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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE OF THE WHOLE

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, December 9, 2009
10:30 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

COUNCILWOMAN JANNIE BLACKWELL

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COUNCILMAN DARRELL L. CLARKE

COUNCILMAN FRANK DiCICCO

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COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN BILL GREEN

12

COUNCILMAN WILLIAM GREENLEE

COUNCILMAN CURTIS JONES, JR.

13

COUNCILMAN JAMES F. KENNEY

COUNCILWOMAN JOAN L. KRAJEWSKI

14

COUNCILMAN BRIAN J. O'NEILL

COUNCILWOMAN MARIA QUINONES-SANCHEZ

15

COUNCILWOMAN DONNA REED MILLER

COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN FRANK RIZZO

COUNCILWOMAN MARIAN B. TASCIO

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BILLS 090706, 090773, 090774, 090777, 090782
and 090842

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RESOLUTIONS 090616, 090617, 090618, 090619,
090620, 090621, 090622, 090623 and 090624

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V A R A L L O Incorporated

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Litigation Support Services

Eleven Penn Center

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Philadelphia, Pennsylvania 19103

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COUNCIL PRESIDENT VERNA: Good

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morning, everyone. This is a public

4

hearing of the Committee of the Whole.

5

I would ask Mr. McPherson to

6

please read the title of Bill No.

7

090616 -- I'm sorry; resolution.

8

MR. MCPHERSON: Resolution

9

reappointing Wayne Fisher to the Board of

10

Directors of the Center City District.

11

Resolution 090617, resolution

12

reappointing Randall Scott to the Board

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of Directors of the Center City District.

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Resolution 090618, resolution

15

reappointing George Burrell to the Board

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of Directors of the Center City District.

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Resolution No. 090619,

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resolution reappointing Christopher

19

Terlizzi to the Board of Directors of the

20

Center City District.

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Resolution 090620, resolution

22

reappointing Larry Howard to the Board of

23

Directors of the Center City District.

24

Resolution 090621, resolution

25

reappointing Ernest Jones to the Board of

1 12/9/09 - WHOLE - BILL 090706, etc.
2 Directors of the Center City District.
3 Resolution 090622, resolution
4 appointing David Marshall to the Board of
5 Directors of the Center City District.
6 Resolution 090623, resolution
7 appointing Ahmeenah Young to the Board of
8 Directors of the Center City District;
9 and
10 Resolution 090624, resolution
11 appointing William Walsh to the Board of
12 Directors of the Center City District.
13 COUNCIL PRESIDENT VERNA: Are
14 any of the candidates that were mentioned
15 here?
16 Do you want to approach the
17 witness table, please.
18 (Witnesses approached witness
19 table.)
20 COUNCIL PRESIDENT VERNA: Good
21 morning, Mr. Levy. Please identify
22 yourself for the record.
23 MR. LEVY: Good morning. My
24 name is Paul Levy. I'm President and CEO
25 of the Center City District.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 I can be very brief. We're
3 here to request your approval of these
4 resolutions which reappoint six existing
5 members and fill three vacancies. Should
6 you approve these resolutions, the CCD
7 Board will continue to have
8 representatives from all of the diverse
9 sectors of the downtown and from a
10 perspective of business, office, hotel,
11 residential, retail, actual residents of
12 Center City. And from a gender and
13 diversity point of view, should you
14 approve all these Board members, our
15 Board will have 26 percent of its members
16 African American, 22 percent female.

17 I just have a summary here of
18 our existing Board members as well, and I
19 know three of the appointees are here
20 this morning, if they just briefly want
21 to say some things.

22 Ahmeenah.

23 MS. YOUNG: Good morning. How
24 are you?

25 COUNCIL PRESIDENT VERNA: Fine.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 Thank you.

3 MS. YOUNG: I am grateful to be
4 here looking forward to serving on the
5 Council. Of course, you know with the
6 Convention Center and its small little
7 project, it makes so much sense for us to
8 be involved as much as we can. So I'm
9 happy to serve and do what we can to make
10 this a much better Center City District.

11 COUNCIL PRESIDENT VERNA:

12 Wonderful. Thank you.

13 MR. JONES: Good morning, Madam
14 President. My name is Ernest Jones. I
15 am President of the Philadelphia
16 Workforce Development Corporation. Our
17 offices are right around the corner on
18 JFK Boulevard.

19 I have been on the Board of the
20 Center City District for some time now,
21 and indeed it's an honor to be there.
22 They do great work, and I'm very pleased
23 to be nominated again to continue
24 serving.

25 COUNCIL PRESIDENT VERNA:

1 12/9/09 - WHOLE - BILL 090706, etc.

2 Wonderful. Mr. Jones, what will your
3 term be?

4 MR. JONES: I believe it's five
5 years, yes.

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

8 Are there any questions --

9 MR. LEVY: There's one other.

10 COUNCIL PRESIDENT VERNA: --
11 from members of the Committee?

12 (No response.)

13 MR. HOWARD: Good morning. I'm
14 Larry Howard, General Manager of the
15 Gallery at Market East, and I've served
16 on the Board of the Center City District
17 for the past ten years, and I'm looking
18 forward to continue serving on the Board.
19 Like the other members just testified, I
20 think it's a vital service to the City,
21 and I'm just glad to be able to do
22 whatever I can to assist them in their
23 efforts. I'd like to continue doing so.

24 COUNCIL PRESIDENT VERNA: Thank
25 you very much.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 Are there any questions from
3 members of the Committee?

4 (No response.)

5 COUNCIL PRESIDENT VERNA:

6 Seeing none, thank you very much.

7 MR. LEVY: Thank you.

8 COUNCIL PRESIDENT VERNA: Thank
9 you for all your hard work.

10 MR. LEVY: Thank you very much.

11 COUNCIL PRESIDENT VERNA: I
12 would ask Mr. McPherson to please read
13 the title of Bill No. 090773.

14 MR. MCPHERSON: An ordinance
15 amending Chapter 19-600 of The
16 Philadelphia Code, entitled "Amusement
17 Tax," to revise the fee for an amusement
18 license, under certain terms and
19 conditions.

20 (Witness approached witness
21 table.)

22 COUNCIL PRESIDENT VERNA: Good
23 morning.

24 MR. HAIGLER: Good morning.

25 COUNCIL PRESIDENT VERNA:

1 12/9/09 - WHOLE - BILL 090706, etc.

2 Mr. Haigler, we're going to consider each
3 bill separately.

4 MR. HAIGLER: Well, I have my
5 testimony arranged to testify on all the
6 bills at once to expedite time, if that's
7 okay.

8 COUNCIL PRESIDENT VERNA: It's
9 fine.

10 Mr. McPherson, would you please
11 read the titles of the other bills.

12 MR. MCPHERSON: Bill No.
13 090774, an ordinance amending Title 6 of
14 The Philadelphia Code, entitled "Health
15 Code," to eliminate licensing
16 requirements and revise fees with respect
17 to certain food establishments; to
18 eliminate licensing requirements for
19 barber and beauty shops.

20 Bill No. 090777, an ordinance
21 amending Title 9 of The Philadelphia
22 Code, entitled "Regulation of Businesses,
23 Trades and Professions," to eliminate and
24 revise various licensing and enforcement
25 requirements, and to revise fees for

1 12/9/09 - WHOLE - BILL 090706, etc.

2 various licenses and permits.

3 Bill No. 090782, an ordinance
4 amending Section 11-603 of The
5 Philadelphia Code, entitled "Projections
6 Over the Street."

7 Bill No. 090842, an ordinance
8 amending Subcode "A" of Title 4 of The
9 Philadelphia Code, entitled "The
10 Philadelphia Administrative Code," to
11 revise various fee provisions and provide
12 an exception to certain permitting
13 requirements.

14 COUNCIL PRESIDENT VERNA: Good
15 morning. Identify yourself for the
16 record and proceed.

17 MR. HAIGLER: Good morning,
18 Council President Verna and members of
19 the Committee. I am Otis Haigler, Jr.,
20 Director of Legislative Affairs for the
21 Department of Licenses and Inspections.
22 Today, I am here to provide testimony on
23 the bills that have been submitted and
24 introduced for your consideration related
25 to the Department's initiative to reduce

1 12/9/09 - WHOLE - BILL 090706, etc.
2 and consolidate various licenses that it
3 administers for the purposes of improving
4 the service we provide to our
5 stakeholders and also to provide
6 efficiencies through the use of
7 technology, which is in line with the
8 Administration's objectives.

9 The number of the bills under
10 consideration today are 090773, the
11 elimination of the temporary amusement
12 license; 090774, consolidation and
13 revision of requirements for various
14 licenses in Title 6, the Health Code;
15 090777, consolidation and revision of
16 requirements for various licenses in
17 Title 9, governing certain business
18 operations; 090782, technical amendments
19 to Title 11 governing the issuance of
20 permits for marquees and canopies erected
21 over the right-of-way; and 090842,
22 technical amendments to Title 4, the
23 Administrative Code, governing fees that
24 are charged for certain construction
25 permits and licenses, as well as the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 relocation of provisions from the
3 Electrical Code to the Administrative
4 Code related to certain electrical
5 operations.

6 To provide background with
7 regard to the proposed amendments,
8 currently the Department of Licenses and
9 Inspections administers and issues
10 licenses in 120 categories to individuals
11 or businesses that want to operate in the
12 City. Each license category has its own
13 set of requirements for issuance as well
14 as its own expiration date and period for
15 renewal.

16 Passage and enactment of the
17 bills under consideration will reduce the
18 categories of business licenses the
19 Department administers from 120 to 38.
20 To further place this into context, the
21 reduction to 38 business license
22 categories that we propose is
23 approximately 11 fewer business license
24 categories than is currently needed to
25 operate businesses in the City of New

1 12/9/09 - WHOLE - BILL 090706, etc.
2 York, which is larger in both population
3 and size.

4 The following is a summary of
5 the proposed license consolidation bills.

6 Bill 090773 will eliminate the
7 requirement for the issuance of a
8 temporary amusement license. This
9 license is currently required for
10 amusement activities that are conducted
11 on a limited basis as defined in Section
12 19-602 of The Philadelphia Code. The fee
13 for this license is \$5 per day. Based on
14 the Department's records for this
15 license, we have found that there is very
16 little activity and interest with regard
17 to obtaining this license by the public
18 versus obtaining the annual amusement
19 license, which costs \$25 per year.
20 Therefore, we are recommending that this
21 license be consolidated into a single
22 license category related to all amusement
23 activities as defined in Section 19-602.
24 The activities in this definition include
25 "any theatrical or operatic performance,

1 12/9/09 - WHOLE - BILL 090706, etc.
2 concerts, motion picture shows, circuses,
3 carnivals, side shows, exhibitions,
4 shows, displays, dancing, all forms of
5 entertainment at fair grounds, amusement
6 parks and athletic contests where a
7 charge, donation, contribution of any
8 character is made for admission."

9 Bill 090774 will amend fees and
10 requirements for the issuance of various
11 food licenses in order to consolidate the
12 current 12 categories of food licenses
13 into four general categories that will be
14 linked to any additional licenses that
15 may be required for the premises in order
16 to be consolidated into a single license
17 that can be issued online for the
18 business. In addition, this bill will
19 eliminate the license categories for
20 massage businesses, barber/beauty shops
21 and laser light shows, as these
22 categories are also regulated by the
23 state for licensing purposes. We will be
24 offering amendments to this bill based on
25 recommendations from the Health

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2 Department.

3 Bill 090777 amends various
4 sections of Title 9 governing matters
5 from sidewalk and street vending to the
6 use of electronic scanning devices for
7 retail purchases in order to standardize
8 certain requirements for uniformity,
9 consolidate various licenses and
10 eliminate those that are duly regulated
11 at the state level or have become
12 obsolete. In many cases where the
13 specific local license has been
14 eliminated with regard to the activity,
15 provisions related to prohibited conduct,
16 governing the activity or business
17 operation have been maintained in The
18 Philadelphia Code and those provisions
19 will continue to be enforced by the
20 Department.

21 We also have an amendment for
22 this bill that we will be offering.

23 Bill 090782 is a very technical
24 amendment to provisions governing the
25 erection of marquees and canopies over

1 12/9/09 - WHOLE - BILL 090706, etc.
2 the right-of-way as found in Title 11 of
3 The Philadelphia Code and is needed in
4 order to denote that the term "permit"
5 mentioned in the provision refers to the
6 issuance of a building permit by the
7 Department of Licenses and Inspections.
8 The reason for this technical amendment
9 is to remove confusion that has resulted
10 from the interchangeable use of the terms
11 "permits" and "licenses" where in the
12 past the permit mentioned in Title 11 for
13 canopies and marquees had been issued as
14 a license that required annual renewal.
15 All requirements related to the erection
16 of marquees and canopies are covered in
17 the building permit process, including
18 the requirements for prerequisite
19 approvals to obtain a zoning use permit
20 as well as approval from various other
21 City departments or agencies prior to the
22 issuance of the building permit. The
23 need to require annual licensing for this
24 building appurtenance serves no purpose
25 once the canopy or marquee has been

1 12/9/09 - WHOLE - BILL 090706, etc.

2 erected based on building permit

3 approval.

4 Bill 090842 amends provisions

5 of the Administrative Code governing the

6 issuance of certain trade licenses. The

7 categories are oil burner installer,

8 flammable liquid tank installer,

9 flammable liquid tank tester and

10 transporter of explosive materials, as

11 well as make certain technical amendments

12 to correct errors that were made with

13 regard to fees that are charged for

14 building permits involving alterations

15 and repairs to existing one- and

16 two-family dwellings. Further, this bill

17 amends provisions related to the issuance

18 of a hazardous material license for the

19 purpose of consolidating all materials

20 under one license with a single fee that

21 will be charged for all hazardous

22 materials located at the premises. In

23 addition, Bill 090842 increases the

24 license fees for the issuance of the

25 vacant building and lot license from its

1 12/9/09 - WHOLE - BILL 090706, etc.
2 current \$50 to \$300 per building or lot.

3 Lastly, this bill maintains
4 provisions that were previously located
5 in the Electrical Code for permit
6 exemptions for the installation of
7 conductors or equipment that are used by
8 public utilities, common carriers or
9 commercial radio or television stations
10 that are under the jurisdiction of the
11 state or a federal regulatory body. The
12 reason for this provision has to be --
13 the reason this provision has to be moved
14 to the Administrative Code is due to the
15 repeal of the Electrical Code, because it
16 is no longer published by the
17 International Code Council and available
18 for adoption by the City for the 2009
19 edition of the International Code
20 Council's family of construction codes.

21 Thank you for the opportunity
22 to provide the Department's testimony and
23 I'll be happy to answer any questions at
24 this time.

25 COUNCIL PRESIDENT VERNA: Thank

1 12/9/09 - WHOLE - BILL 090706, etc.

2 you very much.

3 The Chair recognizes Councilman
4 Kenney.

5 COUNCILMAN KENNEY: Thank you,
6 Madam President.

7 Mr. Haigler, your testimony is
8 very clear in some areas and less clear
9 in others. In the areas where you're
10 repealing licenses or eliminating
11 licenses or collapsing things into
12 different codes I think is pretty clear.
13 The thing I'd be concerned about is the
14 raising of fees I think always needs to
15 be tied to the cost of providing the
16 service, and I see no correlation
17 between, for example, the vacant lot
18 license from 50 to 300. It may be what
19 it costs, but I think at some point in
20 time, the record needs to have that
21 back-up information as to why it's being
22 raised, because I don't want anybody to
23 come back and then challenge it and
24 saying we're just raising fees because
25 we're in a fiscal crisis and we need

1 12/9/09 - WHOLE - BILL 090706, etc.
2 money. You can potentially have some of
3 those fees challenged if you can't show
4 what the increased cost does that relates
5 to what you're charging now.

6 MR. HAIGLER: Well, based on
7 what we do with vacant lots --

8 COUNCILMAN KENNEY: I'm talking
9 about all the fees. I'm just using that
10 as an example. I mean, why is it 50 to
11 150 on certain size restaurants? Other
12 than just we need the money, I'd rather
13 have the ability to argue back with
14 someone who says, You're only just
15 raising our fees because you're broke.
16 These fees, I assume, by law have to
17 correlate to the cost of the service
18 being provided.

19 MR. HAIGLER: Exactly.

20 COUNCILMAN KENNEY: And the
21 record is not clear to that.

22 MR. HAIGLER: And we can
23 provide any data that you need in order
24 to justify this, but we do have the data.

25 COUNCILMAN KENNEY: All I'm

1 12/9/09 - WHOLE - BILL 090706, etc.
2 suggesting is -- not today. At some
3 point in time, as an attachment to these
4 bills, that there's some back-up
5 information across the hall in the Chief
6 Clerk's Office if someone wants to find
7 the rationale as to why they've been
8 raised. And I think the Health
9 Department should do that, L&I. Whoever
10 is asking for the fees, whatever
11 department the fees come under should
12 provide some back-up material to be
13 attached to these bills so people
14 historically can read it and figure out
15 why we did it.

16 MR. HAIGLER: That's fine.
17 That's fine.

18 COUNCILMAN KENNEY: The other
19 thing -- and we talked about this, I
20 think, yesterday or the day before, and I
21 would reinforce it. When it comes to
22 issues relative to the Administrative
23 Code governing issuance of certain trade
24 licenses, we have an ongoing problem with
25 unlicensed contractors who come from all

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2 over the City, all over the region, show
3 up at Home Depot or Lowe's at 6 o'clock
4 in the morning, buy a water tank or buy
5 lumber and do work in people's houses.
6 They're not licensed. They're not paying
7 taxes. They're not even being able to be
8 found if they do shoddy work in someone's
9 home, because we have no record of them.
10 And I think that sending out that
11 enforcement message to the legitimate,
12 licensed, tax-paying contractors, whether
13 they're union or non-union, those that
14 are doing the right thing need to get
15 some back-up from us by trying to make it
16 less attractive for these unlicensed
17 folks to be doing work in our residents'
18 homes.

19 MR. HAIGLER: Can I comment on
20 that? The trade licenses that we are
21 talking about eliminating, these are
22 trade professionals that work under
23 contractors. The contractors will still
24 be licensed and still be required to have
25 licenses.

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2 COUNCILMAN KENNEY: I'm not
3 specifically arguing with the license
4 you're eliminating. What I'm saying is
5 that since we go through this licensing
6 process and some people follow the rules
7 and some people don't, we need to be more
8 vigilant on those who don't follow the
9 rules, and you can get a lot of them
10 every morning at Home Depot or Lowe's in
11 the parking lot. I mean, it's almost
12 like a captive audience. Just send
13 somebody in there, start asking for their
14 business privilege license or permits or
15 whatever else it is that makes it clear
16 that we are serious about what we're
17 doing, because it's just not fair to a
18 legitimate businessperson in the City who
19 follows all the rules and pays all the
20 taxes and you got a guy working for cash
21 paying nothing.

22 MR. HAIGLER: I agree.

23 COUNCILMAN KENNEY: Okay.

24 Thank you.

25 The handicap placards are

1 12/9/09 - WHOLE - BILL 090706, etc.
2 another whole issue that I've been
3 walking with the Parking Authority on,
4 because I see these folks like at the
5 supermarket, they put the handicap
6 placard in their rear-view mirror and
7 then run to the entrance of the
8 supermarket. That's not for you. That's
9 for another day.

10 Thanks.

11 COUNCIL PRESIDENT VERNA: The
12 Chair recognizes Councilwoman Tasco.

13 COUNCILWOMAN TASCO: Thank you.

14 Councilman Kenney raised some
15 of the issues. I just want to know, on
16 Page 4, you increase the fee for the
17 issuance of a vacant building and lot
18 license. They have to pay fees for
19 having a vacant lot?

20 MR. HAIGLER: Yes, ma'am. Yes,
21 Councilwoman. There is currently on the
22 books -- it's been on the books for
23 years -- a license requirement that all
24 persons who have a vacant building or a
25 vacant lot, they're required to register

1 12/9/09 - WHOLE - BILL 090706, etc.
2 those vacant properties with the City of
3 Philadelphia by virtue of having a
4 license. A license fee currently for
5 this is \$50 per building or lot,
6 including walls, piers, docks. All those
7 things are required to be licensed in the
8 City of Philadelphia. And with vacant
9 commercial property, there also is a
10 requirement that they have a bond for the
11 vacant property.

12 COUNCILWOMAN TASC0: What about
13 vacant housing?

14 MR. HAIGLER: Vacant houses as
15 well. Vacant residential lots, they're
16 required to be licensed.

17 COUNCILWOMAN TASC0: How is the
18 enforcement of that?

19 COUNCIL PRESIDENT VERNA:
20 Councilwoman, speak into the mike.

21 COUNCILWOMAN TASC0: How do you
22 enforce that, and are you enforcing that
23 and how much are we --

24 MR. HAIGLER: Where we can
25 identify the property owner, we do send

1 12/9/09 - WHOLE - BILL 090706, etc.
2 notice to that person that a requirement
3 of the Code is that they do license those
4 properties with the City of Philadelphia,
5 and we do take that through the
6 enforcement process. If they do not
7 comply within the specified time period
8 to get the license, then we proceed to
9 other enforcement -- through the
10 enforcement process, to court, to try to
11 get them to comply.

12 COUNCILWOMAN TASC0: Okay.
13 Thank you.

14 MR. HAIGLER: Yes, ma'am.

15 COUNCIL PRESIDENT VERNA: On
16 that vein, can you tell us what is the
17 cost basis for their increase, and is it
18 going to be revenue neutral?

19 MR. HAIGLER: Yes, it is
20 revenue neutral. The cost basis is
21 primarily not just L&I's costs, but
22 there's costs involved with the Law
23 Department taking cases to court.
24 There's costs involved with our Clean and
25 Seal Unit that have to go out

1 12/9/09 - WHOLE - BILL 090706, etc.
2 periodically and clean up vacant lots,
3 vacant buildings, repeatedly the same
4 building, same lots. There's costs
5 involved with our Inspections Unit.
6 There is administrative costs involved,
7 external costs outside of L&I with other
8 departments that are involved in this
9 process.

10 So there's a whole host of
11 costs that can justify the \$300 increase
12 fee, and we can provide that to the
13 Chair.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 The Chair recognizes
17 Councilwoman Tasco.

18 COUNCILWOMAN TASCO: I just
19 want to follow up and ask about NTI and
20 the fact that a number of properties were
21 demolished during the NTI period and
22 there are a lot of vacant lots available.
23 Are you asking those people where those
24 houses were torn down, are you enforcing
25 the fee on those properties?

1 12/9/09 - WHOLE - BILL 090706, etc.

2 MR. HAIGLER: I don't have the
3 information for that, but I think I'm
4 going to ask my Deputy Commissioner to
5 come up and speak to that issue. I
6 really don't know.

7 (Witness approached witness
8 table.)

9 COUNCIL PRESIDENT VERNA: Good
10 morning. Kindly identify yourself for
11 the record.

12 DEPUTY COMMISSIONER FINK: Good
13 morning. I'm Michael Fink, Deputy
14 Commissioner for Licenses and Inspections
15 in the Development Division.

16 Yes. Regardless of the method
17 or process for demolishing the properties
18 and creating the vacant lots, whether it
19 was done by the owner, done through an
20 emergency or done through NTI, the fact
21 that the lot is vacant does result in an
22 enforcement action by the Department to
23 force them to obtain a license for that.

24 The other purpose for the
25 license is, many of these properties

1 12/9/09 - WHOLE - BILL 090706, etc.
2 change ownership through foreclosure
3 processes and we lose information related
4 to the owner. So when it switches from a
5 mortgage company to a bank to a new owner
6 and things like that, the license process
7 helps us keep track of the current owner
8 in the event that weeds begin to grow,
9 trash gets dumped on that property, it's
10 generally unkempt. So that, again, goes
11 towards the reason for the enforcing in
12 that respect for the license.

13 COUNCILWOMAN TASCO: Well, with
14 all of the demolition that was done
15 through NTI and the number of vacant lots
16 that existed as a result of that, have
17 you all calculated how much money you
18 could collect from those vacant lots?
19 Has that been calculated?

20 DEPUTY COMMISSIONER FINK:
21 There are many vacant lots throughout the
22 City, not just through the NTI program.
23 So there is a lot of properties out there
24 that are not properly licensed, and
25 through our regular inspection processes

1 12/9/09 - WHOLE - BILL 090706, etc.
2 and through our demolition process, we
3 plan to institute a more aggressive
4 enforcement effort to get people to
5 obtain and maintain that license so we
6 can contact an owner if something occurs
7 at that property more readily than
8 through normal regular mail arrangements.

9 COUNCILWOMAN TASCO: Thank you
10 very much.

11 COUNCIL PRESIDENT Verna: I'm
12 sure that this has been on the books for
13 probably years. How does a property
14 owner know that they have to pay a
15 license? It's a vacant property. How do
16 they know that a license is required?

17 DEPUTY COMMISSIONER Fink: Most
18 people -- unfortunately, most people find
19 out that information through the
20 violation notice, but the violation
21 notice does not immediately impose any
22 fine or inspection fees. It notifies the
23 owner of their obligation to obtain a
24 license, and many people do within that
25 initial 30 to 60 days that they're given

1 12/9/09 - WHOLE - BILL 090706, etc.
2 to comply. The ones that do not -- and
3 there are viable owners -- we pursue
4 through the enforcement process of
5 Municipal Court, Equity Court and things
6 like that.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes Councilman
10 Jones.

11 COUNCILMAN JONES: Thank you,
12 Madam President.

13 One of the things I learned
14 real quick from Councilwoman Blackwell
15 was a standard policy of taxation which
16 says no way, no how, no tax. I think
17 that that's a real good public policy to
18 follow, but I do and am inclined to want
19 to look at -- and I said this to the
20 Budget Director -- certain fees that we
21 charge as a municipality, and in those
22 fees being justified, as Councilwoman
23 Verna talked about, based on cost to the
24 City to provide that said service or
25 enforce that particular regulation. So

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2 one of the things I looked at was that
3 broken window law that Councilman DiCicco
4 put on the books, and to say have we done
5 a cost analysis, a benefit analysis to
6 how we use that particular law, fee, fine
7 to, A, move property owners in the right
8 direction to restore the viability of a
9 property; and, B, what kind of revenue
10 has it brought to the City of
11 Philadelphia as we analyze these fees, as
12 we look at to see if their costs are
13 revenue neutral or in fact revenue
14 enhancing to our budget? Have we done
15 any of that type of analysis when it
16 comes to fee structures such as that?

17 MR. HAIGLER: I think we're
18 looking at two different areas there.
19 One is the fines that Councilman
20 DiCicco's bill calls for for broken
21 windows. Those are not fees that are
22 imposed by the City.

23 COUNCILMAN JONES: Well, let me
24 put it in proper context. Fees or fines.
25 Fees or fines. Have we looked at the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 cost of a service that we provide to
3 justify a fee that we should ask for in
4 the front end --

5 MR. HAIGLER: Yes.

6 COUNCILMAN JONES: -- and then
7 have we analyzed the fines to take a look
8 at whether or not they are revenue
9 neutral and -- what I mean by that is, if
10 it costs you \$17,000 to tear down a
11 property, when we start looking at fines,
12 are we up to date on all of those things
13 to reflect our true costs?

14 MR. HAIGLER: I'm not exactly
15 sure. See, I'm confused by the fine
16 part. I understand the fee part. The
17 fee part has to be justified because they
18 have to reflect the cost of providing
19 service. The fines are fines that are
20 imposed by the courts or the Legislature.
21 The State Legislature gave the City the
22 ability to impose certain fines at a
23 certain amount for violations, and I
24 don't believe the fines themselves --
25 they're based on the activity. I don't

1 12/9/09 - WHOLE - BILL 090706, etc.
2 believe they have to be revenue neutral.
3 I believe they are what they are. If
4 there is a violation of the Code, the law
5 says that this is the penalty for each
6 violation of the Code.

7 COUNCILMAN JONES: Let me stick
8 to fees, which you're comfortable with.
9 If you look at -- and I'll go with a case
10 in -- if I look at East Falls or I look
11 at Carroll Park or one of my
12 neighborhoods, certain neighborhoods have
13 gotten to the point where renters have
14 created a tipping point. In some areas
15 85 percent of my neighborhood there is
16 renters in East Falls, sections of
17 Manayunk, sections of Carroll Park where
18 investors have come in and purchased
19 property. We charge a rental fee.

20 Do we adequately reflect the
21 cost of services that renter
22 communities -- in the case of a student
23 population, for example, there are these
24 annual exits from the neighborhoods where
25 it increases the amount of trash.

1 12/9/09 - WHOLE - BILL 090706, etc.
2 Whether it is a vacant property that puts
3 out trash like mattresses, the tonnage
4 goes up.

5 Have we analyzed the cost
6 reflective to the services that we wind
7 up providing for those particular
8 property owners? And that's the kind of
9 cost analysis.

10 If I look at town and gown
11 issues -- let's go there -- the increased
12 calls that we have for partiers and
13 people who have over-occupied a building
14 when they had a license for three and
15 wind up with ten, have we looked at the
16 cost to enforce and reflected that in the
17 fee structure?

18 MR. HAIGLER: I don't believe
19 that what we're saying there is that
20 folks who commit violations, we have to
21 in advance charge them a license fee
22 comparable to everybody, the whole
23 universe, and incorporate what violations
24 might be committed by some into fees that
25 we charge to all. I don't know if we can

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2 do that.

3 COUNCILMAN JONES: Well, if you
4 look at a tipping point of a neighborhood
5 and you realize that your neighborhood is
6 a rental community, there are certain
7 costs associated with servicing that
8 population, and what I'm saying to you is
9 if we reflect that and average it out to
10 even the good to the bad, because still
11 it's costs. And so to be a property
12 owner to do that kind of student
13 population, maybe there is an added cost
14 to that that we should reflect in the fee
15 up front.

16 DEPUTY COMMISSIONER FINK:
17 Councilman, I believe about a year ago we
18 did an analysis of our housing inspection
19 license fee, tried to look at the overall
20 number of rental properties that we face
21 and the calls that we get associated with
22 them and the inspections that we need to
23 do associated with them, and that was the
24 reason why we needed to come to this
25 Council about a year ago to raise that

1 12/9/09 - WHOLE - BILL 090706, etc.
2 particular fee, because the amount of
3 effort with the number of rental
4 properties in the City was causing us to
5 put more efforts into those types of
6 complaints.

7 So to answer your question,
8 yes, we do that. For this particular
9 bill, we did some analysis for different
10 reasons. It wasn't related to
11 inspections of rental properties, but
12 similar to what we did last year.

13 COUNCILMAN JONES: Finally, my
14 only point to you is that with the
15 sheriff's sale crisis in the City of
16 Philadelphia, we are finding more
17 investment in rental properties,
18 unfortunately changing the character of
19 neighborhoods to renter versus
20 homeownership. There is a cost to the
21 City of Philadelphia by way of those
22 types of services. So annually, annually
23 we need to evaluate what that cost is and
24 have it reflected in our fee structure
25 and fine structure.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 MR. HAIGLER: I agree.

3 COUNCILMAN JONES: Thank you,
4 Madam President.

5 COUNCIL PRESIDENT VERNA:

6 You're welcome.

7 Are there any other questions
8 from members of the Committee?

9 (No response.)

10 COUNCIL PRESIDENT VERNA: I
11 just have one question. On Bill No.
12 090774, in Section 2 of the bill, that it
13 shall not take effect until the City has
14 the technology in place to implement the
15 proposed changes for the licensing
16 procedures. Can you tell us when you
17 anticipate that L&I will be ready to
18 implement the bill?

19 MR. HAIGLER: I'll have the
20 Commissioner -- the Commissioner is here.

21 (Witness approached witness
22 table.)

23 COUNCIL PRESIDENT VERNA: Good
24 morning. Please identify yourself for
25 the record.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COMMISSIONER BURNS: Certainly.

3 Good morning. Fran Burns, Commissioner
4 of the Department of Licenses and
5 Inspections.

6 We currently have a year-long
7 phased project, presuming that we do have
8 passage through City Council, that brings
9 us to this point calendar year 2010. So
10 full calendar year, where the first part
11 of the technological implementation will
12 be to get online a series of questions
13 that either a new business or a current
14 business would go through a series of
15 questions, basically to the extent it can
16 be yes, no answers, and then be told here
17 are your business licensing requirements
18 as a result. And then over the next --
19 that's the first part of the
20 technological piece. Then over the next
21 year, phased-in pieces of the ability to
22 actually purchase the license online will
23 occur in a phased rollout.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 Are there any questions from
3 members of the Committee?

4 The Chair recognizes
5 Councilwoman Brown.

6 COUNCILWOMAN BROWN: Good
7 morning, Madam President.

8 COUNCIL PRESIDENT Verna: Good
9 morning.

10 COUNCILWOMAN BROWN: Thank you.
11 Good morning, Commissioner.

12 COMMISSIONER BURNS: Good
13 morning.

14 COUNCILWOMAN BROWN: I know
15 that your office, for all the right
16 reasons, has been aggressively going
17 after businesses who operated any way in
18 the past that was not in compliance with
19 your department. I also know that based
20 on a number of small business owners who
21 contacted my office -- and there are 15
22 sides to every story -- there appeared to
23 be a process lacking by which they could
24 be given time to get in compliance while
25 they keep their business open so that

1 12/9/09 - WHOLE - BILL 090706, etc.
2 they can keep their employees working so
3 that their business could continue. The
4 question becomes, what is your standard
5 operating procedure for helping
6 businesses move towards compliance while
7 you figure out a way to keep them whole
8 so that they can keep their employees
9 working and their businesses can remain
10 open, number one?

11 Number two, I either thought
12 about it or sent a letter to your
13 office -- and I think I pushed the pause
14 button -- wherein I wanted a list of
15 businesses that you shut down last summer
16 broken down by ethnicity. So if I didn't
17 send you that letter, I would like to put
18 on the record now I would like to know
19 where they are, the ethnicity and the
20 type of businesses they are.

21 COMMISSIONER BURNS: Okay. I
22 do appreciate the question and also the
23 acknowledgment that there are a couple
24 sides to enforcement, particularly when
25 L&I gets called as a service request or

1 12/9/09 - WHOLE - BILL 090706, etc.
2 as a complaint to business properties.
3 There are a couple things that -- and the
4 reason I make note of that is because
5 with each instance, depending on the
6 severity or nature of the Code violation,
7 L&I takes different actions, and I'd be
8 happy to go through a couple of very
9 general examples of that.

10 COUNCILWOMAN BROWN: Please, a
11 couple of examples.

12 COMMISSIONER BURNS: First, we
13 have begun a business district survey
14 of -- which is a proactive or programmed
15 inspections of some business districts.
16 The first thing that we do is, we go out
17 and we give a letter that explains some
18 very basic requirements for operating a
19 business, and we have that in four
20 different languages currently. And then
21 45 days later, we actually make our
22 initial inspection.

23 So in terms of how can we work
24 with small business, that's one way in
25 terms of our programmed approach that

1 12/9/09 - WHOLE - BILL 090706, etc.
2 we're going out and educating first
3 before we even do the inspection. And
4 then when we do the inspection, a notice
5 of violation standard is 30 days to
6 comply.

7 Now, there are things that in
8 terms of the Department and particularly
9 with our cease operation activity, which
10 I think is basically what your question
11 refers to, where the 30-day notice is
12 sometimes a ten-day notice or we give a
13 ten-day attempt to cease. Places where
14 we would do that, if there were severe
15 fire code violations, if there was food
16 being served. So if we felt there was --
17 without proper licensing. So if we
18 thought there was a health impact to
19 health and safety. If it was a nuisance
20 activity that we had numerous complaints,
21 and at the same time with a nuisance
22 activity, if there wasn't proper zoning
23 or licensing.

24 COUNCILWOMAN BROWN: Okay.

25 COMMISSIONER BURNS: So in

1 12/9/09 - WHOLE - BILL 090706, etc.
2 those situations, and it depends where a
3 business falls within the severity of the
4 nature of their violation, what type of
5 action we need to take. We currently
6 actually have a lawyer working with us on
7 developing very standard cease operation
8 activities for the Department.

9 COUNCILWOMAN BROWN: Okay.

10 COMMISSIONER BURNS: We do
11 have --

12 COUNCILWOMAN BROWN: That's
13 universally shared across the system and
14 for all businesses?

15 COMMISSIONER BURNS: Exactly.
16 And I think that that also will go a long
17 way. One of the first things I do when I
18 get questions about cease activity by the
19 Department is say, Okay, did we follow
20 our policy, what's our current policy.
21 And the fact that that has to be, I
22 think, codified in writing, because right
23 now we have a very verbal policy on how
24 we proceed in very different situations,
25 we need to get that done.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 The second part of your
3 question, I did receive a letter from
4 you. It wasn't as specific as what you
5 just asked for. We will have -- we don't
6 take down the ethnicity of a business
7 when we take an action against them. So
8 I won't be able to, honestly, provide you
9 with that information, but we can give
10 you the list of our cease operations and
11 map them across the City by district, and
12 you can see if that information provides
13 helpful to you.

14 COUNCILWOMAN BROWN: Okay.
15 Would it be fair to say that you have
16 upped the Department's activity when it
17 comes to looking to see if businesses are
18 in compliance with L&I?

19 COMMISSIONER BURNS: Well, we
20 have increased our response to service
21 requests or complaints, which means just
22 basically hopefully that we are building
23 our credibility in terms of getting to
24 the request to do the inspection and the
25 reinspection, and we have begun those

1 12/9/09 - WHOLE - BILL 090706, etc.
2 programmed inspections, which hadn't been
3 occurring for a while. But, again, in
4 the programmed end, we are starting with
5 an education piece first.

6 COUNCILWOMAN BROWN: How long
7 is the education piece?

8 COMMISSIONER BURNS: It's the
9 45 days. We're going out by hand,
10 delivering the letters of the basic
11 requirements for operating a business,
12 and then 45 days after that, we'll be
13 there for the inspection. Now, if during
14 the inspection there's a violation of the
15 Code, we issue a notice of violation, at
16 which time there's still the ability to
17 comply with that violation.

18 COUNCILWOMAN BROWN: I may have
19 missed this, but do you have a technical
20 assistance division of L&I where you sort
21 of hand-hold some of these businesses to
22 help them get into compliance?

23 COMMISSIONER BURNS: No. Right
24 now our -- that happens either at the
25 inspector on the street or basically the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 supervisor. There isn't a technical unit
3 that you would refer or escalate those
4 type of things to.

5 COUNCILWOMAN BROWN: Okay.
6 Well, thank you for your testimony, and I
7 look forward to the response to that
8 letter.

9 COMMISSIONER BURNS: Okay.

10 COUNCILWOMAN BROWN: Thank you
11 very much.

12 Thank you, Madam President.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 I'm led to believe that
16 amendments will be offered on Bill No.
17 090774 and 090777. Have the amendments
18 been distributed?

19 MR. HAIGLER: Yes, Council
20 President, they have.

21 COUNCIL PRESIDENT VERNA: For
22 the record, would you tell us what the
23 amendments do?

24 MR. HAIGLER: Yes. On Bill
25 090777, the amendments under Section

1 12/9/09 - WHOLE - BILL 090706, etc.
2 9-601 of The Philadelphia Code, under
3 Subsection (1), Subsection (b), it
4 deletes "sales lot," "sales showroom" and
5 "valet parking" as activities that were
6 identified. Those sections were also
7 corrected in other areas of Title 9. So
8 basically it's a technical amendment.
9 And also under Section 2 of Bill 090777,
10 it makes certain additions where we see
11 "no change in the license fee." It adds
12 the words "or application fee," and at
13 the end it adds the last sentence, it
14 adds "all other provisions of this
15 ordinance shall be effective
16 immediately."

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 MR. HAIGLER: The amendments
20 for 090774, what it does here under
21 Section 6-301, Subsection (4), it adds
22 the words "the," as well as it adds a few
23 phrases in there, "the issuance of a
24 single license for food establishments
25 selling food is as follows." It's

1 12/9/09 - WHOLE - BILL 090706, etc.
2 basically grammatical changes under the
3 first sentence there.

4 The second part, these are
5 amendments that were requested by the
6 Health Department, and based on their
7 recommendation, we reversed some of the
8 fees that were originally proposed back
9 to its original form. We reversed some
10 of the sections that were struck out
11 before based on recommendations of the
12 Health Department, but it still basically
13 maintains the intent of what the
14 Department would like to do, as well as
15 it complies with some of the requirements
16 of the Health Department for their
17 inspection purposes.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 The Chair recognizes
21 Councilwoman Sanchez.

22 COUNCILWOMAN SANCHEZ: Thank
23 you, Madam Chair.

24 I just wanted to say for the
25 record that I wanted to thank the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 Commissioner and her team for working on
3 these consolidations. They have not been
4 easy and they are, by no means, a
5 reflection of more work that we all know
6 is needed as it relates to L&I.

7 But I will say to my colleagues
8 on the record, the issues with L&I as a
9 department, I think we've made some
10 workflow progress. Ultimately it is
11 about funding and allocating enough money
12 for the Department to do some of the
13 issues that impact us and the issues that
14 we get the calls about, whether it's
15 inspectors and some of the other things.
16 But I think that today's presentation is
17 a very good first step in what we all
18 agree has been many complicated issues
19 around L&I's role as a public safety
20 agency. And that's the one piece that I
21 do kind of disagree on the
22 Administration's perspective, about L&I
23 being code enforcement. I look at L&I as
24 a public safety agency.

25 But I did want to thank the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 Commissioner and her team for the work up
3 to date and look forward to working with
4 the rest of Council on other issues as we
5 make more reforms in L&I so that we can
6 deal with the issues of quality of life
7 and the public safety issues in our
8 district.

9 Thank you.

10 COUNCIL PRESIDENT VERNA: Thank
11 you very much.

12 Thank you, gentlemen. Thank
13 you, Commissioner.

14 I would ask Mr. McPherson at
15 this time to please read the title of
16 Bill No. 090706.

17 MR. MCPHERSON: An ordinance
18 amending Title 2 of The Philadelphia
19 Code, entitled "City-County
20 Consolidation," by abolishing the Board
21 of Revision of Taxes, by creating an
22 Office of Property Assessment which shall
23 have the powers, functions and duties of
24 the Board of Revision of Taxes.

25 COUNCIL PRESIDENT VERNA: Do we

1 12/9/09 - WHOLE - BILL 090706, etc.
2 have anyone that would like to testify on
3 this bill?

4 (No response.)

5 The Chair recognizes Councilman
6 Green.

7 COUNCILMAN GREEN: Thank you,
8 Madam Chair. I don't believe there is
9 anyone here to testify on this bill
10 today.

11 COUNCIL PRESIDENT VERNA: I did
12 question that, and no one came to the
13 table.

14 COUNCILMAN GREEN: Okay. I
15 have amendments to Bill 090706, the
16 pending Board of Revision of Taxes
17 governance reform legislation, which I
18 would like to offer this morning.

19 The reform legislation we are
20 voting on in committee today was
21 sponsored by the overwhelming majority of
22 City Council members and will bring
23 accountability, professionalism and
24 transparency to a broken assessment and
25 appeals process.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 I'd like to thank my Council
3 colleagues and their staff for
4 significant input in developing both the
5 original bill and the amendments. In
6 addition to input from Councilmembers,
7 the amendments reflect suggestions from
8 witnesses at the October 27th public
9 hearing, including individual homeowners,
10 civic associations, professional
11 organizations, District Council 47, which
12 represents most of the civil service
13 employees at the BRT, the Administration,
14 School District employees and other key
15 stakeholders.

16 Most of the amendments relate
17 to technical issues, but there is one key
18 change I want to highlight. At the
19 suggestion of numerous parties, we have
20 revised the bill to include a date
21 certain, October 1st, 2009, on which the
22 new office -- 2010. Excuse me -- on
23 which the new Office of Property
24 Assessment and Board of Appeals would
25 assume the responsibilities of the BRT.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 We settled on this date because it means
3 that the new Board of Appeals will be in
4 place in time to hear all appeals of
5 assessments related to real estate taxes
6 for 2011.

7 Today, City Council is taking
8 one more step to ensuring that the
9 citizens of Philadelphia will have a
10 property tax system that they can trust,
11 that adheres to the highest standards of
12 professionalism and under which all
13 citizens are treated equally.

14 I move that we approve City
15 Council's bill, with amendments to the
16 bill, with a favorable recommendation.
17 Actually, I think I should just move the
18 amendments.

19 COUNCIL PRESIDENT VERNA: At
20 this point, we have Councilpeople that
21 want to be recognized.

22 COUNCILMAN GREEN: Oh, yes,
23 ma'am.

24 COUNCIL PRESIDENT VERNA: The
25 Chair recognizes Councilwoman Blackwell.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCILWOMAN BLACKWELL: Thank
3 you, Madam President.

4 This is one of the most
5 important bills we've had to consider in
6 Council, but one that conflicts me almost
7 as much as any bill has that I've had
8 questions about. I've been concerned
9 from the beginning about control from
10 both the assessment and appeal issues by
11 just the Mayor with very little input
12 from us. I understand and I've even -- I
13 mean, as I've said, I would even have
14 gone for an elected person, but there was
15 no sentiment for that.

16 But, again, I'm concerned. I
17 am really concerned about what happens
18 here. Some people feel that it is a step
19 for an increase in taxes, and my bottom
20 line is, we have 84 to 88 people who work
21 for BRT, who are paid by the School
22 District, and those issues are on the
23 table as well. And I don't know maybe if
24 Mr. Dubow can respond. I'd like some
25 assurances that these people that we have

1 12/9/09 - WHOLE - BILL 090706, etc.
2 been fighting to protect are protected,
3 that they won't be affected, that they
4 won't have to take a test, that they are
5 not in jeopardy of losing their jobs
6 through all of this change, and I believe
7 that that concerns all of us in this
8 Council. Before we certainly pass any
9 amendments, I would really like some
10 assurances from the Administration that
11 the workers are protected.

12 COUNCIL PRESIDENT VERNA: Thank
13 you.

14 Mr. Dubow.

15 (Witness approached witness
16 table.)

17 COUNCIL PRESIDENT VERNA: Good
18 morning.

19 MR. DUBOW: Good morning. My
20 name is Rob Dubow. I'm the City's
21 Finance Director.

22 I think the question is about
23 the employees at the BRT in general and I
24 guess the ones who are on School District
25 payrolls specifically.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 We do plan to do a thorough
3 analysis of staffing at the BRT and see
4 whether the staffing levels are
5 appropriate. So I can't sit here today
6 and guarantee at the end of that process
7 it will be the same number of employees.

8 COUNCILWOMAN BLACKWELL: We
9 can't be expected to support amendments
10 if we can't at least protect people in
11 our neighborhoods who send us here. As
12 you know, I'm never afraid to fail. I'm
13 only afraid not to stand up for what I
14 believe is right. I can't support any
15 BRT legislation if we don't protect the
16 workers.

17 MR. DUBOW: I think --

18 COUNCILWOMAN BLACKWELL: If you
19 can't commit to that, then I can't commit
20 to you.

21 MR. DUBOW: The amendments -- I
22 mean, the Councilman can speak to this.
23 The amendments are actually kind of
24 separate from that issue. Under the MOU
25 that the BRT approved today, the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 day-to-day responsibility for the
3 assessments moves to the Administration,
4 and it's under that MOU that we're doing
5 that analysis. So it's separate from
6 these amendments.

7 COUNCILWOMAN BLACKWELL: All
8 right. Then I will say to my colleagues,
9 it is not with regard to you and your
10 interest in resolving this matter, but I
11 can't support BRT legislation that does
12 not propose to protect, only to
13 investigate and possibly already cut
14 back, workers from our neighborhoods who
15 need their jobs.

16 Thank you, Madam President.

17 COUNCIL PRESIDENT VERNA:
18 You're welcome.

19 The Chair recognizes Councilman
20 Kenney.

21 COUNCILMAN KENNEY: Thank you,
22 Madam President.

23 I take the opportunity to
24 congratulate and to thank Councilman
25 Green and his staff, also members of the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 leadership and all the other
3 Councilmembers that have participated in
4 this process. I do understand the
5 concerns expressed by Councilwoman
6 Blackwell relative to people's futures.
7 I think they're going to try to be as
8 sensitive as possible and try to
9 construct a system or a plan that gets
10 you where you want to be.

11 I also understand and hear
12 Councilwoman Blackwell and others'
13 concerns about the assessment process
14 being in the hands of the Administration.
15 I think going forward, that may be a
16 concern. I'll say tongue and cheek that
17 in this Administration, I'm not sure the
18 Mayor will call anybody to ask them to do
19 anything, so he'll probably be staying
20 out of it, because we have difficulty in
21 that area.

22 So I just think this is
23 probably the best legislation that we
24 have available in front of us to actually
25 change something and to show the citizens

1 12/9/09 - WHOLE - BILL 090706, etc.
2 and taxpayers and homeowners that
3 something has changed, that it's a new
4 system involved, there's a separate
5 appeal process, and I do think in the end
6 it's probably the only way to go. And
7 you can see by the lack of outcry here
8 today that this process that's --
9 legislative process that's going forward
10 has actually worked.

11 So thank you, and thank the
12 Councilman.

13 COUNCIL PRESIDENT VERNA: Thank
14 you.

15 The Chair recognizes Councilman
16 Clarke.

17 COUNCILMAN CLARKE: Thank you,
18 Madam President.

19 Good morning, Mr. Dubow.

20 MR. DUBOW: Good morning.

21 COUNCILMAN CLARKE: Mr. Dubow,
22 getting back to Councilwoman Blackwell's
23 issue as it relates to employees, and
24 during the course of the conversations, I
25 know it came up a couple of times in the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 leadership meetings about these School
3 District employees, and I think that at
4 one point, a suggestion was made that
5 they be given an opportunity to take
6 tests that will qualify -- qualifiers
7 versus straight civil service. I
8 understand that there was a process that
9 interviewed individuals to determine what
10 their job specs were, what they did in
11 their jobs, and from that, I'm assuming
12 that there was going to be some sort of
13 job specs put together so that -- I don't
14 know. Would it be for civil service or
15 would it be for qualifiers? Exactly how
16 are those people currently working there,
17 who not only may have certain technical
18 experience but actually have work time
19 experience, on-the-job experience beyond
20 what a person would have outside of the
21 particular workforce, how are you going
22 to handle that, or is there some thought
23 going to be given to that, people who are
24 qualified for the positions that --

25 MR. DUBOW: Right. There's a

1 12/9/09 - WHOLE - BILL 090706, etc.
2 lot of talk about how that would work if
3 it's determined that they're really City
4 employees as opposed to School District
5 employees and that we have responsibility
6 for them, about how exactly that testing
7 would work, and that's something that HR
8 is working on. I'm not sure that they've
9 finalized it. I understand the issues
10 around it, but I don't think --

11 COUNCILMAN CLARKE: When do you
12 anticipate that? Because that goes to
13 the crux of the problem. I mean, this
14 whole issue about people being taken who
15 currently work for the School District,
16 and the School District, I'm assuming
17 that within 24 hours of us passing this
18 bill, that they're going to say they're
19 not going to fund those employees
20 anymore. These people are essentially in
21 limbo, and I think it's fair that they
22 have -- some who have worked more than 20
23 years and actually some even 30 years in
24 a job, that they be given a chance to
25 qualify for their own jobs prior to you

1 12/9/09 - WHOLE - BILL 090706, etc.
2 putting this out to the general public
3 for some civil service testing.

4 MR. DUBOW: Yes. I agree with
5 that. And no matter what happens, there
6 would be -- we would never have a process
7 where one day there's a determination
8 that they're City employees and the next
9 day they're gone, you know. I mean, if
10 that's decided, there's a process and
11 there would be a transition period. So,
12 I mean, you're right --

13 COUNCILMAN CLARKE: Mr. Dubow,
14 in all fairness, we have been talking
15 about this for a while, particularly in
16 leadership. It's a simple question.
17 Will you give the people who currently
18 work at the Board of Revision a chance to
19 qualify for their positions and not
20 subject them to a general -- they now
21 have to go take a civil service test
22 based on anybody -- and actually people
23 who don't even live in the City of
24 Philadelphia may have an opportunity to
25 take the test. I don't think that's

1 12/9/09 - WHOLE - BILL 090706, etc.

2 fair.

3 MR. DUBOW: I understand. I
4 know that's an issue HR -- I don't have
5 that --

6 COUNCILMAN CLARKE: When are
7 you going to have the answer, Mr. Dubow?
8 I mean, come on. Rob, we've been talking
9 about this for a while.

10 MR. DUBOW: We can get you that
11 answer within a day. Just the people
12 aren't here. I just don't know the
13 answer to that.

14 COUNCILMAN CLARKE: All right.
15 So can you commit to a timeline on when
16 we can get a response or what the process
17 will be for existing employees who
18 currently work on the School District's
19 payroll?

20 MR. DUBOW: Yeah. We can have
21 that process for you before you have to
22 vote on this, which is next Thursday,
23 right, final passage, if it comes out
24 today?

25 COUNCILMAN CLARKE: Next

1 12/9/09 - WHOLE - BILL 090706, etc.

2 Thursday.

3 MR. DUBOW: Yeah. I don't want
4 to say we'll have it for you within 24
5 hours and then not deliver, but I know we
6 can have it for you within a week.

7 COUNCILMAN CLARKE: Okay.
8 Before the final passage?

9 MR. DUBOW: Yes.

10 COUNCILMAN CLARKE: Okay.
11 Thank you.

12 Thanks, Madam Chair.

13 COUNCIL PRESIDENT VERNA: You
14 know, Mr. Dubow, when we had the CEDA
15 program and that was eliminated, people
16 who worked under the CEDA program were
17 given an opportunity to take a qualifying
18 test and they were hired. I don't know
19 what makes these employees so different
20 that we would even think of having an
21 open, competitive test.

22 Now, you're saying that before
23 final passage of this bill, we will know
24 something definite as to what the
25 Administration intends to do?

1 12/9/09 - WHOLE - BILL 090706, etc.

2 MR. DUBOW: Yes.

3 COUNCIL PRESIDENT VERNA: Thank
4 you.

5 Councilman Rizzo.

6 COUNCILMAN RIZZO: Thank you,
7 Madam President.

8 Similarly, I want to join my
9 colleagues that have spoken on this
10 issue. This is important. We're going
11 into the holiday season now and I think
12 people need to realize that we're going
13 to try to do the right thing here.

14 The people that work over there
15 didn't create this bureaucracy. I think,
16 though, at the end of the day, we have to
17 make sure that we do everything we can to
18 treat people that have worked -- and a
19 lot of people don't know this, but most
20 of us do -- that they've worked very hard
21 at the Board of Revision of Taxes, the
22 people in the trenches.

23 So I would hope that before the
24 holiday, that they have a pretty good
25 signal that they're going to be treated

1 12/9/09 - WHOLE - BILL 090706, etc.

2 fairly.

3 In our leadership meetings, it
4 was not suggested or I felt as though
5 that they were going to be, like
6 Councilman Clarke said, put in a
7 situation where maybe their testing
8 skills, maybe their abilities to pass a
9 civil service test, maybe they don't have
10 that capability, some of them. But,
11 again, you just can't throw people away
12 after 20 years or more.

13 MR. DUBOW: I understand the
14 concern.

15 COUNCILMAN RIZZO: So I'm going
16 to be watching that very carefully, and I
17 hope you do meet that timeline before
18 Christmas.

19 Thank you, Madam President.

20 COUNCIL PRESIDENT Verna:
21 You're welcome.

22 The Chair recognizes
23 Councilwoman Miller.

24 COUNCILWOMAN MILLER: Thank
25 you. Thank you, Madam President.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 I too want to join my
3 colleagues in expressing my concern and
4 sentiment towards making sure that we
5 have some type of very, very fair system
6 that's going to be implemented to make
7 sure that these employees over there at
8 the BRT, the School District employees,
9 are strongly considered to keep their
10 job.

11 Now, I know that you did say
12 that you don't know if the staffing
13 levels will remain the same. However,
14 it's really bad when you've been working
15 somewhere for 20 or 30 years and all the
16 sudden have to take a test to keep your
17 job. I mean, that's just not the way to
18 do it. And I would hope that staff
19 evaluations and other kinds of
20 considerations are given when decisions
21 are being made.

22 Please don't test me after I've
23 been here 30 years. Don't go there.

24 Okay. Thank you.

25 COUNCIL PRESIDENT VERNA: Thank

1 12/9/09 - WHOLE - BILL 090706, etc.

2 you.

3 The Chair recognizes

4 Councilwoman Tasco.

5 COUNCILWOMAN TASCO: Yeah. I'd

6 just like to say that where there's a

7 will, there's a way, and it's always been

8 the effort of the administrations,

9 particularly past administrations, to

10 protect those people who have been

11 brought on to work in whether they're

12 temporary slots or not. I think what has

13 happened, this outcry about these 88

14 people, they've been working there for

15 years. They must perform some service.

16 They do work. They have jobs. They have

17 tasks to do. That work has to be done

18 continuously evidently. If they didn't

19 have those assignments, the work probably

20 was not needed.

21 The question becomes, they

22 bring to the position a certain level of

23 experience that you might not get from

24 other people who would come on. So there

25 should be some provision provided, as I

1 12/9/09 - WHOLE - BILL 090706, etc.
2 understand it, when these civil service
3 tests are given, if they are civil
4 service, to get so many points for having
5 the experience, because experience is
6 always one of the parts of the
7 requirements. It says experience. Those
8 who have experience will get so many
9 other points, that is taken into
10 consideration.

11 It's unfortunate that for me
12 this has been, let's get the little
13 people. It seems to me that they have
14 been made to look like they're the
15 problem with the BRT, and I've constantly
16 said they're not the problem. They just
17 seem to be the easy way to get a story
18 about the BRT in the paper. But I don't
19 know too many of the people who work at
20 the BRT, but those who I do know do work.

21 So I think they've been
22 unfairly maligned. I want them to get a
23 fair consideration. And you all are in
24 power, and you can have the power to make
25 it happen. And that's all we want you to

1 12/9/09 - WHOLE - BILL 090706, etc.

2 do, is make it happen.

3 MR. DUBOW: I meant to say --

4 COUNCILWOMAN TASC0: In a fair
5 way, that nobody is leaving their job and
6 that they continue to do what they do,
7 because if they don't do it, who is going
8 to come in and do the job? That's my
9 concern.

10 MR. DUBOW: We agree that
11 they're not the problem. I mean, the
12 problem is that there's an assessment
13 system that people think is unfair. They
14 don't do the assessments. They're not
15 the assessors.

16 COUNCILWOMAN TASC0: They're
17 not the assessors. They are the clerks.
18 They do the paperwork. The paperwork has
19 to be done, and no one has ever
20 criticized them for not doing it in the
21 manner that it should be done. And so
22 now the fact that the issue to be
23 resolved is whether they stay with the
24 School District or whether they stay with
25 the City, and if they've been hired by

1 12/9/09 - WHOLE - BILL 090706, etc.
2 the School District because they were
3 doing School District work, I mean, all
4 of that has to be taken into
5 consideration. Maybe you don't even have
6 to make that change, you know. They can
7 stay with the School District on their
8 payroll.

9 COUNCIL PRESIDENT Verna: Thank
10 you.

11 The Chair recognizes Councilman
12 Goode.

13 COUNCILMAN Goode: Thank you,
14 Madam Chair. Just a point of
15 information.

16 This is a Council bill, not an
17 Administration bill; is that correct?

18 COUNCIL PRESIDENT Verna: Yes.

19 COUNCILMAN Goode: Okay. Thank
20 you.

21 COUNCIL PRESIDENT Verna: The
22 Chair recognizes Councilman Green.

23 COUNCILMAN Green: Thank you,
24 Madam Chair.

25 I want to just take a second

1 12/9/09 - WHOLE - BILL 090706, etc.
2 and uniform tax system. As Charlesretta
3 Meade testified when she was in here at
4 last year's budget cycle, our current
5 assessment system is non-uniform. That
6 makes it illegal in Pennsylvania, and
7 this Council is going to fix it before
8 some judge tells us how to do it.

9 Thank you, Madam President.

10 COUNCIL PRESIDENT VERNA:

11 You're welcome.

12 The Chair recognizes Councilman
13 Clarke.

14 COUNCILMAN CLARKE: Thank you,
15 Madam President.

16 Madam President, I think all of
17 the members of Council are keenly aware
18 that, one, this is not an Administration
19 bill, it's a Council bill, and, two, this
20 bill, frankly speaking, cannot fix that
21 particular problem as it relates to
22 employees, but this is a forum and we
23 believe this might be the appropriate
24 context to the bring that issue up. As I
25 said earlier, we have talked about that

1 12/9/09 - WHOLE - BILL 090706, etc.
2 on several occasions, not just in the
3 context of this bill but also in the
4 context of the recently approved MOU.

5 So I think that this
6 conversation should be had in a public
7 way, because people want to make clear
8 their position that we want to treat
9 these employees in some level of
10 fairness. We understand we can't fix it
11 here, and I do believe that that issue
12 can be fixed as it relates to the MOU,
13 because I'm assuming that we are going to
14 move relatively quickly in terms of
15 resolving the issue with the School
16 District employees. And as I said
17 earlier, I think as soon as we pass this
18 bill, I do believe that the School
19 District is going to absolve itself of
20 any financial responsibility for those
21 employees. So personally, I'm just
22 simply trying to get some level of
23 commitment from the Administration in
24 this particular forum, in this context of
25 reforming the BRT, which is sorely

1 12/9/09 - WHOLE - BILL 090706, etc.
2 needed, to move forward in a fair and
3 equitable way as it relates to those
4 employees.

5 COUNCIL PRESIDENT VERNA: The
6 Chair recognizes Councilman Goode.

7 COUNCILMAN GOODE: Thank you,
8 Madam President.

9 I am very clear that the bill
10 does not deal with the issue. I am not
11 clear that the bill could not deal with
12 the issue. If someone could explain to
13 me why the bill could not deal with the
14 issue, that would be appreciated. And I
15 have no problem with the bill being
16 silent on it.

17 COUNCILMAN CLARKE: I would
18 actually like to support a bill that does
19 deal with the issue, but it's not clear
20 to me, based on the conversations that
21 I've had with a number of people, that we
22 can do it in this bill.

23 COUNCILMAN GOODE: Why?

24 COUNCILMAN CLARKE: I think we
25 should get a legal opinion. But there

1 12/9/09 - WHOLE - BILL 090706, etc.
2 were informal conversations as it relates
3 to our ability to formally determine how
4 that process is done. Frankly speaking,
5 if we can do it in legislation, I'm more
6 than comfortable supporting that, from a
7 personal perspective.

8 COUNCIL PRESIDENT VERNA: The
9 Chair recognizes Councilman Green.

10 COUNCILMAN GREEN: Thank you,
11 Madam Chair.

12 We did look at this issue and
13 considered specific language. The
14 agreement to have those employees there
15 is basically an agreement between the
16 School District and the City of
17 Philadelphia. We cannot legislate that
18 the School District continue to pay those
19 people, and that is something that is
20 going to be worked -- and continue to be
21 employed. And so with respect to the
22 future of them, it's not something
23 that --

24 COUNCILMAN GOODE: Point of
25 information.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCIL PRESIDENT VERNA: Yes.

3 The Chair recognizes Councilman Goode.

4 COUNCILMAN GOODE: The point
5 was not who is going to pay for the
6 employees. The point was whether those
7 employees who are currently employed by
8 the BRT have a right to be retained in
9 the changeover and transition and whether
10 it's legal to put that within the
11 legislation, and that's still at this
12 point a question. And I don't mind that
13 the bill is silent. I can vote for the
14 bill with it being silent, but the issue
15 of whether it could go in there I think
16 should not be misleading.

17 COUNCILMAN GREEN: That was an
18 issue that was discussed early on, and
19 the broad consensus was not to directly
20 address it.

21 COUNCILMAN GOODE: But it could
22 be, legally?

23 COUNCILMAN GREEN: I don't
24 think we can legislate it, but it was
25 several months ago and I cannot recall

1 12/9/09 - WHOLE - BILL 090706, etc.

2 how we came to this conclusion.

3 COUNCILMAN GOODE: Thank you.

4 COUNCIL PRESIDENT VERNA: If
5 the members would like, I will make a
6 call to the Law Department to have
7 someone come over to answer this issue.

8 Is everybody willing to wait?

9 COUNCILWOMAN BLACKWELL: Yes.

10 COUNCILMAN GREEN: Madam
11 President?

12 COUNCIL PRESIDENT VERNA: Yes.

13 COUNCILMAN GREEN: Sophie, my
14 Chief of Staff, is helping me recall the
15 discussions around this issue. I don't
16 believe that we can legislate -- we can
17 create -- I don't think we can legislate
18 civil service positions or what the civil
19 service test is going to be. That's the
20 Civil Service Commission.

21 Under the Charter, there are
22 three separate branches that are intended
23 to be co-equal. Believe it or not, the
24 Civil Service Commission is one of them.

25 We can't legislate -- we could

1 12/9/09 - WHOLE - BILL 090706, etc.
2 probably legislate that people
3 automatically have a job when they get
4 in, but the next day, the Administration
5 could lay them all off. There is no --
6 we have no control with respect to
7 staffing of any department or what they
8 get paid or anything like that. That is
9 totally within the executive purview.

10 So there was a broad consensus
11 with leadership of City Council at the
12 time that we did not want to try to
13 address an issue that we couldn't
14 ultimately control.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 Councilman Goode.

18 COUNCILMAN GOODE: Point of
19 information.

20 The issue was also not whether
21 we could legislate whether they were
22 civil service or not. The issue is
23 whether -- if there are people who have
24 served within an agency that was
25 controlled by a different branch of

1 12/9/09 - WHOLE - BILL 090706, etc.
2 government are being transferred to the
3 executive branch of government, whether
4 there is some way we could legislate that
5 their experience allows them to continue
6 in that role and transition. And the
7 answer to that question is, yes, it's
8 legal to do so, but if we're going to be
9 silent on it, then that's just the case,
10 we're going to be silent on it.

11 COUNCIL PRESIDENT VERNA: Thank
12 you.

13 Councilwoman Blackwell.

14 COUNCILWOMAN BLACKWELL: Thank
15 you.

16 I thank Councilman Goode for
17 articulating the issue. This isn't a
18 debate about Civil Service Commission or
19 the rules of civil service. It is, as
20 has been stated, an issue about
21 employees. And I agree, this Council can
22 remain silent if it chooses. Each of us
23 has to follow the dictates of the people
24 who put us here and deal with the God you
25 serve. But in terms of us being able to

1 12/9/09 - WHOLE - BILL 090706, etc.
2 deal with this issue, I believe that we
3 have a responsibility to do so. I think
4 that if we remain silent, we have done a
5 disservice.

6 And it seems to me, Madam
7 President, a lot of people have accepted
8 that these people are going to have to be
9 tested. Nobody has said anything to me
10 on this issue. But a lot of people seem
11 to have accepted that people will be
12 reduced, that people will have to take
13 civil service tests and that they'll go
14 to civil service, and I think that is
15 regrettable.

16 We have to protect the people
17 who send us here and the people in our
18 districts. That's all it is. It's not
19 even -- as we know, they don't even make
20 any money, \$23,000, \$24,000 a year.
21 Those who retire are only up to 36,000.
22 I think we have a responsibility, Madam
23 President, to protect them, and I think
24 we can do it in this bill.

25 COUNCIL PRESIDENT VERNA: Thank

1 12/9/09 - WHOLE - BILL 090706, etc.

2 you.

3 I have called Rick Auerbach to
4 come down with the hopes that he may be
5 able to shed some light on this.

6 COUNCILMAN GREEN: Madam
7 President?

8 COUNCIL PRESIDENT VERNA: Yes.
9 Councilman Green.

10 COUNCILMAN GREEN: Thank you.

11 The bill is not silent on this
12 issue. People may remember that this was
13 a great deal of discussion that was had
14 with leadership and others. The bill in
15 Section 2-207 deals with the transfer of
16 existing employees. The language was
17 very carefully chosen. It says, Those
18 persons employed by or assigned to the
19 Board of Revision of Taxes on the date
20 the Board of Revisions of Taxes ceases to
21 exist shall become employees of or shall
22 be assigned to the Board of Property
23 Assessment Appeals, if they are regularly
24 occupied in connection -- or shall be
25 assigned to the Office of Property

1 12/9/09 - WHOLE - BILL 090706, etc.
2 Assessment in connection with the
3 functions and duties transferred to those
4 offices.

5 So we are very clear that that
6 shall happen. It's what happens the next
7 day that we simply have no control over,
8 and the protection of those employees is
9 in the purview of the executive, and what
10 we're asking the executive to do today, I
11 believe, is treat them with respect and
12 dignity and let them keep their jobs.
13 But they are automatically transferred in
14 this bill.

15 COUNCIL PRESIDENT VERNA:
16 Councilman Goode.

17 COUNCILMAN GOODE: Thank you,
18 Madam President.

19 The bill is effectively silent
20 on the issue if a Memorandum of
21 Understanding was signed today and the
22 amendment to the Charter cannot take
23 place until May 18th.

24 COUNCILMAN GREEN: Right.

25 COUNCILMAN GOODE: Thank you,

1 12/9/09 - WHOLE - BILL 090706, etc.

2 Madam President.

3 COUNCIL PRESIDENT VERNA:

4 You're welcome.

5 Councilwoman Blackwell.

6 COUNCILWOMAN BLACKWELL: Thank
7 you.

8 I agree with my colleague
9 Councilman Goode, and I believe that my
10 colleague Councilman Green supports my
11 position. He just made a whole statement
12 with regard to Civil Service Commission
13 then comes back and says that's not where
14 we are. The bill talks about assessors
15 and the Board of Appeals. So I think
16 that supports my point of view and my
17 debate.

18 Thank you.

19 COUNCIL PRESIDENT VERNA:

20 You're welcome.

21 Mr. Auerbach, I believe you've
22 been listening to the many questions
23 surrounding the issue of the 80-odd
24 employees that are at the Board of
25 Revision of Taxes. Is there an

1 12/9/09 - WHOLE - BILL 090706, etc.
2 explanation you can give us as to why we
3 cannot add something to the bill before
4 us?

5 MR. AUERBACH: Sure. As I
6 understand, the current arrangement is a
7 cooperative arrangement between the
8 School District and the Administration
9 whereby the School District employees are
10 assigned to the BRT. That's a
11 cooperative arrangement. It could end
12 tomorrow if the School District wishes it
13 to end. It could end tomorrow if the
14 Administration decides they don't want to
15 enter into that cooperative relationship.
16 There's no way to mandate that the School
17 District cooperates with the BRT that way
18 or that the Administration cooperates
19 with the School District that way.

20 If you bring the employees --
21 the employees of the new agencies that
22 are being created are going to be subject
23 to civil service, to general civil
24 service rules in the Charter. So
25 whatever those civil service rules are

1 12/9/09 - WHOLE - BILL 090706, etc.
2 with respect to hiring of new employees
3 would still apply. And I understand
4 there is the precedent -- I believe you
5 mentioned about the CEDA employees.
6 There is precedent for having a
7 qualifying test as opposed to an open and
8 competitive exam. I'm not sufficiently
9 expert to know if that's something that
10 can be done, but I understand that's
11 something that's being looked into.

12 COUNCIL PRESIDENT VERNA: Just
13 a minute.

14 Councilman Goode.

15 COUNCILMAN GOODE: Thank you,
16 Madam President.

17 Mr. Auerbach, within this
18 legislation as it's currently crafted,
19 there are qualifications established for
20 certain positions; is that correct?

21 MR. AUERBACH: I believe so,
22 yes.

23 COUNCILMAN GOODE: Is there a
24 possibility to create qualifications
25 established for other positions?

1 12/9/09 - WHOLE - BILL 090706, etc.

2 MR. AUERBACH: I'm not sure
3 where that line is. I understand where
4 you're going with your question. I mean,
5 there are qualifications for the chief
6 assessor. I understand there are
7 amendments.

8 COUNCILMAN GOODE: So there
9 could be qualifications established for
10 other positions within the legislation?

11 MR. AUERBACH: I think there
12 could be minimum qualifications.

13 COUNCILMAN GOODE: Thank you.
14 So those qualifications could
15 include experience?

16 MR. AUERBACH: I would think
17 so.

18 COUNCILMAN GOODE: Thank you.

19 COUNCIL PRESIDENT VERNA:
20 Councilman O'Neill.

21 COUNCILMAN O'NEILL: Yes, Madam
22 President. I think I understand what
23 Councilman Goode is asking. I understand
24 Councilwoman Blackwell's concern,
25 Councilman Clarke's concern. I think I

1 12/9/09 - WHOLE - BILL 090706, etc.
2 understand Councilman Green's explanation
3 that the legislation says that the
4 employees shall become employees of the
5 new entity and they could be fired the
6 next day or whatever could be done to
7 them that could possibly happen. I just
8 think the worst or the best, depending on
9 how you feel.

10 But with the Memorandum of
11 Understanding in place today, isn't our
12 real concern, will the Administration
13 between now and October, the date --

14 COUNCILMAN GREEN: 2010.

15 COUNCILMAN O'NEILL: -- 2010
16 honor the intent of the legislation that
17 the employees go off the payroll somehow
18 involuntarily between now and October
19 2010 since that legislative intent is for
20 these employees to move on to the new
21 group? And I don't know if that's
22 something we can legislate since the
23 Memorandum of Understanding is already in
24 place, but we can certainly establish a
25 record as to the Administration's intent

1 12/9/09 - WHOLE - BILL 090706, etc.

2 between now and October of 2010.

3 I hope I made -- I'm trying to
4 bridge this, because I think that's the
5 biggest gap now that we have, that we can
6 have some control or at least some
7 involvement in it.

8 Mr. Dubow?

9 MR. DUBOW: As I said before --

10 COUNCIL PRESIDENT VERNA: Just
11 a moment, please.

12 Councilman Goode.

13 COUNCILMAN GOODE: Maybe
14 Mr. Dubow can further clarify this. I
15 guess the issue is what happens to the
16 Memorandum of Understanding after we pass
17 the bill, it's signed into law by the
18 Mayor, it's approved by the voters, it
19 has an effective date? What happens to
20 the Memorandum of Understanding? The
21 Memorandum of Understanding dies.

22 MR. DUBOW: The Memorandum of
23 Understanding --

24 COUNCILMAN GOODE: Dies with
25 the agency.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 MR. DUBOW: Yeah. The
3 Memorandum of Understanding is a
4 six-month agreement that started October
5 4th. So it goes through April 4th, with
6 the ability to extend it, I think it's,
7 maybe one month at a time for up to six
8 more months. That would take it to next
9 October when the agency dies. So the
10 longest the MOU could last is essentially
11 until the day the BRT goes away.

12 COUNCILMAN GOODE: So the point
13 I'm making is, the Memorandum of
14 Understanding is temporary. The
15 legislation is meant to be permanent.

16 MR. DUBOW: That's correct.
17 The MOU between now and whenever it
18 ceases to be in place.

19 COUNCILMAN GOODE: Thank you.

20 COUNCILMAN O'NEILL: I'm still
21 maybe confused now. I appreciate that
22 clarification. Does the Memorandum of
23 Understanding include a provision that
24 mirrors our legislation that the
25 employees will stay in place until the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 effect of the legislation comes into
3 play, which is they will transfer over to
4 the new agency? Because if we're
5 providing at least 24 hours of job
6 protection with this legislation, it is
7 all for naught if those people don't have
8 24 hours of job protection between now
9 and then, and we will have appeared to
10 have missed that opportunity to get the
11 Administration to agree that those people
12 at least can compete for those jobs
13 because they'll still be in their job
14 come October 2010.

15 MR. DUBOW: As I said to
16 Councilman Clarke, there obviously would
17 be a process -- if it is determined that
18 they should move to civil service, the
19 process for how that will work, I can't
20 answer with certainty what that process
21 will look like, but we'll be able to do
22 that by the time you have to vote for
23 final passage on this.

24 COUNCILMAN O'NEILL: Right, but
25 there's a different question, though.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 And I understand that. That's going to

3 be determined over a period of months.

4 But do we have your and the Mayor's

5 assurance that the people in those jobs

6 right now, the particular people in those

7 jobs, will not be furloughed, laid off,

8 fired, whatever verb you want to use?

9 They'll still be able to enjoy the

10 protections of this legislation for at

11 least that 24-hour period in October of

12 2010 and compete for the job under

13 whatever civil service requirement there

14 is, whether it's qualifying, whether it's

15 competitive or whatever. I can't be more

16 direct.

17 MR. DUBOW: And the answer to

18 that is --

19 COUNCILMAN O'NEILL: There's 11

20 months. You guys plan on laying off

21 these people or will you give us

22 assurances, on the other hand, that they

23 will stay, I mean, subject to somebody

24 not showing up for work or doing things

25 like that, but doing the same thing

1 12/9/09 - WHOLE - BILL 090706, etc.
2 they've been doing, working for fairly
3 low wages, working hard and that they'll
4 at least get a chance to see this
5 through, switch to the new entity and
6 then deal with the civil service,
7 whatever it is?

8 MR. DUBOW: No, I can't give
9 that assurance. The first answer I gave
10 was that one of the things that we're
11 doing when we get in there is looking at
12 the organization, seeing whether the
13 staffing levels are appropriate, and if
14 they're not, there may be changes. We're
15 not going with any pre-conceived notion
16 that they're not the right staffing
17 levels, but if they're not, we want the
18 flexibility to be able to change those
19 levels. And I don't want to tell you
20 anything different today and then have us
21 take an action three months from now and
22 you say, Well, that's not what you told
23 us.

24 COUNCILMAN O'NEILL: Okay.
25 You're not willing to give us the

1 12/9/09 - WHOLE - BILL 090706, etc.
2 assurance that between now and October
3 2010 for those people that we're giving
4 them come October 2010? They could be
5 gone before those assurances become
6 effective?

7 MR. DUBOW: That's correct. We
8 want the ability to look at the
9 organization, see how it works and see
10 whether there are changes in staffing
11 that should be made.

12 I think there are two different
13 sets of questions. I think there's are
14 we guaranteeing that there will be no
15 changes in staffing, and that I think the
16 answer is no. The other question is, if
17 they're determined to be City employees,
18 what's the process for how they'd be
19 transitioned from being School District
20 employees to being City employees.

21 COUNCILMAN O'NEILL: Right.

22 MR. DUBOW: So what kind of
23 testing will we do. That's the thing
24 that I can get back to you on within a
25 week.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 There are two separate
3 questions, and we can answer the first
4 one within a week. I can't answer the
5 second one with a yes and be honest with
6 you.

7 COUNCILMAN O'NEILL: You're
8 being very honest.

9 MR. DUBOW: I'm trying.

10 COUNCILMAN O'NEILL: I don't
11 think there's any problem with that.

12 COUNCIL PRESIDENT VERNA: The
13 Chair recognizes Councilwoman Blackwell.

14 COUNCILWOMAN BLACKWELL: Thank
15 you, Madam President.

16 I believe that when we had this
17 discussion on the floor some time ago, we
18 talked about exempting employees, we
19 talked about other issues that have been
20 mentioned today, issues like experience.
21 We talked about exempting current
22 employees.

23 There are ways we can deal with
24 this if we want to do it. I'm not saying
25 it's easy, but we're not always

1 12/9/09 - WHOLE - BILL 090706, etc.
2 elected -- we're not elected because it's
3 always easy. I'm not saying it's an easy
4 issue to deal with, but I'm saying we
5 certainly have a responsibility to do so.
6 And I don't see how we move forward when
7 the Administration is saying they can't
8 make any commitment on anything, on what
9 they'll do.

10 I believe that that is not what
11 we can do, that we have to deal with this
12 issue, as we have tried to in the past,
13 and that the Administration has to at
14 least show that they're willing to meet
15 halfway in this discussion.

16 MR. DUBOW: Can I make one
17 other clarifying point? We wouldn't make
18 that commitment on any department about a
19 staffing level.

20 COUNCILWOMAN BLACKWELL: Repeat
21 that.

22 MR. DUBOW: We wouldn't make
23 that commitment on any department about a
24 staffing level.

25 COUNCILWOMAN BLACKWELL: Well,

1 12/9/09 - WHOLE - BILL 090706, etc.
2 then we think you're wrong. We don't
3 think the Administration should say
4 blankly that they have a right to treat
5 the citizens who elect them as well any
6 way.

7 People have a right to know how
8 to look at this holiday season, whether
9 they're going to be working next year.
10 People have a right to know. We have a
11 responsibility to at least show that
12 we're being as fair as we can and not to
13 say that we refuse to deal with the issue
14 because it's easy not to. That's unfair.
15 None of us would want to be in that
16 position.

17 MR. DUBOW: No. I agree, we
18 need to treat them fairly and we need to
19 let them know what the process is going
20 to be like and how we're going to look at
21 their jobs. Remember, the MOU was just
22 passed a couple hours ago, so all we've
23 known, it's coming. In terms of being
24 able to communicate with them and set up
25 a process, we haven't had a lot of time.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 That's a different question from what
3 will the staffing level be in an
4 organization we haven't actually had time
5 to analyze yet.

6 COUNCILWOMAN BLACKWELL: Madam
7 President, I am requesting a friendly
8 ask, that we hold up until we have these
9 issues resolved.

10 COUNCILMAN GREEN: Madam
11 President?

12 COUNCIL PRESIDENT VERNA:
13 Councilman Green.

14 COUNCILMAN GREEN: This bill
15 transfers the employees. That's what we
16 can do in this bill. This bill reforms
17 the BRT. It is a City Council bill.
18 Whether or not we pass this bill today,
19 the Administration is going to do the
20 same thing that they're going to do,
21 whatever that is. It's that simple.

22 This bill changes to two
23 different agencies in October 2010, and
24 by then, they will have done whatever
25 they will have done. We can't control

1 12/9/09 - WHOLE - BILL 090706, etc.
2 it. We're not in charge of it. We need
3 to pass this bill today and pass it by
4 the 17th and do what we can through the
5 powers of our office and look at other
6 legislation that is far more important to
7 the Administration in order to try to
8 control the outcome for these employees
9 and others, as City Council often does.
10 They need our votes in the future, and I
11 suggest that that's the leverage we apply
12 in this situation, because there is
13 simply no leverage we have. The
14 Administration can do what it wants
15 between now and 2010. Those employees
16 will be there or not be there whether or
17 not this legislation passes.

18 COUNCIL PRESIDENT VERNA: Thank
19 you.

20 The Chair recognizes Councilman
21 Greenlee.

22 COUNCILMAN GREENLEE: I might
23 as well weigh in on this. Everybody else
24 is.

25 Mr. Dubow, I think through this

1 12/9/09 - WHOLE - BILL 090706, etc.
2 process, there's been a pretty -- there's
3 an attempt to be a pretty cooperative
4 effort. It's pretty clear where just
5 about every Councilmember is on here.

6 To Councilman O'Neill's
7 question, why can't you understand where
8 we're coming from and give a more
9 affirmative answer to his question as far
10 as some kind of understanding that we're
11 going to try to protect these people, who
12 we all think -- who you admitted are not
13 a problem, are not the problem.

14 MR. DUBOW: No, they're not.

15 COUNCILMAN GREENLEE: Who, as
16 Councilwoman Blackwell and others have
17 said, are not getting paid a heck of a
18 whole lot, who obviously are great
19 concern to us. And Councilman Green is
20 very right, maybe we can't legislate it,
21 but since we've had cooperation, why
22 can't we cooperate on this as much as
23 possible anyway and go on record and say,
24 Okay, we understand where you're coming
25 from on this, let's see what the voters

1 12/9/09 - WHOLE - BILL 090706, etc.
2 say in May and then go from there. I
3 mean, it's not that long a time, and a
4 lot of these people have spent a heck of
5 a lot of time in service, again, for not
6 getting paid a lot of money. I guess my
7 question is, why not? Why can't we do
8 that?

9 MR. DUBOW: I think what
10 we're -- what I said we'll do is -- I
11 think one of the key concerns is about
12 what process we'll use, and that we will
13 have an answer for you on that within a
14 week, and hopefully that will address
15 your concerns.

16 COUNCILMAN GREENLEE: We hope
17 so. I'd like to hear still a little more
18 definitive, but okay. All right.

19 Thank you.

20 COUNCIL PRESIDENT VERNA:
21 You're welcome.

22 The Chair recognizes Councilman
23 Rizzo.

24 I'm sorry. Councilwoman Tasco
25 is next, then it's Councilman Rizzo.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCILWOMAN TASCO: I just
3 want to say, I think that we all have
4 expressed our concern about the employees
5 with the BRT. I do agree with Councilman
6 Green, this is our bill, Council's bill,
7 it's not the Administration's bill. By
8 the time this bill is passed and voted on
9 by the voters next spring, the issue will
10 be resolved. To hold this bill up would
11 not be -- would not resolve the issue.
12 So I support his call to move this bill
13 forward.

14 COUNCIL PRESIDENT VERNA:
15 Councilman Rizzo.

16 COUNCILMAN RIZZO: Thank you,
17 Madam President.

18 Mr. Dubow, I just can't figure
19 why you, the Mayor and all the people
20 involved in this decision can't get
21 together and -- this is about also
22 relationships. You can tell us exactly
23 where you're going to be, whether it's
24 not what we're hearing here today or
25 something else, that you will look out

1 12/9/09 - WHOLE - BILL 090706, etc.
2 for these folks over there. So why can't
3 you get in a room and come back to us --
4 this is about relationships. You tell me
5 something and you change your mind.
6 Guess what? Our relationships are over.
7 But I just can't figure why you, the
8 Mayor and other people, the
9 decision-makers of this government, can't
10 come up with a strategy. And if you have
11 to deviate from it, work with us, but I
12 think you hear loud and clear what we
13 want here, and I think that you need to
14 develop your strategy quickly and tell us
15 what you plan to do and not do. Lay them
16 off -- I mean, what a shot that would be
17 to lay people off a day after because of
18 a loophole? I mean, that's disgraceful.
19 Tell us what you plan to do or not do.

20 MR. DUBOW: Right. And I said
21 that that's our plan, is to be back to
22 you within a week with that plan.

23 COUNCILMAN RIZZO: Well, again,
24 I just want to restate the importance of
25 that happening. Hopefully that --

1 12/9/09 - WHOLE - BILL 090706, etc.

2 MR. DUBOW: It will.

3 COUNCILMAN RIZZO: Maybe it
4 should have happened before we came here
5 today.

6 Thanks.

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilman O'Neill.

9 COUNCILMAN O'NEILL: Yes, Madam
10 President.

11 I agree with the Majority
12 Leader, that this is a Council bill. I
13 know Councilman Green and a lot of other
14 people have put a lot of time into it. I
15 do think that this bill is our leverage.
16 I know there's individual things that
17 happen you can kind of bring back, but it
18 doesn't seem to work out that way. But I
19 think we have a week, and whatever
20 commitment we're going to get, we'll
21 either get it in a week or we won't, and
22 if that means holding the bill over the
23 holidays, we can make that decision on
24 our own, not in this forum but
25 collectively. So let's get it out today.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 I know it's our bill, but we
3 can hold it if we're not satisfied with
4 the response. I don't think we're asking
5 for anything but fairness.

6 Thank you.

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilman Goode.

9 COUNCILMAN GOODE: Thank you,
10 Madam President. I'll be real brief.

11 There's absolutely no reason
12 why we should not vote the bill out of
13 committee today, but regardless of when
14 we vote the bill out of committee, as
15 long as it's enough time to go on the May
16 18th ballot, then essentially the voters
17 will have their say. But regardless of
18 what we do in terms of amending the
19 Charter, the Charter can't be amended
20 before May 18th, and the Memorandum of
21 Understanding is effective today, and so
22 what we do today is really unrelated to
23 the Memorandum of Understanding and
24 should not actually impact our decision
25 one way or the other.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCIL PRESIDENT VERNA: Are
3 there any other questions from members of
4 the Committee?

5 (No response.)

6 COUNCIL PRESIDENT VERNA:
7 Seeing none, this will conclude our
8 public hearing. We will now go into our
9 public meeting.

10 The Chair recognizes Councilman
11 Green regarding Bill No. 090706.

12 COUNCILMAN GREEN: Thank you,
13 Madam Chair. I move the amendments that
14 have been previously circulated to all
15 members of Council be approved.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and seconded that the
19 amendments be adopted.

20 All in favor will say aye.

21 (Aye.)

22 COUNCIL PRESIDENT VERNA: Those
23 opposed?

24 COUNCILWOMAN BLACKWELL: No.

25 COUNCIL PRESIDENT VERNA: The

1 12/9/09 - WHOLE - BILL 090706, etc.
2 record will reflect that Councilwoman
3 Blackwell voted no, all other members
4 voted in the affirmative, and the motion
5 passes.

6 Again, the Chair recognizes
7 Councilman Green.

8 COUNCILMAN GREEN: Thank you,
9 Madam Chair. I move that we approve Bill
10 No. 090706 with a favorable
11 recommendation and a suspension of the
12 rules to allow second reading and final
13 passage on our December 17th Council
14 meeting, should we choose not to hold
15 this.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and seconded that Bill No.
19 090706 be reported out of committee with
20 a favorable recommendation, as amended,
21 and that the rules of Council be
22 suspended so as to permit first reading
23 at our next session of Council.

24 All in favor will say aye.

25 (Aye.)

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCIL PRESIDENT Verna: Those
3 opposed?

4 COUNCILWOMAN Blackwell: No.

5 COUNCIL PRESIDENT Verna:
6 Again, the record will reflect that
7 Councilwoman Blackwell voted no, all
8 other members voted in the affirmative,
9 and the motion is adopted.

10 The Chair recognizes
11 Councilwoman Tasco regarding Bill No.
12 090773.

13 COUNCILWOMAN Tasco: Madam
14 President, I move that Bill 090773 be
15 reported out of committee with a
16 favorable recommendation and that the
17 rules of Council be suspended so that
18 this bill can be read at Council's next
19 session.

20 (Duly seconded.)

21 COUNCIL PRESIDENT Verna: It
22 has been moved and seconded that Bill No.
23 090773 be reported out of committee with
24 a favorable recommendation; further, that
25 the rules of Council be suspended so as

1 12/9/09 - WHOLE - BILL 090706, etc.
2 to permit first reading at our next
3 session of Council.

4 All in favor will say aye.
5 (Aye.)

6 COUNCIL PRESIDENT VERNA: Those
7 opposed?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: The
10 ayes have it and the motion carries.

11 Again, the Chair recognizes
12 Councilwoman Tasco regarding Bill No.
13 090774.

14 COUNCILWOMAN TASCO: Madam
15 President, I offer an amendment for Bill
16 090774.

17 COUNCIL PRESIDENT VERNA: Is
18 there a second?

19 (Duly seconded.)

20 COUNCIL PRESIDENT VERNA: It
21 has been moved and seconded that the
22 amendment previously introduced be
23 adopted.

24 All in favor will say aye.
25 (Aye.)

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCIL PRESIDENT VERNA: Those
3 opposed?

4 (No response.)

5 COUNCIL PRESIDENT VERNA: The
6 ayes have it, and, again, the Chair
7 recognizes Councilwoman Tasco.

8 COUNCILWOMAN TASCO: Madam
9 President, I move that Bill 090774, as
10 amended, be reported out of committee
11 with a favorable recommendation and that
12 the rules of Council be suspended so this
13 bill can be heard at Council's next
14 session.

15 (Duly seconded.)

16 COUNCIL PRESIDENT VERNA: It
17 has been moved and seconded that Bill No.
18 090774 be reported out of committee with
19 a favorable recommendation, as amended;
20 further, that the rules of Council be
21 suspended so as to permit first reading
22 at our next session of Council.

23 All in favor will say aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 12/9/09 - WHOLE - BILL 090706, etc.

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT VERNA: The

5 ayes have it and the motion carries.

6 Again, the Chair recognizes

7 Councilwoman Tasco regarding Bill No.

8 090777.

9 COUNCILWOMAN TASCO: Madam

10 President, I move that the amendment for

11 Bill 090777 be adopted.

12 (Duly seconded.)

13 COUNCIL PRESIDENT VERNA: It

14 has been moved and seconded that the

15 amendment as proposed earlier be adopted.

16 All in favor will indicate by

17 saying aye.

18 (Aye.)

19 COUNCIL PRESIDENT VERNA: Those

20 opposed?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: The

23 ayes have it and the motion carries.

24 Again, the Chair recognizes

25 Councilwoman Tasco.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCILWOMAN TASCO: Madam

3 President, I move that Bill 090777, as
4 amended, be adopted as amended and that
5 the rules of Council be suspended so that
6 this bill can be heard at Council's next
7 session.

8 (Duly seconded.)

9 COUNCIL PRESIDENT Verna: It
10 has been moved and seconded that Bill No.
11 090777 be reported out of committee with
12 a favorable recommendation, as amended;
13 further, that the rules of Council be
14 suspended so as to permit first reading
15 at our next session of Council.

16 The Chair recognizes
17 Councilwoman Tasco -- I'm sorry. We
18 neglected to vote.

19 All in favor will say aye.

20 (Aye.)

21 COUNCIL PRESIDENT Verna: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT Verna: The
25 ayes have it and the motion carries.

1 12/9/09 - WHOLE - BILL 090706, etc.

2 The Chair recognizes
3 Councilwoman Tasco regarding Bill No.
4 090782.

5 COUNCILWOMAN TASCO: Madam
6 President, I move that Bill 090782 be
7 reported out of committee with a
8 favorable recommendation and that the
9 rules of Council be suspended so that
10 this bill can be heard at Council's next
11 session.

12 (Duly seconded.)

13 COUNCIL PRESIDENT VERNA: It
14 has been moved and seconded that Bill No.
15 090782 be reported out of committee with
16 a favorable recommendation; further, that
17 the rules of Council be suspended so as
18 to permit first reading at our next
19 session of Council.

20 All in favor will say aye.

21 (Aye.)

22 COUNCIL PRESIDENT VERNA: Those
23 opposed?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: The

1 12/9/09 - WHOLE - BILL 090706, etc.

2 ayes have it and the motion carries.

3 We will now consider Bill No.

4 090842. Councilwoman Tasco.

5 COUNCILWOMAN TASCO: Madam

6 President, I move that Bill 090842 be

7 reported out of committee with a

8 favorable recommendation and that the

9 rules of Council be suspended so that

10 this bill can be heard at Council's next

11 session.

12 (Duly seconded.)

13 COUNCIL PRESIDENT VERNA: It

14 has been moved and seconded that Bill No.

15 090842 be reported out of committee with

16 a favorable recommendation; further, that

17 the rules of Council be suspended so as

18 to permit first reading at our next

19 session of Council.

20 All in favor will say aye.

21 (Aye.)

22 COUNCIL PRESIDENT VERNA: Those

23 opposed?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: The

1 12/9/09 - WHOLE - BILL 090706, etc.

2 ayes have it and the motion carries.

3 Councilwoman Tasco, I don't see
4 any reason why we couldn't read all of
5 the resolutions at one time and vote on
6 them at one time. So if you will, just
7 read the numbers.

8 COUNCILWOMAN TASCO: Madam
9 President, I move that the following
10 resolutions be reported out of committee
11 with a favorable recommendation:
12 Resolution Nos. 090616, 090617, 090618,
13 090619, 090620, 090621, 090622, 090623,
14 090624. I move that all of these
15 resolutions be reported out of committee
16 with a favorable recommendation.

17 (Duly seconded.)

18 COUNCIL PRESIDENT VERNA: It
19 has been moved and seconded that
20 Resolution Nos. 090616, 090617, 090618,
21 090619, 090620, 090621, 090622, 090623
22 and 090624 be reported out of committee
23 with a favorable recommendation.

24 All in favor will say.

25 (Aye.)

1 12/9/09 - WHOLE - BILL 090706, etc.

2 COUNCIL PRESIDENT VERNA: Those
3 opposed?

4 (No response.)

5 COUNCIL PRESIDENT VERNA: The
6 ayes have it, the motion carries, and
7 this concludes our public meeting.

8 Thank you very much.

9 (Committee of the Whole
10 concluded at 12:15 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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proceedings, evidence and objections are

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on December 9, 2009, and that

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this is a true and correct transcript of same.

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MICHELE L. MURPHY

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RPR-Notary Public

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