

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING
4 BEFORE THE COMMITTEE ON LAW and GOVERNMENT

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Monday, June 12, 2006, 12:47 p.m.
9 - - -

10 Bill 060287 - Amend Charter to allow voters to urge
11 withdrawal of troops from Iraq.

12 Bill 060433 - Require District Councilmembers to
13 reside in district at least one year prior to
14 election.

15 Bill 060507 - Amend Charter relating to preference
16 in civil service regs for children of police
17 officers or firefighters killed in line of duty.

18 Res. 060295 - Companion legislation to Bill 060287.

19 Res. 060448 - Companion legislation to Bill 060433.

20 Res. 060518 - Companion legislation to Bill 060507

21 Councilmembers Present:

22 Anna C. Verna, Chair Jack Kelly
23 James F. Kenney, Co-Chair Joan Krajewski
24 Blondell Reynolds Brown Donna Reed-Miller
25 Darrell L. Clarke Michael A. Nutter
Frank DiCicco Frank Rizzo
W. Wilson Goode, Jr. Marian B. Tasco

26 - - -
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1 6/12/06 - COMMITTEE ON LAW and GOVERNMENT

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2 COUNCILMAN KENNEY: As vice
3 chairman and acting chairman of the Law
4 and Government Committee, which was
5 scheduled to start at the same time as
6 Labor and Civil Service, I would like to
7 establish a quorum for the record with
8 members -- myself, Councilmember Goode,
9 Councilmember Kelly, Councilmember Rizzo,
10 and, I believe, Councilman -- and I
11 believe Councilman Nutter is also in the
12 room. So I would like to establish a
13 quorum for the Law and Government
14 Committee and then recess briefly until
15 the conclusion of the Labor and Civil
16 Service Committee.

17 Thank you.

18 (Recess.)

19 (Proceedings resume.)

20 COUNCILMAN KENNEY: Good
21 morning. The Council Committee on Law
22 and Government is now in session, and the
23 first bill on our agenda today Resolution
24 No. 060518 and Bill No. 060507.

25 Resolution 060518 is a

1 6/12/06 LAW and GOV'T - RES. 060518, BILL 060507
2 resolution proposing an amendment to the
3 Philadelphia Home Rule Charter to provide
4 for preference in civil service
5 regulations for children of firefighters
6 and police officers who are killed or who
7 died in the line of duty and providing
8 for the submission of the amendment to
9 the electors of Philadelphia.

10 Bill No. 060507 is a companion
11 bill that's required with an amendment to
12 the Home Rule Charter, and it's the exact
13 language.

14 And we'll call Mr. Eddis and
15 Mr. McBride, or someone who is
16 representing him, to please approach the
17 table.

18 (Witnesses come forward.)

19 COUNCILMAN KENNEY: Please
20 identify yourself for the record.

21 MR. EDDIS: Bobby Eddis,
22 President of the Fraternal Order of
23 Police, Lodge No. 5.

24 COUNCILMAN KENNEY: Please
25 proceed.

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2 MR. EDDIS: Thank you.

3 This bill, we feel as if it
4 pays great respect to our members as a
5 result of those who gave their life in
6 the line of duty.

7 And I think I'd be better
8 served if I defer to Tim Tie, who's
9 actually the architect of the bill.

10 MR. TIE: My name is Timothy
11 Tie. I'm a captain in the Philadelphia
12 Fire Department, assigned to Engine 55,
13 at Front and Luzerne.

14 I've been a firefighter for 28
15 years. I'm a second-generation
16 firefighter, the son of a firefighter
17 killed in the line of duty.

18 On October 27, 1954, ten
19 firefighters reported for duty at their
20 various stations and never returned home
21 again.

22 In the early hours of October
23 28, 1956, an alarm was sounded for Box
24 2825, Germantown Avenue and Montgomery
25 Avenue. The address of the fire was 1827

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2 North Fifth Street, the Berg Laboratories
3 better known to us firefighters as "the
4 Berg explosion.

5 After companies arrived on
6 location to investigate, a tank
7 containing thousands of gallons phosgene
8 gas exploded, killing ten firefighters
9 and injuring scores of firefighters and
10 police officers. My father, Gene Francis
11 Tie, Engine 29 (indiscernible), was one
12 of those killed in the line of duty.

13 On that day, October 28, 1954,
14 my mother was widowed, with three young
15 children, and she was nine months'
16 pregnant. Nine other families lost their
17 husbands and fathers that day.

18 This tragedy was the start of
19 the Hero Scholarship Fund and, of course,
20 the City's beloved Thrill Show.

21 I have no clear memory of my
22 father; I was two-and-a-half years at the
23 time. Just a few pictures and stories my
24 aunts and uncles have told me -- or told
25 us kids about growing up together with my

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2 father in their neighborhood of Ninth and
3 Susquehannah and his love of the Fire
4 Department.

5 Years later, in the late '60s
6 and '70s, my three brothers took
7 advantage of the Hero Scholarship Fund,
8 but I took a different calling. That was
9 to follow in my father's footsteps to
10 become a firefighter.

11 In the early '70s, the only way
12 to assure this was to enlist in the
13 military to receive ten points veteran's
14 preference towards a civil service test.
15 When you enlist in the military, you
16 automatically forfeit any benefits to the
17 Hero Scholarship Fund.

18 In November 1970, I enlisted in
19 the Navy. I was discharged in November
20 1974. And after I left the service, I
21 immediately began pursuing a career in
22 the Fire Department but was basically
23 told to wait your turn.

24 So that's what I did for almost
25 three-and-a-half years. Finally, on

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2 March 6, 1978, I became a Philadelphia
3 firefighter. It was one of the proudest
4 days of my life.

5 The day I took the oath of
6 office as a firefighter, my mother cried
7 for different reasons. She knew that was
8 what I wanted. The memory of a lost
9 husband and father to her children and
10 the fear that someday she could lose a
11 son in the line of duty; that was my
12 case.

13 On June 17, 1984, Firefighter
14 Joseph Conrad, Engine 25, Platoon A, left
15 his family to work night work, never to
16 return home again. That night, Engine 25
17 responded to Box 769, Frankford Avenue
18 and Norris Street, address of fire, 2002
19 Tulip.

20 When they arrived on location,
21 they encountered a dwelling well involved
22 in fire. They were given a report of
23 someone trapped inside. Firefighter
24 Conrad, while searching the dwelling for
25 a trapped victim, perished when that

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2 dwelling collapsed.

3 He left a widow and five
4 children, three of whom are now
5 Philadelphia firefighters: Mike,
6 assigned to Engine 25; Joe, assigned to
7 Engine 2; and Jim,y, assigned to Engine
8 16. They had had the calling to follow
9 in their father's footsteps.

10 To ensure this, they also
11 forfeited their Hero Scholarship to
12 enlist in the military for the ten points
13 to better their chance of becoming a
14 firefighter.

15 These are only two cases in the
16 Fire Department. There are many others
17 in the past, present; and, unfortunately,
18 there will be more in the future. And
19 I'm sure this is the same with the Police
20 Department.

21 A few months ago, I was
22 bragging to a friend, a firefighter from
23 another municipality, that I have two
24 sons who want to become Philadelphia
25 firefighters also.

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2 Knowing that my father died in
3 the line of duty, he said they should get
4 in with the line-of-duty death
5 preference. I told him I never heard of
6 this, and that the City of Philadelphia
7 does not have it.

8 I began to research it with the
9 help of Firefighters Local 22 and the
10 International Association of Firefighters
11 and found that, indeed, other cities --
12 and, in some cases, in entire states --
13 provide line-of-duty death preference to
14 family members.

15 I gathered as much information
16 as I could, informed Fire Commissioner
17 Ayers of my intentions, and approached
18 Councilman Nutter -- who, by the way,
19 helped the police and firefighters at my
20 request in the late '90s with a pension
21 program, and we thank him for that. He
22 took this new request to help the police
23 and firefighters head-on, and that's what
24 brings us here today.

25 Although this bill will not

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2 help my two boys, being second generation
3 following my father's death, it will help
4 others now and in the future.

5 I personally think we're 50
6 years late with this issue and am frankly
7 surprised that no one else in all these
8 years has thought of this, including
9 myself.

10 I think it's time and I think
11 we should do it now. Thank you.

12 COUNCILMAN KENNEY: Thank you
13 very much for your testimony and for your
14 service.

15 Is it safe to say that if this
16 bill were to pass that no other child of
17 a fallen firefighter or police officer
18 would have to forego their Hero
19 Scholarship benefits in order to get the
20 preference they need to be hired, which
21 you had to do through the military
22 service?

23 MR. TIE: I'm not sure how the
24 bill would be written, but I believe if
25 the bill is passed, it should be one or

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2 the other.

3 COUNCILMAN KENNEY: But my
4 point is that you had to forego your
5 benefits in order to get the preference
6 to be hired.

7 MR. TIE: Right.

8 COUNCILMAN KENNEY: This --
9 this situation would give the preference
10 because of the death of the mom or dad.

11 MR. TIE: Right.

12 COUNCILMAN KENNEY: And you
13 could proceed with your normal life
14 without going into the military if you
15 choose not to.

16 MR. TIE: Right.

17 COUNCILMAN KENNEY: Okay, fine.

18 MR. TIE: That was -- that's
19 the whole point of this.

20 Children of firefighters or
21 police officers who are killed in the
22 line of duty, if they really want to
23 follow in their father's footsteps or
24 mother's footsteps, the best way to do
25 that -- or the best way to ensure that is

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2 the go into the military to get the ten
3 points preference.

4 COUNCILMAN KENNEY: And, by the
5 way, I was privileged to attend a
6 ceremony honoring you, where you honored
7 your stepfather.

8 MR. TIE: Thank you.

9 COUNCILMAN KENNEY: And it was
10 a very moving and wonderful tribute to
11 him and your mom.

12 MR. TIE: Thank you.

13 COUNCILMAN KENNEY: Thanks for
14 your testimony.

15 MR. RILEY: My name is John A.
16 Riley. I'm a retired firefighter and I
17 sit on the Board of Pensions and
18 Retirement for the City of Philadelphia.
19 And President McBride of Local 22 is in
20 back of this legislation.

21 Thank you.

22 COUNCILMAN KENNEY: Thank you.

23 Councilman Nutter.

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

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2 I just want to thank the
3 captain, Captain Tie, for his suggestion
4 and recommendation, the information that
5 he has supplied and the history of not
6 only the Berg explosion, but all of the
7 other tragedies that have taken place
8 with regard to firefighters and police
9 officers.

10 And I appreciate your raising
11 this issue and giving us an opportunity
12 to do something to respect the work of
13 all of those departments.

14 MR. TIE: Thank you.

15 MR. RILEY: Thank you.

16 COUNCILMAN KENNEY: Thank you
17 very much.

18 Any other questions?

19 (No further questions.)

20 COUNCILMAN KENNEY: Thank you
21 very much for your testimony.

22 Anyone else to testify on this
23 bill or resolution, please come forward.

24 By the way, I'm making an
25 announcement on behalf of the Council

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2 President that the Committee of the
3 Whole, which was scheduled for 1 o'clock
4 today will be be recessed to the call of
5 the chair.

6 So anyone that has business, we
7 will be recessing that hearing and
8 rescheduling it another day.

9 Thank you.

10 (Witness comes forward.)

11 COUNCILMAN KENNEY: Please
12 identify yourself for the record.

13 MS. ORFANELLI: Linda
14 Orfanelli, Personnel Director.

15 This is a very difficult bill
16 for me to testify on because I'm really
17 torn in two directions. On the one hand,
18 I sympathize fully with the families of
19 police officers and firefighters who
20 every day go out and put their life on
21 the line. And I can't even imagine, you
22 know, how it would feel if you lost your
23 parent this way. I mean, it's -- it's
24 just, you know, unbelievable.

25 On the other hand, I'm the

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2 keeper of the civil service system. And
3 the way the Home Rule Charter is written,
4 it speaks about merit, equal testing, and
5 all of those aspects of people being
6 qualified and tested in an equal way.

7 Now, I understand that we have
8 preference for veterans, and they are
9 mostly for veterans or the wives of
10 veterans who serve, you know, for the
11 country. So that there already is one
12 avenue that has -- that doesn't actually
13 comply with the idea of strictly merit
14 strictly qualified and so on and so
15 forth.

16 On the other hand, that is my
17 job that is my job, so I do have to speak
18 about that fact that everybody -- that
19 all qualified citizens should be
20 considered equally, which is what the
21 Charter says.

22 But I also have -- I -- but all
23 that aside, I have a little -- a few
24 concerns about the bill as it's written
25 in another aspect.

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2 There are Other City employees
3 who lose their lives in the line of duty.
4 There are Streets Department people,
5 there are L and I inspectors who have
6 lost their lives as well. So I guess the
7 question is: How do we look at that?

8 That being said, in terms of
9 actually applying this legislation, we
10 have some questions about evidence and
11 documentation that would be required by
12 the firefighters and police officers'
13 children to demonstrate this
14 relationship.

15 What documentation is available
16 to verify that an officer or a
17 firefighter has fallen in the line the
18 duty. In other words, how do we
19 authenticate it? We're not clear on
20 that.

21 The other thing is that, would
22 this apply to police officers and
23 firefighters who fell in the line of duty
24 from jurisdictions other than
25 Philadelphia? Is this limited to

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2 Philadelphia, or is this anyone? And
3 that authentication would be even more
4 difficult. I think Philadelphia would be
5 easier.

6 So I am concerned that enacting
7 this provision without addressing the
8 above concerns may create problems in
9 implementing it.

10 And I'm willing to answer any
11 questions if you have them.

12 COUNCILMAN KENNEY: Thank you
13 very much for your testimony.

14 And I know that you -- it's
15 difficult sometimes to give the opposing
16 point of view, especially in such
17 circumstances that are sad and emotional
18 like this.

19 MS. ORFANELLI: Yes.

20 COUNCILMAN KENNEY: But I'm
21 confident that your department could
22 solve any problems that result as a
23 result of the enactment of this bill, and
24 I'm confident that you guys have great
25 capacity over there to work and to

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2 improvise and to do what needs to be
3 done.

4 But -- so thank you.

5 MS. ORFANELLI: Well, we've
6 actually done some preliminary looking
7 into it; it's not going to be that easy.

8 COUNCILMAN KENNEY: We have
9 confidence in you.

10 MS. ORFANELLI: Thank you,
11 Councilman.Councilman Nutter.

12 COUNCILMAN NUTTER: Thank you,
13 Mr. Chairman. Thank you, Miss Orfanelli.

14 Did -- I'm assuming you handed
15 out testimony. Do you have testimony?

16 MS. ORFANELLI: I believe it
17 was handed out.

18 COUNCILMAN NUTTER: Okay, I'll
19 deal with it.

20 As I best heard the concerns,
21 first, I guess, going in reverse order,
22 you're concerned about authentication?
23 You're worried that you won't be able to
24 determine --

25 MS. ORFANELLI: Well, for

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2 example, the death certificate doesn't

3 say that you fell in the line of duty.

4 So the person can't bring a death

5 certificate. That won't work. I mean,

6 it doesn't -- that won't handle it.

7 COUNCILMAN NUTTER: Doesn't

8 either Civil Service or the pension

9 system make some determination as to

10 whether or not a person has died in the

11 line of duty or was killed in the line of

12 duty?

13 MS. ORFANELLI: Our system

14 doesn't show that.

15 I spoke with the Police

16 Department. Now, they have a list of

17 everybody who's fallen in the line of

18 duty.

19 COUNCILMAN NUTTER: Okay.

20 MS. ORFANELLI: So that if the

21 child goes to the Police Department, the

22 Police Department could give them a

23 letter saying that, in fact, it's true.

24 COUNCILMAN NUTTER: Let me ask

25 this question, and it's -- it's, quite

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2 honestly, very sensitive just because of
3 its recent nature.

4 MS. ORFANELLI: Yes.

5 COUNCILMAN NUTTER: Are you
6 telling me that nowhere in the system
7 will it show that Officer Gary Skersky
8 was killed in the line of duty? We have
9 no record anywhere of that?

10 MS. ORFANELLI: Well, the
11 Police Department has it.

12 COUNCILMAN NUTTER: No.

13 MS. ORFANELLI: It may -- it's
14 probably in the pension record.

15 COUNCILMAN NUTTER: Okay.

16 MS. ORFANELLI: But I don't
17 have access to the pension record.

18 COUNCILMAN NUTTER: Aren't you
19 the personnel director?

20 MS. ORFANELLI: I have
21 pension -- that -- Pension is not my
22 department. I have access to the
23 personnel records.

24 COUNCILMAN NUTTER: Okay.

25 MS. ORFANELLI: Now, how it's

1 6/12/06 LAW and GOV'T - RES. 060518, BILL 060507

2 marked on a separation page -- it's -- it
3 would indicate that the person died.

4 COUNCILMAN NUTTER: I
5 understand.

6 MS. ORFANELLI: But I don't
7 know if it indicates in the line of duty.

8 COUNCILMAN NUTTER: All right.
9 Madam Director, I mean, isn't this really
10 more about our own internal --

11 MS. ORFANELLI: Yes.

12 COUNCILMAN NUTTER: -- stuff?

13 MS. ORFANELLI: Yes, it is.

14 COUNCILMAN NUTTER: For lack of
15 better terminology.

16 MS. ORFANELLI: And it can be
17 worked out; it may be a little ticklish.

18 COUNCILMAN NUTTER: All right,
19 all right. So we'll take that issue off
20 the table.

21 Now, there's an issue about
22 officers somewhere else?

23 MS. ORFANELLI: Other
24 jurisdictions would be more difficult to
25 authenticate.

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2 COUNCILMAN NUTTER: What do you
3 mean?

4 MS. ORFANELLI: Well, the way
5 the legislation is written, it doesn't
6 limit it to Philadelphia.

7 COUNCILMAN NUTTER: Well, they
8 don't let me legislate in Montgomery
9 County.

10 MS. ORFANELLI: No, but it --
11 let's say someone applied for a civil
12 service job that we had a waiver in, a
13 college student, and they found out that
14 there was a line-of-duty waiver or a
15 preference, and they told us that, Well,
16 my father was a police officer in
17 California, or whatever.

18 So then the authenticity -- the
19 way to authenticate it will -- will be be
20 difficult.

21 COUNCILMAN NUTTER: Well, let
22 me suggest this. I think, as you would
23 know, this is a Charter change and a
24 Charter question.

25 MS. ORFANELLI: Okay.

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2 COUNCILMAN NUTTER: All right?

3 There would need to be a bill which will
4 go through all of these fine points.

5 MS. ORFANELLI: Okay.

6 COUNCILMAN NUTTER: Okay?

7 So -- but on veteran's preference, what
8 do you take as the authentication for
9 having been a veteran?

10 MS. ORFANELLI: They give us a
11 DD-214.

12 COUNCILMAN NUTTER: Right. And
13 that's the document?

14 MS. ORFANELLI: Yes.

15 COUNCILMAN NUTTER: Okay. All
16 right.

17 So you're concerned that the
18 child of a Lower Merion Township police
19 officer who was working for Lower Merion
20 Township, or a firefighter in Lower
21 Merion Township, dies in the line of
22 duty. And their child, who is a
23 Philadelphian, applies for a position in
24 Philadelphia and somehow would use this
25 to get whatever the point preference is.

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2 MS. ORFANELLI: That's correct.

3 COUNCILMAN NUTTER: Okay, all
4 right. We can address that.

5 MS. ORFANELLI: Good.

6 COUNCILMAN NUTTER: All right.
7 What's the third one?

8 MS. ORFANELLI: The other one
9 was the fact that we have other employees
10 of the City who die as well in the line
11 of duty.

12 There are Street Department
13 employees that were shot and killed at a
14 management meeting. I mean, it happens.

15 COUNCILMAN NUTTER: Yeah, and
16 one of them was my constituent.

17 MS. ORFANELLI: There you go.

18 COUNCILMAN NUTTER: Okay. I --
19 well, they were working, right?

20 MS. ORFANELLI: Yes, they were.

21 COUNCILMAN NUTTER: Okay. Is
22 that considered dying in the line of
23 duty?

24 MS. ORFANELLI: Well, I -- I --
25 I don't know. I mean, they're on the

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2 job, they're at a management meeting,
3 someone comes in with a gun and shoots
4 them. I guess I would think so.

5 COUNCILMAN NUTTER: Okay. So,
6 I'm sorry, what's the question?

7 MS. ORFANELLI: Well, you know,
8 are we going to take them into
9 consideration, or is this strictly going
10 to be for uniformed?

11 Just a question. That's all
12 I'm asking.

13 COUNCILMAN NUTTER: I
14 understand that.

15 Well, at the moment, as this
16 issue was raised, the consideration was
17 with regard to police officers and
18 firefighters, one, due to the nature of
19 their work no disrespect; no disrespect
20 to anyone else in public service, but
21 generally, those are the positions where
22 people find themselves most at risk.

23 MS. ORFANELLI: That's true.

24 COUNCILMAN NUTTER: So, okay.
25 But I understand the other two issues,

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2 and we can subsequently address them.

3 MS. ORFANELLI: Thank you.

4 COUNCILMAN NUTTER: Thank you.

5 COUNCILMAN KENNEY: Any other

6 questions for this witness?

7 (No further questions.)

8 COUNCILMAN KENNEY: Thank you

9 very much.

10 Is there anyone else here to

11 testify on this bill and resolution?

12 (Witness comes forward.)

13 COUNCILMAN KENNEY: Please

14 identify yourself for the record.

15 MR. SHERIDAN: Hello,

16 Councilman. Chris Sheridan for the

17 Committee of Seventy.

18 We just have a brief statement

19 in support.

20 First of all, I'd like to thank

21 the Law and Government Committee for this

22 opportunity to speak.

23 Giving preference to the

24 children of firefighters and police

25 officers who were killed or died in the

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2 line of duty is consistent with current
3 civil service hiring practices.

4 It is sound public policy to
5 grant preference to these individuals
6 because, among other reasons, an income-
7 provider for the family is no longer
8 living, and The City should consider the
9 child's desire to continue to serve the
10 public.

11 Furthermore, the deceased
12 sacrificed his or her live, serving the
13 greater good of this community, and it is
14 in the best interests of the City to
15 honor those who want to continue that
16 tradition.

17 For example, other
18 jurisdictions also grant this preference;
19 Nassau County, New York, and the
20 Commonwealth of Massachusetts are but two
21 examples.

22 In sum, this preference is not
23 out of step with current civil service
24 law.

25 COUNCILMAN KENNEY: Thank you

1 6/12/06 LAW and GOV'T - RES. 060518, BILL 060507

2 very much for your testimony again.

3 Any other questions for this
4 witness?

5 (No questions.)

6 COUNCILMAN KENNEY: Hold on one
7 second.

8 Is there anyone else to testify
9 on this bill or resolution?

10 MR. RILEY: Councilman, Kenney,
11 the president of Local 22 is on his way.

12 COUNCILMAN KENNEY: Do you have
13 any idea on ETA?

14 MR. RILEY: Five minutes.

15 COUNCILMAN KENNEY: All right.

16 What I'll do is, let me do the
17 resolution on the war 'cause you're
18 testifying on that?

19 MR. SHERIDAN: Yeah, I am
20 testifying on that. So let me just give
21 that testimony.

22 COUNCILMAN KENNEY: Okay, fine.

23 This is Resolution No. 060295,
24 proposing an amendment to Article 8,
25 Chapter 5 of the Home Rule Charter,

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287
2 entitled "Referenda Approved by the
3 Voters," by adding a new section
4 providing that citizens of Philadelphia
5 urge the United States to begin an
6 immediate withdrawal of its troops from
7 Iraq, beginning this the National Guard
8 and Reserve and ending with a total
9 withdrawal of U.S. forces by the end of
10 the year 2006.

11 There's an accompanying bill,
12 Bill No. 060287, which is a companion
13 bill to this, of the resolution, to
14 effect it on the ballot for the next
15 November election.

16 Please identify yourself for
17 the record.

18 MR. SHERIDAN: Good morning.

19 THE CLERK: Councilwoman
20 Blackwell wants to speak.

21 COUNCILMAN KENNEY: Oh, sorry.
22 Hold on. Sorry.

23 The Chair recognizes
24 Councilmember Blackwell for remarks.

25 COUNCILWOMAN BLACKWELL: Thank

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 you very much. Thank you, Mr. Chairman,
3 and members of the committee.

4 I am very pleased to have the
5 opportunity to speak on Bill 060287 and
6 the accompanying resolution for a ballot
7 question of whether or not the citizens
8 of Philadelphia should urge the United
9 States government to withdraw -- begin
10 withdrawing U.S. troops from Iraq.

11 As an initial matter, I'd like
12 to explain my position for having a
13 referendum in the first place.

14 The Philadelphia Home Rule
15 Charter requires a Charter amendment to
16 have this question placed on the ballot
17 for consideration by the voters of
18 Philadelphia. Bill 060287 and Resolution
19 060295 are obviously our vehicle for
20 effecting Charter change and having this
21 question placed on the November 7 ballot
22 for general election.

23 After more than three years in
24 Iraq, it has become apparent that our
25 forces have accomplished their

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287
2 militarily. The troops have performed
3 successfully and with honor. It is now
4 time for our sons and daughters to come
5 home.

6 Bill 060287 and Resolution
7 060295 will permit Philadelphia voters to
8 have their voices heard in Washington by
9 allowing them to vote yes or no on the
10 following ballot question, quote:

11 Shall the Philadelphia Home
12 Rule Charter be amended to state that the
13 citizens urge the United States to begin
14 an immediate withdrawal of its troops
15 from Iraq, beginning with the National
16 Guard and Reserve and ending with a total
17 withdrawal of all U.S. forces by the end
18 of the year 2006?

19 While this question obviously
20 has no binding effect on policy matters
21 in Washington, we are hopeful that it
22 will influence opinion there.

23 As John Baer wrote in his Daily
24 News column on April 24th, quote: I
25 don't buy arguments that local should say

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 local. Each public voice helps raise
3 awareness, and every public action
4 underscores the principle of citizens
5 having their say in government. End of
6 quote.

7 And Philadelphia would also not
8 be the only or even the first
9 municipality to call for troop withdrawal
10 from Iraq, but it would be the largest.

11 According to the same column I
12 quoted, officials in 76 municipalities,
13 including Lansdowne, have raised
14 resolutions calling for the U.S. to end
15 its presence in Iraq.

16 In addition, on April 4, 2006,
17 24 out of 32 towns in Wisconsin with
18 referendums on the ballot, including
19 Madison, Milwaukee, a suburb of Sherwood,
20 voted to bring home the troops. In fact,
21 twelve towns voting in favor of the
22 referendum voted for our president in the
23 2004 election.

24 In March 2005, Birmingham voted
25 2 to 1 in favor if a bring-home-the-

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 troops referenda, winning all seven of
3 their wards, including two that are
4 historically conservative.

5 And in November 2004, San
6 Francisco passed a bring-home-the-troops
7 referenda by a margin of 64 to 36
8 percent.

9 More than a hundred U.S. troops
10 from Pennsylvania have died in this
11 conflict. And as a cradle of great
12 democracy, it is a appropriate and timely
13 that the citizens of Philadelphia be
14 heard in Washington on this question.

15 I, therefore, ask this
16 committee to consider this legislation,
17 this bill and resolution, so that the
18 citizens of Philadelphia may voice their
19 opinion on this question concerning this
20 war.

21 Thank you very much,
22 Mr. Chairman.

23 COUNCILMAN KENNEY: Thank you
24 very much.

25 Identify yourself for the

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287
2 record and proceed.

3 MR. SHERIDAN: Sure.
4 Christopher Sheridan on behalf of the
5 Committee of Seventy. Thank you again to
6 Chairman Kenney and this committee for
7 the opportunity to speak here today.

8 The Committee of Seventy does
9 not support Ordinance No. 060287 and
10 Resolution No. 060295, which would amend
11 the Home Rule Charter to address the Iraq
12 War.

13 Seventy believes this is an
14 inappropriate use of the Home Rule
15 Charter amendment systems. Amendments to
16 the Home Rule Charter should be reserved
17 for changes in City government structures
18 or powers or principles for good
19 governance, not federal or political
20 questions such as this.

21 Seventy also believes this
22 question can be perceived as more
23 political than substantive, as empirical
24 research has shown that ballot
25 initiatives can affect voter turnout.

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 Other towns and cities have
3 placed, or will be placing, Iraq War
4 referenda on their ballots. However, to
5 our knowledge, none has resulted in a
6 change in municipal-organizing documents.

7 As noted by the Inquirer in
8 April, this current initiative is modeled
9 after similar efforts in Wisconsin, where
10 voters in 24 of 32 municipalities passed
11 similar referenda. There is no
12 indication, however, that these other
13 referenda authorized an amendment to a
14 municipality's organizing document.

15 Regardless of whether this
16 referendum is politically motivated, the
17 question it presents is inappropriate at
18 the local level.

19 While Councilwoman Blackwell
20 has indicated a resolution would send a
21 message to the federal government that
22 it's time to bring our kids home, there
23 are more appropriate and direct measures
24 Philadelphians can take to send the same
25 message.

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 Regardless of whether troop
3 reduction is in the best interests of the
4 American military or the stability of
5 Iraq, concerned Philadelphia voters
6 should directly contact their federal
7 representatives and not rely on a
8 nonbinding legally powerless referendum
9 if they feel our national military policy
10 has become, or is, unhealthy.

11 A review of the amendments to
12 the Home Rule Charter over the past
13 decade shows that a ballot question
14 addressing national foreign policy is too
15 broad in scope.

16 The most recent Home Rule
17 Charter changes came this past May, when
18 voters expressed their overwhelming
19 support of the creation of an independent
20 ethics board and for the use of
21 surveillance cameras to reduce crime.

22 In the fall of 2005,
23 Philadelphians voted to limit the award
24 of no-bid contractors to political
25 donors.

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 In 2003, voters approved seven
3 amendments to the Home Rule Charter,
4 ranging from the creation of a public
5 advocate for insurance consumers to a
6 declaration that health care is a
7 fundamental right -- that's actually
8 incorrect. Calling for a study of
9 universal health care is what actually
10 happened.

11 Each of the 2003 amendments,
12 however, were focused on matters of local
13 concern. In 2002, voters approved the
14 creation of the Tax Reform Commission and
15 an advisory board charged with the
16 formulation of tax policy.

17 In 1999, the Home Rule Charter
18 was amended, giving the Mayor the power
19 to appoint all School Board members at
20 one time and the power to remove members
21 for wrongdoing.

22 In sum, a referendum on the
23 Iraq War is out of step with The City's
24 past Charter amendments.

25 Political effects. Scholars

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 note the ballot questions tend to produce
3 a spill-over effect, resulting in higher
4 voter turnout than if there were just
5 candidates on the ballot -- not that this
6 is a bad thing in and of itself.

7 Obviously, turnout is good. Indeed, one
8 of Seventy's goals is to increase and
9 sustain voter turnout across the board.

10 Amendments to the Home Rule
11 Charter should not be used for political
12 purposes regardless of what side such a
13 move advantages. The Inquirer has also
14 noted that elsewhere, referendums on
15 banning gay marriage provided a boost to
16 Republican candidates.

17 While it is not our place to
18 issue support for one side of the Iraq
19 debate or the other, Seventy is committed
20 to fair elections and nonpartisanship on
21 these issues as well as maintaining the
22 integrity of the Charter.

23 In sum, Seventy does not
24 support this ballot question to amend the
25 Home Rule Charter. A municipality's

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287
2 organizing document should not be altered
3 to address questions of national military
4 policy.

5 Furthermore, the timing of this
6 question could be perceived as
7 politically motivated, especially in a
8 state where major senatorial and
9 gubernatorial elections will take place
10 this fall.

11 Thank you.

12 COUNCILMAN KENNEY: Thank you
13 very much.

14 I understand your testimony
15 relative to the lack of options that we
16 have in City government for this type of
17 discussion. Sadly, all we have is a
18 Charter change amendment, and I recognize
19 it's not changing the structure or the
20 operation of government. But it is an
21 issue that affects, even though it's a
22 national issue, affects every citizen in
23 the United States, including the citizens
24 of Philadelphia.

25 We have a large number of

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 people in our own police and fire
3 departments that are serving there now,
4 and we have a large number of citizens
5 who are serving there now.

6 So I think, on balance, it
7 would be appropriate for people to have
8 an ability to express their opinion in a
9 very clear way. I mean, it is a
10 democratic vote; whether or not it has an
11 effect in Washington or not is another
12 story.

13 But when they started with
14 anti-apartheid legislation, nobody
15 thought that was going to have any effect
16 either, and it turned out to be the
17 local-level legislation across the
18 country that turned the tide on the
19 apartheid movement, and it basically
20 helped bring it down.

21 So I guess, on balance, while I
22 wish we had a different vehicle, I think
23 increased voter turnout and getting a
24 clear perception of what Philadelphia
25 voters think -- or Philadelphia citizens

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 think, I think, on balance, it probably
3 falls that we should pass it.

4 But that -- I -- I do
5 understand for the record your concern
6 about the vehicle.

7 Councilman Goode.

8 COUNCILMAN GOODE: Thank you,
9 Mr. Chairman.

10 Good afternoon, Mr. Sheridan.

11 MR. SHERIDAN: Good afternoon.

12 COUNCILMAN GOODE: And thank
13 you for your testimony.

14 Three different points in your
15 testimony. You called this bill and
16 resolution "political." You first start
17 out by saying that it is political or
18 more political than substantive.

19 You then go on to say that
20 amendments to the Home Rule Charter
21 should not be used for political
22 purposes, regardless of which side such a
23 move advantages.

24 Then you end by saying,
25 "Furthermore, the timing of this question

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 could be perceived as politically
3 motivated, especially in a state where
4 major senatorial and gubernatorial
5 elections will take place this fall."

6 Why do you term it "political,"
7 and are there now policy implications
8 related to this --

9 MR. SHERIDAN: Well, I mean, I
10 think no one is going to debate that this
11 is a very important public matter --
12 matter of public concern. I think that a
13 ballot question in Philadelphia isn't the
14 appropriate place for this.

15 I know there was a reference
16 earlier to ending apartheid and, although
17 it was before my time, I don't recall
18 that there was any Charter amendment,
19 although I do recall that -- and correct
20 me if I'm wrong -- that this council took
21 steps against businesses that were
22 doing -- that were conducting business in
23 South Africa. I'm not sure if that's the
24 case, but that's my recollection of it.

25 So through the normal channels,

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 this Council did try to effect the
3 outcome of what was a very -- you know, a
4 very important issue at that time.

5 As far as the issue of
6 political motivation, I think that's how
7 this and can and probably will be
8 perceived. You know, on the other side,
9 there have been questions about
10 flag-burning amendments and -- you know,
11 as well as issues of gay marriage.

12 This seems in line with the
13 technique that's been used in recent
14 years, you know, more by the Republicans
15 than the Democrats, to try and increase
16 voter turnout in an important election.

17 So I think that's the way the
18 public will perceive this.

19 COUNCILMAN GOODE: Did the
20 primary sponsors at any point say it was
21 being used for that purpose?

22 MR. SHERIDAN: Well, I don't
23 think that anybody ever says that these
24 questions are being used for those
25 purposes.

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2 COUNCILMAN GOODE: Why did you
3 determine that this piece of legislation,
4 unlike any other piece of legislation,
5 has a political motivation?

6 I'm assuming that all pieces of
7 legislation have some political
8 motivation, are a part of someone's
9 political philosophy. So why do you term
10 this political or any more political than
11 any other piece of legislation?

12 MR. SHERIDAN: Well, I mean --

13 COUNCILMAN GOODE: Are there
14 now policy implications to it?

15 MR. SHERIDAN: I think that as
16 far as policy implications, I mean, this
17 is a city that voted 4-to-1 against
18 President Bush. I think he knows where
19 we stand on this and a number of other
20 issues. So I don't know that there's any
21 policy implication there.

22 I think that it's important for
23 Philadelphians to write to -- we have
24 four Congress members representing
25 Philadelphia and two U.S. senators. I

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 think it's very important for us to speak
3 to those people about this.

4 COUNCILMAN GOODE: Are there
5 any policy implications specifically
6 relevant to Philadelphia?

7 MR. SHERIDAN: I don't -- I
8 don't believe so. I think passing this
9 question isn't going to impact how we
10 conduct business in Philadelphia.

11 COUNCILMAN GOODE: So you don't
12 see any connection between gun violence
13 in this city and war?

14 MR. SHERIDAN: Not between gun
15 violence and the war in Iraq.

16 COUNCILMAN GOODE: You don't
17 see any connection between gun violence
18 in Philadelphia and war in Iraq?

19 MR. SHERIDAN: No.

20 COUNCILMAN GOODE: There's no
21 possibility of that?

22 MR. SHERIDAN: I don't believe
23 so. I mean, I'm not a psychologist, but
24 I don't believe there's any -- now, I
25 think, as far as violence in the media

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 and gun violence in Philadelphia, there
3 probably is a connection.

4 COUNCILMAN GOODE: So what is
5 the reason for gun violence in
6 Philadelphia?

7 MR. SHERIDAN: I mean, that's
8 an open question. I think poverty is a
9 big part of it, lack of opportunity.

10 COUNCILMAN GOODE: So how do
11 you know there's no connection if it's an
12 open question?

13 MR. SHERIDAN: I don't think
14 that -- that the fact that we have a war
15 going on overseas affects what happens in
16 Philadelphia neighborhoods; no, I don't.

17 COUNCILMAN GOODE: Do you think
18 that telling people that killing people
19 is wrong doesn't send mixed messages of
20 war overseas?

21 MR. SHERIDAN: I don't know
22 that this bill specifically tells people
23 that killing is wrong.

24 COUNCILMAN GOODE: You don't
25 see a connection between war and gun

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287
2 violence?

3 MR. SHERIDAN: I don't see a
4 connection between an overseas war and
5 gun violence in Philadelphia.

6 COUNCILMAN GOODE: I disagree
7 with you.

8 Thank you.

9 COUNCILMAN KENNEY: Councilman
10 Kelly, who did you vote for in 2004?

11 (Laughter.)

12 COUNCILMAN KELLY: I'm an
13 endangered species in Philadelphia; I'm a
14 Republican. I'm one of the few.

15 I just want to say, first of
16 all, I have the utmost respect for the
17 sponsors of this resolution, especially
18 Councilwoman Blackwell, and the other
19 Councilmembers who signed on this.

20 I think it's important that
21 they feel that their opinion should be
22 expressed, and I agree with that. I
23 think everyone has an opinion on this
24 war.

25 I don't think it's as political

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 as you may think because there are
3 some -- many Republicans who probably are
4 opposed just as well as Democrats, so I
5 don't think that's an issue.

6 But I do agree with you that it
7 would be better -- that our time would be
8 better spent on going after our elected
9 representatives to do something about the
10 war, whether you're against the direction
11 of the war, where it's going, or if you
12 want immediate withdrawal, or whether
13 it's a time limit on there.

14 Whatever it is, I think it
15 would be better if we put some pressure
16 on our elected representatives who can --
17 who can act and probably put more
18 pressure on the Administration if that's
19 needed. At least they would come back
20 with some answers about where we are and
21 where we're headed for in this war.

22 I just want to say that I do
23 agree that this is no more than an
24 opinion poll, and I think we had enough
25 polls on this subject already.

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 So I think it would be better
3 spent if we went after our
4 representatives.

5 Thank you, Mr. Chairman.

6 COUNCILMAN KENNEY: Thank you.

7 Councilwoman Blackwell.

8 COUNCILWOMAN BLACKWELL: Thank
9 you, Mr. Chairman.

10 We would ask that the statement
11 from Veterans for Peace be made a part of
12 the record in its entirety.

13 And also, we'd like to note
14 that we called Congressman Murtha after
15 he made a three-month engagement in
16 Pittsburgh or he would have been here to
17 testify in support of this legislation.

18 And we certainly hope the
19 committee will consider these things.

20 And thank you very much.

21 COUNCILMAN KENNEY: Thank you
22 very much.

23 Thank you for your testimony.

24 Mr. Haver and Miss Gilbert,
25 please, if you have something to add.

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 MR. SHERIDAN: Okay, thank you.

3 COUNCILMAN KENNEY: Thank you.

4 (Witnesses come forward.)

5 COUNCILMAN KENNEY: Please

6 identify yourself for the record.

7 MS. GILBERT: Yes. My name is

8 Phyllis Gilbert. I'm the director of

9 Peace Action in Pennsylvania, and we're

10 the largest peace group in the country.

11 And I'm here, of course, to

12 testify for our almost 1,000 members in

13 Philadelphia on behalf of the 060287

14 bill, which is being submitted to the

15 City's voters as a referenda urging the

16 U.S. to begin an immediate withdrawal of

17 its troops and forces from Iraq and

18 ending with a total withdrawal by the end

19 of 2006.

20 Peace Action Delaware Valley's

21 mission is to educate and advocate for

22 peace and justice by negotiating

23 conflicts that arise globally and locally

24 in order to build safe communities. We

25 believe that the U.S. democracy depends

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 on that process.

3 The proposed referenda will
4 provide a needed and substantial
5 opportunity for qualified Philadelphia
6 residents to express their views on the
7 serious downturn of the Iraq War and
8 occupation and its consequences.

9 Those consequences have harmed
10 the U.S standing among nations abroad,
11 has critically strained our nation's
12 economy, cost thousands of U.S. and Iraqi
13 lives -- the ultimate sacrifice -- and
14 undermined democracy and is continuing to
15 fuel fear of terrorist attacks on the
16 general public.

17 Let me first explain that Peace
18 Action Delaware Valley asserts that
19 bringing the troops home be laid out in a
20 -- in the bill -- or as laid out in the
21 bill is the best way to support the
22 troops, affording a safe departure from a
23 highly dangerous insurgency, which is
24 growing more dangerous every day. And
25 note that 75 percent of the Iraqis, when

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 polled, wanted the U.S. troops out of
3 Iraq.

4 Secondly, efforts by elected
5 officials who already agree with this
6 process, as in the 79 members of the Out
7 of Iraq Caucus, have been denied the
8 ability to debate this issue on the
9 floor, which may, you know, answer some
10 of the questions raised a little earlier.

11 Not only have the Iraqi
12 residents turned against the U.S.
13 occupation, but the U.S. public is
14 leaning more and more towards withdrawing
15 our troops.

16 Disclosure that the government
17 lied to the people to justify going to
18 war on the basis of unfound weapons of
19 mass destruction, and then after the U.N.
20 inspectors found no such weapons, the
21 government switched its stated goal to
22 establishing democracy in Iraq.

23 It's sort of ironic: We do not
24 accept such a big lie, nor must we accept
25 such hypocrisy, but the government is

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 purporting to establish a free and open
3 democracy abroad yet lying to its
4 constituents at home and shutting off
5 debate of so important an issue.

6 The sacrifice of many lives.
7 Finally and seriously harmful to the
8 whole nation and each of our communities
9 in maintaining U.S. troops presence in
10 Iraq allows the government a high
11 profile, which, again allows the
12 government -- can't read my own writing
13 -- to keep the fear from attack from
14 terrorists in Iraq.

15 The claim that terrorists had
16 anything to do with the fall of the World
17 Trade Center 9/11 attacks was false, but
18 nonetheless, periodically, the government
19 uses that fear or that situation to keep
20 fear alive.

21 So our organization again
22 applauds Councilwoman Blackwell's
23 leadership in introducing Bill No.
24 060287, and our Philadelphia members will
25 urge their representatives to vote for

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 the bill's passage.

3 Thank you.

4 COUNCILMAN KENNEY: Thank you
5 very much for your testimony.

6 Please identify yourself for
7 the record.

8 MR. HAVER: I'm Lance Haver.
9 I'm Director of Consumer Affairs.

10 COUNCILMAN KENNEY: And
11 summarize.

12 MR. HAVER: I've been here
13 before and I won't take a lot of your
14 time.

15 COUNCILMAN KENNEY: Thank you.

16 MR. HAVER: I fully support
17 this.

18 This is the basis of American
19 democracy. It is a tremendous
20 opportunity. And, of course, it would be
21 better if there was another way of doing
22 it other than using the Charter change.

23 But rules are there to serve
24 the public; they're not there to deny the
25 public the right to a voice. And if this

1 6/12/06 LAW and GOV'T - RES. 060295, BILL 060287

2 is the best way to give the public a
3 voice, I commend Council for being
4 creative and finding a way to do it.

5 Thank you very much.

6 COUNCILMAN KENNEY: Thank you
7 very much, Lance.

8 Any questions?

9 (No questions.)

10 COUNCILMAN KENNEY: Anyone else
11 to testify on the bill or resolution?

12 (No response.)

13 COUNCILMAN KENNEY: Thank you.

14 That will conclude the
15 testimony on this particular bill and
16 resolution.

17 The final bill is Resolution
18 No. 060448, which is proposing an
19 amendment to the Philadelphia Home Rule
20 Charter requiring District Council
21 members to be residents of the districts
22 from which they were elected for at least
23 one year prior to their election, and
24 providing for the submission of the
25 amendment to the electors of

1 6/12/06 LAW and GOV'T - RES. 060448, BILL 060433

2 Philadelphia.

3 The companion bill, No. 060433,
4 is also reflected with the same
5 sentiments, and we would ask that
6 Mr. Sheridan from the Committee of
7 Seventy, if he is here.

8 UNIDENTIFIED SPEAKER: He left.

9 COUNCILMAN KENNEY: I think he
10 went to find Zach.

11 MS. GILBERT: Councilman
12 Kenney, I would like to add one thing. I
13 just want to say that I will give this
14 testimony in written form to the --

15 COUNCILMAN KENNEY: On the
16 prior bill and resolution.

17 MS. GILBERT: Right.

18 COUNCILMAN KENNEY: Thank you
19 very much.

20 We'll just wait a few seconds.

21 I want to acknowledge our
22 visitors here.

23 This is the Committee on Law
24 and Government, which is discussing an
25 issue today relative to a requirement

1 6/12/06 LAW and GOV'T - RES. 060448, BILL 060433

2 that District Council members live in the
3 district that they want to represent a
4 year prior to their election.

5 So that's some of the -- I
6 wanted to give you an idea of what --
7 some of the things we're dealing with
8 here.

9 But welcome to Philadelphia and
10 welcome to our chambers.

11 (Witness comes forward.)

12 COUNCILMAN KENNEY: Please
13 identify yourself for the record.

14 MR. SHERIDAN: Christopher
15 Sheridan, Committee of Seventy.

16 COUNCILMAN KENNEY: Please
17 proceed.

18 MR. SHERIDAN: It's always a
19 pleasure to be here. Thank you again,
20 chairman Kenny and the Committee on Law
21 and Government.

22 This testimony is in reference
23 to Resolution 060433. The Committee of
24 Seventy supports Bill No. 060433 as
25 consistent with current practices and the

1 6/12/06 LAW and GOV'T - RES. 060448, BILL 060433

2 fair expectation that one should reside
3 in the community he or she seeks to
4 represent.

5 A number of other jurisdictions
6 require a candidate to reside in his or
7 her respective district for a period of
8 time prior to election. It is consistent
9 with representative democracy to require
10 a candidate to reside in his or her
11 respective district before becoming
12 elected because the representative is
13 more likely to be in touch with the needs
14 of constituents, among other reasons.

15 Legal support for the one-year
16 residency rule. Courts have noted a
17 number of practical reasons for
18 pre-election legislative residency
19 requirements.

20 A federal court in Florida
21 noted: A residency requirement serves
22 reasonably to assure that the candidate
23 will be a bona fide of the city he or she
24 seeks to represent, will have been there
25 long enough to know the issues

1 6/12/06 LAW and GOV'T - RES. 060448, BILL 060433

2 confronting the city and will be known by
3 the voters. A candidate's long-term
4 presence in the district will also enable
5 voters to develop a more complete and
6 accurate perception of the candidate.

7 A Washington State court
8 interpreted that state's one-year
9 residency rule as having the purpose of
10 exposing the candidate to, in quotes, the
11 needs and problems of the people of a
12 particular city, end quotes.

13 Furthermore, required residency
14 in a candidate's district will enable him
15 or her to better interact with and get to
16 know his or her constituents.

17 A residency requirement for a
18 City Council candidate is also consistent
19 with Pennsylvania State constitutional
20 law, which mandates a candidate for State
21 Senate or State House reside in his or
22 her respective district for one year
23 prior to election.

24 The outcome of challenges to
25 the one-year residency rule. Early

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2 challenges to candidate residency
3 programs fell primarily under equal
4 protection violations or infringement on
5 an individual's right to travel. More
6 recent challenges to residency
7 requirements have failed, however,
8 because the government has been unable to
9 show residency requirements are
10 reasonably related to the legitimate
11 interests discussed above.

12 Conclusion. In the interest of
13 making qualifications for Council
14 district representatives consistent with
15 qualifications for holding state
16 legislative office and ensuring
17 candidates are fully committed to the
18 district they seek to serve, Seventy
19 supports passage of this bill.

20 Thank you.

21 COUNCILMAN KENNEY: Thank you
22 very much for your testimony.

23 Any questions?

24 Councilmember Goode.

25 COUNCILMAN GOODE: Thank you,

1 6/12/06 LAW and GOV'T - RES. 060448, BILL 060433

2 Mr. Chairman.

3 Mr. Sheridan, I actually
4 support this bill. I think that my
5 position is fairly consistent in terms of
6 why I support this bill as related to
7 other matters considered today.

8 You seem to be in favor of
9 residency requirements under this bill
10 but not residency requirements under a
11 previous bill. Do you see at all any
12 philosophical or policy contradiction
13 there?

14 MR. SHERIDAN: Well, I don't.
15 I don't think that there should be any
16 barriers to someone coming to our city
17 and getting a municipal job. Whereas, if
18 you're actually going to be the chosen
19 representative of the people, you really
20 do need -- you need to have a -- you
21 know, to be an elected representative,
22 you really do need a more intimate
23 knowledge of the community.

24 So I think that that's the
25 distinction.

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2 In one case, you know, I think
3 we need to open doors to people from
4 around the country to come here and get a
5 city job, you know, where they're
6 qualified. And I think, in the other
7 case, you know, the representative should
8 be of the people.

9 COUNCILMAN GOODE: I agree,
10 which is why I support this bill.

11 But do you see any
12 contradiction with your previous
13 testimony related to the other bill?

14 And I'm not saying that you
15 can't be for one and for against the
16 other, but particularly within your
17 testimony, you talked about even the
18 unfairness between civil servants and
19 non-civil servants.

20 And in this case, you seem to
21 be making a distinction between elected,
22 appointed civil service.

23 MR. SHERIDAN: Well, I think
24 that the rules for civil service and
25 appointment, I mean, that -- it makes

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2 sense to have those consistent, and I
3 think it makes sense to have those rules
4 not exclude people who haven't lived here
5 for a year.

6 Whereas to serve on this body,
7 I think you need to -- and, I mean, I
8 think one year -- obviously, I think you
9 need to have several years to be a really
10 good representative, which I think all of
11 you have.

12 But I think a one-year
13 requirement -- and also it clarifies law
14 so it's consistent with the General
15 Assembly, 'cause a lot of people looking
16 to serve, in my experience. Are looking
17 at one body or the other. So --

18 COUNCILMAN GOODE: But you are
19 making a distinction between government
20 employees.

21 MR. SHERIDAN: Yeah,
22 absolutely.

23 COUNCILMAN GOODE: And making a
24 distinction between government employees
25 does not contradict your previous

1 6/12/06 LAW and GOV'T - RES. 060448, BILL 060433

2 testimony?

3 MR. SHERIDAN: No. I think my
4 previous testimony was that, you know,
5 anyone who's qualified, regardless of
6 where they live in this country or if
7 they're serving on a military base,
8 should be able to apply for City jobs and
9 meet the residency requirement within six
10 months of hire.

11 I mean, I think that was my
12 prior testimony.

13 COUNCILMAN GOODE: Thank you.

14 MR. SHERIDAN: Thank you.

15 COUNCILMAN KENNEY: Thank you
16 very much.

17 No one else to testify on this
18 bill or resolution?

19 The Chair recognizes Councilman
20 Kelly. I apologize.

21 COUNCILMAN KELLY: Thank you,
22 Mr. Chairman.

23 Now, I just want to say that I
24 agree with the principle of this bill,
25 but I just have some problems with the

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2 timing of it. I would prefer to have
3 more time to look at this bill.

4 But at this time, I'm not
5 prepared to vote for it.

6 Okay, thank you, Mr. Chairman.

7 COUNCILMAN KENNEY: Thank you,
8 Councilman Kelly.

9 MR. SHERIDAN: May I comment on
10 that?

11 COUNCILMAN KENNEY: Yes.

12 MR. SHERIDAN: Just a comment
13 on that briefly.

14 My understanding -- it's come
15 to my attention that there were a couple
16 people who had concerns about a potential
17 special election in November of '06,
18 whether or not they would be available
19 for the 7th District, you know, if the
20 Council President sees fit to schedule a
21 special election.

22 And because they're on the
23 ballot at the same time, I don't see any
24 issue whatsoever as far as
25 qualifications, 'cause you're going to

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2 qualify and be elected by the people
3 before the short amendment can take
4 effect.

5 So I think to the extent
6 anybody has concerns about that, I don't
7 think it's a problem, and I think we have
8 sufficient time for this to become law by
9 '07. Is that not correct? Or sufficient
10 notice?

11 COUNCILMAN KENNEY: Councilman
12 Nutter.

13 COUNCILMAN NUTTER: I didn't
14 necessarily want to jump on this; my
15 light is on for a different purpose.

16 But I didn't understand the
17 last thing you said.

18 MR. SHERIDAN: The point was
19 that if this is on the '06 ballot, it
20 should not affect the '07, you know,
21 election at all, the one-year residency
22 requirement 'cause that's -- it's a year
23 out when it becomes law.

24 In the case of '06, in the
25 event that there was a special election

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2 held for the 7th District in November,
3 that wouldn't affect anyone's eligibility
4 under current law because this amendment
5 would not take effect until probably late
6 November or December.

7 Whereas that person would have
8 qualified to hold office, you know, I
9 guess when the party chose them back in
10 September or October, and they would have
11 been elected by the voters in the same
12 election where there is on the ballot.

13 So, I don't know. I think that
14 we're -- you know, at least through back
15 channels, I've heard about some concerns
16 about how this might affect that race.

17 COUNCILMAN NUTTER: Okay.

18 COUNCILMAN KENNEY: Thank you
19 very much.

20 Thank you, Councilman Kelly.

21 Any other comments or
22 questions?

23 Councilmember Nutter.

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

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2 I do not wish to raise any
3 issue with regard to the last bill.

4 I do want to put something on
5 the record with regard to the bill and
6 resolution that I have on the ballot
7 question related to the preference for
8 children of police officers and
9 firefighters:

10 One, Miss Orfanelli raised a
11 couple issues. I wanted to put one
12 legislative intent issue on the record,
13 which, of course, will be further
14 resolved through a piece of legislation.

15 But for this record, the issue
16 of the children of Philadelphia
17 firefighters and police officers who are
18 affected by this, in the public meeting,
19 Mr. Chairman, I would just like to
20 propose inserting the word "Philadelphia"
21 in the appropriate place.

22 And secondly, with regard to
23 what positions those children might apply
24 for, the legislative intent here is that
25 this preference would only apply to those

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2 children of the killed or to the officer
3 who was killed or dies in the line of
4 duty. It relates to their application to
5 either the Police or Fire Department.
6 Not any of the other departments in the
7 government. That also, of course, will
8 be addressed in the subsequent
9 legislation.

10 But I wanted to make it clear
11 for the record as to what the intention
12 was of this matter as it moves through
13 the process.

14 COUNCILMAN KENNEY: Do you
15 intend to both amend the resolution and
16 the bill?

17 COUNCILMAN NUTTER: And the
18 bill, yes, because of the question.

19 COUNCILMAN KENNEY: Okay.

20 Great. Thank you.

21 If there is no other business
22 for the hearing, that will conclude the
23 Law and Government public hearing.

24 * * *

25 COUNCILMAN KENNEY: We will now

1 6/12/06 - LAW and GOVERNMENT - PUBLIC MEETING

2 convene a public meeting.

3 The Chair recognizes

4 Councilmember Goode.

5 COUNCILMAN GOODE: Thank you,

6 Mr. Chairman.

7 I move that Resolution No.

8 060448 be reported out of committee with

9 a favorable recommendation.

10 (Motion seconded.)

11 COUNCILMAN KENNEY: It's been

12 moved and seconded.

13 All in favor, aye?

14 One opposed?

15 COUNCILMAN KELLY: No.

16 COUNCILMAN KENNEY: One

17 opposed. Councilman Kelly is opposed.

18 The resolution is put forth

19 from committee. Resolution 060448 will

20 be heard at our next Council session.

21 COUNCILMAN NUTTER: Not on a

22 resolution.

23 COUNCILMAN KENNEY: The Chair

24 recognizes Councilmember Goode on a

25 motion on Bill No. 060433.

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

4 I move that Bill No. 060433 be
5 reported out of committee with a
6 favorable recommendation and that the
7 rules of Council be suspended so as to
8 permit first reading at our next Council
9 session.

10 (Motion seconded.)

11 COUNCILMAN KENNEY: It's been
12 moved and seconded.

13 All in favor, aye?

14 COUNCILMAN KELLY: No.

15 COUNCILMAN KENNEY: There is
16 one opposed. Councilman Kelly is
17 opposed. Bill No. 060433 will be
18 reported out of this committee favorably.
19 A request will be made for a rules
20 suspension to allow for first reading at
21 our next Council session.

22 The Chair recognizes
23 Councilmember Nutter on a motion to amend
24 Resolution 060518.

25 COUNCILMAN NUTTER: Thank you,

1 6/12/06 - LAW and GOVERNMENT - PUBLIC MEETING

2 Mr. Chairman.

3 In section D of the Resolution,
4 on Page 2, it presently reads: The new
5 language is... and to the children of...

6 And I would ask to insert the
7 word "Philadelphia" in front of
8 "firefighters" so as to make the
9 intention clear.

10 COUNCILMAN KENNEY: Thank you.

11 COUNCILMAN NUTTER: And I move
12 the adoption of that amendment.

13 COUNCILMAN KENNEY: Is there a
14 second?

15 (Motion seconded.)

16 COUNCILMAN KENNEY: It's been
17 moved and seconded.

18 All in favor, aye?

19 Resolution 060518 is amended
20 accordingly.

21 The Chair recognizes
22 Councilmember Nutter on the amended
23 resolution.

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

1 6/12/06 - LAW and GOVERNMENT - PUBLIC MEETING

2 I move that Resolution No.

3 060518, as amended, be reported out of
4 this committee with a favorable
5 recommendation.

6 (Motion seconded.)

7 COUNCILMAN KENNEY: It's been
8 moved and seconded.

9 All in favor, aye?

10 There are none opposed.

11 Resolution No. 060518, as
12 amended, will be reported out of this
13 committee and be heard at our next
14 session of Council.

15 The Chair recognizes
16 Councilmember Nutter on a motion to amend
17 Bill No. 060507.

18 COUNCILMAN NUTTER: Thank you,
19 Mr. Chairman.

20 I move that on the question in
21 Section 2 of Bill 060507, that where it
22 reads "for the children of," insert the
23 word "Philadelphia" in front of the word
24 "firefighters."

25 And I move the adoption of that

1 6/12/06 - LAW and GOVERNMENT - PUBLIC MEETING

2 amendment.

3 (Motion seconded.)

4 COUNCILMAN KENNEY: It's been

5 moved and seconded.

6 All in favor, aye?

7 There are none opposed.

8 Bill No. 060507 will be amended

9 accordingly.

10 The Chair recognizes

11 Councilmember Nutter on the amended bill.

12 COUNCILMAN NUTTER: Thank you,

13 Mr. Chairman.

14 I move that Bill No. 060507, as

15 amended, be reported out of this

16 committee with a favorable recommendation

17 and a further recommendation that the

18 rules of Council be suspended so as to

19 permit first reading at our next session.

20 (Motion seconded.)

21 COUNCILMAN KENNEY: It's been

22 moved and seconded.

23 All in favor, aye?

24 There are none opposed.

25 Bill No. 060507 will be

1 6/12/06 - LAW and GOVERNMENT - PUBLIC MEETING

2 reported -- as amended will be reported
3 out of this committee favorably, and a
4 request will be made for a rules
5 suspension to allow for first reading at
6 our next Council session.

7 The Chair recognizes
8 Councilmember Goode on Resolution No.
9 060295.

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

12 I move that Resolution No.
13 060295 be reported out of committee with
14 a favorable recommendation.

15 COUNCILMAN KENNEY: Do I hear a
16 second?

17 (Motion seconded.)

18 COUNCILMAN KENNEY: It's been
19 moved and seconded.

20 All in favor, aye?

21 COUNCILMAN KELLY: No.

22 COUNCILMAN KENNEY: I have a
23 one opposed; Councilman Kelly is opposed.

24 Resolution No. 060295 will be
25 reported out of this committee with a

1 6/12/06 - LAW and GOVERNMENT - PUBLIC MEETING

2 favorable recommendation and be heard at
3 our next session of Council.

4 The Chair recognizes Councilman
5 Goode on a motion on Bill No. 060287.

6 COUNCILMAN GOODE: Thank you,
7 Mr. Chairman.

8 I move that Bill No. 060287 be
9 reported out of committee with a
10 favorable recommendation and that the
11 rules of Council be suspended so as to
12 permit first reading at our next Council
13 session.

14 (Motion seconded.)

15 COUNCILMAN KENNEY: Moved and
16 seconded.

17 All in favor, aye?

18 COUNCILMAN KELLY: No.

19 COUNCILMAN KENNEY: Councilman
20 Kelly is opposed.

21 Bill No. 060287 will be
22 reported out of this committee with a
23 favorable recommendation and a request
24 will be made for a rules suspension to
25 allow for first reading at our next

1 6/12/06 - LAW and GOVERNMENT - PUBLIC MEETING

2 Council session.

3 That concludes the business of

4 Law and Government Committee.

5 Thank you for your time.

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C E R T I F I C A T E

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I HEREBY CERTIFY that the proceedings,
evidence, and objections are contained fully and
accurately in the stenographic notes taken by me
upon the foregoing matter on Monday, June 12, 2006,
and that this is a true and correct statement of
same.

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JOSEPHINE CARDILLO

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RPR-Notary Public

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