

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON APPROPRIATIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, November 29, 2012
1:45 p.m.

PRESENT:

COUNCILMAN W. WILSON GOODE, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILLS 120904, 120905, 120906, 120907, 120908,
120909, 120910, 120911, 120912, and 120913

- - -

1

2

COUNCILMAN GOODE: Good

3

afternoon. This hearing is called to

4

order. This is a public hearing of the

5

Appropriations Committee on Bills No.

6

120904 through 120912. My name is W.

7

Wilson Goode, Jr., Chair of this

8

Committee.

9

I note that a quorum is

10

present. To my right is Vice-Chair of

11

the Committee, Majority Leader Curtis

12

Jones. To my far right is Councilwoman

13

Jannie Blackwell. To my left is

14

Councilwoman Maria Quinones-Sanchez.

15

The titles of the Bills 120904,

16

an ordinance authorizing transfers in

17

appropriations for Fiscal Year 2012

18

within the General Fund from certain or

19

all City offices, departments, boards and

20

commissions to the Director of Finance -

21

Fringe Benefits.

22

120904 [sic], an ordinance

23

authorizing transfers in appropriations

24

for Fiscal Year 2012 within the General

25

Fund from certain or all City offices,

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 departments, boards and commissions to
3 the First Judicial District of
4 Pennsylvania.

5 120905 [sic], an ordinance
6 authorizing transfers in appropriations
7 for Fiscal Year 2012 within the General
8 Fund from certain or all City offices,
9 departments, boards and commissions to
10 the Police Department.

11 120906 [sic], an ordinance
12 authorizing transfers in appropriations
13 for Fiscal Year 2012 within the General
14 fund from certain or all City offices,
15 departments, boards and commissions to
16 the Fire Department.

17 120907 [sic], an ordinance
18 authorizing transfers in appropriations
19 for Fiscal Year 2012 within the General
20 Fund from certain or all City offices,
21 departments, boards and commissions to
22 the Sheriff.

23 120908 [sic], an ordinance
24 authorizing transfers in appropriations
25 for Fiscal Year 2012 within the General

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 Fund from certain or all City offices,
3 departments, boards and commissions to
4 the Department of Human Services -
5 Philadelphia Prisons.

6 120909 [sic], an ordinance
7 authorizing transfers in appropriations
8 for Fiscal Year 2012 within the General
9 Fund and the Department of Human
10 Services.

11 120910 [sic], an ordinance
12 authorizing transfers in appropriations
13 for Fiscal Year 2012 within the General
14 Fund from certain or all City offices,
15 departments, boards and commissions to
16 the Mayor - Office of Housing and
17 Community Development.

18 120911 [sic], an ordinance
19 authorizing transfers in appropriations
20 for Fiscal Year 2012 within the General
21 Fund from certain or all City offices,
22 departments, boards and commissions to
23 the Department of Public Property and the
24 Procurement Department.

25 120912 [sic], an ordinance

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 authorizing transfers in appropriations
3 for Fiscal Year 2012 within the Water
4 Fund from certain or all City offices,
5 departments, boards and commissions to
6 certain or all City offices, departments,
7 boards and commissions.

8 Our first witness is Rebecca
9 Rhynhart.

10 (Witness approached witness
11 table.)

12 COUNCILMAN GOODE: I'm sorry.
13 And 120913, an ordinance authorizing
14 transfers in appropriations for Fiscal
15 Year 2012 within the Water Fund from
16 certain or all City offices, departments,
17 boards and commissions to certain City
18 offices, departments, boards and
19 commissions.

20 MS. RHYNHART: Good afternoon.
21 Rebecca Rhynhart, Budget Director.

22 Good afternoon, Councilman
23 Goode and members of the Appropriation
24 Committee. My name is Rebecca Rhynhart
25 and I serve as Budget Director for the

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 City. I appear before you today to offer
3 testimony on Bill Nos. 120904, 120905,
4 120906, 120907, 120908, 909, 910, 911,
5 912, and 913.

6 These ordinances are needed to
7 transfer appropriations to those agencies
8 and expenditure classes where shortages
9 have occurred, and this will allow the
10 proper recording of final Fiscal Year
11 2012 obligations. This is required for
12 the year-end closing of the financial
13 records of the City.

14 Bill No. 120904 transfers 39.6
15 million of Fiscal '12 appropriations
16 within the General Fund from certain City
17 departments to the Director of Finance -
18 Fringe Benefits. This transfer is
19 necessary to fund reserves related to
20 disputes over health fund costs between
21 the City and the Fraternal Order of
22 Police under the 2009 arbitration award
23 and increased fringe costs largely due to
24 DHS expenditure transfers, which result
25 in no additional cost to the General

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 Fund.

3 Bill No. 120905 transfers 2.1
4 million to the First Judicial District
5 per the Zero Growth Agreement between the
6 FJD and the City, which requires the City
7 to appropriate the surplus in the FJD
8 General Fund budget and a share of the
9 revenue they generate. This amount is
10 offset by an internal transfer.

11 Bill No. 120906 transfers 1.7
12 million to the Police Department to fully
13 fund payroll charges. This amount is
14 partially offset by an internal transfer
15 of 100,000.

16 Bill No. 120907 transfers 1.1
17 million to the Fire Department to fully
18 fund payroll charges.

19 Bill No. 120908 transfers 1.5
20 million to the Sheriff to fully fund
21 payroll charges. This amount is
22 partially offset by an internal transfer
23 of 137,000.

24 Bill No. 120909 transfers 4.4
25 million to the Prisons Department to

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 fully fund payroll. This amount is
3 partially offset by an internal
4 departmental transfer.

5 Bill No. 120910 requests an
6 internal transfer of 9.7 million to the
7 Department of Human Services to cover
8 charges from child welfare services.

9 Bill No. 120911 transfers 1.4
10 million to the Mayor's Office of Housing
11 and Community Development to allow
12 payment of Acquisition Recycling funds to
13 the Redevelopment Authority. When the
14 Redevelopment Authority condemns land, it
15 is required to pay the owner the
16 equivalent of fair market value. In the
17 absence of the owner, these funds are
18 paid into court. Any municipal liens on
19 the property are paid out of these funds.
20 Under the Acquisition Recycling Program,
21 the funds paid by the City into court for
22 condemnation are recycled to fund
23 additional acquisition activity. This
24 amount is partially offset by an internal
25 departmental transfer of 359,000.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 Bill No. 120912 requests an
3 internal departmental transfer of 933,000
4 to the Department of Public Property to
5 cover interfund services, primarily water
6 usage, provided to the General Fund by
7 the Water and Aviation Funds. Bill No.
8 120912 requests a \$650,000 transfer to
9 the Procurement Department for increased
10 advertising costs.

11 Bill No. 120913 transfers 1.96
12 million of Fiscal '12 appropriations
13 within the Water Fund. The Water
14 Department has requested a transfer of
15 this amount from Class 100 to Class 800
16 for a payment to the Rate Stabilization
17 Fund.

18 I respectfully request that you
19 report these bills out of Committee with
20 a favorable recommendation, and I further
21 request that the rules of Council be
22 suspended so as to permit first reading
23 at the next session of Council.

24 I appreciate the opportunity to
25 testify, and I'm here to answer any

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 questions you may have.

3 COUNCILMAN GOODE: Thank you
4 for your testimony, Ms. Rynhart. Just a
5 few questions.

6 In your testimony, you talk
7 about the reason behind end-of-year
8 transfers and you say because shortages
9 have occurred. At what point did
10 shortages occur?

11 MS. RYNHART: At what point do
12 the shortages occur? On something like
13 Police payroll, it would be like the last
14 pay of the year. So often it's very
15 close to the end of the year.

16 COUNCILMAN GOODE: But in
17 general, how far back do any of these
18 shortages go?

19 MS. RYNHART: It's hard to
20 pinpoint an amount. I would say at some
21 point maybe in our third quarter
22 financial report, we might make a
23 projection that we think a department
24 might be over, but we're not positive
25 because of the size of some of the

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 budgets until the very end of the year.

3 So that's --

4 COUNCILMAN GOODE: Did any of

5 these shortages occur before June?

6 MS. RHYNHART: Yeah, probably.

7 I would say.

8 COUNCILMAN GOODE: Before May?

9 MS. RHYNHART: You know, the
10 shortages -- I mean, really what we're
11 talking about would be the payroll, and
12 Police and Fire, I think it's the last
13 pay. Prisons, maybe a little before
14 that. I could get back to you, but I
15 don't think it's well before then.

16 COUNCILMAN GOODE: Did any of
17 the shortages occur in time for there to
18 be a transfer ordinance?

19 MS. RHYNHART: I wouldn't think
20 so, because we do try to put in the
21 transfer ordinance obviously to get
22 Council's permission to spend if we know
23 at that point. So that is definitely the
24 goal.

25 COUNCILMAN GOODE: Okay. The

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 second issue, in Bill 120904, the big
3 number, the 34.5 million, says it's
4 necessary to fund reserves related to
5 disputes over health fund costs between
6 the City and the FOP. The first question
7 is, where does that figure come from, the
8 34 and a half million?

9 MS. RHYNHART: That figure is a
10 calculation of the amount -- in the 2009
11 award, the Police award, it laid out -- I
12 want to be careful about saying too much
13 since there's a hearing and a dispute
14 over it, but there's an amount set forth
15 of how much we have -- a calculation of
16 how to -- funding a health fund reserve
17 for the Police. So we will have to fund
18 it, and we estimated that amount. I
19 don't want to misspeak in terms of the
20 number of months, but it's based on the
21 award, the language in the award, how we
22 estimated it.

23 COUNCILMAN GOODE: So is that a
24 total amount?

25 MS. RHYNHART: That's right.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 COUNCILMAN GOODE: The 34 and a
3 half million is a total amount?

4 MS. RHYNHART: It's the
5 estimate, right, but the total amount,
6 right, of the estimate.

7 COUNCILMAN GOODE: And when did
8 you know about that?

9 MS. RHYNHART: That became
10 apparent -- there is a hearing date that
11 is set for this January, and that was
12 told to us sometime maybe June, July. It
13 was pretty recently.

14 COUNCILMAN GOODE: So this is
15 money you're encumbering under Fiscal
16 Year '12?

17 MS. RHYNHART: That's right.

18 COUNCILMAN GOODE: Okay. In
19 Bill 120906 through Bill 120909, all that
20 is overtime? That's Police, Fire,
21 Sheriff --

22 MS. RHYNHART: Yeah. There's a
23 portion --

24 COUNCILMAN GOODE: -- and
25 Prisons.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 MS. RHYNHART: -- on Prisons
3 which might relate to the award, the
4 arbitration award.

5 COUNCILMAN GOODE: But most of
6 that is overtime?

7 MS. RHYNHART: Most of that is.

8 COUNCILMAN GOODE: Was that
9 budgeted -- that was not budgeted for?

10 MS. RHYNHART: Right. We
11 budget for overtime, but they were
12 overages over the budget on overtime. So
13 there's some money obviously put into
14 the -- there's some money obviously put
15 in the budget for overtime for Police and
16 Fire and Prisons, but certain factors
17 sometimes cause it to go over.

18 COUNCILMAN GOODE: So will you
19 budget more money for Fiscal Year '14 or
20 will you --

21 MS. RHYNHART: It depends on, I
22 would say, the department and its -- we
23 have to discuss. I mean, one of the
24 reasons Police went over was because of
25 Occupy Philly, which is not here anymore.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 I mean, I think Prisons, the census is
3 very high, so we have to have a good
4 discussion about what the Prisons' budget
5 will look like. But I think if your
6 question is if they're running over the
7 budget on overtime, should we be more
8 realistic going forward about what they
9 need, is that sort of where you're going?
10 And, I mean, we obviously try to budget
11 as best we can, but that's something
12 that, of course, we would take into
13 consideration.

14 COUNCILMAN GOODE: So right now
15 you don't know whether to anticipate
16 you'll be asking for more overtime?

17 MS. RHYNHART: I'm sorry?

18 COUNCILMAN GOODE: You don't
19 know whether to anticipate yet --

20 MS. RHYNHART: The Prisons
21 budget is, I would say, likely to rise.
22 I don't want to commit to that, but given
23 that the census is at 9,400 and it used
24 to be at 76, it's likely to go up.

25 COUNCILMAN GOODE: Councilman

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 Jones.

3 COUNCILMAN JONES: Thank you,

4 Mr. Chairman.

5 It's my understanding that we
6 just graduated 44 new officers in the
7 Prisons and a class of 38 is about to be
8 graduated, which should reduce that
9 overtime, in my understanding; is that
10 correct?

11 MS. RHYNHART: I mean, it will
12 probably bring it -- the Commissioner
13 could probably speak more, but it would
14 probably bring it down perhaps from where
15 it is right now. But given where we had
16 budgeted, we budgeted in the 8,000 range
17 for census and now we're at 94. So
18 that's -- he could speak to it more, but
19 bringing on officers -- I mean, you can
20 speak to it.

21 (Witness approached witness
22 table.)

23 COMMISSIONER GIORLA: Good
24 afternoon, Chairman Goode and members of
25 the Appropriations Committee.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 Yesterday we graduated a class,
3 cadet class, of 44 correctional officer
4 cadets. We currently have 38 in our
5 academy in their third week of training.
6 We have approval for and are planning to
7 appoint another class of 50 or perhaps a
8 few more on January 7th, and we're trying
9 to bring our vacancy rate down into the
10 single percentage digits. Right now
11 we're about between 15 and 18 percent.

12 COUNCILMAN JONES: Thank you.

13 COUNCILMAN GOODE: Thank you.

14 Lastly, Bill 120910, for
15 clarity of record, that's an
16 appropriation to DHS for child welfare
17 services. It says to cover charges for
18 child welfare service. What is that?

19 MS. RHYNHART: That actually --
20 we moved DHS from the General Fund to the
21 Grants Fund in Fiscal '12, and it was the
22 first year that we did that, and this
23 came up actually in the mid-year transfer
24 ordinance, the same issue, where after
25 one full year of having DHS in the Grants

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 Fund, we are more aware of the mix of
3 what's reimbursable and not reimbursable
4 by the state. So through the items that
5 are reimbursable, we wanted to move more
6 of that -- more of that funding would be
7 charged to be reimbursed, and then
8 basically the class -- where the class
9 is -- I'm not explaining this well. Let
10 me back up for a second.

11 Because the state -- we learned
12 the mix more of what should be between
13 which class in the Grants Fund. So Class
14 100, 200, et cetera, what's in the Grants
15 Fund is reimbursable. So we have a much
16 better idea of what's reimbursable. And
17 then the General Fund covers what's not
18 reimbursable. So it basically is -- we
19 had to realign the classes between what
20 was reimbursable and not reimbursable.
21 It ended up with a zero cost to the
22 General Fund, but we just had to realign
23 the classes.

24 COUNCILMAN GOODE: Got it.

25 MS. RHYNHART: I hope you got

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 that. Thank you.

3 COUNCILMAN JONES: I understood
4 it.

5 MS. RHYNHART: Thank you.

6 COUNCILMAN GOODE: Once again,
7 for clarity of record, I misspoke at the
8 beginning. 910 is a transfer to Human
9 Services, child welfare services. 911 is
10 a transfer to OHCD. 912 is a transfer to
11 Public Property, and 913 is a transfer to
12 the Water Fund.

13 Other questions from members of
14 the Committee?

15 Councilman Henon.

16 COUNCILMAN HENON: Thank you,
17 Mr. Chairman. I just had a few quick
18 questions.

19 There seems to be in several of
20 the bills some transfers of technology.
21 Were they budgeted earlier in the '12
22 budget or are these additional technology
23 service items that are needed moving
24 forward?

25 MS. RHYNHART: I think what

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 you're probably speaking to is when you

3 see IT in the "from" category in these

4 ordinances -- let me just pull it up.

5 So, right. For example, like in 904, it

6 was the General Fund from Division of

7 Technology and it lists that 3 million?

8 COUNCILMAN HENON: Yes.

9 MS. RHYNHART: Basically for

10 the year-end transfer ordinance, what we

11 do is, departments that have excess

12 appropriations, we pull the

13 appropriations out of those departments

14 to fund the departments that need the

15 money. So IT wasn't one of the

16 departments that actually needed funding.

17 We pulled the excess from their budget

18 out. So that's why -- it's a little

19 complicated just because there's

20 different from's on each of the

21 ordinances.

22 COUNCILMAN HENON: There

23 certainly is.

24 Last, I have a question for the

25 Department of Procurement, Bill No.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 120912, for advertising. What additional
3 advertising expenditures?

4 MS. RHYNHART: This is --
5 Procurement could speak to this more, but
6 Procurement doesn't have a lot of control
7 over the advertising requirements
8 citywide that are charged through
9 Procurement. So this might be an item
10 that we need to budget a little bit more
11 for going forward, because there seems to
12 be an overage. This is the second year
13 in a row.

14 But I could have Procurement,
15 if you had additional information, but
16 it's really -- there's not a lot of
17 control Procurement has over it. It's
18 the requirements for advertising that go
19 through Procurement.

20 COUNCILMAN HENON: Just if you
21 could provide to the Chair the total
22 list -- not the list. The amount
23 expenditures for the year in advertising.

24 MS. RHYNHART: Okay. Sure.

25 COUNCILMAN HENON: You know

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 what? I do have one other question, if I
3 may, Mr. Chairman.

4 I am not real familiar with it,
5 but the agreement with the FJD, can you
6 explain that, what that is? Can you walk
7 me through that?

8 MS. RHYNHART: Sure. There's
9 actually multiple -- something called the
10 Zero Growth Agreement, but there's
11 multiple revenue-sharing agreements with
12 the FJD. So, for example, it
13 incentivizes the FJD to collect more
14 revenue. So we have multiple agreements
15 where if they collect X amount of bail
16 fees or any type of fees, then they can
17 get a portion of what they collect over
18 that amount. So it's aligning our
19 interests or incentivizing them. And
20 then the General Fund usually gets
21 two-thirds of that and they usually get
22 one-third. Some of the agreements are a
23 little bit different.

24 COUNCILMAN HENON: What's their
25 collection rate?

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 MS. RHYNHART: I don't know
3 that offhand. They could -- I don't know
4 if you know your collection rate.

5 They can get it.

6 COUNCILMAN HENON: Okay. I'm
7 curious to see what their collection rate
8 is.

9 MS. RHYNHART: On the
10 different -- sure, we can get it to you.

11 COUNCILMAN HENON: All right.
12 Thank you.

13 COUNCILMAN GOODE: Thank you,
14 Councilman.

15 Any other questions for this
16 witness?

17 (No response.)

18 COUNCILMAN GOODE: Are there
19 any departments that the Committee would
20 like to hear from?

21 (No response.)

22 COUNCILMAN GOODE: Thank you
23 very much.

24 MS. RHYNHART: Thank you.

25 COUNCILMAN GOODE: The next

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 witness is Louise Carpino.

3 (Witness approached witness
4 table.)

5 MS. CARPINO: I have copies.

6 COUNCILMAN GOODE: Please state
7 your name for the record and proceed with
8 your testimony.

9 MS. CARPINO: Louise Carpino
10 from Local 810, President.

11 Good afternoon, Councilman
12 Goode and members of the Appropriation
13 Committee. I represent AFSCME Local 810
14 professional employees in the First
15 Judicial District. There's approximately
16 550 employees that I represent. The unit
17 is comprised mainly of juvenile and adult
18 probation and parole officers, domestic
19 relations hearing officers, and pretrial
20 court officers in the First Judicial
21 District.

22 Local 810 received an interest
23 arbitration award in July 2012 after four
24 years of hearings, per our rights that
25 were afforded to us by the Pennsylvania

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 Employee Relations Act -- or the Public
3 Employee Relations Act of Pennsylvania,
4 Act 195.

5 The award was for five years,
6 2009 through 2014. We received no
7 raises, no retro raises, for '09, '10 or
8 '11, 2.5 percent for 2012 and 2.5 percent
9 for 2013. In addition, a one-step
10 increment for the maxed-out veteran
11 probation officers equivalent to \$1,023
12 was awarded, essentially to try to stem
13 the excessive turnover rate within that
14 group. The new City hybrid pension plan
15 was agreed to for new hires, with no
16 change for the incumbents in the pension
17 benefits, and that our health and welfare
18 was referred to the big table when
19 District Council 47 negotiates.

20 The City has implemented the
21 2.5 percent raise effective 7/1/2012 for
22 our members and has not appealed the
23 interest arbitration award. However, the
24 City has refused to implement the entire
25 award; most specifically, the raise for

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 the maxed-out veteran probation officers,
3 taking the position that it is the
4 Courts' responsibility to pay for that
5 raise out of their existing budget.

6 The Courts have told Local 810
7 that they want us to get our raise, but
8 they can't afford it unless the City
9 gives them the extra money in their
10 budget.

11 I am here today mainly to gain
12 clarity on the exact nature of the
13 financial relationship between the City
14 and the Courts, most specifically
15 focusing on the revenue-sharing
16 agreements or the memorandums of
17 understanding, MOUs, that the Courts have
18 with the City and the City has with the
19 Courts.

20 Of utmost concern to me is the
21 lack of transparency with City Council
22 and the taxpayers concerning these
23 agreements.

24 I am asking City Council to
25 examine the amounts of monies that flow

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 back and forth between the Courts and the
3 City per these agreements in order to
4 determine if representations made by the
5 City and the Courts concerning the lack
6 of money available to pay Local 810's
7 interest arbitration award is genuine.

8 That's basically what I'm here
9 to testify to.

10 COUNCILMAN GOODE: Thank you
11 for your testimony. That was very clear.

12 Can the Administration and the
13 Courts come to the witness table.

14 MS. CARPINO: I'm sorry?

15 COUNCILMAN GOODE: I'm asking
16 for the Administration and the Courts to
17 come to the witness table.

18 MS. CARPINO: Oh. Oh. Am I to
19 stay?

20 COUNCILMAN GOODE: Please stay
21 there.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN GOODE: This seems
25 simple enough. Through Ms. Carpino's

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 testimony, she says that when they ask
3 the City, the City says the Courts have
4 the money. When she asked the Court
5 system, the Court system says they don't
6 have enough money. But the transfer here
7 is a transfer of extra money. Is that
8 correct?

9 MS. RHYNHART: Let me -- if I
10 can just --

11 COUNCILMAN JONES: State your
12 name again.

13 MS. RHYNHART: Rebecca
14 Rhynhart, Budget Director.

15 Just to clarify the City's
16 position just to make this a little
17 clear, and I'm not a lawyer. But we did
18 implement the award, and she's right, we
19 did not appeal the award. There is one
20 provision of the award which has to do
21 with lifting of the EP range, which the
22 City believes was outside of the scope of
23 the arbitrator's powers. So we did not
24 give additional money to the Courts for
25 that.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 COUNCILMAN GOODE: The first
3 question I asked was, to clarify,
4 Ms. Carpino said when they asked the
5 City, the City says the Court has
6 responsibility to pay. When they ask the
7 Court, the Court says they don't have
8 enough money. So my question was, is
9 this transfer ordinance transferring
10 extra money or not?

11 MS. RHYNHART: It is
12 transferring money to the Courts, yes.

13 COUNCILMAN GOODE: Extra money?

14 MS. RHYNHART: It's money
15 according to the revenue-sharing
16 agreement, but it might -- I would
17 have --

18 COUNCILMAN GOODE: It's extra
19 revenue?

20 MR. WASSON: If I may,
21 Councilman.

22 COUNCILMAN GOODE: Actually, I
23 was asking the Budget Director first.

24 Is it extra revenue?

25 MS. RHYNHART: The reason I'm

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 hesitating in answering that is, I don't
3 know how the Court -- it's up to the
4 Courts in terms of how they spend their
5 money. So that's why -- but it is extra
6 appropriations going to the Courts, yes.

7 COUNCILMAN GOODE: Thank you.

8 Please identify yourself for
9 the record.

10 MR. WASSON: Certainly. David
11 Wasson, District Court Administrator,
12 First Judicial District of Pennsylvania.
13 Good afternoon, Councilman and
14 Councilmembers.

15 It is not extra money. It is
16 money to make up for the amount of budget
17 cuts that have -- the Court has incurred
18 over the years, including Class 100 cuts.
19 So it's to keep us at a status quo with
20 our Class 100. It's not extra money
21 where we would hire extra workers or give
22 anybody else --

23 COUNCILMAN GOODE: Was it money
24 above what was budgeted for Fiscal Year
25 '12?

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 MR. WASSON: It was.

3 COUNCILMAN GOODE: So it's
4 extra revenue above what was budgeted for
5 Fiscal Year '12?

6 MR. WASSON: It's extra what
7 was budgeted from the appropriation. We
8 count on end-of-year reconciliations, as
9 we have for -- we have a history of
10 several --

11 COUNCILMAN GOODE: So is it
12 safe to say that you did not intend to
13 spend that money on the arbitration
14 award?

15 MR. WASSON: Absolutely not.
16 We did not intend to do that. We did not
17 intend to spend this on the award. We
18 looked to the City. This is the first
19 arbitration award that I've been involved
20 in, but if there was ever any raises or
21 something similar to a raise would be
22 this arbitration award, we've always
23 looked to the City to supply the funding
24 for that over and above our year-end
25 reconciliation amounts. And so that's

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 what we're looking to the City for is
3 this as well. They funded the 2.5. We
4 don't understand --

5 COUNCILMAN GOODE: I get it.

6 I'm enjoying watching this playback.

7 It's your turn, Ms. Rhynhart.

8 MS. RHYNHART: I'm sorry?

9 COUNCILMAN GOODE: It's your
10 turn now.

11 MS. RHYNHART: Is this the
12 court between the City and the Courts
13 here?

14 COUNCILMAN GOODE: We're going
15 to see where the ball ends up.

16 MS. RHYNHART: I mean, it's the
17 City's position that the Courts can make
18 the decision whether or not to implement
19 this, but the City is not providing
20 additional funding, because it went
21 outside the scope of what the
22 arbitrator's power is. Above and beyond
23 that, it would be a legal question that I
24 can't get into more detail. It's a legal
25 issue.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 COUNCILMAN GOODE: Councilman
3 Jones.

4 COUNCILMAN JONES: This is
5 interesting.

6 MR. WASSON: Always is.

7 COUNCILMAN JONES: Two quick
8 questions. One, if you felt that way,
9 why didn't you ask for the money in the
10 transfer ordinance and request additional
11 monies due to an arbitration award?

12 MR. WASSON: This was
13 specifically for our year-end
14 reconciliation process.

15 COUNCILMAN JONES: I got that,
16 but if you recognize -- how much actually
17 is the total amount of that particular
18 portion of the award, the thousand dollar
19 per? How much does that represent?

20 MS. CARPINO: It's probably
21 about maybe 300 officers maybe.

22 COUNCILMAN JONES: So that's
23 300,000?

24 MR. WASSON: Three hundred,
25 \$400,000.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 COUNCILMAN JONES: Three
3 hundred thousand dollars. So if you
4 recognize that it is the City's
5 responsibility, why didn't, in the
6 transfer ordinance request, you just say,
7 And you owe us -- we need another
8 \$300,000 to honor this court-ordered
9 award?

10 MR. WASSON: Well, this would
11 be for FY13, this award, and this is FY12
12 appropriations.

13 COUNCILMAN JONES: So you will
14 ask for that in appropriations?

15 MR. WASSON: Since I've been
16 here for eight years, ten years, we've
17 asked for a million dollars extra every
18 year in our general appropriation request
19 for probation officer salaries that
20 hasn't been funded, but we will ask for
21 it, and if we get it --

22 COUNCILMAN JONES: So you could
23 have asked again based on you knew that
24 you needed it earlier and that the
25 award --

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 MR. WASSON: The award didn't
3 come out until this fiscal year, after --
4 I forget when it came out.

5 MS. CARPINO: July 12th.

6 MR. WASSON: July 12th.

7 COUNCILMAN GOODE: So I guess
8 the next question is --

9 MR. WASSON: We will ask for it
10 next year, if that's what the question
11 is. FY14 we could ask for it.

12 COUNCILMAN GOODE: I guess the
13 other obvious question is, was there a
14 surplus in Fiscal Year '12?

15 MR. WASSON: A surplus?
16 There's never a surplus, because we spend
17 everything that we get. We budget -- we
18 estimate how much we're going to get
19 and --

20 COUNCILMAN GOODE: But you
21 didn't get it yet.

22 MR. WASSON: No, but we can
23 project, and based on our projections, we
24 budget to spend that amount in this year.

25 COUNCILMAN GOODE: So what did

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 you spend it on?

3 MR. WASSON: We're spending it
4 on Class 100 and most likely technology.
5 But, again, this is Class 100 that we
6 already have employees for and it's
7 calculated into their salaries already.
8 This thousand dollars more is an
9 additional amount that we didn't plan
10 for.

11 COUNCILMAN GOODE: But you will
12 be requesting it for Fiscal Year '13?

13 MR. WASSON: Yes, we will.

14 COUNCILMAN GOODE: And,
15 Ms. Rhyhart, what will the response be?

16 MS. RHYNHART: There's a legal
17 issue here, so I can't respond.

18 COUNCILMAN GOODE: Please
19 forward whatever you can forward to me
20 for the Committee to preview, whatever
21 the legal response is.

22 MS. RHYNHART: Okay. The legal
23 response, sure.

24 MS. CARPINO: If I could
25 just --

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 COUNCILMAN GOODE: Ms. Carpino.

3 MS. CARPINO: -- comment, if
4 there's in fact a legal issue, why wasn't
5 the award appealed?

6 COUNCILMAN JONES: Feel free.

7 MS. RHYNHART: There's -- I
8 really don't want to have a legal debate,
9 because I would feel much more
10 comfortable with Law here, but there is a
11 reason --

12 COUNCILMAN GOODE: I'm very
13 clear that the Court has said it on the
14 record that they're going to request the
15 money from the Administration. The
16 Administration is going to forward to the
17 Committee a legal response --

18 MS. RHYNHART: Sure.

19 COUNCILMAN GOODE: -- related
20 to that. So we're all clear.

21 MS. RHYNHART: Great.

22 COUNCILMAN GOODE: Thank you.

23 MS. CARPINO: Thank you.

24 MR. WASSON: Thank you.

25 COUNCILMAN GOODE: Is there

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 anyone else to testify?

3 (No response.)

4 COUNCILMAN GOODE: Seeing none,
5 we will move from our public hearing into
6 our public meeting to consider the bills.

7 The Chair recognizes Councilman
8 Jones for a motion on Bill No. 120904.

9 COUNCILMAN JONES: Thank you,
10 Mr. Chairman. I move that Bill No.
11 120904 be moved out of this Committee
12 with a favorable recommendation. I
13 further move that the rules of Council be
14 suspended, thus allowing first reading at
15 our next scheduled meeting.

16 (Duly seconded.)

17 COUNCILMAN GOODE: All in
18 favor?

19 (Aye.)

20 COUNCILMAN GOODE: Those
21 opposed?

22 (No response.)

23 COUNCILMAN GOODE: Bill No.
24 120904 is reported out of this Committee
25 with a favorable recommendation and

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 suspension of the rules to allow first
3 reading at our next Council session.

4 The Chair now recognizes
5 Councilman Jones for a motion on Bill No.
6 120905.

7 COUNCILMAN JONES:

8 Mr. Chairman, I move that Bill No. 120905
9 be moved out of this Committee with a
10 favorable recommendation and further move
11 that the rules of Council be suspended,
12 thus allowing first reading at our next
13 scheduled meeting.

14 (Duly seconded.)

15 COUNCILMAN GOODE: All in
16 favor?

17 (Aye.)

18 COUNCILMAN GOODE: Those
19 opposed?

20 (No response.)

21 COUNCILMAN GOODE: Bill No.
22 120905 is reported out of this Committee
23 with a favorable recommend and suspension
24 of the rules to allow first reading at
25 the next session of Council.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 The Chair recognizes Councilman
3 Jones for a motion on Bill No. 120906.

4 COUNCILMAN JONES:

5 Mr. Chairman, I move that Bill No. 120906
6 be moved out of this Committee with a
7 favorable recommendation. I further move
8 that the rules of Council be suspended,
9 thus allowing first reading at our next
10 scheduled meeting.

11 (Duly seconded.)

12 COUNCILMAN GOODE: All in
13 favor?

14 (Aye.)

15 COUNCILMAN GOODE: Those
16 opposed?

17 (No response.)

18 COUNCILMAN GOODE: Bill No.
19 120906 is reported out of this Committee
20 with a favorable recommendation,
21 suspension of rules to allow first
22 reading at the next session of Council.

23 The Chair recognizes Councilman
24 Jones for Bill No. 120907.

25 COUNCILMAN JONES:

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 Mr. Chairman, I move that Bill No. 120907
3 be moved out of this Committee with a
4 favorable recommendation and I further
5 move that the rules of Council be
6 suspended, thus allowing first reading at
7 our next scheduled meeting.

8 (Duly seconded.)

9 COUNCILMAN GOODE: All in
10 favor?

11 (Aye.)

12 COUNCILMAN GOODE: Those
13 opposed?

14 (No response.)

15 COUNCILMAN GOODE: Bill No.
16 120907 is reported out of this Committee
17 with a favorable recommendation and
18 suspension of the rules to allow first
19 reading at our next Council session.

20 The Chair recognizes Councilman
21 Jones on Bill No. 120908.

22 COUNCILMAN JONES:

23 Mr. Chairman, I move that Bill No. 120908
24 be moved out of this Committee with a
25 favorable recommendation. I further move

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 that the rules of Council be suspended,
3 thus allowing first reading at our next
4 scheduled meeting.

5 (Duly seconded.)

6 COUNCILMAN GOODE: All in
7 favor?

8 (Aye.)

9 COUNCILMAN GOODE: Those
10 opposed?

11 (No response.)

12 COUNCILMAN GOODE: Bill No.
13 120908 is reported out of this Committee
14 with a favorable recommendation and
15 suspension of the rules to allow first
16 reading at our next session of Council.

17 The Chair now recognizes
18 Councilman Jones for a motion on Bill No.
19 120909.

20 COUNCILMAN JONES:

21 Mr. Chairman, I move that Bill No. 120909
22 be moved out of this Committee with a
23 favorable recommendation and I further
24 move that the rules of Council be
25 suspended, thus allowing first reading at

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 our next scheduled meeting.

3 (Duly seconded.)

4 COUNCILMAN GOODE: All in

5 favor?

6 (Aye.)

7 COUNCILMAN GOODE: Those

8 opposed?

9 (No response.)

10 COUNCILMAN GOODE: Bill No.

11 120909 is reported out of this Committee

12 with a favorable recommendation and

13 suspension of the rules to allow first

14 reading at our next session of Council.

15 The Chair now recognizes

16 Councilman Jones on Bill No. 120910.

17 COUNCILMAN JONES: I move that

18 Bill No. 120910 be moved out of this

19 Committee with a favorable

20 recommendation. I further move that the

21 rules of Council be suspended, thus

22 allowing next reading of this bill at our

23 next scheduled meeting.

24 (Duly seconded.)

25 COUNCILMAN GOODE: All in

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 favor?

3 (Aye.)

4 COUNCILMAN GOODE: Those

5 opposed?

6 (No response.)

7 COUNCILMAN GOODE: Bill No.

8 120910 is reported out of this Committee

9 with a favorable recommendation and

10 suspension of the rules to allow first

11 reading at our next session of Council.

12 The Chair now recognizes

13 Councilman Jones for Bill No. 120911.

14 COUNCILMAN JONES:

15 Mr. Chairman, I move that Bill No. 120911

16 be moved out of this Committee with a

17 favorable recommendation. I further move

18 that the rules of Council be suspended,

19 thus allowing first reading at our next

20 scheduled meeting.

21 (Duly seconded.)

22 COUNCILMAN GOODE: All in

23 favor?

24 (Aye.)

25 COUNCILMAN GOODE: Those

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 opposed?

3 (No response.)

4 COUNCILMAN GOODE: Bill No.

5 120911 is reported out of this Committee

6 with a favorable recommendation and

7 suspension of the rules to allow first

8 reading at our next session of Council.

9 The Chair now recognizes

10 Councilman Jones on 120912.

11 COUNCILMAN JONES:

12 Mr. Chairman, I move that Bill No. 120912

13 be moved out of this Committee with a

14 favorable recommendation. I further move

15 that the rules of Council be suspended,

16 thus allowing first reading at our next

17 scheduled meeting.

18 (Duly seconded.)

19 COUNCILMAN GOODE: All in

20 favor?

21 (Aye.)

22 COUNCILMAN GOODE: Those

23 opposed?

24 (No response.)

25 COUNCILMAN GOODE: Bill No.

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.
2 120912 is reported out of this Committee
3 with a favorable recommendation and
4 suspension of the rules to allow first
5 reading at the next session of Council.

6 The Chair recognizes Councilman
7 Jones on the last bill, 120913.

8 COUNCILMAN JONES:

9 Mr. Chairman, I move that Bill No. 120913
10 be moved out of this Committee with a
11 favorable recommendation. I further move
12 that the rules of Council be suspended,
13 thus allowing first reading at our next
14 scheduled meeting.

15 (Duly seconded.)

16 COUNCILMAN GOODE: All in
17 favor?

18 (Aye.)

19 COUNCILMAN GOODE: Those
20 opposed?

21 (No response.)

22 COUNCILMAN GOODE: Bill No.
23 120913 is reported out of the Committee
24 with a favorable recommendation and
25 suspension of the rules to allow first

1 11/29/12 - APPROPRIATIONS - BILLS 120904, etc.

2 reading at the next session of Council.

3 This concludes our public

4 meeting. Thank you very much.

5 (Committee on Appropriations

6 concluded at 2:20 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on November 29, 2012, and
that this is a true and correct transcript of
same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
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direct control and/or supervision of the
certifying reporter.)

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