

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON LAW AND GOVERNMENT

4

- - -

5

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 20, 2009
1:10 p.m.

6

7

- - -

8

9

PRESENT:

10 COUNCILMAN WILLIAM GREENLEE, CHAIR

COUNCILMAN FRANK DiCICCO

11 COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN BILL GREEN

12 COUNCILMAN JACK KELLY

COUNCILMAN JAMES F. KENNEY

13 COUNCILMAN DARRELL CLARKE

14

15 BILLS 090591, 090660, 090689 and 090626

16

17

18

19

20

21

- - -

22

V A R A L L O Incorporated

23 Litigation Support Services

Eleven Penn Center

24 1835 Market Street, Suite 600

Philadelphia, Pennsylvania 19103

25 215.561.2220 215.567.2670

1

2 COUNCILMAN GREENLEE: Good
3 afternoon, everybody. This is the
4 Committee on Law and Government.

5 For the record, we have a
6 quorum: Councilman Goode, Councilman
7 Green, Councilman Kelly and myself.

8 Will Mr. Boyle, the Clerk of
9 the Committee, please read Bill No.
10 090660.

11 THE CLERK: Ordinance 090591,
12 an ordinance providing --

13 COUNCILMAN GREENLEE: Excuse
14 me; 090660.

15 THE CLERK: Ordinance 090660,
16 an ordinance amending Bill No. 080468-A,
17 approved November 5, 2008, entitled "An
18 ordinance amending Section 9-1103 of The
19 Philadelphia Code, entitled 'Unlawful
20 Employment Practices,' and enacting a new
21 Chapter 9-3200, entitled 'Entitlement to
22 Leave Due to Domestic or Sexual
23 Violence,' to provide that certain
24 employees may take unpaid leave from work
25 to address domestic or sexual violence;

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 all under certain terms and conditions,"

3 by making various technical amendments

4 and by repealing the sunset provision.

5 COUNCILMAN GREENLEE: Thank

6 you.

7 Just quickly, I just want to

8 say this bill would make permanent what

9 has been in existence for almost a year

10 without any apparent problems. It gives

11 the victims of domestic violence and

12 stalking needed assistance and hopefully

13 will make the tough decisions after

14 making their lives easier.

15 I want to thank the co-sponsors

16 of this bill, Councilman Clarke,

17 Councilman Green and Councilman Kenney,

18 for their support and help, and certainly

19 the advocate community for all they have

20 done in making this what I hope in a

21 couple weeks will be a permanent bill.

22 Does this committee have any

23 questions or comments?

24 (No response.)

25 COUNCILMAN GREENLEE: We just

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 actually have a couple witnesses here.

3 I'd like to call Rue Landau, Human

4 Relations Commission, and Molly Callahan

5 of Women Against Abuse. Please approach.

6 (Witnesses approached witness
7 table.)

8 COUNCILMAN GREENLEE: Good

9 afternoon.

10 MS. LANDAU: Good afternoon.

11 MS. CALLAHAN: Good afternoon.

12 COUNCILMAN GREENLEE:

13 Ms. Landau, you'll be the first one to
14 testify, but I just want to again for the
15 record thank you for all your help on
16 working on this bill.

17 Would you please identify
18 yourself for the record and proceed.

19 MS. LANDAU: Sure. Good
20 afternoon, Councilman Greenlee and
21 members of the Law and Government
22 Committee. I am Rue Landau, Executive
23 Director of the Philadelphia Commission
24 on Human Relations, and I'm here today to
25 testify in support of Bill No. 090660,

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 which would amend Bill 080468-A by
3 removing the one-year sunset provision,
4 which expires in January 2010, and making
5 this law permanent.

6 Bill 080468-A amended Section
7 9-1103 of The Philadelphia Code, entitled
8 "Unlawful Employment Practices" and
9 created a new Chapter, entitled
10 "Entitlement to Leave Due to Domestic or
11 Sexual Violence." Specifically, this
12 legislation provides that certain
13 employees may take unpaid leave from work
14 to address issues related to domestic or
15 sexual violence.

16 The Commission on Human
17 Relations enforces the "Unfair Employment
18 Practices" section of The Philadelphia
19 Code, which is why I'm here testifying
20 before you today.

21 First, let me thank you for
22 raising this very important issue. As
23 you all may know with doing research on
24 this bill, every year tens of thousands
25 of cases of domestic and sexual violence

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 are reported in Philadelphia. In fact,
3 in 2008, the Philadelphia Police
4 Department reported 137,913 incidents of
5 domestic violence, and 11,082 protection
6 from abuse orders were served.

7 As I previously stated, this
8 legislation allows victims or their
9 family or household members to take
10 unpaid leave from work to address issues
11 related to the violence. It allows them
12 to attend court hearings, secure new
13 housing and address medical needs without
14 the fear of losing their jobs.

15 We want our workforce in
16 Philadelphia to be safe and productive,
17 and we want to protect our residents and
18 communities from the devastating social
19 effects of domestic and sexual violence,
20 and this legislation seeks to accomplish
21 those two goals.

22 This concludes my testimony.
23 I'd be happy to answer any questions if
24 you have them.

25 COUNCILMAN GREENLEE: Thank

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 you.

3 Please let the record show that
4 Councilman DiCicco, also a member of this
5 committee, is present.

6 Any questions or comments for
7 Ms. Landau?

8 (No response.)

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Ms. Callahan.

12 MS. CALLAHAN: Thank you. And
13 I'd also like to thank you, Councilman
14 Greenlee and the Committee on Law and
15 Government, for tackling this important
16 issue.

17 In the months immediately
18 following --

19 COUNCILMAN GREENLEE: Just for
20 the record, identify yourself for the
21 record.

22 MS. CALLAHAN: Oh, I'm sorry.
23 Molly Callahan, Legal Center Director at
24 Women Against Abuse.

25 COUNCILMAN GREENLEE: Thank

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 you.

3 MS. CALLAHAN: And we're
4 testifying in strong support of the bill
5 as well.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 MS. CALLAHAN: In the months
9 immediately following an incident of
10 abuse, a victim often needs to miss a
11 number of days of work to address the
12 issues stemming from the abuse. These
13 can include seeking medical attention,
14 relocating, changing children's school
15 and pursuing legal action. Since one of
16 Women Against Abuse's primary services to
17 victims is legal assistance, I will focus
18 my comments today on the impact this
19 ordinance has on the ability of victims
20 to pursue legal action.

21 When there is a criminal case,
22 the victim may need to speak with a
23 detective and will also need to appear in
24 court a number of times. Often criminal
25 cases are listed between three and ten

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 times before completion. One defense
3 strategy that we often see is having the
4 case continued. The more that it is
5 continued, the more likely the victim
6 will be forced to drop out of the
7 process, often because of pressures from
8 work. Now, because of this ordinance, a
9 victim does not have to choose between
10 pursuing a criminal case and their
11 employment.

12 Repeat court visits are also
13 the norm when a victim files for a
14 protection from abuse order. In these
15 cases, victims may have to go to court
16 five or more times before the final order
17 is in place. Additionally, to receive
18 meaningful attorney representation, the
19 victim will need to speak with an
20 attorney prior to the court case, which
21 also means time away from work.

22 Women Against Abuse advocates
23 and attorneys often work with victims
24 who, without this ordinance, would be at
25 risk of losing their jobs. Many of our

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 clients have low-paying jobs that do not
3 offer any time off. Prior to this
4 legislation, clients were devastated to
5 hear that a criminal or protection from
6 abuse order case was continued. Clients
7 would tell us that they could not come
8 back to court and that if they missed any
9 more time from their job, they would be
10 fired.

11 Before this ordinance, we
12 understood they were faced with an
13 impossible decision - lose their job or
14 simply stop accessing the services that
15 could keep them safe. Now clients can be
16 empowered to pursue their cases and other
17 strategies to stay safe. While it is
18 still a great hardship for clients to
19 take unpaid leave, it is much better than
20 losing a job. Over the past year, we
21 have witnessed time and again the relief
22 that victims feel when they hear that
23 they will not be fired for trying to keep
24 themselves and their families safe.

25 Although Women Against Abuse

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 has seen many clients who are in need of
3 the ordinance, we have not experienced or
4 heard about problems or backlash. In
5 some cases, the employer would give the
6 victim time off regardless of the
7 existence of the ordinance, but the
8 victim would not feel comfortable asking
9 for that time off without this safety
10 net. In other cases, without this bill,
11 the employer would refuse to excuse an
12 absence and would fire the employee for
13 taking time off. In all cases, the
14 ordinance provides the measure of job
15 security that victims need to stay safe.

16 Based on our work with victims,
17 we also know that family members
18 sometimes need to take time off to help a
19 victim. The family member may be a
20 witness in a criminal or civil case or
21 the family member may assist the victim
22 in other ways, such as driving her to a
23 doctor's appointment or going to court
24 with her.

25 We are pleased that this

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 ordinance permits the employees to take
3 time off to assist family and household
4 members. This is consistent with the
5 definition in the Protection from Abuse
6 Act, and we know that victims sometimes
7 rely on such relationships. The abuser
8 may have isolated and alienated the
9 victim from close family members, or
10 because the abuser knows where the
11 victim's parents and siblings live, it is
12 not in fact safe for those relatives to
13 help, and their help could actually
14 jeopardize their own safety and that of
15 the victim. Rather, in those cases it is
16 a relative who is more removed who is in
17 the best position to help the victim move
18 safely; for example, moving from one
19 state to another. This ordinance allows
20 a person to do this, and it frequently
21 takes a variety of family members to
22 assist the victim.

23 Domestic violence is a complex,
24 difficult problem. It takes everyone
25 working together to stop the violence.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 This ordinance supports victims and
3 supports those family members who are
4 willing and able to reach out to help
5 victims. Because of this bill, no one is
6 left with the unconscionable choice of
7 choosing between the job they depend on
8 and their very safety.

9 We want to thank you again for
10 your work on this important issue.

11 COUNCILMAN GREENLEE: Thank
12 you, Ms. Callahan.

13 First of all, for the record, I
14 want to note that Councilman Kenney, who
15 is Vice-Chair of the Committee, is also
16 present.

17 And at the hearing we had last
18 year, there were some concerns raised
19 about misuse of this ordinance. I just
20 want to make sure I heard what you said.
21 You have found no record or, Ms. Landau,
22 have you found any record of any misuse
23 by anyone dealing with this bill?

24 MS. CALLAHAN: No, Councilman.
25 We have not heard of any stories of that

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 happening.

3 COUNCILMAN GREENLEE: Okay.

4 MS. LANDAU: We haven't either.

5 We haven't heard of many people using it
6 either and we look forward to making sure
7 that people know about it.

8 MS. CALLAHAN: Thank you.

9 COUNCILMAN GREENLEE: Any
10 questions?

11 (No response.)

12 COUNCILMAN GREENLEE: Thank you
13 both.

14 Just very quickly, I'd like
15 Mr. Masters to come forward, because
16 there'll be at the meeting a number of
17 amendments offered and I just want to be
18 clear.

19 Mr. Masters, you don't have to
20 go over every amendment. It's kind of
21 explained on the top sheet, but there is
22 sort of an unusual way that we kind of
23 redid the total bill, and maybe for the
24 record you could identify yourself and
25 just kind of explain very briefly. I

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 know it's difficult for lawyers, but very
3 briefly explain why we did it this way.

4 MR. MASTERS: Sure. Good
5 afternoon, Councilman Greenlee. Steven
6 Masters, staff attorney for City Council.

7 In the amendment that
8 Councilman Greenlee will be presenting to
9 the Committee today, we basically
10 first -- you'll notice that right under
11 the designation for the amendment, we're
12 striking all the sections of the bill and
13 just substituting the text. That was
14 done because of a drafting error that I
15 committed when I first wrote the bill, in
16 that I drafted it to amend the previous
17 bill as opposed to amending the Code, and
18 so to conform to the correct structure of
19 how we do things around here, we struck
20 all that language and reframed it as an
21 amendment to the Code as opposed to
22 amendment to a prior bill. That way it's
23 really very clear what language we're
24 adding or subtracting from the Code. And
25 it was quite complicated the other way.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 So that explains the presence of that.

3 COUNCILMAN GREENLEE: Thank you
4 very much. And just I want to just
5 publicly thank you. We've been through
6 many meetings on this and many rewrites,
7 and you, along with Kevin Boyle from my
8 office, have really worked very hard on
9 this and I appreciate it, and I think it
10 will show fruition as the years go on.
11 So thank you.

12 Any questions?

13 (No response.)

14 COUNCILMAN GREENLEE: Thank you
15 very much.

16 Anybody here else to testify on
17 this bill?

18 (No response.)

19 COUNCILMAN GREENLEE: Thank
20 you. Seeing none, Mr. Boyle, will you
21 please read Bill No. 090591 and also the
22 accompanying resolution, please.

23 THE CLERK: Ordinance 090591,
24 an ordinance providing for the submission
25 to the qualified electors of the City of

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 Philadelphia of an amendment to the
3 Philadelphia Home Rule Charter to revise
4 the composition of the Zoning Board of
5 Adjustment by designating the
6 Commissioner of Licenses and Inspections
7 as an alternate member of the Board who
8 may replace any absent or disqualified
9 appointed member; fixing the date of a
10 special election for such purpose;
11 prescribing the form of ballot questions
12 to be voted on; and authorizing the
13 appropriate officers to publish notice
14 and to make arrangements for the special
15 election.

16 COUNCILMAN GREENLEE: And the
17 resolution, please.

18 THE CLERK: Resolution 090626,
19 resolution proposing an amendment to the
20 Philadelphia Home Rule Charter to revise
21 the composition of the Zoning Board of
22 Adjustment by designating the
23 Commissioner of Licenses and Inspections
24 as an alternate member of the Board who
25 may replace any absent or disqualified

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 appointed member.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 First of all, any comment from
6 members of the Committee?

7 (No response.)

8 COUNCILMAN GREENLEE:
9 Councilman Clarke, I know this is your
10 bill. Would you like to make any brief
11 opening statement?

12 COUNCILMAN CLARKE: Thank you,
13 Mr. Chairman. Extremely brief.

14 COUNCILMAN GREENLEE: This is
15 your bill, right?

16 COUNCILMAN CLARKE: This one is
17 mine. Not by request.

18 Mr. Chairman, thank you. Real
19 briefly, I just wanted to say that this
20 bill grew out of a need to attempt -- to
21 expedite the zoning process, and I want
22 in no way to characterize the fine people
23 that are currently on the Zoning Board on
24 their hard work, and they do a good job,
25 but we have consistently over a period of

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 time been unable to establish quorums for
3 various reasons, and what we're
4 attempting to do is to ensure that we can
5 limit the requirement for the quorum
6 status and give the alternate. So that
7 will further enhance our ability to
8 establish quorums to move forward.

9 I do understand that the
10 Planning Commissioner/Commerce Director
11 will be testifying on this bill, and I
12 think he's going to also make some
13 reference to some of the activities
14 associated with the Zoning Code
15 Commission. So I just want to thank you.

16 COUNCILMAN GREENLEE: Thank
17 you, Councilman.

18 Any questions or comments for
19 the Councilman?

20 (No response.)

21 COUNCILMAN GREENLEE: On my
22 list here I guess for the Administration,
23 Alan Greenberger. Commissioner Burns I
24 think might come up with him. And anyone
25 else?

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 Ms. Johnston, are you going to
3 be testifying?

4 MS. JOHNSTON: Not on this
5 bill.

6 COUNCILMAN GREENLEE: Oh,
7 you're on the other one, that's right.
8 I'm sorry.

9 Mr. Greenberger, Commissioner.
10 I see Mr. Haigler approaching for support
11 up there.

12 Mr. Greenberger, you want to
13 identify yourself for the record and
14 proceed, please.

15 MR. GREENBERGER: Yes. Thank
16 you. Good afternoon, Councilman Greenlee
17 and members of the Committee. I'm Alan
18 Greenberger, the Executive Director of
19 the City Planning Commission and, as
20 referenced by Councilman Clarke, I'm also
21 Deputy Mayor for Planning and Economic
22 Development and head of the Commerce
23 Department. I'm here to testify in
24 support of Bill 090591 and Resolution
25 090626, which propose an amendment to the

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 Home Rule Charter to revise the
3 composition of the Zoning Board of
4 Adjustment by designating the
5 Commissioner of Licenses and Inspections,
6 who is here with me, Commissioner Burns,
7 as an alternate member of the Board who
8 may replace any absent or disqualified
9 member.

10 These pieces of legislation
11 have been introduced by Councilman Clarke
12 to help the Zoning Board of Adjustment
13 overcome problems of having a sufficient
14 quorum. Such problems existed on several
15 occasions this past August when several
16 members were absent due to a variety of
17 personal circumstances. As a result,
18 some cases had to be continued that
19 otherwise could have been resolved,
20 creating frustration for some applicants.

21 The proposed changes, which
22 require Charter change, are reasonable
23 and have the support of the Planning
24 Commission. Council should be aware,
25 however, that the Zoning Code Commission,

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 of which I chair, is now considering
3 other reform measures that may also
4 require Charter change. These potential
5 changes have not been fully developed.
6 However, in the next several months, we
7 should have a clearer understanding of
8 them. We've suggested to Councilman
9 Clarke and now suggest to this committee
10 that it may be prudent to allow the
11 Zoning Code Commission to make progress
12 on these efforts over the next few
13 months. If it appears that the
14 Commission is prepared to recommend
15 additional changes and they have the
16 support of Council, we suggest that all
17 of the changes, including the ones
18 described in these proposed ordinances,
19 be bundled together so that the voters
20 can consider them as a package when it's
21 placed on the May ballot.

22 And to this end -- and I
23 apologize, I'm veering from text here,
24 because Councilman Clarke helped me
25 understand that I had incorrectly labeled

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 something. To this end, we recommend
3 that the two bills be moved out of
4 committee, but that they be held on the
5 Calendar for the time being. During the
6 next several months, we'll continue to
7 coordinate with Councilman Clarke, who
8 also sits on the Zoning Code Commission
9 himself.

10 This concludes my testimony.
11 Thank you for your time. I'll be happy
12 to answer any questions.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Commissioner, are you going --
16 do you want to --

17 COUNCILMAN KENNEY: Just on the
18 one point.

19 COUNCILMAN GREENLEE: Okay.
20 Councilman Kenney.

21 COUNCILMAN KENNEY: What's the
22 benefit of waiting?

23 MR. GREENBERGER: The benefit
24 of waiting? The benefit of waiting is
25 simply that if there are other measures

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 that the Zoning Code Commission
3 recommends and Council supports, we think
4 it would be better to bundle all Charter
5 changes issues related to the ZBA
6 together.

7 COUNCILMAN KENNEY: Councilman
8 Clarke, what's the time problem with
9 that?

10 COUNCILMAN CLARKE: There's
11 actually another issue. There is the
12 potential -- and with not knowing what
13 those particular issues are relating to
14 the Zoning Code Commission's
15 recommendation, there's a potential that
16 they may be the same subject matter of
17 this particular Charter change. And my
18 understanding under the Charter, that if
19 it's the same subject matter, you can
20 only change the Charter within a
21 five-year period. So what we don't want
22 to do is pass a bill and then a similar
23 subject matter to the Zoning Board itself
24 comes up and we have to wait for five
25 years.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 COUNCILMAN KENNEY: Do you
3 expect that the Charter changes that may
4 be necessary going forward will be ready
5 in time for this piece of legislation to
6 get on the ballot in a timely fashion?
7 Because, I mean, Councilman DiCicco and I
8 were discussing as to why we couldn't do
9 this as Executive Order from the Mayor,
10 and apparently you can't, but in order
11 for it to be a Charter change, we still
12 have this timeframe that we're going to
13 potentially have this quorum problem.

14 MR. GREENBERGER: Did you say
15 it can or it can't as an Executive Order?

16 COUNCILMAN KENNEY: We've been
17 told it can't.

18 MR. GREENBERGER: Can't, okay.
19 I just couldn't hear you.

20 COUNCILMAN KENNEY: Cannot. So
21 there's going to be a period of time
22 between now and the time it appears on
23 the ballot. So there's going to be a
24 delay of that period where you may have
25 quorum problems again.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 Will the Zoning Commission
3 Charter changes be ready in time for this
4 to go on the ballot in a timely fashion?

5 MR. GREENBERGER: It's the
6 first order of business of the Zoning
7 Code Commission to take on administrative
8 procedures. So that's actually something
9 that's being concentrated on in the next
10 couple of months. The answer is, it
11 might be ready, and we'll know in plenty
12 of time for this to move forward if it's
13 not.

14 COUNCILMAN KENNEY: Councilman
15 Clarke, I mean, you've been dealing with
16 this bill. What's the deadline to get
17 this on the ballot, the next election?

18 COUNCILMAN CLARKE: I want to
19 say February.

20 MR. GREENBERGER: What I've
21 suggested to the Councilman is that we
22 let it go no later than January, and if
23 it doesn't look like the Zoning Code
24 Commission has got something substantive
25 to add, then move it ahead.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 COUNCILMAN KENNEY: Okay.

3 Thank you.

4 COUNCILMAN CLARKE: Actually,
5 given -- I hate to bring this up. Let's
6 move it up a little more, because we just
7 experienced some concerns about getting
8 something on the ballot and I don't want
9 to replicate it.

10 MR. GREENBERGER: I think
11 that's fine.

12 COUNCILMAN CLARKE: On our
13 capital budget issue.

14 COUNCILMAN KENNEY: But what
15 you're telling me, though, if it's a
16 Zoning Board or Zoning Code Charter
17 change issue, we can only do it once in
18 every five years.

19 MR. GREENBERGER: Well, that's
20 something we need some advice from the
21 Law Department on, how to parse that,
22 because the things that I'm thinking --
23 for example, what's not come up at the
24 Zoning Code Commission is, for instance,
25 the subject of these proposals. What has

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 come up is whether there is an
3 opportunity, for example, to deal with
4 smaller matters through administrative
5 action. But that's going to take Charter
6 change.

7 COUNCILMAN KENNEY: But there's
8 a possibility that the Zoning Commission
9 Charter change needs will come after
10 February.

11 MR. GREENBERGER: Correct.

12 COUNCILMAN KENNEY: Now, if we
13 attempt to remedy this problem by passing
14 something in January or February to get
15 it on the spring ballot, you're not going
16 to be able to get the Charter changes you
17 need going forward.

18 MR. GREENBERGER: If that's the
19 case, that's a problem. It could be a
20 problem.

21 COUNCILMAN KENNEY: Well, okay.
22 But it's --

23 MR. GREENBERGER: So what we
24 need to do is get an opinion from the Law
25 Department about how do you parse the

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 subject matter.

3 COUNCILMAN KENNEY: Or just get
4 a quorum.

5 MR. GREENBERGER: Well, since
6 the problems happened in August, we have
7 consistently had quorums, and actually
8 the Zoning Board is moving ahead at a
9 pretty decent pace these days. So so
10 far, the problem hasn't recurred, in part
11 because some of the personal
12 circumstances haven't recurred.

13 COUNCILMAN KENNEY: Okay.
14 Thank you.

15 COUNCILMAN GREENLEE: I think
16 Councilman Green had a point of
17 information.

18 COUNCILMAN GREEN: It was my
19 understanding that the five-year rule
20 only applies if the matter is defeated.
21 So you run the risk that it would be
22 defeated and then you couldn't do
23 anything else for five years.

24 MR. GREENBERGER: That's worth
25 noting.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 COUNCILMAN GREENLEE: I just
3 have one question myself on what you just
4 said, Mr. Greenberger, about it seems to
5 be working all right now, but there was a
6 fairly long time, we got a lot of
7 complaints -- I think most of our offices
8 did -- about how long the delays were
9 in -- they get continuances for six
10 months and that kind of stuff, and
11 developments, it's tough enough
12 developing in the City.

13 MR. GREENBERGER: We'll let
14 some of the other people testifying talk
15 about that. I will tell you, however,
16 that there was maybe three weeks ago, I
17 think you all had heard from some folks
18 that there were continuances that were
19 running through February. This was
20 several weeks ago. There were no
21 continuances running through February.
22 They were running through December. And
23 I'm not going to tell you that all this
24 speed is superb, but it was not anything
25 like what was being reported.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 COUNCILMAN GREENLEE: Okay.

3 Commissioner, were you going to
4 testify or are you just --

5 COMMISSIONER BURNS: I don't
6 have formal testimony.

7 COUNCILMAN GREENLEE: No
8 problem.

9 I think Councilman Green had
10 some questions.

11 Councilman.

12 COUNCILMAN GREEN: Thank you.

13 I'm just curious why the
14 Administration is supporting this bill.
15 Since the Charter in 1952 we've never had
16 trouble getting a quorum on the Zoning
17 Board, and since this Administration has
18 come in, we've had trouble getting a
19 quorum, and it seems to me that's a
20 reflection of the people on the Zoning
21 Board and their willingness to serve
22 rather than having to change the rules or
23 dumb down the rules or change the
24 Charter, go to that extraordinary step.
25 Can you sort of the explain this for me

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 why --

3 MR. GREENBERGER: Sure.

4 COUNCILMAN GREEN: -- we're
5 having so much trouble getting a quorum?

6 MR. GREENBERGER: We had, I
7 think -- and you might want to correct me
8 if I'm wrong about this. We had several
9 instances in August where we didn't have
10 sufficient quorum. In one case -- it was
11 just sort of a bad confluence of
12 circumstances. In one case a Board
13 member's parent died. Another case a
14 Board member has taken ill and in fact is
15 on leave now. The third case was
16 vacation related. So that already
17 knocked the quorum down to three. So we
18 had problems. You all heard about them.
19 That's a bad confluence of circumstances
20 that don't really --

21 COUNCILMAN GREEN: But it's not
22 like it was a one-time thing in August,
23 though. There have been other times
24 where you haven't been able to have a
25 quorum; is that correct?

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 MR. GREENBERGER: I'm aware of
3 only the quorum problems in August, and
4 there were several of them. It happened
5 over a period of three weeks and it
6 happened several times.

7 COUNCILMAN GREEN:
8 Commissioner?

9 COMMISSIONER BURNS: August
10 was --

11 COUNCILMAN GREENLEE:
12 Commissioner, maybe for the record --

13 COMMISSIONER BURNS: I'm sorry.
14 Fran Burns, Commissioner of Licenses and
15 Inspections. I don't have any formal
16 testimony, but here just in case there
17 were direct questions I could help
18 answer.

19 August was the time period
20 where we had the significant problem. I
21 do know prior to August we did have a
22 couple of occasions where we didn't have
23 a quorum. I'd have to get those dates to
24 know how many times. I don't think it
25 was many, because it didn't rise to me

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 until in August. But, yes, there were
3 some instances.

4 MR. GREENBERGER: I apologize.
5 It didn't rise to me either.

6 COUNCILMAN GREENLEE: That's
7 okay. It just seems to me that maybe the
8 problem is not with the Charter, but it's
9 with the people who are serving on the
10 Zoning Board aren't willing to spend
11 their time to make the time commitment
12 that that requires, because we've never
13 had this problem before in the history of
14 the City. So I just suggest that maybe
15 that's the problem.

16 So your solution is to reduce
17 the quorum and not replace the members?

18 MR. GREENBERGER: Well, it's --
19 that's right. I think the members have
20 been quite earnest in their
21 participation. I can't speak for the
22 ones that I don't know about and why they
23 weren't there. But they take this very
24 seriously. I think they're doing a very
25 good job. The pace has picked up.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 They're operating at about the speed they
3 should be operating at.

4 COUNCILMAN GREEN: The pace is
5 similar to the pace that existed prior to
6 2008?

7 MR. GREENBERGER: Yeah. Yeah.
8 They're about --

9 COUNCILMAN GREEN:
10 Commissioner, is that correct? I
11 understand they did 90 a hearing back
12 then and now we do about 45.

13 MR. GREENBERGER: I was
14 actually referring to the speed of taking
15 on the cases. Sorry.

16 COUNCILMAN GREEN: Okay. It's
17 still taking a lot longer to get through
18 the process, is it not, than it used to
19 under the previous Administration, from
20 beginning to end when you actually get
21 your variance or approval?

22 COMMISSIONER BURNS: I think
23 that if -- I don't have those statistics
24 in front of me in comparison, but because
25 we have -- I think we all know how the

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 economy has been. Since we've had less
3 zoning permits come in to L&I, there's
4 been less cases in front of the Zoning
5 Board of Adjustment. So, therefore, I
6 think if we made a comparison between our
7 time now compared to two years ago, at
8 this point in time it would look, I
9 think, very much similar, but I think
10 that --

11 COUNCILMAN GREEN: But with
12 half as many cases.

13 COMMISSIONER BURNS:
14 Twenty-five percent less.

15 COUNCILMAN GREEN: Twenty-five
16 percent less cases.

17 COMMISSIONER BURNS: Yes.

18 COUNCILMAN GREEN: Well, if you
19 could just provide to the Chair the
20 information about how many cases on
21 average they sort of saw for 2008 and
22 then year to date 2009 and compare that
23 to 2007 for us.

24 MR. GREENBERGER: Be happy to.
25 I would also like to give you some

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 statistics on how they've been doing
3 since the quorum problem, because the
4 speed has really picked up.

5 COUNCILMAN GREEN: That's
6 great. I hate that we have to change the
7 Charter for something that worked since
8 1952 because we can't seem to get it
9 together.

10 Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Councilman DiCicco.

14 COUNCILMAN DiCICCO: Not to
15 belabor the point. Councilman Green
16 covered a lot of the questions. It's my
17 understanding that they limit the number
18 of cases that are heard on any given day.

19 MR. GREENBERGER: That had been
20 happening. That's not happening at this
21 point. That had been happening and --

22 COUNCILMAN DiCICCO: How recent
23 has that changed?

24 MR. GREENBERGER: Excuse me.
25 Say again.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 COUNCILMAN DiCICCO: How recent
3 has that --

4 MR. GREENBERGER: Since Labor
5 Day. The number of cases they're
6 handling per session has gone up.

7 COUNCILMAN DiCICCO: Do you
8 know what that number is now?

9 MR. GREENBERGER: No. Sorry.
10 I don't have the number on the top of my
11 head. I do know --

12 COUNCILMAN DiCICCO: Do you
13 know what it was before they changed?

14 MR. GREENBERGER: Do you know,
15 Fran?

16 COMMISSIONER BURNS: No. We
17 can get the exact number.

18 COUNCILMAN DiCICCO: Ten to 15
19 cases.

20 MR. GREENBERGER: They're doing
21 more than that. I mean, I had a report
22 from just, I think it was, a week and a
23 half ago where they cleared 26 cases in
24 an afternoon.

25 COUNCILMAN DiCICCO: Well,

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 that's now.

3 MR. GREENBERGER: Yeah, yeah,

4 it's now.

5 COUNCILMAN DiCICCO: We've

6 moved away from that --

7 MR. GREENBERGER: I think

8 there's a different -- I would

9 characterize it this way: I think

10 there's a different procedure in place

11 for taking testimony. They're being more

12 scrupulous about limiting testimony time.

13 I think the Chair is just being tougher

14 on it, and I think that's helping the

15 speed.

16 COUNCILMAN DiCICCO: And do you

17 know whether or not the length of time

18 when a continuance is being made how that

19 would compare to 2007, 2008? I mean,

20 again, we hear February or six months

21 out. I don't know if that's accurate or

22 not.

23 MR. GREENBERGER: It's not

24 accurate. At the time the question

25 was -- at the time the February statement

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 was made, continuances were out as far as
3 the beginning of December. So that's
4 from mid September. So there was a
5 three-month continuance on some
6 instances.

7 What we understand now is that
8 they're running, for accelerated cases,
9 they're running at about six weeks, and
10 for regular cases they're running at
11 about 12. We'd like to see that come
12 down some, but in the history of the
13 Zoning Board, it's not much better than
14 that.

15 COUNCILMAN DiCICCO: And I
16 agree that depending on the circumstance
17 of the case and why it's continued could
18 be longer or shorter.

19 Thank you.

20 MR. GREENBERGER: If I could
21 add one other thing, Councilman. The
22 other thing that we're aware of, this was
23 as of, I think, last week, there were 56
24 continuances out there, two-thirds of
25 which were related to missing information

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 from the applicants.

3 COUNCILMAN DiCICCO: Thank you.

4 Thank you.

5 COUNCILMAN GREENLEE: Thank

6 you.

7 Councilman Green.

8 COUNCILMAN GREEN: Thank you.

9 Well, I want to commend the
10 work L&I is doing with respect to that
11 very issue, because once all of the forms
12 are electronic and they have to be
13 submitted with drop-down menus, the
14 people will not be able to submit
15 incomplete applications, and then
16 hopefully that will create tremendous
17 efficiencies in the process. So thank
18 you for your work there.

19 MR. GREENBERGER: You're
20 welcome. Thank you.

21 COUNCILMAN GREENLEE: Any other
22 questions or comments for these two
23 witnesses?

24 (No response.)

25 COUNCILMAN GREENLEE: Thank you

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 both very much.

3 MR. GREENBERGER: Thank you.

4 COUNCILMAN GREENLEE: I have on
5 my list Mr. Sherman and the Building
6 Industry Association or whoever else
7 might be testifying with them.

8 (Witnesses approached witness
9 table.)

10 COUNCILMAN GREENLEE: Good
11 afternoon, gentlemen.

12 Mr. Sherman, we have your
13 testimony. You don't necessarily have to
14 read the whole thing. It will be made
15 part of the record. If you'd just like
16 to paraphrase.

17 MR. SHERMAN: Like I always do?

18 COUNCILMAN GREENLEE: Like we
19 always ask you to do.

20 MR. SHERMAN: Well, thank you
21 all.

22 COUNCILMAN GREENLEE: Good
23 afternoon, sir.

24 MR. SHERMAN: I'd like to thank
25 Councilman Clarke for introducing the

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 legislation.

3 We did submit our testimony.

4 COUNCILMAN GREENLEE: Just
5 identify yourself for the record.

6 MR. SHERMAN: I do want to
7 introduce you to a gentleman you're going
8 to be seeing in my stead starting next
9 year. He's the incoming President of the
10 BIA, David Pearlman. So I just wanted
11 to --

12 COUNCILMAN GREENLEE: Welcome.

13 MR. SHERMAN: He's now going to
14 be coming to these hearings and getting
15 to know everybody.

16 COUNCILMAN GREENLEE: Is that a
17 good thing or a bad thing?

18 MR. SHERMAN: It's a good
19 thing. Well, from my perspective, it's a
20 good thing.

21 That being said, we are in
22 support of this legislation. And rather
23 than regurgitate a lot of the testimony
24 that's been given already, a couple of
25 the key points here that are possibly a

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 little different than what's been said
3 before is, the BIA is looking at the
4 whole situation as even though the
5 economy is slow right now and we have the
6 Zoning Code Commission reforming the
7 Zoning Code so that hopefully by doing
8 those reforms, the volume of cases coming
9 before ZBA are reduced, in the interim,
10 with this economy and lending the way it
11 is, transparency, predictability and some
12 form of efficiency is highly prized right
13 now as far as getting projects financed.
14 And I wanted to refer to one of the
15 paragraphs where it talks about the BIA
16 makes a suggestion that if fees were
17 increased for accelerated reviews, the
18 ZBA could then fund an attorney,
19 independent of the City, to sit and give
20 opinion and give guidance to the
21 Commissioners as they think through some
22 of the more complicated cases. Also,
23 setting up a fund, some type of insurance
24 fund, that gives some protection against
25 an appeal or a lawsuit that may come as a

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 result of someone disagreeing with the
3 ZBA's decision that was granted to the
4 developer that would kind of inoculate
5 the development community from frivolous
6 lawsuits that may be filed.

7 And with that, I just want to
8 thank again Councilman Clarke and I want
9 to thank Councilman Greenlee for allowing
10 me to testify. We're in favor of this,
11 and I'd like to thank all of you. If you
12 have any questions, we're here.

13 COUNCILMAN GREENLEE: Thank
14 you.

15 Any questions for Mr. Sherman?
16 Councilman Kelly.

17 COUNCILMAN KELLY: Yeah.

18 Mr. Sherman, I know where you're coming
19 from, because I've heard the same
20 complaints by a lot of different
21 businessmen and contractors and whatnot,
22 and anything -- of course, as being one
23 of the sponsors of this bill, anything
24 that's going to improve the speed and the
25 slow pace of bureaucracy I think is well

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 warranted at this time, and I just wanted
3 to thank you for your comments.

4 MR. SHERMAN: Thank you.

5 COUNCILMAN KELLY: Thank you.

6 COUNCILMAN GREENLEE: Thank you
7 for all the work you do in many fields,
8 including the former field as the
9 committee person in the 15th Ward, 17th
10 Division. Thank you.

11 MR. SHERMAN: Thanks, Bill.

12 COUNCILMAN GREENLEE: Thank you
13 both.

14 Anybody else who wishes to
15 testify on this bill?

16 (No response.)

17 COUNCILMAN GREENLEE: Seeing
18 none, Mr. Boyle, will you please read the
19 final bill, Bill No. 090689.

20 THE CLERK: Ordinance 090689,
21 an ordinance amending Chapter 21-1700 of
22 The Philadelphia Code, entitled
23 "Publication of Notices By City," by
24 providing that those provisions currently
25 set to lapse on October 31, 2009 shall

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 instead lapse at a later date specified
3 herein, all under certain terms and
4 conditions.

5 COUNCILMAN GREENLEE: Thank
6 you.

7 Councilman Clarke, did you want
8 to say anything on this bill?

9 COUNCILMAN CLARKE: Yeah.
10 Thank you, Mr. Chairman. Basically as
11 indicated by the Clerk, this bill
12 essentially extends the existing
13 provision that requires that Council --
14 the rules associated with advertisement
15 in the event that is only one paid
16 newspaper, Council will be in a position
17 to adopt advertisement, be it ordinances
18 or regulations, for the one newspaper.

19 There is actually an amendment
20 that I believe Mr. Carter just passed
21 around. That amendment will actually
22 change the date. I think the earlier
23 version had January. Mr. Auerbach
24 suggested that -- Mr. Hal Fichandler
25 suggested that we move that back to

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 February. So, therefore, it gives
3 Council, after coming off the winter
4 recess, an opportunity to introduce and
5 pass a bill for purposes of
6 advertisement. So it gives us a month
7 leeway.

8 So I would ask for a member of
9 the Committee to please adopt that
10 amendment.

11 COUNCILMAN GREENLEE:

12 Absolutely. Thank you.

13 Any questions for Councilman
14 Clarke?

15 (No response.)

16 COUNCILMAN GREENLEE:

17 Ms. Johnston, I think you were -- I got
18 you right this time. You're going to
19 testify on this bill?

20 MS. JOHNSTON: Yes.

21 (Witness approached witness
22 table.)

23 COUNCILMAN GREENLEE: Please
24 identify yourself for the record and
25 proceed.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 MS. JOHNSTON: Yes. Good
3 afternoon, Chairperson Greenlee and
4 members of the Committee. My name is
5 Martha Johnston and I'm a Senior Attorney
6 in the Appeals and Legislation Unit of
7 the City Solicitor's Office. I am here
8 to offer testimony on behalf of the
9 Administration in support of Bill No.
10 090689.

11 You have a copy of my
12 testimony, which is brief, but basically
13 I testified in support of the prior bill
14 and noted that it would not implement any
15 changes in the current advertising
16 requirements unless the situation should
17 change as far as the number of paid
18 newspapers -- newspapers with paid
19 circulation publishing in the City and
20 would just extend the deadline of the
21 prior bill effectiveness to January 31.
22 And now I understand the amendment would
23 push it out until the end of February,
24 which I believe the Administration would
25 also support. And because the bill would

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.
2 allow government operations to continue
3 even if it became impossible to comply
4 with current Charter advertising
5 requirements, the Administration would
6 support the bill. And I'll be happy to
7 answer any questions if members of the
8 Committee have any.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Any questions for Ms. Johnston?
12 (No response.)

13 COUNCILMAN GREENLEE: Seeing
14 none, thank you very much.

15 MS. JOHNSTON: Thank you.

16 COUNCILMAN GREENLEE: Anyone
17 else here to testify on this bill?
18 (No response.)

19 COUNCILMAN GREENLEE: Seeing
20 none, that will conclude the public
21 hearing of the Committee on Law and
22 Government. We will now go into our
23 public meeting.

24 In the order the bills were
25 taken, I would ask Councilman Goode to

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 make a motion on the amendment for Bill

3 No. 090660, please.

4 COUNCILMAN GOODE: Thank you,

5 Mr. Chairman. I move the amendments to

6 Bill No. 090660 be approved.

7 (Duly seconded.)

8 COUNCILMAN GREENLEE: All in

9 favor please say aye.

10 (Aye.)

11 COUNCILMAN GREENLEE: Opposed?

12 (No response.)

13 COUNCILMAN GREENLEE: Seeing

14 none, the amendments are adopted.

15 Councilman Goode.

16 COUNCILMAN GOODE: Thank you,

17 Mr. Chairman. I move that Bill No.

18 090660, as amended, be reported out of

19 Committee with a favorable recommendation

20 and the rules of Council be suspended so

21 as to permit first reading at our next

22 Council session.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE: It's been

25 moved and seconded.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 All in favor please say aye.

3 (Aye.)

4 COUNCILMAN GREENLEE: Those
5 opposed?

6 (No response.)

7 COUNCILMAN GREENLEE: Seeing
8 none, Bill No. 090660, as amended, has
9 been reported out of this committee with
10 a favorable recommendation and the rules
11 of Council be suspended to allow for
12 first reading at our next session of
13 Council.

14 Councilman DiCicco, do you have
15 a motion on Bill No. 090591, please.

16 COUNCILMAN DiCICCO: I move
17 that Bill No. 090591 be reported out of
18 this committee with a favorable
19 recommendation and that the rules of
20 Council be suspended so as to permit
21 first reading at our next session of City
22 Council.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE:
25 Councilman Green.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 COUNCILMAN GREEN: Thank you.

3 I am going to reluctantly vote for this
4 bill, but I'd like to point out to the
5 Administration that when someone works
6 for me or on my staff that doesn't
7 perform their duty, I don't change the
8 rules so that they don't have to do as
9 much work. I replace them. And it's
10 disappointing that we're changing the
11 rules so that we can accommodate people
12 who aren't working as hard as previous
13 Zoning Board members.

14 Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Any other comments?

18 (No response.)

19 COUNCILMAN GREENLEE: The bill
20 has been moved and seconded.

21 All in favor please say aye.

22 (Aye.)

23 COUNCILMAN GREENLEE: Opposed?

24 (No response.)

25 COUNCILMAN GREENLEE: Seeing

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 none, Bill No. 090591 has been reported
3 out of this committee with a favorable
4 recommendation and the rules of Council
5 suspended to allow for first reading at
6 the next session of Council.

7 Councilman DiCicco, a motion,
8 please, on Bill No -- I'm sorry;
9 Resolution No. 090626.

10 COUNCILMAN DiCICCO: I move
11 that Resolution No. 090626 be reported
12 out of this committee with a favorable
13 recommendation.

14 (Duly seconded.)

15 COUNCILMAN GREENLEE: It's been
16 moved and seconded.

17 All in favor please say aye.

18 (Aye.)

19 COUNCILMAN GREENLEE: Opposed?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, Resolution 090626 is reported out
23 of this committee with a favorable
24 recommendation.

25 Finally, Councilman Goode

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 again, can I have a motion on the

3 amendment for Bill No. 090689, please.

4 COUNCILMAN GOODE: Thank you,

5 Mr. Chairman. I move the amendment to

6 Bill No. 090689 be approved.

7 (Duly seconded.)

8 COUNCILMAN GREENLEE: It's been

9 moved and seconded for approval of the

10 amendment.

11 All in favor please say aye.

12 (Aye.)

13 COUNCILMAN GREENLEE: Those

14 opposed?

15 (No response.)

16 COUNCILMAN GREENLEE: Seeing

17 none, the amendment is approved.

18 Councilman Goode.

19 COUNCILMAN GOODE: Thank you,

20 Mr. Chairman. I move that Bill No.

21 090689, as amended, be reported out of

22 committee with a favorable recommendation

23 and the rules of Council be suspended to

24 permit first reading at our next Council

25 session.

1 10/20/09 - LAW & GOV'T - BILL 090591, etc.

2 (Duly seconded.)

3 COUNCILMAN GREENLEE: It's been
4 moved and seconded.

5 All in favor please say aye.

6 (Aye.)

7 COUNCILMAN GREENLEE: Opposed?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, Bill No. 090689, as amended, has
11 been reported out of this committee with
12 a favorable recommendation and the rules
13 of Council suspended to allow for first
14 reading at our next session of Council.

15 That concludes the business of
16 the Law and Government Committee. Thank
17 you all very much.

18 (Committee on Law and
19 Government concluded at 1:50 p.m.)

20 - - -

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 20, 2009, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

