 those two situations occurs, then we have

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2 sort of a tree analysis by which we
3 determine whether we pay and to what
4 extent we pay. But other than that, we
5 provide the representation internally,
6 and that's really it.

7 COUNCILWOMAN BLACKWELL: So
8 that means for all practical purposes
9 then Council doesn't have its own City
10 Solicitor, because you reserve the right
11 across the board, unless there's a
12 conflict of interest, then you're
13 saying -- which is very different than
14 what we've been told over the past
15 several years, so I wouldn't have raised
16 this question again this year. That's
17 very different than what we were told.
18 We were told or our understanding was
19 that you were our Solicitor too and that
20 we had the right to private consultation
21 with you, but you're saying you're not.
22 It's only where there's a conflict of
23 interest, but that you determine and your
24 department determines that which we want
25 to do, so --

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2 SOLICITOR SMITH: I'm not sure
3 I understand the --

4 COUNCILWOMAN BLACKWELL: You're
5 saying there's no need in us coming to
6 you unless there's a conflict of
7 interest. You're saying that. Unless
8 you determine there's a conflict of
9 interest, there's no need in us
10 approaching you. That's what you're
11 saying. That's very, very different than
12 what we've been told over at least the
13 last three years that I recall.

14 SOLICITOR SMITH: I'm not -- I
15 don't know -- I'm not sure what set of
16 facts was presented as the basis for a
17 question that was asked that produced the
18 response you're referring to. I can tell
19 you that the Rules of Professional
20 Conduct that apply to lawyers require us
21 as lawyers to determine whether we have a
22 conflict of interest. It is our
23 obligation to make that determination,
24 and we routinely make that determination
25 when a City employee is sued. It's our

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2 obligation to do that, and we do it
3 routinely.

4 COUNCILWOMAN BLACKWELL: I will
5 conclude my remarks with saying that's
6 very different than what we were given to
7 understand in the past several years.
8 I've been around here 35 years. That's
9 very, very different.

10 But having said that, then let
11 me thank the Chair. That will end my
12 discussion on this issue for the City
13 Solicitor unless there's some -- unless
14 she wants to continue it.

15 COUNCILMAN GREENLEE: Okay.

16 Thank you, Councilwoman.

17 Councilwoman Reynolds Brown.

18 COUNCILWOMAN BROWN: Yes. I
19 thank you.

20 One of my questions here is
21 somewhat related. On Page 6 of your
22 testimony, you show the Law Department
23 currently contracts with Ballard Spahr
24 and Archer and Greiner. So just state
25 again so that I better understand the

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2 circumstances that the Law Department
3 makes the judgment to contract with
4 outside law firms instead of representing
5 the City itself.

6 SOLICITOR SMITH: Sure. When
7 we either lack the capacity internally to
8 handle a matter or set of matters or we
9 have a conflict of interest. So in the
10 two instances, in the instances of the
11 two law firms that you've identified,
12 Ballard Spahr is our -- I feel like I'm
13 going to regret saying these words as
14 soon as they leave my lips -- is our
15 outside counsel for labor negotiations
16 and Archer and Greiner is our primary
17 outside counsel for conflict civil rights
18 matters. So in the hypothetical I
19 described where an individual police
20 officer is sued and the Department, which
21 is our primary client, has a conflict
22 because the Department has questioned the
23 officer's conduct itself before we ever
24 got sued for it, then we would refer that
25 matter to outside counsel, because we

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2 would have a conflict defending both the
3 Department and the police officer because
4 the Department and the officer are at
5 odds.

6 COUNCILWOMAN BROWN: Sure.

7 SOLICITOR SMITH: So those are
8 two perfect examples of the policy that I
9 described.

10 COUNCILWOMAN BROWN: And so in
11 instances like that, are the protocols
12 for the awarded law firm in alignment
13 with the same way OEO goes through their
14 process of awarding contracts or does
15 that happen internally to your
16 department?

17 SOLICITOR SMITH: Well, we are
18 given numbers. We're given numbers.

19 COUNCILWOMAN BROWN: Goals?

20 SOLICITOR SMITH: Percentage
21 goals by OEO, and we factor into our
22 evaluation of -- so the way we retain
23 outside counsel is, we typically have
24 from history an idea of where we will
25 need outside counsel. And all of these

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2 are subject to an RFP process. So we
3 issue an RFP. We get responses from
4 firms, and one of the factors that we
5 evaluate in determining which firm or
6 firms to select for a particular
7 opportunity is our goal for OEO
8 compliance. And so that plays a part in
9 our process when we select a firm.

10 COUNCILWOMAN BROWN: And so
11 that does answer my question that you
12 follow an RFP process. So can or do City
13 departments, are they required to
14 approach you first before they contract
15 with outside --

16 SOLICITOR SMITH: City
17 departments cannot contract with outside
18 counsel individually, no City department.
19 And that's no different -- and that's
20 actually an excellent point. There's no
21 difference between any other City
22 department and City Council as a City
23 agency. No City agency can independently
24 contract with outside counsel. City
25 Council has an exception that's separate

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2 for a very specific -- in a very specific
3 category of cases that's specified in the
4 Charter, but outside of that specific
5 category of cases, which is basically
6 when the legislative branch and the
7 administrative branch are at odds, no
8 City agency can independently contract
9 with outside counsel, because under the
10 Charter, only the Law Department can hire
11 lawyers, only the Law Department -- the
12 Law Department is responsible to oversee
13 all of the legal work and to control all
14 of the legal work for the City as a
15 whole. So we contract with outside
16 counsel. And, again, we follow the same
17 sort of analysis that I described. If an
18 employee in any City agency or the head
19 of any City department is sued, we have
20 to figure out whether we can handle it
21 in-house, whether we have the capacity,
22 whether there's a conflict, all of those
23 things, and then we make a determination.
24 If there's a reason, as I've described
25 it, to hire outside counsel, then we will

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2 do that.

3 COUNCILWOMAN BROWN: Very well.

4 SOLICITOR SMITH: But the
5 department itself will not.

6 COUNCILWOMAN BROWN: In a
7 similar line of questioning I asked both
8 the District Attorney's Office and the
9 Defender Association to comment on the
10 strategies, if you will, they use to
11 attract and retain minority lawyers.
12 When we look at your testimony on Page 3,
13 you indicated that your full-time staff
14 is 32 percent minority and 68 percent
15 white. So if you could just tell us any
16 strategies, traditional or not, that you
17 as a department pursue to attract and
18 retain.

19 SOLICITOR SMITH: Sure. The
20 Law Department, I think, has always
21 attracted minority and women lawyers,
22 because a lot of the issues that cause
23 minority and women lawyers to leave
24 private practice are issues about
25 business development and quality of life

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2 and the kinds of issues that can
3 sometimes be more challenging for those
4 groups of lawyers. Those issues don't
5 exist in the Law Department. The Law
6 Department is the place where people find
7 that they are given opportunity to
8 practice law. They are given autonomy to
9 handle their cases. They're given
10 opportunities for growth. And you can
11 see in our numbers in terms of the
12 supervisors and executive staff that we
13 have good numbers in terms of minorities
14 and women.

15 We also, as a recruitment tool,
16 we network individually, go to law
17 schools. We established a few years ago
18 with Archer and Greiner, one of our
19 outside counsel, the Temple Law
20 Department-Archer and Greiner Diversity
21 Program where two students are selected
22 for scholarships and they split their
23 summer with Archer and Greiner and the
24 Law Department, and it's a useful split
25 because in addition to the fact that they

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2 get the direct Law Department experience
3 and Archer also represents the City in --
4 or individual City employees in a number
5 of cases, so our practices are aligned,
6 they also have the purer private practice
7 opportunity as well. So we've taken a
8 number of those kinds of steps.

9 COUNCILWOMAN BROWN: I've read
10 about that program and having spent some
11 time in higher ed, I thought it was
12 outstanding. It's a great partnership.

13 SOLICITOR SMITH: Yeah. We
14 were very pleased with it. And we've --
15 the students that we've had -- so it's
16 been in place now for two summers, two
17 past summers, coming around again this
18 summer, but the students that we've had
19 have been excellent and I think that
20 they've really benefited -- they felt
21 like they really benefited from their
22 experience, and also they get the benefit
23 of the comparison between --

24 COUNCILWOMAN BROWN: Those two
25 worlds.

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2 SOLICITOR SMITH: Those two
3 worlds, which law students don't often
4 get.

5 COUNCILWOMAN BROWN: Well,
6 thank you. Thank you.

7 Thank you, Mr. Chairman.

8 COUNCILMAN GREENLEE: Thank
9 you, Councilwoman.

10 Councilman Henon.

11 COUNCILMAN HENON: Thank you,
12 Mr. Chair.

13 Madam Solicitor, how are you?

14 SOLICITOR SMITH: Good
15 afternoon. How are you?

16 COUNCILMAN HENON: I'm great.
17 Thank you.

18 I'm going to ask a few
19 questions that if you could just provide
20 to the Chair. I don't necessarily would
21 think that you have answers, but if you
22 do, great.

23 Could you provide to the Chair
24 the number of businesses that received
25 revocation letters regarding commercial

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2 activity licenses. And if you could
3 break it down to districts, if possible,
4 from January 2013 through present for the
5 failure to pay taxes owed.

6 SOLICITOR SMITH: Okay.

7 COUNCILMAN HENON: You know
8 what, I can follow up with an e-mail to
9 you --

10 SOLICITOR SMITH: That would be
11 great.

12 COUNCILMAN HENON: -- with some
13 of these questions.

14 SOLICITOR SMITH: That would be
15 fine.

16 COUNCILMAN HENON: I just
17 wanted to get them -- just to make it
18 easier.

19 Could somebody either discuss
20 or again forward to the Chair the number
21 of businesses receiving these letters who
22 have entered into an agreement versus the
23 number of businesses who just closed
24 shop.

25 SOLICITOR SMITH: Okay.

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2 COUNCILMAN HENON: And, again,
3 if you could include the amount of
4 principal, interest, and penalties that
5 went uncollected by those who didn't
6 enter into an agreement in comparison to
7 the same revenues generated by the --

8 SOLICITOR SMITH: Total amounts
9 anonymous, you mean, right?

10 COUNCILMAN HENON: Exactly.

11 And in addition, a breakdown of
12 the terms of agreements and the length of
13 payback with the agreement that has been
14 offered by the Law Department.

15 SOLICITOR SMITH: Okay.

16 COUNCILMAN HENON: Generally
17 why I ask is, the agreements that I have
18 been contacted by with some businesses,
19 they seem to be short in terms. Can you
20 explain why? Because I think -- and I
21 understand, I guess, they wanted to get
22 in the current fiscal year for school
23 taxes or revenues. We're trying to get
24 them in quickly. But I think it's been
25 an incredible burden on some businesses,

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2 right or wrong, whether they were paying
3 or not, because I'm not advocating for
4 somebody who didn't pay taxes. I want to
5 be clear. I just want to make sure that
6 there is a sufficient amount of time to
7 have people enter in on agreements as
8 opposed to you have eight or 12 months to
9 hurry up and get them in.

10 SOLICITOR SMITH: Okay.

11 COUNCILMAN HENON: So that's
12 all. And I'll provide all this to you in
13 an e-mail.

14 SOLICITOR SMITH: Okay. That's
15 fine.

16 COUNCILMAN HENON: This way,
17 it's easier.

18 SOLICITOR SMITH: That's fine.

19 COUNCILMAN HENON: In your
20 testimony you state that you have 204
21 employees in the Law Department. How
22 many vacancies are there for staff
23 attorneys?

24 SOLICITOR SMITH: One moment,
25 please.

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2 We think we may have four.

3 We're in the process of hiring and people
4 leaving, but we think there's four.

5 COUNCILMAN HENON: No. I
6 understand. I certainly understand that.

7 How many, if I could ask, how
8 many are assigned specifically to the Tax
9 Unit in regards to with the agreements?

10 SOLICITOR SMITH: How many
11 people? How many staff members, not how
12 many vacancies, how many attorneys are
13 assigned?

14 COUNCILMAN HENON: How many
15 attorneys, yes.

16 SOLICITOR SMITH: Just one
17 second.

18 COUNCILMAN HENON: Madam
19 Solicitor, you could also provide it to
20 the Chair.

21 SOLICITOR SMITH: We have it.
22 We have total staff in the Tax Unit of
23 32, with total attorneys 20.

24 COUNCILMAN HENON: Okay.
25 Great.

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2 SOLICITOR SMITH: And then the
3 other 12 would be support staff of
4 various kinds.

5 COUNCILMAN HENON: Sure.
6 There's been talk about outside
7 attorneys. If you could also provide two
8 things. Ballard Spahr obviously is the
9 sole labor -- are they the sole labor
10 outside --

11 SOLICITOR SMITH: They are now,
12 yes.

13 COUNCILMAN HENON: They are
14 now.

15 Are they contracted out for any
16 other or is it just solely for the labor
17 negotiation?

18 SOLICITOR SMITH: The scope of
19 their contract includes the possibility
20 that the occasional extraordinary
21 individual labor or employment case could
22 be referred to them. So, for example, a
23 few years ago a case that's still going
24 on, a few years ago there was litigation
25 involving the paramedics claim about

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2 overtime pay that involved dozens of
3 paramedics over -- it was a class
4 action -- dozens of paramedics over many,
5 many years. The volume of that case was
6 such that -- and the original iteration
7 of the case -- it had two parts. The
8 original iteration of the case, I think
9 the ultimate settlement was somewhere in
10 the vicinity of \$7 or \$8 million. But
11 the volume of that case, the number of
12 people, number of plaintiffs involved,
13 the amount of discovery that was
14 required, that we referred to Ballard.

15 COUNCILMAN HENON: It seems to
16 be all labor related.

17 SOLICITOR SMITH: Yeah. It's
18 all labor employment or employment cases,
19 right.

20 COUNCILMAN HENON: And, last,
21 if you could provide to the Chair the
22 expense over the last five years for the
23 outside counsel.

24 SOLICITOR SMITH: For total
25 outside counsel?

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN HENON: Well, for
3 labor related.

4 SOLICITOR SMITH: Okay. Yes.

5 COUNCILMAN GREENLEE: Thank
6 you, Councilman.

7 COUNCILMAN HENON: I'll yield.
8 Thank you.

9 COUNCILMAN GREENLEE:
10 Councilman Jones.

11 COUNCILMAN JONES: Thank you,
12 Mr. Chair.

13 First of all, let me thank the
14 the Law Department for always being
15 responsive to our office on various
16 issues. You don't give us a break, but
17 you do give us an answer, and we'll take
18 that.

19 SOLICITOR SMITH: Well, thank
20 you, Councilman. It's our pleasure to
21 help.

22 COUNCILMAN JONES: No problem.
23 Based on your testimony, the
24 increasing amount of Sheriff Sale
25 petitions have risen to 6,938 in the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 first eight months of this fiscal year
3 compared to 3,500 petitions filed in the
4 entire Fiscal Year '13, representing a 50
5 percent increase. This 50 percent -- how
6 long does it take for delinquent property
7 to be sold at Sheriff Sale now?

8 SOLICITOR SMITH: Let me get
9 Mr. Paiva back. He'll have a firsthand
10 knowledge of that.

11 (Witness approached witness
12 table.)

13 MR. PAIVA: The process
14 ranges -- excuse me. Frank Paiva.

15 The process ranges from eight
16 to 12 months for a property to be brought
17 to Sheriff Sale.

18 COUNCILMAN JONES: You said how
19 long?

20 MR. PAIVA: Eight to 12 months.

21 COUNCILMAN JONES: So how
22 long -- I should rephrase the question.
23 What is the average length of delinquency
24 within properties that are being brought
25 up for sale?

1 5/6/14 - WHOLE - BILL 130489, etc.

2 MR. PAIVA: There's a range. I
3 mean, often what dictates priority is how
4 much is owed. And so you can have a
5 situation where a property may only have
6 two years of delinquencies, but the
7 amount that they owe is substantial. And
8 so that case would get prioritized over a
9 case that may be eight years of
10 delinquencies, but the amount at issue is
11 significantly less.

12 COUNCILMAN JONES: So I'm going
13 to need you to provide to the Chair some
14 specifics. If it takes a little time to
15 get it, that's fine, but I need to know
16 what those numbers really look like. As
17 we -- for two reasons, and they are
18 competing priorities at times. One, we
19 raised rates on AVI. I heard it again
20 today over lunch about how their property
21 tax went up. So I want to assure that
22 those who have the ability to pay are.
23 And then also for those who don't have
24 the ability to pay, the question becomes
25 how many of those cases get worked out.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 MR. PAIVA: Well, with the
3 owner -- OOPA program, which we have for
4 owner occupieds, there has been a
5 significant increase in the use of that
6 program for homeowners who do not have
7 the financial wherewithal to make the tax
8 payments that are required. So that
9 program has been somewhat robust at this
10 point and we see it increasing.

11 COUNCILMAN JONES: So what
12 impact has Act 93 had upon the City's
13 ability to collect against tax-delinquent
14 properties?

15 MR. PAIVA: Well, yeah. That's
16 what I referred to as the OOPA program.
17 Oh, Act 93?

18 COUNCILMAN JONES: Yes, sir.

19 MR. PAIVA: Oh, Act 93, okay.
20 That's something completely different.
21 Excuse me. Act 93 is a new piece of
22 legislation that was approved by the
23 General Assembly, and that will enable
24 the City of Philadelphia to transfer a
25 lien that we currently have for real

1 5/6/14 - WHOLE - BILL 130489, etc.
2 estate taxes to a jurisdiction where that
3 owner also owns property, and that lien
4 would be viewed as a personal judgment
5 when transferred into the other
6 jurisdiction.

7 We are currently working with
8 the courts and also with prothonotaries
9 in other jurisdictions to get the
10 procedure in place. For example, with
11 the court here in Philadelphia, we need
12 to get rules from the court where they --
13 and we provided them with a framework
14 that we believe would work and be
15 efficient, and the court hopefully within
16 the next couple of months will issue the
17 rule which would then enable us to take
18 that step forward.

19 At the same time that's
20 happening, we're looking at who are these
21 taxpayers that own property outside of
22 the City, because we don't often know
23 where folks own property. And so we're
24 using databases, and that's required us
25 to be able to do things in batches. And

1 5/6/14 - WHOLE - BILL 130489, etc.
2 with that capability, which hopefully by
3 the end of this month we'll have, we'll
4 be able to identify a number of folks who
5 owe us taxes and also own property
6 outside the City. So then we can target
7 moving those judgments once we have the
8 technical procedure stuff done to
9 actually impact and make things a little
10 bit more difficult for those delinquents
11 who view the City as a speculative
12 environment for them to own property.

13 COUNCILMAN JONES: So while I
14 might seem a little anxious about you
15 getting this started, Madam Solicitor, is
16 because as we start to deliberate over
17 how we're going to make ends meet with
18 this SRC and School Board, these kinds of
19 revenues are directly linked to our
20 ability to fund that. So what I'd like
21 you to do, if I could ask this, over the
22 next quarter, can we see and get a
23 glimpse of how this is happening and
24 whether or not it is effective, and
25 particularly an eye towards whatever

1 5/6/14 - WHOLE - BILL 130489, etc.
2 impediments might be in the way. Some of
3 our Councilpeople here have relationships
4 at the Harrisburg level and would be
5 willing to try to move some of those
6 things out of the way.

7 SOLICITOR SMITH: Okay.

8 COUNCILMAN JONES: So
9 particularly districts that have been
10 hard hit by AVI and the School Board
11 issue on top of that, we'd like to see
12 how this test program is, A, being rolled
13 out and whether it is being effective in
14 garnering some response from absentee
15 landlords for the City of Philadelphia.

16 SOLICITOR SMITH: Okay.

17 COUNCILMAN JONES: Finally, the
18 sequestration program, how is that coming
19 into shape?

20 MR. PAIVA: It's been ramping
21 up and, in fact, it's been bringing in
22 more money than we had expected.

23 COUNCILMAN JONES: Can you be
24 more specific? We're anxiously kind of
25 waiting with bated breath to figure out

1 5/6/14 - WHOLE - BILL 130489, etc.

2 how much we have to -- how much skin we
3 got to put in the game for the School
4 District. So if you give us -- and
5 another reason, because if we change
6 millage, which some members want to do,
7 that has a -- there's a maintenance of
8 effort issue that we might need to take
9 into account, because if we're bringing
10 in more money, we might need to --

11 SOLICITOR SMITH: Maintain
12 that.

13 COUNCILMAN JONES: Yes.
14 Correct.

15 MR. PAIVA: I don't have the
16 exact numbers in front of me, and so I
17 would be guessing, and I think that may
18 not be --

19 SOLICITOR SMITH: We'll provide
20 you with that information.

21 MR. PAIVA: I'll get back to
22 you with that.

23 COUNCILMAN JONES: And if you
24 could do so in a quarterly way that can
25 give us an indication of how well our

1 5/6/14 - WHOLE - BILL 130489, etc.

2 President has been doing and Mayor has
3 been doing in striking up relationships
4 at the state level that has actually
5 given us some relief. Okay?

6 SOLICITOR SMITH: Yes.

7 COUNCILMAN JONES: Thank you,
8 Mr. Chair.

9 COUNCILMAN GREENLEE: Thank
10 you, Councilman.

11 Do you want me to go to
12 Councilman Henon?

13 COUNCILWOMAN BROWN: Sure.

14 COUNCILMAN GREENLEE:
15 Councilman Henon.

16 COUNCILMAN HENON: First I want
17 to thank my colleague for yielding her
18 time to me.

19 Thank you, Mr. Chairman.

20 Again, round two here.

21 SOLICITOR SMITH: So soon?

22 COUNCILMAN HENON: Listen, I've
23 been so excited about the Law Department
24 testimony today.

25 So Majority Leader was just

1 5/6/14 - WHOLE - BILL 130489, etc.
2 talking about a test program. I don't
3 believe Act 93 is an actual test program.
4 It's a law.

5 SOLICITOR SMITH: That's
6 correct.

7 COUNCILMAN HENON: And I
8 think --

9 SOLICITOR SMITH: I think he
10 just meant we're just getting started.

11 COUNCILMAN HENON: I know.
12 We're ready to roll, and that's
13 reinvigorating our enthusiasm in
14 recouping some of our delinquencies here.

15 SOLICITOR SMITH: Oh, the lives
16 we lead.

17 COUNCILMAN HENON: I know.
18 What else do we do, right?

19 SOLICITOR SMITH: Exactly.

20 COUNCILMAN HENON: So in this
21 body, under Council President's
22 leadership, had passed unanimously
23 something similar about authorizing the
24 Law Department to go out in other
25 jurisdictions to follow -- which I think

1 5/6/14 - WHOLE - BILL 130489, etc.

2 you may have had that authority anyway,
3 but I think it was more the resources to
4 do so. So we're extremely excited and
5 interested on how we could be helpful to
6 you and your department, because if it
7 were up to me and we had enough
8 resources, the Law Department would have
9 a rate of return that would be sustaining
10 for more attorneys. I mean, I'd
11 authorize 50 more for you right now.

12 SOLICITOR SMITH: Thank you.
13 We appreciate that support. Thank you.

14 COUNCILMAN HENON: A lot of
15 good things that you're doing, because
16 you're in fact trying to -- I mean, it's
17 the City that you're looking after and
18 it's the kids, it's the taxes, and it's
19 people abiding by the laws.

20 So a couple of questions that I
21 have regarding Act 93 or the ability to
22 go after personal property for --

23 SOLICITOR SMITH: I'll bring
24 Mr. Paiva back.

25 COUNCILMAN HENON: Come on

1 5/6/14 - WHOLE - BILL 130489, etc.

2 back. Have a seat. Better than any late
3 afternoon coffee.

4 (Witness approached witness
5 table.)

6 COUNCILMAN HENON: So going
7 after personal property for slumlords,
8 which I'm going to call absentee
9 landlords, who willfully and
10 intentionally disregard any attempts that
11 the City has on service and paying their
12 taxes, gaming the system, how are we
13 going to go and continue to go after them
14 with their personal assets? Is it a
15 simple filing judgment on them? What
16 happens with that process?

17 MR. PAIVA: Under Act 93 --

18 COUNCILMAN GREENLEE: Mr.
19 Paiva, speak a little bit more into the
20 mic.

21 MR. PAIVA: Oh, excuse me.

22 COUNCILMAN GREENLEE: That's
23 all right.

24 MR. PAIVA: Under Act 93, the
25 City under statute every year when taxes

1 5/6/14 - WHOLE - BILL 130489, etc.
2 become delinquent, there's an automatic
3 lien placed on that property, and this is
4 by operation of law. In the past, in
5 order for us to transfer that amount of
6 real estate taxes due, we would have to
7 sue the person individually and then
8 transfer that judgment to a jurisdiction
9 where they live. Now under Act 93,
10 that's all cut out and we can take the
11 statutory lien, file it with the local
12 prothonotary here in Philadelphia, and
13 then we can then transfer that lien as it
14 was a judgment, as if we went to court
15 and obtained a judgment under operation
16 of law, and be able to transfer it now to
17 the jurisdiction where that slumlord owns
18 his own real estate.

19 COUNCILMAN HENON: Look, we can
20 have absentee landlords in our own city.

21 MR. PAIVA: That's true.
22 Exactly.

23 COUNCILMAN HENON: It could be
24 additive from the personal property that
25 they're delinquent even though they may

1 5/6/14 - WHOLE - BILL 130489, etc.
2 live two blocks away. How do we -- could
3 Act 93 be the tool? And I'm not sure how
4 we go after the LLCs. So what's
5 happening is, some of the landlords that
6 are delinquent in gaming the system --
7 and I'm not talking about good business
8 men and women who are responsible to
9 their communities or who are responsible
10 to their tenants and making a respectful
11 living. I mean, they're legitimate. I
12 get that. It's those who shelter each
13 property they have in the hundreds with a
14 123 LLC, 1234 LLC. So if they are the
15 principal owner of each one of those
16 corporations or partnerships, does Act 93
17 apply? Does that give us the tool to
18 apply to them personally?

19 MR. PAIVA: Well, we would have
20 to actually look into that a little bit
21 closer. I mean, first of all, the LLC,
22 the single member is who we hold
23 responsible, and that would be the real
24 owner, although at first blush you don't
25 know who that is. So we would have to

1 5/6/14 - WHOLE - BILL 130489, etc.
2 research and figure out who is the owner,
3 and then whether the Act 93 does allow us
4 to go pierce it one step to change to
5 move the lien over there. And that's
6 something which we may need some
7 legislative assistance if the law doesn't
8 provide that. But I appreciate you
9 bringing that up.

10 COUNCILMAN HENON: Put me in,
11 Coach. If it's state legislation, we'll
12 help push for it. If it's local
13 legislation, I think this body is ready
14 to respond, but I would love to at
15 another time offline here maybe sit down
16 and see how we could be helpful in any
17 fashion --

18 MR. PAIVA: I appreciate that.

19 COUNCILMAN HENON: -- in
20 assistance to you. Because as you're
21 going to find out, we do know where these
22 people reside and we do know where they
23 are. It's making sure that we have the
24 tools just to recoup what's owed and
25 what's fair to every other law-abiding

1 5/6/14 - WHOLE - BILL 130489, etc.
2 tax-paying citizen of the City of
3 Philadelphia.

4 Mr. Chairman, I will yield.

5 COUNCILMAN GREENLEE: Thank
6 you, sir.

7 COUNCILMAN HENON: I'll catch
8 you in a second. Thanks.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Councilwoman Reynolds Brown.

12 COUNCILWOMAN BROWN: Thank you
13 again, Mr. Chairman.

14 This question is centered
15 around the work you do with the Sheriff
16 Department, and on Page 1 of your
17 testimony, you state, and I quote, "The
18 revenue initiatives increased the amount
19 of Sheriff Sale petitions filed to 6,900
20 plus in the first eight months of this
21 fiscal year compared to 3,500 plus
22 petitions filed the entire FY13,
23 representing a 50 percent increase."

24 SOLICITOR SMITH: Yes.

25 COUNCILWOMAN BROWN: Simply

1 5/6/14 - WHOLE - BILL 130489, etc.

2 discuss the why and maybe even the how.

3 SOLICITOR SMITH: The reason
4 for increasing the number of Sheriff Sale
5 petitions filed was simply the sheer
6 number of real estate tax delinquencies
7 that the City was faced with collecting.
8 We needed more of a hammer to try to
9 collect some of that money, and so we
10 over time increased the resources
11 available, worked with the Sheriff's
12 Office to get them to allocate additional
13 resources that would allow more Sheriff
14 Sale petitions to be filed so that we
15 could try to attack the problem of real
16 estate delinquencies more aggressively.

17 COUNCILWOMAN BROWN: And the
18 yield that has been indicated here is
19 doubled, a 50 percent increase.

20 SOLICITOR SMITH: Yes, of the
21 number of Sheriff Sale petitions filed,
22 that's correct.

23 COUNCILWOMAN BROWN: So going
24 forward, is that new partnership going to
25 stay in place with regards to the

1 5/6/14 - WHOLE - BILL 130489, etc.

2 additional resources you secured?

3 SOLICITOR SMITH: Yes. Yes.

4 COUNCILWOMAN BROWN: Okay,

5 then.

6 SOLICITOR SMITH: It wasn't a

7 short-term plan.

8 COUNCILWOMAN BROWN: All right,

9 then. Thank you.

10 SOLICITOR SMITH: But we had to

11 sort of ramp it up gradually, but, yes.

12 COUNCILWOMAN BROWN: So the

13 additional dollars came from the Sheriff

14 Department?

15 SOLICITOR SMITH: Well, they

16 had to allocate more resources in order

17 to conduct the sales. So it was the

18 product of a series of conversations with

19 the Sheriff's Office to increase the

20 resources that they were willing to

21 allocate to conduct more Sheriff Sales.

22 I mean, we could file as many petitions

23 as we could file, but if they can't hold

24 the Sheriff Sales, then it doesn't do us

25 a lot of good. So we needed their on

1 5/6/14 - WHOLE - BILL 130489, etc.
2 cooperation too in order to have the
3 Sheriff Sales actually listed.

4 COUNCILWOMAN BROWN: Got you.
5 Does the Law Department ever take action
6 against plaintiffs who file what might be
7 defined as frivolous claims? And we know
8 that some might call it a judgment call,
9 but others might say an opinion. What
10 might be a typical frivolous claim?

11 SOLICITOR SMITH: Well, there's
12 no typical frivolous, but I couldn't
13 say -- I mean, the standard as law for a
14 frivolous claim is a claim that has no
15 basis in law or fact. So both the state
16 and the federal courts have rules that
17 prohibit the filing of frivolous claims.
18 The standard for establishing that a
19 claim is frivolous under either of those
20 rules is fairly high. When parties or
21 attorneys sign the pleadings that they
22 file in court, they are signing along
23 with those pleadings a verification that
24 what is averred is averred in good faith
25 and factually accurate. But when the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 court comes to deciding whether or not to
3 impose the penalty for doing it, it's
4 sanctioned, but when the court comes to
5 deciding whether or not to impose
6 sanctions for filing a frivolous claim,
7 they're going to hold a defendant to a
8 pretty high standard, because the
9 court -- because a party is almost always
10 going to assert that they're making a
11 good-faith argument for a change in the
12 law or an expansion of the interpretation
13 of the law or that the facts that they've
14 alleged are subject to interpretation.

15 So the standard is very high,
16 but where we think we have a good chance
17 of meeting them, we will file the motion,
18 but those circumstances are fairly rare.
19 What we do, however, is particularly in
20 federal court, the prevailing party in
21 litigation, in civil rights litigation,
22 is entitled to, under the statute,
23 attorneys' fees and costs. What that
24 really means for the defendant is just
25 costs. The plaintiff will get attorneys'

1 5/6/14 - WHOLE - BILL 130489, etc.
2 fees, but the court won't award the
3 defendant attorneys' fees, but they will
4 award costs. So all the costs of filing
5 and depositions and all of the actual
6 out-of-pocket expenses that are
7 associated with defending a case, if we
8 prevail as a defendant, we will routinely
9 file a petition with the court to have
10 the costs associated with that litigation
11 awarded, and we routinely get those
12 awards. And they're, you know, a couple
13 thousand dollars, several thousand
14 dollars here and there. They range from
15 small amounts to larger amounts, not
16 typically five figures even, but knowing
17 that we will do that will sometimes be a
18 good tool in litigating the case. So
19 where we can -- so we do that routinely.

20 COUNCILWOMAN BROWN: Okay.
21 Thank you. Very informative.

22 Thank you, Mr. Chairman.

23 COUNCILMAN GREENLEE: Thank
24 you, Councilwoman.

25 Councilman Henon.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN HENON: Thank you,
3 Mr. Chair.

4 Two things and I'll end with my
5 standard questions I've been asking
6 everybody. Service, which I think may be
7 a problem with servicing some of the
8 delinquents in the City of Philadelphia
9 with their taxes or violations. So
10 service and the courts. Are we -- at
11 what capacity are we as a department,
12 your department? Are we reaching our
13 capacity of what the court is set up for?

14 So a couple days a week, we
15 have MC court two days a week for the
16 City and then one day is for private and
17 then as well as CP. Are we moving -- is
18 there a backlog or are we running through
19 our ability, I guess, at this time to get
20 things over to court?

21 MR. PAIVA: I would argue that
22 we always have the opportunity to expand
23 capacity. Every --

24 COUNCILMAN GREENLEE:

25 Mr. Paiva, once again, you get away from

1 5/6/14 - WHOLE - BILL 130489, etc.

2 the microphone.

3 MR. PAIVA: My apologies.

4 COUNCILMAN HENON: First of
5 all, there's no need to argue because I'm
6 not saying -- I'm just trying to figure
7 out if we are -- I understand. We're all
8 overworked and we're underresourced. So
9 I want to see if the capacity is there
10 for us on the court's end and --

11 MR. PAIVA: On the Municipal
12 Court side, I would say that they are
13 meeting our capacity, the amount of
14 resources we have and what we can throw
15 at them. In some other areas, there may
16 be some limitation, for example, at the
17 court end, and sometimes that's just a
18 very administrative thing, that we're
19 working with the courts to make it so
20 that it doesn't hold us back. But it's
21 all a work in progress and I think we
22 have a fine relationship with the court.
23 So I am very optimistic that that issue
24 will clarify itself or clear up soon.

25 COUNCILMAN HENON: And when I

1 5/6/14 - WHOLE - BILL 130489, etc.

2 shoot over my e-mail, I'll be a little
3 more specific --

4 SOLICITOR SMITH: Okay.

5 COUNCILMAN HENON: -- on the
6 capacity issue.

7 SOLICITOR SMITH: Okay.

8 COUNCILMAN HENON: And
9 resource.

10 So my Public Property
11 questions, I will also e-mail you, but on
12 the line of questioning of where you're
13 located. I mean, I know where you're
14 located, but where you're located, how
15 many floors, floor space occupied by
16 employees, what percentage of gross area
17 is occupied by employees, what gross area
18 is occupied by storage and materials.

19 SOLICITOR SMITH: Okay.

20 COUNCILMAN HENON: And
21 utilities and so forth.

22 SOLICITOR SMITH: We can
23 provide that to you. I mean, I can tell
24 you the floors and stuff, but we can just
25 provide it all to you.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN HENON: And if we
3 own the building.

4 SOLICITOR SMITH: We do.

5 COUNCILMAN HENON: On all the
6 buildings and departments.

7 Thank you.

8 SOLICITOR SMITH: You're
9 welcome.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Thank you very much --

13 SOLICITOR SMITH: Thank you.

14 COUNCILMAN GREENLEE: -- for
15 coming.

16 SOLICITOR SMITH: Thank you for
17 having me.

18 COUNCILMAN GREENLEE: Always a
19 pleasure.

20 I think we have callbacks and I
21 believe the only department is Department
22 of Human Services.

23 Commissioner.

24 (Witnesses approached witness
25 table.)

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COMMISSIONER AMBROSE: Good
3 afternoon.

4 COUNCILMAN GREENLEE: Good
5 afternoon. How are you?

6 COMMISSIONER AMBROSE: Good.
7 Thank you.

8 COUNCILMAN GREENLEE: I assume
9 we're going to have some questions.
10 Unless you have something to say first,
11 I'll just take questions.

12 COMMISSIONER AMBROSE: No.
13 Good afternoon. If it's okay, I just
14 wanted to introduce Kimberly Ali, who is
15 our Operations Director for ongoing
16 services, and Chanelle Hanns, who is the
17 Chief of Staff for Finance, are sitting
18 with me, Anne Marie Ambrose, Commissioner
19 of the Department of Human Services.

20 COUNCILMAN GREENLEE: Good
21 afternoon to you all.

22 Councilman Jones.

23 COUNCILMAN JONES: Thank you,
24 Mr. Chairman. And it was at my request
25 that the callback happened.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN GREENLEE: Right.

3 COUNCILMAN JONES: And we had
4 submitted in writing a list of questions
5 in an effort to make this process brief.
6 I will tell you for the record that we
7 got the letter -- well, the President got
8 the letter May 5th, which was yesterday,
9 and I got the letter just now to hand to
10 me. So I'm going to be a little longer
11 and just for the record to get some of
12 the questions on the record.

13 I want you to know and I saw
14 your staff there sitting there pensively.
15 This is not really that kind of inquiry.
16 It is just designed to see if we can do a
17 thing better. Everybody can do things
18 better. I recognize, and I said it in
19 budget, that you have a hard job to do, a
20 difficult task to maintain, and I don't
21 take that lightly. I do get it. But I
22 had some questions about our current
23 structure of CUAs, community -- help me
24 out here.

25 COMMISSIONER AMBROSE: Umbrella

1 5/6/14 - WHOLE - BILL 130489, etc.
2 agencies.

3 COUNCILMAN JONES: Right.
4 Acronyms are government's new language.
5 But I wanted to talk about that.

6 So in my letter, I asked for a
7 process chart of how an ordinary
8 placement moves through DHS, and I take
9 it I have that?

10 COMMISSIONER AMBROSE: Yes,
11 sir. It's in the back after the response
12 to the questions.

13 COUNCILMAN JONES: So I just
14 wanted to on the record say we have it.
15 And how does the chart deal with special
16 placements through DHS? So if you could
17 elaborate on that.

18 COMMISSIONER AMBROSE: We don't
19 have special placements at DHS. All
20 children who come to our care are
21 assessed as in every case and we try to
22 make the best decision possible based on
23 that child's specific circumstances.

24 COUNCILMAN JONES: Okay. So
25 you also provided me charts on how

1 5/6/14 - WHOLE - BILL 130489, etc.
2 complaints are done. Can you elaborate
3 on how that's done.

4 COMMISSIONER AMBROSE: Sure,
5 and I explained this in my testimony when
6 I appeared on April 16th, but basically
7 there are three ways that complaints can
8 come into the agency. And so the
9 complaint that we get is a call made into
10 the hotline, and that can be investigated
11 by us. Sometimes we notify the
12 Department of Public Welfare. If it's a
13 case that we're also providing services
14 to, the Department of Public Welfare
15 would investigate those complaints.

16 We also get complaints from
17 ongoing cases that DHS is managing, and
18 those complaints can come through the
19 Commissioner's Action Response Office,
20 and sometimes we coordinate those
21 complaints with the chain of
22 responsibility, depending on the nature
23 of the complaint. We gather information
24 and then we try to resolve the issue and
25 get back to the person who is

1 5/6/14 - WHOLE - BILL 130489, etc.
2 complaining.

3 And then, finally, the
4 complaints that come in through our --
5 regarding provider agencies go through
6 our Provider Relations and Evaluations of
7 Programs. And, again, we have assigned
8 program analysts who investigate those
9 complaints, and then after the
10 investigation is complete and we have
11 findings, we make decisions based on the
12 nature of the complaint and what action
13 we need to take.

14 COUNCILMAN JONES: So according
15 to your letter you also -- all CUAs on
16 their letterhead illustrate to parents
17 how they can make a complaint?

18 COMMISSIONER AMBROSE: Yes, and
19 we've attached those letterheads in the
20 attachment section. So you can see the
21 first one is NET Community Cares. At the
22 bottom of the letter they talk about the
23 Commissioner's Action Response Office and
24 the phone number that they can call if
25 they have a complaint. And all of the

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2 other CUAs have that same language in
3 their letters.

4 COUNCILMAN JONES: And in
5 response to our letter, I asked you how
6 many children are under DHS care. You
7 respond with 4,551 children; is that
8 correct?

9 COMMISSIONER AMBROSE: Those
10 are the number of children that are in
11 placement, yes.

12 COUNCILMAN JONES: Is that up
13 or down over the last several years?

14 COMMISSIONER AMBROSE: That's
15 actually up over the last probably about
16 a year and a half. We had an increase in
17 reports by about 12 percent, and that
18 increase is actually continuing. We
19 project an increase in reports for the
20 next year as well.

21 COUNCILMAN JONES: What do you
22 base that increase on?

23 COMMISSIONER AMBROSE: So we
24 think -- and we're sort of looking at
25 this at a statewide level, because this

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2 is not just a Philadelphia issue, it's a
3 statewide issue. We think there are two
4 things that are contributing to the
5 growth. One is maybe the recession is
6 finally hitting. So 40 percent of
7 children in Philadelphia live in poverty,
8 and the reports that are up are actually
9 the general protective services cases,
10 which are usually the neglect cases. And
11 again the Jerry Sandusky case, which has
12 kind of shined a light on sex abuse and
13 really tried to heighten the need for
14 people to report any suspicion of abuse
15 or neglect at any time, that's something
16 that we talk about constantly. If
17 anybody has any suspicion, they should
18 report. So we've encouraged more
19 reporting, but it does result in more
20 cases sometimes coming into the system.

21 COUNCILMAN JONES: So I asked
22 in the next question how many children
23 had fatalities or incidents near fatal
24 under DHS care in the last three years.

25 COMMISSIONER AMBROSE: And so

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2 we provided you with a chart here. So
3 for fatalities --

4 COUNCILMAN JONES: Can you
5 explain that.

6 COMMISSIONER AMBROSE: Sure.
7 For fatalities, there were eight cases
8 over the last three years, and four near
9 fatalities. There were six cases over
10 the last three years, for a total of 14
11 cases.

12 COUNCILMAN JONES: And can you
13 help me to understand founded, unfounded.

14 COMMISSIONER AMBROSE: So
15 founded is if there's no indication of
16 abuse or neglect, that there might have
17 been an accident that resulted in the
18 child's death. And so these cases are
19 reviewed by our Act 33 process. It's a
20 team that's appointed by me as
21 Commissioner, but it's chaired by Sam
22 Gulino, who is the Medical Examiner for
23 Philadelphia. We have Dr. Christian and
24 Dr. McColgan from both CHOP and Saint
25 Chris who sit on the team. Dr. Evans has

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2 somebody who sits on the team. The
3 School District of Philadelphia sits on
4 the team. We have Women Against Abuse
5 sitting on the team. The District
6 Attorney's Office is represented by Ed
7 McCann. So we have a really good
8 collaboration of folks who sit down and
9 review each of these cases and a bunch
10 more for any child who's died who has
11 been involved with the Department as laid
12 out in Act 33, and we talk through these
13 cases and try to come up with
14 recommendations and findings about what
15 could have been done better in the case.

16 COUNCILMAN JONES: So if a
17 child dies of natural causes, that's
18 ruled --

19 COMMISSIONER AMBROSE: So some
20 of those cases wouldn't even come to us
21 if there's not a report that's generated.
22 And you'd have to ask Dr. Gulino about
23 all the review processes he does with all
24 the deaths in the City, but not all of
25 the deaths come to DHS's attention.

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2 COUNCILMAN JONES: So while in
3 placement if someone dies of natural
4 causes, would that be reflected in this
5 report?

6 COMMISSIONER AMBROSE:
7 Absolutely.

8 COUNCILMAN JONES: Okay. So
9 how many cases over the last three years
10 were from not natural causes, or however
11 you term it?

12 COMMISSIONER AMBROSE: So I
13 don't have that information with me, but
14 I can get that for you.

15 COUNCILMAN JONES: So how many
16 have been deemed suspicious or
17 problematic?

18 COMMISSIONER AMBROSE: The ones
19 that are here, the 14.

20 COUNCILMAN JONES: How many is
21 that?

22 COMMISSIONER AMBROSE: Over the
23 last year?

24 COUNCILMAN JONES: Three years.

25 COMMISSIONER AMBROSE:

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2 Fourteen.

3 COUNCILMAN JONES: And what was
4 the --

5 COMMISSIONER AMBROSE: Actually
6 eight. If you're only talking
7 fatalities, eight.

8 COUNCILMAN JONES: Okay. So
9 describe for me what happens when you
10 have a fatality that you deem causal, I
11 guess. What happens?

12 COMMISSIONER AMBROSE: So
13 actually we do our investigation of the
14 case, but before our investigation of the
15 case, the Act 33 process reviews that
16 case very intensely, and that review has
17 to be done within 30 days of the report.
18 And sometimes our investigation isn't
19 completed by the time that review occurs,
20 but they help guide the review. If the
21 case is indicated, then obviously usually
22 if there is a fatality, law enforcement
23 is involved and we coordinate all of our
24 investigations with law enforcement, both
25 the Special Victims Unit and the District

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2 Attorney's Office.

3 COUNCILMAN JONES: So out of
4 those cases, how many are pending and how
5 many have been disposed of one way or
6 another?

7 COMMISSIONER AMBROSE: For the
8 cases you asked for in the last three
9 years?

10 COUNCILMAN JONES: Yes.

11 COMMISSIONER AMBROSE: They've
12 all been disposed of.

13 COUNCILMAN JONES: And how were
14 they disposed of? What was the outcome?
15 Did someone get charged?

16 COMMISSIONER AMBROSE: Oh, I
17 didn't bring that information with me,
18 but we can get that information for you.
19 Those are law enforcement matters that
20 once we conclude the investigation, we
21 have staff who participate and testify in
22 those cases, but really it's not for us
23 to make those determinations. It's for
24 law enforcement to make those
25 determinations.

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2 COUNCILMAN JONES: I would beg
3 to differ, that we can learn from
4 everything, even any trends that might
5 have occurred based on those
6 dispositions. So if you could provide
7 that. You could redact it. I don't need
8 to know who the individuals are, but I
9 need to know what the dispositions were.

10 COMMISSIONER AMBROSE: Sure.

11 COUNCILMAN JONES: If it
12 resulted in jail time, if it resulted in
13 exoneration, I want to know those things.

14 COMMISSIONER AMBROSE: Sure.
15 We can get you that information.

16 COUNCILMAN JONES: You can
17 provide that to the Chair.

18 So how many reported instances
19 of child abuse have occurred while
20 children were under DHS supervision in
21 each of the last three years? And please
22 distinguish children who were injured in
23 a home versus children who were injured
24 in DHS placement.

25 COMMISSIONER AMBROSE: So

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2 that's the same information that I gave
3 you before, the 14 total. So I can read
4 this letter to you if you'd like, because
5 that's really giving you the specifics
6 that you requested.

7 COUNCILMAN JONES: If you could
8 paraphrase for the Chair, that would be
9 good.

10 COMMISSIONER AMBROSE: Okay.
11 Well, in 2011, two children were in
12 foster homes and two children were in
13 adoptive homes and one child's placement
14 information was not provided by the
15 Department of Public Welfare.

16 In 2012, eight children were
17 indicated. Two of the children were in
18 foster homes. One had been in a foster
19 home and disclosed the abuse but occurred
20 in a different home -- that occurred in a
21 different home. So basically the child
22 was in a foster home, disclosed the abuse
23 that had occurred in a previous foster
24 home. And that's not an uncommon
25 situation, unfortunately.

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2 Three of the children were in
3 adoptive homes and one child was living
4 with a permanent legal custodian of a
5 sibling and one child's placement
6 information was not provided by DPW.

7 In --

8 COUNCILMAN JONES: Why would
9 that -- I don't mean to cut you off.

10 COMMISSIONER AMBROSE: Yeah.
11 Because DPW does those investigations,
12 and so we rely on the information they
13 give back to us.

14 COUNCILMAN JONES: But they are
15 in your care?

16 COMMISSIONER AMBROSE: The
17 children?

18 COUNCILMAN JONES: Yes.

19 COMMISSIONER AMBROSE: Yes.

20 COUNCILMAN JONES: So why
21 wouldn't you also share that information?
22 I don't know the law of it. Could you
23 explain it.

24 COMMISSIONER AMBROSE: I
25 actually don't know the circumstances of

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2 this.

3 Jessica, do you know that --

4 come on up, Brian.

5 This is Brian Clapier. He's
6 the Deputy Commissioner for Performance
7 Management and Accountability.

8 COUNCILMAN JONES: You need to
9 stay up there.

10 (Witness approached witness
11 table.)

12 COUNCILMAN GREENLEE:
13 Councilman, Councilwoman Reynolds Brown
14 had keyed up here. You can decide
15 between the two of you, if you want to
16 have Councilman Jones finish all the
17 questions?

18 COUNCILWOMAN BROWN: No. It's
19 really a followup to a question
20 Councilman Jones raised.

21 COUNCILMAN GREENLEE: So
22 however --

23 COUNCILMAN JONES: Feel free,
24 Chairman.

25 COUNCILWOMAN BROWN: In the

1 5/6/14 - WHOLE - BILL 130489, etc.
2 line of questioning that Councilman Jones
3 has raised, are there new protocols that
4 have been put in place as a result of the
5 Danieal Kelly case that now impact the
6 new protocols for how you handle the type
7 of cases that have been raised by
8 Councilman Jones?

9 COMMISSIONER AMBROSE: Yes. So
10 the Act 33 law that I referenced is
11 actually a direct result of the Danieal
12 Kelly death. It is definitely part of
13 the Child Welfare Review Panel
14 recommendations, and Philadelphia's Act
15 33 process is held out as not only a
16 state model but a national model because
17 of the multi-disciplinary group that
18 we've pulled together and the way that
19 we've actually documented the
20 recommendations that have been made. So
21 when Councilman Jones referenced we can
22 always learn from something, we have
23 taken that very seriously, and not only
24 do we document those recommendations, but
25 we report out regularly on the

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2 implementation of those recommendations.
3 So one of the findings of the Child
4 Welfare Review Panel was that we held
5 child fatality reviews before. We just
6 never changed policy or practice as a
7 result of those deaths.

8 COUNCILWOMAN BROWN: Okay.

9 COMMISSIONER AMBROSE: And
10 that's, I think, the biggest difference.
11 And we agree with Councilman Jones that
12 everything we can learn from tragedies
13 that occur with children should change
14 something in policy practice so it
15 doesn't occur again. And we've taken the
16 Act 33 process very seriously, and
17 Dr. Gulino has done an exceptional job as
18 the Medical Examiner. And he doesn't
19 work for me. He works for the Mayor, and
20 so it's been a very conflict-free
21 relationship and he holds everybody to
22 task at those meetings.

23 COUNCILMAN JONES: Again, it's
24 a tough job.

25 COUNCILWOMAN BROWN: Thank you.

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2 COUNCILMAN GREENLEE: Thank
3 you.

4 COUNCILMAN JONES: It is a
5 tough job.

6 What actions were taken against
7 DHS provider agencies when abuses like
8 this happen?

9 COMMISSIONER AMBROSE: So
10 there's a variety of actions that are
11 taken by DHS provider agencies. It
12 usually depends on the circumstances. So
13 when there's -- sometimes the abuse is at
14 the hands of a foster parent. If that's
15 the case, obviously that foster parent
16 would never again be certified as a
17 foster parent. Now, the Department of
18 Public Welfare actually does the
19 certification of foster parents. DHS
20 does not. But we regularly get a list of
21 those foster parents and we do a
22 crosswalk and check on that.

23 Other actions --

24 COUNCILMAN JONES: If I may,
25 are you prohibited from also doing a

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2 check or do you -- are you prohibited
3 from doing a cross-check of a -- just
4 double-checking?

5 COMMISSIONER AMBROSE: No,
6 we're not prohibited and, in fact, we do
7 a lot of checking through our process,
8 making sure that clearances are up to
9 date. So there's lots of clearances that
10 have been done, trainings that have to be
11 done, and we check all of that and
12 crosswalk that information that we
13 receive from the state.

14 COUNCILMAN JONES: So, in
15 effect, you give them a once-over as
16 well? So, in effect, you look at them as
17 well?

18 COMMISSIONER AMBROSE: Not
19 prior to every child being placed. If
20 the child is certified -- and, Kim, you
21 can correct me if I'm wrong. We receive
22 the certifications from the state, whose
23 regulatory -- they're required by law to
24 do the licensing of foster parents. And
25 so if there's an incident of abuse or

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2 neglect, though, we would not use those
3 foster parents obviously.

4 COUNCILMAN JONES: So, again,
5 you're not prohibited from checking
6 twice.

7 COMMISSIONER AMBROSE: Not that
8 I'm aware of.

9 COUNCILMAN JONES: So we'll put
10 a pin in that. Might be something that
11 with proper resources you might want to
12 do. So we'll go from there.

13 So for children involved in
14 incidences that are in supervision and
15 living in their homes -- okay. What kind
16 of services once you find a child that
17 has been unfortunately abused, what
18 services do they get as a result of that?

19 COMMISSIONER AMBROSE: So you
20 mean if they've been abused, what kind of
21 help would we give them after that
22 situation?

23 COUNCILMAN JONES: Correct.

24 COMMISSIONER AMBROSE: So we
25 would obviously pull in our behavioral

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2 health partners, and we have a strong
3 partnership with Dr. Evans and his staff,
4 make sure that they get trauma, first
5 trauma counseling and trauma treatment.
6 Depending on what the situation is, they
7 might need additional services, and so
8 first thing we'd probably want to do is
9 give them a full assessment and
10 evaluation to inquire as to what their
11 specific needs are and then make sure
12 that those needs are met.

13 COUNCILMAN JONES: So what
14 subcontractors or provider agencies have
15 had abuse cases filed against them?

16 COMMISSIONER AMBROSE: So the
17 ones listed for the children that you've
18 asked about are NET, Wordsworth,
19 Bethanna, ABS Lincs Virginia, Mentor,
20 Northern Homes, Presbyterian's Children
21 Village, Lutheran. Those are the ones
22 that you've asked about.

23 COUNCILMAN JONES: So are any
24 of them in the CUA system?

25 COMMISSIONER AMBROSE: Yes.

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2 COUNCILMAN JONES: How many of
3 them are still being processed and
4 filtered out, and what are the -- so if
5 you find that that abuse accusation is
6 accurate, what is the action then?

7 COMMISSIONER AMBROSE: So we
8 fully investigate the complaint and then
9 make decisions based on what the
10 circumstances are. So we can do things
11 like shutting intake of the agency if
12 it's that serious. Sometimes just like
13 we might not know that a child under our
14 care is being abused, the agency might
15 not know, depending on the circumstances.
16 If it's a foster parent and they thought
17 that was a good foster parent who they've
18 had working for the agency for ten years,
19 they might not know about the abuse. So
20 we try to make sure if they knew and
21 should have done something differently,
22 then we're going to take a very different
23 action than if they had no way of knowing
24 and did the best that they could under
25 the situation.

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2 COUNCILMAN JONES: So what is
3 the not so magical number that you say
4 not anymore, you're out, off the list?

5 COMMISSIONER AMBROSE: So,
6 again, it depends. So there have been
7 providers since I've been Commissioner
8 who we've stopped contracting with
9 because enough was enough. And so it's
10 really very case specific, and we review
11 those cases and in consultation, we'll
12 bring the providers in. So I'm
13 constantly bringing providers in to
14 actually go through these cases, and when
15 we do teamings with Deputy Commissioner
16 Harley and Operations Director Ali and
17 Operations Director Williams, those
18 providers sit at the teamings. They also
19 participate in the Act 33 meetings. And
20 you can tell a lot from how they answer
21 questions and the information they're
22 providing. So those answers and their
23 participation in those teamings inform
24 the decisions that we make.

25 COUNCILMAN JONES: So how many

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2 agencies have been booted from the
3 provider list?

4 COMMISSIONER AMBROSE: I don't
5 know, but I can get you that information.
6 None of the agencies that I've listed
7 today have been booted from the provider
8 list based on the cases that we just went
9 through.

10 COUNCILMAN JONES: So there is
11 no magic number that you have
12 pre-conceived?

13 COMMISSIONER AMBROSE: No.

14 COUNCILMAN JONES: Okay. How
15 many youth are currently enrolled in
16 supervised independent living?

17 COMMISSIONER AMBROSE: I'll let
18 Kimberly Ali, Operations Director, answer
19 these questions since this is her area of
20 responsibility and she's very familiar
21 with the service.

22 MS. ALI: Sure. A hundred and
23 sixty-nine youth.

24 COUNCILMAN JONES: How many are
25 on the waiting list?

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2 MS. ALI: There are actually --

3 COUNCILMAN GREENLEE: I'm going
4 to have to ask you to speak a little bit
5 more in the mic. It's a little hard to
6 hear.

7 MS. ALI: My apologies.

8 There are currently 169 youth
9 who are in SIL, or supervised independent
10 living apartments.

11 COUNCILMAN JONES: And how many
12 are -- what's the demand? How many want
13 to be or on a waiting list to be in that?

14 MS. ALI: There are currently
15 two youth who are on the waiting list.
16 There are an additional six youth who we
17 have identified the provider, but the
18 youth have an opportunity to select their
19 own apartment, so they are actively
20 looking for apartments.

21 COUNCILMAN JONES: So there's
22 not a great demand for this kind of --

23 MS. ALI: It ebbs and flows.
24 What we have found over the past few
25 years in terms of the older youth is that

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2 not everyone is mature enough,
3 self-sufficient enough to live on their
4 own. So we try to assess each youth
5 individually to determine whether or not
6 it is appropriate for them to live on
7 their own, because it's quite difficult.

8 COUNCILMAN JONES: So you have
9 226 slots available right now?

10 MS. ALI: For SIL.

11 COUNCILMAN JONES: So we
12 have -- what was the number you gave me?

13 MS. ALI: Two who are on the
14 waiting list.

15 COUNCILMAN JONES: So we have
16 how many more? So how many are occupied,
17 how many are vacant?

18 MS. ALI: So there are 169 that
19 are occupied.

20 COUNCILMAN JONES: I went to
21 public school. Help me out.

22 MS. ALI: So the two that were
23 on the waiting list at the time we
24 prepared this report, they were providers
25 who did not actually select them, and the

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2 youth have the opportunity to select a
3 provider as well.

4 COUNCILMAN JONES: So we have
5 enough slots --

6 MS. ALI: Absolutely.

7 COUNCILMAN JONES: -- for our
8 demand?

9 MS. ALI: Absolutely.

10 COUNCILMAN JONES: How many
11 contractors are currently under contract
12 with DHS to provide SIL services?

13 MS. ALI: Nine.

14 COUNCILMAN JONES: And who are
15 they?

16 MS. ALI: Catholic Social
17 Services, CSI, which is Children Services
18 Incorporated, Tabor, Delta, Valley Youth
19 House, VisionQuest, Presbyterian
20 Children's Village, Pathways, and
21 Northern Homes for Children.

22 COUNCILMAN JONES: Can you
23 describe the SHP program, Supportive
24 Housing Program? And to move this along,
25 you have 70 youth in that, and how long

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2 is that waiting list?

3 MS. ALI: Yes. The Supportive
4 Housing Program is a housing program that
5 is for our youth who age out of the
6 foster care system, which is quite
7 different from our supervised independent
8 living. Supervised independent living
9 are youth who are currently committed to
10 the Department up to the age of 21. So
11 youth who are eligible for the Supportive
12 Housing Program have since exited DHS
13 care.

14 COUNCILMAN JONES: And how many
15 units are available under that program?

16 MS. ALI: A hundred and one
17 slots are available.

18 COUNCILMAN JONES: And what is
19 the demand?

20 MS. ALI: The demand we have,
21 according to our latest statistics, about
22 approximately 17 are on the waiting list
23 for Valley Youth House scattered site
24 apartments and another five are on the
25 waiting list for room and board scattered

1 5/6/14 - WHOLE - BILL 130489, etc.
2 site apartments.

3 COMMISSIONER AMBROSE: Can I
4 add something to this, Councilman Jones.
5 About two years ago, we started planning
6 with the Philadelphia Housing Authority
7 to build quads for kids who are aging out
8 of foster care. That was a very
9 successful partnership, and we recently
10 had initiated discussions with Kelvin
11 Jeremiah to actually increase those
12 slots. It's something that HUD is
13 looking at, and it's obviously a big
14 national interest in foster care for
15 youth aging out, and we see that as
16 something very promising for our kids who
17 are aging out that we can explore
18 further.

19 COUNCILMAN JONES: Well, you
20 know, I don't know if I would -- I'm not
21 a professional. This is your wheelhouse
22 of information, but I don't know if I
23 would group them like that. That's just
24 me. But it's a step in -- better to have
25 them in housing than not. I don't know

1 5/6/14 - WHOLE - BILL 130489, etc.
2 if you want to concentrate like that.

3 COMMISSIONER AMBROSE: Well,
4 the program gives them access to the
5 apprenticeship resources that the
6 Philadelphia Housing Authority has. So
7 they have access to the trades. So it's
8 really an opportunity for them not only
9 to have housing, but to earn jobs.

10 The unit that they're actually
11 located in actually has some residents
12 who can't get around on their own, so
13 they get paid to help support those other
14 residents. And so it's a job
15 opportunity, it's a training opportunity,
16 as well as a housing opportunity. And
17 obviously the goal is to lead them to
18 independence so they wouldn't have to
19 live in public housing.

20 COUNCILMAN JONES: So there
21 would be support systems there.

22 COMMISSIONER AMBROSE:
23 Absolutely.

24 COUNCILMAN JONES: Because, you
25 know, I know when I was that age, you put

1 5/6/14 - WHOLE - BILL 130489, etc.

2 me in a dormitory environment, you
3 know...

4 COMMISSIONER AMBROSE: I think
5 that's the issue that Kimberly described,
6 is our concern about making sure that
7 kids are ready for supervised independent
8 living.

9 COUNCILMAN JONES: So I want to
10 switch -- you provided me this
11 information. I appreciate it. Part of
12 this, if I'd have got a little earlier,
13 we could have skipped this whole part,
14 because it does comprehensively answer
15 the questions I have.

16 What I want to talk about at
17 this point is the CUA application process
18 and how that was done and what are some
19 of the factors and decision factors for
20 the providers you selected.

21 COMMISSIONER AMBROSE: So the
22 CUA application process was done through
23 an RFP, and it was an extensive RFP,
24 those providers who completed the RFP and
25 actually responded substantively to the

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2 questions that were asked. We also did a
3 fiscal audit of the agencies. So we
4 looked at how their finances were. We
5 did an audit of how they were doing
6 financially, and we also did a
7 performance audit. So we looked at the
8 services they were providing and how well
9 they did in providing those services.
10 And, finally, we did a presentation.
11 Each of the top three scoring CUAs and in
12 some instances four scoring CUAs came in
13 and gave an hour-long presentation to the
14 leadership team at DHS. Most of the
15 people here participated in that, in
16 addition to Barbara Ash, who is our chief
17 counsel, Vanessa Garrett Harley, who
18 couldn't be here today, and our training
19 director. That presentation was an hour,
20 and then we had 30 minutes to ask
21 questions. And the selections were made
22 based on that set of criteria.

23 COUNCILMAN JONES: So we went
24 from how many subcontractors to how many
25 now?

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2 COMMISSIONER AMBROSE: So we
3 haven't finalized implementation of
4 Improving Outcomes for Children, but I
5 think we had about 200-and-some
6 contracts. And, remember, one of the
7 criticisms of the Child Welfare Review
8 Panel and findings from the grand jury
9 report was that DHS wasn't monitoring
10 their contracts, part of why we created
11 the Division of Performance Management
12 and Accountability. And then we'd be
13 going to having for the CUAs ten
14 contracts, but we haven't figured out how
15 many additional contracts DHS is going to
16 keep. So there are some specialized
17 services and centralized services that
18 are going to be maintained by DHS.

19 So, for instance, the Achieving
20 Independence Center, that's something
21 that DHS will continue to contract out
22 for now, but at some point we might take
23 that in-house and run it ourselves. And
24 then there's things like the Family
25 School, which is a specialized program in

1 5/6/14 - WHOLE - BILL 130489, etc.
2 West Philadelphia that provides really
3 good programming for younger children and
4 their parents, right now we don't want to
5 contract out. It's working perfectly
6 well. So we're doing an assessment of
7 all of our services. Truancy services,
8 we're going to have to keep those with
9 the Department right now while we work
10 through a process with the School
11 District of Philadelphia.

12 COUNCILMAN JONES: So a little
13 birdie told me about that yesterday. So
14 since you announced it, you're going to
15 have a greater role.

16 I made a lot of questions,
17 Mr. Chairman, about truancy yesterday,
18 and I was told offline that this
19 arrangement was about to happen to assist
20 public schools.

21 COMMISSIONER AMBROSE: So this
22 is a partnership that we have with not
23 only the School District of Philadelphia
24 but Family Court, Judge Kevin Dougherty.
25 The three of us about five years ago, not

1 5/6/14 - WHOLE - BILL 130489, etc.

2 under Dr. Hite because he wasn't here, we
3 came up with what we thought was a really
4 terrific truancy protocol. Many of those
5 functions were provided by School
6 District personnel. Now where we stand,
7 many of those school personnel no longer
8 exist at the schools, and so what's
9 happening is, we don't know who is truant
10 because the school doesn't have the
11 resources to report that out.

12 COUNCILMAN JONES: I don't know
13 if you heard the testimony yesterday.
14 Just in my area alone, there were over
15 500 cases of arrested, apprehended
16 truants over the course of the year, and
17 it was just an alarming statistic. And
18 we cross-referenced the number of
19 juvenile arrests in that same area, and
20 that was another eye-opening statistic.

21 So we are truly happy that
22 you're going to fill that void for that.
23 So that is a thumbs up for you.

24 COMMISSIONER AMBROSE: Yeah.
25 So we have to issue another RFP, because

1 5/6/14 - WHOLE - BILL 130489, etc.

2 right now the service that we provide
3 doesn't have the providers going into the
4 schools, and they're going to have to do
5 that. So I need to just work with Judge
6 Dougherty and Superintendent Hite to make
7 that happen, but hopefully by next school
8 year we'll be in a much better position
9 to know which kids are truant, provide
10 them with services, and get them moving
11 along the regional Truancy Court path and
12 to Family Court, if necessary.

13 COUNCILMAN JONES: Again,
14 although at Millersville they wanted us
15 to be social workers, I opted not to do
16 that, which I regret. I regret. But in
17 my theory, if you triangulate truancy,
18 curfew violation, and juvenile crime,
19 there is a direct connect to those three
20 activities, and a red flag should jump up
21 every time we see it.

22 It's my understanding, however,
23 some of those subcontractors are indeed
24 going out of business. Is that true?

25 COMMISSIONER AMBROSE: So I

1 5/6/14 - WHOLE - BILL 130489, etc.

2 have not been made aware of any provider
3 that's going out of business. We've been
4 meeting with different providers to help
5 them figure out what their plans should
6 be and bringing certain providers
7 together with CUAs where we think there's
8 really strong partnership and great
9 community-based programming that needs to
10 be brought into the subcontract realm.

11 COUNCILMAN JONES: Obviously my
12 concern is many hands make work few. In
13 your model, the fewer accountable
14 contracts, it's better to monitor. I get
15 that. But I'm worried about some of the
16 agencies that have gone out are in
17 jeopardy at this point.

18 COMMISSIONER AMBROSE: If there
19 are any concerns about agencies that you
20 have, I'd love to sit down and talk to
21 those agencies. We've been doing a lot
22 of that, and certainly we don't want good
23 grassroots community-based agencies to go
24 out of business. We want them to
25 subcontract with the CUAs.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COUNCILMAN JONES: So by way of
3 cost effectiveness, under this model you
4 are realizing savings in the deployment
5 of this style of case management?

6 COMMISSIONER AMBROSE: So this
7 is not about cost savings.

8 COUNCILMAN JONES: I didn't say
9 that. I asked are you.

10 COMMISSIONER AMBROSE: So we
11 don't know yet. We'll be monitoring very
12 closely. So not only will we have
13 programmatic monitoring, but we'll have
14 fiscal monitoring. And we have, with the
15 assistance of the Annie E. Casey
16 Foundation, created case rate that will
17 allow us to be able to fiscally monitor
18 what's happening at the CUAs.

19 COUNCILMAN JONES: So a birdie
20 told me that. In many cases where the
21 Annie E. Casey Foundation has looked at
22 this, it has increased the cost of
23 service providing. So it may not be the
24 case in Philadelphia, but one of the
25 reasons why I looked at this real hard is

1 5/6/14 - WHOLE - BILL 130489, etc.
2 to make sure that we don't kind of, in an
3 effort to simplify, don't increase the
4 financial burden on your worthwhile
5 cause.

6 COMMISSIONER AMBROSE: So the
7 person who did all of that research is
8 actually the one who assisted us in
9 creating this financial model. His name
10 a Dennis Blazey, and he's researched all
11 of these, what have been called,
12 privatization efforts nationally and he's
13 the one that made sure that we would be
14 able to afford it and that it would be
15 fiscally responsible.

16 COUNCILMAN JONES: So can you
17 provide for us on a quarterly basis what
18 the cost comparisons will be so that that
19 red flag we can anticipate? Now,
20 understand this, cost is not a driver for
21 me either. Better service provided to
22 our youth is. But the two don't
23 necessarily always go together. You can
24 reduce costs and reduce services as well.
25 So I want to be mindful of that, and

1 5/6/14 - WHOLE - BILL 130489, etc.

2 could you provide that to us on a
3 quarterly basis?

4 COMMISSIONER AMBROSE: Yes,
5 sir.

6 COUNCILMAN JONES: CUA
7 performance measures, I know it's early.
8 What are your findings thus far and what
9 are the measurables you're measuring them
10 by?

11 (Witness approached witness
12 table.)

13 MR. CLAPIER: Good afternoon.

14 COUNCILMAN JONES: Good
15 afternoon.

16 MR. CLAPIER: Brian Clapier,
17 Deputy for Performance Management at DHS.

18 When we built the IOC system,
19 we spent a lot of time making sure that
20 the monitoring was multi-layered. So
21 when you asked that question, there's a
22 lot of different layers to how we monitor
23 that I want to make sure that we speak
24 to.

25 At the very basic level, we are

1 5/6/14 - WHOLE - BILL 130489, etc.
2 reviewing a lot of case records to ensure
3 that the appropriate documentation is
4 there. That's specific to safety
5 assessment and the quality of service
6 plans.

7 COUNCILMAN JONES: Go ahead. I
8 can walk and chew gum. I can listen.

9 MR. CLAPIER: So right now, as
10 the CUAs go, we look at about 10 percent
11 of each of the CUAs' cases on a quarterly
12 basis.

13 Keep going?

14 (Councilman Jones moving to
15 chair the committee.)

16 COUNCILMAN JONES: Thank you,
17 Councilman Greenlee.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 MR. CLAPIER: So it's
21 multi-layered. The very first layer is
22 looking at compliance in the case record.
23 We look at the professional
24 documentation. We are currently looking
25 at about 10 percent of each of the CUAs'

1 5/6/14 - WHOLE - BILL 130489, etc.
2 cases every three months. That's a
3 really sizable sample when you think
4 about monitoring. That will allow us
5 over the course of a year to look at
6 about 40 percent of the CUAs' case
7 records, which is a really high sample
8 when you look at other jurisdictions.

9 What we look at specific in
10 those reviews is really professional
11 documentation, and what we're aimed at is
12 the quality of their safety assessments,
13 so making sure they're interviewing the
14 right people and gathering the right
15 information; making sure the visits are
16 happening, they're at a high quality;
17 absolutely making sure supervision is
18 happening, because we really feel
19 strongly that supervision is a core to
20 good practice; and then the single case
21 plan, making sure that there's a viable
22 plan in the case record that engages the
23 family in a way to safely close that case
24 out. So as of right now, we are looking
25 at 40 percent of the five operating CUAs'

1 5/6/14 - WHOLE - BILL 130489, etc.
2 cases over the course of a year, but 10
3 percent every quarter.

4 Moving up the continuum, we
5 also have in place a plan for something
6 called quality visitation review, and
7 this takes the monitoring to the next
8 level where we will send City DHS staff
9 to homes serviced by the CUAs and they
10 will ask the caregiver in that home, Hey,
11 I read your case record and it said that
12 your CUA worker was out here last week.
13 Can you confirm that that occurred. Then
14 we have a list of a series of questions
15 with those visits that will -- Your
16 worker, for example, said that he walked
17 through your entire house. Can you
18 confirm that that happened. And this
19 gives the caregivers, both foster parents
20 or the biological parent if it's an
21 in-home case, the ability to say, You
22 know what, that might have been written
23 in the case record, but that wasn't my
24 experience.

25 And so that's called quality

1 5/6/14 - WHOLE - BILL 130489, etc.
2 visitation review, and we estimate that
3 we'll have the ability to review about 15
4 cases per CUA per month, and we're
5 looking to start that this summer as the
6 CUAs start.

7 Moving up the continuum, the
8 next level is what we call quality
9 service review, and quality service
10 review is really a very exciting type of
11 review where we do read the case record,
12 but what happens is that over a two-day
13 period, two trained reviewers, one
14 internal to DHS and one external,
15 interview everyone that we can get a
16 visit with that has interacted with that
17 child in the last 30, 60 to 90 days. And
18 they will ask a series of questions to
19 everyone. So if Johnny is in foster
20 care, they will interview the school,
21 they will interview his worker, his
22 foster parent, and they will ask
23 questions like, Do you have any concerns
24 about this child's safety? Do you feel
25 like this child is moving towards

1 5/6/14 - WHOLE - BILL 130489, etc.
2 permanency? Is this a stable living
3 environment? And so when you ask -- it's
4 kind of a 360 evaluation. When you ask
5 questions like that, you really do get a
6 good snapshot as if anybody on the family
7 team, we call it, has a concern about
8 that child or youth. And it also pulls
9 out what we call system recommendations.
10 And so when we look at those cases and we
11 might hear, I don't know, from a cohort
12 of foster parents, for example, that a
13 certain resource is lacking for them to
14 make them successful with youth, we write
15 down those system recommendations and
16 track them. So the quality service
17 review really is very rich to get a 360
18 evaluation on a child and also it gives
19 us a lot of system recommendations.

20 Then moving up the continuum
21 one more step of the ladder really is, we
22 have what we call outcome measures for
23 IOC. So for child welfare, there really
24 are three outcome measures, outcomes we
25 call safety, permanency and well-being.

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2 Safety is that kids are safe from abuse
3 and neglect specifically. Permanency is
4 that every child -- it really builds on
5 the belief that every child has a right
6 to view their current living environment
7 as a safe and permanent living situation.
8 And so for a lot of our kids in foster
9 care, it's healthy for us to pause and
10 think about what it's like for them if
11 they bounce from home to home. And we
12 can remember as children maybe sleeping
13 somewhere for two weeks and what a long
14 time that felt like, and so for our kids
15 in foster care, it's very critical that
16 if they're in foster care for a year or
17 two years, that they're not in three or
18 four homes, they're in one home. And
19 so --

20 COUNCILMAN JONES: Do you have
21 stats on the turnover or longevity of a
22 stay?

23 MR. CLAPIER: Yeah. So one of
24 the things that we're monitoring with the
25 umbrella agencies is how many moves do

1 5/6/14 - WHOLE - BILL 130489, etc.
2 children have in the first year of
3 placement. And we really want them to
4 get to the point where the first
5 placement is the last placement, and that
6 resource parent -- we call the foster
7 parent the resource parent -- is working
8 to help that biological parent be
9 successful in reunification, but if
10 that's not possible, is willing to be a
11 forever resource for that youth. And so
12 permanency and stability, how many homes
13 did the youth bounce around to is
14 absolutely something we will be
15 measuring.

16 The third is well-being, and
17 well-being really is -- really asks the
18 questions about educational, medical, and
19 behavioral health. And so with the CUAs,
20 we absolutely are measuring what are
21 their educational outcomes, how are they
22 doing with their emotional needs being
23 met and medical.

24 And then underneath well-being
25 we've also added a couple measures that

1 5/6/14 - WHOLE - BILL 130489, etc.
2 we think will help lead the safety,
3 permanency, and further well-being, and
4 these are that we really very much
5 believe that if we can keep kids safely
6 in their own communities, they'll have
7 better outcomes for permanency, safety,
8 and well-being. And so we measure with
9 the umbrella agencies their ability to
10 keep kids safely within an appropriate
11 distance from their home of origin, and
12 we also will be -- and also currently
13 measure for the umbrella agencies the
14 CUAs' ability to keep sibling groups
15 together. So many times if we have a
16 sibling group of five, for example, we
17 want those five -- if they have to come
18 into foster care, we absolutely do not
19 want them in five different homes. We
20 would like them all in one home. And so
21 we'll be measuring the CUAs on that, and
22 if they have to split up a sibling group,
23 we don't want them to do it four and one.
24 We want them to do it three and two so
25 that everybody is with somebody. And we

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2 would also like everybody to be in the
3 same neighborhood so they can see each
4 other at the corner store and things like
5 that.

6 So all of these monitoring
7 processes are really meant to be
8 proactive and not reactive, and all of
9 them come together quarterly at what we
10 call CUA child stat meetings. So four
11 times a year, every three months, we will
12 bring the data from all these findings
13 and the CUAs together with DHS.

14 COUNCILMAN JONES: And will you
15 provide that to us?

16 MR. CLAPIER: The data from
17 those reports?

18 COUNCILMAN JONES: Yeah. I
19 don't need to know personal data. I just
20 want to know how we're doing and if we
21 could do that on a quarterly basis as we
22 move on this experiment, because quite
23 frankly, it is anything that is different
24 is new and it's experimental, to see how
25 we're doing compared to what we used to

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2 do. And those measurements are important
3 to us.

4 MR. CLAPIER: Yeah. So the
5 child stat meetings are quarterly, and
6 that's where the findings from these
7 reviews come.

8 The other thing, just to close
9 the loop to be clear, that it's not
10 collecting data just to collect data.
11 Every week I'm asked to brief the
12 executive cabinet on how the CUAs are
13 doing. And so that's the standing agenda
14 item on our executive cabinets. And when
15 we find things that's maybe specific to
16 one CUA or maybe it's all the CUAs are
17 struggling with, the Commissioner is very
18 quick to assign it to a deputy, who is
19 very quick to address it.

20 We also meet with the umbrella
21 agencies weekly on Monday mornings. And
22 so that's a standing item where we -- if
23 we find things that's specific to the
24 CUAs, we bring it to those Monday morning
25 meetings. And so that's how we kind of

1 5/6/14 - WHOLE - BILL 130489, etc.

2 close the loop on the CUA processes.

3 COUNCILMAN JONES: So a couple
4 of things. One, that measurement
5 information is vital. The cost
6 containment issue is a part of it, even
7 though it is not a sole driver for me.
8 In addition to that, complaints that you
9 get would be a part of that kind of
10 report.

11 What system is in place to stop
12 monopolies? I mean, sometimes you can
13 create a thing and then all the sudden
14 you're too big to fail.

15 COMMISSIONER AMBROSE: Sure.

16 COUNCILMAN JONES: I'm very
17 afraid of that.

18 COMMISSIONER AMBROSE: Yeah.
19 So one of the systems we looked at was
20 Florida. Florida's way to stop
21 monopolies was to say that no -- they
22 call them lead agencies -- no lead agency
23 could have more than 30 percent of the
24 contracts for that area. We haven't put
25 a number on that, but the Commissioner

1 5/6/14 - WHOLE - BILL 130489, etc.

2 approves every subcontract. So I would
3 say that's the way to stop a monopoly.

4 We believe that this should be
5 a community-based intervention, that
6 families will feel far better going to a
7 small provider that they feel comfortable
8 with than some big conglomerate. So, for
9 instance, one of the lead agencies from
10 Florida applied to be a CUA, and we
11 didn't even consider them because they
12 don't know anything about Philadelphia
13 and they don't know anything about our
14 children and families. So that is not
15 the intention of Improving Outcomes for
16 Children.

17 COUNCILMAN JONES: So I'm old
18 enough to remember when we had five cable
19 franchises. Now we have one and a half,
20 and my cable bill keeps going up. So
21 that's a cautionary tale for me.

22 Finally, I want to say that the
23 Community Oversight Board is an Executive
24 Order. As you know, Executive Orders can
25 lapse at the end of an administration.

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2 It is my intention through legislation to
3 make it a permanent Board with some
4 structural changes and, of course, some
5 input from Council. I'd like to work
6 with you so that in an effort for me to
7 try to do a good thing, I don't become a
8 boiler on the rear-end of progress for
9 your agency.

10 And so my whole questions in
11 this regard has been to try to say what
12 are we doing well and how can we do it
13 better. So in making it a permanent
14 Oversight Board with representation
15 throughout the City, help me to structure
16 that so that it is -- it may not be all
17 of what you want, like why don't Council
18 mind their business. I get that, but
19 also sometimes it's helpful to have
20 advocates on Council knowing your plight
21 a little better so that when resource
22 requests come up we are, Oh, yeah, they
23 need more money for that particular type
24 of project, such as independent living
25 or, you know, case managers ratios. So

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2 we become more informed.

3 You do a great job, maybe to
4 your regret. When I first came as a
5 freshman, you educated me on the need to
6 be involved in this, and I resisted it as
7 much as I can, but as God would have it,
8 he's the master planner, it came my way
9 anyway. And I was trying to duck it in
10 the hallway literally and it ran into my
11 office, and I'll leave it at that.

12 So, therefore, I want to be
13 involved in it. I'm actually on all
14 committees as Majority Leader. So I'm
15 going to really sit in on the Department
16 of Health and Human Services Committee
17 within Council.

18 So I'd like to work with you.
19 My staff is available to work with you
20 guys on transitioning from an Executive
21 Order into a permanent Board that works
22 with your department.

23 COMMISSIONER AMBROSE: I think
24 that would be terrific. I would say that
25 the Community Oversight Board has

1 5/6/14 - WHOLE - BILL 130489, etc.
2 probably been the thing that's led to the
3 most progress of this agency, and it
4 would be great for you to sit down and
5 talk to some of those members so they can
6 talk about where we were five years ago
7 and where we are now. I would just hope
8 that we retain the expertise on that
9 Board that's been able to direct the work
10 in a way that's all intended to be in the
11 best interest of the children and
12 families that we all serve.

13 COUNCILMAN JONES: There's
14 dignity in all work, but I'd rather have
15 social workers and people in the industry
16 involved. So I get that comment.

17 The other thing is -- and when
18 I think I can do better, I'm going to
19 tell you as well. And one way I can do
20 better is visiting the CUAs in my
21 district and encouraging some of the
22 other members of Council to actually kick
23 the tires and review the hard work that
24 you and they do. So I'm going to try to
25 arrange that with your office.

1 5/6/14 - WHOLE - BILL 130489, etc.

2 COMMISSIONER AMBROSE: And it
3 would be great for you to sit down and
4 talk to us. We could give you more
5 information than you probably want to
6 know about Improving Outcomes for
7 Children. We've been working on this
8 four years, and all of the questions that
9 you might have, we will be able to
10 answer, and if we can't, then we're going
11 to try to work with you to answer that
12 question.

13 So you are welcome to come and
14 have another orientation on where we've
15 been in the last three years, and we'd be
16 happy to share all of the information
17 with you and have you meet individually
18 with the CUAs, if that's what you're
19 interested in as well.

20 COUNCILMAN JONES: I am very
21 interested, and I'll take you up on that,
22 just after we solve the school crisis.

23 COMMISSIONER AMBROSE: We're
24 all working on that together.

25 COUNCILMAN JONES: Okay.

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2 So are there any other
3 questions for this panel?

4 (No response.)

5 COUNCILMAN JONES: Seeing no
6 one else, that concludes this witness's
7 testimony, and we will stand at recess
8 until Wednesday, May 7th, 2014 at 10:00
9 a.m., at which time we will reconvene in
10 Room 400.

11 Thank you.

12 (Committee of the Whole
13 concluded at 4:05 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
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