

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, March 19, 2014
10:35 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
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
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN B. TASCO

BILLS 140144, 140145, and 140146
RESOLUTION 140159

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COUNCIL PRESIDENT CLARKE: Good morning. We're going to start now.

Good morning, everyone.

(Good morning.)

COUNCIL PRESIDENT CLARKE: The start of a wonderful budget season.

This is a public hearing of the Committee of the Whole regarding Bills No. 140144, 140145, 140146, and Resolution No. 140159.

I would ask that Ms. Lewis please read the title of the bills and resolution.

MS. LEWIS: Bill No. 140144, an ordinance to adopt a Capital Program for the six Fiscal Years 2015 through 2020 inclusive.

Bill No. 140145, an ordinance to adopt a Fiscal 2015 Capital Budget.

Bill No. 140146, an ordinance adopting the Operating Budget for Fiscal Year 2015.

Resolution No. 140159, providing for the approval by the Council

1 3/19/14 - WHOLE - BILL 140144, etc.
2 of the City of Philadelphia of a Revised
3 Five Year Financial Plan for the City of
4 Philadelphia covering Fiscal Years 2015
5 through 2019, and incorporating proposed
6 changes with respect to Fiscal Year 2014,
7 which is to be submitted by the Mayor to
8 the Pennsylvania Intergovernmental
9 Cooperation Authority ("the Authority")
10 pursuant to the Intergovernmental
11 Cooperation agreement authorized by an
12 ordinance of this Council approved by the
13 Mayor on January 3rd, 1992 (Bill No.
14 1563-A) by and between the City and the
15 Authority.

16 COUNCIL PRESIDENT CLARKE:

17 Thank you very much, Ms. Lewis.

18 Today we begin the public
19 hearing of the Committee of the Whole to
20 consider various bills read by Ms. Lewis
21 that constitute proposed operating and
22 capital spending measures for Fiscal Year
23 2015, a capital program, and a
24 forward-looking capital plan for Fiscal
25 Year 2015 through Fiscal 2020.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 We will hear testimony from the
3 Administration today on the Five Year
4 Plan, and I would ask our good friend
5 Mr. Gillison and his team to come
6 forward.

7 (Witnesses approached witness
8 table.)

9 MR. GILLISON: Good morning,
10 Council President Clarke and members of
11 City Council. I am Everett Gillison,
12 Chief of Staff in the Office of Mayor
13 Michael A. Nutter, and on behalf of the
14 Mayor, I am pleased to provide testimony
15 on the Proposed Fiscal Year '15 operating
16 budget and the Proposed Fiscal '15
17 through Fiscal Year '19 Five Year
18 Financial Plan. With me today are Rob
19 Dubow, the City's Finance Director, and
20 the Rebecca Rhynhart, the City's Budget
21 Director. A number of City officials are
22 also in the audience.

23 In a time of continuing limited
24 resources, the Administration is faced
25 with important choices about how to

1 3/19/14 - WHOLE - BILL 140144, etc.
2 invest taxpayer dollars. This Five Year
3 Plan makes clear our priorities. Our
4 goals are to ensure that every resident
5 lives in a safe community and has
6 opportunities to obtain a quality
7 education and live a healthy life; that
8 Philadelphia becomes a place of choice
9 for businesses to start, stay, and grow;
10 that Philadelphia becomes the greenest
11 and most sustainable city in America; and
12 that our government makes efficient and
13 effective use of taxpayer dollars and
14 responds to the needs of residents and
15 businesses. This Plan makes investments
16 to fulfill these goals.

17 Among the ways we will pursue
18 these goals are as follows: advocating
19 for increased funding for education
20 through the passage by the state of a
21 cigarette tax as well as the passage of a
22 split sales tax in Council between the
23 City's pension plan and the District;
24 providing modest funding increases for
25 investments in our neighborhoods,

1 3/19/14 - WHOLE - BILL 140144, etc.
2 libraries, and recreation centers;
3 reducing wage and business taxes to spur
4 job growth; and setting aside significant
5 funding for the recently agreed upon
6 contract with AFSCME District Council 47
7 and future labor agreements that are fair
8 to both employees and other taxpayers by
9 pairing raises with essential reforms
10 that will strengthen the health of the
11 City's pension system, making commonsense
12 changes in overtime rules, and providing
13 the ability to use temporary layoffs
14 instead of laying off employees
15 permanently should we face future
16 financial distress. We are also
17 proposing a substantial investment in the
18 City's pension fund by dedicating the
19 proceeds of the anticipated sale of the
20 Philadelphia Gas Works to the pension
21 fund. At the same time, the
22 Administration will continue to invest in
23 public safety and higher education, both
24 essential to the growth of the City.

25 After weathering the recession

1 3/19/14 - WHOLE - BILL 140144, etc.
2 and its fiscal impact, the City is seeing
3 its tax receipts grow moderately, but
4 unevenly as new residents move into the
5 City and businesses continue to invest
6 and create jobs in Philadelphia. We must
7 keep this progress going. In a time of
8 continuing limited resources, the
9 Administration is proposing to make some
10 modest investments in the services the
11 City provides. Even with just these
12 modest investments, fund balances of \$50
13 million in Fiscal '15, \$24 million in
14 Fiscal '16, and \$30 million in Fiscal '17
15 are very low compared to the Government
16 Finance Officers Association's minimum
17 fund balance recommendation, as well as
18 the City's target of maintaining a fund
19 balance of roughly 6 to 8 percent of
20 total obligations.

21 The challenges posed to the
22 City's finances are illustrated by the
23 weakness in the wage tax, the City's
24 largest source of tax revenue. Wage and
25 earnings tax revenue was originally

1 3/19/14 - WHOLE - BILL 140144, etc.
2 projected to grow at a rate of 3.59
3 percent in Fiscal '14, but based on
4 growth year to date, it is now projected
5 to grow at 1.75 percent. That
6 slower-than-anticipated growth means that
7 collections for Fiscal '14 and Fiscal '15
8 are now projected to be a combined more
9 than 60 million below the amount
10 projected in the Fiscal '14 through '18
11 Five Year Plan.

12 There are also threats to the
13 City's property tax collections
14 projections. The exact amount of growth
15 in these collections will depend on the
16 pace at which appeals are heard. There
17 were over 23,000 appeals of the new
18 assessments. The Plan assumes that these
19 appeals will be all resolved by the end
20 of Fiscal '15. Since, under the new
21 legislation, taxpayers who appeal their
22 assessments can pay the amount they owe
23 in Fiscal '13 without paying any interest
24 or penalties until their appeal is
25 resolved, the Plan assumes the City will

1 3/19/14 - WHOLE - BILL 140144, etc.
2 continue to receive the old amount of tax
3 revenue until the appeals are resolved.
4 If all of the appeals are not resolved by
5 the end of Fiscal '15, the amount of
6 property tax revenue that the City and
7 the School District receive will be lower
8 in Fiscal '15 than the Plan projects.

9 Despite these threats to the
10 City's revenues, the Plan includes some
11 significant investments. The largest
12 single investment is in labor. The Five
13 Year Plan invests \$376 million in future
14 labor costs to pay for the provisions in
15 the recent agreement with the AFSCME
16 District Council 47 as well as other
17 future labor awards. In order to address
18 the long-term challenges presented by
19 growing benefit costs, particularly
20 healthcare and pensions, the
21 Administration couples pay raises for the
22 workforce with proposed changes to
23 bolster the health of the pension fund,
24 control healthcare costs, make
25 commonsense changes to overtime, and to

1 3/19/14 - WHOLE - BILL 140144, etc.
2 reduce or eliminate the need for layoffs
3 during future economic crises. These
4 changes include introducing combination
5 pension plans with defined benefit and
6 defined contribution components,
7 increasing employee contributions to
8 pensions, and moving to self-insurance
9 for health benefits and increasing
10 co-pays. In order to reduce or eliminate
11 the need for layoffs in future economic
12 downturns, the City has also sought the
13 right to use temporary layoffs when
14 economic circumstances warrant. The City
15 is also seeking to mitigate overtime
16 costs through changes in overtime rules.
17 As the agreement with DC47 demonstrates,
18 the Administration is committed to having
19 a reasonable collective bargaining
20 agreement that is fair to both workers
21 and other taxpayers.

22 The Plan also assumes
23 additional investments in education. The
24 Plan shows funding for the School
25 District that is consistent with

1 3/19/14 - WHOLE - BILL 140144, etc.
2 legislation that has been enacted either
3 at the state or local level. Per state
4 legislation enacted in 2013, the Plan
5 reflects the following changes to the
6 sales tax. The sales tax rate will
7 remain at 8 percent starting in Fiscal
8 '15, and \$120 million of sales tax
9 revenue will be transferred to the School
10 District of Philadelphia. The remainder
11 must be directed to debt service on
12 deficit borrowing, roughly \$15 million
13 annually for four years, by the City for
14 the School District and the City's
15 pension fund. However, City Council
16 President Clarke and the Mayor have
17 signed a joint letter requesting that the
18 state enact legislation that divides the
19 sales tax revenue between the School
20 District and the City's pension fund on a
21 sliding scale, with the District getting
22 85 percent in Fiscal '15, 75 percent in
23 Fiscal '16, and 50 percent each year
24 after that. The letter also stresses the
25 importance of pairing that reallocation

1 3/19/14 - WHOLE - BILL 140144, etc.
2 of the sales tax with the state's
3 authorization for the City to impose the
4 cigarette tax that was enacted locally
5 last year. And while we must work
6 towards this end in the General Assembly,
7 we must also work together locally to
8 pass our own legislation reauthorizing
9 the sales tax.

10 The Proposed Five Year Plan
11 includes tax reform to make Philadelphia
12 more business friendly and encourage
13 businesses to locate and expand in
14 Philadelphia, increasing jobs over time.
15 The Fiscal '15 budget includes the
16 continuation of the wage tax cuts which
17 were resumed in Fiscal '14. While the
18 pace of the wage tax reduction is
19 slightly slower in the Fiscal '15 through
20 '19 Plan than the pace that was in Fiscal
21 '14 through '18, the value of the wage
22 tax cuts total \$166 million over the
23 course of the Plan, on par with the cuts
24 in last year's Plan. The proposed cuts
25 bring the wage tax and the net profits

1 3/19/14 - WHOLE - BILL 140144, etc.
2 tax down from 3.9240 percent in Fiscal
3 '14 to 3.7460 percent in Fiscal '19 for
4 residents and from 3.4950 in Fiscal '14
5 to 3.3365 percent in Fiscal '19 for
6 non-residents. Additionally, tax cuts
7 will be made to the net income portion of
8 the business income and receipts tax to
9 bring the tax rate on net income down
10 from 6.43 percent currently to 6.25
11 percent by Fiscal '19.

12 A series of structural tax
13 reforms sponsored by City Council will
14 also lessen the tax burden, particularly
15 for new and small businesses. These
16 reforms include provisions to make
17 qualifying new businesses that meet
18 certain hiring requirements exempt from
19 the business income and receipts tax for
20 the first two years of operation and
21 exempt the first \$100,000 of growth
22 receipts and \$50,000 of net income exempt
23 from tax. The reforms waive -- these
24 reforms waive license and registration
25 fees for new businesses. It create tax

1 3/19/14 - WHOLE - BILL 140144, etc.
2 credits for each qualifying new job for
3 certified sustainable businesses, and
4 limit the net income tax to just
5 Philadelphia-based sales rather than a
6 business's sales, property, and payroll.
7 Together, these tax cuts and reforms will
8 help make Philadelphia a place of choice
9 for businesses to start, stay, and grow.

10 The largest single change in
11 the Fiscal '15 budget is the inclusion of
12 a \$700 million appropriation related to
13 the use of proceeds from a potential sale
14 of the Philadelphia Gas Works. While the
15 sale will have no net impact on the
16 City's fund balance, it could have an
17 enormous impact on the City's pension
18 fund, allowing a deposit of at least \$400
19 million into the fund. An analysis by
20 the City's actuary shows that a deposit
21 of \$400 million would cause the pension
22 fund's funding ratio to increase to 77
23 percent by Fiscal '30 compared with
24 roughly 70 percent without the PGW sale
25 proceeds. At the same time, the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 agreement with UIL, the potential
3 purchaser of PGW, protects ratepayers and
4 PGW employees.

5 The Fiscal '15 budget also
6 proposes a number of modest new
7 investments. Two million dollars is
8 proposed for the Department of Licenses
9 and Inspections to hire additional
10 inspectors to strengthen demolition
11 controls to ensure safe public and
12 private demolitions. An additional 2.5
13 million is proposed for the Free Library
14 to provide six-day service at all
15 branches throughout the City. Currently,
16 most neighborhood branches only offer
17 five-day service.

18 There's \$1.2 million proposed
19 for the Sheriff's Office to hire 30
20 additional deputy sheriffs needed for the
21 new Family Court building. One million
22 dollars is proposed for the Office of
23 Supportive Housing to continue
24 compensating for federal sequestration
25 cuts. Five hundred thousand dollars is

1 3/19/14 - WHOLE - BILL 140144, etc.
2 proposed for the newly created Land Bank
3 to fund one-time startup costs. One
4 point nine million in additional funding
5 is proposed for the Office of Property
6 Assessment to fully fund the maintenance
7 of property assessment functions. Two
8 million dollars is proposed for the
9 Office of Fleet Management to replace
10 aged and unreliable vehicles in the
11 Police and other operating departments.
12 An additional \$3.3 million for the Office
13 of Innovation and Technology is proposed
14 to fund operating costs associated with
15 significant technology upgrades occurring
16 currently in the City and to fund the
17 one-time 1.5 Data Center Cooling System
18 upgrade. Five hundred thousand dollars
19 is proposed for Parks and Recreation to
20 fund expanded programs at recreation
21 centers in neighborhoods throughout the
22 City. Five hundred thousand is proposed
23 for the Mann Music Center to fund
24 continued operations at this important
25 cultural institution, and 500,000 is

1 3/19/14 - WHOLE - BILL 140144, etc.
2 proposed for the Community College of
3 Philadelphia to help offset tuition
4 increases.

5 The proposed Fiscal '15 General
6 Fund expenditures total \$4.49 billion,
7 which is a \$496 million increase, roughly
8 12.4 percent, from Fiscal '14 estimates,
9 primarily as a result of the expected
10 one-time appropriation of 700 million to
11 the pension fund from the proceeds of the
12 sale of the Philadelphia Gas Works,
13 somewhat offset by the completion of the
14 \$108 million pension deferral repayment
15 in Fiscal '14; the elimination of over 69
16 million in one-time back wage and
17 healthcare costs in Fiscal '14 associated
18 with the withdrawal of the appeal against
19 the 2009 International Association of
20 Firefighters Local 22 award; the
21 elimination of the one-time \$29.2 million
22 of sale proceeds from the anticipated --
23 from the sale of the Love Park Garage;
24 and the elimination of the one-time \$45
25 million pass-through for the payment from

1 3/19/14 - WHOLE - BILL 140144, etc.
2 the state to the School District in
3 Fiscal '14. Excluding these large
4 one-time items, expenditures are budgeted
5 to increase by \$47 million, \$29 million
6 of which is due to rising pension and
7 debt service, thus leaving the remaining
8 \$18 million, which represents an increase
9 of only 0.5 percent. Proposed
10 expenditures in Fiscal '16 are \$3.84
11 billion, increasing to 4.026 billion in
12 Fiscal '19.

13 As I conclude, I wanted to just
14 highlight a few changes in this year's
15 Five Year Strategic and Financial Plan.
16 Key among them were, first, discussing
17 the operating budget trends for 37
18 departments and performance trends for 31
19 departments, compared to 36 and 27
20 respectively in last year's Five Year
21 Plan.

22 Secondly, this Plan featured
23 results from the pilots conducted on
24 program-based budgeting and
25 return-on-investment analysis for capital

1 3/19/14 - WHOLE - BILL 140144, etc.
2 projects. These changes were made in
3 anticipation of a move towards
4 program-based budgeting, which will hold
5 departments accountable for delivering
6 against the total resources that they
7 receive and more closely tying budget
8 decisions to performance. We look
9 forward to working with Council as we
10 implement program-based budgeting and
11 return-on-investment analysis for capital
12 projects.

13 The proposed budget and Five
14 Year Plan seeks to preserve the City's
15 core services while making Philadelphia a
16 safer, smarter, healthier, greener city
17 where people want to live and do business
18 while operating efficiently and
19 effectively as a first-class city.

20 Thank you for the opportunity
21 to testify on behalf of the
22 Administration regarding the Fiscal '15
23 proposed operating budget and proposed
24 Fiscal '15 through '19 Five Year
25 Financial and Strategic Plan. I have

1 3/19/14 - WHOLE - BILL 140144, etc.
2 with me the senior officials of the
3 Administration and, with their assistance
4 as necessary, we will be happy to answer
5 any questions you might have.

6 Thank you, Council President.

7 COUNCIL PRESIDENT CLARKE:

8 Thank you, Mr. Gillison, for your
9 testimony. I just have a couple of
10 questions to start.

11 On Page 42 of the Five Year
12 Plan, it references the DC33 contracts
13 and 47 contracts, and I actually made
14 this issue -- made a statement at an
15 earlier press conference or maybe to the
16 press about the revenues and the terms
17 associated with 47 not being reflected in
18 the offer to 33, the last --

19 MR. GILLISON: The last offer
20 that we made about a year ago.

21 COUNCIL PRESIDENT CLARKE: So
22 my question is, and I said this earlier,
23 that I would think that at least from an
24 increase in raises, benefits that that
25 should be the minimum offer to 33. I

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2 don't get to have that conversation,
3 because I'm a member of the legislative
4 branch and not the executive branch, and
5 I clearly understand that, but as an
6 interested outsider, have you done an
7 analysis internally -- because now I
8 understand why you wouldn't do that
9 publicly -- if the terms and conditions
10 as it relates to that particular aspect
11 of the contract were similar to 47, how
12 would that reflect or how would that
13 appear in the budget given that you
14 haven't appropriated the amount of
15 dollars to reflect that increase in
16 salary and benefits?

17 MR. GILLISON: I will start
18 off, and I'm sure that Rob or Rebecca can
19 actually reflect, but the answer to I
20 think the primary question is have we
21 done that internal analysis. The answer
22 is yes. Do we -- how does that end up
23 affecting how we do our labor
24 discussions? We at least like to know
25 what the facts would show and be able to

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2 make our decisions and what would have to
3 be adjusted going forward, if that were
4 just an apples to apples, this is what
5 you get one way or the other, so we know
6 what the facts are.

7 The question is, in
8 negotiations -- and I think that I've
9 heard that not only from your question,
10 but I think I also heard it from
11 Mr. Matthews that said 47 is 47, 33 is
12 different. And so we're at the
13 negotiating table to see exactly what's
14 going to come out of it at the end, and I
15 think that's the only thing I can say
16 about -- we understand what the impact
17 would be, but we would have to take it
18 once the contract negotiations have
19 concluded.

20 COUNCIL PRESIDENT CLARKE: And
21 normally I wouldn't ask that question in
22 a formal way, but we're now dealing with
23 the budget.

24 MR. GILLISON: I understand.

25 COUNCIL PRESIDENT CLARKE: It's

1 3/19/14 - WHOLE - BILL 140144, etc.
2 a very formal process, and the reality
3 is, if in fact you come to a consensus on
4 those terms with 33 that reflect the 47
5 terms, there will be a change in this
6 budget which is before us now. So I'm a
7 little concerned about, one, not
8 concluding that contract. So as we go
9 through this budget process, we don't end
10 up at the end of the six or seven weeks,
11 however long this will take, and have to
12 make a significant adjustment without
13 understanding how we actually pay for
14 that. So I say all that to say that --

15 MR. GILLISON: I understand.

16 COUNCIL PRESIDENT CLARKE: I
17 know that you would love this to happen
18 also, that we conclude that contract as
19 soon as possible so we can get to a
20 real budget.

21 MR. GILLISON: I think you
22 understand my glee would be, bar probably
23 only a few other people, but I would love
24 that to be part of what we're trying to
25 get done.

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2 COUNCIL PRESIDENT CLARKE:

3 Thank you, sir.

4 I had two questions about the
5 potential sale and the dollars associated
6 with that. Page 6 of your testimony, in
7 the FY15 budget, it talks about proceeds
8 of the potential sale that might be equal
9 to 700 million net. Is there a
10 particular reason why we're using this
11 number in that aspect of the budget
12 process?

13 MR. DUBOW: That number is
14 really just a placeholder. We understand
15 that won't be where the number winds up.
16 At the time we were putting the budget
17 together, we hadn't really completed our
18 analysis of what the deposit to the
19 pension fund would look like. So I think
20 if we got to the point where the deal is
21 approved, that number would be adjusted.

22 COUNCIL PRESIDENT CLARKE: So
23 you anticipated my next question was, in
24 the actuary, you talk about a \$400
25 million deposit.

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2 MR. GILLISON: Correct.

3 COUNCIL PRESIDENT CLARKE: I
4 guess that's a conservative viewpoint.

5 MR. DUBOW: That's right.
6 There's a range, and that's kind of, we
7 think, at the low end of the range.

8 COUNCIL PRESIDENT CLARKE: All
9 right. Does this particular 77 percent
10 possibility in terms of the pension fund,
11 would it include the sales tax revenue?

12 MR. DUBOW: It does not.
13 That's just the PGW's deposit.

14 COUNCIL PRESIDENT CLARKE:
15 Okay.

16 MR. DUBOW: The PGW deposit and
17 then not reducing back to the MMO.

18 COUNCIL PRESIDENT CLARKE: So
19 what would be the 2013 if we got the
20 sales tax revenue?

21 MR. DUBOW: 2013 or 2030?

22 COUNCIL PRESIDENT CLARKE:
23 2030. I'm sorry.

24 MR. DUBOW: So the sales tax
25 the way it is in the legislation gets us

1 3/19/14 - WHOLE - BILL 140144, etc.
2 to 80 percent at 2030. So this would
3 probably add another 6, 7 percent.

4 COUNCIL PRESIDENT CLARKE:
5 You're talking about the state
6 legislation?

7 MR. DUBOW: Yes. With a 50/50
8 split, you get to 89 percent funded in
9 2030. So if you add this in, you'd be
10 probably in the mid 90's.

11 COUNCIL PRESIDENT CLARKE: So
12 we'd be much better off with the sales
13 tax with and without the PGW sale?

14 MR. DUBOW: Yeah. We'd be
15 better off with the sales tax and even
16 better off with the sale.

17 COUNCIL PRESIDENT CLARKE: We'd
18 be like awesome with the PGW sale. We'd
19 be like jumping up and down on the roof
20 of City Hall, right?

21 MR. DUBOW: I don't know that
22 I'd go that far, but we would be much
23 better than where we are now.

24 COUNCIL PRESIDENT CLARKE:
25 Okay. I just wanted to calculate those

1 3/19/14 - WHOLE - BILL 140144, etc.
2 numbers.

3 I'm going to defer to
4 Councilman Goode at this moment.

5 COUNCILMAN GOODE: Thank you,
6 Mr. President.

7 After labor costs and the
8 potential PGW sale, I guess the next
9 major item is contracts, which accounts
10 for maybe 4 billion or more over the Five
11 Year Plan. So I'd like to turn my
12 attention to questions of OEO, if you can
13 have OEO come to the table.

14 MR. GILLISON: Sure.

15 Angela.

16 (Witness approached witness
17 table.)

18 COUNCIL PRESIDENT CLARKE: Good
19 morning.

20 MS. DOWD-BURTON: Good morning,
21 President Clarke and members of Council.
22 My name is Angela Dowd-Burton. I am
23 Executive Director of the Office of
24 Economic Opportunity.

25 COUNCILMAN GOODE: Good

1 3/19/14 - WHOLE - BILL 140144, etc.
2 morning, Ms. Dowd-Burton. How are you?

3 MS. DOWD-BURTON: I'm very
4 good, thanks. And you, sir?

5 COUNCILMAN GOODE: I gave up
6 arguing for lent season, so I'm hoping
7 that we can have a civil conversation
8 about the numbers and just the numbers.

9 MS. DOWD-BURTON: I think that
10 would be fantastic.

11 COUNCILMAN GOODE: On Page 128
12 of the Five Year Plan, it states that OEO
13 continues to increase participation of
14 disadvantaged businesses, that the rate
15 has been holding at 28 percent, prompting
16 the Mayor to increase the goal to 30
17 percent. Is that consistent with the
18 latest disparity study?

19 MS. DOWD-BURTON: The latest
20 disparity study is under development.
21 That's for Fiscal Year '13.

22 COUNCILMAN GOODE: If the
23 latest disparity is under development,
24 then the disparity study before that is
25 actually the latest disparity study.

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2 MS. DOWD-BURTON: Okay. So for
3 Fiscal Year '12, the goals in the
4 disparity study were 25 percent.

5 COUNCILMAN GOODE: So that is
6 not consistent with the latest disparity
7 study.

8 MS. DOWD-BURTON: That's
9 correct. It's more aggressive.

10 COUNCILMAN GOODE: Okay. What
11 were the actual participation rates from
12 Fiscal Year '06 to Fiscal Year '12,
13 according to the latest disparity study?

14 MS. DOWD-BURTON: I do not have
15 the full disparity study in front of me,
16 but I do have a page that you provided
17 me, which is Page XII. It's Roman
18 Numeral XII. This reporting of activity
19 shows the actual and recommended M/W/DBE
20 utilization for City contracts, and
21 federal funded contracts are included.

22 COUNCILMAN GOODE: My question
23 was, what was the actual participation
24 rates for Fiscal Year '06 to Fiscal Year
25 '12 by year?

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2 MS. DOWD-BURTON: For all
3 M/W/DBE's -- and I will again say this
4 includes federal contracts, which have
5 lower goals than the City of
6 Philadelphia; theirs is about 13 and ours
7 was about 25 during this time. Fiscal
8 Year 2006 participation was 23.6; Fiscal
9 Year '07, 22.3; Fiscal Year '08, 19.2;
10 Fiscal Year '09, 19 percent; Fiscal Year
11 '10, 20.8 percent; Fiscal Year '11, 23.3
12 percent; Fiscal Year '12, 22.5 percent.

13 COUNCILMAN GOODE: And the rate
14 was higher in Fiscal Year '11 and then
15 dropped in Fiscal Year '12?

16 MS. DOWD-BURTON: Yes.

17 COUNCILMAN GOODE: So it
18 decreased?

19 MS. DOWD-BURTON: On this
20 chart, it decreased.

21 COUNCILMAN GOODE: This is your
22 chart. You paid for the study and you
23 distributed the study.

24 MS. DOWD-BURTON: And what I
25 also paid for was a page that is not

1 3/19/14 - WHOLE - BILL 140144, etc.
2 shown here which includes the adjustments
3 to participation that takes out the cost
4 for few and no and it does not account
5 for federal contracts, which depress our
6 numbers. That's what I paid for.

7 COUNCILMAN GOODE: These
8 numbers are your numbers and they are the
9 actual participation rates, unless you
10 have something else you can present
11 today.

12 MS. DOWD-BURTON: Well,
13 Councilman --

14 COUNCILMAN GOODE: But I won't
15 even ask you for specific numbers. I'll
16 ask you just a real direct question. Did
17 participation drop from Fiscal Year '12
18 from Fiscal Year '11?

19 MS. DOWD-BURTON: No, it did
20 not.

21 COUNCILMAN GOODE: Give me the
22 numbers.

23 MS. DOWD-BURTON: I will be
24 happy to if I can get a copy of the
25 Fiscal Year 2012 annual disparity study.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCILMAN GOODE: So you don't
3 know?

4 MS. DOWD-BURTON: I don't have
5 it with me, but I will tell you that the
6 participation --

7 COUNCILMAN GOODE: What you
8 have before you is a document that comes
9 from your disparity study. So there's
10 nothing wrong with these numbers here.
11 And I'm not arguing the numbers, and you
12 can present whatever numbers you want if
13 you have different numbers. These are
14 your numbers that you paid for, which say
15 that from Fiscal Year '11 to Fiscal Year
16 '12, participation decreased. I'm just
17 asking if that's true.

18 MS. DOWD-BURTON: And I'm
19 saying it is not. I recollect the
20 participation for Fiscal Year '11 being
21 around 26 percent and Fiscal Year '12
22 being 28 percent.

23 COUNCILMAN GOODE: This is your
24 disparity study.

25 MS. DOWD-BURTON: That's

1 3/19/14 - WHOLE - BILL 140144, etc.
2 correct.

3 COUNCILMAN GOODE: Okay. We're
4 going to get to why it says what it says.

5 So from Fiscal Year '06 to
6 Fiscal Year '12, what was the highest
7 year in terms of participation?

8 MS. DOWD-BURTON: On this
9 report, it's showing Fiscal Year 2006.

10 COUNCILMAN GOODE: So Fiscal
11 Year 2006 during the Street
12 Administration, the first year in which
13 we began to conduct annual disparity
14 studies, that was the highest level of
15 participation.

16 MS. DOWD-BURTON: And that is
17 not what our numbers show.

18 COUNCILMAN GOODE: These are
19 your numbers.

20 MS. DOWD-BURTON: I take
21 exception to the fact that this is one
22 page out of a 160-page document.

23 COUNCILMAN GOODE: Then you
24 should have brought your own numbers.

25 MS. DOWD-BURTON: And I would

1 3/19/14 - WHOLE - BILL 140144, etc.
2 have if I had known our focus would be at
3 the Five Year Plan on the disparity
4 study. I will bring it to the
5 testimony --

6 COUNCILMAN GOODE: No, no.
7 We're going to finish this now. And
8 you're causing me to lose my religion for
9 a second, but...

10 The Home Rule Charter, The
11 Philadelphia Code, the Mayor's Executive
12 Order, the 2010 City Solicitor's opinion
13 all say that the annual disparity study
14 is what counts. In fact, it has to be
15 what counts, because that's the only
16 thing that makes what we do in terms of
17 economic opportunity legal. We can't do
18 any of this. The legal framework for it
19 starts and ends with the disparity study.

20 So the reason why you're
21 disputing the numbers is because you
22 changed the math; is that correct?

23 MS. DOWD-BURTON: Yes. I
24 provided a more transparent model that
25 takes out the transactions where we have

1 3/19/14 - WHOLE - BILL 140144, etc.
2 few or no minorities, and we identify
3 those categories so we can drive the
4 market for those who are interested.

5 COUNCILMAN GOODE: So you took
6 out about \$150 million worth of
7 contracts. Does that sound right?

8 MS. DOWD-BURTON: No. It was
9 closer to 117 for this year and --

10 COUNCILMAN GOODE: I'm not
11 talking about for this year. I'm talking
12 about Fiscal Year '12.

13 MS. DOWD-BURTON: It was 108
14 million for professional services and
15 53.5 million for service, supplies, and
16 equipment.

17 COUNCILMAN GOODE: About 20
18 percent of contract dollars you took out
19 of the equation.

20 MS. DOWD-BURTON: Yes, and
21 increased the level of participation on
22 the remaining contracts.

23 COUNCILMAN GOODE: So the
24 reason why you reached what you say is 26
25 percent or reached 26 percent and the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 reason why you say you can reach 30
3 percent is because you're not counting
4 all the contract dollars. You're
5 counting about 80 percent of the contract
6 dollars; is that correct?

7 MS. DOWD-BURTON: I'm counting
8 the contract dollars where we can have
9 participation. If you look at --

10 COUNCILMAN GOODE: If you count
11 all the contract dollars, what would the
12 participation rate be?

13 MS. DOWD-BURTON: Councilman,
14 let me just highlight an example for you.

15 COUNCILMAN GOODE: I don't need
16 an example. I need to know if you
17 counted all the contract dollars, what
18 would the participation rate be?

19 MS. DOWD-BURTON: I don't have
20 that number. What I do have is an
21 understanding that --

22 COUNCILMAN GOODE: No, no.
23 That's a simple basic question. We're
24 going to finish this in an organized
25 fashion. This is dealing strictly with

1 3/19/14 - WHOLE - BILL 140144, etc.
2 numbers.

3 If you counted all the contract
4 dollars, what would the participation
5 rate be?

6 MS. DOWD-BURTON: Let me
7 suggest to you that if the previous
8 Administration counted all the contract
9 dollars --

10 COUNCILMAN GOODE: It's a
11 number.

12 MS. DOWD-BURTON: -- they would
13 have included --

14 COUNCILMAN GOODE: It's an
15 actual number.

16 MS. DOWD-BURTON: -- the
17 contract dollars for electric supply.

18 COUNCILMAN GOODE: Are you
19 listening?

20 MS. DOWD-BURTON: I'm listening
21 to you and I'm trying to answer your
22 question.

23 COUNCILMAN GOODE: No, you're
24 not trying to answer my question. If you
25 counted all the contract dollars, what

1 3/19/14 - WHOLE - BILL 140144, etc.
2 would the participation rate be?

3 MS. DOWD-BURTON: I'm looking
4 at the contract dollars that actually
5 apply to participation, and I am
6 excluding electric supply, which was
7 never included.

8 COUNCILMAN GOODE: She's not
9 going to answer the question.

10 I'll give you the answer. If
11 you count all the contract dollars, the
12 answer is 22 percent. The answer is 22
13 percent. If you only count 80 percent of
14 contract dollars, that's how you get the
15 26 percent. That's how you get the 28
16 percent. That's how you get to 30
17 percent. If you count all the contract
18 dollars, your actual participation rate
19 is 22 percent.

20 On Page 135 of the Five Year
21 Plan, it says the 25 percent goal has
22 been exceeded for the third consecutive
23 year. That's not true. If it were true,
24 why would the disparity study then say
25 after Fiscal Year '06, 23.6 percent; '07,

1 3/19/14 - WHOLE - BILL 140144, etc.
2 22.3 percent; '08, 19.2 percent; '09, 19
3 percent; Fiscal Year '10, 24.8 percent;
4 Fiscal Year '11, 23.3 percent; Fiscal
5 Year '12, 22.5 percent. Then for the
6 next three years it recommends a goal of
7 25 percent. You know why? Because it
8 counts all the contract dollars. Is that
9 correct?

10 MS. DOWD-BURTON: No, it is not
11 correct, and I will say --

12 COUNCILMAN GOODE: Are you
13 serious?

14 MS. DOWD-BURTON: If you will
15 allow me to explain, I'll share it with
16 you.

17 COUNCILMAN GOODE: I'm asking a
18 different question. I'm going to ask a
19 different question.

20 MS. DOWD-BURTON: I would like
21 to answer that first.

22 COUNCILMAN GOODE: No, because
23 the simple question was, does it count
24 all contract dollars. If you're going to
25 say no, then just say no.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MS. DOWD-BURTON: And I'm going
3 to say to you we've never had a
4 participation report that counted all the
5 contract dollars. And when I say "all
6 the contract dollars," I'm talking
7 about --

8 COUNCILMAN GOODE: You didn't
9 answer my question. I'm going to finish
10 this up real quickly. When a 25 percent
11 goal was set, everyone who looked at this
12 issue, period, knows about a 25 percent
13 goal, knows what it's supposed to be
14 based upon. Was it based upon 100
15 percent of contract dollars or was it
16 based upon 80 percent of contract
17 dollars?

18 MS. DOWD-BURTON: It was based
19 upon those contract dollars where we
20 could get participation. Included in the
21 numbers that we have as few and no are
22 electric supply costs that range from \$34
23 million in 2013 and \$52 million in 2013.
24 We do not have --

25 COUNCILMAN GOODE: When you set

1 3/19/14 - WHOLE - BILL 140144, etc.

2 a 25 percent --

3 MS. DOWD-BURTON: -- minorities
4 or women who sell those supplies.

5 COUNCILMAN GOODE: -- goal,
6 what was the 25 percent of?

7 MS. DOWD-BURTON: It was 25
8 percent of those dollars where we could
9 attract participation. And if you look
10 at the details for Fiscal Year 6, 7, 8,
11 and 9, you will not see the electric
12 supply.

13 COUNCILMAN GOODE: Are there
14 actual numbers that it applies to?

15 MS. DOWD-BURTON: I'm sorry?

16 COUNCILMAN GOODE: In this
17 column in your participation report, this
18 is the total number. This is the
19 exclusion. This is the adjusted number.

20 MS. DOWD-BURTON: That's
21 correct.

22 COUNCILMAN GOODE: You arrive
23 at 28 percent by excluding this.

24 MS. DOWD-BURTON: Excluding the
25 electric supply, PPL as an example.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCILMAN GOODE: So when the
3 25 percent goal was set, was it 25
4 percent of this or 25 percent of that?
5 And my contention is it was 25 percent of
6 total contract dollars before things were
7 excluded.

8 MS. DOWD-BURTON: Councilman
9 Goode, with the adjustments that we've
10 made that include electric supply for \$52
11 million, human services court-appointed
12 services 38 million --

13 COUNCILMAN GOODE: See, the
14 reason --

15 MS. DOWD-BURTON: -- we cannot
16 get participation.

17 COUNCILMAN GOODE: The reason
18 why this is not going well is because all
19 I asked to do was discuss the numbers,
20 and you want to discuss why the numbers
21 say what the numbers say. I want to
22 discuss what the actual numbers are. We
23 can't even agree what the actual numbers
24 are, but what I'm saying is this, and I
25 think people probably get the message

1 3/19/14 - WHOLE - BILL 140144, etc.
2 now, you achieve 28 percent of 80
3 percent, and that's only 22 percent. You
4 now have a goal of 30 percent of only 80
5 percent, and that's only 24 percent.
6 You've never reached the 25 percent goal.
7 All you did was change the math. And so
8 the simple question I was getting to is,
9 what are you going to do to increase
10 participation? Because if you look at
11 the numbers and compare apples to apples
12 rather than apples to oranges, in '06 we
13 were 23.6 percent participation. We're
14 not anywhere -- we have not exceeded that
15 at all. We are not anywhere -- we're far
16 from that. We are in almost exactly the
17 same place. So the question is, what are
18 you really going to do to increase
19 participation rather than change the
20 math?

21 MS. DOWD-BURTON: So I'm going
22 to tell you some facts that I have. So
23 the facts that I have were in 2009, we
24 awarded \$169 million to minorities and
25 women. In 2013, we've awarded 243

1 3/19/14 - WHOLE - BILL 140144, etc.
2 million.

3 COUNCILMAN GOODE: We're not
4 talking percentages anymore.

5 MS. DOWD-BURTON: Well, no,
6 we're not. We're talking about real
7 dollars.

8 COUNCILMAN GOODE:
9 Mr. President, I'm finished.

10 COUNCIL PRESIDENT CLARKE: Yes,
11 sir. Thank you, Councilman.

12 Thank you very much for your
13 testimony.

14 MS. DOWD-BURTON: You're
15 welcome.

16 COUNCIL PRESIDENT CLARKE: The
17 Chair recognizes Councilman Jones.

18 COUNCILMAN JONES: Thank you,
19 Mr. President. I don't know what I'm
20 giving up for lent, but I'll figure it
21 out by the end of the budget process.

22 Maybe what I'll do differently
23 is, I want to say some of the good things
24 that I'm optimistic about first. I'm
25 very optimistic about the fact that we

1 3/19/14 - WHOLE - BILL 140144, etc.
2 aren't Detroit and we didn't have to,
3 during the recession, lose a third of our
4 city and reclaim it to farmland. I'm
5 thankful that I'm not Camden where we had
6 to be annexed almost by the state in
7 order to have a police force. So to your
8 team, good job of navigating us generally
9 through one of the worst recessions that
10 we've seen since the '30s.

11 And having said that, we'll
12 segue into some of the issues that I have
13 for the Five Year Plan, particularly the
14 passage of the single sales factor
15 apportionment and the \$100,000 exemption.
16 What kind of impact will that have on the
17 business income and receipts tax, which
18 is affectionately known as BIRT? And
19 what I mean by questioning that is that
20 it's my understanding generally, not
21 being a tax accountant, that we will only
22 tax the sales that happen within
23 Philadelphia. How will we verify what
24 happens in Philadelphia versus them
25 claiming it happened in the Ukraine, and

1 3/19/14 - WHOLE - BILL 140144, etc.
2 how are we setting up so that we don't
3 miss income that we can receive? And all
4 of that is predicated on the fact that we
5 promised the School Board that we were
6 going to increase our revenue collections
7 by \$30 million, and I need to know how
8 we're doing on that.

9 MR. DUBOW: And there are two
10 separate things. I think in terms of how
11 we verify and kind of audit the business
12 tax, I'll probably ask the Revenue
13 Department to answer that, so he might
14 have to come up.

15 (Witnesses approached witness
16 table.)

17 COMMISSIONER TOLSON: Good
18 morning, Councilman.

19 COUNCILMAN JONES: Always a
20 pleasure to see you.

21 COMMISSIONER TOLSON: Nice to
22 see you as well.

23 Your question with regard to
24 the single sales factor, I'm going to
25 let --

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCILMAN JONES: Well, we
3 could start with the easy question first,
4 which is how are we doing on that 30
5 million that we promised the School
6 Board?

7 COMMISSIONER TOLSON: We
8 promised the School Board \$28 million,
9 and we're doing very well.

10 COUNCILMAN JONES: What does
11 that mean? Are we close, or how close
12 are we? Are we exceeding projections?

13 COMMISSIONER TOLSON: We have
14 not exceeded projections as of yet. We
15 are working vigorously. There's some
16 strategic efforts to target the four
17 taxes that support them, and all those
18 taxes are coming in well. The only thing
19 that is a challenge at this point is our
20 real estate collections, which were doing
21 very well until the end of the year.
22 However, the current year taxes, which
23 will be due on March 31st and allowed for
24 early payment on February 28th, are
25 coming in slightly slower than we had

1 3/19/14 - WHOLE - BILL 140144, etc.
2 expected.

3 Overall, our collections are up
4 131 percent on the school income tax, two
5 and a half percent on U&O, and 21 percent
6 on liquor. However, the real estate tax
7 is down about 5 percent, and because of
8 the largesse of that tax, we have a
9 little bit of a challenge, but we're
10 hopeful as to what March will bring and
11 we're doing some things to try to make
12 sure that those collections come in a
13 little bit better. Beginning the end of
14 this week, some taxpayers who have not
15 yet paid their real estate taxes will be
16 receiving a robo call from the Revenue
17 Department just reminding them about
18 taxes being due and offering that if they
19 need another copy of their bill or need
20 some type of assistance program, to
21 contact our department.

22 Additionally, we will be having
23 early referral of our overdue taxes
24 happening very shortly after the due
25 date. We're preparing them now so that

1 3/19/14 - WHOLE - BILL 140144, etc.
2 collection agencies can begin the effort
3 there to help us bring in those revenues.

4 So we'll be doing lots of
5 different things to try to encourage real
6 estate to come in a little bit better by
7 the end of the fiscal year.

8 COUNCILMAN JONES: So generally
9 we are on track to at least meet that \$30
10 million obligation?

11 COMMISSIONER TOLSON: Yes.

12 MR. DUBOW: With the exception
13 of the property.

14 COMMISSIONER TOLSON: Right.
15 Yes.

16 MR. DUBOW: And that has been
17 doing better in March. So if you had
18 asked us two weeks ago, we would have
19 been, I think, even more concerned about
20 the property tax, but we've been making
21 up ground as March goes on.

22 COUNCILMAN JONES: So to the
23 specific question of BIRT and how we will
24 make sure that there are no malfeasance
25 involved and people trying to have tax

1 3/19/14 - WHOLE - BILL 140144, etc.
2 avoidance by way of saying their sales
3 are some other place in the City of
4 Philadelphia, how do you plan on
5 verifying that kind of activity?

6 DEPUTY COMMISSIONER BRESLIN:
7 Frank Breslin, Deputy Revenue
8 Commissioner.

9 That's a compliance issue. We
10 hope for -- obviously we hope for
11 voluntary compliance. That's the first
12 effort. So, you know, that begins with
13 education, because this is a change in
14 the tax laws, so we have to make sure
15 that we continue our effort with tax
16 professionals so that they understand the
17 changes, get the changes out to taxpayers
18 so they understand the changes and they
19 can complete the tax returns correctly.

20 Then it turns to enforcement
21 and our compliance effort, and that's
22 primarily with our Audit Unit. We select
23 cases for audit. It starts with
24 screening. We screen tax returns to see
25 if the returns look as if they were

1 3/19/14 - WHOLE - BILL 140144, etc.
2 properly completed. We'll do comparisons
3 to prior year tax returns. So we do all
4 that kind of back-office or back-room
5 operation in reviewing tax returns.
6 We'll also use -- our compliance effort
7 will also include some non-physical
8 reviews where we do things through
9 technology, where we have -- we can
10 program certain types of analysis if tax
11 returns look out of the ordinary, if
12 ratios jump out or something, they can
13 kick out and we can select those for
14 audit. And then we actually get our
15 auditors out there to go out to those
16 locations or to bring tax -- smaller
17 taxpayers we bring in, but primarily this
18 is an issue for the bigger taxpayers. So
19 we go to their location and we actually
20 dive into the books and records and we
21 look to see where the sales or the
22 services actually took place. With
23 sales, we look at shipping or the actual
24 invoices. There's a lot -- we'll do
25 statistical samples. We don't look at

1 3/19/14 - WHOLE - BILL 140144, etc.
2 everything, but we'll look at a month or
3 some period of time to make sure that we
4 look at what we call their exclusions.
5 So if they're not reporting it as
6 taxable, we look to the actual source
7 document to see if that particular
8 transaction was reported correctly.

9 COUNCILMAN JONES: I say this
10 and I'm emphasizing starting with this
11 Five Year Plan this way because we spent
12 a lot of time on AVI last year, and a lot
13 of the concerns that I heard when I
14 traveled to Councilman Henon's district
15 or Councilman Johnson's district was,
16 What are you doing by way of collections,
17 and we were pleased to find out that
18 Tolson and you guys were really ramping
19 up the collection portion. When we look
20 at the BIRT tax, the income portion alone
21 represents a half a billion, a half a
22 billion with a B, dollars that we should
23 be going after. So we want to make sure
24 that we are looking at every way to do
25 proper samplings to kind of send the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 signal of educating businesses that we're
3 serious about collecting it. It
4 represents a half a billion dollars worth
5 of revenue to us. So we want to make
6 sure that you're on that.

7 With that, Mr. President, I'll
8 wait for another round to allow other
9 people to ask questions.

10 COUNCIL PRESIDENT CLARKE:

11 Thank you, Mr. Leader.

12 Ms. Tolson, can you hold on one
13 second. I just had a real quick
14 followup. And I missed you at the block
15 captains rally last Saturday. It wasn't
16 the same without you. It was great, but
17 you not being there cheering us on, it
18 was, you know --

19 COMMISSIONER TOLSON: I missed
20 being there as well. Certainly my heart
21 is with the Streets Department, and I've
22 enjoyed working with the fine folks that
23 are there and I'm looking forward to
24 collaborating with Commissioner Perri in
25 different ways. But my mind and work

1 3/19/14 - WHOLE - BILL 140144, etc.
2 right now is with the Revenue Department.

3 COUNCIL PRESIDENT CLARKE: He
4 did a good job, but --

5 COMMISSIONER TOLSON: I know he
6 did.

7 COUNCIL PRESIDENT CLARKE: --
8 it just wasn't quite the same.

9 Real quick, in terms of your
10 collections, and I'm glad to hear that
11 collections have ramped up considerably,
12 my question is -- and you may not be able
13 to answer this question right now, but
14 how much of those collections are
15 actually annualized? So as an example,
16 there are a lot of taxes owed. I'm
17 assuming some portions of that are
18 actually interest and penalty that's not
19 necessarily annualized, so we can get a
20 more accurate sense of the growth in
21 whatever taxes you're responsible for
22 collecting in the out years. Can you
23 kind of tell me or if you can get back to
24 me.

25 COMMISSIONER TOLSON: I don't

1 3/19/14 - WHOLE - BILL 140144, etc.
2 have that data now, but I can get back to
3 you and provide some information.

4 COUNCIL PRESIDENT CLARKE: You
5 understand what I'm asking you?

6 COMMISSIONER TOLSON: Yes, sir.

7 MR. DUBOW: You're asking what
8 is being added to the base going forward
9 as opposed to one time or --

10 COUNCIL PRESIDENT CLARKE:
11 Exactly. Thank you. That's all. If you
12 can get that to us during the course of
13 the process prior to you coming back as
14 the newly mentored Revenue Commissioner.

15 COMMISSIONER TOLSON: Yes.
16 Thank you, sir.

17 COUNCIL PRESIDENT CLARKE:
18 Thank you.

19 COUNCILMAN KENNEY:
20 Mr. President?

21 COUNCIL PRESIDENT CLARKE:
22 Ms. Tolson, hold on a second.

23 Councilman Kenney.

24 COUNCILMAN KENNEY: Thank you.
25 What actions have you been

1 3/19/14 - WHOLE - BILL 140144, etc.

2 taking or what cooperation have you been
3 having with L&I relative to --

4 COUNCIL PRESIDENT CLARKE:

5 Excuse me, Councilman. Is this a point
6 of order?

7 COUNCILMAN KENNEY: Point of
8 order?

9 COUNCIL PRESIDENT CLARKE: Yes,
10 because we got a pretty long list.

11 COUNCILMAN KENNEY: But I don't
12 want them to get away. I'll wait in line
13 if they can come back.

14 COUNCIL PRESIDENT CLARKE: Just
15 say point of order so it will be --

16 COUNCILMAN KENNEY: Point of
17 order.

18 COUNCIL PRESIDENT CLARKE:
19 There you go.

20 COUNCILMAN KENNEY: Magic three
21 words.

22 COUNCIL PRESIDENT CLARKE:
23 That's the magic word.

24 COUNCILMAN KENNEY:
25 Abracadabra.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 I'm just trying to understand
3 how you're interacting with L&I relative
4 to the collection of wage taxes, business
5 taxes on industries like construction,
6 hair and nail salons, people who are
7 consistently giving 1099 forms to
8 employees and making them subcontractors
9 as opposed to employees.

10 For example, when we had the
11 mess at 22nd and Market, that tragedy,
12 apparently that company had no active
13 payroll accounts, no active wage tax
14 accounts with the City. So either the
15 owner of the property was -- the owner of
16 the business was taking down the property
17 himself or he had people on site that he
18 was paying cash or he was paying in some
19 other form.

20 How do we get to the bottom of
21 this underground economy that uses 1099's
22 as a way to circumvent the tax code, both
23 federal, state, and local, workmen's
24 comp, unemployment comp, I mean the whole
25 bit? And as you know, I'm a huge fan of

1 3/19/14 - WHOLE - BILL 140144, etc.
2 immigration, but the taking advantage of
3 undocumented people, not paying
4 unemployment or workmen's comp benefits
5 and paying them under the table every
6 week and then cash, how do we get into
7 that world and begin to take those folks
8 down so people follow the rules?

9 COMMISSIONER TOLSON: Yes.
10 Thank you. Councilman, I'm pleased to
11 say that the Department of Revenue and
12 Department of License and Inspections
13 have begun a sincere and intense effort
14 to tie the relationship in ways that we
15 think will be helpful when addressing
16 some of the problems that you're
17 describing. Right now there's a monthly
18 meeting to discuss contractors' issues.
19 Additionally, we're looking at some of
20 the tax -- we're regularly looking at the
21 tax clearance issue that may impact
22 businesses. L&I uses a very strict
23 standard which requires that everyone
24 coming for a permit and a license has to
25 present their tax clearance form before

1 3/19/14 - WHOLE - BILL 140144, etc.
2 they're allowed to get their documents
3 from their agency. So they take the
4 issues of taxes and proper payment or
5 allocation of taxes very seriously.

6 Additionally, Commissioner
7 Williams and I have just started our
8 dialogue about how we can even further
9 improve our collaboration to make one
10 plus one equal three. I think that our
11 commercial activity license revocation
12 program had its genesis in that
13 relationship, and with them we created a
14 Memorandum of Understanding, which gave
15 us certain authorities that they had, and
16 through that program, we've been able to
17 collect over \$17 million in taxes in
18 about ten months. So I think that our
19 relationship is still being defined, but
20 it's getting rich very quickly.

21 COUNCILMAN KENNEY: Do we
22 require subcontractors who work under a
23 1099 program to have a business activity
24 license? Would that not be a way to be
25 able to track those individual folks who

1 3/19/14 - WHOLE - BILL 140144, etc.
2 hold themselves out as being
3 subcontractors, which are really
4 employees of the company just trying to
5 beat the tax code?

6 DEPUTY COMMISSIONER BRESLIN:
7 So to answer the first part,
8 subcontractors do have to have a business
9 activity license.

10 COUNCILMAN KENNEY: Here's my
11 question: XYZ Construction Company has
12 20 people on the payroll and he pays them
13 as individual contractors with a 1099
14 form at the end of the year. They're
15 responsible now for paying the taxes, and
16 if they live in Alabama or Georgia or
17 Ohio, they're probably not paying.
18 They're just going home.

19 How do we determine -- how do
20 we keep track of those folks, like
21 requiring them to have a business
22 activity license, so that we can track
23 their tax payment or non-payment? And do
24 you guys go onto site, like the IRS, and
25 do a random audit of a firm that's doing

1 3/19/14 - WHOLE - BILL 140144, etc.
2 business in the City? I mean, again, the
3 two areas that are most problematic is
4 construction and, believe it or not, nail
5 salons and spas. They try to pay their
6 employees as individual contractors so
7 they don't have to worry about the tax
8 collection and it's up to them, and we
9 don't even know who they are.

10 DEPUTY COMMISSIONER BRESLIN:
11 Right. So we work this in a couple of
12 ways. One, we work it through our Audit
13 Unit. So every audit that's performed of
14 a business, we look to the 1099's and we
15 look to see the appropriateness of
16 whether they're actually a contractor or
17 whether they're an employee. If we
18 determine that they're being
19 misclassified, because there's a lot of
20 benefits for a company to classify that
21 way --

22 COUNCILMAN KENNEY: It's a lot
23 cheaper that way.

24 DEPUTY COMMISSIONER BRESLIN:
25 Absolutely. (Continued) -- then what we

1 3/19/14 - WHOLE - BILL 140144, etc.
2 do is we reclassify them as employees and
3 we assess the company for the wage tax.
4 So we won't pursue the individuals.
5 We'll pursue the company for the wage
6 tax.

7 COUNCILMAN KENNEY: Do we also
8 cross-pollinate with state and federal
9 tax officials to let them know that these
10 folks are doing what they're doing? For
11 example, I'd rather everybody be paying
12 unemployment compensation benefits and
13 workmen's comp benefits even if the
14 person is an undocumented day laborer.

15 DEPUTY COMMISSIONER BRESLIN:
16 Yes. We have information-sharing
17 agreements with the IRS and the State of
18 Pennsylvania. The State of Pennsylvania,
19 we've just kind of reenergized this
20 agreement, and actually our Audit Manager
21 and our Compliance Director have been
22 meeting with their Audit Manager and
23 Director of Compliance to start sharing
24 audit information back and forth. We
25 also do that with -- we also have done

1 3/19/14 - WHOLE - BILL 140144, etc.
2 that historically with the IRS.

3 COUNCILMAN KENNEY: I mean, the
4 differential sometimes -- and
5 Philadelphia is always known as this kind
6 of high labor cost city, but the
7 differential between Firm A and Firm B
8 sometimes is, Firm B is not paying all
9 the things that Firm A is paying and,
10 therefore, the differential is going into
11 their pockets and not into the tax
12 coffers, and then we get a reputation as
13 being a high-priced town when the guys
14 who are lower priced aren't following the
15 rules. If everybody followed the same
16 rules, probably the price would be pretty
17 much the same.

18 DEPUTY COMMISSIONER BRESLIN:
19 And the IRS over the last year or last
20 couple of years, particularly over the
21 last year, has reemphasized their focus
22 on this, and they share their information
23 with us as well. So when they do an
24 audit and that issue comes up, we will
25 piggyback on their audit and assess it.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCILMAN KENNEY: And I'm
3 through, but I'd appreciate your
4 continued vigilance on this issue,
5 because it's very important.

6 Thank you.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you.

9 COMMISSIONER WILLIAMS:
10 Councilman, Carlton Williams.

11 COUNCIL PRESIDENT CLARKE:
12 You're volunteering to testify?

13 COMMISSIONER WILLIAMS: No. I
14 just wanted to echo what Commissioner
15 Tolson and I have been working on,
16 Council President.

17 My name is Carlton Williams,
18 Commissioner of License and Inspection.

19 Councilman, in terms of
20 oversight and our response to actually
21 having physical people on site, as you
22 know, this budget represents 27 new
23 building inspectors. Part of those
24 inspectors will work in the Compliance
25 Division that will be trained by the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 Department of Revenue to identify people
3 who have either W-9 or subcontractors so
4 that we can be more aggressive in our
5 enforcement.

6 COUNCIL PRESIDENT CLARKE:
7 Thank you, Commissioner. Thank you so
8 much.

9 Thank you, Councilman.
10 The Chair recognizes Councilman
11 Oh.

12 COUNCILMAN OH: Thank you very
13 much, Mr. President.

14 So for the Chief of Staff, good
15 morning.

16 MR. GILLISON: Good morning.

17 COUNCILMAN OH: Could you
18 explain to me what on Page 5 in the
19 second paragraph when you talk about the
20 wage tax cuts, it's a total of 166
21 million over the course of the Plan,
22 which goes from Fiscal Year 2015 to
23 Fiscal Year 2019. That's the Five Year
24 Plan. And what the paragraph states is
25 that the cuts have a value or the value

1 3/19/14 - WHOLE - BILL 140144, etc.
2 of the wage tax cuts total 166 million
3 over the course of the Plan. Are you
4 cutting the wage tax by 166 million or
5 are you saying that the reductions in the
6 percentages have a value of 166 million,
7 and what does that mean exactly?

8 MR. DUBOW: So I think probably
9 the way to describe it, if we're not
10 doing those reductions, we'd collect 166
11 million more over the Five Year Plan.

12 COUNCILMAN OH: Say that again.

13 MR. DUBOW: If we weren't doing
14 the reductions that are scheduled --

15 COUNCILMAN OH: If you were
16 not?

17 MR. DUBOW: If we were not
18 doing the reductions that we included in
19 the Plan, we would collect 166 million
20 more over the five years.

21 COUNCILMAN OH: So how much are
22 you cutting?

23 MR. DUBOW: So --

24 COUNCILMAN OH: So myself as a
25 taxpayer, when you implement those

1 3/19/14 - WHOLE - BILL 140144, etc.
2 percentage of cuts, reductions in the
3 percentage of my wage tax that I pay.

4 MR. DUBOW: Right. So if you
5 look at, I think it's, Page 25 in the
6 Plan, there's a chart that shows the wage
7 tax rates each year from '14 to '19. So
8 you would look in the resident rate wage
9 tax column, and in '14 whatever your
10 wages are would be multiplied by that
11 3.92 percent. By '19, you'd be
12 multiplying it by 3.74.

13 COUNCILMAN OH: Yeah, but you
14 also have a proposed estimated growth in
15 tax revenue, and in the report you
16 anticipated 3.59 percent for Fiscal Year
17 2014 and it only grew by 1.75 percent,
18 which is less than half. And based on
19 what the Administration has in terms of
20 the perceived or the anticipated loss in
21 jobs, 75,000 jobs will be lost by 2021,
22 it does not appear that you can stand by
23 a proposed growth in tax revenues of 3.68
24 percent, 3.74 percent, 3.56 percent.
25 Those seem to be kind of unrealistic

1 3/19/14 - WHOLE - BILL 140144, etc.
2 growth numbers.

3 MR. DUBOW: Where's the 70,000
4 lost come from?

5 COUNCILMAN OH: Well, we have
6 received information consistent with job
7 loss in Philadelphia from, for example,
8 Econsult, and as I recall, that was part
9 of the Administration's presentation.
10 Separately we have received presentations
11 and looked at numbers from U.S.
12 Department of Labor and others. So to
13 put it within context, 1970 the City had
14 about 765,000 jobs. By 2010, we had
15 545,000 jobs, and we're anticipating if
16 nothing changes, such as a reduction in
17 wage tax, a loss of another 75,000 jobs
18 by 2021. So if you are saying that is
19 not correct, that's fine, but if you
20 would give me the documentation that
21 contradicts that job loss number.
22 Primarily low-wage jobs are being lost,
23 so --

24 MR. DUBOW: What we can give
25 you I think that might be helpful is the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 document Rebecca is looking at now, which
3 is the rationale for why we're projecting
4 the rates of increase that we're
5 projecting. And Rebecca can give you
6 more detail on her work with the outside
7 consultant and the conversation she had
8 with economists at the fed, but that's
9 the basis for these projections.

10 COUNCILMAN OH: Okay. So if I
11 do a static number, not a rosy picture of
12 the future, not a bleak look of the
13 future, not 75,000 jobs lost, not growth
14 at 3.78 percent of revenues, if I just do
15 a static number and I reduce the wage tax
16 over ten years from 3.92 percent to 2.09
17 percent, I'll only get \$100 million, and
18 you're getting like \$166 million over
19 like five years with a much smaller
20 decrease in the wage tax, albeit I did
21 not include non-residents of
22 Philadelphia.

23 MR. DUBOW: We can show you
24 exactly how we got to those numbers, and
25 if you'd like, we can kind of sit down

1 3/19/14 - WHOLE - BILL 140144, etc.

2 and walk you through it.

3 COUNCILMAN OH: Yeah, and I'd
4 also like to understand the logic,
5 because primarily since Philadelphia is
6 losing jobs and it's not true for outside
7 of Philadelphia, if you can reduce
8 Philadelphia wage tax primarily, which is
9 where the problem is, and then the money
10 gets distributed within Philadelphia and
11 we just increase the AVI in Philadelphia,
12 not outside of Philadelphia, you know, I
13 would like to understand why you did not
14 primarily look at reduction of wage tax
15 for Philadelphia residents first and then
16 reduce the tax in a way where we'll see
17 growth and expenditures in the City and
18 would help us be competitive. So at the
19 same time, if you're losing \$166 million,
20 I'm curious where you're going to make up
21 the money. In other words, it's tough
22 enough dropping at \$100 million over ten
23 years and coming up with the taxes that
24 provide the services based on growth and
25 other things that are reasonable

1 3/19/14 - WHOLE - BILL 140144, etc.
2 projections, but if you're dropping it in
3 five years to \$166 million, where do you
4 get the money if you're not increasing
5 taxes and fees somewhere else? And if
6 you're increasing it somewhere else,
7 where is that somewhere else?

8 MR. DUBOW: So the Plan
9 includes that loss of the 166 million,
10 but it's balanced, and part of the reason
11 it's balanced is that when we talk to
12 economists, talk to our tech consultant,
13 they think that there will be growth in
14 really all of our taxes, and we build
15 that growth into our Plan.

16 MS. RHYNHART: So just to add
17 to Rob's comments, there is expected to
18 be both employment growth as well as wage
19 growth in the City of Philadelphia. So
20 overall our revenue consultant, IHS
21 Global Insight, as well as the economists
22 we met with at the fed believe that there
23 will be employment growth here as well as
24 wage growth. So in this fiscal year,
25 you're correct that we had to lower the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 projection down from 3.59 percent down to
3 1.75, which shows how uneven the economic
4 recovery has been. It's still growing,
5 but not always meeting expectations. But
6 in terms of the growth, that is something
7 we spend a lot of time with economists on
8 in terms of developing our projections.

9 COUNCILMAN OH: Yes. I do
10 appreciate that. I mean, I think that
11 the former numbers in the short time I
12 have been here, some of the anticipated
13 numbers have also been incorrect, and
14 that has dramatically affected if you're
15 spending more money than you're taking
16 in, that we've had to raise taxes. And
17 taxes have to be raised sometimes to
18 provide good services, but taxes being
19 raised after you're in debt is always a
20 problem or when you're surprised by the
21 amount of taxes you have to raise.

22 I guess what I am saying is, if
23 I did not have the number based on what
24 seems to be consistent and reliable
25 projections of job loss for the City,

1 3/19/14 - WHOLE - BILL 140144, etc.
2 despite growth in certain sectors,
3 certainly technology and the professions,
4 but the overall job loss primarily for
5 low-wage earners, which coincides with
6 our dropout rate and our recidivism rate
7 and everything else, would indicate that
8 even in a static number, you're not going
9 to see that kind of growth for revenues.
10 You're going to see a loss of jobs, and
11 that loss creates more burdens upon the
12 social service system and the City
13 system, from prisons to police to
14 everything else, which would increase
15 costs, not decrease costs. But I'm not
16 even doing those projections. I'm just
17 saying if nothing changed, I cannot see
18 how you would get to 166 million in tax
19 basically not collecting those taxes off
20 the wages based on the information that
21 has been provided to us and at least that
22 I have. If you have another -- if you
23 would show me the projections of growth
24 in jobs and earnings and revenues based
25 on that, I certainly would look at it in

1 3/19/14 - WHOLE - BILL 140144, etc.
2 comparison to the other numbers that I
3 have.

4 MS. RHYNHART: We'd be happy to
5 share that, and we have detailed
6 projections. We spend a lot of time on
7 projections, which are an imperfect
8 science, but we've been pretty close for
9 the last year or two coming out of the
10 recession. And so I'd be happy to show
11 you the numbers, showing projected
12 employment growth as well as wage growth
13 and then also our calculation of the \$166
14 million in revenue, in foregone revenue,
15 from the tax cuts.

16 COUNCILMAN OH: Okay. Thank
17 you.

18 The second thing I'd like to
19 understand is the sale of PGW, which at
20 this time I'm not clear that that's going
21 to go through, but provided it does go
22 through, you're stating that \$400 million
23 will go into paying down the pension
24 deficit. And is that a one-time payment?

25 MR. DUBOW: So there are two

1 3/19/14 - WHOLE - BILL 140144, etc.
2 parts to what we would propose. One is
3 to put the \$420 million into the pension
4 fund. When that happens, it reduces the
5 amount you'd have to pay each year, but
6 we would propose to not reduce that
7 amount, other than to hold the City
8 harmless for the loss of the \$18 million
9 that we get from PGW each year. So there
10 would be the one-time deposit and then
11 essentially each year we'd pay more than
12 the required amount under the MMO.

13 COUNCILMAN OH: So my question
14 is, in light of past history of the City
15 when we have made a one-time payment --
16 and, unfortunately, that's when the
17 market kind of took a sharp decline -- is
18 it a wise thing, in your opinion, to deal
19 with the pension deficit in that manner?

20 MR. DUBOW: Yeah. I think
21 you're probably referring to the pension
22 obligation bonds, and after that deposit
23 was made, the market went down. But, I
24 mean, if we hadn't made that deposit, the
25 market still would have gone down and our

1 3/19/14 - WHOLE - BILL 140144, etc.
2 funding percent would have been even
3 lower. So, I mean, I think the goal is
4 to improve the funding percent, and I
5 think that's a responsible and kind of
6 appropriate thing to do. So I would say,
7 yes, I think it is an appropriate thing
8 to do.

9 COUNCILMAN OH: But if we had
10 apportioned out the payments with the
11 same amount of money, even though the
12 market declined sharply and then leveled
13 out and then increased, we would not be
14 as much in debt or, conversely, had the
15 market continued to go up, we would be in
16 a -- like the market goes up and down, up
17 and down on a cyclical basis, but it's a
18 little bit of a gamble that you're
19 putting all the money in in one shot and
20 it doesn't decline sharply.

21 MR. DUBOW: But we're 48
22 percent funded. So when you're 48
23 percent funded, that's right, if the
24 market goes down, you lose less, but you
25 have a weakly funded pension fund, and I

1 3/19/14 - WHOLE - BILL 140144, etc.

2 think that we all agree one of our goals
3 is to improve the health of the pension
4 fund.

5 The higher your funding percent
6 if the market goes down, the more you're
7 going to lose. On the other hand, as you
8 point out, if you earn more, then you're
9 in better shape having more money.

10 The other thing I would say is
11 that one of the things that we've done
12 over the last couple of years is change
13 the way we allocate the assets in the
14 pension fund, so that it's not as
15 susceptible to movements in the market.
16 Obviously there's going to be an impact.
17 I think there would be less of a dramatic
18 impact now than there would have been
19 back in 2000, whenever the pension
20 obligation bonds were issued.

21 COUNCILMAN OH: All right.
22 Thank you very much.

23 Thank you, Mr. President.

24 COUNCIL PRESIDENT CLARKE:

25 Thank you, Councilman.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 The Chair recognizes

3 Councilwoman Tasco.

4 COUNCILWOMAN TASCO: Thank you
5 very much.

6 I have a question on Page 39 in
7 the Plan relative to the labor issue.
8 I'd just like some clarification. You
9 talk about the fund's health weakening
10 with the funding percent dropping from 55
11 percent in '08 to 48 percent in '13.
12 That drop is tied to mostly the market?

13 MR. DUBOW: Yes. That was a
14 big part of the reason for that drop, was
15 the decline in the market during the
16 recession.

17 COUNCILWOMAN TASCO: So in your
18 negotiation with the unions, you're
19 asking for certain givebacks, right?

20 MR. DUBOW: We're asking for --
21 yes, that's right.

22 COUNCILWOMAN TASCO: So if the
23 decline in the pension strength was based
24 on the market, how do you charge the
25 labor unions for the cost?

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MR. DUBOW: I'd say two things,
3 a couple of things. First, even at 55
4 percent, which was before the market went
5 down, that's a very weak funding percent.
6 I mean, that's probably more than 20
7 percent below where you want to be.

8 COUNCILWOMAN TASC0: But the
9 question I wanted to know, though, is the
10 employees contribute to the pension fund.

11 MR. DUBOW: That's right.

12 COUNCILWOMAN TASC0: They do it
13 every week. But the City doesn't put its
14 pie in the pot.

15 MR. DUBOW: Well, the City
16 does. We put almost 600 million in.

17 COUNCILWOMAN TASC0: You don't
18 put enough.

19 MR. DUBOW: We put enough to
20 amortize the unfunded liability over a
21 number of years. But our proposal for
22 making the fund healthy isn't just change
23 on the employee side. I mean, we're also
24 advocating for putting more of the sales
25 tax into pensions and for proceeds of the

1 3/19/14 - WHOLE - BILL 140144, etc.

2 PGW sale to go into pensions. So we're
3 looking at --

4 COUNCILWOMAN TASCO: I want to
5 get back --

6 MR. DUBOW: We're looking at a
7 number of ways to increase the health of
8 the fund.

9 COUNCILWOMAN TASCO: I want to
10 get back to why are you asking for these
11 givebacks from the union.

12 MR. DUBOW: Because we need a
13 number of different things to get the
14 fund back to health. That's one of them.

15 COUNCILWOMAN TASCO: But you
16 don't have to do that. There are other
17 ways you can do that, right?

18 So I'm just saying -- you know,
19 I'm not a labor person. I don't
20 negotiate, but it's just not made sense
21 to me how when the employees pay their
22 part every two weeks, they pay their
23 part, but you want these givebacks, and
24 some of these givebacks don't have
25 anything to do with the health of the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 economy that I see. Maybe I'm wrong.
3 Does sick time have any impact -- that
4 may have some impact on the pension
5 workers, but they pay their part of their
6 overtime to the pension fund, because
7 it's not just free, right?

8 MR. DUBOW: And the overtime
9 proposal is not related to the pension.
10 That's a separate --

11 COUNCILWOMAN TASCO: So why are
12 you asking for that?

13 Then the other thing is, what
14 about sick time? Does that have any
15 impact on the --

16 MR. DUBOW: That's not one of
17 the pension proposals. That's the
18 proposal on really controlling the cost
19 of overtime.

20 COUNCILWOMAN TASCO: But does
21 that have anything to do with the
22 pension? What part of these negotiations
23 have an impact on the pension fund?

24 MR. DUBOW: So there are two
25 things that we're asking for that

1 3/19/14 - WHOLE - BILL 140144, etc.
2 directly impact pensions. One is an
3 increase in contributions from current
4 employees, and the second is that new
5 employees move into the hybrid plan,
6 which is combination defined benefit,
7 defined contribution.

8 COUNCILWOMAN TASC0: Does the
9 current plan they have -- the current
10 plan they have to me doesn't seem that it
11 impacts the pension plan. It's just
12 things you want to do because it's maybe
13 the good government thing to do.

14 MR. DUBOW: So the
15 contribution, changing the
16 contributions --

17 COUNCILWOMAN TASC0: To a
18 hybrid plan.

19 MR. DUBOW: Two parts.

20 COUNCILWOMAN TASC0: The
21 do-gooders are saying we should go to the
22 hybrid plan?

23 MR. DUBOW: No. It's because
24 it reduces our liability in the long
25 term, and that helps the health of the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 pension fund. And what our actuary said
3 is for everybody who enters it, you save
4 roughly about two and a half percent of
5 their salary. So that, in the long run,
6 will help the pension fund.

7 COUNCILWOMAN TASCO: Well, you
8 settled with 47, and now you're still
9 trying to negotiate with 33. Did you get
10 those givebacks from 47?

11 MR. DUBOW: 47 agreed to
12 increase contributions for existing
13 members. So they agreed to that part.
14 And for new members, their agreement was
15 that they would either pay an additional
16 percent over the -- an additional percent
17 or go into the hybrid plan. So we did
18 reach an agreement with them on pension
19 changes, yes.

20 COUNCILWOMAN TASCO: We'll come
21 back to that again when we have you in
22 here to discuss that, because it just
23 seems a little strange to me, and I'm not
24 real smart on that stuff.

25 MR. DUBOW: I think you're

1 3/19/14 - WHOLE - BILL 140144, etc.
2 pretty smart on that.

3 COUNCILWOMAN TASCO: The other
4 issue I want to raise is, I think,
5 Everett, you talked about additional
6 dollars for the Recreation Department.

7 MR. GILLISON: Yes.

8 COUNCILWOMAN TASCO: And
9 different programs at the various
10 Recreation Department. I want to know
11 how will that money be appropriated? Who
12 will make the decision as to which rec
13 centers get those funds?

14 MR. GILLISON: What I believe
15 we have is, we're just taking and
16 increasing to the Recreation area, but as
17 far as -- you mean which specific
18 programs will get that money?

19 COUNCILWOMAN TASCO: Yes.

20 MR. GILLISON: That just comes
21 out through during the times when we are
22 talking in core team of what the Mayor
23 would like us to see do and also with the
24 recommendations that come from the rec
25 centers themselves. It's a collaborative

1 3/19/14 - WHOLE - BILL 140144, etc.
2 matter.

3 COUNCILWOMAN TASCO: So all
4 recreation centers will have access to
5 opportunities?

6 MR. GILLISON: It's not all.

7 MS. RHYNHART: It's actually
8 programming -- increases in programming
9 in rec centers throughout the City. I
10 think Mike DiBerardinis, the Deputy Mayor
11 for Parks and Rec, might be better suited
12 to give more details. He's here.

13 (Witness approached witness
14 table.)

15 DEPUTY MAYOR DiBERARDINIS: Hi,
16 Councilwoman.

17 COUNCILWOMAN TASCO: How are
18 you?

19 DEPUTY MAYOR DiBERARDINIS:
20 Good. Thank you. Mike DiBerardinis,
21 Deputy Mayor, Commissioner of Parks and
22 Recreation.

23 We will -- this additional
24 500,000 will either predominantly or
25 exclusively be spent in the program

1 3/19/14 - WHOLE - BILL 140144, etc.
2 division in Parks and Recreation, and
3 that means we will be hiring new
4 full-time recreation leaders as well as a
5 smaller portion of that will be spent on
6 increasing our capacity to bring on
7 seasonal staff. That money will be
8 evenly, to the extent that you can
9 spread -- it's not a lot of money --
10 spread out through eight districts, but
11 we will evenly disburse the funds to our
12 existing centers in each Park and
13 Recreation district to support an
14 increase in -- some increase in hours and
15 increase in programs as well.

16 COUNCILWOMAN TASCO: Okay.
17 Thank you very much.

18 The other question, Everett, is
19 the -- Mr. Gillison I should say. I'm
20 sorry. You also talked about -- and I'm
21 trying to find it in here, but you might
22 have added it to your testimony about
23 increasing dollars to commercial
24 corridors. Did I hear that?

25 MR. GILLISON: Yes.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MS. RHYNHART: It is \$5 million
3 in the capital budget for neighborhood
4 commercial corridors.

5 COUNCILWOMAN TASCO: So how
6 will that be distributed?

7 MS. RHYNHART: That money --
8 the Commerce Department has
9 recommendations for that money, and then
10 typically we've worked with the Council
11 President's Office on those projects. So
12 a request has been made, and we're
13 compiling the information of what
14 Commerce plans to do with that money, and
15 then that will be given to you before the
16 capital budget hearing next week so we
17 can talk about it more.

18 COUNCILWOMAN TASCO: Okay.
19 Thank you very much.

20 MS. RHYNHART: Sure.

21 COUNCIL PRESIDENT CLARKE:
22 Thank you, Councilwoman.

23 Real quick. I didn't
24 anticipate getting engaged in this
25 contract issue.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MR. GILLISON: Neither did we.

3 COUNCIL PRESIDENT CLARKE: Sick
4 time, 47 got a contract. Does 47 have a
5 favored nation provision in their
6 contract?

7 MR. GILLISON: Yes.

8 COUNCIL PRESIDENT CLARKE: So
9 that means that if 33 gets a better
10 contract, then 47 gets the benefits of
11 the better contract that was negotiated
12 for 33?

13 MR. GILLISON: Yes, if it's
14 apples to apples.

15 COUNCIL PRESIDENT CLARKE: So
16 if you go in first, you get like a double
17 dip. You can actually get something that
18 you -- well, it is. I mean, you can kind
19 of get what you negotiated for, and then
20 if somebody else gets a better contract,
21 you actually get what that person got.

22 MR. GILLISON: The one thing
23 that I will tell you is that it covers
24 wages and pension only, number one, and
25 number two --

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCIL PRESIDENT CLARKE:

3 That's usually the biggest.

4 MR. GILLISON: That's usually
5 the biggest. But number two, the answer
6 to the question is, we're trying to get
7 contracts. So we're trying to
8 incentivize people to sit down, talk, and
9 to finally come to agreement. So that
10 is --

11 COUNCIL PRESIDENT CLARKE: So
12 that's why you gave them the favored
13 nation provision?

14 MR. GILLISON: That was one of
15 the requests.

16 COUNCIL PRESIDENT CLARKE: Sign
17 a deal. If it's a better deal down the
18 line --

19 MR. GILLISON: That was a
20 request made at the negotiating table and
21 it was one of those things that we said
22 yes to.

23 COUNCIL PRESIDENT CLARKE: All
24 right. I just wanted to -- because you
25 referenced 47 and you got a contract, but

1 3/19/14 - WHOLE - BILL 140144, etc.
2 there is an opportunity for them to get
3 more as it relates to a contract,
4 potentially. I don't know what you'll do
5 with 33.

6 With respect to sick time, make
7 sure I understand --

8 MR. GILLISON: I'm sorry. Sick
9 time?

10 COUNCIL PRESIDENT CLARKE: Sick
11 time, yes.

12 Currently the proposal is if
13 you're 33 and you take a sick day, a sick
14 day that was given to you as a result of
15 your tenure here, I'm assuming that every
16 year you get so many sick days. And they
17 call it the bank. So you basically bank
18 these sick days. And if you take off a
19 sick day during the course of a week and
20 you're asked to work overtime on
21 Saturday, that will not count as
22 overtime. So the sick day will not go
23 towards your 40-hour work week?

24 MR. GILLISON: The sick day
25 would not -- I don't believe so. I

1 3/19/14 - WHOLE - BILL 140144, etc.
2 believe that the -- what we're trying to
3 incentivize is people who are actually
4 working and are coming to work and not
5 abusing the sick policy. So the idea is
6 is to make sure that sick time itself is
7 not just used in order to then call out
8 sick on one day and then make up the,
9 quote/unquote, lost wages by working
10 either a double or coming in. But if a
11 person actually -- I think with 47 if a
12 person does work on that time, then it
13 does not count towards the overtime. I
14 believe that's what we negotiated.

15 Is that right, Shelley?

16 That's right.

17 COUNCIL PRESIDENT CLARKE: 47
18 has anything over eight hours, then they
19 get overtime.

20 MR. GILLISON: Yes.

21 COUNCIL PRESIDENT CLARKE:
22 That's their provision.

23 MR. GILLISON: That's their
24 provision, that's correct.

25 COUNCIL PRESIDENT CLARKE: So

1 3/19/14 - WHOLE - BILL 140144, etc.
2 again I'm going to ask you again. Your
3 proposal for 33 says that you will not --
4 the sick day does not count towards your
5 40 hours if you want to work overtime.

6 MR. GILLISON: That's correct.
7 That was one of the proposals.

8 COUNCIL PRESIDENT CLARKE: I
9 just want to make sure, because you said
10 you weren't sure when I first asked you.

11 MR. GILLISON: That's correct.
12 That's one of the proposals that we have
13 that's out there. And, again, as I've
14 said from the beginning, we make a lot of
15 proposals. We have made a lot of changes
16 in our proposals. We have tried to make
17 sure that people understand that when
18 you're sitting down, people can come back
19 and forth with what we're trying to do
20 and what they're trying to do. We've
21 been waiting for counterproposals.

22 So all this is going to happen
23 during and at the table, and when we're
24 there, we'll be able to come out with an
25 agreement I think that is beneficial to

1 3/19/14 - WHOLE - BILL 140144, etc.
2 all. We only have 33 left. Everybody
3 else has gotten contracts over the last
4 number of years, everybody except 33.

5 COUNCIL PRESIDENT CLARKE:
6 Well, everybody else's contracts are a
7 little different.

8 MR. GILLISON: Everybody's
9 contract is different, absolutely.

10 COUNCIL PRESIDENT CLARKE: And
11 47 has a favored nation status.

12 With respect to the sick time,
13 since you brought it up, you say your
14 concern is the abuse of sick time?

15 MR. GILLISON: That's one of
16 the -- yes.

17 COUNCIL PRESIDENT CLARKE: Is
18 it accurate to say that in 33, there is
19 actually a policy with respect to sick
20 time that requires certain things be
21 done, such as doctor's notes and all
22 that?

23 MR. GILLISON: I'm sure it is.

24 MS. SMITH: Good morning,
25 Council President. Shelley Smith, City

1 3/19/14 - WHOLE - BILL 140144, etc.
2 Solicitor.

3 Yes. Citywide there is a sick
4 leave abuse policy, yes. And it impacts
5 employees in 33 as well as employees
6 across the City, and there is a process
7 for determining whether employees are in
8 a sick leave abuse status, yes.

9 COUNCIL PRESIDENT CLARKE: So
10 if you're suggesting that the purpose of
11 this particular proposal is to eliminate
12 abuse of sick time, then why isn't that
13 policy currently in place sufficient?

14 MS. SMITH: I don't think we
15 want to negotiate our contract -- I don't
16 think we want to engage in contract
17 negotiations here on the floor of City
18 Council. The goal of these contract
19 negotiations and specifically the goal of
20 the sick leave proposal is to eliminate
21 situations of which operating departments
22 have complained historically where City
23 employees call in sick and then get the
24 benefit of that sick day by earning
25 overtime in spite of that. So

1 3/19/14 - WHOLE - BILL 140144, etc.
2 essentially getting more than their
3 standard hourly wage by virtue of having
4 called in sick.

5 I think that, as I said -- I'm
6 sorry. As the Chief of Staff said, we
7 were able to negotiate this issue
8 successfully with 47, and we hope that
9 we'll be able to negotiate it
10 successfully with District Council 33 as
11 well.

12 COUNCIL PRESIDENT CLARKE:
13 Would you acknowledge that the 47
14 employees and the 33 employees, by and
15 large, have different work environments?

16 MS. SMITH: I'm going to say
17 again, we were able to negotiate this
18 issue successfully with District Council
19 47, and I hope that we'll be able to
20 negotiate it successfully with District
21 Council 33.

22 COUNCIL PRESIDENT CLARKE: So
23 you're not going to answer the question.

24 MS. SMITH: As Mr. Matthews has
25 said, every contract is different. The

1 3/19/14 - WHOLE - BILL 140144, etc.
2 33 employees obviously do different jobs
3 than the 47 employees do. That's why
4 they're in different bargaining units.
5 But the issue of excessive overtime is a
6 concern for City employees as well as
7 City Administration, and we certainly
8 hope that over the negotiating table,
9 we're able to negotiate this issue
10 successfully.

11 COUNCIL PRESIDENT CLARKE: Is
12 that provision in Police and Fire?

13 MR. GILLISON: I don't know.

14 MS. SMITH: I don't actually
15 know off the top of my head, but those
16 contracts, as you yourself just
17 acknowledged, the 33 and -- the uniformed
18 and non-uniformed contract provisions
19 have historically been different. So I
20 wouldn't --

21 COUNCIL PRESIDENT CLARKE: I
22 asked a simple question. Is that --

23 MS. SMITH: I said I don't know
24 off the top of my head. That's the first
25 thing I said. I don't know off the top

1 3/19/14 - WHOLE - BILL 140144, etc.
2 of my head, but it wouldn't surprise me
3 if it isn't there, because the uniformed
4 and non-uniformed contracts have
5 historically been different. It's been a
6 source of great contention among the
7 unions over the years that I have been
8 involved in the contract negotiations and
9 it was a source of concern in the
10 previous Administration. The contracts
11 are different. The uniformed employees
12 have different -- are governed by
13 different bargaining law, so the
14 contracts were different. Their process
15 is different.

16 COUNCIL PRESIDENT CLARKE: I
17 understand all that. I just want to make
18 sure since the Chief of Staff indicated
19 that the purpose of this proposal was
20 because of the abuse of sick time and you
21 have concurred that you do acknowledge
22 that there is an abuse of sick time
23 policy currently in place.

24 MR. GILLISON: There is. We're
25 always trying to improve --

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCIL PRESIDENT CLARKE: It
3 sounds like to me that you're just trying
4 to eliminate overtime wherever possible,
5 and if that's the case, that's fine.

6 MR. GILLISON: Council
7 President --

8 COUNCIL PRESIDENT CLARKE:
9 That's fine in that it's okay that you
10 propose that, not that I agree with it.

11 MR. GILLISON: And I think that
12 what we're trying to do is have an
13 environment where overtime is, in
14 essence, part of -- not necessarily just
15 part of your daily calculation,
16 especially if you end up using things in
17 a way. We're trying to put an
18 environment where everybody can have a
19 predictability on what we're doing, and
20 where we have been informed by the
21 departments that there's a problem, we're
22 trying to find ways, working with the
23 unions, to resolve those issues. And if
24 they are systemic issues that we're
25 trying to deal with, I think that it's

1 3/19/14 - WHOLE - BILL 140144, etc.
2 only proper at the negotiating table to
3 bring up the problems. I think both
4 sides at the table do that. They have
5 issues that they have brought to our
6 attention. We sit down, we bring our
7 issues to them. We try to hash out what
8 the resolution should be, and sometimes
9 it takes longer than we want, but the
10 idea is to negotiate things out at the
11 table. And we can bring our issues
12 forward. How that gets resolved is part
13 of what negotiations are about.

14 So I don't know -- I'm not
15 going to sit here and say -- I can bring
16 up a lot of things that I believe, but at
17 the end of the day, we have to be able to
18 look at each other over the table and say
19 we come to agreement on things, and
20 that's what I think negotiations and good
21 negotiations do. We don't get everything
22 that we want. The unions don't get
23 everything they want. But at the same
24 time, we do have to be part and commit
25 ourselves to be part of that process

1 3/19/14 - WHOLE - BILL 140144, etc.
2 where we get to that point. And we've
3 been able to and been successful to get
4 to that point with all but one of our
5 unions at this point, and we're still
6 trying, as you know, with our remaining
7 union. So we're going forward.

8 COUNCIL PRESIDENT CLARKE:

9 Okay. I won't belabor the point because
10 we have a number of members, but thank
11 you.

12 The Chair recognizes Councilman
13 Johnson.

14 COUNCILMAN JOHNSON: Thank you,
15 Council President.

16 Just a couple questions
17 regarding the preparation for our
18 discussion around funding our schools. I
19 read a disturbing article the day before
20 yesterday regarding Bodine severing ties
21 with the World Affairs Council. Bodine
22 isn't inside my district, but growing up
23 in South Philadelphia attending Edward
24 Bok Public High School, Bodine was always
25 one of those good schools. And so when I

1 3/19/14 - WHOLE - BILL 140144, etc.
2 read the article about them discontinuing
3 their partnership with the World Affairs
4 Council, I felt a little shame and
5 embarrassed as an elected official that
6 such a good program was discontinued.
7 And so as we prepare for the discussion
8 around how we're going to fund the \$320
9 million for our School District moving
10 forward, I'm trying to get some clarity
11 for my constituents on a couple things.

12 So the first one would be the
13 120 million from the sales tax extension.
14 Is that the -- is the 120 the amount that
15 would be after the -- if the proposal is
16 approved on the state level regarding the
17 split of the sales tax extension funding,
18 is that 120 after or before?

19 MR. DUBOW: So the proposal
20 that the Mayor and Council President
21 signed off on has an 85/15 split of the
22 sales tax in FY15, and that would provide
23 a little more than \$120 million to the
24 School District.

25 COUNCILMAN JOHNSON: That's

1 3/19/14 - WHOLE - BILL 140144, etc.
2 after the split?

3 MR. DUBOW: Yes.

4 COUNCILMAN JOHNSON: In terms
5 of the cigarette tax, how much is that
6 anticipated to generate?

7 MR. DUBOW: It's about --

8 COUNCILMAN JOHNSON: In the
9 event that it's passed in Harrisburg.

10 MR. DUBOW: -- \$83 million in
11 the first year.

12 COUNCILMAN JOHNSON: If it's
13 not passed, what's our Plan B?

14 MR. DUBOW: So the challenge is
15 that we want to be able to provide
16 funding to the School District without
17 damaging the City's General Fund. At
18 this point, the tobacco tax is the way to
19 do that, so we're pushing hard for that.

20 COUNCILMAN JOHNSON: What's the
21 status in Harrisburg regarding -- who is
22 carrying the legislation in Harrisburg
23 regarding the cigarette tax, and what's
24 the current discussion around it?

25 MR. DUBOW: Well, I think the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 chair of the Philly delegation in the
3 House is one of the people taking the
4 lead on both the reallocation of the
5 sales tax and the cigarette tax.

6 COUNCILMAN JOHNSON: So they're
7 working in partnership?

8 Council President, you're part
9 of that conversation as well?

10 COUNCIL PRESIDENT CLARKE: Yes,
11 Councilman.

12 COUNCILMAN JOHNSON: Okay. And
13 so --

14 COUNCIL PRESIDENT CLARKE: And
15 actually as are members of the General
16 Assembly from the Philly delegation
17 leadership. So we've been having
18 discussions among the group, and the hope
19 is that we can be on the same page, both
20 the Mayor and I, which we currently are,
21 and the leadership in the House and the
22 Senate from the Philly delegation, one
23 track approach towards that.

24 COUNCILMAN JOHNSON: Maybe
25 y'all can keep us abreast --

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Absolutely.

4 COUNCILMAN JOHNSON: -- as
5 members of Council so we can report back
6 to our constituents, because all are
7 getting phone calls regarding how we're
8 going to move forward.

9 MR. DUBOW: Yes.

10 COUNCILMAN JOHNSON: And also
11 taking in consideration in the event --
12 and I'm always pragmatically idealistic
13 that hopefully it will pass. Also as a
14 former member of the House, I have to
15 look at a little bit of political reality
16 that it is going to be a heavy lift. So
17 what will be the Plan B to take into
18 consideration so we won't have any -- we
19 won't be putting any tough situation
20 regarding any other funding proposals.
21 And so as much of this we want to know up
22 front on the front end as opposed to down
23 the line.

24 Who is going to be doing the
25 amendment for the proposal for the 50/50

1 3/19/14 - WHOLE - BILL 140144, etc.
2 split of the sales tax? Obviously
3 Harrisburg put forth a proposal that they
4 want to see the City of Philadelphia do,
5 unbeknownst to us or without having a
6 conversation with us, but nevertheless
7 they still put forward the proposal
8 saying here's what we're putting on the
9 table. Who is going to do the amendment?

10 MR. DUBOW: I think that would
11 come from either the House or Senate
12 Philly delegation. I think there have
13 been discussions with a number of people
14 up there. So I think they're probably
15 looking for the right vehicle and they'll
16 attach it to the right vehicle when that
17 comes up.

18 COUNCILMAN JOHNSON: Okay.
19 And, Council President, that's still in
20 discussion with Philly delegation, House,
21 Senate-wise --

22 COUNCIL PRESIDENT CLARKE: That
23 particular --

24 COUNCILMAN JOHNSON: --
25 regarding this amendment?

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Yeah. That particular aspect has not
4 been discussed among that group. The
5 issue was we're trying to have an
6 approach, but the actual procedural
7 portion of the process is not something
8 that I think myself, I can speak for or
9 the Mayor will have any level of
10 jurisdiction. I believe in staying in
11 our lane in some respects, and at that
12 point, we're going to stay in our lane
13 and let them do what they do up there.

14 COUNCILMAN JOHNSON: Okay. All
15 right. Just getting some clarity so I
16 can report back.

17 MR. DUBOW: And one other thing
18 I should say, that I guess the current
19 proposal is not a sliding split. It
20 starts at 85/15, 75/25, 50/50. I just
21 wanted to make sure.

22 COUNCILMAN JOHNSON: That's it.
23 Thank you very much.

24 COUNCIL PRESIDENT CLARKE:

25 Thank you, Councilman.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 The Chair recognizes

3 Councilwoman Reynolds Brown.

4 COUNCILWOMAN BROWN: Thank you,
5 Mr. President.

6 Good morning.

7 (Good morning.)

8 COUNCILWOMAN BROWN: A number
9 of questions have already been addressed
10 around the testimony provided on Page 3.
11 So let me go to a question around Fleet.
12 Let me speak to a more general question
13 or request.

14 For the following departments
15 when they come before members of Council,
16 I would like the contracts broken down
17 separating the federal contracts from
18 state and local. I just looked at detail
19 and I see -- so here are the departments
20 that I need contracts broken down
21 separating out federal and state dollars:
22 Department of Public Property, Department
23 of Human Services, Prisons, Aviation,
24 Water Department, Health Department,
25 Office of Innovation and Technology, and

1 3/19/14 - WHOLE - BILL 140144, etc.
2 Behavioral Health. At whatever point
3 during the next 30 days over this budget
4 season, those particular departments, in
5 addition to what you've already provided
6 to OEO, I need the actual contracts
7 separated federal separate from local
8 dollars. Agreed?

9 MR. DUBOW: Okay.

10 COUNCILWOMAN BROWN: Secondly,
11 President Clarke asked members of Council
12 to submit specific requests we had, and
13 of course the questions around MBE/WBE
14 will continue to be raised, but what I'd
15 like to see, not just a chart for this
16 fiscal year, but the chart for the last
17 three years so I can get a read on what
18 the trends are. Okay?

19 MR. GILLISON: Okay.

20 COUNCILWOMAN BROWN: With
21 regards to Fleet, in September 2010, I,
22 along with Councilman Kenney, introduced
23 a resolution to investigate the
24 feasibility of our City moving towards
25 electric vehicles by 2015. Can their

1 3/19/14 - WHOLE - BILL 140144, etc.
2 designated department head provide
3 details on the type of vehicles you
4 intend to purchase and for what
5 departments? That's Fleet, Office of
6 Fleet Management.

7 MS. RHYNHART: We'll ask Chris
8 Cocci to come up.

9 COUNCILWOMAN BROWN: It's
10 talked about on Page 7 of the testimony.
11 (Witness approached witness
12 table.)

13 MR. COCCI: Chris Cocci, Fleet
14 Manager.

15 COUNCILWOMAN BROWN: Good
16 morning.

17 MR. COCCI: Good morning.

18 We have purchased 20 hybrid
19 vehicles and two more electric hybrid
20 vehicles. They should be delivered any
21 day. So we should have them in service
22 very shortly.

23 COUNCILWOMAN BROWN: And what's
24 the strategy going forward over the next
25 X number of -- let's say next five years?

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MR. COCCI: Going forward, we'd
3 like to see how the electric vehicles
4 operate. When we do get a feel for where
5 we could put the chargers and how they're
6 going to be, then our plan is to possibly
7 purchase more.

8 COUNCILWOMAN BROWN: I see.
9 Thank you.

10 Office of Supportive Housing,
11 on Page 6 of the testimony, \$1 million is
12 proposed for OSH to compensate for the
13 federal cuts. So can the department head
14 for that speak to detail on how that \$1
15 million allocation will be.

16 (Witness approached witness
17 table.)

18 MS. MINTZ: Dainette Mintz,
19 Director of the Office of Supportive
20 Housing. Good morning.

21 COUNCILWOMAN BROWN: Good
22 morning.

23 MS. MINTZ: The City of
24 Philadelphia receives an entitlement
25 grant from the federal government that

1 3/19/14 - WHOLE - BILL 140144, etc.
2 includes Emergency Solutions Fund, and we
3 were reduced in our funding due to the
4 federal sequestration by a million
5 dollars, and the Administration made up
6 that difference to us in Fiscal Year '14
7 and it's proposed that they also will
8 provide the funding to us in Fiscal Year
9 '15. If not, we would have to reduce
10 emergency housing, because that pot of
11 money provides funding for all of our
12 emergency shelters as well as for rapid
13 rehousing activities.

14 COUNCILWOMAN BROWN: As well
15 as?

16 MS. MINTZ: Rapid rehousing
17 activities.

18 COUNCILWOMAN BROWN: Rapid
19 rehousing?

20 MS. MINTZ: Yes. Rapid
21 rehousing is a new program that we were
22 able to gain experience with through the
23 stimulus grant, HPRP, and it has been
24 quite beneficial, and unfortunately under
25 the ESG, we were provided a much reduced

1 3/19/14 - WHOLE - BILL 140144, etc.
2 amount of funding, but to have the
3 sequestration on top of that further
4 reduced our ability to provide that. And
5 we utilize that to help people move
6 rapidly out of emergency housing and
7 transitional housing.

8 COUNCILWOMAN BROWN: That's it
9 for me, Mr. President. The other
10 questions were addressed by other
11 members.

12 COUNCIL PRESIDENT CLARKE:
13 You're good?

14 COUNCILWOMAN BROWN: I'm
15 finished. My other questions were
16 addressed by other members.

17 COUNCIL PRESIDENT CLARKE:
18 Okay.

19 COUNCILWOMAN BROWN: Thank you.

20 COUNCIL PRESIDENT CLARKE:
21 Thank you, Councilwoman.

22 COUNCILWOMAN BLACKWELL:
23 Mr. President, may I ask her a question
24 before the next person, a short question,
25 Dainette Mintz.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCIL PRESIDENT CLARKE: I'm
3 sorry, Councilwoman. You want to do what
4 now?

5 COUNCILWOMAN BLACKWELL: Yes.
6 I wanted to --

7 MR. DUBOW: She's coming back.

8 COUNCIL PRESIDENT CLARKE: So
9 we can be formal, just say point of
10 order.

11 COUNCILWOMAN BLACKWELL: I
12 know. I just didn't want a point of
13 order who was next, because I was willing
14 to wait if we needed to.

15 COUNCIL PRESIDENT CLARKE:
16 Well, we have -- you were actually teed
17 up third.

18 COUNCILWOMAN BLACKWELL: Well,
19 then --

20 COUNCIL PRESIDENT CLARKE: So
21 we have -- Councilman Henon, you were
22 actually next. So you want to yield to
23 the Councilwoman?

24 COUNCILMAN HENON: Yes.

25 COUNCILWOMAN BLACKWELL: Thank

1 3/19/14 - WHOLE - BILL 140144, etc.

2 you, Councilman.

3 Ms. Mintz, I only wanted to,
4 for the Administration -- as you know,
5 we've had this ongoing case with feeding
6 on the Parkway, and all of you know how I
7 feel about feeding anywhere, and I'm
8 concerned about, and I wanted to bring it
9 to the Administration's mind, that we
10 need to do something to make sure we
11 don't make it worse.

12 Reverend Brian Jenkins, I've
13 been trying to send some communications
14 out for if we get 100,000, we can
15 maintain the level of funding for
16 churches out in West Philly, ten
17 churches. If not, where he's been
18 renting won't -- they can no longer keep
19 him. So this summer we lose that
20 ability. So by June or July, we're going
21 to have -- we'll exacerbate the feeding
22 we do and the funding we do have for the
23 summer here, because we will increase
24 another ten churches out in West
25 Philadelphia.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 So would you check in to that,
3 Everett?

4 MS. MINTZ: Sure.

5 COUNCILWOMAN BLACKWELL: I
6 know, Dainette, you know about it. You
7 hear about it.

8 MS. MINTZ: What I can tell you
9 is that the public feeding on the Parkway
10 is not limited to a homeless issue.
11 There are many poor people who are in
12 need of traditional feeding
13 opportunities, and what we have attempted
14 to do is to educate the public at large
15 that the Parkway feeding is not limited
16 to just homeless persons.

17 It's also been my experience
18 that Reverend Jenkins and Chosen 300 have
19 had the position of preferring not to
20 receive public funds because of their
21 desire to be able to administer and
22 operate their programs without the City's
23 regulatory or policy restrictions. So I
24 am not quite sure if that position has
25 changed. We do not currently provide

1 3/19/14 - WHOLE - BILL 140144, etc.
2 funding to any organization that is
3 private or religiously based that is
4 providing feeding either indoors or
5 outdoors. It has always been privately
6 funded or grant funded through
7 foundations. We have tried to provide
8 them with technical support in terms of
9 the City's preference for how public
10 feeding would occur. And so it seems to
11 me that we could, through the existing
12 task force that's been put together, I
13 know they've been looking at those
14 issues, and I believe that Reverend
15 Jenkins is a member of that task force,
16 that that body could provide some
17 response to him.

18 COUNCILWOMAN BLACKWELL: Yes.
19 Because it's not a lot of money. We're
20 only talking about \$100,000. And we've
21 come this far. I know that case still
22 lingers. And obviously, yes, I didn't
23 mean to apply that all feeding outside is
24 just for homeless people, since we have
25 so many poor people in our city and

1 3/19/14 - WHOLE - BILL 140144, etc.
2 across our country. But I would like us
3 to look into that and see what we can do
4 to -- I'll resend literature to you and
5 to Mr. Gillison so that we can look at it
6 and see, before it's an emergency this
7 summer, to see if we can't work it out.

8 MS. MINTZ: Okay.

9 COUNCILWOMAN BLACKWELL: Thank
10 you both.

11 MS. MINTZ: You're welcome.

12 COUNCILWOMAN BLACKWELL: Thank
13 you, Bobby Henon. Thank you.

14 COUNCIL PRESIDENT CLARKE:
15 Thank you, Councilwoman. Are you done?

16 COUNCILWOMAN BLACKWELL: Yes.
17 Thank you.

18 COUNCIL PRESIDENT CLARKE:
19 Thank you, Councilwoman.

20 The Chair recognizes Councilman
21 Henon.

22 COUNCILMAN HENON: Thank you,
23 Mr. President. I'd say good morning, but
24 we are now in the afternoon. So good
25 afternoon. And I'll say I have a lot of

1 3/19/14 - WHOLE - BILL 140144, etc.
2 questions for the specific departments so
3 that we can get into the weeds and get
4 down to a lot of other things and a lot
5 of questions I'm sure that we all have.
6 But for today I just want to touch on, as
7 we've been discussing here a lot, some of
8 the labor contract negotiations, and of
9 all people --

10 MR. GILLISON: But you don't
11 want me to negotiate the contract here.

12 COUNCILMAN HENON: But of all
13 people, I know about and respect
14 collective bargaining.

15 So with that being said, I'm
16 talking about the budget and Five Year
17 Plan, not negotiations. I'm glad to hear
18 some of the items not being discussed
19 publicly, so I'm happy to hear about
20 that, or not to hear about it, but I do
21 question the amount of dollars allocated
22 in the Five Year for 47 and 33.

23 Could you explain what the
24 difference is in the disparity between --
25 that's allocated in the Plan from 47 and

1 3/19/14 - WHOLE - BILL 140144, etc.

2 33?

3 MR. GILLISON: Yes. The 47 is
4 an actual cost because we have a
5 contract; 33 is the value of the last
6 proposal that has been on May to 33, and
7 that was made public over a year ago. We
8 thought it was wise to value that into
9 the Plan, and we have basically done
10 that.

11 COUNCILMAN HENON: And I
12 understand that. What is the difference
13 from what has actually been negotiated
14 and what the last offer? And I'm saying
15 that for a reason.

16 MR. GILLISON: On wages it's --
17 the last public offer that we made was a
18 two and a half percent and a two percent
19 wage increase to 33. So that's reflected
20 in the Plan. There's other --

21 COUNCILMAN HENON: So could you
22 provide a dollar value?

23 MR. GILLISON: Plus a \$25
24 million contribution to the health fund.

25 COUNCILMAN HENON: You're

1 3/19/14 - WHOLE - BILL 140144, etc.
2 saying plus a 25?

3 MR. GILLISON: Yes.

4 COUNCILMAN HENON: Aside from
5 the savings that DC33 has already
6 provided to the City -- and I'm thankful
7 for that and we all should be, operating
8 without a contract -- is there a dollar
9 value difference? I mean, not just a
10 percent. So there's two and a half
11 percent increase. What is the dollar
12 value difference from last offer from 47
13 and --

14 MR. GILLISON: I don't have
15 that with me, but I can get that to you.

16 COUNCILMAN HENON: That's fine.
17 And the reason why I ask is, has City
18 Council authorized the sale of PGW yet?

19 MR. GILLISON: No. I'm sure --

20 COUNCILMAN HENON: No. That's
21 good. And that is in the budget?

22 MR. GILLISON: I'm sorry?

23 COUNCILMAN HENON: So that is
24 reflected in the budget. So there's \$700
25 million reflected in the budget for the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 possible sale of PGW asset, and that has
3 not been authorized yet. We have a
4 contract with -- there's a plan budgeted
5 last offer for DC33 that has not been
6 negotiated yet, but DC47 has a negotiated
7 plan and that's reflected with certainty.

8 MR. GILLISON: Correct.

9 COUNCILMAN HENON: With the
10 favored nations in there, which means
11 they expect to be higher for DC33 than
12 47, so why wouldn't we go higher in
13 reflecting numbers moving forward?

14 MR. GILLISON: Well, I would --

15 COUNCILMAN HENON: Because you
16 anticipated with the favored nations
17 clause, with the potential sale of PGW
18 reflected, that number, and that has not
19 been authorized yet. So why are we
20 underreporting the anticipated DC33, even
21 though it's collectively bargained, and I
22 get that. So for being conservative, why
23 wouldn't we put a higher number in there
24 and then scale back?

25 MR. GILLISON: I believe that,

1 3/19/14 - WHOLE - BILL 140144, etc.
2 again, as you know, I don't want to sit
3 down and actually put all of the various
4 cards that when you're negotiating out.
5 I don't want to -- I think that we are
6 conservative in what we've done. I think
7 that we have reflected in the budget the
8 numbers that our last public offering has
9 been made completely clear. To do
10 anything more than that would actually
11 eviscerate, I believe, the negotiating
12 possibility.

13 COUNCILMAN HENON: So it's your
14 leveraging negotiations.

15 MR. GILLISON: So we are
16 reflecting -- we think that to be a
17 conservative and to be responsible city,
18 we have to put in labor costs. I think
19 the Council a couple of years ago
20 actually asked us to put in conservative
21 numbers for our labor costs, and I think
22 it was three years ago we didn't -- we
23 started out and PICA also asked us to put
24 in labor costs. So we've put in
25 conservative numbers in order to have the

1 3/19/14 - WHOLE - BILL 140144, etc.
2 place to be able to show people what our
3 costs are and how we would pay for
4 things. Beyond that, I think that that
5 has to come out at the labor table, and I
6 think it's a place that both you, I, and
7 a lot of people would like us to be, to
8 actually get to where 47 is right now,
9 which is having actual numbers reflected
10 in an actual budget.

11 COUNCILMAN HENON: And I
12 understand that, and it's prudent for the
13 City to reflect something --

14 MR. GILLISON: Right.

15 COUNCILMAN HENON: -- in the
16 budget. It's just my opinion that it's
17 not enough of a reflection, especially
18 since the favored nations clause is in
19 47's contract. So we do anticipate a
20 higher number to be reported without --

21 MR. GILLISON: I don't know
22 whether that's going to be true, but
23 we'll find out. I don't know whether or
24 not that's true. I mean, obviously the
25 clause that we put in was something that

1 3/19/14 - WHOLE - BILL 140144, etc.
2 we will determine ultimately what that
3 will mean, but it's only as to wages and
4 pensions, and we have -- we'll have to
5 see where that number comes in after we
6 sit down with Mr. Matthews and come to an
7 agreement.

8 COUNCILMAN HENON: I'm just
9 stating my concern --

10 MR. GILLISON: I understand.

11 COUNCILMAN HENON: -- as a
12 member of this body.

13 Speaking of pensions, I do
14 believe that pensions are one of the
15 most -- I believe pensions are one of the
16 most serious issues that we have to deal
17 with as a city, and how we deal with that
18 is always going to be up front in
19 priority for all of us here. And can you
20 tell me -- and I'll wait until we get
21 into weeks when the departments come in.

22 So there are several plans, is
23 that correct, pension plans?

24 MR. GILLISON: Yes.

25 COUNCILMAN HENON: So what plan

1 3/19/14 - WHOLE - BILL 140144, etc.
2 are we in now currently? So current
3 employees.

4 MR. DUBOW: So depending on
5 what union they're in, but if you're
6 asking about members of 33, they're in
7 Plan '87.

8 COUNCILMAN HENON: They're in
9 Plan '87. And what is the percent
10 funded?

11 MR. DUBOW: So the Plan '87 is
12 probably -- I don't have it in front of
13 me -- is probably around 80, but it's
14 part of an overall system that is 48
15 percent funded, and that's what we have
16 to address, is that overall funding
17 percent.

18 COUNCILMAN HENON: But their
19 current plan right now is approximately
20 80 percent funded approximately?

21 MR. DUBOW: Yeah.

22 COUNCILMAN HENON: I'm not
23 going to hold you to the number, but it's
24 doing well. Forget about the context of
25 the overall.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MR. DUBOW: But the overall
3 context really matters.

4 COUNCILMAN HENON: The overall
5 context does matter.

6 MR. DUBOW: For the entire
7 pension fund.

8 COUNCILMAN HENON: We have
9 obligations.

10 MR. DUBOW: That's right, and
11 we have to fund them. That's right.

12 COUNCILMAN HENON: In moving
13 forward -- well, you had mentioned in
14 your testimony about tax revenues, tax
15 revenues having a modest increase or
16 decrease. Was it increase?

17 MR. GILLISON: Modest. Yes,
18 modest increase.

19 COUNCILMAN HENON: Modest
20 increase. I'm glad to hear that the wage
21 tax reduction is back in place, but with
22 that modest increase of tax revenue
23 coming into the City of Philadelphia,
24 there are many, many projects in the City
25 of Philadelphia and an increase in hotel

1 3/19/14 - WHOLE - BILL 140144, etc.
2 rooms. I believe there's a thousand new
3 hotel rooms that may be in line to be
4 developed and people using coming to the
5 City. Is that all projected in the Five
6 Year Plan in anticipation of visitors and
7 tourism and the Convention Center?

8 MS. RHYNHART: Our projections
9 are done based on projections for growth
10 going forward from our revenue consultant
11 and with economists at the fed. So the
12 short answer is, yes, the projections for
13 the future are included. We have to be
14 reasonable about that and we can't
15 over-assume in terms of a certain project
16 coming online adding X number of hotel
17 rooms when it's announced. We have to be
18 relatively -- we have to be reasonable.

19 COUNCILMAN HENON: But there is
20 an exciting uptick in --

21 MS. RHYNHART: There is a good
22 feeling around development, yes.

23 COUNCILMAN HENON: --
24 construction of new hotel rooms, visitor
25 tourism. I believe our conventions are

1 3/19/14 - WHOLE - BILL 140144, etc.
2 going to showcase Philadelphia. So there
3 is a positive --

4 MS. RHYNHART: There are a lot
5 of positive things happening, right. I
6 agree with that. I do think, though,
7 that -- so there's growth, but we also
8 have certain expense pressures that
9 increase as well, like the pension and
10 debt service increase was close to 30
11 million from '14 to '15.

12 So I agree there is excitement
13 around the development announcements, and
14 the growth in our taxes after the deep
15 recession we were in is a good thing.

16 COUNCILMAN HENON: Let me go
17 back to labor real quick. I failed to
18 mention. So has there been -- is there
19 still a hiring freeze?

20 MR. GILLISON: Actually, no.
21 No. I know specifically in public safety
22 I know that there really hasn't been one
23 for a couple years.

24 COUNCILMAN HENON: Let me state
25 that question different. Is there a

1 3/19/14 - WHOLE - BILL 140144, etc.
2 hiring freeze in the non-uniformed
3 workers?

4 MR. GILLISON: No.

5 MS. RHYNHART: There's no
6 hiring freeze. There's a process by
7 which we check and review and make sure
8 departments have sufficient funds
9 allocated in their budget before they go
10 and hire, but departments are actively
11 hiring.

12 MR. GILLISON: Correct.

13 COUNCILMAN HENON: How is the
14 new office of -- what is that, Center of
15 Excellence that you established last year
16 with taking the anticipation or
17 projecting ahead the amount of people in
18 DROP?

19 MR. GILLISON: Yes.

20 COUNCILMAN HENON: Because I
21 think that has been increasingly
22 concerning of a lot of members. With me,
23 I'm concerned that we're not going to
24 keep up. So is that ratio kind of
25 offsetting yet or are we on the road to

1 3/19/14 - WHOLE - BILL 140144, etc.
2 try to -- anticipating the amount of
3 people that are in DROP?

4 MR. GILLISON: We are. I can
5 tell you that the Center of Excellence
6 works out of the Managing Director's
7 Office, but each of the departments as
8 well has been charged with maintaining
9 the anticipated DROP numbers. And for
10 the last number of years, all the
11 departments have had to recommend not
12 only how we're training up, because we're
13 losing a lot of great knowledge about how
14 things work and we want to make sure that
15 that is being replaced. So wherever we
16 have had issues where we think we're
17 losing an awful lot of people in one
18 area -- again, I will come back to the
19 public safety area -- they have actually
20 been able to hire up with continual
21 classes. We've changed policies to make
22 sure that we can keep classes going in
23 order to keep people and meeting that
24 demand so that we don't slide as much as
25 we have had to.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCILMAN HENON: Does the
3 Administration feel that they're keeping
4 up with that demand or is that still a
5 struggle? I understand that we have 400
6 new police, exciting news. If we can get
7 cadets, both new classes in the Fire
8 Department, all good stuff. I'm also
9 concerned with the senior supervisors and
10 brass of our Police and Fire as well as
11 our supervisors within DC33 and 47, our
12 municipal workers. I'm hoping that we
13 can keep up with the rapid pace of the
14 amount of people that are in DROP.

15 So my question was, do you feel
16 we're keeping up with the pace?

17 MR. GILLISON: I believe we
18 are, and I know that there's a lot of
19 innovation that is going on to bring
20 additional training. The Center of
21 Excellence -- I was just looking at it
22 the other day -- was offering project
23 management skills courses to people so
24 that they would be able to have an
25 improvement in their skills as they

1 3/19/14 - WHOLE - BILL 140144, etc.
2 become and getting into the managerial
3 and supervisory roles, and by doing that,
4 we're trying to make sure that we have a
5 way forward on that next level of
6 supervision.

7 So I think we're holding our
8 own. I'm sure if there's anything that
9 I'm missing, I can bring it up and I'll
10 see about trend analysis and provide it
11 to you.

12 COUNCILMAN HENON: It's just
13 that overview, overall questions
14 concerning DROP. Has there been any
15 conversation or any discussion possibly
16 extending in certain circumstances --

17 MR. GILLISON: No.

18 COUNCILMAN HENON: --
19 somebody's application into DROP?

20 MR. GILLISON: No.

21 COUNCILMAN HENON: And Center
22 of Excellence, that falls under the
23 Managing Director's Office?

24 MR. GILLISON: The Center of
25 Excellence.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCILMAN HENON: So when the
3 managing directors come in, I can have
4 this conversation?

5 MR. GILLISON: Absolutely.

6 COUNCILMAN HENON: Okay.

7 Great.

8 Last is school funding. I
9 don't want to belabor. I understand
10 where we are with the cigarette tax in
11 Harrisburg. I understand where we are
12 with the sales tax as partners with
13 Harrisburg under Council President's
14 leadership and coordination with the
15 Mayor's Office.

16 Where is the Mayor's Office
17 when it comes to trying to change the
18 funding formula fairly with the state as
19 it relates to funding properly and fairly
20 our public schools?

21 MR. DUBOW: It's a very high
22 priority for the Mayor, Mayor's Office of
23 Education for the state to move to a full
24 and fair funding formula. We are far
25 from that. We're one of three states in

1 3/19/14 - WHOLE - BILL 140144, etc.
2 the country that doesn't have that type
3 of formula. So, I mean, it's something
4 that we are going to continue to advocate
5 for, and we think it's one of the most
6 important things for funding going
7 forward.

8 COUNCILMAN HENON: And I agree
9 with you, and I hope we get there. I
10 hope we get there quickly, but I wouldn't
11 anticipate that happening in this fiscal
12 year.

13 MR. DUBOW: I think that's
14 right. I think this is long --

15 COUNCILMAN HENON: Next fiscal
16 year?

17 MR. DUBOW: We would hope for
18 next fiscal year.

19 COUNCILMAN HENON: Okay. I
20 have no further questions.

21 COUNCIL PRESIDENT CLARKE:
22 Thank you, Councilman.

23 The Chair recognizes Councilman
24 Jones.

25 COUNCILMAN JONES: Thank you,

1 3/19/14 - WHOLE - BILL 140144, etc.

2 Mr. President.

3 Very quickly --

4 COUNCIL PRESIDENT CLARKE: Oh,

5 I'm sorry. Councilman, I'm sorry.

6 Councilwoman Bass. I'm sorry.

7 Councilwoman hasn't had an opportunity to
8 ask a question yet.

9 COUNCILWOMAN BASS: I'm sorry.

10 COUNCIL PRESIDENT CLARKE:

11 Right back at you, sir.

12 COUNCILWOMAN BASS:

13 Mr. Majority Leader, sorry about that,
14 but my questions will be very brief. I
15 just have a couple of quick questions
16 just so that I can put a number to some
17 of the items that were discussed earlier.

18 First of all, good afternoon.

19 How are you?

20 (Good afternoon.)

21 COUNCILWOMAN BASS: So on Page
22 5 towards the bottom of the testimony, it
23 mentions that there are some reforms that
24 will waive license and registration fees
25 for new businesses and create tax

1 3/19/14 - WHOLE - BILL 140144, etc.
2 credits. I was just wondering, had the
3 Administration calculated some sort of
4 value or estimate in terms of what that
5 value will be? Because it's great if we
6 want to help small businesses, recruit
7 businesses to come to Philadelphia, but
8 what does that equal out to? Has there
9 been an analysis of that?

10 MR. DUBOW: There has. I think
11 the total cost of the business tax
12 changes over the life of this Plan is
13 about \$240 million.

14 COUNCILWOMAN BASS: What's the
15 life?

16 MR. DUBOW: The five years of
17 the Five Year Plan.

18 COUNCILWOMAN BASS: Okay. Say
19 again, how much?

20 MR. DUBOW: \$240 million over
21 the five years for all of those changes.

22 COUNCILWOMAN BASS: So that
23 includes the registration fees and the
24 tax cuts?

25 MR. DUBOW: Yes.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCILWOMAN BASS: Okay. And
3 also I just wanted to mention that I was
4 very glad to hear Deputy Mayor Mike
5 DiBerardinis as he mentioned that the
6 increase, the proposed increase, to Parks
7 and Recreation in the budget would be
8 spread evenly, because I know that as the
9 Chair of Parks and Recreation, I hear a
10 lot about that. There's a lot of concern
11 in terms of how resources are allocated.
12 So I just wanted to mention that.

13 Also at the bottom -- or excuse
14 me. At the end of the first paragraph on
15 Page 7, there was a half a million
16 dollars proposed for Community College of
17 Philadelphia to help offset tuition
18 increases. Can you discuss what those
19 proposed increases were? Do you have an
20 idea roughly of what they were, just so
21 we can have a number to go with this?

22 MR. GILLISON: Councilwoman,
23 from what we understand, that they
24 haven't made up their exact number. That
25 has not been proposed yet, but we're just

1 3/19/14 - WHOLE - BILL 140144, etc.
2 hedging.

3 COUNCILWOMAN BASS: Okay. But
4 as soon as we have that information,
5 hopefully we'll have it soon and we'll be
6 able to know so that we can really
7 determine how much we are able to be of
8 assistance, are we really helping people,
9 is it a drop in the bucket. If we
10 really, really want to be helpful, then
11 we need to know exactly what the
12 increases are and be able to be helpful
13 in that manner. So that was it.

14 Thank you.

15 MR. GILLISON: Thank you.

16 COUNCIL PRESIDENT CLARKE:

17 Thank you, Councilwoman.

18 And the Chair recognizes
19 Majority Leader Jones.

20 COUNCILMAN JONES: Are you
21 sure?

22 COUNCIL PRESIDENT CLARKE: Yes,
23 sir.

24 COUNCILMAN JONES: I just want
25 to be sure.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 COUNCIL PRESIDENT CLARKE: It's
3 the first day. We got a couple of
4 glitches. First day.

5 COUNCILMAN JONES: Yes, sir.

6 A couple of issues real quick.
7 Number one -- and this does not need an
8 answer right away, but something that is
9 on our radar. Because there is labor
10 peace with the Fire Department, we want
11 to ask respectfully that we consider that
12 \$3.8 million differential to stop the
13 brownouts so that -- I know one had
14 nothing to do with the other. However,
15 if a rooster crows and the sun comes up,
16 did the rooster cause the sun to come up?
17 I don't care. I just want to deal with
18 the brownouts. So we would like you to
19 consider if we were to add that money
20 back that we could stop the brownouts.

21 Number two, and as important,
22 we got through the dreaded three letters
23 of AVI last year, and I want to give
24 public accolade. That's probably one of
25 the hardest things under my tenure we

1 3/19/14 - WHOLE - BILL 140144, etc.
2 will ever have to do, and it was good
3 leadership that, no, it's not perfect,
4 but it is at least progress to where we
5 were.

6 The question I have is, under
7 several theories, that some people
8 believe that some areas were
9 under-assessed. Listen, I'm not
10 complaining, but some people feel that
11 some areas were under-assessed. The
12 question becomes for me, in a Five Year
13 Plan if that is true, what is the process
14 by which the areas will be reassessed?
15 And I want to know that process, what
16 portion of the City, where, and then how
17 will that impact your projections.
18 According to your consultant, IHS, that
19 housing values are projected to go up 1.5
20 nationally, and according to your
21 assessment, they're supposed to go up 3.5
22 in Philly. Now, are we that much more
23 desirable than other areas of the
24 country? I mean, I need to know how that
25 was come to.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MR. DUBOW: I'll answer the
3 assessment process portion of it and I'll
4 let Rebecca talk about how we go to the
5 growth projections.

6 So once we get through the
7 appeals process, the intention is to
8 reassess the entire City each year. I'm
9 looking at Richie to make sure that's
10 right.

11 MR. McKEITHEN: That's the
12 goal.

13 MR. DUBOW: That's the goal.

14 COUNCILMAN JONES: So let me
15 for the record, we are going to in 2016
16 have new assessments. So annually --

17 MR. DUBOW: Yeah.

18 COUNCILMAN JONES: How many
19 properties was it that we went through?

20 MR. DUBOW: 570,000. But you
21 won't see the kind of changes we saw last
22 year. You'll see kind of moderate
23 changes as the market changes.

24 COUNCILMAN JONES: Your
25 consultant said we will go up 3.5, which

1 3/19/14 - WHOLE - BILL 140144, etc.
2 is at least 2 percent higher than the
3 national average.

4 MR. DUBOW: I'm going to give
5 that to Rebecca.

6 MS. RHYNHART: The 3.5 percent
7 you're referencing was the original
8 IHS -- what document are you looking at?
9 I just want to make sure.

10 COUNCILMAN JONES: It's the
11 Five Year Plan and I'll give you -- Page
12 25, I believe it is.

13 MS. RHYNHART: I'm just looking
14 for the 3.5 to understand that number.
15 The 3.5 is where?

16 COUNCILMAN JONES: According to
17 your consultant, IHS, the national
18 average -- Page 17, I believe.

19 MS. RHYNHART: Oh, okay. Okay.
20 I just wanted to make sure that you
21 weren't discussing a projection. That's
22 the house price growth.

23 IHS has -- their view on the
24 housing market in Philadelphia is that
25 there's a lot of pent-up demand and that

1 3/19/14 - WHOLE - BILL 140144, etc.
2 the volume of home sales as well as the
3 prices of those home sales will increase
4 significantly. They projected that a
5 year ago, two years ago that we'd have
6 over double-digit growth in the transfer
7 tax, which at the time we didn't go above
8 10 percent in our projection level, and
9 it ended up that we finished last year at
10 a 24 percent growth rate in the transfer
11 tax. This year we're seeing growth under
12 10 percent, about 8 percent so far. So
13 it is lower this year, but it's still
14 expected to be in the double digit for
15 the transfer tax, showing that the value
16 of both home sales and home prices is
17 expected to continue to grow.

18 On the real estate side, on the
19 assessment side, what we've projected for
20 assessment growth when the Office of
21 Property Assessment begins to revalue all
22 the homes in the City every year is about
23 3 percent a year in growth.

24 COUNCILMAN JONES: So the
25 million dollar -- more than a million

1 3/19/14 - WHOLE - BILL 140144, etc.
2 dollar question is, if we're projecting
3 this much increase in value, so that AVI
4 no longer is revenue neutral. It's
5 revenue positive.

6 MR. DUBOW: So what we said
7 about AVI is that the first year was
8 going to be revenue neutral, but then as
9 values grew, you would see growth in
10 revenue with the same tax rate. We never
11 said it was going to be revenue neutral
12 forever.

13 COUNCILMAN JONES: I didn't say
14 you said it. I'm just pointing out and
15 underscoring and highlighting that it is
16 not, and that if we do this annually and
17 we do all of those at a modest 2 percent,
18 you're saying maybe IHS is over the top
19 with their --

20 MS. RHYNHART: No. They've
21 actually -- I mean, they're pretty right
22 on with their projections. I think your
23 point is that if the home values grow by
24 3 percent a year and the assessments grow
25 by that point and we keep the tax rate

1 3/19/14 - WHOLE - BILL 140144, etc.
2 steady, more revenue will be generated
3 from the property tax. That is correct.

4 COUNCILMAN JONES: Was that
5 reflected?

6 MS. RHYNHART: Yes.

7 MR. DUBOW: That's right.

8 COUNCILMAN JONES: So give me
9 the actual numbers based on --

10 MR. DUBOW: It also reflects
11 things like abatements coming off
12 abatement. So to the extent that there
13 was new construction, things have been
14 coming off abatement, that also increases
15 the amount of tax we will collect.

16 COUNCILMAN JONES: All right.
17 So if you could drill down into the
18 numbers for me and say that if we -- if
19 we drill down within the numbers, we can
20 find out what that -- and the reason I'm
21 coming up with this is not just the wow
22 factor that our real estate picture is
23 better and the real estate fact that a
24 lot of people are hit hard by AVI, but on
25 top of that, we need to know that if

1 3/19/14 - WHOLE - BILL 140144, etc.
2 we're going to -- and some people would
3 have us considering changing the millage
4 rate and changing the split to the School
5 District. This has major impacts, and we
6 need to really adjust the dollars based
7 on what your growth is, because there's
8 the maintenance of effort that's impacted
9 by this. So, again, that is a very
10 important detail of what our projected
11 overall real estate value is.

12 MR. DUBOW: Right. And I don't
13 know if this will help. On Page 26 in
14 the Plan, we have a chart that shows what
15 we're estimating the growth in the base
16 will be each year, and that's built into
17 our projections, and we share those
18 projections with the District, so the
19 District uses the same projections that
20 we use.

21 COUNCILMAN JONES: So as we
22 move forward, Mr. President, I think this
23 is a very key factor that we -- as we
24 start to adjust the dollars for the
25 School District but also our operating

1 3/19/14 - WHOLE - BILL 140144, etc.
2 budget split, that we need to be real
3 clear about this. What we tend to do
4 since I've been here at least six years
5 is that we lowball the revenue estimate,
6 and I think you should be conservative in
7 your budgeting, but what happens at the
8 end of the day is, we often are
9 pleasantly surprised with the amount of
10 revenues coming in, and we need to be
11 real circumspect about how we do that as
12 it relates to our budget but also the
13 predictability of the School District
14 budget. And I would encourage at least,
15 not at this session, but us maybe
16 anointing some people to go work with
17 them to really drill down to see what
18 that really means over the next couple
19 years.

20 COUNCIL PRESIDENT CLARKE: Yes.
21 I just got a text from Mr. McKeithen. He
22 said he can't wait until it's his time to
23 testify for OPA to talk to you about that
24 very important information.

25 COUNCILMAN JONES: Thank you,

1 3/19/14 - WHOLE - BILL 140144, etc.

2 Mr. President.

3 MR. DUBOW: I got the same
4 text.

5 COUNCIL PRESIDENT CLARKE: You
6 got that text?

7 All right. Thanks. Thank you,
8 Councilman. You are so right.

9 And at this time, the Chair
10 recognizes Councilwoman Brown.

11 COUNCILWOMAN BROWN: I simply
12 want to be absolutely certain, Mr.
13 President, that I've made my request
14 clear. So for those departments that I
15 highlighted, I'm interested in those
16 numbers that they're requesting from the
17 City of Philadelphia and a listing of all
18 contracts \$250,000 or more. That's the
19 ask. So I just want to be certain.

20 MR. DUBOW: The request before,
21 divided by federal, state, local?

22 COUNCILWOMAN BROWN: Separated
23 out federal and state dollars. I'm only
24 interested in that which we have some say
25 over, and those are the City dollars.

1 3/19/14 - WHOLE - BILL 140144, etc.

2 MR. DUBOW: Okay. I
3 understand. Got it.

4 COUNCILWOMAN BROWN: And for
5 those contracts that happen because of
6 City support, I want the listing of those
7 contracts all \$250,000 and greater.

8 MR. DUBOW: Okay.

9 COUNCILWOMAN BROWN: For those
10 departments that I stipulated. Thank
11 you.

12 Thank you, Mr. President.

13 COUNCIL PRESIDENT CLARKE:
14 Thank you, Councilwoman.

15 And seeing no other members
16 teed up for questions, I want to thank
17 you all very much.

18 The Committee will stand in
19 recess until Tuesday, March 25th at 10:00
20 a.m. We will convene in Room 400 of City
21 Hall.

22 Thank you very much.

23 (Committee of the Whole
24 adjourned at 12:55 p.m.)

25 - - -

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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