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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC MEETING
COMMITTEE ON LAW AND GOVERNMENT

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Room 401, City Hall
Philadelphia, Pennsylvania
Tuesday, June 14, 1999
12:20 p.m.

- - -

BILL 990056
RESOLUTION NOS. 990066 AND 990388

PRESENT:

COUNCILMAN DAVID COHEN, Chairman
COUNCILWOMAN MICHAEL NUTTER, Vice Chair
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO

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1 RESOLUTION NO. 990388

2 THE CHAIRMAN: The Committee on Law and
3 Government of the City Council of the City of
4 Philadelphia is now in session for the purpose of
5 conducting hearings and public meetings with respect
6 to two items. One involves the Gas Works, and
7 that's Resolution No. 990388. The others relate to
8 school governance and involves both Bill No. 990056
9 and Resolution No. 990066. The Chair is going to
10 call up first a public meeting because I don't
11 believe we had a public hearing set, a public
12 meeting on the Gas Works to consider action to be
13 taken on the report that I submitted to the
14 Committee on Thursday.

15 I just want to report I was in
16 Harrisburg on Friday and Saturday to attend the
17 Pennsylvania Democratic State Committee meeting and
18 further the State AFL/CIO had a conference on
19 working women and I made six appearances in
20 connection with the bill to four different bodies of
21 Democratic State Committee, a Regional Chairs
22 Meeting, a County Chairs Meeting, the Philadelphia
23 Caucus and then the State Committee Meeting itself
24 on Saturday. And in addition, I participated in a
25 press conference, which I noted on my way back

1 RESOLUTION NO. 990388

2 Philadelphia Daily News, but the Inquirer has never
3 dared to deal in any significant way with the Gas
4 Works issue. In each case I reported what had
5 occurred at the hearings that we had here and made
6 recommendations with respect to urging everybody to
7 get their state representatives to defeat any
8 proposal to transfer the Gas Works away from the
9 control of the City of Philadelphia and turn it over
10 to the State Public Utility Commission.

11 I can tell you that the report was met
12 with strong support at every level of both the
13 Democratic State Committee and of the State AFL/CIO.
14 And I'm very hopeful that when the action comes
15 up -- nobody knows for sure. It's supposed to come
16 up Tuesday or Wednesday of this week in some form.
17 Nobody knows what the precise form will be, but it's
18 supposed to be some kind of an amendment to be
19 presented by Representative Perzel.

20 Incidentally, 28 percent of his
21 constituency consists of senior citizens. And if
22 they ever knew it, I'm sure there would be
23 overwhelming opposition because if you know, not
24 only will that amendment be destructive of the Home
25 Rule Charter, but it will threaten an increase in

10 So for all those reasons I just touched
11 on briefly which are all mentioned in this report, I
12 now would request a motion with respect to the
13 report I submitted. And what I'm asking for is a
14 motion that the report submitted to the Committee on
15 June 10, 1999, by the Chairman be adopted as the
16 findings of the Committee on Resolution 990388. Do
17 I hear motion with respect to that.

25 THE CHAIRMAN: Is there a second to that

1 RESOLUTION NO. 990388

2 motion?

3 (Duly seconded.)

4 COUNCILMAN NUTTER: Just a quick
5 question on the motion. Mr. Chairman, is the
6 proposal here that the Committee on Law and
7 Government would make a report, I assume, on this
8 Thursday, the 17th, to the full body of Council and
9 that a resolution approving this report would be the
10 subject of a vote by the full body on Thursday, the
11 17th; is that the intention?

12 THE CHAIRMAN: That's the intention,
13 that the bill will be reported out favorably but
14 then be submitted to the --

15 COUNCILMAN ORTIZ: That the report be
16 submitted to the body of City Council and then sent
17 on to the delegation in Harrisburg as the report of
18 the whole Council.

19 THE CHAIRMAN: Yes. To have it be
20 adopted, if it's to be adopted, by the full body,
21 but with a recommendation from this committee that
22 it so adopt.

23 COUNCILMAN NUTTER: I understand.

24 THE CHAIRMAN: Hearing no further
25 discussion, all those in favor, please say aye.

1 RESOLUTION NO. 990388

2 Any opposed?

3 The ayes have it and it's so ordered and
4 the draft report on Resolution No. 990388 will be
5 submitted to the full Council meeting on Thursday
6 morning for approval.

7 The next item before the law and
8 government committee is the bill and resolution, the
9 numbers of which I read before with respect to the
10 school governance issue. And at this stage, because
11 there are three witnesses, I'm going say that we're
12 going recess the law committee meeting and go into a
13 public hearing on these 2 matters.

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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON LAW AND GOVERNMENT

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Room 401, City Hall
Philadelphia, Pennsylvania
Tuesday, June 14, 1999
12:20 p.m.

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9 BILL NO. 990056 - an Ordinance providing for the
submission tot he qualified electors of the City of
10 Philadelphia Home Rule Charter, relating to the
method of selection and term of office of members of
11 the Board of Education, including provisions
relating the Educational Nominating Panel, as
12 approved by Resolution of the City Council.
RESOLUTION NO. 990066 - A Resolution proposing an
13 amendment to the Educational supplement to the
Philadelphia Home Rule Charter relating to the
14 method of selection and term f office of members of
the Board of Education, including provisions
15 relating the Educational Nominating Panel, and
providing for the submission of the amendment to the
16 electors of Philadelphia.

17

18 PRESENT:

COUNCILMAN DAVID COHEN, Chairman
19 COUNCILWOMAN MICHAEL NUTTER, Vice Chair
COUNCILWOMAN JANNIE L. BLACKWELL
20 COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO

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I N D E X

BILL NOS. 990056 and 990066:	PAGE
KAY MC KENNA, League of Women Voters -----	9
LORRAINE BRILL -----	17
LEON WILLIAMS, VOTE -----	35
PHYLLIS FORD -----	38

- - -

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 THE CHAIRMAN: Councilman Nutter.

3 COUNCILMAN NUTTER: Do you want to call
4 the witnesses up?

5 THE CHAIRMAN: Well, that's what I
6 thought we'd do. Do you have any other suggestion?

7 COUNCILMAN NUTTER: No, that's my
8 recommendation.

9 COUNCILWOMAN BLACKWELL: Mr. Chairman,
10 would not that be, Mr. Chairman, while we have the
11 public hearing?

12 THE CHAIRMAN: Yes. We're in the public
13 hearing now. We were in a public meeting for the
14 purpose of just dealing with the report on the Gas
15 Works.

16 COUNCILWOMAN BLACKWELL: Thank you.

17 THE CHAIRMAN: The first witness is Ms.
18 McKenna of the League of Women Voters. Would you be
19 kind enough to step forward. Please speak directly
20 in the microphone, keeping it as close as possible
21 to you and identify yourself for record.

22 MS. MC KENNA: Thank you for inviting us
23 to testify. I'm Kay McKenna, first vice president
24 of the League of Women Voters of Philadelphia.

25 THE CHAIRMAN: We're very pleased that

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 you're here to present your views.

3 MS. MC KENNA: The League of Women
4 Voters of Philadelphia believe that the proposal to
5 permit the Mayor to appoint all the members of the
6 Board at one time is a dramatic shift in the power
7 in an already strong Mayor system of government. A
8 great deal more time and attention needs to be given
9 to discussion by the proponents of this plan as to
10 how these changes will improve teacher-to-student
11 ratio or produce adequate and equitable funding for
12 the District from the State. We don't mean to imply
13 that the Board of Education has a perfectly
14 satisfactory oversight arrangement with the School
15 District. However, we do believe that both the
16 system of an appointed board and the staggering of
17 appointments were designed to enable the Board to be
18 independently dedicated to the Administration of the
19 District, and that independence shouldn't be given
20 up lightly. Thank you very much.

21 This testimony was prepared with the
22 acceptance of Barbara Dietrich, President, and
23 written by myself.

24 THE CHAIRMAN: Thank you. Are there any
25 questions? Councilman Nutter.

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 I'd ask you to resume your seat so that
3 questions can be directed toward you and feel free
4 to answer them.

5 Councilman Nutter.

6 And the statement that you have, you can
7 give it to the Sergeant-at-arms. He will see that
8 we all get it.

9 COUNCILMAN NUTTER: Ms. McKenna, thank
10 you for coming in. I know you've been following
11 this issue. What you raise in your testimony that I
12 heard, and I don't have your testimony in front of
13 me, but I made two quick notes. You said that there
14 needed to be more discussion to see how this
15 particular proposal would affect teacher/student
16 ratio or adequate funding issues? Is that what you
17 said in your testimony?

18 MS. MC KENNA: Yes, adequate and
19 equitable funding for the District. I use these two
20 items as examples of widely agreed upon problems
21 that the School District has had for a long time.
22 And I do feel that the proponents of the plan need
23 to demonstrate how this difference in the
24 appointment process will change things.

25 COUNCILMAN NUTTER: Well, let me ask you

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 this question: Do you think that the current
3 process does anything with regard to teacher/student
4 ratio or adequate funding?

5 MS. MC KENNA: I think currently the
6 District has not taken all the steps it might take
7 to achieve that end. For instance, joining with the
8 other districts in the State that are inadequately
9 and inequitably funded. Perhaps over 200 --

10 COUNCILMAN NUTTER: We've joined the
11 lawsuit.

12 MS. MC KENNA: I know you joined the
13 lawsuit. But to lobby for more funding in concert
14 with the other districts instead of alone might make
15 a difference. I just offer that as an example; I
16 don't offer myself as an expert.

17 COUNCILMAN NUTTER: I understand. The
18 reason I ask the question is because primarily this
19 particular proposal on its face really does not have
20 anything to do with teacher/student ratios, adequate
21 funding, or anything else. It merely has to do with
22 the governance structure of how people get on and
23 when they get on the Board of Education and who they
24 are responsible to.

25 MS. MC KENNA: I understand that.

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 COUNCILMAN NUTTER: I said that at the
3 first hearing, and I want the record to be crystal
4 clear about what it is and what it is not.

5 MS. MC KENNA: I understand, Councilman.
6 I just want to know how this change will help
7 improve the school.

8 COUNCILMAN NUTTER: Let me respond to
9 that. I think what the change does is that it
10 immediately and squarely places the responsibility
11 on the Mayor. The Mayor presently has to appoint
12 people to the School Board, but it removes the
13 excuse that some mayors have used in the past that
14 Board members who are on the Board when that
15 particular mayor came into office were not Board
16 members that that individual mayor had appointed.
17 That they were appointed by a previous mayor, they
18 were not accountable to the current mayor, and they
19 had staggered and fixed terms such that you have to
20 get reelected as Mayor somewhere in your sixth or
21 seventh year is a time at which you have a majority
22 of Board members that you as Mayor have appointed to
23 the Board to be able to carry forward your
24 particular plan.

25 Now, as you know, the mayors have a

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 two-term limit. So generally, you're not embarking
3 on many new, bold, and exciting initiatives in about
4 year six or seven with regard to public education.
5 So what this proposal does is establish on Day One
6 that not only do you have the power and authority to
7 appoint Board members, but you no longer have the
8 opportunity to blame somebody else's Board members
9 for standing in the way of your proposals or your
10 ideas on what public education is because you
11 appointed them shortly after you came into office.

12 As the case happens in most places, and
13 it's certainly the case even for the Councilmembers,
14 when we come into office we generally appoint our
15 own staffs. We want them to be accountable to us,
16 loyal to us, and responsible to us. There's little
17 of the notion of holding over someone else's people
18 who were loyal to someone else and appointed by
19 someone else.

20 So this is purely governance and
21 management issues.

22 MS. MC KENNA: What new initiatives,
23 Councilman, will such Board be able to embark on?

24 COUNCILMAN NUTTER: I think the Board,
25 again, carrying out the Board's responsibility from

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 a public policy stand point or an education policy
3 stand point will seek certainly additional advice
4 and direction from the Mayor that supported them to
5 get on the Board. And the Mayor should immediately
6 take greater responsibility for what goes on in
7 public education.

8 All of the people who go to public
9 school are also citizens of Philadelphia, more often
10 times than not they are voters in Philadelphia but
11 for many years have felt mayors have been allowed to
12 escape general responsibility for what goes on in
13 public education versus making sure that the trash
14 gets picked up, the libraries are open, or that the
15 rec centers are functioning in a proper fashion.
16 There's lack of straight accountability of the
17 current system that has the Mayor appointing board
18 members and leaving that system to its own designs,
19 the Council only voting for tax re-atherization and
20 the Board being left to try to figure out how to run
21 the place with no additional dollars certainly
22 coming from the City and as we all point to
23 Harrisburg.

24 This will not -- I try not to over-sell
25 anything that I put forward. This will not cure

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 cancer. It will not make sure that everyone scores
3 a 1400 on their SATs. But if students are not
4 performing well, I believe as a result of this
5 particular proposal, and most people who have
6 studied this issue even longer than I have generally
7 agree, that if someone can be held accountable
8 directly for what goes on in public education, and
9 in this particular case the proposal has the Mayor
10 as the primary person responsible for what goes on
11 in public education. If students aren't performing
12 at the level we would like them to, you at least
13 know who to go to. Presently, you can be sent to at
14 least easily one of three places. You can either
15 go to the 2nd floor, the 4th floor, or 21st and the
16 Parkway. Everyone has some level of responsibility,
17 but no one is ultimately held accountable for what
18 goes on in public education. That's my view. So I
19 don't want to over-sell what this is about. It is a
20 change in the structure of how people get on the
21 Board, nothing more, nothing less.

22 MS. MC KENNA: Yes, I understand your
23 explanation. I'm still having trouble connecting
24 the capacity of the Mayor to change with his own
25 Board to change these long identified problems of

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 teacher/student ratio and funding. I don't see how
3 he's going to have a better capacity then he has
4 right now in informal cooperation with the School
5 Board. I look forward to following the issue and I
6 hope those answers are revealed. Thank you.

7 THE CHAIRMAN: Thank you. Any other
8 members of the Committee?

9 Lorraine Brill.

10 MS. BRILL: I am Lorraine Brill. I
11 have copies of my statement, if the Sergeant-at-arms
12 would distribute it, please.

13 I testified on April 16, 1999, at the
14 first public hearing on bills 990056 and 990066. I
15 have attached a copy of my original testimony to
16 today's statement and refer you to my April 16, 1999
17 testimony for more background information. I was
18 opposed to both bills at that time I and continue to
19 oppose the recommended changes to Article XII,
20 Public Education of the Philadelphia Home Rule
21 Charter as delineated in Bills 990056 and 990066.

22 These proposed changes will not benefit
23 the students and the educational system and could
24 destroy what has worked well under the current
25 system. We continue to be concerned about the lack

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 of publicity prior to these hearings and stress the
3 need for a more open process such as it city-wide
4 meetings.

5 Let me restate several important points
6 made in my earlier statement. One of the key
7 elements under the current charter is that of
8 staggered terms. This is necessary so that the
9 experience of current School Board members would
10 help to educate new Board members and maintain
11 continuity.

12 Another important element is that
13 members may be removed as provided by law. In other
14 words, they can only be removed for cause or not
15 reappointed. We do not want Board members to serve
16 at the pleasure of the Mayor. We want the Board
17 members to feel free to make difficult decisions
18 benefiting the School District without fear of
19 political interference or retribution.

20 Over the years since Article XII has
21 been in effect, the process for selection and terms
22 of School Board members has worked well. Members of
23 the Board receive no salary and volunteer their own
24 time to serve. People who have served on the School
25 Board have worked diligently to improve and sustain

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 our schools. It will be difficult to get qualified
3 and dedicated volunteers to serve if there is a new
4 Board every four years who could be tossed out at
5 any time.

6 Currently, Article XII allows the Mayor
7 to appoint an Educational Nominating Panel of 13
8 members; 9 are designated representatives of varying
9 groups to allow for a broad-based panel, and 4
10 others are appointed at-large. City Councilmembers
11 could be appointed to the at-large seats if the
12 Mayor so wishes, thereby, giving City Council a
13 direct voice in the process. Since the Mayor can
14 also reject the first set of nominees and ask for
15 new names, he really can get anyone he wants as a
16 member of the School Board. The Mayor already has a
17 great deal of power under the current school
18 charter.

19 We are concerned that the proposed
20 changes in Bill 990066 and its companion Bill 990056
21 will cause many unanticipated problems and certainly
22 will not improve the educational system. Therefore,
23 we urge the Committee on Law Government to reject
24 both bills. Thank you.

25 THE CHAIRMAN: Thank you. Are there any

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 questions of the witness?

3 COUNCILMAN NUTTER: Just one.

4 THE CHAIRMAN: Councilman Nutter.

5 COUNCILMAN NUTTER: Ms. Brill, thank
6 you, again, for your testimony. I believe that
7 subsequent to the testimony, there will be a fair
8 amount of discussion about the issue of whether
9 Board members serve at the pleasure of the Mayor or,
10 as you articulate, the current provision allows
11 removal only as provided by law. A number of
12 Councilmembers are concerned about that particular
13 issue and we'll have some discussion about that.
14 Hopefully, we'll be able to address that concern
15 that you've raised.

16 Beyond that, though, I mean, basically
17 your testimony both in April and in June is that the
18 system is fine the way it is and that we should just
19 continue with it; is that what you're saying?

20 MS. BRILL: The system is workable. I
21 have a lot of concerns, as you just spoke about, in
22 that you want the Mayor to have a lot of power, like
23 people would call him up and say "do this" or "do
24 that." Suppose you get a Mayor that's not as
25 interested in the school system or really doesn't

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 care? And if that happens, we're stuck with a Mayor
3 for four years, and he can do a lot of damage in
4 four years. So, you know, we won't always get the
5 perfect person. Whereas with the School Board, as I
6 said, my experience has been I've gone to School
7 Board meetings, we've testified, we've worked on a
8 cluster system. I've served on principal selection
9 committees. The system is workable. If you have a
10 problem, it's much better now than it used to be
11 years ago. People do respond. And if Council
12 people have a problem, they can always call the
13 Superintendent or someone on the School Board. They
14 do respond.

15 There were hearings just recently on the
16 School Board budget. No one testified. I mean,
17 nobody from City Council or the Mayor's Office.
18 Maybe they were satisfied with it. But if you were
19 so concerned about the School Board budget, there
20 should have been someone reviewing it. There should
21 have been people out there testifying. So it shows
22 me that you want power, but you don't follow through
23 on what you're saying.

24 COUNCILMAN NUTTER: Well, Mrs. Brill, I
25 do have to disagree slightly with you. I'm so much

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 interested in -- certainly not particularly
3 interested in power, either for myself -- my
4 colleagues certainly can speak for themselves. But
5 generally I think what we're interested in is
6 accountability. And I think as you well know,
7 before the School Board has their budget hearing, we
8 spend a fair amount of time with the School Board
9 over here. So I think for the most part whatever it
10 is that they said at their own budget hearing, more
11 than likely we heard it here, if not more, in our
12 setting because as you know the board is here
13 usually, I believe, sometime in either March or
14 April for extensive hearings around their budget,
15 over which we have no control, as you know.

16 MS. BRILL: Well, as I said in my
17 testimony, it's an idea but I think it will do more
18 harm than good and that's why we continue to oppose
19 it.

20 COUNCILMAN NUTTER: I understand. Thank
21 you very much.

22 THE CHAIRMAN: Ms. Brill, on the
23 question of the budget, I suppose the reason
24 Councilmembers don't go to the Board to testify when
25 the Board holds its hearing is that under the Home

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 Rule Charter in the Educational Supplement the Board
3 has to come here to get its approval. And we're in
4 a better position, we feel, to get the answers we
5 want when we're here meeting as a Council and the
6 Board has to justify its budget to us. We're more
7 effective, we believe, in asking questions here
8 because we can't control what the Board does except
9 that when the budget comes to us we do not have to
10 approve the budget in the form the Board gives us.
11 That's the reason I think that Councilmembers, it
12 wouldn't occur to us to go to the Board on the
13 budget because the Board's going to come to us.

14 But there are other areas that you
15 raised that are indeed troublesome. The point the
16 witness from the League of Women Voters made about
17 there being a strong Mayor form of government, I
18 believe concerns on that issue are well-grounded.
19 I'm not sure that I'm prepared to support more
20 power to the Mayor's Office.

21 Second, if I ever were so inclined, I
22 have a lot of other concerns. First, currently, I
23 do not believe that Council generally exercises the
24 power and authority it has now. From time to time
25 Councilmembers make statements that, to me, borders

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 on foolish to say that we have no right to raise any
3 questions about the Board's action and cite the
4 Educational Supplement to the Home Rule Charter as
5 basis. I've read and reread many, many times, and I
6 find nothing in the Educational Supplement to the
7 Home Rule Charter that supports that notion. If we
8 have a responsibility to pass on a budget, seems to
9 me we have the responsibility to go into every phase
10 of that budget. Otherwise, I don't know why we have
11 the power to pass on the budget. And when you go
12 into budget matters, you inevitably get involved in
13 policy matters. To say that you can't discuss
14 policy, I just can't even begin to understand what
15 people mean. How do you decide whether you're going
16 to approve an item in the budget if you don't get
17 involved in what the policy is that supports
18 whatever activity you're asked to fund? So I think
19 we have lots of authority now.

20 I feel that the introduction of this
21 bill and the resolution by Councilman Nutter has
22 raised visibility of the issue. Ever since I first
23 entered Council over 30 years ago it always seemed
24 to me that the school system was at the bottom of
25 Council's concerns and the bottom of the Mayor's

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 concerns. And I think I understood why. The Mayor,
3 particularly, since we're in the strong Mayor form
4 of government, the Mayor always had other uses for
5 the money. And if he got too deeply into the School
6 District, he might conclude as almost everybody has
7 that's ever studied subject, that the appropriation
8 both at the state and at the city levels have been
9 inadequate to permit the school system to function
10 at the level it ought to function. It's not that
11 money is the only thing needed; there are lots of
12 other things needed, but money is a very important
13 component because it pays the salaries of people who
14 ought to be doing other things. So that it seems to
15 me that the argument that we don't have the power
16 doesn't exist. And second, whatever we did with the
17 appointing power to the School Board or the removal
18 power would, in my judgement, not absolve this City
19 Council of full responsibility what happens in the
20 school system. If we say that the most important
21 thing before us is the question of the education of
22 our children in the City and the development from an
23 economic point of view of a work force, from a
24 humanitarian point of view the development of one's
25 abilities to the highest level possible, then we've

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 got to be involved. And everything else that we do
3 in this City ought to be subordinate to the major
4 goal of the school system.

5 Now, I have the same question you have.
6 And then I have something else that I've been
7 discussing privately with the author of the sponsor
8 of the bill and the resolution. Government is a
9 matter of compromise between a whole lot of
10 different groupings, citizens, the legislative body,
11 and the Mayor. Every Mayor wants full power for
12 everything. Every Mayor if he or she were in office
13 and had their way would choose to do things by
14 executive order, because by executive order you
15 close the door nobody's in the room with you except
16 those you choose to have, if you choose to have
17 anybody. You don't have to consult the public.
18 There's no requirement of a public notice or a
19 public hearing before the Mayor acts. The Mayor
20 acts completely on his or her own.

21 When something comes before Council, it
22 makes it a public matter because Council does not
23 have the power particularly with respect to a bill,
24 an ordinance, to hold private meetings. We have to
25 advertise whatever it is we do. For example, we

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 could not adopt this bill and resolution quietly
3 like a Mayor could appoint somebody quietly. We
4 can't do that; we have to advertise it, notify the
5 citizens of Philadelphia and be open to a public
6 hearing.

7 Now, we often have disagreements with
8 the Mayor. It's natural. People see things from a
9 different viewpoint, and legislators see differently
10 than an executive does, I believe, because we're
11 open to the public much more than a mayor is.
12 Mayors are always busy cutting ribbons, going around
13 to business affairs, while Councilmembers, because
14 maybe they're not considered so important, spend
15 their time out in the community with people learning
16 what's going on in this City. And I believe that
17 Council is much more responsive than the Mayor to
18 the needs of folks in a community. And so we may
19 have different views as to what the City budget
20 ought to contain. Every Mayor is going to want to
21 have the power that this bill suggests and
22 authorizes.

23 It seems to me that when a new mayor
24 comes in, we don't know who it will be for sure.
25 Many people -- as a democrat, I feel very confident

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2 it will be John street. But I'm sure that many
3 republicans and maybe many democrats, too, may feel
4 confident that it's Sam Katz.

5 But without getting involved in
6 politics, I'm very disturbed by one of the points
7 you made: Suppose we get a mayor who is not
8 interested in the public school system. I think it
9 is possible in this election that by the standards I
10 use in determining interest in school system that it
11 is possible that we may have a Mayor who is not
12 interested in the public school system because one
13 of the candidates speaks strongly and openly about
14 vouchers and wanting to expand the voucher system.
15 And if that takes place, then I think that is, to me
16 at least, destructive of the public school system.
17 I would not want that Mayor to have that authority
18 because I would like to slow down that Mayor until
19 the public polls, as I understand it to be has its
20 impact on the Mayor.

21 And secondly, I think in government
22 there's give and take. If the Mayor is to get
23 increased power, then I think it's important that
24 Council find a way to get increased responsibility
25 with respect to the schools and other areas. And I

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2 think we ought to sit down with whoever the next
3 Mayor is and decide how we're going to share that
4 responsibility for the school system and for other
5 parts of the government. But maybe the school
6 system ought to be the number one.

7 So just stating the issues that you and
8 the representative of the League of Women Voters
9 have I think raise very important issues. And I
10 respectfully -- I'm delighted that Councilman Nutter
11 has brought this to the floor, but I don't think
12 it's a routine question of shouldn't we make the
13 Mayor more responsible. I think it's a question of
14 how we do it and how do we make sure that the
15 Council is also responsible. It isn't that the
16 Mayor alone should of the responsibility, I think
17 the whole Council must have it.

18 So I just mention that, if you wanted to
19 have any comment.

20 MS. BRILL: Yes. I believe there are
21 some other people waiting to testify, too. Ms.
22 McKenna and I are not the only two people here. But
23 as I have said, I don't think we should be rushing
24 these bills through. I don't think it should go on
25 the ballot in November. As you said, this requires

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2 a great deal of discussion and thought and input
3 from people all over the City. We would hope that
4 if you're going to continue to discuss it, wait
5 until the new Administration comes in, the new
6 Council comes in, and then have maybe city-wide
7 meetings for input on this issue and see what people
8 think and how they feel. But I don't think we
9 should be rushing it to a ballot question in
10 November.

11 THE CHAIRMAN: Thank you. Councilman
12 Nutter.

13 COUNCILMAN NUTTER: Thank you, Ms.
14 Brill. I feel it important, though, to state for
15 the record on that narrow point about rushing, Mr.
16 Chairman, the bill and the resolution were
17 introduced on February 4, 1999. The co-sponsors are
18 myself, Council President, Councilman Mariano,
19 Ortiz, Kenney, DiCicco, and O'Neill. There was a
20 public hearing as required by our rules and the City
21 Charter two months later in April. The witnesses at
22 that particular hearing were Mayor Rendell, mayoral
23 candidates Mr. Street, Mr. White, Mr. Evans, two
24 Mayoral candidates sent in letters, Mr. Katz, and
25 Ms. Fernandez. Also in person to testify was

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2 Representative Perzel, State Senator Schwartz, the
3 representative from the Chamber of Commerce, the
4 representative from the Greater Philadelphia First,
5 the Representative from the Committee of 70, the
6 Board President sent a letter, representatives from
7 PCCY, and Parents United for Better Schools. We're
8 now having a hearing on June 14th. I believe that
9 is 4 months after the introduction. And the
10 proposal is to have a ballot question in November of
11 1999. I believe that that is nine months after
12 introduction.

13 I think, Mr. Chairman, the record should
14 at least be clear that unlike some other
15 legislation, albeit of lesser importance that may be
16 before this Committee or any other committee, the
17 charge that this is rushing a piece of legislation,
18 given what I've laid out, is not particularly
19 correct. It normally does not take nine months from
20 start to finish to get a bill passed through City
21 Council. And full opportunity for public hearings,
22 public meetings, and public discussion certainly
23 between now and November is available to all
24 citizens. But I think, Mr. Chairman, we do believe
25 at some point in time the people should have an

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2 opportunity to speak and to express their views as
3 they are guaranteed, in this particular case, by a
4 ballot question. I don't think that there will be a
5 person in Philadelphia who will not be aware of this
6 particular question as people are also looking at
7 mayoral candidates, judicial candidates,
8 councilmen-at-large, and City Council candidates.
9 There certainly will be a fewer names on the
10 November ballot than there were in the primary. So
11 I at least want to make it clear that there is no
12 effort here whatsoever to rush something. This is
13 an issue that has been discussed and actively before
14 the public at some level, I believe, since 1981 when
15 the State Legislature attempted to make some of the
16 very same changes that are proposed here today. My
17 recommendation is that that effort failed, I
18 believe, by one vote. This is not a new issue, Mr.
19 Chairman, it is a new effort to raise an old issue,
20 if anything. Thank you very much.

21 THE CHAIRMAN: I agree with the
22 Councilman that there's no element of rushing, but I
23 think that it's difficult to confine to specific
24 time limit what's necessary to have public
25 discussion. I think there has been some form of

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2 public discussion by leadership elements, but I
3 would like to see this subject become something that
4 the communities as a whole discuss, not just
5 leadership elements. Leadership elements sometimes
6 represent -- more often not they do represent the
7 views of the community, but frequently they don't.
8 And on a subject as important as this, my feeling is
9 that while I have to agree there's no rushing here,
10 I still believe there isn't enough time. I would
11 like to see this become the subject matter, not with
12 a vote impending that gives you a automatic date
13 when discussion ends and a vote takes place. It's
14 my feeling this matter is not yet ready to be
15 presented to the voters for a vote because if it is
16 presented early, then those of us who are not sure
17 have to make a quick decision. And my quick
18 decision would be to oppose this bill and the
19 resolution, to oppose the Charter amendment because
20 I'm not convinced as of now that it's the right
21 direction to go. And that's the reason I've been
22 having discussions with the Chairman urging that
23 there been more time.

24 People in Philadelphia have a real
25 sensitivity to Charter changes. They've

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2 demonstrated it many times. In 1994, the Council
3 with two exceptions, maybe three exceptions, and the
4 Mayor and a Charter Commission and every big
5 business community I know of supported Charter
6 change, a whole series of them. And their
7 recommendation at the height of the Rendell
8 popularity were rejected by the people of
9 Philadelphia by a 7 to 1 vote. It's something that
10 appeared. It was announced the next day and then
11 disappeared from the newspapers and from the media
12 because nobody could figure out how come this
13 proposal was rejected by that vote. And I can tell
14 you why, because the people of Philadelphia treasure
15 their are Charter. If there are responsible people
16 saying that it's a wrong thing to do, people seem
17 especially attuned to that message.

18 I would love to see this matter
19 discussed fully until most people feel that they
20 have arrived at a decision, and that's the point at
21 which I'd like to see a decision. But we're not
22 through the hearing yet and maybe views will change
23 as we go through.

24 May I call the next witness I have as
25 Leon Williams.

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2 As far as I know, Mr. Williams is the
3 last witness. Is there anybody else who is be
4 heard? Yes, there's another witness. Okay, thank
5 you. You will be heard.

6 Mr. Williams, welcome. Please identify
7 yourself for the record.

8 MR. WILLIAMS: My name is Leon A.
9 Williams. I'm the Chairperson of Voters Organized
10 Toward Education. If you break that down in an
11 acronym, it spells "VOTE." We are in favor of using
12 our political power at the polls to force the kind
13 of changes in the public education system that we
14 want, and that means going after people who
15 represent us that don't represent our children in
16 the public schools. And I took a look at your bill
17 and resolution, and I have really no real
18 problems -- we don't support an appointed School
19 Board whatsoever. There are 501 school districts in
20 Pennsylvania, and as you know, Philadelphia is the
21 only one that doesn't elect the School Board. We
22 want an elected School Board. And I know that
23 that's really a matter for the State Legislature, I
24 know that. But I believe that if the City Council
25 has been hearing the voices of the people, then the

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2 City Council should know that there's a lot of
3 people out there in the community who agree with me,
4 especially the African-American community which
5 represent 64 percent of the student body, they want
6 an elected School Board. I think the City Council
7 can do the right amount of negotiations or whatever
8 with the State Legislature to bring about whatever
9 enabling legislation so we can elect our School
10 Board. And I think City Council is really not
11 listening to the people with this bill and
12 resolution, simply because it gives you more of the
13 same in a sense, more appointed bodies and less
14 democracy whereby the people of Philadelphia can
15 say, "This is what we want, this is the School Board
16 nominee that we want."

17 Now, even under this bill, we have to
18 depend the Mayor and the City Council to give us a
19 School Board member. As long as I've been in
20 Philadelphia, about 50 years, I've never once seen a
21 School Board member come out to the community,
22 except for Floyd Austin, to talk to the people about
23 what's going in the schools, and I don't think that
24 will change under this bill. Even though apparently
25 it calls for the appointments to be ratified by the

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2 City Council, I still don't think it goes far enough
3 to include the people. Now, as I look at the
4 history of the supplement to the Charter in 1965, I
5 believe it was, there was a sort of dispute as to
6 whether or not to give the Mayor all this authority
7 or to give it to the people in terms of allowing
8 them to elect the board. And I think they reached a
9 compromise which placed in this current City
10 Charter. It calls for the election of School Board
11 members if the enabling legislation comes from
12 Harrisburg. I think that whatever you do, I think
13 it should still concern people wanting to have their
14 School Board members elected. In other words, since
15 that was the issue in 1965, if you want to change it
16 now, I think it should be the issue again now. So
17 the question would be should we go with this bill or
18 should we look towards moving towards an elected
19 School Board.

20 Again, even though you can't do anything
21 yourself, I think you all have friends in
22 Harrisburg, you all have friends in the democratic
23 party and even the republican party. Frank Rizzo,
24 I'm pretty sure that we could depend on you. Go up
25 to Harrisburg, lobby for us to give us the same

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2 right as every other school district in Pennsylvania
3 has. And 90 percent of the school districts in the
4 country are elected. And I've heard all the
5 arguments: We shouldn't elect a school board
6 because it would be too politicized. Well, I say we
7 shouldn't elect the City Council for the same
8 reason. We shouldn't elect the School Board because
9 that would give the School Board the power to raise
10 taxes. Well, the City Council has the power raise
11 taxes. Any elected body has the authority with
12 proper legislation to raise taxes. I don't see that
13 those two arguments as being convincing arguments.
14 I think this is a democracy, and I think that it's
15 really undemocratic to have a system where we have
16 to wait for the Mayor or City Council, while every
17 other school district in the State and most in the
18 country elect their board.

19 So we are going to be pushing for an
20 elected School Board in Harrisburg and we hope we
21 can get the help of the City Council. Thank you.

22 THE CHAIRMAN: Thank you Mr. Williams.
23 Any questions? Thank you very much.

24 The person in the rear.

25 MS. FORD: Good afternoon. My name is

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2 Phyllis Ford. I served on the Education Nominating
3 Committee a few years ago. I have been a home and
4 school president and co-chair of Parents Union and I
5 was a teacher, but I'm here as a private citizen. I
6 am opposed to the passage of these two bills 990556
7 and 990066. I think it would set a dangerous
8 precedent. And the sticking point is the Mayor. I
9 have no problems with the publicity about the bill.
10 I think a new Board each time would reflect
11 completely the interest or lack of interest or
12 change of focus in of the new Mayor, subjecting the
13 children and staff of the schools too radically to
14 every whiff of change with every new wave of
15 interest of the Mayor or lack of interest. Our
16 children, my grandchildren who are in the schools
17 deserve better than that.

18 The current Mayor should, of course,
19 have some say, and he does, about the School Board.
20 And I actually favor the staggered term. I feel
21 that the interest of the Mayor and of the
22 Administration could best be served by making all
23 Board members renewable on the present staggered
24 term on a rotating basis, the way the Senate
25 operates. That would provide the continuity that I

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2 feel the school system, the School District
3 children, I mean, deserve. My focus is always them
4 since it's my children and grandchildren who go
5 through the schools. I don't think the Mayor needs
6 additional power in that sense to radically change
7 the School Board instantly as soon as he comes in.
8 Thank you. I think that's -- I'm summarizing pretty
9 much what has been said, so I think that's it.

10 THE CHAIRMAN: Thank you. Are there any
11 questions?

12 If not, thank you very much.

13 Are there any other witnesses to be
14 heard?

15 If not, I will at this point ask that we
16 have a brief caucus.

17 (Committee in caucus.)

18 THE CHAIRMAN: The Committee on Law and
19 Government will resume. The hearing will continue
20 for the purpose of having amendments offered by the
21 Councilman Nutter. He is the chief sponsor of the
22 bill and if --

23 COUNCILMAN ORTIZ: The amendments will
24 be offered, but not voted on?

25 THE CHAIRMAN: Well, the Committee can

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2 decide. There may be amendments that everybody's in
3 agreement on and then would be voted on. If it's
4 not going to be voted on today, the Committee
5 decided that it will recess until Wednesday at 3
6 o'clock. The purpose of that recess is that if a
7 decision is made by the Committee to recommend to
8 the Council adoption of the bill in its present form
9 or as amended, it will be an opportunity for it to
10 be taken up on Thursday with the rules suspension so
11 it can be acted on finally on the 24th of June.
12 There are just two more sessions of City Council;
13 one is the 17th, and the bill to be acted on before
14 Council recesses to be at least be on First Reading
15 Calendar by this Thursday. We don't know whether
16 any of the amendments, whether the Committee will be
17 ready to act on the amendments today or not. If
18 there any amendments that are prepared to act on,
19 they will act on it.

20 The fact that they act favorable on an
21 amendment should be not construed as a vote on the
22 bill. A member of a committee can feel that an
23 amendment is desirable amendment and still feel
24 Friday to vote against the bill as a whole. I just
25 want to make that clear. There's no decision being

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2 made today by the Committee on the bill in either
3 its present form or in any amended form that may be
4 adopted.

5 If there's anyone who has testified who
6 will have thoughts that they want to express about
7 any of these amendments, they will have opportunity
8 before there's any vote by the Committee on any of
9 the amendments. Since you're hearing it for the
10 first time, we want you to have the opportunity to
11 be heard if you desire to be heard on any of the
12 amendments.

13 And so when we call up each amendment,
14 I'm going to ask is there anyone audience wants to
15 be heard in any of the amendments.

16 Do we have copies? Could they be given
17 to the people who testified?

18 COUNCILMAN NUTTER: I think we have a
19 few, Councilman Cohen. I have certainly at least a
20 couple of them and we can additional made.

21 THE CHAIRMAN: Could they, so they can
22 be followed by the people who took the trouble to be
23 here. Some are here, I think, for at least the
24 second time.

25 COUNCILMAN NUTTER: In accordance with

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2 the Chair's direction, I'm going to read these all
3 as proposed amendments. They are numbered so that
4 we can keep track of them. Is that okay?

5 THE CHAIRMAN: Very good.

6 COUNCILMAN NUTTER: Proposed Amendment
7 No. 1 to Resolution 990066, parenthetically, this is
8 clarifying that a public hearing shall be a part of
9 Council's advice and consent process. The amendment
10 would be following the phrase "with the advice and
11 consent of a majority of members of the Council,"
12 the new language would be "following a public
13 hearing on each proposed appointee."

14 So in evidence this amendment would
15 leave this particular section, Section 12-201 to
16 read: "Members of the Board; Method of Selection.
17 There shall be nine members of the Board of
18 Education who shall be appointed by the Mayor, with
19 the advice and consent of a majority of members of
20 the Council following a public hearing on each
21 proposed appointee, from lists of names submitted to
22 him by the Educational Nominating Panel, or, if
23 enabling legislation is enacted by the General
24 Assembly of the Commonwealth, elected on a
25 non-partisan basis by the qualified voters of the

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2 city, all as more fully set forth in later sections
3 of this Chapter."

4 THE CHAIRMAN: All right, that's the a
5 first amendment.

6 COUNCILMAN NUTTER: Proposed amendment
7 No. 1(A) to Resolution No. 990066, which is striking
8 the "advice and consent" of Council for Board
9 Members. This is an alternative to the amendment
10 that I read earlier which is Amendment No. 1. This
11 amendment would strike the comma after the word
12 "Mayor" in the second line and the words "with the
13 advice and consent of a majority of members of the
14 council."

15 Therefore, this proposed amendment would
16 leave this section to read: "Section 12-201.
17 Members of the Board; Method of Selection. There
18 shall be nine members of the Board of Education who
19 shall be appointed by the Mayor from lists of names
20 submitted to him by the Educational Nominating
21 Panel, or, if enabling legislation is enacted by the
22 General Assembly of the Commonwealth, elected on a
23 non-partisan basis by the qualified voters of the
24 city, all as more fully set forth in later sections
25 of this Chapter."

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2 THE CHAIRMAN: The question I have is,
3 this is different from which exists now?

4 COUNCILMAN NUTTER: Actually, what I was
5 getting ready to add, Mr. Chairman, by the striking
6 of the language that I mentioned, this would leave
7 Section 12-201 as it currently reads in the
8 Educational Supplement to the Home Rule Charter.
9 Striking of that language would leave that section
10 as the status quo as it exists today.

11 THE CHAIRMAN: Again, this is a
12 question. If the committee chose this alternative,
13 we would just eliminate Amendment No. 1 because
14 you're saying the language currently exists in the
15 Educational Supplement; is that right?

16 COUNCILMAN NUTTER: If the Committee
17 adopted this particular amendment, proposed
18 Amendment 1(A), the Committee, in essence, would be
19 leaving the section as it is in the Educational
20 Supplement the way it is today.

21 THE CHAIRMAN: That the Mayor would make
22 appointments without any role played by City
23 Council?

24 COUNCILMAN NUTTER: Yes.

25 THE CHAIRMAN: This would not deal with

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2 when he makes them; it just deals with whenever he
3 makes them, he alone would accept responsibility for
4 the appointment and the appointment would be
5 completed upon the nomination by the Mayor.

6 COUNCILMAN NUTTER: Yes.

7 THE CHAIRMAN: I think I understand
8 that. I will ask later if there are any questions
9 from people who have testified. We will hear them.

10 COUNCILMAN NUTTER: Proposed Amendment
11 No. 2 to Resolution No. 990066. This deals with the
12 issues of members serving at the pleasure of the
13 mayor. It adds a new provision requiring written
14 notice prior to removal of board members.

15 The proposed amendment would amend
16 Section 12-204 and it would read in its entirety
17 with the amendment: "Section 12-204. Removal of
18 Members of the Board. Members of the Board of
19 Education shall serve at the pleasure of the Mayor,
20 except that if later there be an elective Board,
21 elected members may be removed as provided by law."

22 The new language of the proposed
23 amendment would read: "Before removing any
24 appointed member from the Board, the Mayor shall, at
25 least ten (10) days before the date of removal,

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2 provide written notice to the Board member, with
3 copies to the President of City Council and the
4 Chief Clerk of city Council, that the Mayor intends
5 to remove the member from the Board. Such written
6 notice shall detail the reason(s) why the Mayor
7 intends to remove the member from the Board,
8 provided that the Mayor may remove a member for any
9 cause or for no cause, and the written notice shall
10 so specify that the Mayor intends to remove for no
11 cause."

12 Proposed Amendment No. 2(A) to
13 Resolution 990066. This will provide that members
14 may be removed only for cause.

15 The proposed amendments would be to
16 Section 12-204, and with the amendments, the section
17 would read: Section 12-204. Removal of Members of
18 the Board. Members of the Board of Education
19 may be removed only for cause, after notice and an
20 opportunity to be heard."

21 This amendment will strike the language,
22 "shall serve at the pleasure of the Mayor, except
23 there been an elective board, elected members may be
24 removed as provided by law."

25 So this amendment provides for

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2 circumstance only of cause that the Mayor would be
3 able to remove board members, would have to provide
4 notice to the member, and an opportunity for that
5 person to be heard prior to removal.

6 Proposed Amendment No. 3 to Resolution
7 990066. This amendment provides that Board members
8 may serve a maximum of 12 years.

9 "Section 12-202. Eligibility for Board
10 Membership: Members of the Board of Education shall
11 be registered voters of the City. No person shall
12 be eligible to be appointed or elected to more than"
13 -- strike the word "two," insert the word "three,"
14 -- "full six-year terms."

15 This proposed amendment would deal with
16 the issue of presently the bill calls for people
17 being able to serve two full four-year terms which
18 only allows their total service to be eight years.
19 Presently Board members can serve two full terms,
20 but the length of their terms are six years which
21 allows for a total of 12 years of opportunity to
22 serve on the Board of Education. This proposed
23 amendment would expand the amount of time that a
24 person would be able to serve from two terms to
25 three terms, but the total amount of service would

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2 be equal to the amount of service allowed presently.

3 The other issue dealing with this
4 amendment is that it allows for some level of
5 continuity because Board members would not have to
6 automatically rotate off at the eight-year mark when
7 the Mayor that appointed them left, but that the new
8 Mayor would have an opportunity to capture some of
9 the previous talent that had served on the Board at
10 least for one term of that mayor's term of office.

11 Proposed Amendment No. 4 relates to
12 additional qualifications for board members.
13 Proposed Amendment No. 4 to resolution NO. 990066.
14 It would amend section 12-202 and would read as
15 follows: Section 12-202. Eligibility for Board
16 Membership. Members of the Board of Education shall
17 be registered voters of the City. No person shall
18 be eligible to be appointed or elected to more than
19 two full six-year terms. Persons who are nominated
20 or appointed to the Board of Education should
21 reflect the diversity of backgrounds, experience and
22 training that is representative of the City,
23 including but not limited to: Being the parent(s)
24 of a current or former public school student(s); or,
25 having training or experience in the areas of

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2 business, finance, education, public housing,
3 community affairs, or other such training or
4 expertise relevant and beneficial to the operations
5 and management of the public school system."

6 Proposed Amendment No. 5 to Resolution
7 No. 990066. Current members of the board may be
8 reappointed under any changes as set forward by the
9 proposed resolution except for those who have served
10 10 years or more.

11 This amendment would amend Section
12 12-503 of the Educational Supplement to the
13 Philadelphia Home Rule Charter as set forth in the
14 resolution so that reads as follows: "(c) A person
15 who serves as a member of the Board of Education
16 prior to the amendment to Section 12-201 may be
17 appointed to the Board pursuant to the provisions of
18 12-201, as amended provided that any person who
19 served as a Board member for ten or more years shall
20 not be eligible for further appointment to the
21 Board."

22 And there is one proposed amendment to
23 the Bill, Bill No. 990056. As Committee Members
24 know, the purpose of the bill is to set a date for
25 the ballot question and also to determine what the

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2 actual question is. This proposed amendment would
3 clarify in the question that there is also proposal
4 in the resolution to extend the length of terms of
5 the Educational Nomination Panel members from two
6 years to four years, to make sure that the question
7 is as clear as possible.

8 The proposed amendment to Bill No.
9 990056 as follows, Amend bill, page 2, Section 2 to
10 read as follows: "Shall the educational Supplement
11 to the Philadelphia Home Rule Charter be amended to
12 change the method of appointing the members of the
13 Board of Education, to change the length of their
14 term of office, to make their term of office run
15 concurrent with the term of office of the Mayor, and
16 to make changes relating to the length of the terms
17 of the members of the Educational Nominating Panel?"

18 In the original question in the bill it
19 just read, "including changes related to the
20 Educational Nominating Panel," but at least in my
21 opinion and possibly some others it was not clear
22 what those direct changes would be to the
23 Educational Nominating Panel. The only change is
24 that the length of their terms would change from two
25 years to four years, but I didn't feel that the

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2 language explicitly stated what the change would be
3 to the Educational Nominating Panel.

4 Mr. Chairman, those represent a series
5 of proposed amendments to at least try to deal with
6 or respond to many of the issues that have been
7 raised certainly by members of the public, some of
8 whom are here today, as well as many members of the
9 Committee. I think the Chairman laid out earlier
10 there might be some discussion on some of these
11 amendments. Some are obviously less either
12 controversial or of concern than some others.
13 Therefore, there might be an opportunity to take
14 some action on some and hold the others until the
15 Committee reconvenes, I think, as proposed by the
16 Chairman on Wednesday.

17 THE CHAIRMAN: Councilman Nutter, I
18 apparently did not fully appreciate the nature of
19 these amendments, but there are two pairs of
20 contradictory amendments and I don't think it is the
21 function of the Committee to pick which amendment it
22 prefers. I think the sponsor of the bill, and
23 that's you, ought to decide either now or Wednesday
24 which amendments you wish to introduce. And at that
25 point, the Committee will have an opportunity to

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 accept an amendment or reject it or modify the
3 amendment in any way. I don't think the procedure
4 would be appropriate at this time to have the
5 Committee vote on any of these amendments. And so
6 I'm going to suggest that you can either offer, if
7 you feel ready to, those amendments you wish to and
8 I would intend not to take any action on the
9 amendments, but I would like to open the floor to
10 any of the previous witnesses if they wish to be
11 heard on any of these amendments.

12 I would also state that since these
13 amendments are just being presented, I would
14 understand if the witnesses felt that they needed
15 more time to express an opinion, and therefore would
16 suggest the following procedure: When we convene
17 Wednesday at 3 o'clock we reconvene in hearing so
18 people can be heard on any part of the bill and the
19 amendments and then proceed to a public meeting.

20 COUNCILMAN ORTIZ: Mr. Chairman, if I
21 may.

22 THE CHAIRMAN: Councilman Ortiz.

23 COUNCILMAN ORTIZ: Councilman DiCicco
24 has a hearing that has been scheduled and it's like
25 24 bills. We have run into a lot of his time right

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 now, and he just called like a half hour ago.

3 THE CHAIRMAN: So you are suggesting it
4 would be in everybody's interest to recess until --

5 COUNCILMAN ORTIZ: I think if we we're
6 going to get testimony that it will prolong it. And
7 I don't know any how many witnesses Councilman
8 DiCicco has called.

9 THE CHAIRMAN: Would that agreeable to
10 the witnesses to give you an opportunity to think
11 about the amendments as well as the main subject and
12 then to come back here Wednesday at 3 o'clock at
13 which time we will convene in hearing format so you
14 will be able to heard.

15 Yes, would you come forward. To be part
16 of the record you have to come forward and speak
17 right into the microphone. Just announce your name
18 again.

19 MS. MC KENNA: Kay McKenna from the
20 League of Women Voters of Philadelphia. I'm just
21 wanting to know if Councilman Nutter is able to make
22 his choices immediately, not that we need to speak
23 to those choices right now, but can he make those
24 choices immediately ?

25 THE CHAIRMAN: That seems like a fair

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 request. Would you be able to?

3 COUNCILMAN NUTTER: What I would say to
4 both Ms. McKenna and the other people in the
5 audience and to my colleagues, for the moment I'm
6 prepared to put forward proposed amendment 2(A) that
7 has to do with members being removed only for
8 cause, .

9 MS. MC KENNA: Yes, sir.

10 COUNCILMAN NUTTER: Proposed amendment 3
11 which allows the length of service that a person
12 could serve on the Board of Education to remain the
13 same number of years, 12 years.

14 MS. MC KENNA: Okay.

15 COUNCILMAN NUTTER: 12 years.

16 THE CHAIRMAN: Would that then maintain
17 the same language?

18 COUNCILMAN NUTTER: I'm sorry.

19 THE CHAIRMAN: Does No. 3 maintain the
20 language that currently exists? What's the need of
21 an amendment if the same language would continue to
22 exist?

23 COUNCILMAN NUTTER: The problem,
24 Councilman, is that in another section of the bill
25 the length of the terms have been changed from six

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 years to four years, so two full times would only
3 get you eight years as opposed to three full terms
4 getting you 12.

5 THE CHAIRMAN: Agreed.

6 COUNCILMAN NUTTER: SO proposed
7 amendment NO. 3 I would put forward.

8 MS. MC KENNA: Yes.

9 COUNCILMAN NUTTER: Proposed amendment
10 No. 4, to be honest with you, that is an amendment
11 that came out of a series of discussions between and
12 amongst Councilmembers about this particular issue
13 and this was a response to some of my colleagues.
14 As compared to some of the other amendments --

15 THE CHAIRMAN: This is the point of
16 decision. Are you going to offer it or not?

17 COUNCILMAN NUTTER: I would put it
18 forward. I don't think it does any harm or violates
19 any of our particular sensitivities. It can go
20 forward.

21 Proposed Amendment No. 5 and the
22 proposed amendment to the actual bill which has to
23 do with clarifying, or at least I'm using the
24 language clarifying the question because we did
25 change the length of the terms of the Educational

1 BILL NO. 990056 and RESOLUTION NO. 990066

2 Nominating Panel members from two years to four
3 years, but I don't believe that the first question
4 as put forward in the bill makes it clear what the
5 change actually is. I just think that the question
6 on the ballot should be clear for the voters as to
7 what is being looked at or what is being changed.

8 THE CHAIRMAN: Councilman, I understand
9 that everything in your packet beginning with 2(A)
10 will be offered as amendments from 2(A) through 5
11 and you're not going to offer one 1(A) or 2.

12 COUNCILMAN NUTTER: No, I would not say
13 that, Councilman. I would say the question I was
14 asked in terms of immediate decision was what am I
15 prepared to try to --

16 THE CHAIRMAN: Well, I do you wish to
17 introduce them today?

18 COUNCILMAN NUTTER: I could.

19 MS. MC KENNA: Well, we don't wish to
20 delay you from your Council procedures. We just
21 wanted to know what you chose to address on
22 Wednesday so that we could be prepared to address it
23 also. You have made that choice now and I thank
24 you.

25 THE CHAIRMAN: Why don't we hold action

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 until Wednesday then on your you're offering them.

3 COUNCILMAN NUTTER: They're in the
4 record. I can't actually try to move them until
5 we're public hearing, but I want to make sure based
6 on the question you asked me I've not walked away
7 from the issue that is essentially raised in 1 or
8 1(A), but it's also clear to me that there needs to
9 be further discussion between and amongst
10 Councilmembers. But all of the amendments have at
11 least been put forward on the record. I understood
12 your question to be which ones am I prepared
13 immediately to say this is what I would like. The
14 issue of No. 1 is -- I mean, they are completely at
15 odds. One provides for Council confirmation; 1(A)
16 provides for no council confirmation. That's an
17 issue that is still a fluid discussion for the
18 Councilmembers.

19 THE CHAIRMAN: What I'm going to be
20 asking you on Wednesday is for your amendments.
21 This is the bill that you've introduced, and as in
22 other cases, I've taken the position that whoever
23 introduces the bill has the right to request the
24 amendment and it's routinely approved so that the
25 bill that's going to be considered by the Committee

1 BILL NO. 990056 and RESOLUTION NO. 990066
2 will be the bill as Councilman Nutter wishes to have
3 it presented to the Committee. So the first thing
4 I'm going to ask him on Wednesday is to make his
5 final recommendation as of that time for the
6 amendments so that everybody will know what we're
7 considering at the Committee and the witnesses will
8 know what to address.

9 MS. MC KENNA: I see. Then what you
10 have recommended at this moment may change between
11 Wednesday afternoon at 3:00; is that right.

12 THE CHAIRMAN: Yes, Councilman Nutter
13 would have an opportunity -- he would have that in
14 any event. But what he has done is told us what he
15 thinks as of now what his thinking is.

16 MS. MC KENNA: Thank you very much for
17 doing that. We don't wish to delay you any further.

18 THE CHAIRMAN: Then the Law and
19 Government Committee will stand in recess until
20 Wednesday, June 16th at 3 o'clock for the purpose
21 continuing the hearing and thereafter having a
22 public meeting.

23 Thank you all for your patience.

24 (Council adjourned at 2:00 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of June 14, 1999, were reported fully
and accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE ON LAW AND GOVERNMENT

Lisa C. Bradley, RPR
and Notary Public