

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE OF THE WHOLE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Monday, April 9, 2012  
10:25 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE  
COUNCILWOMAN CINDY BASS  
COUNCILWOMAN JANNIE BLACKWELL  
COUNCILMAN W. WILSON GOODE, JR.  
COUNCILMAN WILLIAM K. GREENLEE  
COUNCILMAN BOBBY HENON  
COUNCILMAN KENYATTA JOHNSON  
COUNCILMAN CURTIS JONES, JR.  
COUNCILMAN JAMES KENNEY  
COUNCILMAN DAVID OH  
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ  
COUNCILWOMAN BLONDELL REYNOLDS BROWN  
COUNCILMAN MARK SQUILLA

BILLS 120164, 120165 and 120166  
RESOLUTION 120167

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COUNCIL PRESIDENT CLARKE: Good morning.

This is a continuation of the public hearing of the Committee of the Whole regarding Bills No. 120164, 120165, 120166 and Resolution 120176.

Ms. Lewis, please read the titles of the bills and resolution.

MS. LEWIS: Bill No. 120164, an ordinance to adopt a Capital Program for the six Fiscal Years 2013 to 2018 inclusive.

Bill No. 120165, an ordinance to adopt a Fiscal 2013 Capital Budget.

Bill No. 120166, an ordinance adopting the Operating Budget for Fiscal Year 2013.

Resolution No. 120167, a resolution providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2013 through 2017, and incorporating proposed changes with

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       respect to Fiscal Year 2012, which is to  
3       be submitted by the Mayor to the  
4       Pennsylvania Intergovernmental  
5       Cooperation Authority ("the Authority")  
6       pursuant to the Intergovernmental  
7       Cooperation Agreement, authorized by an  
8       ordinance of this Council approved by the  
9       Mayor on January 3rd, 1992 (Bill No.  
10      1563-A), by and between the City and the  
11      Authority.

12                   COUNCIL PRESIDENT CLARKE:

13      Thank you.

14                   Before we proceed, I would ask  
15      for us to have a moment of silence for  
16      our fallen firefighters this morning.  
17      Please have a moment of silence.

18                   (Moment of silence.)

19                   COUNCIL PRESIDENT CLARKE:

20      Thank you. May God bless them.

21                   I'll please ask the  
22      Administration to come forward. We will  
23      have Mr. Richardson from the Revenue  
24      Department.

25                   (Witnesses approached witness

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           table.)

3                   COUNCIL PRESIDENT CLARKE:   Good  
4           morning, sir.

5                   COMMISSIONER RICHARDSON:   Good  
6           morning, Council President Clarke.

7                   Again, good morning, Council  
8           President Clarke and members of the  
9           Committee of the Whole. I'm Keith J.  
10          Richardson, Revenue Commissioner for the  
11          City of Philadelphia. With me today on  
12          my left, far left, is Frances Ruml  
13          Beckley, Chief Counsel; Michelle L.  
14          Bethel, Deputy Commissioner for the Tax  
15          Water Bureau; and to my right, Frank  
16          Breslin, Deputy Commissioner for the Tax  
17          Bureau.

18                   To go over a little summary of  
19          the Department, the FY13 General Fund  
20          appropriation request from the Department  
21          of Revenue is \$19,337,750. This is a  
22          decrease of \$163,971 from FY12 estimated  
23          obligations of 19,501,721. This decrease  
24          was due primarily to the net effect of  
25          the following: Elimination of funding

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           for E-Tides Tax Filing System, which is  
3           \$246,093 in Class 200, and 4,194 in Class  
4           300 and 400.

5                   The Department is requesting  
6           15,241,875 in Class 100 Personal Services  
7           to fund 310 full-time and one part-time  
8           position; 3,568,349 in Class 200 Purchase  
9           of Services; and 527,526 in Class 3 and  
10          400 for Materials, Supplies and  
11          Equipment.

12                   The Water Fund FY13  
13          appropriation request is 15,707,456.  
14          This is an increase of 607,507 from FY12  
15          estimated obligations of 15,099,949.  
16          This increase includes funding to support  
17          annual personnel requirements of 433,761  
18          and the difference of 173,746 to fund  
19          potential U.S. Postal rate increases and  
20          anticipated increases in the existing  
21          professional services contracts,  
22          anticipated price increases in the office  
23          supply contracts, and to replace an  
24          outdated inserting machine in the  
25          Outgoing Mail Processing Center.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           The Department is requesting  
3       10,874,716 in Class 100 for Personal  
4       Services to fund 270 full-time positions,  
5       4,022,815 for Class 200 Purchase of  
6       Services, 808,425 in Class 300 and 400  
7       for Materials, Supplies and Equipment and  
8       1,500 for Class 500 Contributions.

9           The FY13 Grants Revenue Fund  
10       appropriation request is \$21,150,000 for  
11       commission to collection agencies  
12       contracted to collect delinquent taxes,  
13       fees, fines and charges on the behalf of  
14       the City and also for the Sales Tax  
15       Recovery contract, which was transferred  
16       to the Revenue Department from the  
17       Procurement Department.

18           Some highlights in the  
19       department. Our Compliance Division  
20       consisting of our Audits, Tax Discovery  
21       and Investigation Unit continues to  
22       implement a strategic tax compliance  
23       program. Through February of 2012, more  
24       than 700 business were audited, resulting  
25       in assessments of over \$20 million, which

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           is about a \$1.6 million increase over  
3           last fiscal year this time. At this  
4           rate, we anticipate to hit our projected  
5           goal of over \$25 million in assessments  
6           for the end of this fiscal year.

7                     The division is fully staffed  
8           and making optimal use of third-party  
9           data from the Internal Revenue Service  
10          and other agencies to identify  
11          non-reporting and under-reporters of  
12          income.

13                    Our Investigation Unit is being  
14          deployed on more street canvassing  
15          initiatives in unison with the Department  
16          of License and Inspections and including  
17          business corridors, construction sites  
18          and has recently begun joint canvassing  
19          with the Department of Revenue for the  
20          Commonwealth of Pennsylvania.

21                    Over the last fiscal year, the  
22          Department implemented mandatory  
23          automated clearinghouse payments for  
24          businesses that remitted an average of  
25          over \$20,000 a month. This program has

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           expanded to include all taxpayers who  
3           remit an average of 10,000 a month to the  
4           City as of the end of the Calendar Year  
5           2011.

6                       One point six billion dollars  
7           was remitted through ACH payments  
8           compared to approximately 855,000 in  
9           Calendar Year 2010. In FY12, the  
10          Department substantially increased the  
11          number of Sheriff sales. The average  
12          number of new properties brought to  
13          Sheriff sale by the Legal Services  
14          Division Tax Unit each month has  
15          increased from an average of 50 before  
16          tax amnesty to more than 100 this past  
17          March. The average amount collected at  
18          those sales has more than doubled, from  
19          350,000 to approximately \$780,000. This  
20          increase was made possible, in part, by  
21          the Tax Unit's increasing automation of  
22          clerical work required for sales, and the  
23          Tax Unit plans to continue the automation  
24          with corresponding continued increase in  
25          sales.



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           At the same time, our long-term  
3 co-counsel, Linebarger, has increased the  
4 average number of new properties brought  
5 to sale each month from 50 to 150 and  
6 average collections from roughly 700,000  
7 to over a million dollars. And, finally,  
8 we've added second co-counsel, Goehring  
9 Rutter and Boehm, that will start  
10 conducting sales this month and has  
11 already collected 2.2 million in real  
12 estate for the City since beginning to  
13 enforce through the Sheriff sale process  
14 last fall.

15           In the last quarter of FY11,  
16 the Department introduced E-check payment  
17 options for taxes and water bills paid  
18 online. New taxpayers and water  
19 customers who pay online have options  
20 other than credit cards for making  
21 payments.

22           Just some accomplishments. The  
23 City's indebtedness program has been  
24 expanded to include, in addition to  
25 prospective and current employees,

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       retired employees who owe taxes. Last  
3       November, the Department of Revenue sent  
4       over 2,500 pension letters that owe about  
5       \$12.9 million to the City and the School  
6       District. The letter stipulated that if  
7       they did not enter into a payment  
8       agreement or pay their taxes in full,  
9       their pension checks will be subject to  
10      withholding. Again, the second letter  
11      went out in February. That was 1,300  
12      letters to retirees for a total of about  
13      \$9.8 million in delinquencies.

14               The Pension Board has the  
15      authority when they will send a third  
16      letter out sometime this month. They  
17      have the ability to hold 25 percent of a  
18      pensioner's check. We've worked with  
19      some of the universities in the City. We  
20      have one major university who signed a  
21      Memorandum of Understanding with the  
22      Department to participate in our City  
23      Vendor Tax Compliance Program. This  
24      program requires that contractors and  
25      vendors are tax compliant as a condition

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       of doing business with the university.  
3       We continue to negotiate similar  
4       agreements with other universities and  
5       quasi government agencies in the area.

6           We continue to increase  
7       outreach to citizens. The last couple of  
8       months you've probably seen on Channel 64  
9       Michelle Bethel and Frank Breslin. Both  
10      my deputies and myself have done PSAs on  
11      Channel 64. They're informing residents  
12      about the winter moratorium for water,  
13      which was ended on March 31st, and we've  
14      already started shutting off some of  
15      those customers. We've also reminded  
16      taxpayers that 2012 real estate tax bills  
17      are due by March 31st. Residents are  
18      provided information on how to contact  
19      us, how to set up payments and where the  
20      office is located at as well.

21           We also have brochures on how  
22      to pay your City of Philadelphia taxes.  
23      We recently developed and placed in the  
24      libraries and recreation centers in the  
25      City. We've also probably given out to

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           the Council offices. Again, the  
3           brochures give taxpayers information on  
4           how to enter payment agreements and  
5           different methods of making payments to  
6           their taxes.

7                     Some future initiatives. The  
8           Department will embark on an upgrade of  
9           our cashiering system. The upgrade will  
10          consist of a complete hardware and  
11          software replacement. Included in the  
12          new system would be Check 21 processing.  
13          The key goal is to replace existing  
14          Legacy technologies with a single,  
15          standard, integrated technology  
16          configuration across the entire unit  
17          supporting the best practices of  
18          cashiering and payment processing. The  
19          challenge will be to have the new system  
20          operate parallel with the current system  
21          we have until it's 100 percent in place.

22                     Over the next couple of years,  
23          the Department also will begin on our  
24          revenue modernization initiative, which  
25          will include the implementation of a case

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           management system/collection management  
3           tool, data warehouse and online portal  
4           for electronic filing. The collection  
5           management tool will house all stages of  
6           delinquent collections for taxes and  
7           water and sewer fees. This tool will aid  
8           in increasing collections and improving  
9           efficiencies.

10                   There are plans in process to  
11           redesign the Department's website to make  
12           things more user friendly and more  
13           intuitive. We're working also in clear  
14           and concise communications to our  
15           customers and taxpayers is essential. As  
16           a result, in the next several months all  
17           delinquent letters and bills will be  
18           reviewed and revised to provide clearer  
19           instructions for paying bills and  
20           information regarding consequences of not  
21           paying on time.

22                   Some of our minority business  
23           participation rates and staffing  
24           demographics. As of the second quarter  
25           of FY12, the Department of Revenue's

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           overall MBE/WBE/DSBE participation rate  
3           for contracts total 5.8 million, is 51.88  
4           percent, which exceeds the Office of  
5           Economic Opportunity's FY12 goal of 15  
6           percent. Of the total contracts, 41.68,  
7           or 2.4 million, are with MBE firms and  
8           10.21 percent is with WBE firms. The  
9           Office of Economic Opportunity's  
10          recommended FY13 goal is 25 percent, and  
11          the Department expects to exceed this  
12          goal as we continue to seek opportunities  
13          to work with certified MBE/WBE/DSBE  
14          businesses.

15                 There are a total of 531  
16          employees currently in the Department of  
17          Revenue. Of the 531 employees, 140 are  
18          male, 391 are female. There are 353, or  
19          66.48 percent, employees who are African  
20          American; 132, or 24.86 percent, are  
21          white; 18, or 3.39 percent, are Hispanic;  
22          17, or 3.2 percent, are Asian; and 11 say  
23          they are other categories. We have 30  
24          employees who are bilingual, 10 of which  
25          speak Spanish.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2                   Of the 18 lawyers in the Tax  
3           Unit, 13 are women, five are male, six  
4           are minorities, three African American,  
5           two Hispanic and one Asian. We have nine  
6           that have LLM degrees in taxation and  
7           corporate law and one has an MBA and CPA.

8                   In January 2008, the  
9           Department's senior staff consisted of  
10          nine employees. Of the nine employees,  
11          two were minorities and two were female.  
12          As of March of 2012, the Department's  
13          senior staff consists of 12 employees.  
14          Of the 12 employees, five are female.  
15          Additionally, four employees of the  
16          senior staff are minorities. Six members  
17          of the senior staff, which is 50 percent,  
18          have advanced degrees, including three  
19          minorities. Three of the 12 employees  
20          are CPAs, including one minority. Of the  
21          five female employees, one employee has  
22          an LLM and a Juris Doctorate.

23                   This concludes my little brief  
24          summary. We're here to answer any  
25          questions you and the members may have,

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Council President.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you very much, Mr. Richardson.

5 A couple of quick questions.

6 The E-Tide Tax Filing System will be  
7 eliminated?

8 COMMISSIONER RICHARDSON: Yes.

9 We did not work with that system. It  
10 wasn't created. The fee that you saw,  
11 the \$234,000 for the second year of it,  
12 when the change in Administration came in  
13 in Harrisburg, all the sudden that fee  
14 went up about four times higher.

15 COUNCIL PRESIDENT CLARKE: What  
16 are you forecasting as it relates to your  
17 delinquency payments? Is there a certain  
18 projection in that, higher or lower?

19 COMMISSIONER RICHARDSON: Where  
20 do we forecast what we collect from the  
21 delinquents?

22 COUNCIL PRESIDENT CLARKE: Yes.

23 COMMISSIONER RICHARDSON: Well,  
24 our goal as a department is to do \$15  
25 million over and above what we did last



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       fiscal year. So we don't forecast or  
3       project what delinquents will pay. We  
4       try to collect \$15 million above that,  
5       and that will probably be a goal  
6       continually as long as I'm here.

7           COUNCIL PRESIDENT CLARKE: Is  
8       there a basis for the anticipation?

9           COMMISSIONER RICHARDSON: Sure.

10          COUNCIL PRESIDENT CLARKE: Are  
11       we doing anything different that's going  
12       to...

13          COMMISSIONER RICHARDSON: Give  
14       me a second.

15                 Last year I think we did as a  
16       department, including the Legal Services  
17       Division, about \$100 million. So we use  
18       that baseline to project that we want to  
19       do \$15 million above that. This year  
20       right now as of February, we've collected  
21       \$121 million in delinquent collections  
22       actually compared to \$109 million at the  
23       same time last fiscal year.

24          COUNCIL PRESIDENT CLARKE:  
25       Okay. The Sheriff sale process, if you

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           know, in the state there's a bill. I  
3           don't know the exact status of it, but we  
4           met with Representative Ross, a bill on  
5           tax foreclosure that they're moving  
6           through the process that will allow us to  
7           accelerate our tax foreclosure process.  
8           Are you familiar with that bill?

9                   COMMISSIONER RICHARDSON: I am  
10          familiar with it. I did read over it. I  
11          haven't heard anything about that moving  
12          forward right now.

13                   COUNCIL PRESIDENT CLARKE: If  
14          you hadn't heard anything. You've done  
15          an analysis. If in fact that bill is  
16          passed with some changes that we  
17          requested -- because there is some  
18          concern about occupied properties and  
19          we've asked for some amendments to  
20          reflect City of First Class versus other  
21          more rural areas where that will not  
22          impact this negatively. In your  
23          analysis, if you have done that, have you  
24          determined that it may allow you to  
25          enhance your Sheriff sale process, in

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           addition to which increase revenues  
3           generated from such process?

4                   MS. BECKLEY: I think our  
5           reaction to that bill has been that it  
6           would dramatically decrease our  
7           flexibility in how we go about Sheriff  
8           sales. You mention we were very  
9           concerned because it has very rigid  
10          guidelines on hardship, and ours are much  
11          more generous currently.

12                   On the flip side, it mandates  
13          that everything that's a year delinquent  
14          be taken to Sheriff sale immediately.  
15          That's a fifth of the property in the  
16          City. It's hard to imagine even if we  
17          could logistically push that many  
18          properties through the Sheriff sale  
19          process, I can't -- there's no market for  
20          dumping that kind of property up at  
21          auction. Nobody would buy it. It would  
22          probably end up owned by the City, and  
23          we'd end up with all sorts of liability  
24          issues as a result of that. So I think  
25          everybody in Law who has looked at that

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 feels that it's not in the City's  
3 interest, and if the General Assembly  
4 insists on pushing it through, we'd like  
5 to see Philadelphia exempted.

6 COUNCIL PRESIDENT CLARKE:

7 Totally?

8 MS. BECKLEY: Totally.

9 COUNCIL PRESIDENT CLARKE:

10 Really?

11 MS. BECKLEY: In contrast, the  
12 land banking legislation that's a  
13 separate piece of legislation might offer  
14 some good tools to the City, but the  
15 Sheriff sale bill, we don't see any  
16 upside for the City on that.

17 COUNCIL PRESIDENT CLARKE: At  
18 all? Okay. So understanding the  
19 logistical issue in terms of staffing  
20 level, you don't think that it's  
21 important for us to be able to move  
22 properties through the Sheriff sale  
23 process a little quicker if we had the  
24 ability to do it?

25 MS. BECKLEY: We absolutely

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       believe that the number of Sheriff sales  
3       should be increased, and as you heard the  
4       Commissioner testify, we've worked very  
5       hard in the last year to do that.  
6       Sheriff sale receipts are up 600,000 a  
7       month from what they were before amnesty  
8       as a result of increased activity by the  
9       Law Department and by Linebarger, and we  
10      have our second co-counsel starting  
11      Sheriff sale for the first time this  
12      month. They've actually done a really  
13      good job of collecting the tax without  
14      selling the property, which, when you  
15      think about it, is a bigger win.

16               We're not very efficient at  
17      selecting the properties that we move  
18      towards foreclosure right now. I think  
19      as we get better at that, we can see more  
20      collection with fewer actual sales, and  
21      that's really -- that's the business  
22      we're in. We're not in the business of  
23      selling property. We're in the business  
24      of collecting taxes.

25                       COUNCIL PRESIDENT CLARKE:

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Right. Well, sometimes that's how you  
3           collect revenue.

4                   MS. BECKLEY: It is definitely  
5           a tool, but I think we're finding that we  
6           can use it more effectively than we have  
7           previously.

8                   COUNCIL PRESIDENT CLARKE:

9           That's interesting. So is anyone from  
10          your shop working with Representative  
11          Ross in getting an exemption for the City  
12          of Philadelphia? Because the  
13          conversations that we've had were based  
14          on having certain exemptions within the  
15          bill to give us the flexibility of  
16          primarily vacant land moving forward on  
17          that process, but I'm not aware that the  
18          Administration is looking to exempt us in  
19          its entirety. Is there somebody  
20          working --

21                   MS. BECKLEY: I can --

22                   COUNCIL PRESIDENT CLARKE: I'm  
23          not sure that they are also.

24                   MS. BECKLEY: I can't speak for  
25          the Administration. I can only say what

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           the reaction of the people that I've  
3           discussed this with in the Law Department  
4           has been, and that's been to request that  
5           we be exempted.

6                       COMMISSIONER RICHARDSON: We'll  
7           sit down further with Mr. Dubow and Ms.  
8           Smith, the City Solicitor, to express our  
9           concerns about that as we move forward.

10                      COUNCIL PRESIDENT CLARKE:  
11          Okay. I mean, that's kind of when we met  
12          one of the times, there were members of  
13          the Administration in that particular  
14          meeting and it was talking about more  
15          flexibility as it relates to the  
16          statewide mandate versus the total  
17          exemption. So I do believe that bill is  
18          going to be moving some point this year,  
19          so we want to make sure that we're on the  
20          same page on that one.

21                      MS. BECKLEY: Absolutely.

22                      COUNCIL PRESIDENT CLARKE: All  
23          right. You talked about retiring  
24          employees. Do we have a sense of what  
25          we're going to actually realize in terms

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           of delinquent collections or just kind of  
3           we're going to put it out there and we'll  
4           figure it out?

5                   COMMISSIONER RICHARDSON: No.  
6           It's \$9.8 million. That is what is owed  
7           and that's what we'll collect from them.  
8           Again, we have the authority through the  
9           Pension Board to withhold 25 percent.  
10          That's federal law.

11                   COUNCIL PRESIDENT CLARKE: And  
12          we're going to stick to it?

13                   COMMISSIONER RICHARDSON: I  
14          don't --

15                   COUNCIL PRESIDENT CLARKE: You  
16          won't accept any calls from  
17          Councilmembers and say, Hold it, I got  
18          some retired City workers that --

19                   COMMISSIONER RICHARDSON: They  
20          will have an opportunity to talk to the  
21          Pension Board to try to appeal it, but as  
22          far as it comes from me, as you know me,  
23          no.

24                   COUNCIL PRESIDENT CLARKE:  
25          Okay. All right. Thank you.



1 4/9/12 - WHOLE - BILL 120164, ETC.

2 The Chair recognizes Councilman  
3 Goode.

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

6 Good morning, Commissioner.

7 COMMISSIONER RICHARDSON: Good  
8 morning, sir.

9 COUNCILMAN GOODE: First, a  
10 quick update on the tax credit programs.  
11 How many slots are open in the CDC Tax  
12 Credit Program?

13 COMMISSIONER RICHARDSON: How  
14 many positions are open right now you  
15 asked? I can get back to you. I don't  
16 have that number with me right now.

17 COUNCILMAN GOODE: Next  
18 question is, how many pending  
19 applications are there?

20 COMMISSIONER RICHARDSON: I'll  
21 get back to you. I think it's a couple,  
22 but I'm not sure of the number.

23 COUNCILMAN GOODE: The third  
24 question is, have the administrative  
25 regulations requiring a two-to-one match

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           affected the program at all?

3                   COMMISSIONER RICHARDSON: Has  
4           it affected the program? We won't be  
5           able to tell that until probably next  
6           year, sir, because the program just  
7           really started this calendar year.

8                   COUNCILMAN GOODE: Okay. Can  
9           you forward all that through the Chair?

10                  COMMISSIONER RICHARDSON: Sure.

11                  COUNCILMAN GOODE: On the Job  
12           Creation Tax Credit Program, how many  
13           businesses have been approved for the Job  
14           Creation Tax Credit Program?

15                  COMMISSIONER RICHARDSON: I'll  
16           get back to you on that one also.

17                  COUNCILMAN GOODE: The second  
18           question is, how many jobs are promised?

19                  COMMISSIONER RICHARDSON: I'll  
20           get back to you with that information  
21           too.

22                  COUNCILMAN GOODE: Just forward  
23           that through the Chair.

24                   What was your minority  
25           participation rate for Fiscal Year '11?

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COMMISSIONER RICHARDSON: I  
3 think for Fiscal Year '11 it was 15  
4 percent also, as it was for this fiscal  
5 year.

6 COUNCILMAN GOODE: The OEO  
7 report says 3 percent.

8 COMMISSIONER RICHARDSON:  
9 Right; 3.67 percent FY11.

10 COUNCILMAN GOODE: So for FY11,  
11 it was 3 percent. For this year, Fiscal  
12 Year '12, it's what?

13 COMMISSIONER RICHARDSON: Right  
14 now we're at 51.88 percent.

15 COUNCILMAN GOODE: And how much  
16 contracting do you have left to do this  
17 fiscal year?

18 COMMISSIONER RICHARDSON: We  
19 don't have -- everything on our  
20 professional services has been encumbered  
21 already for this fiscal year. The Grants  
22 Revenue contracts will be the only ones  
23 that may increase because more  
24 collections are being done by the  
25 collection agencies.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILMAN GOODE: So simple  
3 question. Last year the goal was 15  
4 percent and you reached 3 percent. This  
5 year the goal was?

6 COMMISSIONER RICHARDSON:  
7 Fifteen percent.

8 COUNCILMAN GOODE: And you  
9 reached 52 percent?

10 COMMISSIONER RICHARDSON: Yes.

11 COUNCILMAN GOODE: So next year  
12 the goal is 25 percent?

13 COMMISSIONER RICHARDSON: Yes.

14 COUNCILMAN GOODE: What is that  
15 based upon?

16 COMMISSIONER RICHARDSON:  
17 That's based on OEO's goal for the  
18 Department. Again, we hope to eclipse  
19 that as we've done this year.

20 COUNCILMAN GOODE: You did 52  
21 percent this year.

22 COMMISSIONER RICHARDSON: Yes.  
23 Well, this year we've done that much  
24 because we've taken over the Legal  
25 Services Division where the bulk of the

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           contracts were with the Law Department  
3           have been transferred to us. We didn't  
4           have those type of contracts in prior  
5           years.

6                   COUNCILMAN GOODE: So the 15  
7           percent goal was changed by the new  
8           contracting opportunities you had?

9                   COMMISSIONER RICHARDSON: Yes,  
10          sir.

11                   COUNCILMAN GOODE: Thank you.  
12           Thank you, Mr. President.

13                   COUNCIL PRESIDENT CLARKE:  
14          Thank you, Councilman.

15                   The Chair recognizes  
16          Councilmember Jones.

17                   COUNCILMAN JONES: Thank you,  
18          Mr. President.

19                   Good morning.

20                   COMMISSIONER RICHARDSON: Good  
21          morning, sir.

22                   COUNCILMAN JONES: I had an  
23          opportunity to, on behalf of the  
24          President with his permission, to travel  
25          up to Harrisburg and take a look at some

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       of the collection operations up there,  
3       and it was Robert Coy, who is the Revenue  
4       Department Bureau and Collection Taxpayer  
5       Services, and I had no idea that we had a  
6       rock star within our group, that they  
7       spoke very highly of you and had talked  
8       about systems that you collected or  
9       created by way of a continuum of  
10      collections. I learned a new term called  
11      "continuum of collections." And what was  
12      interesting to me was that the  
13      Commonwealth in, I believe, 2010 made a  
14      \$4.2 million investment. And I think  
15      everyone in this Chamber should really  
16      pay attention to this statistic. Four  
17      point two million dollars collected \$70  
18      million worth of revenue. So what they  
19      did was, they put in a predictive dollar.  
20      They trained collectors that -- based on  
21      the recession, they had a higher quality  
22      of collectors because of the downturn in  
23      the economy. So they trained them on  
24      five basic taxes and were able to do that  
25      investment and get \$70 million for the

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Commonwealth. So much success happened  
3 from that, they added another wing of the  
4 agency to continue that.

5 Each of their collectors gets  
6 \$1.2 million annually. So for a \$40,000,  
7 \$45,000 with Benny's system, an employee,  
8 each one of them turns 1.2 million. You  
9 can't get that on the stock market. You  
10 can't get that anywhere else.

11 So my question becomes -- and  
12 since you are -- they called you -- let  
13 me quote them -- "the King of Means."  
14 That was your title up there. And I  
15 wanted to know, why did we move away from  
16 predictive dollars and doing some of this  
17 stuff in-house, and does the private  
18 contractors meet that kind of percentage  
19 of ROI?

20 COMMISSIONER RICHARDSON: This  
21 is the real rock star. She created that  
22 in Harrisburg when she was there.

23 COUNCILMAN JONES: Oh, you're  
24 the rock star. All right.

25 COMMISSIONER RICHARDSON: We do

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           not have that current technology in-house  
3           for the IVRs predictive dollars at this  
4           current timeframe. Yes, we're aware that  
5           a collector can do X amount of dollars  
6           per year also on collections.

7                   COUNCILMAN JONES: So if we  
8           were to somehow find -- it probably  
9           wouldn't take 4 million like the state,  
10          or would it, but if we were to figure a  
11          way to do that kind of investment to your  
12          department, could we expect similar --  
13          what kind of returns could we expect?

14                   COMMISSIONER RICHARDSON: Well,  
15          from an analysis that we did several  
16          years ago or a couple years ago, we know  
17          that it takes -- 18 taxes, it's going to  
18          take about 18 months for someone to get  
19          up to speed with that. We can project  
20          that someone can probably do about  
21          \$750,000 a year starting off in  
22          collections. Again, the investment  
23          wouldn't be as much as the state did. We  
24          would potentially look at 15 to 18  
25          individuals, two supervisors, a manager



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           and probably about 15 staff doing the  
3           kind of collections work.

4                     We're talking within the  
5           Administration on looking at doing this  
6           hopefully for the next year or so as  
7           well.

8                     COUNCILMAN JONES: My  
9           colleagues are going to be faced with  
10          some really tough choices by way of  
11          adding new taxes, looking at new revenue  
12          sources and things that when they go back  
13          to their district, they have to answer a  
14          question that haunts me to this day. I  
15          thank Councilwoman Sanchez for getting me  
16          an audience with an individual who said  
17          this to me: Why would we put more taxes  
18          on the books when we aren't collecting  
19          the taxes that are already there or that  
20          are already owed us? And I'm of -- I've  
21          said this in the Five Year Plan and I'll  
22          be consistent with this, that it is my  
23          opinion that we should look to do more in  
24          enforcement as opposed to adding revenues  
25          to people. Now, I'm willing to do the

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           heavy lifting, but I want to on the same  
3           track be able to invest in our revenue  
4           collections department to do that.

5                       Now, one of the things -- and  
6           I'm going to wind up. I'll take my turn  
7           as it goes around. But they were able to  
8           look at tax gaps, and I think Councilman  
9           Kenney spoke to this in a different way,  
10          but they were able to do pilot programs  
11          where they looked at the potential for  
12          revenue that was going uncollected; in  
13          particular, taxes, and identified, and I  
14          quote, the big rabbits to hunt. Would  
15          you be familiar with that process and do  
16          we do it?

17                      COMMISSIONER RICHARDSON: I'm  
18          familiar with the process. No, we can't  
19          really do what they do up there. They  
20          looked at about 20 different business  
21          industries. Also at the Commonwealth  
22          when we were there, we created a unit in  
23          my department that looked at business  
24          professional licenses in Harrisburg,  
25          because you have to get your CPA license

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           in Harrisburg, a boxing license, a dog  
3           permit, any license -- a hair barber, a  
4           salon store. Any person that got a  
5           license in Harrisburg, they're working  
6           with all the various departments. They  
7           can hold your license because you haven't  
8           paid your taxes.

9                        So we don't have that ability.  
10          There's not licenses here that we can  
11          hold up from individuals in order to get  
12          their attention.

13                      COUNCILMAN JONES: So is that  
14          something we can seek relief at the  
15          state? Why don't we have that ability?

16                      COMMISSIONER RICHARDSON:  
17          Because we don't issue the license for a  
18          professional person. We don't issue the  
19          license for a driver's license. So we  
20          don't have that ability. We can do  
21          permits, and we've worked with L&I to  
22          stop permits. We stopped folks at the  
23          Zoning Board, but we don't have that  
24          ability in Harrisburg.

25                      COUNCILMAN JONES: So I know

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 you have the ability to stop contract  
3 payments from a vendor, correct?

4 COMMISSIONER RICHARDSON: Yes.

5 COUNCILMAN JONES: So what are  
6 the -- give us real quick, and then I'll  
7 stop, the list of things that we can use  
8 as a stick, if you would, to encourage  
9 the payment.

10 COMMISSIONER RICHARDSON: As I  
11 said in my brief summary, we're working  
12 with the major universities in the City  
13 of Philadelphia. We're working with the  
14 quasi government agencies to create a  
15 Vendor Tax Compliance Program. As I said  
16 to you last year in my testimony, we  
17 wanted to create a unit. We did create a  
18 unit with seven employees.

19 By working with these various  
20 entities, as we found out looking at one  
21 university's website, it says, you as a  
22 business have to be certified in paying  
23 your taxes on time. Well, the question  
24 to the university was, how do you know  
25 they're doing that?

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           We don't. We assume it.

3           Don't assume anything.

4           So we've worked with these  
5 entities to sign an MOU with us to be  
6 able to go online into our system and  
7 check to see whether someone is compliant  
8 or not compliant. It doesn't tell them  
9 what their liabilities may be, but now  
10 the opportunity is to grab money and  
11 attract to grab -- to get more revenue  
12 and to get these businesses that are  
13 probably transient coming into the City  
14 and leaving to be compliant, even  
15 businesses that are here to be compliant.

16           Again, as I said in the  
17 testimony, by working with the state and  
18 working with the IRS, we get data on  
19 businesses that may be paying certain  
20 taxes here, but not their full share. So  
21 that kind of helps us do things, as we  
22 said, down the road.

23           The Commonwealth has bigger  
24 tools. They're big brother. They can do  
25 more than we can. I hope that one day

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           they'll be in a situation where they stop  
3           drivers from getting driver's licenses  
4           until they make them pay their taxes  
5           first. That will get someone's attention  
6           as well.

7                   COUNCILMAN JONES: I'm going to  
8           suspend my questions and allow my  
9           colleagues to ask, but I'll go back.

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

12                   The Chair recognizes  
13          Councilmember Greenlee.

14                   COUNCILMAN GREENLEE: Thank  
15          you, Mr. President.

16                   Good morning, everyone.

17                   COMMISSIONER RICHARDSON: Good  
18          morning, sir.

19                   COUNCILMAN GREENLEE: I just  
20          want to raise a couple of things that  
21          people just generally have raised with me  
22          regarding Revenue. One is concern that  
23          when they get a bill, they either have a  
24          question about it or don't understand the  
25          numbers on the bill oftentimes. They

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           either don't get an answer or on hold for  
3           a long time. Has that been raised as a  
4           concern; do you know?

5                   COMMISSIONER RICHARDSON: It's  
6           raised all the time between February and  
7           April. One, for moratorium, because now  
8           they want to get their water on all the  
9           sudden, and also for tax purposes to pay  
10          their real estate or business tax.

11                   Again, we have a unit of 16  
12          individuals answering phone calls down on  
13          the tax side. It's about 18 to 23 on the  
14          water side. But you put in vacation  
15          days, sick days, it may average about 20  
16          a week. We have 500,000 water customers  
17          trying to call in; the same with taxes.  
18          We don't have the lines that people can  
19          call in all the time.

20                   We hope that folks would go and  
21          use the website and send an e-mail in for  
22          a question or something, but also go out  
23          to the Northeast satellite office or to  
24          the North Philadelphia one in Hope Plaza  
25          to answer their questions if they have

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           questions.

3                       So we recognize that we don't  
4           have the capacity or the ability to  
5           answer every call, but we get about 80  
6           percent on the tax side and about 85  
7           percent on the water side.

8                       COUNCILMAN GREENLEE: Eighty  
9           percent, you said?

10                      COMMISSIONER RICHARDSON: We  
11           get about 5 to 6,000 calls a week, and  
12           right now it's going to peak higher  
13           because, again, it's tax season.

14                      COUNCILMAN GREENLEE: Sure.  
15           And I understand you only have so many  
16           people, but I was just wondering if that  
17           had been something you have been looking  
18           at.

19                      COMMISSIONER RICHARDSON: It's  
20           always raised.

21                      COUNCILMAN GREENLEE: Okay.  
22           And this is kind of a question I raised  
23           last time. And, again, I know you don't  
24           want to get into specifics, but one of  
25           the concerns raised is when people are



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           trying to make agreements, that  
3           oftentimes the down payment is a concern.  
4           And I think you said last time -- I just  
5           want to make sure this is still  
6           accurate -- that you try to work with the  
7           person as far as their own economic  
8           situation? I mean, obviously if they owe  
9           a thousand dollars, you can't make an  
10          agreement with \$2. I understand that.  
11          But there's not like a hard-pressed --

12                   COMMISSIONER RICHARDSON: The  
13          answer doesn't change from last fiscal  
14          year. Again, we will work with anybody.  
15          Our requirements are 25 percent down, but  
16          we do understand people have economic  
17          issues and concerns, and we have various  
18          payment and programs that we will work  
19          with them, even to the point hopefully  
20          next fiscal year we'll be able to have  
21          for a first-time person delinquent to go  
22          online and set up a payment agreement  
23          online. However, if they break that  
24          agreement, then they're going to deal  
25          with our payment agreement that we want

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           to set in place.

3                   COUNCILMAN GREENLEE: I  
4           understand. And that was going to be my  
5           followup. Have there been studies done,  
6           are people keeping agreements any better,  
7           worse, about the same; do you know?

8                   COMMISSIONER RICHARDSON: It's  
9           about the same, but, again, we're being  
10          more proactive now on calling individual  
11          taxpayers who are breaking their  
12          agreements, because they haven't had that  
13          contact as before. So sometimes now  
14          they're recognizing someone is calling to  
15          follow up with their broken payment.

16                   COUNCILMAN GREENLEE: Okay.  
17          And, lastly, I guess this is for Deputy  
18          Commissioner Bethel. On water bills, I  
19          know you have that program. I guess it's  
20          for low income. If they fall behind,  
21          there's a certain amount put -- I don't  
22          know if I'm using the right word -- in  
23          abeyance sort of if they fall behind and  
24          if either the property sold or their  
25          economic situation changes?

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           DEPUTY COMMISSIONER BETHEL:

3       Actually, that's a specific type of  
4       payment arrangement that you're speaking  
5       of. So all of our assistance programs  
6       fall under the umbrella called WRAP,  
7       Water Revenue Assistant Program. The  
8       particular program that you're speaking  
9       of is considered our WRBCC program, which  
10      those are our customers that they only  
11      are paying their current water bill for  
12      the year and then we suspend their  
13      delinquent balance during that time  
14      period. So all their payments are only  
15      paying their current bill.

16               With our other assistance  
17      programs, their payment also pays their  
18      delinquency as well. So the suspended  
19      amount only takes place on the WRBCC  
20      agreements, and those are our largest  
21      portion of Water Revenue Assistance  
22      Program type of agreements.

23               COUNCILMAN GREENLEE: Now, is  
24      that only changed when the property is  
25      sold or are there checks to see if the

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 person's economic situation has changed?

3 DEPUTY COMMISSIONER BETHEL:

4 The WRBCC, there's an annual renewal for  
5 those program applicants. So every year  
6 their economic situation is reevaluated  
7 and they would go back on, as long as  
8 they still are within the income  
9 guidelines.

10 Now, for those people that are  
11 on our assistance programs that go for 20  
12 months or an assistance program that we  
13 have that goes for 60 months, we don't  
14 look at them every year, because  
15 hopefully as long as they stay within  
16 that plan, they don't breach it. There's  
17 no reason for us to reevaluate, but if  
18 they -- if something changes, that they  
19 no longer need to be in that, hopefully  
20 they come to us and let us know, Hey, we  
21 no longer are within the poverty  
22 guideline and we can go on a different  
23 type of program, our regular standard  
24 agreement.

25 COUNCILMAN GREENLEE: Okay.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Great.

3                       DEPUTY COMMISSIONER BETHEL:

4           And those agreements, I just wanted to  
5           clarify, that some of our payment  
6           agreements you don't have to pay -- the  
7           25 percent that the Commissioner was  
8           speaking about only comes into play with  
9           our standard payment agreements. We also  
10          have zero down. So when we say we work  
11          with people, we have payment agreements  
12          where people put no money down or there  
13          is the City grant administrative  
14          adjustment that goes toward their bill as  
15          well, so there's no out-of-pocket expense  
16          for their down payment. We use the grant  
17          for that as well, so our customers are  
18          not necessarily coming out of pocket for  
19          their down payment.

20                      COUNCILMAN GREENLEE: Okay.

21          Great. All right. I appreciate that.

22                      Thank you, Mr. President.

23                      COUNCIL PRESIDENT CLARKE:

24          Thank you, Councilman.

25                      The Chair recognizes

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Councilmember Johnson.

3                   COUNCILMAN JOHNSON: Thank you,  
4           Mr. President.

5                   Thank all of you for being here  
6           this morning. Just a couple questions.

7                   Under the revenue enhancement  
8           operation efficiencies, can you elaborate  
9           on the partnership with the Internal  
10          Revenue Service as well as the Department  
11          of Revenue as it relates to the  
12          collecting of outstanding taxes, but also  
13          follow up with, is there any particular  
14          areas that's more outstanding than others  
15          that you're actually focusing on to bring  
16          in additional -- well, to bring not so  
17          much bring in additional revenue, but to  
18          make sure folks are in compliance?

19                   COMMISSIONER RICHARDSON: Good  
20          question. We work with the IRS and the  
21          Commonwealth of Pennsylvania. We have  
22          Memorandums of Understanding with them to  
23          share data. For example, from the IRS,  
24          we get returns. For example, a couple  
25          years ago when we had tax amnesty, we

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       looked at 32,000 potential people who  
3       were claiming tax deductions because they  
4       had a business. So some folks here  
5       remember that. So we get information,  
6       because a lot of folks may be filing  
7       returns with them and not paying business  
8       taxes to the City of Philadelphia. So we  
9       have a very good working relationship  
10      with them.

11                   Same with the Commonwealth.  
12      They provide data on a quarterly basis on  
13      sales tax audits that they may have done  
14      on businesses in the City of  
15      Philadelphia, and we send data to them on  
16      some audits or files that they may want  
17      to see from us on a daily basis.

18                   When we look at tax  
19      collections, we look at all the taxes.  
20      We don't just look at one specific tax.  
21      Yes, we know real estate may be the  
22      highest amount. We're focusing on that.

23                   COUNCILMAN JOHNSON: What's  
24      after real estate?

25                   COMMISSIONER RICHARDSON: Say

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           that again.

3                   COUNCILMAN JOHNSON: What would  
4           be after real estate, your other highest  
5           category?

6                   COMMISSIONER RICHARDSON:  
7           Business privilege tax would be the next  
8           highest from there. We pay particular  
9           concern to all the trust fund taxes. So  
10          if anybody there owes for a parking tax,  
11          wage tax, we look at those taxes, because  
12          we know that if -- unfortunately, if we  
13          had somebody who wants to neglect making  
14          their payment, we want to work with the  
15          District Attorney's Office to seek  
16          prosecuting them, because that's a  
17          white-collar crime. They stole money  
18          from taxpayers who remitted that to them  
19          and they don't remit the money to us.  
20          So, again, we look at the whole gamut of  
21          everything.

22                   COUNCILMAN JOHNSON: And the  
23          other component, I've spoken to  
24          constituents from the business community.  
25          I talked about, particularly in the



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           parking industry, how there's a whole  
3           area of individuals who have underground  
4           parking operations that actually go  
5           without being taxed.

6                     Has anyone begun to take a look  
7           at that particular area, like the valet  
8           parking? There's a variety of different  
9           areas.

10                    COMMISSIONER RICHARDSON: Well,  
11           before you got here, sir, we worked with  
12           Mr. Zuritsky and his group and we have a  
13           listing of all the alleged locations that  
14           he claims are not paying taxes. We  
15           went --

16                    COUNCILMAN JOHNSON: We're  
17           already in the process?

18                    COMMISSIONER RICHARDSON: We've  
19           been working with that data since last  
20           year. Again, we've opened the door to  
21           someone he says that can help us with  
22           looking at tax audits on parking taxes,  
23           so...

24                    COUNCILMAN JOHNSON: Can I get  
25           a report on -- when you get a chance, can

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 someone provide my office with a report  
3 on --

4 COMMISSIONER RICHARDSON: No,  
5 sir.

6 COUNCILMAN JOHNSON: You can't?

7 COMMISSIONER RICHARDSON: No.  
8 Taxpayer, that's confidential, sir. We  
9 can't give it to you.

10 COUNCILMAN JOHNSON: Got you.  
11 Okay. All right.

12 And the other component is the  
13 same information that Councilman Goode  
14 requested regarding the New Market Tax  
15 Credit as well as the Job Creation Tax  
16 Credit Program, if I can get a report of  
17 that as well.

18 COMMISSIONER RICHARDSON: Well,  
19 I can tell you for New Market Tax Credit,  
20 I think there's only two that have taken  
21 advantage of that right now.

22 COUNCILMAN JOHNSON: I didn't  
23 hear.

24 COMMISSIONER RICHARDSON: Only  
25 two, I think, have taken advantage of

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           that.

3                   COUNCILMAN JOHNSON:   So what  
4           are we doing to increase the  
5           participation or involvement?

6                   COMMISSIONER RICHARDSON:   Well,  
7           the information is on the system.  
8           There's not a lot of CDCs or entities  
9           that are looking to become New Market Tax  
10          Credits or entities like that.

11                  COUNCILMAN JOHNSON:   And I  
12          guess just to go back, since I'm not  
13          privy because it's taxpayers'  
14          information, regarding the study dealing  
15          with the actual underground parking lots  
16          and so forth, at what point will we know  
17          from a public standpoint that some  
18          progress is being made without you  
19          actually giving me information?

20                  COMMISSIONER RICHARDSON:   You  
21          will never know, sir.

22                  COUNCILMAN JOHNSON:   We will  
23          never know?

24                  COMMISSIONER RICHARDSON:   No.  
25          I can't tell you if we went to ABC

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           company and did an audit or we went to  
3           Sanchez Parking lot on 7th and Lehigh.  
4           We can't tell you that, even what the  
5           audit is, what the findings were. We  
6           can't give you that information, sir.

7                   COUNCILMAN JOHNSON: Got you.  
8           Okay.

9                   That's it at the moment. Thank  
10          you very much.

11                   COUNCIL PRESIDENT CLARKE:  
12          Thank you, Councilman.

13                   COUNCILMAN JOHNSON: You're  
14          welcome, Mr. President.

15                   COUNCIL PRESIDENT CLARKE: The  
16          Chair recognizes Councilmember Kenney.

17                   COUNCILMAN KENNEY: Thank you,  
18          Mr. President.

19                   I have one question and just  
20          one comment. I'd like to thank the  
21          Department and Rob Dubow and Rebecca  
22          Rhynhart. We have been working and  
23          discussing a lot of this uncollectible  
24          taxes, specifically on parking lots,  
25          construction, large projects on site,

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       residential restoration and construction,  
3       things like nail salons. Out-of-town  
4       commercial bakeries, believe it or not,  
5       are servicing commercial restaurants and  
6       other places in the City without paying  
7       taxes.

8                       So there's apparently ongoing  
9       discussion and meeting that are planned  
10      to have that discussion. And one of the  
11      main reasons why I was so animated about  
12      it was because I was getting complaints  
13      from people who say to me, you know, I  
14      pay everything I'm supposed to pay, I pay  
15      my workmen's comp and my unemployment  
16      compensation and I my pay taxes, and then  
17      when I go to bid against these guys, I  
18      wind up being 15, 20, 25 percent overbid.

19                      So I want to thank them for  
20      their continued work. I know it's hard  
21      to do, but it's worthwhile.

22                      The question that I have is,  
23      recently we passed legislation waiving  
24      the business taxes for two years for new  
25      companies in the City that create six

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           jobs over two years. Have the  
3           regulations been written and promulgated  
4           on what the rules are to take advantage  
5           of that?

6                       COMMISSIONER RICHARDSON: The  
7           regulations are written, sir. They have  
8           not been submitted to the Records  
9           Department.

10                      COUNCILMAN KENNEY: Are they  
11           out of Law?

12                      COMMISSIONER RICHARDSON: No.  
13           They will probably be out this week. The  
14           individual that was reviewing it was out  
15           for a couple of weeks on vacation, sir.  
16           So they will be out soon.

17                      COUNCILMAN KENNEY: What's the  
18           process with Records, how long?

19                      COMMISSIONER RICHARDSON:  
20           Thirty days it has to be posted for the  
21           public to review. If someone has  
22           complaints or concerns with it, they can  
23           seek for me to have a public hearing, if  
24           I decide to do that or not.

25                      COUNCILMAN KENNEY: And this

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 is -- I'm sorry. Say again about the  
3 public hearing.

4 COMMISSIONER RICHARDSON: If  
5 people have concerns with the regulations  
6 and are seeking an answer from myself or  
7 the Department, we can have a public  
8 hearing if we need to.

9 COUNCILMAN KENNEY: All right.  
10 And that process is a rolling process, so  
11 whenever they're actually officially  
12 promulgated, then that starts from there  
13 that period, or does it start from  
14 January of --

15 COMMISSIONER RICHARDSON: It  
16 starts from January. The law is January  
17 1st, sir.

18 COUNCILMAN KENNEY: Okay.  
19 Because I'm trying to get to a point  
20 where we can actually take advantage of  
21 it.

22 COMMISSIONER RICHARDSON: Of  
23 the new business opportunity?

24 COUNCILMAN KENNEY: Yes.

25 COMMISSIONER RICHARDSON: Well,

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 I'm trying to look for the statistics for  
3 you right now, sir, on how many people  
4 have taken advantage of it so we can --

5 COUNCILMAN KENNEY: I'm sorry.  
6 Can you take advantage of it before  
7 everything was completed?

8 COMMISSIONER RICHARDSON: You  
9 don't need regulations to be in place  
10 before --

11 COUNCILMAN KENNEY: Oh, fine.  
12 So we didn't lose any time?

13 COMMISSIONER RICHARDSON: No,  
14 you have not lost any time.

15 COUNCILMAN KENNEY: We're just  
16 completing the administrative process?

17 COMMISSIONER RICHARDSON: Yes,  
18 sir.

19 Mr. Breslin is telling me right  
20 now 159 businesses have taken advantage  
21 of it.

22 COUNCILMAN KENNEY: How many?  
23 I'm sorry.

24 COMMISSIONER RICHARDSON:  
25 Approximately 159 businesses have taken



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           advantage of it.

3                   COUNCILMAN KENNEY: Really?

4           I'm kind of surprised at the number. I  
5           mean, it's somewhat gratifying that that  
6           many companies knew about it, number one,  
7           and took advantage of it. So that's good  
8           news.

9                   All right. Great. Thank you.

10                   COMMISSIONER RICHARDSON:

11           You're welcome.

12                   COUNCIL PRESIDENT CLARKE:

13           Thank you, Councilman.

14                   The Chair recognizes

15           Councilmember Sanchez.

16                   COUNCILWOMAN SANCHEZ: Thank  
17           you.

18                   Good morning.

19                   COMMISSIONER RICHARDSON: Good  
20           morning.

21                   COUNCILWOMAN SANCHEZ: I too  
22           want to thank your department for working  
23           with me through some of our collection of  
24           tax bills and some of the collection  
25           efforts that we've talked about.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           I did want to mention to my  
3   colleague, Councilman Johnson, that the  
4   Department can get you a sense of what  
5   your debt is in your district, and that  
6   may be something you want to look at. So  
7   it actually might be helpful for all of  
8   us to look at as we increase our tax  
9   collection efforts. For me and my  
10   office, I would like to monitor if we're  
11   doing better or if we're doing worse.  
12   Obviously with the help of Commissioner  
13   Bethel, my collection was that 20 percent  
14   of the water debt was in my district and  
15   we were down to 12, and hopefully she has  
16   a better number for me.

17           DEPUTY COMMISSIONER BETHEL: I  
18   do. I'm happy to report you're still at  
19   12 percent.

20           COUNCILWOMAN SANCHEZ: I'm  
21   still at 12 percent?

22           DEPUTY COMMISSIONER BETHEL:  
23   Yes, you are; 12 and holding.

24           COUNCILWOMAN SANCHEZ: Twelve  
25   and holding.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Commissioner, you talked a  
3           little bit about your expanded authority  
4           in the resolution of debt. Can you tell  
5           us how you're using that on the  
6           collection side.

7           COMMISSIONER RICHARDSON: Oh,  
8           okay, the authority that you guys gave us  
9           last year, up to \$50,000. That's giving  
10          us the ability now to see more cases to  
11          take away from what the Tax Unit is doing  
12          and make resolution with them. We don't  
13          keep statistics on how many cases we  
14          resolve because of that legislation that  
15          was in place right now, but it's helped a  
16          lot to create less of a flow of cases  
17          going to the Tax Review Board and also go  
18          through our attorneys to work on a daily  
19          basis.

20          COUNCILWOMAN SANCHEZ: It would  
21          be interesting to see -- again, I think  
22          we're all searching for what are the  
23          tools, the tools that we need from the  
24          state and then the tools that we have in  
25          our own arsenal. So I'd be interested to

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           see in that number, that authority that  
3           you have, how it's being utilized.

4                   As much as we talk about it all  
5           the time, I think Councilman Kenney a  
6           couple of weeks ago mentioned the whole  
7           issue of how we carry these debts and our  
8           penalties and so forth and so on, and we  
9           all want to see bigger collection  
10          activities, but I am concerned, and as  
11          you know we talked about it in our  
12          meeting, about the collections in  
13          low-income areas.

14                   Are there any -- and as you  
15          know, I've been pushing for WRAP  
16          enrollments. Do we have any idea of how  
17          many people are eligible for WRAP that  
18          are not enrolled?

19                   DEPUTY COMMISSIONER BETHEL: I  
20          wish I could say that we know how many  
21          are eligible. We would probably have no  
22          way of knowing that, but I can tell you  
23          how many have applied and what their  
24          status is.

25                   COUNCILWOMAN SANCHEZ: So

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           there's no way that we can collaborate  
3           with the IRS to see where low income -- I  
4           mean, we know where low-income areas are.

5                       DEPUTY COMMISSIONER BETHEL:

6           The issue is if the low-income person is  
7           the owner of the water bill, if we're  
8           talking about water, so they could be a  
9           low-income person, but if they're not the  
10          person in charge of the water bill, that  
11          number doesn't really mean much, because  
12          they're not the person that can benefit  
13          from being in the WRAP program.

14                      COUNCILWOMAN SANCHEZ: You  
15          talked about some of the hardship cases  
16          that we go through. When you are  
17          settling up and putting someone on a  
18          payment plan, do you have the -- and they  
19          were eligible for WRAP, do you have the  
20          ability to backtrack their bill on their  
21          eligibility for WRAP? When you're  
22          reconfiguring the debt -- and I know you  
23          say some of it is done through a payment  
24          system, you guys have some assistance.  
25          Do you have enough tools to be able to

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           say, We have someone who is delinquent,  
3           they came in and did a bill, they should  
4           have been in WRAP, weren't in WRAP, and  
5           recalculate their bill?

6                       DEPUTY COMMISSIONER BETHEL:

7           The WRAP program that most people like to  
8           take advantage of if they are able takes  
9           their entire bill. So it does go back.  
10          So, for instance, if someone were to come  
11          in now and they were eligible for our  
12          WRBCC program, which is their back  
13          delinquency is suspended and then they're  
14          just going to work on their current, we  
15          get it all. So if someone comes in today  
16          and they owed us money back to 2005, all  
17          of their debt goes into this plan, but  
18          the only -- so that gets suspended. So  
19          for this year, for 2012, they're going to  
20          pay their current water bill charges, and  
21          as long as they pay that, hopefully  
22          they're not adding on to the delinquency  
23          that was from 2005 to 2012. So they  
24          are -- so that amount really is frozen,  
25          so to speak, because --

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILWOMAN SANCHEZ: But the  
3 debt was still calculated based on them  
4 not being on a program?

5 DEPUTY COMMISSIONER BETHEL:  
6 Correct. But there's no disadvantage to  
7 them, because we incorporate all of their  
8 debt that they bring to us.

9 COUNCILWOMAN SANCHEZ: No, no.  
10 But I want to get to, again, I want to  
11 get to the debt and what we carry on the  
12 books. So if someone comes in, we  
13 negotiate with them, we determine that  
14 they were WRAP eligible and they're  
15 not -- and as you know, part of my  
16 frustration is, there's so many people  
17 that are eligible for WRAP who don't know  
18 it, and we've worked with your office to  
19 try to increase that. Do we not  
20 recalculate their debt based on the fact  
21 that they were eligible?

22 DEPUTY COMMISSIONER BETHEL:  
23 There wouldn't -- maybe I'm not  
24 understanding your question.

25 COUNCILWOMAN SANCHEZ: I'm

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           talking about carrying the debt. Do we  
3           still carry the debt?

4                     DEPUTY COMMISSIONER BETHEL:

5           The debt isn't going to go away.

6                     COUNCILWOMAN SANCHEZ: But it's  
7           frozen at a value that person was  
8           eligible for a program that we didn't  
9           enroll them in. So I'm wondering, do we  
10          have enough arsenals to be able to do  
11          that as part of that program that you're  
12          managing?

13                    DEPUTY COMMISSIONER BETHEL: I  
14          would say yes, because the only  
15          difference is that they would be getting  
16          possibly a grant that is going toward  
17          their current bill. Their current bill  
18          would be a certain amount, so it's not  
19          going to go back to their back debt in  
20          the program that most people are trying  
21          to take advantage of. For those people  
22          who qualify that would start to pay on  
23          their back debt, if they can pay their  
24          back debt in 60 months or less, some  
25          people do, but if the people who are



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       coming to us, particularly in your  
3       district, if their bills are tens of  
4       thousands of dollars, they don't have the  
5       resources to fit into that 60-month plan,  
6       so, therefore, they're not on -- that's  
7       called our disposable income plan.  
8       They're not on our disposable income  
9       plan. They're on the WRBCC, where they  
10      are not touching their back debt, so it's  
11      not going anywhere, unfortunately.

12                   COUNCILWOMAN SANCHEZ: Right.  
13      And that's my concern. I want to get to  
14      how do we wipe off some of the debt?  
15      Because that's what people hear, that's  
16      what the press puts out there. There's  
17      this huge number that you know you're not  
18      collecting, we know you're not  
19      collecting, but we get thrown in our  
20      faces. Do we have the tools to be able  
21      to say that's not real?

22                   DEPUTY COMMISSIONER BETHEL:  
23      The only thing we have at this point, the  
24      only tools we have is the 15-year  
25      write-off process. So that debt when it

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           gets to 15 years is written off. Would  
3           it be -- and that's out of my control as  
4           to when we would be able to write that  
5           off at all.

6                   COUNCILWOMAN SANCHEZ: I'll  
7           continue on my next round. Thank you.

8                   COMMISSIONER RICHARDSON: Point  
9           of privilege, Council President.

10                  COUNCIL PRESIDENT CLARKE:  
11          Sure.

12                  COMMISSIONER RICHARDSON: For  
13          Mr. Johnson, Councilman Johnson's  
14          question, we've done about 51 audits over  
15          a million dollars on parking taxes. At  
16          the same time, we do take into account  
17          the other taxes that those businesses may  
18          owe as well.

19                  COUNCILMAN JOHNSON: Thank you.

20                  COMMISSIONER RICHARDSON:  
21          You're welcome, sir.

22                  COUNCIL PRESIDENT CLARKE:  
23          Thank you.

24                  The Chair recognizes  
25          Councilmember Henon.

1                   4/9/12 - WHOLE - BILL 120164, ETC.

2                   COUNCILMAN HENON: Thank you,  
3 Council President.

4                   Good morning.

5                   COMMISSIONER RICHARDSON: Good  
6 morning, sir.

7                   COUNCILMAN HENON: First I want  
8 to start off by thanking you and your  
9 office for the willingness to work with  
10 me and us on laying down the foundation  
11 on the future partnership. It's my  
12 intention not only that most residents  
13 and businesses who are delinquent to pay  
14 their taxes but particularly the 6th  
15 District to be delinquency free by the  
16 end of my first term. So I look forward  
17 to having you support me in that effort.  
18 So thank you for that.

19                   It's also my understanding that  
20 you had some recent restructuring of the  
21 Department working a little more closely  
22 with the Law Department in, I'm going to  
23 say, seamlessly with the Department of  
24 Revenue. Could you talk about some of  
25 those changes and what were some of the

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 results and outcomes?

3 COMMISSIONER RICHARDSON: Sure.

4 Last year this time we started embarking  
5 on the legal tax -- Law Tax Unit within  
6 the City Solicitor's Office being  
7 transferred to the Department of Revenue.  
8 As you probably go to most jurisdictions  
9 or states, there is a legal component  
10 within the department. This fiscal year  
11 we have an MOU in place that the legal  
12 group of about 60 or 70 employees work  
13 under the Revenue Department. Again, the  
14 attorneys still report to the City  
15 Solicitor.

16 We're hoping to have a  
17 transition to move them physically into  
18 the MSB building. That hasn't happened  
19 yet, but we're looking forward to that  
20 hopefully in the next couple of months.

21 It's given us an opportunity to  
22 have more of a better working  
23 relationship, talking to each other. We  
24 have a monthly meeting to go over the top  
25 delinquencies on water, a meeting to go

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           over the top delinquencies on tax. We  
3           have meetings with our Audit Discovery  
4           Division with some attorneys to go over  
5           cases that they may end up taking to the  
6           Tax Review Board to defend on behalf of  
7           the City. So they understand more what  
8           it takes to do an audit, why we came with  
9           the determination on the assessment that  
10          we've done as well.

11                        So it's a much better working  
12          relationship than it may have been  
13          probably to the four of us being here  
14          within the City. So that's how things  
15          are right now, I would say.

16                       COUNCILMAN HENON: Great. Now,  
17          you have -- can you explain to me the Tax  
18          Unit. In the Tax Unit, you have  
19          collectors, you have auditors and you  
20          have investigators; is that correct?

21                       COMMISSIONER RICHARDSON:  
22          You're talking with the Department or  
23          within Law?

24                       COUNCILMAN HENON: Within the  
25          Department.

1                   4/9/12 - WHOLE - BILL 120164, ETC.

2                   COMMISSIONER RICHARDSON: Yes.

3                   We have in our Compliance area, we have  
4                   auditors, we have a discovery group, we  
5                   have investigators, about six or seven  
6                   investigators that go out in the field.  
7                   Those individuals go out. Again, as I  
8                   said earlier, we work with L&I canvassing  
9                   the various business corridors, and we  
10                  just started working with the  
11                  Commonwealth's Department of Revenue last  
12                  month going out to the various corridors.  
13                  We've started going out to some of the  
14                  taller buildings in town, knocking on the  
15                  doors, looking at the registry downstairs  
16                  in the lobby and trying to figure out  
17                  which businesses we can go out to. We  
18                  have little pilots or things now that we  
19                  can access through the tax system kind of  
20                  realtime as we're looking at the registry  
21                  of businesses. So we're trying to be  
22                  more proactive doing that.

23                  COUNCILMAN HENON: All right.

24                  And I believe my colleague, Majority  
25                  Leader Councilman Jones, made a statement

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 that the rate of return has been pretty  
3 good?

4 COMMISSIONER RICHARDSON: No.  
5 He's talking about phone collectors.

6 COUNCILMAN HENON: Oh, they  
7 were phone collectors?

8 COMMISSIONER RICHARDSON:  
9 That's phone collectors. That's where  
10 the rate of return is excellent.

11 COUNCILMAN HENON: But the rate  
12 of return with the due diligence and the  
13 restructuring of the office has been more  
14 successful?

15 COMMISSIONER RICHARDSON: It's  
16 been more successful. Again, we're about  
17 14 million above last year in  
18 collections. I know we'll exceed the 15  
19 million that I'm looking for. Again,  
20 that's the Department's marching orders,  
21 and I think we'll be successful in that  
22 for water and for tax.

23 Just on the audit side,  
24 auditors probably are doing an average of  
25 a million dollars or more per audit. So

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 that's a plus as well.

3 COUNCILMAN HENON: And how do  
4 you decide when it comes to third-party  
5 agencies, collection agencies? How do  
6 you decide or determine whether you want  
7 to use their professional services or  
8 continue on the restructuring and the  
9 good success that you've had with working  
10 with the Law Department and your team  
11 that is consisting of investigators and  
12 collectors?

13 COMMISSIONER RICHARDSON: Well,  
14 with the working relationship that we  
15 have currently, that doesn't make a  
16 determination about third-party  
17 collectors. We still need them. Again,  
18 the upfront process on delinquent cases,  
19 we don't have the ability to make that  
20 outbound call. So we do mailings. So we  
21 need to get to where the Commonwealth is  
22 or back to where we were before Y2K when  
23 the City had an outbound calling system.

24 So we use collection agencies  
25 outbound. We send RFPs out. We're



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       actually doing one right now for draft to  
3       add maybe one or two more agencies,  
4       because now we want to get the upfront  
5       cases, someone that's been delinquent at  
6       day 35. We want to be more proactive at  
7       going after those folks instead of  
8       waiting 90 days, 105 days before it goes  
9       out a collection agency or it's in our  
10      bailiwick as an attorney in case.  
11      Attorneys can't handle 100, 200 cases.  
12      That's not realistic. So we're trying to  
13      be more proactive and send cases out like  
14      that.

15                   For example, you'll find now in  
16      real estate, some of your constituents  
17      will be getting phone calls from us  
18      probably by the end of this month on  
19      their delinquent real estate that was due  
20      March 31st. Our belief has always been  
21      they have until December 31st. No. They  
22      have until March 31st to make their  
23      payment. So they're going to start  
24      getting phone calls from us sometime this  
25      month about making their payment, because

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           interest and penalty is adding up and I'm  
3           pretty sure they don't want to pay that  
4           as it continues to be slow pay and  
5           delinquent.

6                   COUNCILMAN HENON: Thank you.  
7           I have no further questions.

8                   COUNCIL PRESIDENT CLARKE:  
9           Thank you, Councilman.

10                   Before we go to the second  
11           round, I had a couple of questions.

12                   With respect to the Water  
13           Revenue collections process -- and I  
14           actually spoke to Mr. Dubow, and I know  
15           we tried to arrange a meeting with you,  
16           Commissioner, relating to meters and some  
17           issues in the changing of meters. I  
18           think we were in this process where we  
19           were going from automatic -- I'm sorry;  
20           going from the old-school manually  
21           reading the meters to an automatic  
22           reading. And in a number of cases in my  
23           district and I suspect in other  
24           districts, we had this phenomenon where  
25           individuals were paying their bills based

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           on estimates being sent out, and then the  
3           meters got changed and they got these  
4           dramatic increases.

5                       In the case of the one  
6           gentleman who lives in close proximity to  
7           me, he feels free every time he gets the  
8           water bill to knock on my door every  
9           night -- that's a part of being an  
10          elected official, service 24/7. He was  
11          getting, I think it was, like an \$80 bill  
12          a month based on the estimate and then he  
13          gets this new meter and he gets socked  
14          with a \$1,300 bill the next month and  
15          they said it was arrears from the old  
16          meter, and we walked through the process.  
17          And you need to know that he knocked on  
18          the door again one night with hopefully  
19          good news. He said that they came out,  
20          they did an analysis and it was probably  
21          incorrect.

22                      Is this happening across the  
23          City, and what are we going to do?  
24          Because in this particular case, this  
25          gentleman was actually charged interest

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           and penalty on the back money that the  
3           new meter said he owed. Where are we at?

4                   DEPUTY COMMISSIONER BETHEL:

5           What you're speaking of is, throughout  
6           the City, the batteries are being  
7           replaced because they have come to end of  
8           life. So in that particular case, the  
9           battery was changed out. And normally  
10          for the vast majority of our customers,  
11          after the battery is changed out, the new  
12          battery is put in, a meter reading is  
13          taken and all is well with the world. We  
14          get the correct billing and we move  
15          forward.

16                   There are some cases where the  
17          battery had already failed prior to the  
18          battery being changed. So estimated  
19          readings were being sent to us from  
20          Itron, our third-party vendor, to our  
21          water billing system, so we would  
22          continue to bill them at the estimated  
23          rate. And on all bills, it has the  
24          letter "E" that let's the customer know  
25          that this is not an actual read, it is an

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           estimated reading.

3                   When that particular customer's  
4           battery was changed, then we received an  
5           actual billing -- an actual reading.  
6           Well, our system is going to calculate  
7           the difference between the estimated read  
8           and the actual read. Unfortunately for  
9           that particular case -- I'm actually  
10          familiar with that customer's case -- the  
11          battery had to be reprogrammed. There  
12          was something wrong. After that battery  
13          was put in, we got the actual read. The  
14          reading was high. We went back out and  
15          then this time we actually changed -- we  
16          replaced the battery again and put in a  
17          new meter, because it appeared that the  
18          meter at this point had failed. That is  
19          an anomaly.

20                   COUNCIL PRESIDENT CLARKE: I'm  
21          not necessarily -- and thank you, now  
22          that I have the face with my office  
23          conversation.

24                   DEPUTY COMMISSIONER BETHEL:

25          Yes. Yes.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCIL PRESIDENT CLARKE: The  
3 issue is, how can we charge the person  
4 based on whatever challenges happen with  
5 the meter or the battery from \$80 to  
6 \$1,300 based on some inaccuracies on  
7 something that the City of Philadelphia  
8 owes? What this gentleman was paying,  
9 his estimated bill every month,  
10 clockwork, he would go to the  
11 check-cashing place, they would take the  
12 money, and now we're going to say that he  
13 owes \$1,300 with both interest and  
14 penalty, and from a policy perspective,  
15 how is that fair?

16 DEPUTY COMMISSIONER BETHEL:  
17 His was twofold. His was definitely an  
18 error. So that is why that was taken  
19 off, but in theory, if someone --

20 COUNCIL PRESIDENT CLARKE: Let  
21 me follow up. Although I'm the Council  
22 President, I also have time too. I'm  
23 actually locked into a certain time  
24 period.

25 DEPUTY COMMISSIONER BETHEL:

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           We're here to answer your questions.

3                   COUNCIL PRESIDENT CLARKE: The  
4           issue is from a policy perspective --  
5           that's what I'm trying to focus on, not  
6           necessarily on this gentleman, but  
7           policy-wise, if there's an issue. So if  
8           we acknowledge -- because this has  
9           happened and I got another gentleman who  
10          got a \$42,000 bill in another part of my  
11          district, which clearly he does not own a  
12          car wash.

13                   So what's being done from a  
14          policy perspective to go back and tell  
15          these people, Time out? In the case of  
16          this gentleman, he's like 75 years old.  
17          He's like freaking every time he gets  
18          this bill. What's the game plan on going  
19          back? Because I'm hearing this is  
20          happening all over. I know one of my  
21          colleagues, a Councilman at-large, said  
22          they have a similar issue.

23                   Are we going back and starting  
24          all over and saying there was an error,  
25          regardless of whose problem it is, we're

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           going to start fresh and start with a new  
3           meter, battery or whatever it takes to  
4           move forward as opposed to trying to  
5           require --

6                       DEPUTY COMMISSIONER BETHEL:  
7           The onus of the bill -- so I think it's  
8           twofold. Every month a customer receives  
9           a bill, and on that bill it's going -- if  
10          it shows an E, it's an estimated  
11          payment -- I mean, it's an estimated  
12          reading. So if a customer continues to  
13          see an estimated reading, they should  
14          contact us.

15                      Now, we are now being more  
16          proactive. After a certain amount of  
17          estimated readings that we receive from a  
18          customer, we are going to put a message  
19          on the bill stating, Mr. Customer --

20                      COUNCIL PRESIDENT CLARKE: Why  
21          is it the customer's responsibility to  
22          contact you if you continue to send a  
23          bill out that has an estimate reading on  
24          it? I mean, they get a bill --

25                      DEPUTY COMMISSIONER BETHEL:



1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Because they're using the water, so the  
3 thing is that the estimated reading, it's  
4 just an estimate, because there could be  
5 something blocking the meter that we are  
6 not able to get an actual read. There  
7 are some people, believe it or not, that  
8 don't want to pay their actual bill.

9 COUNCIL PRESIDENT CLARKE: I'm  
10 talking about people who are faithfully  
11 paying their bill. You're sending out  
12 estimate bills every month, and now  
13 you're saying it's the customer's  
14 responsibility to call you and say,  
15 You're sending me a bill, I'm paying it  
16 every month, but you have to come out?

17 DEPUTY COMMISSIONER BETHEL:  
18 No. What I'm saying --

19 COUNCIL PRESIDENT CLARKE: I  
20 don't understand that. Why don't you  
21 stop sending the estimated bills.

22 DEPUTY COMMISSIONER BETHEL:  
23 Well, we still need to bill them even if  
24 we don't have an actual read.

25 COUNCIL PRESIDENT CLARKE: But

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           is that the customer's responsibility?

3                   DEPUTY COMMISSIONER BETHEL:

4           What I'm saying is, if there are several  
5           estimated readings on a bill and if a  
6           customer is concerned that they may not  
7           be paying the accurate amount, so let's  
8           say, for instance, we are estimating them  
9           too high and they're paying too much, we  
10          would want them to --

11                   COUNCIL PRESIDENT CLARKE: I  
12          don't think --

13                   COMMISSIONER RICHARDSON:  
14          Council President.

15                   COUNCIL PRESIDENT CLARKE: I  
16          don't think you're reading me. I'm  
17          talking about -- most people, they get  
18          these bills, particularly seniors, they  
19          get these bills, this is what you owe. I  
20          pay what I owe. And I don't know why the  
21          emphasis is shifted to the customer, like  
22          why is that --

23                   COMMISSIONER RICHARDSON: What  
24          she's trying to say to you, Council  
25          President, first of all, we are trying to

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           to be more proactive after we see a  
3           couple of bills that have estimates on  
4           them.

5                       Secondly, you have to  
6           understand, a lot of times we may go out  
7           to the residence of somebody who gets an  
8           estimated bill, they may not want to let  
9           us in. So if we can't get in and change  
10          the error, they're going to continue to  
11          get that bill.

12                      Hopefully I think the Water  
13          Department is going to be changing all of  
14          the batteries in the next year or so in  
15          every residence.

16                      So if we can't get into your  
17          house and you know that you got a \$13  
18          bill every month, you may not want us to  
19          come in and change that, because you know  
20          it's going to go higher. I talked to a  
21          customer last week who knew they were  
22          getting estimated reads for two years.  
23          He understood that, and he knew he didn't  
24          want it changed, but he knew -- because  
25          he knew it would go up.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           So a lot of times folks do know  
3           it. Policy-wise, yes, we're looking at  
4           being more proactive to understand that  
5           some folks are getting estimated bills.  
6           We're trying to be more proactive to go  
7           knock on their doors and say, Hey, you  
8           have estimated bills, we want to change  
9           your reading.

10                 No, you can't come in.

11                 Well, what can we do? We can't  
12           subpoena every water customer to get in  
13           to change their bill.

14                 So it's a -- yes, you're the  
15           customer, you know what you're getting.  
16           Yes, we know who is getting these, and  
17           we're trying to be proactive. So it's a  
18           unison. We have to work together. And I  
19           guess in the sense, for the folks that  
20           have districts, we're willing to work  
21           with you if you have clientele that are  
22           calling you, your constituents, saying  
23           they have this issue. We'll work with  
24           you, but, I mean, they have to let us in  
25           also to make the changes.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCIL PRESIDENT CLARKE: I'm  
3 not going to burden --

4 COMMISSIONER RICHARDSON: We  
5 can talk off line.

6 COUNCIL PRESIDENT CLARKE: --  
7 my colleagues with this particular one,  
8 but I'm telling you -- and I'm not  
9 hearing from you what basically I'm  
10 trying to find out --

11 COMMISSIONER RICHARDSON: Not a  
12 problem.

13 COUNCIL PRESIDENT CLARKE: --  
14 from a policy perspective, if there's a  
15 challenge, would you go back and start --  
16 no, no, no, because we got a lot of  
17 questions to do. So I'll go on. I'll  
18 deal with you -- we'll have that  
19 follow-up meeting.

20 COMMISSIONER RICHARDSON:  
21 That's fine.

22 COUNCIL PRESIDENT CLARKE:  
23 Water discounts, right now the City of  
24 Philadelphia charges -- I'm sorry; we  
25 sell water to other entities outside of

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           this municipality. Is that handled by  
3           the Water Department or is it handled by  
4           Water Revenue?

5                       DEPUTY COMMISSIONER BETHEL:  
6           The Water Department.

7                       COUNCIL PRESIDENT CLARKE: So  
8           you guys have nothing to do with those  
9           contracts?

10                      DEPUTY COMMISSIONER BETHEL:  
11           No.

12                      COUNCIL PRESIDENT CLARKE:  
13           Okay. Let me ask you one question and  
14           then I'm going to turn it over to my  
15           colleagues.

16                      I get this question asked all  
17           the time, PILOTs, payment in lieu of  
18           taxes, and it comes up every time we have  
19           a challenge with respect to -- can you  
20           briefly go through what happened as it  
21           related to some of the changes in the  
22           state law that happened as a result of an  
23           earlier agreement that was made by a  
24           prior Administration when we actually had  
25           an arrangement on PILOTs and that

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           arrangement kind of went away with some  
3           changes in the state law.

4                     The bottom-line question is, is  
5           there anything that we can do as it  
6           relates to PILOTs, in addition to which  
7           some of the discounts for non-profit  
8           entities as it relates to water? Because  
9           I understand we discount non-profit  
10          entities, some of the very, very large  
11          institutions that in most people's mind  
12          aren't necessarily non-profits. Can you  
13          talk briefly about that.

14                    MS. BECKLEY: Well, I can speak  
15          to the legal issue, which is why don't we  
16          essentially have PILOTs anymore with  
17          non-profits, and the answer is that the  
18          law as to who was a purely private  
19          charity, which is the relevant term for  
20          tax exemption in Pennsylvania, used to be  
21          very murky, and it used to be that even  
22          hospitals and universities had real  
23          questions about whether they gave enough  
24          scholarships, whether they gave enough  
25          free care to qualify as a charity and to

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           get a real estate tax exemption. So we  
3           would go to them and we would say pretty  
4           bluntly, We don't want to take you to  
5           court and challenge you, so why don't we  
6           come to a nice agreement where you pay  
7           some percentage of what you would pay in  
8           real estate taxes to us as a PILOT.

9                       Largely because the law was so  
10          murky and was creating so much  
11          litigation, the General Assembly decided  
12          to clarify the law and to set up, in Act  
13          55, very clear standards about who is a  
14          charity, and now our large institutions  
15          feel very comfortable that in fact they  
16          are exempt from real estate tax, and we  
17          have no real possibility of taking them  
18          to court and challenging that. We have  
19          no leverage on them.

20                      We're trying to get creative,  
21          and this is why, for example, we went and  
22          did the MOU with a large university. The  
23          university -- okay, everybody is short on  
24          cash right now. They don't have cash to  
25          give us. Instead, they're giving us the



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           opportunity to make sure that they don't  
3           do business with anybody who isn't fully  
4           compliant. And there are hundreds of  
5           vendors for a large university. We can  
6           start getting large hospitals in on this  
7           too. It's a more creative, different  
8           solution in an era when nobody has got  
9           free cash.

10                   COUNCIL PRESIDENT CLARKE:  
11           Okay. And the followup on water  
12           discounts, because I do not think we're  
13           required by law to give water discounts.

14                   COMMISSIONER RICHARDSON: No,  
15           we're not required by law to give  
16           non-profits a discount. Again, we came  
17           to Council about two and a half years ago  
18           in regards to that because we were trying  
19           to get away from the discount, but that  
20           didn't happen.

21                   COUNCIL PRESIDENT CLARKE:  
22           Because Council wasn't willing to --

23                   COMMISSIONER RICHARDSON: Do  
24           it.

25                   COUNCIL PRESIDENT CLARKE: So

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           is there a way? Because I don't -- maybe  
3           I'm wrong -- think that there's a  
4           uniformity clause. Is there a way that  
5           there can be a mean space discount?

6                   COMMISSIONER RICHARDSON:  
7           Uniformity clause doesn't go towards  
8           water, sir. That's toward tax.

9                   COUNCIL PRESIDENT CLARKE: I'm  
10          sorry?

11                   COMMISSIONER RICHARDSON: The  
12          uniformity clause doesn't go towards  
13          water. That goes towards taxes.

14                   COUNCIL PRESIDENT CLARKE:  
15          Right. So the second part of the  
16          question was, if there's no uniformity  
17          clause with respect to the service, can  
18          there be a mean space discount process?  
19          Whereas, the reason why it didn't proceed  
20          last time, I think we had a number of  
21          smaller non-profits, a lot of religious  
22          institutions, small facilities saying, We  
23          can't pay this service, but then you had  
24          these larger institutions that fell  
25          within the same category only because

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 they were non-profits, but clearly the  
3 ability to pay more was there.

4 So legally could we be in a  
5 position to have a mean space if we need  
6 a discount at all?

7 COMMISSIONER RICHARDSON: I  
8 think that would be a discussion with  
9 Commissioner Neukrug with the Water  
10 Department, not with us. We could sit  
11 with you. But that's more they provide  
12 the discount. We don't do that.

13 COUNCIL PRESIDENT CLARKE:  
14 Mr. Dubow, you want to -- I see that look  
15 on your face like you want to come up  
16 here and answer that question.

17 (Witness approached witness  
18 table.)

19 MR. DUBOW: Good morning. Rob  
20 Dubow, Managing Director.

21 I think that's something that  
22 we should explore, Revenue, Law, Water,  
23 make sure that we're kind of all on the  
24 same place -- we understand your issue --  
25 and then get back to you on it.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Okay. Thank you. Thank you.

4 The Chair now recognizes  
5 Councilmember Jones.

6 COUNCILMAN JONES: Thank you,  
7 Mr. President.

8 Can you stay up here?

9 I guess what I want to know is,  
10 do I read this correctly, that we're  
11 getting ready to spend 21 million in  
12 collection agencies next year?

13 COMMISSIONER RICHARDSON: No,  
14 sir. That is a line item for Grants  
15 Revenue that's pretty much been in the  
16 budget every year. We spend about, I  
17 think, about 3.8 million this year thus  
18 far.

19 COUNCILMAN JONES: For?

20 COMMISSIONER RICHARDSON: This  
21 fiscal year for collections.

22 COUNCILMAN JONES: For  
23 collections. And that's about what we  
24 could spend internally to develop a  
25 predictive dollar? What would it take to

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 do a system like that?

3 COMMISSIONER RICHARDSON: The  
4 system would probably cost about 1 and a  
5 half to \$2 million to do something like  
6 that for upfront equipment.

7 COUNCILMAN JONES: So what is  
8 our logic as to every year spending \$3  
9 million external as opposed to investing  
10 a million dollars internal to have the  
11 capacity internally? And don't we have  
12 to give a commission to these entities  
13 that collect? How much did they collect  
14 last year?

15 COMMISSIONER RICHARDSON: I can  
16 get back to you, but probably about 3.4  
17 to 3.8 million, around that area they  
18 collected.

19 COUNCILMAN JONES: From the  
20 outside agencies?

21 COMMISSIONER RICHARDSON: We  
22 collect from them outside.

23 MS. BECKLEY: We've taken in  
24 \$25 million from our collectors in the  
25 first seven months of this fiscal year.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           COUNCILMAN JONES: Twenty-one  
3 million?

4           MS. BECKLEY: Twenty-five  
5 million.

6           COUNCILMAN JONES: And what is  
7 the premium we pay to them?

8           MS. BECKLEY: Well, in the case  
9 of real estate taxes, we don't pay them  
10 any premium, because state law allows us  
11 to add on their fee. So we get 100  
12 percent principal, interest, penalty and  
13 then they also pay --

14          COUNCILMAN JONES: Is that  
15 about 17 percent add-on?

16          MS. BECKLEY: It's an 18  
17 percent. Both of our current contracts  
18 provide for that. That's the state  
19 maximum.

20          COUNCILMAN JONES: Is that true  
21 for all of our tax revenues that --

22          MS. BECKLEY: No. That's only  
23 true for real estate tax. We have asked  
24 for legislation in Harrisburg to allow us  
25 to do add-ons for other taxes, but we

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           haven't been granted that yet.

3                   COUNCILMAN JONES: So at what  
4           point do they wind up in the Linebarger  
5           universe? How old is the receivable?  
6           How much has it aged? Is it 30 days, 90  
7           days, what?

8                   MS. BECKLEY: Nothing goes out  
9           to collection -- and we're talking just  
10          real estate tax now. Nothing goes out to  
11          a collection agency unless it is first  
12          delinquent. So you have to get to the  
13          end of the year that the tax is due for.  
14          So now 2011 taxes are delinquent. In  
15          February, if this is the first time  
16          you've been delinquent on your real  
17          estate tax, in February we send you a  
18          certified letter saying you have 60 days  
19          to pay up. If you don't pay up within 60  
20          days, we're going to send you out. And  
21          then last year was the first time that  
22          the minute we could legally, which is  
23          April when that 60-day letter has aged  
24          the 60 days, we sent the stuff out to  
25          both Linebarger and GRB, who is our other

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           co-counsel.

3                   COUNCILMAN JONES: So of the 25  
4           million on top of that 18 percent, do the  
5           math, all these mathematicians up there,  
6           how much do we get -- how much does  
7           Linebarger get a year that if we had the  
8           legislation, had the predictive dollars,  
9           had the trained staff that the City could  
10          be given? Is that 3 and a half million,  
11          approximately?

12                   MS. BECKLEY: Well, first of  
13          all, the 25 is not just real estate tax.  
14          That's all taxes that were collected in  
15          the first seven months of this fiscal  
16          year.

17                   And, second of all, we believe  
18          that it's all additions to our current  
19          inside capacity. For example, Sheriff  
20          sales, we're doing as many Sheriff sales  
21          internally as we possibly can.

22                   COUNCILMAN JONES: How many  
23          collection agencies do we deal with and  
24          how many collecting entities are there  
25          within the City's organizational



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           structure?

3                   MS. BECKLEY: Well, we have six  
4           collection agencies. I don't know how  
5           you define "entity" within the City. So  
6           I don't know how to answer that question.

7                   COUNCILMAN JONES: So how many  
8           people, say, can pick up a phone that are  
9           City employees that go after revenues  
10          within our org structure?

11                  COMMISSIONER RICHARDSON: Well,  
12          within the Department, there's 530, but  
13          within the customer service stream for  
14          water revenues, about 25, and on the  
15          tax --

16                  COUNCILMAN JONES: All of them  
17          are under --

18                  MR. DUBOW: So you have the  
19          Revenue Department that does collections.  
20          That includes tax side and Water Revenue  
21          side. I think L&I collects fees.

22                  COUNCILMAN JONES: On their  
23          own; you don't do that?

24                  MR. DUBOW: No.

25                  COUNCILMAN JONES: How many

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           employees do they have?

3                   MR. DUBOW: I'm not sure, but  
4           they don't all do collections. I don't  
5           know how many they have doing collection.

6                   In Finance, we have a group  
7           that does collections, OAR does  
8           collections, Fire, EMS collections. The  
9           Parking Authority does collection. It's  
10          not a City agency, but they do  
11          collections. So there are a lot of  
12          entities. I may be missing some.

13                   COUNCILMAN JONES: So have we  
14          ever done a study to evaluate if we  
15          codified all of them and cross-trained --  
16          I know this is a difficult undertaking --  
17          to be able to be trained on particular  
18          types of taxes and revenues, because  
19          there's a difference between tax revenues  
20          and fees and fines. I get that. But  
21          there's got to be a better system that if  
22          we had them all under one roof, had them  
23          all -- I mean, we could realize  
24          efficiencies and probably perfect  
25          collections if we kind of had it

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2 supervised in a one-stop shop, here's  
3 where you collect from. And I don't know  
4 if we've ever done that kind of analysis  
5 and that investment compared to what  
6 we're outsourcing.

7           MR. DUBOW: I don't think we've  
8 done that analysis that you're talking  
9 about, but we should. It's a good  
10 question.

11           COUNCILMAN JONES: See, I'm  
12 not --

13           MR. DUBOW: We will.

14           COUNCILMAN JONES: See, I'm not  
15 a rookie anymore. I used to go for that.  
16 Every year, Oh, that's a good question,  
17 Councilman, and then it goes into the  
18 abyss.

19           MR. DUBOW: No. We actually  
20 one of the --

21           COUNCILMAN JONES: That's what  
22 they do to rookies.

23           MR. DUBOW: One of the things  
24 that we've done, we've put an RFP out to  
25 help us in a variety of areas and one of

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 the things that they're supposed to look  
3 at is revenue collections. So that's a  
4 question that we'll have them look at.

5 COUNCILMAN JONES: So you will  
6 provide to the President a timeframe for  
7 a study and analysis that codifies our  
8 collection process to determine whether  
9 or not we could do it more efficiently by  
10 investing \$4 million, if I'm hearing this  
11 right, close to a million dollars per  
12 trained person, that's got to increase a  
13 little bit because -- I figure  
14 efficiencies and savings and then on top  
15 of that, people that are going after the  
16 rabbits. And I know everything isn't a  
17 good collectible, because you can expend  
18 the same amount to collect \$5 as you can  
19 take the time to collect 500 or \$500,000.  
20 I get it. But if we looked at the size  
21 of the rabbits, looked at the types of  
22 collection and cross-trained individuals,  
23 there's got to be some efficiencies, and  
24 at least, if nothing else, the taxpayer  
25 isn't complaining about, well, didn't

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           somebody call me last week from this  
3           department? You know, kind of one-stop  
4           revenue collection.

5                   MR. DUBOW: Two things. One,  
6           in terms of the timeline, I don't think  
7           we'll know that timeline for having it  
8           done until we have the consultant on  
9           board. We can give you the timeline for  
10          an RFP to bring a consultant on, but  
11          we'll have to work with them to get that  
12          timeline.

13                   COUNCILMAN JONES: I got  
14          somebody writing right here. I just want  
15          you to know.

16                   MR. DUBOW: That's why I wanted  
17          to be clear about the expectations.

18                   And then the second thing is,  
19          you should know in terms of investment in  
20          revenue, in our prioritization of IT  
21          investments, two of the things on that  
22          list that we'll be investing in revenue,  
23          one is the cashiering system, which is in  
24          dire need, and the other is a project  
25          we're calling revenue modernization that

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           we'll take a few items and upgrade them.

3                   COUNCILMAN JONES: So did I  
4           understand the predictive dollar we had  
5           went out with Y2K? Did I hear you say  
6           that?

7                   COMMISSIONER RICHARDSON: Yes.

8                   COUNCILMAN JONES: All right.  
9           My expectation is -- and I'll say it  
10          again -- that I don't want to put another  
11          tax on the books until I know that we are  
12          at full capacity on collection of  
13          existing taxes and that we're taking that  
14          part seriously, because I never felt so  
15          embarrassed when a businessperson said,  
16          Well, if you just came and collected the  
17          ones I have, you know.

18                   So I know that we have a long  
19          way to go. I know you do a good job, but  
20          we can do better, and I think if we --  
21          I'm willing to go to bat for an  
22          investment if I can get the kind of yield  
23          the state is doing. I mean, it just  
24          makes sense not to keep outsourcing it to  
25          individuals who have no ethics clauses,

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           have no residency clauses, have none of  
3           that, when I can put that same kind of  
4           money into civil servants that are  
5           dedicated to do the same work.

6                   COUNCIL PRESIDENT CLARKE:

7           Thank you, Councilman.

8                   COUNCILMAN JONES: Thank you.

9                   COUNCIL PRESIDENT CLARKE: The  
10          Chair recognizes Councilmember Squilla.

11                  COUNCILMAN SQUILLA: Thank you,  
12          Mr. President.

13                  Thank you guys. I'd first like  
14          to reiterate what Councilwoman Sanchez  
15          says about seeing what our taxes are in  
16          our district that are owed would be a  
17          great help to us and in helping you and  
18          working with you. And I want to thank  
19          you for the short time I've been here  
20          working with you guys with the taxes and  
21          some of the issues with water bills. But  
22          my question goes to the, I guess, third  
23          parties.

24                  I know a lot of times it seems  
25          like when we come up with trying to push

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           a property to Sheriff's sale, it seems  
3           like sometimes the third-party lienholder  
4           holds that up in that they either -- you  
5           have to go through Linebarger or GRB, and  
6           it just makes it difficult for us to  
7           actually push a property up for Sheriff  
8           sale. Can you elaborate on that?

9                       MS. BECKLEY: I'm actually  
10          really surprised to hear that, because my  
11          experience has been that both GRB and  
12          Linebarger are very accommodating about  
13          if we or somebody from Council approaches  
14          them or, quite frankly, a third-party  
15          purchaser who is interested in the  
16          property comes to them. Let's remember,  
17          they only make money when the taxes get  
18          collected. And so if pushing it to sale  
19          is the way the taxes are going to get  
20          collected, they're usually anxious to do  
21          it. And one of the things that has  
22          worked better because Law and Revenue  
23          were working more closely has been  
24          supervising the contracts. We have a  
25          much tighter grip on that, because it



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           used to be Revenue is the client, but Law  
3           did the actual contracting and there  
4           wasn't as much communication as there is  
5           now.

6                     If you have a problem like  
7           that, please let us know, because that  
8           shouldn't be the case and it's not in  
9           their self-interest, so I'm surprised to  
10          hear they would do that.

11                    COUNCILMAN SQUILLA: I mean, we  
12          had it even before I was a Councilmember  
13          coming in to try to do some projects  
14          within our community, as soon as there  
15          was -- it almost put a stop to it, and  
16          maybe it was that one hand didn't know  
17          what the other hand was doing or vice  
18          versa, but I ran into a lot of issues  
19          like that. So I'm glad to hear that  
20          that's happening.

21                    And back to the Water  
22          Department issue. My issue would be that  
23          when they do have a bill that seems they  
24          were getting estimated bills and they  
25          weren't -- they were just paying that

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           amount, when they do get the big bill, is  
3           there a reason why they would have  
4           interest and penalties for bills that  
5           they weren't paying even though they were  
6           just getting the estimated bill all  
7           along?

8                         DEPUTY COMMISSIONER BETHEL:  
9           The only reason why they would have the  
10          penalty and interest is if they hadn't  
11          paid that bill in full. So if someone  
12          were always paying their estimated bill,  
13          then there wouldn't be any penalty and  
14          interest because they've paid that. What  
15          would happen is, when the actual bill  
16          came into play, then it would start  
17          accumulating penalty and interest, but at  
18          that point, once they got that large  
19          bill, they would probably be making phone  
20          calls into us and then they would just  
21          dispute it and then penalty and interest  
22          would stop.

23                        COUNCILMAN SQUILLA: Would  
24          stop.

25                        DEPUTY COMMISSIONER BETHEL:

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Correct.

3 COUNCILMAN SQUILLA: Thank you.

4 And I do want to thank you. You've been  
5 very helpful with people who have called  
6 the office, and we reached out to you.  
7 You were able to help us and to rectify  
8 the situation. So I do appreciate that.

9 DEPUTY COMMISSIONER BETHEL: No  
10 problem.

11 COUNCILMAN SQUILLA: I'm  
12 looking forward to working with you in  
13 the future to collect the taxes, and I  
14 think it would be a big help to get the  
15 number of taxes owed in each of our  
16 districts and could really work on that  
17 with you to help start collecting them.  
18 So thank you.

19 COUNCIL PRESIDENT CLARKE:

20 Thank you, Councilman.

21 The Chair recognizes  
22 Councilmember Sanchez.

23 COUNCILWOMAN SANCHEZ: Thank  
24 you.

25 I want to go back to some of

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           the collections activities, but a  
3           question arose as my colleague Squilla  
4           was speaking about the larger number of  
5           Sheriff sales.

6                     Are we monitoring how much  
7           we're actually collecting at the  
8           Sheriff's sale? I mean, are we getting  
9           the full amount? My experience has been  
10          we've been working with the Sheriff's  
11          Office to increase people's knowledge  
12          about how to buy properties on Sheriff  
13          sale in kind of preparation for this land  
14          bank stuff, and I'm seeing a lot of  
15          people buying at a really low number.  
16          Are we monitoring that?

17                    MS. BECKLEY: I think we  
18          believe that the best monitor for that is  
19          the investors betting against each other.  
20          These are open auctions. They're  
21          advertised. They're well attended by  
22          knowledgeable people. If a property is  
23          worth more than somebody else bid, we  
24          count on the market to get it to its fair  
25          market value.

1                   4/9/12 - WHOLE - BILL 120164, ETC.

2                   COUNCILWOMAN SANCHEZ: I guess  
3                   that's kind of not an answer to my  
4                   question. So we're pushing these  
5                   properties for Sheriff sale because we  
6                   want to collect the money. So we're  
7                   letting the market determine, so there  
8                   can be stuff that's going -- I've just  
9                   started to see this, and it's just a  
10                  little concerning, because on the one  
11                  hand, we don't want to write off people's  
12                  debts that we don't want to collect, but  
13                  on the other hand, we're pumping  
14                  properties into Sheriff sale that are  
15                  going to go at a lot lower value. And so  
16                  it's sort of like --

17                  MS. BECKLEY: To date, we have  
18                  never put a property up for Sheriff sale  
19                  for less than the total debt owed the  
20                  City.

21                  COUNCILWOMAN SANCHEZ: But how  
22                  do you know --

23                  MS. BECKLEY: We are actually  
24                  looking at trying to move some of those  
25                  properties for less, but we haven't done

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           that. We're going to try that actually  
3           for the first time this month.

4                   COUNCILWOMAN SANCHEZ: Could  
5           you explain that?

6                   MS. BECKLEY: It used to be  
7           that we would look at everything owed the  
8           City, taxes, interest, penalty, water,  
9           and we would not -- we would set the  
10          minimum bid at the auction for the total  
11          amount due the City. We're actually now  
12          considering whether that's in the best  
13          interest, because we have properties  
14          where there are large arrearages, we know  
15          perfectly well nobody is ever going to  
16          buy that property at that value, and  
17          we're taking up -- as we are trying to  
18          collect taxes and as we are trying to get  
19          pieces of property back on the tax rolls,  
20          it seems silly to take two or three  
21          months to sell something when we think we  
22          can probably do a pretty good job of  
23          estimating what it will really bring.  
24          And to the extent that we lowball it,  
25          again, we're expecting the competitive

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           market will bring it up to whatever its  
3           real value is.

4                   COUNCILWOMAN SANCHEZ: But what  
5           I'm finding is the opposite. I'm  
6           finding -- and it's actually been great,  
7           because we've been pushing this and we'll  
8           continue to push getting folks to buy.  
9           I'm finding people are purchasing  
10          properties at a really low amount at the  
11          Sheriff's Office.

12                   MS. BECKLEY: Well, that's  
13          probably because it's now up for the  
14          second or third time, as I said. It  
15          won't go up for a low price first. But  
16          if that's what -- if they can buy it and  
17          there's nobody else who wants to pay more  
18          than that for it, that's what it's worth.

19                   COUNCILWOMAN SANCHEZ: No, no.  
20          My only concern is, as we pump up the  
21          numbers for Sheriff sales, we need to be  
22          looking at what are we getting on them,  
23          because as I mentioned, they're  
24          exceedingly low. I mean, I'm pushing  
25          this, and I'm going to push -- they're a

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       lot lower than I thought people were  
3       buying at Sheriff sale. So this is not  
4       just investors. This is now us trying to  
5       empower community folks to say this is a  
6       private ownership -- and, again, this  
7       comes as our work with land banking.  
8       Some of these are going for low, and I  
9       just want us to know what that is,  
10      because to a certain degree, we're  
11      creating a break there, and I want to get  
12      to the point where how do we create a  
13      break to keep people in their homes. And  
14      so we need to -- I just want us to  
15      monitor it. I want somebody to look at  
16      that, because I was just amazed at how  
17      low they were going.

18                   MS. BECKLEY: We're definitely  
19      looking at that. I would also say that  
20      probably the things that have your  
21      attention are not a representative  
22      sampling. I mean, we have properties  
23      where we threatened to take them to  
24      Sheriff's sale and we had -- GRB had a  
25      \$700,000 collection on one property.



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           COUNCILWOMAN SANCHEZ: Look,  
3 I'm all for the flexibility. We want  
4 them to be taxpaying. My only concern  
5 was, again, when we're looking at from  
6 that side, I also want to be able to  
7 say -- I want you to have flexibility  
8 there, but I also want to know what  
9 flexibility we have on the front end when  
10 we're negotiating with people,  
11 particularly low income -- as you know,  
12 I'm very passionate about it -- about how  
13 do I keep people in their homes. And so  
14 I want us to recognize that we're giving  
15 investors and other folks breaks on the  
16 back end. We need to be as flexible on  
17 the front hand in terms of keeping people  
18 in their homes.

19           MS. BECKLEY: And I hope you've  
20 always found us that way with any owner  
21 occupier.

22           COUNCILWOMAN SANCHEZ: I have  
23 more questions, but I guess I'll come  
24 back around. Thank you, Mr. President.

25           COUNCIL PRESIDENT CLARKE:

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Thank you, Councilwoman.

3 The Chair recognizes

4 Councilwoman Brown.

5 COUNCILWOMAN BROWN: Thank you.

6 Good morning.

7 Good morning, Revenue.

8 COMMISSIONER RICHARDSON: Good  
9 morning.

10 COUNCILWOMAN BROWN: A couple  
11 of questions. Well, let's start first  
12 with who currently has the contracts for  
13 collections? What companies currently  
14 have those contracts?

15 COMMISSIONER RICHARDSON:  
16 Currently right now for real estate, it's  
17 Linebarger, GRB, we use Progressive.

18 COUNCILWOMAN BROWN:  
19 Progressive?

20 COMMISSIONER RICHARDSON:  
21 Progressive. Revenue Collection Bureau,  
22 which is 100 percent minority, Hela, who  
23 does a lot with Water and L&I contracts  
24 and collections.

25 COUNCILWOMAN BROWN: All right,

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 then. So do each one of those  
3 departments secure those awardees or all  
4 of this election or selection process is  
5 handled by Revenue and OEO?

6 COMMISSIONER RICHARDSON: It's  
7 done with Revenue and OEO.

8 COUNCILWOMAN BROWN: Linebarger  
9 is local. GRB?

10 COMMISSIONER RICHARDSON: GRB  
11 is here. It's based out of Pittsburgh,  
12 but they have an office on Broad and  
13 Spruce Street right across from the  
14 Kimmel Center.

15 COUNCILWOMAN BROWN:  
16 Progressive is?

17 COMMISSIONER RICHARDSON:  
18 Progressive is based outside of the  
19 airport area. Hela is outside the area,  
20 and Revenue Collection Bureau is in the  
21 Northeast.

22 COUNCILWOMAN BROWN: Their  
23 MBE/WBE, is that in your testimony  
24 already?

25 COMMISSIONER RICHARDSON: Yes,

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           ma'am, it is. Would you like to know  
3           that information?

4                   COUNCILWOMAN BROWN: Please, or  
5           just tell me where it is because...

6                   MS. BECKLEY: I'd just also  
7           like to add that Linebarger, which is a  
8           long-term vendor of ours, has just had  
9           several -- it's a national law firm.  
10          They've just had several of their older  
11          male partners retire and they are now 53  
12          percent woman-owned. So we expect them  
13          to become certified, so they'll no longer  
14          be looking to their subcontractors. They  
15          themselves would be a woman-owned  
16          enterprise.

17                  COUNCILWOMAN BROWN: What about  
18          the performance? How and is that  
19          measured, the performance of these  
20          contractors when it comes to collections?

21                  COMMISSIONER RICHARDSON: Well,  
22          we're starting to measure it going  
23          forward for a monthly report on  
24          collections, because some of our  
25          competitors -- and, again, where we add

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           more collection agencies on board, you  
3           see competition-wise who is doing better  
4           and the ones that will be doing better,  
5           we will start to feed them more cases as  
6           we move forward down the road.

7                   COUNCILWOMAN BROWN: And that  
8           process is effective when?

9                   COMMISSIONER RICHARDSON: It  
10          will be effective in the fiscal year  
11          starting 2013.

12                  COUNCILWOMAN BROWN: And they  
13          are aware of that, these companies you  
14          just cited are aware of that?

15                  COMMISSIONER RICHARDSON: These  
16          companies report to us monthly anyway  
17          their collections. We are going to do an  
18          analysis of the numbers looking at it and  
19          comparing them moving forward.

20                  COUNCILWOMAN BROWN: Very well.

21                  MS. BECKLEY: As I said, for  
22          the first seven months of this fiscal  
23          year, our collection agencies have  
24          brought in about 25 million. That's  
25          roughly twice as much as they brought in

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           in the first seven months of each of the  
3           two prior fiscal years. So basically  
4           under the Commissioner, they're going  
5           gangbusters.

6                   COUNCILWOMAN BROWN: What would  
7           be the contributing factors?

8                   MS. BECKLEY: I think, quite  
9           frankly, some of the contracts were  
10          renegotiated and we gave them better  
11          incentives. Also, the Commissioner set  
12          up a system whereby almost every single  
13          type of tax is collected by two agencies,  
14          and so they know that they have a direct  
15          competitor that they're being measured  
16          against every month. They can't tell us,  
17          Oh, nobody is paying that. If their  
18          competitor is getting it, we want to see  
19          them getting it too.

20                   COUNCILWOMAN BROWN: Very well.  
21                  We have a significant number of  
22          small businessowners who are accountants  
23          in the City, and my limited experience  
24          from calls in the office, they're seeking  
25          to do the right thing in representing

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           their own clients. We have a liaison,  
3           many of our offices have someone in our  
4           office that we can reach directly into  
5           Revenue to help us help a taxpayer. So  
6           when it comes to a help line for tax  
7           professionals, does something like that  
8           exist in Revenue where accountants and  
9           CPAs can call right into this unit of the  
10          Revenue Department so that they can be of  
11          service in a more efficient and timely  
12          way with their customers and clients?

13                   COMMISSIONER RICHARDSON: Yes  
14          and no. They have the regular phone line  
15          and call-in for business taxes. If  
16          they're dealing with an audit question or  
17          an issue, they can call the Audit Unit  
18          directly. Again, usually the person  
19          that's out to do the audit will leave  
20          their business card so their professional  
21          can call them if there's concerns in  
22          regard to the assessment. Other than  
23          that, we don't provide a specific number  
24          for tax professionals, because that will  
25          be inundated, because there are thousands

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           of accountants and attorneys in the City  
3           of Philadelphia, especially with the  
4           business privilege tax that is due on the  
5           17th of this month.

6                   COUNCILWOMAN BROWN: Okay. All  
7           right. So it doesn't make good  
8           management sense to --

9                   COMMISSIONER RICHARDSON: No.  
10          That would be inundated. If they have  
11          technical questions, they can e-mail our  
12          technical staff, but as for calling in,  
13          most professionals know to reach somebody  
14          within the Audit Unit or call downstairs  
15          in Taxpayer Services if they have a  
16          question or come into the building as  
17          well.

18                   COUNCILWOMAN BROWN: And  
19          technical staff, they're identified as  
20          such on the directory, on the municipal  
21          directory for the Department of Revenue?

22                   COMMISSIONER RICHARDSON: It is  
23          under tech staff, yes. But those are the  
24          group that write our regulations and  
25          review tax credits, things of that



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           nature. They're not to sit there  
3           traditionally to sit and ask a specific  
4           question of an accountant on a day in and  
5           day out basis.

6                   COUNCILWOMAN BROWN: Okay.  
7           Well, thank you for that.

8                   COMMISSIONER RICHARDSON:  
9           You're welcome, ma'am.

10                   COUNCILWOMAN BROWN: Thank you,  
11           Mr. President.

12                   COUNCIL PRESIDENT CLARKE:  
13           Thank you, Councilwoman.

14                   The Chair recognizes  
15           Councilmember Johnson.

16                   COUNCILMAN JOHNSON: I just had  
17           two -- I think, Rob, this all falls in  
18           line with revenue collection. In  
19           Harrisburg, there's recently been the  
20           Property Tax Independence Act is a bill  
21           that's going to focus more on eliminating  
22           the property taxes in Pennsylvania and  
23           focusing more on sales tax and income tax  
24           increase to fund education. And so I  
25           just want to get an idea, are we prepared

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           as a city if the bill is actually passed,  
3           and what type of impact, what type of  
4           things do we have in place to be prepared  
5           if it actually passes?

6                   MR. DUBOW: I don't think we've  
7           spent a lot of time on the bill to know  
8           exactly what it would mean for us, but if  
9           it moved to sales tax from property tax,  
10          that would mean that the state would be  
11          doing collections for us. So they'd be  
12          picking up more of the burden, and I  
13          think we'd probably want to work with  
14          them to understand what the right rate  
15          would be to make sense to replace  
16          property tax.

17                   COUNCILMAN JOHNSON: Yes. And  
18          also, Rob, I did read -- and I can't  
19          remember the exact Representative, but it  
20          was recently in the paper regarding how  
21          we as a state across the board, not just  
22          Philadelphia, but how we come up with our  
23          actual tax rate separate from City  
24          Council coming up with the millage rate.  
25          But there's a movement across the board

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           in Harrisburg to look at how properties  
3           are assessed across the board. Are you  
4           familiar with that initiative? I don't  
5           know the exact --

6                       MR. DUBOW: Yeah. I know that  
7           there are a number of counties that have  
8           issues with their assessments, and so do  
9           we obviously. So I know that that  
10          concerns lawmakers and there are  
11          discussions on and off about how to fix  
12          that.

13                      COUNCILMAN JOHNSON: Okay. I'm  
14          just looking at how we can always preempt  
15          and be proactive in the process from a  
16          supportive standpoint, with the old  
17          property tax reform movement that's going  
18          on in Harrisburg, and so just keep my  
19          eyes on that and seeing how we can also  
20          be supportive of that process just in  
21          general. And the same would go for the  
22          moratorium on court-ordered property tax  
23          reassessment that passed in Harrisburg.  
24          That don't have a significant impact on  
25          us locally?

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 MR. DUBOW: I don't think what  
3 they're talking about is, but I think  
4 part of the reason it wouldn't is if we  
5 are actually moving to getting our  
6 assessments right. I think if we didn't,  
7 then you could see issues like that  
8 really coming and affecting us.

9 COUNCILMAN JOHNSON: Thank you,  
10 Rob.

11 MR. DUBOW: Thank you.

12 COUNCIL PRESIDENT CLARKE:  
13 Thank you, Councilman.

14 The Chair recognizes  
15 Councilwoman Sanchez.

16 COUNCILWOMAN SANCHEZ: I wanted  
17 to ask, as we discuss this AVI situation,  
18 what are we doing in terms of outreach  
19 for our seniors who may be eligible for  
20 the tax freeze? Have we included that in  
21 their bills? Have we seen an increase?  
22 As you know, we're trying to enroll as  
23 many people as we can in the district.  
24 What are the things are we doing in  
25 preparation?

1                   4/9/12 - WHOLE - BILL 120164, ETC.

2                   COMMISSIONER RICHARDSON: Every  
3 year you get your tax bill, you get  
4 something in there in regard to the tax  
5 freeze. So there's always information in  
6 the annual tax bill.

7                   We go out to various civic  
8 organizations and block, or State  
9 Representatives, Senators have their  
10 annual cookouts or things that they have  
11 in their communities. We go out to those  
12 various events and provide literature.

13                  Before you all leave today, we  
14 have brochures for you on information  
15 again for the various installment payment  
16 plans or senior citizens tax freeze. So  
17 we will continue to send information out  
18 to you, to the libraries, recreation  
19 centers, all the elected officials on the  
20 state, local and federal level as well.

21                  COUNCILWOMAN SANCHEZ: Okay.  
22 That's good to know.

23                  In terms of going back to the  
24 Sheriff sale piece, again, I absolutely  
25 want us to collect everything, but I want

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           to go back to keeping folks in their  
3           homes with the property taxes.

4                   I know that in some cases now  
5           you guys have started doing dual  
6           collection. How has been the response in  
7           terms of people when they're getting the  
8           tax bill and the water bill and seeing  
9           the amount of money? Are people coming  
10          in for payment plans? Have you seen a  
11          spike in that?

12                   COMMISSIONER RICHARDSON: When  
13          you're saying "dual," you got me kind of  
14          confused on that.

15                   COUNCILWOMAN SANCHEZ: Some of  
16          our collection agencies are sending  
17          people a letter that says this is what  
18          you owe in water, this is what you owe in  
19          taxes?

20                   COMMISSIONER RICHARDSON: No.  
21          They're sending a letter out specifically  
22          about the tax or water, not the same.

23                   COUNCILWOMAN SANCHEZ: So it's  
24          two different?

25                   COMMISSIONER RICHARDSON:

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Right.

3                   COUNCILWOMAN SANCHEZ: So going  
4           back to what Curt was saying, are we  
5           doing an overlay between property  
6           delinquency and water delinquency and  
7           figuring out, particularly in low-income  
8           areas, how we manage that?

9                   COMMISSIONER RICHARDSON: We  
10          don't work them in unison together,  
11          because, again, staff in the Water  
12          Department are not tax administrators, so  
13          they're not into the tax system, and vice  
14          versa, my tax folks don't know water. So  
15          they're not working them in unison. Both  
16          groups collectively or individually work  
17          on various projects of making outbound  
18          manual phone calls during the course of  
19          the week. We know in the tax side, for  
20          example, we sent out letters to all the  
21          first-time delinquents back in November  
22          for a great rate of return. And to  
23          piggyback what Ms. Beckley was saying  
24          earlier to the collection agencies,  
25          they'd actually be getting the 2012 taxes

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           that are due within the next couple of  
3           weeks as well.

4                       We know that we're doing a  
5           better job with collections now. We're  
6           seeing that especially with delinquency  
7           on real estate, because those numbers are  
8           coming down this year for the first time.  
9           The same with Ms. Bethel on the water  
10          side, this last year alone we were about  
11          \$7 million. We had over a half a billion  
12          dollars in collections, which has never  
13          happened in the Water Department before.  
14          So we know the rate is coming down, even  
15          probably for shutoff. We didn't have the  
16          numbers of people inside the MSB building  
17          looking for payment plans as we did last  
18          year. We probably had about 700, 800  
19          people this Thursday or Friday. So we're  
20          seeing the numbers are coming down.

21                      It's about education and  
22          getting the message out there. If you  
23          follow, again, we made the PSAs on  
24          Channel 64. I'm learning how to Twit --  
25          or Tweet, whatever it's called. I do it



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           myself. So we're getting that message  
3           out. So we're being proactive of  
4           educating folks by getting the message  
5           out. So we continue to do that. That  
6           helps to convey the message to taxpayers  
7           and water customers they mean business.  
8           So, for example, we did 377 shut-offs  
9           last Monday. It's telling folks, we're  
10          coming out to shut you and this is  
11          not April Fools.

12                   COUNCILWOMAN SANCHEZ: No. As  
13          you know, I'm all for the collection.  
14          I'm just concerned in poor areas that I  
15          don't -- I want to make sure that we are  
16          looking at how do we keep people in their  
17          homes and that we're being as proactive  
18          as we possibly can in those areas in  
19          communities -- I've been looking, again,  
20          as we do this land bank and some of the  
21          other stuff looking at the delinquencies,  
22          and I have certain neighborhoods where I  
23          have huge homeowner, home-occupied  
24          delinquencies, and I want to get to a  
25          place where when we're doing collections

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       well and we're at 90 whatever percent --  
3       I don't know what the goal is for what  
4       the best practices is across the state.  
5       What's that percentage?

6                   COMMISSIONER RICHARDSON: We're  
7       at 96 percent on the tax and 95 at water.

8                   COUNCILWOMAN SANCHEZ: So if we  
9       want to get to 99.9, I want to make sure  
10      that that 0.1 percent of folks, that  
11      we're being as proactive as we possibly  
12      can.

13                   As you know, I'm always  
14      challenging you and myself to figure out  
15      how we better do that. And so I'm  
16      concerned as we discuss AVI that we're  
17      enrolling people in WRAP, that we're  
18      enrolling people in this tax freeze, that  
19      we're doing everything we possibly can to  
20      protect neighborhoods like the ones I  
21      represent.

22                   COMMISSIONER RICHARDSON: We  
23      are doing everything possible. We're  
24      getting the message out there about the  
25      various programs for everybody. Again, I

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       don't want anyone's home. I don't want  
3       anyone's water bill, but if someone can  
4       come in and make some kind of payment  
5       agreement and stick to it, we're happy.  
6       So that goes for low income and anybody  
7       that has the means.

8                   COUNCILWOMAN SANCHEZ: Okay.

9                   DEPUTY COMMISSIONER BETHEL:  
10      Councilwoman, I just wanted to add to the  
11      one initiative for water Sheriff sales  
12      that we are doing from our collections  
13      unit. When an account is scheduled for a  
14      Sheriff's sale, because there may be a  
15      lull from the time we send it until it's  
16      really processed, we are sending out  
17      letters to the homeowners to let them  
18      know, Hey, by the way, you're getting  
19      ready to go to Sheriff's sale, this is  
20      your last chance to work with us. And it  
21      is working. So we have brought in  
22      \$755,000 by sending out about 400  
23      letters.

24                   So we are interested in the  
25      homeowner staying there, and if it means

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       working with them, letting them know this  
3       is your last chance, because once it's  
4       there, it's there, you're in the process.  
5       So we are trying to do that.

6                   COUNCILWOMAN SANCHEZ: Again,  
7       I'm all for that. I have a problem with  
8       us going to Sheriff sale on water and  
9       particularly in poor areas, because it's  
10      not like someone is deciding to ride a  
11      Lexus over paying their water bill. It's  
12      almost deciding about milk and paying  
13      their water bill. So I have a whole  
14      issue around that all together, which is  
15      a separate issue. But, again -- and I  
16      will be helping out on some of this PSA  
17      stuff. I just feel like there's some  
18      other things that we could be doing, and  
19      I want to know what they are,  
20      particularly in poor areas of the City,  
21      because I don't want this  
22      one-size-fits-all, because it doesn't.  
23      In poor areas, we can't expect to do the  
24      collections that we do in Center City.  
25      And I understand the enforcement piece

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 and, again, as somebody who continues to  
3 say I want us to collect this money, I'm  
4 very, very concerned with the 40 percent  
5 of the people in the City who live in  
6 poverty that by itself shows us that they  
7 can't pay. It's not like they're not  
8 choosing to pay.

9 So, Mr. President, I used all  
10 my time. He wants a point of information  
11 over here.

12 COUNCILMAN JOHNSON: Council  
13 President, can I have a point of  
14 information, if that's okay.

15 COUNCIL PRESIDENT CLARKE:  
16 Sure.

17 COUNCILMAN JOHNSON:  
18 Councilwoman Sanchez, is that all right?

19 COUNCILWOMAN SANCHEZ: Yes.

20 COUNCILMAN JOHNSON: Because my  
21 question is directly related.

22 COUNCIL PRESIDENT CLARKE:  
23 Well, sir, you're coming up right after  
24 Jones. So if you want to have a  
25 broader -- I mean, but if you want a

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2 point of order.

3           COUNCILWOMAN SANCHEZ: It  
4 relates to my question.

5           COUNCIL PRESIDENT CLARKE:  
6 Sure.

7           COUNCILMAN JOHNSON: The  
8 payments that -- let's say before a  
9 person's home comes up for foreclosure  
10 for the Sheriff Department, is the  
11 payments that are applied, from my  
12 understanding, goes toward the person's  
13 current fines and not their back fines?  
14 It goes to the oldest first and foremost?  
15 I just wanted some clarity on that on a  
16 constituent level. So it pays off the  
17 old -- so when they come to pay up on  
18 their fines and their outstanding bills,  
19 it goes toward what's owed first? I  
20 mean, their oldest fines --

21           COMMISSIONER RICHARDSON:  
22 Right.

23           COUNCILMAN JOHNSON: I just  
24 wanted clarity. That's it.

25           Thank you, Mr. President.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 You're welcome, sir.

4 The Chair recognizes

5 Councilmember Jones.

6 COUNCILMAN JONES: Thank you,

7 Mr. President.

8 In continuation of the spirit  
9 of what Councilwoman Sanchez talked  
10 about, what I talked about earlier by way  
11 of a one-stop approach to -- wouldn't it  
12 be so much better if a senior citizen  
13 came in about their water bill, was able  
14 to work on an agreement about their real  
15 estate taxes, able to take a look at  
16 because they had a little small business  
17 and in one city be able to deal with  
18 those various entities and come up with  
19 some type of wrap-around compliance  
20 agreement to bring them current or at  
21 least into compliance? And, in fact,  
22 does that OIT system allow you to have  
23 like a profile on all taxpayers' various  
24 taxes and be able to say, Ms. Johnson,  
25 you owe this, that and the other in these

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 following tax categories? Does it do it  
3 now?

4 COMMISSIONER RICHARDSON: Yes.  
5 Taxpayers' information is based on their  
6 information on all their taxes. But we  
7 don't have the water information. But  
8 water and Taxpayer Services and the water  
9 customer service is right downstairs. So  
10 they can go from one group, walk right  
11 over to the next group.

12 COUNCILMAN JONES: That's not  
13 talking like what Kenney talked about,  
14 Dante's hell of the concourse, is it?

15 COMMISSIONER RICHARDSON: Well,  
16 again, we heard what he had to say last  
17 week, and we looked at that back in 2009.  
18 There's a lot of things that come into  
19 play with that. For one is equipment, IT  
20 needs. Two is staffing that. Because if  
21 you're going to take someone to be a  
22 concierge of that area, they need to know  
23 tax information, L&I and Water. So we've  
24 looked at that.

25 COUNCILMAN JONES: Do they have



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           to come out of -- after they're done with  
3           one department, go and get in another  
4           line or is that a seamless transfer?

5                   COMMISSIONER RICHARDSON: No.  
6           They need to go over to the next group.  
7           I mean, it's something to look at to  
8           consider, though. If someone says, I  
9           have a water issue and a tax issue, that  
10          maybe we can move them right over to the  
11          water side.

12                   COUNCILMAN JONES: I just think  
13          if we could do that, that customer  
14          service component, the convenience  
15          probably time-wise for the individual is  
16          cut down significantly for them to finish  
17          with you -- and I've dealt down there.  
18          In another life, I used to take clients  
19          down there, and once you get to the  
20          people, they are very friendly. It's  
21          sitting in that forever line that kind  
22          of -- and I don't know if we're able to,  
23          as one Councilperson suggested, bring  
24          wine and cheese to them in a concierge  
25          fashion, but what we can do is cut down

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           the waiting time by synonymously saying,  
3           Okay, when you're done here, you're going  
4           to see Collector so-and-so in Water.

5                   COMMISSIONER RICHARDSON: It's  
6           possible to do that, but, again,  
7           Collector so-and-so may have a customer  
8           in front of them, and we don't know how  
9           long they may be with that person also.

10                   COUNCILMAN JONES: So you  
11          dedicate one person to be the float  
12          catchall from the other department. So  
13          you don't put them in the regular  
14          rotation. You kind of make them the  
15          alternate over in the other department.

16                   COMMISSIONER RICHARDSON: It's  
17          something noble. We'll look at it.  
18          That's all I can tell you.

19                   COUNCILMAN JONES: All right.  
20          You know, those who can, do. Those who  
21          can't, legislate like we do. So we're  
22          going to leave that to you.

23                   COMMISSIONER RICHARDSON: Thank  
24          you, sir.

25                   COUNCILMAN JONES: Thank you,

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Mr. President.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Councilman.

5 Any other questions for these  
6 witnesses?

7 (No response.)

8 COUNCIL PRESIDENT CLARKE:

9 There being none --

10 COUNCILMAN JOHNSON: Yes. I  
11 have one last one, Council President.

12 COUNCIL PRESIDENT CLARKE: The  
13 Chair recognizes Councilmember Jones.

14 COUNCILMAN JOHNSON: Johnson.

15 COUNCIL PRESIDENT CLARKE: I'm  
16 sorry; Councilmember Johnson. Sorry.

17 COUNCILMAN JOHNSON: Just a  
18 last one, and I thank you for being  
19 patient. It just came to my mind.

20 We use an outside collection  
21 agency for the collection of taxes. Do  
22 we contract with an outside agency?

23 MS. BECKLEY: With six, yes.

24 COUNCILMAN JOHNSON: Six, okay.

25 Why aren't we using City employees? I

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 mean, that's just kind of --

3 COMMISSIONER RICHARDSON:

4 That's something that we're looking at  
5 again.

6 COUNCILMAN JOHNSON: Wouldn't  
7 that save us a significant amount of  
8 money if we kind of made those  
9 employees -- like if we had an internal  
10 program -- well, I guess the question is  
11 why, because there may be a reason why  
12 we're not using them.

13 COMMISSIONER RICHARDSON: Two  
14 things. Again, we got rid of the  
15 outbound call system back in Y2K. I  
16 wasn't here, so I can't speak on that.

17 Two, we're looking at that part  
18 of our revenue remodernization.

19 And, three, even if we do have  
20 the outbound call group or collectors  
21 working, you're still going to use  
22 collection agencies after that. Here's  
23 one thing you don't recognize from the  
24 state level. The state works the case  
25 internally for a certain amount of days.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           From there, it goes out to the field  
3           agents in the various districts. So, for  
4           example, Philadelphia has a district  
5           office in downtown and one in the  
6           Northeast. The collectors from there  
7           will go out to the various businesses,  
8           not to the residential owners anymore,  
9           and try to work it. If they don't have  
10          any success from there, they will do  
11          various tools that they have, and then it  
12          will go out to a collection agency still.

13                   COUNCILMAN JOHNSON: Okay. All  
14          right.

15                   MS. BECKLEY: I'd also like to  
16          add on to that. People look at the  
17          Grants Revenue number and they see it  
18          going up and up, we're spending all this  
19          in collection agencies. Remember, they  
20          only get a percentage of what they bring  
21          in, and some of the projects we send out  
22          to them are flops and then we don't pay  
23          for it. If they don't bring it in -- so  
24          it gives us a tremendous amount of  
25          flexibility to check things out that we

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           wouldn't have if we were putting space in  
3           MSB hiring employees.

4                   COMMISSIONER RICHARDSON:

5           Right. And to piggyback on that, if  
6           Harrisburg gave us the authority for the  
7           collection agency add-on fees, as they  
8           did in Act 40 in 2006, we wouldn't be  
9           paying that fee. For example, right now  
10          if you owe me \$100, I have to give the  
11          that agency \$18, I collect 82. However,  
12          in Harrisburg, they send a bill out from  
13          the collection agency, You owe me \$118.  
14          They keep their 18, the state gets their  
15          full hundred dollars 100 percent. So  
16          until we have that authority and one of  
17          the few things that we want, you're going  
18          to have to pay them, but we've tried.

19                   COUNCILMAN JOHNSON: Thank you,  
20          Keith.

21                   Thank you, Mr. President.

22                   COUNCIL PRESIDENT CLARKE:

23          Thank you, Councilman.

24                   The Chair recognizes  
25          Councilwoman Brown.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILWOMAN BROWN: Yes. I  
3 failed to ask this question around the  
4 amusement tax. We've been having  
5 meetings with bar owners and the like to  
6 try to get our arms around whether or not  
7 we're going to push for extended bar  
8 hours, and I know that's a four-letter  
9 word for some of us. But I want to get a  
10 handle on how much revenue is collected  
11 from the amusement tax. More  
12 specifically, is there a check and  
13 balance system on that whole process?

14 COMMISSIONER RICHARDSON:  
15 You're talking amusement tax or liquor  
16 tax because the bars are open? Bars  
17 don't charge an amusement tax. You're  
18 going to a bar to have beverages and  
19 food. There's no amusement tax there.  
20 So that's why I didn't know which one  
21 you're talking about.

22 COUNCILWOMAN BROWN: Well,  
23 speak to both.

24 COMMISSIONER RICHARDSON: What  
25 is your question about amusement tax?

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILWOMAN BROWN: The check  
3 and balances for promoters. Promoters  
4 have to pay an amusement tax; is that not  
5 so?

6 COMMISSIONER RICHARDSON: No.  
7 The amusement tax is paid when you pay to  
8 buy the ticket from the event, where you  
9 go to the movies or to see sporting  
10 events. That's when the amusement tax is  
11 paid and remitted by the institution  
12 that's collecting the money.

13 COUNCILWOMAN BROWN: I see. So  
14 the host of that event ultimately has the  
15 responsibility to honor up with the City?

16 COMMISSIONER RICHARDSON:  
17 Right.

18 COUNCILWOMAN BROWN: And how  
19 would you grade that process? I mean,  
20 what is your assessment of how well it's  
21 working or not?

22 COMMISSIONER RICHARDSON: It  
23 works pretty well for those that pay,  
24 yes. It's not a large amount of  
25 delinquency on amusement tax in the City.



1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILWOMAN BROWN: Okay. All  
3 right, then. That's helpful. Thank you.

4 Thank you, Mr. President.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you, Councilwoman.

7 Any other questions for these  
8 witnesses?

9 (No response.)

10 COUNCIL PRESIDENT CLARKE:

11 There being none, thank you very much for  
12 your testimony.

13 COMMISSIONER RICHARDSON: Thank  
14 you, Council President.

15 COUNCIL PRESIDENT CLARKE:

16 We'll have the Sinking Fund now.

17 (Witnesses approached witness  
18 table.)

19 COUNCIL PRESIDENT CLARKE: Good  
20 morning.

21 MR. JONES: Good afternoon.

22 COUNCIL PRESIDENT CLARKE: Good  
23 afternoon. Please proceed.

24 MR. JONES: Thank you. Good  
25 afternoon, Mr. President and members of

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           City Council. I am Charles Jones, the  
3           Executive Director of the Sinking Fund  
4           Commission, and I'm here to testify today  
5           on behalf of the Commission on our Fiscal  
6           Year 2013 operating budget request. I am  
7           the sole employee of the Commission. All  
8           Class 100 funds are budgeted in the City  
9           Treasurer's Office.

10                    You've asked us to summarize  
11           our testimony, so I'm going to give you  
12           the highlights of my budget.

13                    COUNCIL PRESIDENT CLARKE:  
14           Thank you.

15                    MR. JONES: The Commission  
16           oversees the repayment of bond principal  
17           and interest payments on City-related  
18           debt and ensures that those debt and  
19           lease obligation payments are made in a  
20           timely manner.

21                    Some of the highlights of the  
22           budget include, we pay the debt service  
23           on basically four different funds. The  
24           first one is the General Fund. That  
25           budget request is \$222 and a half

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       million, which is a \$5.6 million increase  
3       over the estimated obligations for Fiscal  
4       Year '12. The Water request is \$202  
5       million, which is a \$5.8 million increase  
6       over Fiscal Year '12. The Aviation is  
7       \$112 and a half million, which is about  
8       \$11 million more than the estimated  
9       obligations for Fiscal Year '12. And the  
10      Car Rental Tax is \$5 million.

11                   COUNCIL PRESIDENT CLARKE:

12      Excuse me, Commissioner.

13                   Folks, could we ask you to take  
14      the conversations outside, please.

15                   Sorry about that, sir.

16                   COUNCILMAN JONES:

17      Mr. President, former President Verna  
18      didn't play noise levels being that high.  
19      I just want to remind you.

20                   COUNCIL PRESIDENT CLARKE: It  
21      was much too high. Thank you. Thank  
22      you, Councilman.

23                   Sorry.

24                   MR. JONES: To continue,  
25      interest on new money and the Airport's

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       commercial paper program will be  
3       capitalized and not shown in the debt  
4       service budget for Fiscal Year '13.

5           The Commission provides debt  
6       service payments on \$8.2 billion of bonds  
7       for the City and the related authority.

8           The Commission currently holds  
9       one contract for \$4,500 with Digital  
10      Assurance Certification, DAC, a  
11      female-owned company. This contract has  
12      been in effect since June 2004. DAC is a  
13      certified Disclosure Disseminating Agent  
14      and, as such, posts on its website the  
15      financial statements for the City and its  
16      related authorities, the Water Department  
17      and the Philadelphia Airport as required  
18      by the Securities and Exchange Act of  
19      1934. The Commission's participation is  
20      100 percent for Fiscal Year '13.

21           This concludes the summary of  
22      my testimony. I'd be glad to answer any  
23      questions that Council may have either  
24      now or at the Council's convenience.

25           COUNCIL PRESIDENT CLARKE:

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Thank you. Thank you, Mr. Jones.

3                   A couple of quick questions,  
4           Mr. Jones. The issue with respect to the  
5           paid stadium bonds, can you give me a  
6           little more detail in this?

7                   MR. JONES: Sure. Currently  
8           outstanding is approximately \$290 million  
9           of bonds that were placed in 2007, which  
10          replaced an older issue back to 2001.  
11          It's broken down into four different  
12          series. They are variable rate bonds.  
13          We have a swap on them and letters of  
14          credit, as Ms. Winkler talked about last  
15          week. We pay a variable rate on those  
16          bonds. Right now we are currently paying  
17          in the neighborhood of 15 basis points to  
18          the bondholders, and the swap expense on  
19          that issue is 3.8 percent. So they're  
20          the highlights of that bond issue.

21                  COUNCIL PRESIDENT CLARKE: Let  
22          me ask you -- I'm not sure if you would  
23          be the person. We have been having  
24          conversations about asset sales and  
25          probably assuming that we receive some

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           significant revenue as a result of any  
3           asset sales, we would be looking to  
4           retire some of the debt.

5                     The question is, as an example,  
6           we were able to raise \$50 million in an  
7           asset sale when we wanted to retire a  
8           debt. Could you be in a position, would  
9           you be the one that would do the analysis  
10          to determine if there was some debt based  
11          on bond repayments that was out there  
12          that would be comparable, in addition to  
13          which if there were any penalties and  
14          fees associated with retiring that bond  
15          early? I mean, so we can do an analysis  
16          as to where we would actually apply the  
17          resources raised as a result of the asset  
18          sales. Would it be your office?

19                    MR. JONES: That's slightly  
20          above my pay grade. I'm going to defer  
21          that to the City Treasurer, Nancy  
22          Winkler.

23                    MS. WINKLER: Good afternoon.  
24          Nancy Winkler, City Treasurer.

25                    The City Treasurer's Office is

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           in the position, is able to do that  
3           analysis. As you I'm sure are aware, in  
4           the event of an asset sale, tax law  
5           really sets forth a set of constraints  
6           around which we would be required to  
7           apply the bond proceeds. Were we to  
8           receive monies, we would most likely have  
9           to pay off the bonds that were directly  
10          associated with the asset that was --

11                   COUNCIL PRESIDENT CLARKE: Oh,  
12          really?

13                   MS. WINKLER: Yes.

14                   COUNCIL PRESIDENT CLARKE: I  
15          wasn't aware of that. So if we were to  
16          sell, say, the garage, Love Park Garage,  
17          not that we're going to do that, but just  
18          say for instance if that issue came up,  
19          we would be restricted on what those  
20          proceeds can go towards as it related to  
21          debt?

22                   MS. WINKLER: We would  
23          obviously seek counsel, tax counsel  
24          advice.

25                   COUNCIL PRESIDENT CLARKE: But

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           potentially?

3                   MS. WINKLER: And then there  
4           would be a mathematical analysis of the  
5           most cost-effective application of the  
6           proceeds and the rules that would guide  
7           the particular bond issue that had been  
8           originally financed, but it would be  
9           common that the monies would have to be  
10          applied to the bonds, were there to be  
11          bonds still outstanding associated --

12                   COUNCIL PRESIDENT CLARKE:  
13          Suppose there were no bonds outstanding  
14          on the particular asset.

15                   MS. WINKLER: At that point, I  
16          think you would have more flexibility,  
17          but you would, again, need to seek advice  
18          from tax counsel.

19                   COUNCIL PRESIDENT CLARKE: So  
20          only in the event that there are  
21          outstanding bonds on that particular  
22          asset would you have that very limited  
23          restriction of applying the proceeds to  
24          that particular bond for that particular  
25          asset?



1 4/9/12 - WHOLE - BILL 120164, ETC.

2 MS. WINKLER: If you sell an  
3 asset for which there are no outstanding  
4 bonds, not bond proceeds, bonds -- I said  
5 bond proceeds earlier. Forgive me if I  
6 did -- then there would be more  
7 flexibility.

8 COUNCIL PRESIDENT CLARKE:  
9 Okay. All right.

10 MS. WINKLER: And we do  
11 certainly try to track.

12 COUNCIL PRESIDENT CLARKE: I'm  
13 glad to know I knew a little bit about  
14 what I was talking about. Okay. Thank  
15 you.

16 Thank you very much.

17 The Chair recognizes  
18 Councilmember Jones.

19 COUNCILMAN JONES:  
20 Mr. President, on those lines, I think it  
21 was a good question that you asked,  
22 because as we look at -- not that we are  
23 inclined to do it, but a part of the  
24 analysis of whether or not a Gas Works  
25 makes sense to do, whether or not an

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Airport makes sense, because that was the  
3 proposal of several mayors in the '07  
4 race, but to look at those various assets  
5 and see almost in a total picture of what  
6 really would we be able to net out of a  
7 sale, because if we have a prior  
8 responsibility to pay down a particular  
9 bond, it doesn't necessarily help us in  
10 our bottom-line budgeting because it  
11 doesn't reduce our overall debt.

12 So if we were to provide you  
13 with a list of assets, could you kind of  
14 in a portfolio management style provide  
15 us the do's and don'ts and impacts of  
16 said sale and where those proceeds could  
17 go? If we were to say, for example, the  
18 Love Park Garage, the Gas Works, the  
19 this, the that, not that we are inclined  
20 to do it, but as part of any good  
21 analysis, we need to look at what the  
22 implications are. So could we...

23 (Witness approached witness  
24 table.)

25 MR. DUBOW: Yes, we can do that

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           type of analysis. It's broader than even  
3           just the Finance questions. We'd need to  
4           involve Law. We'd need to involve  
5           programmatic people.

6                       So it's a big analysis, but we  
7           could look at it. I know for the  
8           Airport, for example, there are  
9           requirements of where proceeds would stay  
10          that are different from other assets.  
11          But we can look at that.

12                     MS. WINKLER: I was going to  
13          add, for the Airport, for example, I  
14          believe it could potentially trigger  
15          repayment of FAA monies, which would be  
16          very complex and significant.

17                     COUNCILMAN JONES: In a less  
18          complex manner, when we were looking at  
19          the Parkside area to develop, we had  
20          specific restrictions that said  
21          industrial development. So when we were  
22          looking at doing a retail use of the  
23          land, it had all kinds of implications as  
24          to repayment of acquisition dollars. So  
25          we have to take a hard look at where

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           those funds came from, what strings were  
3           attached and then what liberties or  
4           flexibility we can have on future  
5           proceeds. So that's not a minor  
6           analysis. That takes a minute.

7                        So if we're going to get a head  
8           start on some things, not to make a  
9           decision but to make a better analysis, I  
10          think we should start that process,  
11          Mr. President.

12                      MR. DUBOW: As you said, I  
13          agree with you, that's a long process if  
14          you want to do the analysis right.

15                      COUNCILMAN JONES: Thank you,  
16          Mr. President.

17                      COUNCIL PRESIDENT CLARKE:  
18          Thank you, Councilman.

19                      Real quick. On my earlier  
20          conversation, NTI bonds, we utilize NTI  
21          bonds to acquire land, and we had a -- so  
22          we had a direct sale. So the sale was a  
23          part of a broader development strategy,  
24          so it was related to the NTI provision or  
25          program statement, so that's why we were

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           able to sell that land? Because you  
3           indicated earlier outstanding bonds,  
4           because the bonds are still outstanding  
5           as it relates to NTI bonds, right?

6                     MS. WINKLER: So there are  
7           different types of bonds outstanding for  
8           the NTI program.

9                     COUNCIL PRESIDENT CLARKE: So  
10          it would be different debt.

11                    MS. WINKLER: There are  
12          tax-exempt bonds and then there are  
13          taxable bonds, and it would be -- while  
14          I'm not necessarily deeply familiar with  
15          the specific asset that you may have  
16          sold, it's my understanding that certain  
17          taxable bond proceeds, so not the bonds  
18          that -- the vast majority of the bonds  
19          the City has outstanding are tax-exempt  
20          and are governed by rules which would  
21          trigger, you know, paying off those bonds  
22          in the event we were to get rid of the  
23          asset.

24                    If the bonds that were issued  
25          to finance the asset were taxable, we

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           have -- there are different constraints  
3           and there's more flexibility. I believe  
4           that may be what you're referring to.

5                   COUNCIL PRESIDENT CLARKE:

6           Yeah. I'm just -- you know, the earlier  
7           question when you talked about the  
8           retirement of the bond -- I'm sorry; the  
9           sale of the asset had to be related to  
10          the original bond's purpose, so that's  
11          why I'm trying to figure out the scenario  
12          if we're selling land, recreation  
13          centers, but I'm assuming that those  
14          bonds have probably been retired on some  
15          of the capital programs that we've done.

16                   MS. WINKLER: Right, either  
17          retired or there was taxable debt  
18          associated with them.

19                   COUNCIL PRESIDENT CLARKE:

20          Okay. Thank you.

21                   The Chair recognizes  
22          Councilmember Johnson.

23                   COUNCILMAN JOHNSON: Yes.

24          Thank you.

25                   Good afternoon.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 MR. JONES: Good afternoon.

3 COUNCILMAN JOHNSON: Just a  
4 couple questions. What's our current  
5 bond rating for the City?

6 MR. JONES: The bond rating?  
7 Well, we were just upgraded by S&P to BBB  
8 plus based on Ms. Winkler's and the whole  
9 Finance Department's efforts, A minus on  
10 Moody's and A minus from Fitch, and A2  
11 from Moody's.

12 COUNCILMAN JOHNSON: I wanted  
13 to start off commending you from the  
14 upgrade in our bond rating. I think I  
15 did okay in public finance. I think my  
16 professor was Dr. Steve Mullin, not  
17 Doctor, but Steve Mullin at the time and  
18 paying close attention to how we maintain  
19 our credit rating, and I did see that we  
20 increased it, we improved our credit  
21 rating. I was happy from a macro level  
22 in terms of the City in our dealings and  
23 how we're able to borrow money in the  
24 market. So I did want to commend you on  
25 that aspect.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Does the Sinking Fund  
3 Commission pay the debt service on any  
4 derivative transactions with the City?

5 MR. JONES: Yes, we do. We pay  
6 the swap expense on the various swaps  
7 that are outstanding.

8 COUNCILMAN JOHNSON: That's it.

9 COUNCIL PRESIDENT CLARKE:  
10 Thank you, Councilman.

11 Any other questions of these  
12 witnesses?

13 (No response.)

14 COUNCIL PRESIDENT CLARKE:  
15 There being none -- I'm sorry.  
16 Councilman Henon.

17 COUNCILMAN HENON: Thank you,  
18 Mr. President.

19 Sorry. I just have a quick  
20 question. How long does it take to do a  
21 cash flow analysis as required by federal  
22 law and who does the analysis?

23 MS. WINKLER: Excuse me. What  
24 cash flow analysis are you referring to?

25 COUNCILMAN HENON: A cash flow



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           analysis. I was reading somewhere you  
3           have a -- is there a period of time where  
4           the cash flow needs to cover some of the  
5           bond payments or indebtedness for just a  
6           short period of time?

7                   MS. WINKLER: Yes. So every  
8           year the City does a Tax and Revenue  
9           Anticipation Note to fund its interim  
10          cash flow needs during the course of the  
11          year, because there's a mismatch between  
12          the City's revenues and expenses and the  
13          City doesn't have a fund balance to cover  
14          that. So it borrows money to cover that.  
15          And the City prepares cash flow  
16          projections on a quarterly basis, and  
17          they're included in the Five Year Plan.  
18          The projections are included in the Five  
19          Year Plan and they're released every  
20          quarter in the Quarterly City Managers  
21          Report.

22                   COUNCILMAN HENON: It was more  
23          of an explanation for somebody who is  
24          just breaking in to this inquiring  
25          business here on how the Sinking Fund

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       works and operates.

3           MS. WINKLER: So that work is  
4       actually done by the Budget Office. The  
5       cash flow projections are done by the  
6       Budget Office.

7           MR. JONES: And included in  
8       this budget is \$8 million of estimated  
9       interest expense for that short-term note  
10      for Fiscal Year '13.

11          COUNCILMAN HENON: And how  
12      about an anticipated note?

13          MS. WINKLER: Pardon me?

14          COUNCILMAN HENON: Is that the  
15      anticipated note?

16          MS. WINKLER: It's a Tax and  
17      Revenue Anticipation Note.

18          COUNCILMAN HENON: So we're  
19      borrowing off in anticipation -- off of  
20      anticipated revenue?

21          MS. WINKLER: Yeah. So we  
22      borrowed this year, for example, we  
23      borrowed in early December in  
24      anticipation of receiving taxes and other  
25      revenues during the remaining course of

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           the fiscal year, and then we're required  
3           under the terms of the note to make a  
4           deposit of principal basically one month  
5           prior to the maturity date. So we  
6           always -- the City always schedules the  
7           maturity to be the last day of the last  
8           month -- last business day of the last  
9           month of the fiscal year, the current  
10          fiscal year, because you have to repay it  
11          within the same fiscal year. So  
12          basically we're borrowing in anticipating  
13          of receiving revenues in the next seven  
14          months, six months really, because we set  
15          the money aside.

16                   COUNCILMAN HENON: That's  
17          structured like a 90 to 270 days in the  
18          repayment?

19                   MR. JONES: They can be a year  
20          long. They can borrow them on July 1st  
21          and pay them off on the following June  
22          30th.

23                   COUNCILMAN HENON: Okay.

24                   MR. JONES: Within the fiscal  
25          year.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILMAN HENON: I appreciate  
3 that. Thank you.

4 I have no further questions.

5 COUNCIL PRESIDENT CLARKE: Any  
6 other questions by members of these  
7 witnesses?

8 (No response.)

9 COUNCIL PRESIDENT CLARKE:  
10 There being none, thank you very much.  
11 Thank you for your testimony.

12 MR. JONES: Thank you very  
13 much.

14 MS. WINKLER: Thank you.

15 COUNCIL PRESIDENT CLARKE:  
16 We're going to run right through, so  
17 we're going to now ask for the Board of  
18 Revision of Taxes.

19 (Short break for stenographer.)

20 COUNCILMAN JONES: Okay. We're  
21 going to reconvene. Board of Revision of  
22 Taxes, would you come up to the stand and  
23 submit your testimony.

24 (Witnesses approached witness  
25 table.)

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILMAN JONES: Welcome.

3 Good afternoon. Could you please state  
4 your name and begin your testimony.

5 MS. PAGAN: Good afternoon,  
6 Council President and members of Council.  
7 My name is Carla Pagan. I'm the  
8 Executive Director of the Board of  
9 Revision of Taxes. Thank you for having  
10 us. To my right is Chairman of the  
11 Board, Judge Alan K. Silberstein, and to  
12 my left is Vice -- or excuse me;  
13 Secretary Robert N.C. Nix, III, and we're  
14 also here with members Wayne Johns and  
15 Eugene Davey. We're here today to  
16 testify on the proposed 2013 fiscal year  
17 end operation budget.

18 The department consists of the  
19 Board of Appeals, the Board of View and  
20 five staff. Our major objective is to  
21 hear the appeals of real property market  
22 values from the City of Philadelphia  
23 taxpayers. We are charged with making  
24 fair and equitable decisions based on  
25 relevant facts.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2                   For Fiscal Year 2013, we are  
3       requesting from Council a General Fund  
4       budgetary allowance of 708,540. That's a  
5       2 percent reduction in spending from the  
6       previous year. In addition, we have  
7       potential contingencies of 391,000. Our  
8       estimated total expenditures of 1,099,540  
9       for Fiscal Year 2013 are outlined as  
10      follows: Class 100, 672,000; Class 200,  
11      20,200; and in Class 3 and 400, 15,000.

12                   The BRT is a legislatively  
13      mandated administrative body charged with  
14      three basic functions: One, to hear all  
15      cases of appeals from real property  
16      assessments; two, to rule upon exemption  
17      requests; and, three, to hear all cases  
18      of appeals from eminent domain. That's  
19      what our Board of View does.

20                   As you all know, this is our  
21      second year in operation from the  
22      separation of the Office of Property  
23      Assessment. We are pleased to announce  
24      that in this past fiscal year we've  
25      implemented our own payroll and personnel

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           function, and we're in the process of  
3           doing the same with procurement. For tax  
4           year 2012, 5,800 -- for the 580,000  
5           parcels in the City, the BRT received  
6           approximately 2,000 market value appeals,  
7           and you'll see in our budget testimony  
8           the previous three years are also  
9           outlined below.

10                   As you also know, the OPA is in  
11           the process of completing a citywide  
12           assessment that will generate  
13           approximately 35,000 to 50,000 appeals.  
14           If the citywide initiative is completed  
15           for tax year 2013, the department will  
16           need an infusion into the budget for two  
17           to four temporary staff and an increase  
18           in Class 200 and 300 items.

19                   In the last part of our budget  
20           testimony, you'll see the demographics of  
21           the Board, the Board of Appeals, the  
22           Board of View and our five administrative  
23           staff.

24                   We just open to answer any  
25           questions that you all may have.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           COUNCILMAN JONES: Thank you so  
3 much. Is there anyone else testifying?

4           MS. PAGAN: No.

5           COUNCILMAN JONES: We have a  
6 couple of questions.

7           You guys have a heavy load to  
8 hold. I understand the appeals are  
9 expected to be between maybe as high as  
10 35,000 and 45,000 new appeals. How are  
11 you ramping up? What is your game plan  
12 to deal with that onslaught of appeals?

13          JUDGE SILBERSTEIN: Councilman,  
14 you're quite correct when you say the  
15 number of appeals will increase. In  
16 fact, if you look at Allegheny County  
17 where they did a total reassessment, they  
18 had 80,000 appeals last year, and we're  
19 anticipating anywhere from 35 to 45,000  
20 appeals if everyone is reassessed. I  
21 can't see any way around that.

22          We have discussed it. We've  
23 had meetings on it. We probably will  
24 have morning and afternoon hearings,  
25 break into panels. We may require



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           masters to have hearings. We may have to  
3           have evening hears. We don't know until  
4           we see what the Office of Property  
5           Assessment does and how many appeals that  
6           will trigger. If it's a small amount, we  
7           may be able to handle it ourselves.

8                       But that's why these  
9           contingencies that we have contained in  
10          the budget are merely possible  
11          contingencies. We really don't know what  
12          we'll need, and we may very well have to  
13          come back to this Council and ask for a  
14          transfer ordinance for additional funds.  
15          That would require paper, copying,  
16          another copy machine, the personnel and  
17          possibly even masters.

18                      So I guess the answer is, we  
19          really don't know right now what we'll  
20          need.

21                      COUNCILMAN JONES: So you're  
22          talking about increase in staff based on  
23          these contingencies. Do you have any  
24          idea what those responsibilities for new  
25          personnel would be?

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 JUDGE SILBERSTEIN: It would be  
3 mainly clerical in nature, data entry,  
4 clerical, copying, getting ready for the  
5 hearings, getting the paperwork to the  
6 Board members, because we review them the  
7 day before the hearings. So that's  
8 basically what it will be. It would not  
9 be high-end staff.

10 COUNCILMAN JONES: Talking  
11 about a couple of salary increases. Can  
12 you tell us what that's about?

13 JUDGE SILBERSTEIN: The salary  
14 increases, they're not really increases.  
15 They're related to the lawsuit that's  
16 still pending where the ordinance was  
17 held unconstitutional that the Council  
18 passed and the Supreme Court broke us  
19 into two sections, the Office of Property  
20 Assessment and our Appeals Division,  
21 which, quite frankly, the Appeals  
22 Division should be an independent agency.  
23 It shouldn't be that the Mayor with  
24 Council's assent appoints assessors and  
25 then the Mayor then appoints the people

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           who will hear the appeals. You should  
3           have that differential. I mean, it would  
4           be like the policeman arresting someone  
5           and then the sergeant tries you down at  
6           the police station. It just doesn't work  
7           that way, nor should it be that way.

8                     If someone feels that they're  
9           aggrieved, that the value that the Office  
10          of Property Assessment is too high for  
11          that particular house, they should have  
12          the right to appeal to an independent  
13          agency that would hear that appeal and  
14          hear what they have to say, and it  
15          shouldn't be the same people that appoint  
16          the assessors who originally appoint  
17          them. It just make sense. It doesn't  
18          make legal sense to do that.

19                    COUNCILMAN JONES: Well, we're  
20          going to find out real soon, because I  
21          think with all that's going on with STEB  
22          and re-val and all of this stuff, we're  
23          going to create a cottage industry for  
24          both CPAs, attorneys. I mean, we may be  
25          our own stimulus package.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           I'm going to relinquish the mic  
3           and go with Councilman Johnson.

4           COUNCILMAN JOHNSON: Thank you  
5           for being here. I just had a couple  
6           questions in regards to efficiencies in  
7           terms of how we're going to handle the  
8           approximately 35 to 45,000 expected  
9           appeals. So I want to make sure of a  
10          couple things.

11          One, how would an influx impact  
12          the amount of time that the BRT can spend  
13          on each appeal?

14          Two, will two to four temporary  
15          staff members, will that be enough?

16          JUDGE SILBERSTEIN: We don't  
17          know.

18          COUNCILMAN JOHNSON: I would  
19          think you would actually need more.

20          JUDGE SILBERSTEIN: We may need  
21          more. We're just trying to project,  
22          Councilman, the basic what we would need.  
23          We're not trying to just get funding or  
24          possible contingent funding. If you look  
25          at last year's budget, you'll see we

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       didn't spend what we had. We're not  
3       trying to see how much we can spend.  
4       We're trying to be efficient, and I think  
5       the record will indicate that. But we  
6       really don't know -- it never happened  
7       before. We never had that many appeals  
8       before.

9                   COUNCILMAN JOHNSON: So you'll  
10      understand, I'm erring on the side of an  
11      increase as opposed to -- the expectation  
12      probably for me would be higher and the  
13      need should be more from a planning  
14      standpoint, just primarily because if  
15      this AVI initiative is approved by  
16      Council and we have 35 to 45,000  
17      additional appeals, then obviously you  
18      would need more resources to address it.  
19      And I guess probably the first and  
20      foremost coming to my mind is  
21      constituents coming to you and appealing  
22      the actual tax bills.

23                   And so we want to make sure you  
24      have the support system in place, first  
25      and foremost, to address the issues. At

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           least that's how my mind is addressing  
3           it, because we're going to get the  
4           backlash as Councilpeople if it's not  
5           effectively addressed.

6                   JUDGE SILBERSTEIN: And we also  
7           when we said two to four, we took into  
8           consideration the physical nature of our  
9           offices. We'd have to expand -- more  
10          than two to four, we'd have to expand  
11          past where we are now to give us more  
12          space.

13                   COUNCILMAN JOHNSON: What do  
14          you consider in each appeals case?

15                   JUDGE SILBERSTEIN: Well, see,  
16          we've really changed the whole hearing  
17          function and how it's handled. Now it's  
18          much more open. It's much more  
19          transparent. I think if the  
20          Councilmembers speak to their  
21          constituents, they'll find that everyone  
22          who comes before us are pretty well  
23          satisfied with the way the hearing goes.

24                   We have the assessors, we have  
25          them testify as to the value. We have

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           them testify as to how they arrived at  
3           the value, what comps they used and how  
4           they reached it. So the taxpayer when  
5           the taxpayer is there, they understand  
6           why that number was put on there. It had  
7           not been like that in the past. Then the  
8           taxpayer appeals, and they always have  
9           someone on the block that's less or some  
10          house that sold for less and they do it.  
11          Then we go back to the City and they  
12          explain why they didn't use that comp or  
13          what-have-you.

14                 So it's transparent. In  
15          addition, we have court reporters there  
16          all the time. Everything is under oath.  
17          So anyone can refer back to the notes.  
18          It can be used on appeal. Even though  
19          it's a de novo appeal, it be can used.  
20          So it's a much more open and transparent  
21          hearing, which we feel that all the  
22          taxpayers deserve in the City.

23                 COUNCILMAN JOHNSON: Okay.

24                 JUDGE SILBERSTEIN: If I can  
25          just go a step further, I think it

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           requires more than this Council. I think  
3           there should be a homestead provision,  
4           and I know that's required by legislation  
5           and maybe first \$25,000 should be exempt,  
6           so that people who are in need, who are  
7           poor, don't get hit with this tax  
8           increase.

9                   COUNCILMAN JOHNSON:  
10          Twenty-five thousand, you said?

11                   JUDGE SILBERSTEIN: I would  
12          think so. I would say at least, yeah,  
13          25,000.

14                   COUNCILMAN JOHNSON: Okay.

15                   JUDGE SILBERSTEIN: I think  
16          that's what it is in some other states,  
17          in Florida.

18                   COUNCILMAN JOHNSON: Let me ask  
19          you this. What's your perspective on --  
20          and I don't have a problem publicly  
21          putting it out there, that I'm looking at  
22          the possibility of wanting to freeze  
23          certain taxes in my district just based  
24          upon houses being purchased on land  
25          that's sinking, as well as homes that



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           have been flooded. And so it's going to  
3           be difficult to even sell these homes and  
4           actually really put an actual type of  
5           property assessment on their actual  
6           property. So that's a big issue in one  
7           of the parts of my district, and so  
8           that's something I'm going to be looking  
9           at. How would that play into --

10                   JUDGE SILBERSTEIN: Well, there  
11           is the Council --

12                   COUNCILMAN JOHNSON: Because I  
13           know they're going to appeal.

14                   JUDGE SILBERSTEIN: There is an  
15           existing freeze for low income. I think  
16           it's whatever --

17                   COUNCILMAN JOHNSON: This is  
18           not low income. This is regular  
19           homeowners, middle class, non-Section 8,  
20           non-PHA, non-low income renting. These  
21           are regular folks who bought houses on  
22           City land and it just so happened to be  
23           that it's a Superfund site, so to speak,  
24           and their houses are sinking and their  
25           houses have been flooded. And so the

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           first thing they asked me when I was at a  
3           community meeting is, Hold up, how are  
4           you going to come up with a property  
5           assessment for our --

6                       JUDGE SILBERSTEIN: You mean  
7           they can't be sold because of the  
8           physical situation?

9                       COUNCILMAN JOHNSON: Would you  
10          buy a house that's --

11                      JUDGE SILBERSTEIN: No. No, I  
12          wouldn't.

13                      COUNCILMAN JOHNSON: All due  
14          respect, but...

15                      JUDGE SILBERSTEIN: No, I  
16          wouldn't. No. But that would go to the  
17          value, then. They would have very little  
18          value, and on appeal, we would take that  
19          into consideration and say, look -- the  
20          value is what a willing buyer and a  
21          willing seller would agree upon, and if  
22          there's no willing buyer to buy a house  
23          that's sinking, you know, it could have a  
24          zero value. That's why we're there and  
25          that's why it has to be independent.

1                   4/9/12 - WHOLE - BILL 120164, ETC.

2                   COUNCILMAN JOHNSON: Thank you.

3                   JUDGE SILBERSTEIN: I'll refer  
4 to our Secretary, Mr. Nix.

5                   COUNCILMAN JONES: The  
6 Councilman's point is well taken, and it  
7 was at his neighborhood budget hearing  
8 where it was first brought up, but I can  
9 tell you in the 9th and in the 4th, we  
10 have -- and in the 3rd, I would imagine,  
11 Councilwoman Blackwell, we are at such  
12 low elevation that there are entire  
13 blocks that are in that Logan -- maybe  
14 not as drastic as Logan, but close to it.

15                   So will that be picked up in  
16 the assessment, that if somebody says on  
17 the block, Look, we have a few of these,  
18 and mortgages are reluctant to write  
19 paper on those blocks and let the seller  
20 and buyer beware once they get stuck into  
21 a property like that, that is going to be  
22 taken into consideration for people?

23                   JUDGE SILBERSTEIN: Well, if  
24 the Office of Property Assessment doesn't  
25 do it -- that's the one that the Mayor

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           appoints with Council's confirmation --  
3           and if the person appeals, we certainly  
4           will take that into consideration.  
5           Absolutely.

6                   COUNCILMAN JONES: Okay.

7                   COUNCILMAN JOHNSON: Thank you,  
8           Your Honor. And one last thing. We will  
9           address the Office of Property Assessment  
10          and the Mayor's team he's put together,  
11          but it's all tied in and that's why we  
12          asked the question now.

13                   Just the last thing. Just in  
14          terms of caseload, separate from the  
15          increase of staff that's going to do  
16          clerical work, in terms of the actual  
17          hearings, how is that going to -- that  
18          has to increase, because I can't see the  
19          same system in place now dealing with 35  
20          to 40, because whoever that hearing  
21          officer is probably is going to get burnt  
22          out.

23                   JUDGE SILBERSTEIN: There's no  
24          question about that. We're going to have  
25          to reduce it -- we spoke about that. The

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           first thing we'll do is probably have two  
3           Board members, let's say, on Monday  
4           morning and Monday afternoon, and then  
5           they take the paperwork home for  
6           Wednesday and then two Board members for  
7           Tuesday hearing morning and afternoon  
8           too. At least have double hearings. And  
9           even then, the way we figured out, if we  
10          get 50,000 appeals, it's going to take  
11          two, three years before we can catch up  
12          with them, unless Council wants to -- and  
13          I don't even know if we can -- I guess we  
14          can have masters here and then make  
15          recommendations to the Board and do it  
16          that way, but we'd have to come back to  
17          Council and ask to have the money,  
18          additional funds, for the hiring of some  
19          masters. It could be attorneys who hear  
20          the case make recommendation to the  
21          Board, we adopt it, and get through it  
22          that way.

23                       But to be quite frank, I don't  
24          want to say we don't know, but we don't  
25          know how many appeals there are going to

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       be. Hopefully -- and Council has a  
3       tremendous job here. I don't know how  
4       you're going to do it. We thought of  
5       different ways about how you're going to  
6       get the \$90 million additional that the  
7       Mayor wants and some increase in taxes  
8       without raising the taxes and raising the  
9       millage, and then you're going to have  
10      problems raising the millage. I mean, I  
11      guess if I were on Council, I would say,  
12      you know, Let's get the actual value of  
13      all the properties and let's put 1  
14      percent on it, make it simple, everybody  
15      can understand it. You got a \$300,000  
16      house, you pay \$3,000. You have a  
17      \$400,000 house, you pay \$4,000. Start  
18      off with it that way, make it simple.  
19      Then everybody can understand it. Nobody  
20      can argue with it. It's not -- there's  
21      no uniformity argument. It takes it  
22      right away. And then that next year, you  
23      see how much that brings in, that you  
24      need more and the City needs more, so it  
25      becomes 1.02 or 1.03 and you can move

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           that way up or down depending on what the  
3           City needs. That to me would make a lot  
4           of sense.

5                   COUNCILMAN JONES: Your Honor,  
6           that common sense approach, we have a  
7           couple vacant seats here.

8                   COUNCILMAN JOHNSON: I  
9           appreciate that. That's all I have.  
10          Thank you, Your Honor.

11                  COUNCILMAN JONES: Thank you,  
12          Councilman Johnson.

13                  The Chair now recognizes  
14          Councilman Greenlee.

15                  COUNCILMAN GREENLEE: Thank  
16          you, Mr. Chairman.

17                  Yeah. That just sounded so  
18          simple, Your Honor. I wish we could do  
19          it that simply. Maybe we can. I don't  
20          know. We'll see.

21                  I just had a question. This  
22          was more procedural. I'm not speaking,  
23          just to be really clear, against the  
24          proposal to increase the salaries of the  
25          Board members, but just procedurally, I

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           know you said that the court threw out  
3           the bill to do away with the Board of  
4           Revision of Taxes, but there was a  
5           separate bill that set salaries.

6                   JUDGE SILBERSTEIN: And that  
7           bill is presently in litigation.

8                   COUNCILMAN GREENLEE: It is?

9                   JUDGE SILBERSTEIN: In  
10          Commonwealth Court. The lower court  
11          ruled in our favor. The City took an  
12          appeal. If the Commonwealth Court  
13          sustains the lower court, then that  
14          would -- that councilmanic ordinance  
15          would not be applicable and we'd be back  
16          to the previous salary, which was  
17          \$70,000.

18                  COUNCILMAN GREENLEE: Right.

19                  JUDGE SILBERSTEIN: I mean, it  
20          would seem to me that at a time when  
21          we're going to have more and more  
22          hearings wouldn't be the time to decrease  
23          the salary.

24                  COUNCILMAN GREENLEE: No. I  
25          understand that. I understand. I'm just



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           thinking procedurally, would we have to  
3           amend the bill to do that or could it  
4           just -- so you're saying --

5                   JUDGE SILBERSTEIN:

6           Procedurally that bill would be out. It  
7           would be --

8                   COUNCILMAN GREENLEE: If the  
9           court ruled --

10                  JUDGE SILBERSTEIN: If the  
11           court sustains it, and, therefore, the  
12           City would owe us the back dollars.

13                  COUNCILMAN GREENLEE: Okay.

14                  JUDGE SILBERSTEIN: We can  
15           negotiate that.

16                  COUNCILMAN GREENLEE: Okay.  
17           Great. Thank you.

18                  So it would kind of depend on  
19           what the court decides on that case?

20                  JUDGE SILBERSTEIN: That's  
21           right.

22                  COUNCILMAN GREENLEE: All  
23           right. I think I followed that.

24                  Thank you, Mr. Chairman.

25                  COUNCILMAN JONES: Thank you.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 The Chair now recognizes  
3 Councilwoman Bass.

4 COUNCILWOMAN BASS: Thank you,  
5 Mr. Chair.

6 Good afternoon.

7 JUDGE SILBERSTEIN: Good  
8 afternoon.

9 COUNCILWOMAN BASS: I just  
10 wanted to get an idea. Can you just give  
11 me an idea in terms of what your  
12 expertise -- how many years have you been  
13 doing what you're doing with the BRT?

14 JUDGE SILBERSTEIN: Me  
15 personally? Well, I was President Judge  
16 in Philadelphia Municipal Court and then  
17 I retired from that position from the  
18 Municipal Court judge in 2007. And prior  
19 to my work in the court, I have been  
20 regional counsel for the Pennsylvania  
21 Department of Transportation, where we  
22 handled all the eminent domain cases in  
23 the seven counties. So I have some  
24 experience, quite a bit of experience, in  
25 real estate appraisals and all.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           I'll tell you, we have an  
3       excellent Board. I mean, I can go  
4       through member by member of the Board  
5       with their background, and I don't think  
6       that you could get seven more  
7       knowledgeable people. We have attorneys,  
8       we have a former Chief Justice in Supreme  
9       Court, we have a real estate appraiser,  
10      we have -- I mean, we just have the whole  
11      picture.

12                   COUNCILWOMAN BASS: Quite a --

13                   JUDGE SILBERSTEIN: We have a  
14      wonderful Board, absolutely. They're  
15      dedicated and they're there and they go  
16      to hearings.

17                   COUNCILWOMAN BASS: And --

18                   JUDGE SILBERSTEIN: I can't  
19      speak highly enough of them.

20                   COUNCILWOMAN BASS: And I know  
21      that Carla has considerable experience as  
22      well.

23                   Carla, how long would you say  
24      you've been --

25                   MS. PAGAN: I've been with the

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           City of Philadelphia for four and a half  
3           years now. Prior to coming to the Board  
4           of Revision of Taxes, I spent time on the  
5           assessment side and have been actively  
6           involved in real estate for the past  
7           decade or so.

8                   COUNCILWOMAN BASS: Okay.

9                   Mr. Nix, many years, I know.

10                  JUDGE SILBERSTEIN: He's the  
11           old head here.

12                  SECRETARY NIX: I'm a lot  
13           younger than I look.

14                  I've been on the Board -- I  
15           went on the Board in 1988, and I can say  
16           that since I've been through maybe three  
17           or four Executive Directors, that  
18           Ms. Pagan's skills probably rival, if not  
19           exceed, any other former Executive  
20           Directors.

21                  COUNCILWOMAN BASS: I would  
22           agree with you.

23                  So I ask those questions just  
24           to put in the context my comments going  
25           forward, which is it really troubles me

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           that as we move forward with AVI and all  
3           of the work and all of the things that  
4           are being put into it, that we really --  
5           in my opinion, it seems pretty clear that  
6           we haven't laid a foundation for the work  
7           that lays ahead. And so just going back  
8           to your comments in terms of the  
9           homestead exemption and you mention  
10          around 25,000, and I think it's 15,000  
11          that's being proposed.

12                   JUDGE SILBERSTEIN: Proposed,  
13          yes.

14                   COUNCILWOMAN BASS: So you said  
15          25 is what a lot of other states,  
16          comparable states, offer to their  
17          citizens. And so has anybody asked you  
18          your opinion or your thoughts or -- and  
19          this is for everyone. Have you been  
20          consulted or how much have you been  
21          involved with what's happening with AVI?

22                   JUDGE SILBERSTEIN: We haven't  
23          been consulted, but I feel that since the  
24          Supreme Court said we're an independent  
25          agency, they just leave us alone and we

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           hear the appeals and that's it. We have  
3           not been consulted in reference to any  
4           legislation or any proposed legislation.

5                   COUNCILWOMAN BASS: Because I  
6           think --

7                   JUDGE SILBERSTEIN: The only  
8           proposed legislation I'm aware of is the  
9           one that they're trying to do away with  
10          our Board, not to help the Board or help  
11          the people in the City.

12                   COUNCILWOMAN BASS: Okay.  
13          Because I think you can have an  
14          independent agency, but still consult  
15          people who have experience and who know  
16          how to do this, what we should be doing,  
17          what we should be looking at, other  
18          models in other states, like you  
19          mentioned Florida. You know, it just  
20          really does make a lot of sense that if  
21          we're going to take such a huge  
22          undertaking, we really need to talk to  
23          people who have experience and who have  
24          been there and who know what the drill is  
25          in regards to that and, as you said, just

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           having a level of common sense and making  
3           this much more simpler. If we have to do  
4           it right now, it should be, in my  
5           opinion, a much more simpler process than  
6           it seems like it's coming out to be.

7                   JUDGE SILBERSTEIN: Well,  
8           Councilwoman, I'd be happy to meet, and  
9           I'm sure other Board members would be,  
10          with any committee or something that  
11          Council appoints to discuss these things  
12          and make recommendations. We have no  
13          problem with that.

14                   COUNCILMAN JONES:  
15          Councilwoman, that's a great idea. We  
16          will take advantage of that. I think it  
17          would behoove us as we move cautiously  
18          through this process to talk to people  
19          who have been there and done that and get  
20          some counsel from them. I think we'll  
21          create a subcommittee, or I'll ask the  
22          President to do so, and get us in a room  
23          to at least hear your experiences and  
24          share from that knowledge base.

25                   JUDGE SILBERSTEIN: Be happy to

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           do that, Councilman.

3                   COUNCILMAN JONES: Your Honor,  
4           I appreciate it.

5                   COUNCILWOMAN BASS: That would  
6           be great. Thank you.

7                   COUNCILMAN JONES: The Chair  
8           recognizes Councilman Squilla.

9                   COUNCILMAN SQUILLA: Yes.  
10          Thank you, Mr. Leader.

11                   My question basically is with  
12          the STEB ruling that came in and now how  
13          that affects the appeals. How would you  
14          perceive the ruling?

15                   JUDGE SILBERSTEIN: That's an  
16          excellent question. I'm glad you asked  
17          that. Well, first STEB came down with  
18          18.1 percent, and since that was more  
19          than 15 percent higher or lower than  
20          what's allowed, they couldn't -- you  
21          couldn't reach 32 percent unless STEB  
22          comes down with 27.2 percent. That was  
23          the magic number. Then the City  
24          submitted another 90-some hundred cases  
25          for review by STEB, and then the City



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       submitted a third set of cases of values  
3       and transfers for STEB. The third set  
4       was based upon some councilmanic  
5       ordinance years ago that said that  
6       they're only going to put the assessment  
7       at 71 percent, and the STEB Board knocked  
8       that out completely, but they did take  
9       the middle of the road and they let the  
10      City amend it by using the second set.

11                 The second set, from what I  
12      understand now, is about 24.8 percent,  
13      which still falls short of the 27.2. So  
14      we had hearings and we're required to  
15      apply the percentage that STEB comes down  
16      with to the values. So when it was 18.1,  
17      we applied 18.1. Everybody who appealed  
18      got the 18.1. Now STEB vacated the 18.1.  
19      In the meantime, the 18.1 was appealed.  
20      Every case was appealed by the City to  
21      the Common Pleas Court. So I don't know  
22      what's going to happen to that.

23                 Now the next -- from now on,  
24      the hearing, as far as I know -- we  
25      haven't gotten any official word from

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       STEB, but they'll have to amend their  
3       18.1. Well, they vacated the 18.1. So  
4       where it is now is a good question. Is  
5       it back to the 32 because they vacated  
6       the 18.1, or is it nowhere or is it the  
7       24.8, which they're coming down with? We  
8       expect that within the next couple of  
9       days to know that.

10                   Do we know that yet? Did it  
11       come down?

12                   Twenty-five point two.

13                   COUNCILMAN SQUILLA:

14       Twenty-five point two.

15                   JUDGE SILBERSTEIN: Now it's  
16       25.2.

17                   SECRETARY NIX: Stay tuned.

18                   JUDGE SILBERSTEIN: Which means  
19       that anybody who takes an appeal, in  
20       addition to us determining the market  
21       value, we're required to determine the  
22       common level ratio and the new  
23       assessment, so we just multiply that out  
24       and they're told at the hearing what the  
25       new assessment is. They get letters.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           But in the meantime, the City has sent  
3           out bills all at the 32 percent. So  
4           everybody has paid their taxes already.  
5           Now, how that's going to work next year,  
6           whether they'll be able to take a credit  
7           or not, that's something also that  
8           Council will probably have to consider  
9           when they're figuring out the millage,  
10          because that's in the mix.

11                   COUNCILMAN JONES: We tend not  
12          to give rebates.

13                   COUNCILMAN SQUILLA: Maybe a  
14          credit.

15                   JUDGE SILBERSTEIN: I hope I  
16          answered the question.

17                   COUNCILMAN SQUILLA: Yes.  
18          That's a good answer. And my other  
19          question, I guess, pertains to that, in  
20          that the ruling, I guess, comes out when  
21          we submit our assessments, correct? It  
22          comes out in July. When does the STEB  
23          come out with --

24                   JUDGE SILBERSTEIN: Ordinarily  
25          the Office of Property Assessment sends

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 out the bills in August.

3 Oh, in the STEB? Oh, when STEB  
4 gives the original. I'm sorry. I  
5 misunderstood. STEB gives a ruling, I  
6 think it's July. So that was out. That  
7 ruling was -- the City had known about it  
8 since July, that's the 18.1.

9 COUNCILMAN SQUILLA: Right.

10 JUDGE SILBERSTEIN: Then they  
11 just changed it to 25.2 this Friday, this  
12 past Friday.

13 COUNCILMAN SQUILLA: So then  
14 this July they'll come out for a ruling  
15 for next year?

16 JUDGE SILBERSTEIN: Possibly,  
17 yeah.

18 COUNCILMAN SQUILLA: So our  
19 assessments have to be in to them so they  
20 could know whether to create a STEB for  
21 us?

22 SECRETARY NIX: Councilman,  
23 it's not our assessments; it's the sales.

24 COUNCILMAN SQUILLA: Sales. We  
25 send the sales, right?

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           SECRETARY NIX: And then they  
3 run the number and the sales to the sales  
4 price to our ratio.

5           COUNCILMAN SQUILLA: So then  
6 once we sent them all the information --  
7 does it have to be sent to them by a  
8 certain time?

9           MS. PAGAN: June 30th.

10          COUNCILMAN SQUILLA: So June  
11 30th of this year we'll send all our  
12 sales in for the year and then they'll  
13 come back with a STEB rate in July for  
14 the following year?

15          JUDGE SILBERSTEIN: Right. The  
16 Office of Property Assessment will have  
17 their figures in. They'll supposedly  
18 select the sales, the true sales, not the  
19 dollar sales and not the for sales, but  
20 the true sales.

21          COUNCILMAN SQUILLA: Right.  
22 And so then we'll know what our rate is  
23 after July for the following year, so  
24 depending on our sales. So it may be 32  
25 percent, it may be 18 percent, maybe 25.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           We don't even know what that's going to  
3           be.

4                   JUDGE SILBERSTEIN: Well, if  
5           you go to actual value, it won't matter,  
6           because if you go to actual value, your  
7           common level ratio would then be 100  
8           percent. That would be the simplest, and  
9           that would make the most sense and be the  
10          fairest, and then just apply your rate to  
11          that.

12                   COUNCILMAN SQUILLA: And how  
13          would we go to actual value without  
14          knowing what all the assessments are?

15                   JUDGE SILBERSTEIN: That's what  
16          the Office of Property Assessment is  
17          supposed to be doing.

18                   COUNCILMAN SQUILLA: I know  
19          that. Well, that's not a question for  
20          you.

21                   All right. Thank you.

22                   COUNCILMAN JONES: Thank you.  
23                   Are there any other questions  
24          from members for this panel?

25                   (No response.)

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILMAN JONES: Seeing none,  
3 thank you very much.

4 JUDGE SILBERSTEIN: Thank you  
5 for having us.

6 MS. PAGAN: Thank you.

7 COUNCILMAN JONES: Next will be  
8 Civil Service.

9 (Witnesses approached witness  
10 table.)

11 COUNCILMAN JONES: Good  
12 afternoon. Thank you for your patience.  
13 I'm seeing some old friends there.

14 Could you state your names for  
15 the record and begin your testimony,  
16 please.

17 MS. SMITH: I'm Doris A. Smith,  
18 Chair of the Civil Service Commission.

19 COMMISSIONER RODRIGUEZ: Pedro  
20 Rodriguez, Commissioner.

21 COMMISSIONER ORFANELLI: Linda  
22 Orfanelli, Commissioner.

23 MR. D'ATTILIO: Albert  
24 D'Attilio, Director of Human Resources.

25 COUNCILMAN JONES: Please begin

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           your testimony.

3                   MS. SMITH: Good afternoon,  
4           Councilman Jones and members of the City  
5           Council. I'm Doris Smith, Chair of the  
6           Civil Service Commission. With me today  
7           are Civil Service Commissioners Linda  
8           Orfanelli and Pedro Rodriguez and the  
9           Director of the Human Resources, Albert  
10          D'Attilio.

11                   I have submitted written  
12          testimony for your consideration. In  
13          summary, that testimony: The Civil  
14          Service Commission is charged with  
15          ensuring the application of merit  
16          principles to public employment. In  
17          carrying out that mandate, the Commission  
18          approves or disapproves a large variety  
19          of actions affecting Civil Service  
20          employees, including the enactment of  
21          Civil Service regulations and the  
22          establishment and revision of job  
23          classes, positions and pay  
24          classifications. We also function as an  
25          appellate body, which hears and decides



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           on Civil Service employees' appeals of  
3           personnel decisions.

4                   Our total budget request of  
5           \$166,903 consists of 136,309 in Class  
6           100; 29,500 in Class 200; and 1,094 in  
7           Class 3 and 400. The Commission has one  
8           small contract valued at 29,500. The  
9           contractor is a certified WBE.

10                   With this budget, President  
11           Clarke and members of the Council, the  
12           Commission can continue its important  
13           work of ensuring the preservation of the  
14           Philadelphia merit system as mandated by  
15           the Philadelphia Home Rule Charter.

16                   This concludes our testimony.  
17           If you have any questions, we'd be happy.

18                   COUNCILMAN JONES: I'm going to  
19           allow some of the newer members to  
20           comment, but I want to ask a couple of  
21           quick questions.

22                   I remember a couple of years  
23           back we were finding it increasingly  
24           difficult to fill certain positions, and  
25           the Mayor and the Administration

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       recommended us casting a wider net of  
3       non-Philadelphia residents with a  
4       requirement that they, upon receipt of a  
5       job, move into the City within six  
6       months.

7                     Can you give us an update on  
8       how that has progressed?

9                     MS. SMITH: Yes. We have here,  
10      and we can give you a copy, all of the  
11      waivers. There have been 291 waivers  
12      over the years, not just last year. In  
13      the first category, five out of seven  
14      have moved into the City. We're waiting  
15      to hear about two more, and the others  
16      we're waiting to hear about. And we can  
17      give you a -- make a copy of this for  
18      you.

19                    COUNCILMAN JONES: If you could  
20      make that available and we'll make it  
21      available to Council.

22                    MS. SMITH: Sure.

23                    COUNCILMAN JONES: What are the  
24      trades that we are having difficulty  
25      finding staff for? What are the

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           occupations that we need to recruit a  
3           little better for? And what steps -- as  
4           I recall back then, we were going to do  
5           some new recruiting efforts. Have we  
6           made progress in that regard?

7                       MR. D'ATTILIO: Councilman,  
8           Albert D'Attilio, the Director of Human  
9           Resources.

10                      We work with the individual  
11           departments who handle the recruiting  
12           efforts for their positions. Generally  
13           speaking, we have, I guess, the most  
14           difficulty with the medical professional  
15           positions, and on the trades issue, I  
16           would say the automotive maintenance  
17           technicians. But, again, we work with  
18           the departments who are responsible for  
19           the recruitment.

20                      We have, as you mentioned  
21           earlier, had a Charter change to allow  
22           applicants to be appointed to civil  
23           service positions and then move into the  
24           City within six months. I think that's  
25           been very effective, and it has decreased

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           the need for residency waivers. We have  
3           also gone with an online application  
4           system that people can apply for  
5           throughout the world. So we're getting a  
6           larger reach out into the employment or  
7           the recruitment community.

8                   COUNCILMAN JONES: For example,  
9           in the Police and Fire, I spoke to a  
10          class of graduating optimistic-faced  
11          recruits at the Police Academy. How many  
12          of them actually were recruited from  
13          outside of the City? Do you happen to  
14          know that?

15                   MR. D'ATTILIO: About 25  
16          percent.

17                   COUNCILMAN JONES: So 25  
18          percent lived in surrounding counties,  
19          surrounding states. How far out did the  
20          applicants that applied come from? If  
21          you don't have it at the top of your  
22          head, that's okay, but do we have a sense  
23          of that?

24                   MR. D'ATTILIO: We have that  
25          information and we can provide it to you.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           I don't have it off the top of my head.

3                   Michael McAnally is the Deputy  
4           Director of Human Resources. He might  
5           have the information.

6                   MR. McANALLY: Councilman, I  
7           don't have exact numbers, but we did have  
8           applicants for police officer recruit  
9           from throughout the country from as far  
10          away as California. The majority of the  
11          applicants were local, but by "local," I  
12          mean Pennsylvania, New Jersey, Delaware,  
13          New York state, but we had them  
14          throughout the country.

15                  COUNCILMAN JONES: My only  
16          observation of that class -- and I was  
17          glad to see them from wherever they're  
18          from, California, we need able bodies  
19          willing to do that, but I did note -- and  
20          Councilwoman Reynolds Brown isn't here --  
21          there was only one African American  
22          female, and that concerned me. I  
23          remember when the dialogue began a couple  
24          years ago, that there was going to be  
25          outreach efforts to historically black

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2 colleges and universities. How have we  
3 moved on that?

4           MR. McANALLY: We just  
5 completed accepting applications from  
6 police officer recruit. We're going to  
7 test again in May. And we received about  
8 6,000 applications, and we revised the  
9 requirements at the request of Police  
10 Commissioner Ramsey so that now  
11 candidates either need two years  
12 full-time experience in the military or  
13 two years of college or a prior  
14 experience as a police officer in another  
15 jurisdiction. The Police Department was  
16 very active in their recruiting. We're  
17 reviewing the applications now, and I  
18 don't have the demographics yet, but --

19           COUNCILMAN JONES: But  
20 specifically -- listen, I appreciate what  
21 you're trying to do, but in addition, I  
22 don't want to see a lopsided demographic  
23 if we are not recruiting out of some of  
24 the colleges and universities that are  
25 right in our area, Cheyney and Lincoln,

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           that we can find qualified applicants but  
3           for the fact that they don't know about  
4           these opportunities. All of them offer  
5           criminal justice majors, and what I was  
6           assured a couple years ago is that we  
7           would take the extra step to reach out to  
8           these particular universities and I want  
9           to know if we have done that.

10                   MR. McANALLY: I'd have to get  
11           back to you, but I believe the Police  
12           Department did all of the recruiting, and  
13           I can check with the Police Department.

14                   COUNCILMAN JONES: So it's  
15           important for you to know whether we are  
16           accomplishing that, because as I look at  
17           those demographics and the shift of them,  
18           I just want to make sure that we are  
19           doing all we can to be inclusive,  
20           particularly in the Police Department.  
21           When we deal with neighborhoods, inner  
22           city neighborhoods, often that cultural  
23           enrichment, that cultural diversity  
24           actually helps them do their job, and I  
25           just want us to maintain that high level

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           of recruitment effort. And you guys said  
3           it on the record you would, and I'm going  
4           to hold you to it.

5                     MR. McANALLY: Yes.

6                     MR. RODRIGUEZ: Councilman, if  
7           I may, when we did the recruitment for  
8           the last firefighters exam, there's a  
9           question in the application, How did you  
10          hear about the exam, and six out of ten,  
11          if I recall correctly, was word of mouth.  
12          Despite all the advertising that's been  
13          done, the availability of the information  
14          on the web, still the most trusted way to  
15          deliver the information to the people is  
16          word of mouth, and I think we have to  
17          work a little harder to try to reach  
18          those populations and try to do that in a  
19          more personal touch to get people to  
20          apply.

21                    COUNCILMAN JONES: Well, I just  
22          want to hold you to recruiting the  
23          standard that you told me, because a lot  
24          of us were reluctant to give our vote in  
25          support about recruiting outside of the



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           City because we feared that there would  
3           be a drop-off of people that were from  
4           the neighborhoods that are around the  
5           City.

6                        So I expect to see recruitment  
7           posters at Cheyney and Lincoln, because  
8           that's what you guys said you would do.  
9           I got a long memory, because that  
10          stenographer, that ink doesn't fade, so  
11          I'm going to hold you to that.

12                      A couple of -- how are we in  
13          the skilled trades? I know that the Gas  
14          Works is experiencing as the folk age  
15          through and move to DROP and retirement,  
16          recruiting welders and pipe fitters that  
17          are comparable wages, I mean, is that a  
18          factor? Are they able to get more from  
19          the private sector to do the same work  
20          than for the City, and is that a problem?  
21          Departments like the Water Department,  
22          Streets Department, skilled laborers.

23                      MR. McANALLY: Yeah.

24          Councilman, recently we have not had  
25          tremendous difficulty filling any of the

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           skilled trades jobs. I don't believe  
3           that our salaries are non-competitive,  
4           and when you factor in our benefits --

5                   COUNCILMAN JONES: That's what  
6           I heard.

7                   MR. McANALLY: -- and the job  
8           security, if you worked in the skilled  
9           trades, a lot of the skilled trades, the  
10          work is sporadic. We have a full-time  
11          job, guaranteed income and guaranteed  
12          benefits, so --

13                  COUNCILMAN JONES: So are we  
14          getting because of the recession better  
15          applicants, more applicants?

16                  MR. McANALLY: Across the board  
17          we're getting better applicants than we  
18          ever had before. We're getting  
19          applicants who are overqualified for a  
20          wide variety of jobs.

21                  COUNCILMAN JONES: A sign of  
22          the times. Thank you very much.

23                  The Chair now recognizes  
24          Councilman Squilla.

25                  COUNCILMAN SQUILLA: I had one

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           quick question. Is there any way now, I  
3           guess, do we add extra points if you live  
4           in the City of Philadelphia on civil  
5           service?

6                       MR. D'ATTILIO: There's a  
7           resident tiebreaker. It's the first  
8           tiebreaker, so if all other things are  
9           equal, then a resident gets preference  
10          over a non-resident.

11                      COUNCILMAN SQUILLA: But a  
12          resident doesn't get any extra incentive  
13          on the civil service exam for being a  
14          City resident, just a tiebreaker?

15                      MR. D'ATTILIO: It's just a  
16          tiebreaker, yes.

17                      COUNCILMAN SQUILLA: Because  
18          you would think maybe we can look into  
19          something where a City resident would  
20          have an added advantage beside a  
21          tiebreaker on civil service exams,  
22          especially on certain issues you can work  
23          outside the City, certain occupations you  
24          can work outside the City. Is that  
25          something that we can look into as a

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 Board?

3 MS. SMITH: Yes. We will  
4 certainly look into that.

5 COUNCILMAN SQUILLA: Okay. All  
6 right. Thank you. I just think it to be  
7 a good idea so we can get our people in  
8 our city working, and I would rather hate  
9 to see somebody from out in New Jersey or  
10 even California come in and get a job  
11 over somebody from Philly if it's close  
12 enough where the person from Philly  
13 should get the job.

14 Thank you.

15 COUNCILMAN JONES: I agree with  
16 that, Councilman.

17 Are there any other questions  
18 for the Civil Service?

19 (No response.)

20 COUNCILMAN JONES: Seeing none,  
21 thank you so much for your testimony.

22 Next we will have Human  
23 Resources.

24 COUNCILWOMAN SANCHEZ: Wait,  
25 wait, wait, wait, wait.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILMAN JONES: Wait a  
3 minute.

4 COUNCILWOMAN SANCHEZ: I can't  
5 give Pedro a free ride.

6 COUNCILMAN JONES: The Chair  
7 will now -- you were almost out of here.

8 MR. RODRIGUEZ: I was doing  
9 homework all weekend just for that.

10 COUNCILWOMAN SANCHEZ: See, he  
11 knew. He was prepared. Thank you.

12 COUNCILMAN JONES: The Chair  
13 recognizes Councilwoman Sanchez.

14 COUNCILWOMAN SANCHEZ: I know  
15 we're having a light moment. I just came  
16 from a press conference about the fire in  
17 my district and the two firefighters that  
18 we lost. So if it's okay with you,  
19 Mr. Chair, I'd like us to rise and give a  
20 moment of silence for those two officers,  
21 at the Mayor's request.

22 COUNCILMAN JONES: Absolutely.  
23 (Moment of silence.)

24 COUNCILWOMAN SANCHEZ: Thank  
25 you.

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 I'm still a little muffled  
3 here.

4 I wanted to ask you and Pedro  
5 knows around the Civil Service Commission  
6 and how many bilingual job descriptions  
7 were written or requested by City  
8 departments?

9 MR. RODRIGUEZ: Councilwoman  
10 Quinones-Sanchez, not that many, and this  
11 is something that the Human Resources  
12 Department has been and the Commission  
13 has been trying to stimulate to promote  
14 and make sure that we increase those  
15 numbers. Al can give you the exact  
16 number of requests that we have. All I  
17 can tell you is that we have approved  
18 every request that's been made by  
19 departments for bilingual certification.

20 Al, you want to add something?

21 MR. D'ATTILIO: So in Fiscal  
22 Year '12, the Office of Human Resources  
23 has received three requests for selective  
24 factor certification for language skills.  
25 One was from the Finance Tax Review Board

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           for a service rep, a bilingual service  
3           rep. The Office of Supportive Housing  
4           requested a bilingual social work  
5           services trainee, and the Finance Office  
6           of Administrative Review recently  
7           requested a bilingual clerk typist.

8                       We will be announcing clerk  
9           typist 1 in May, bilingual. We announced  
10          the labor list last fall, and while  
11          there's not a language specialty on that,  
12          we did have the announcement in Spanish.

13                     COUNCILWOMAN SANCHEZ: We  
14          worked with Streets Department in  
15          particular to try to do some recruitment  
16          on that, because it's a lottery.

17                     One of the -- I ask this to all  
18          the Commissioners all the time, and one  
19          of the responses that I get is always  
20          that it costs extra money because you  
21          have to apply the language test and,  
22          therefore, Personnel has been reluctant  
23          to do it.

24                     Now, I have said to them I want  
25          them in writing. I want to see every

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           single department officially request from  
3           the Personnel Office a creation of a job  
4           spec, a bilingual job spec, particularly  
5           in service areas and entry-level  
6           positions where people are interacting  
7           with the public.

8                        So you're telling me that those  
9           are the only three requests that you have  
10          and that you approved them all?

11                      MR. D'ATTILIO: That's correct.  
12          And since I've been the Director of Human  
13          Resources in June of 2008, we have not  
14          turned down any requests, and cost is not  
15          an issue for us on that.

16                      COUNCILWOMAN SANCHEZ: Have  
17          there been any requests by any of the  
18          departments from the list creation to  
19          certify -- one of the discussions I've  
20          been having with the Managing Director's  
21          Office and the Chief of Staff is around  
22          police officers, firefighters around the  
23          bilingual selective factor for the  
24          purposes of promotion.

25                      Have you gotten any requests



1           4/9/12 - WHOLE - BILL 120164, ETC.

2           from any departments to create that type  
3           of list?

4                       MR. D'ATTILIO: No,  
5           Councilwoman.

6                       MR. RODRIGUEZ: No.

7                       MR. D'ATTILIO: We have not.

8                       COUNCILWOMAN SANCHEZ: Okay. I  
9           don't want to be a drama queen right now  
10          because I'm too emotional. I sound like  
11          a broken record. I could have played  
12          this over and over and over. How many  
13          years have you heard this for?

14                      COUNCILMAN JONES: Five,  
15          Councilwoman.

16                      COUNCILWOMAN SANCHEZ: Five  
17          now.

18                      Can I ask from the Personnel  
19          Department to give me a list of -- how  
20          many tests were administered this year,  
21          for creating a list? Because initially  
22          when I first got elected, the issue was  
23          people took the test, were working from a  
24          list. So my question is going to be from  
25          now on, when there's a job created, when

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           there's a list to be created, I'd like to  
3           know, because I want to know if the  
4           request comes in requesting the bilingual  
5           spec.

6                       How many lists have we created  
7           this year.

8                       MR. McANALLY: So far this  
9           fiscal year, 273.

10                      COUNCILWOMAN SANCHEZ: Two  
11           hundred and seventy-three?

12                      MR. McANALLY: Correct.

13                      COUNCILWOMAN SANCHEZ: And I  
14           got three requests?

15                      MR. McANALLY: Correct.

16           Although, Councilwoman, we did sign an  
17           eligible list just today for the  
18           Commission on Human Relations for an  
19           intake coordinator and it is for a  
20           Spanish specialty. There are about six  
21           candidates on the list. We have to give  
22           a qualifying oral examination to verify  
23           that the candidates do speak Spanish, and  
24           we should be doing that in the next few  
25           weeks.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           COUNCILWOMAN SANCHEZ: Is there  
3 any additional cost to the creation of  
4 this bilingual list or the bilingual  
5 specs? When departments are requesting  
6 updated job specs, is there any  
7 additional cost to --

8           MR. McANALLY: No. Our staff  
9 writes and revises job descriptions. So  
10 there's no cost -- for the examinations,  
11 there's no additional cost. We just have  
12 to identify raters who are fluent in the  
13 designated language so that they can rate  
14 the candidates. So it's a logistical  
15 issue, but it's not a financial issue.

16          COUNCILWOMAN SANCHEZ: So we  
17 created 273 lists you said this year?

18          MR. McANALLY: Yes.

19          COUNCILWOMAN SANCHEZ: Any  
20 newly created job specs that were created  
21 this year as a new position?

22          MR. McANALLY: There were. I  
23 don't know. It's probably less than 20  
24 new job descriptions. The only one that  
25 I'm aware of that contained the bilingual

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 aspect was the position for the  
3 Commission on Human Relations.

4 COUNCILWOMAN SANCHEZ: Other  
5 than the laborer position that is  
6 conducted via -- what is it?

7 MR. D'ATTILIO: A lottery.

8 COUNCILWOMAN SANCHEZ: -- a  
9 lottery, are there any other lottery  
10 positions like that?

11 MR. D'ATTILIO: No.

12 COUNCILWOMAN SANCHEZ: That's  
13 the only one? Okay.

14 All right. Thank you,  
15 Mr. Chair. I will have to document again  
16 for the purposes of this record.

17 Oh, excuse me. Yeah, record in  
18 many ways. I don't want to sound like a  
19 broken record as I -- one of the requests  
20 that I had made to the Administration as  
21 department heads came in was to give me a  
22 listing of what new hires they had and  
23 how many of those were bilingual, if any,  
24 were created, but clearly, I have an  
25 uphill battle, like Wilson Goode and

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Blondell, in terms of getting the  
3           participation, when we have 273 new lists  
4           created and only three requests -- four  
5           requests -- thank you, Rue -- over at  
6           Human Relations for these jobs.

7                   COUNCILMAN JONES: If I recall,  
8           one of the populations that actually grew  
9           in the last census was the --

10                   COUNCILWOMAN SANCHEZ: Latinos  
11           and Asian Americans continue to be the  
12           highest growth in the City of  
13           Philadelphia. I'm sure my Council  
14           colleague back here agrees with me that  
15           it is unacceptable, particularly after  
16           the Mayor signed an Executive Order on  
17           this very issue. And my concern at that  
18           particular time was that we would do  
19           this, that we would sign an Executive  
20           Order and that no action would be taken.  
21           And I can't beat up the Civil Service  
22           Commission and the HR Director because  
23           they are doing what departments are  
24           requesting.

25                   COUNCILMAN JONES: Well, we get

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           our -- the one time departments remember  
3           our request is at budget time, and  
4           sometimes we have to remind them of that  
5           request. And that's the good news about  
6           a stenographer here, we get to --

7                   COUNCILWOMAN SANCHEZ: For the  
8           record. And this is a conversation I've  
9           had with the Director, and his office has  
10          been very helpful in educating me around  
11          the process around this, so that I know  
12          that I am not asking for something that  
13          is impossible or improbable, but  
14          something that, based on the Mayor's  
15          Executive Order, should be taken more  
16          seriously.

17                   COUNCILMAN JONES: Thank you  
18          for your patience, Councilwoman.

19                   COUNCILWOMAN SANCHEZ: Thank  
20          you.

21                   COUNCILMAN JONES: Are there  
22          any other questions for this panel?

23                   (No response.)

24                   COUNCILMAN JONES: Seeing none,  
25          thank you very much for your testimony

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 and your continued diligence in your  
3 department. Thank you so much.

4 MR. RODRIGUEZ: Thank you.

5 COUNCILMAN JONES: Now we'll  
6 have Human Services to pick this right up  
7 where we left off.

8 (Witnesses approached witness  
9 table.)

10 COUNCILMAN JONES: Thank you  
11 again. State your name for the record  
12 and submit your testimony, please.

13 MR. D'ATTILIO: Thank you.  
14 Good afternoon, Councilman Jones and  
15 members of City Council. My name is  
16 Albert D'Attilio and I am the City's  
17 Director of Human Resources. With me  
18 today are Deputy Director Celia O'Leary,  
19 Brian Albert, James Startare and Michael  
20 McAnally.

21 I've submitted written  
22 testimony in support of the Office of  
23 Human Resources' Fiscal Year 2013  
24 operating budget request for your  
25 consideration. I can summarize that

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           testimony and answer any questions you  
3           may have.

4                       The mission of the Office of  
5           Human Resources is to administer the  
6           civil service in a manner that allows  
7           departments to attract, select and retain  
8           a qualified, diverse and effective  
9           workforce that supports the goals of the  
10          City. OHR accomplishes its core mission  
11          by classifying and determining  
12          compensation rates for all civil service  
13          positions, developing and administering  
14          civil service exams, establishing civil  
15          service eligible lists that are used for  
16          both appointment and promotion, ensuring  
17          compliance with Home Rule Charter and the  
18          Civil Service Regulations, managing and  
19          administering a competitive yet  
20          cost-effective benefit program for  
21          non-represented and civil service-exempt  
22          employees.

23                      Our FY13 proposed General Fund  
24          budget of \$5,347,459 represents an  
25          increase of \$223,699 from our FY12



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           estimated obligations. This increase in  
3           Class 100 of \$163,699 is due mainly to  
4           the transfer of three employees from the  
5           Finance Department to the Office of Human  
6           Resources on July of 2012.

7                     The net increase in Class 200  
8           of \$60,000 is a net result of increases  
9           totalling \$310,000 that center on benefit  
10          administration. This is offset by the  
11          elimination of funding of \$250,000 for  
12          the FY12 firefighter exam.

13                    The increase also includes an  
14          estimated \$75,000 for an audit to ensure  
15          that we are providing benefits only to  
16          eligible dependents. In addition, the  
17          Office of Human Resources will assume  
18          responsibility for an \$85,000 Wageworks  
19          contract that currently resides in the  
20          Finance Department. So that's being  
21          transferred from Finance to OHR.

22                    Finally, there's an estimated  
23          \$150,000 proposed for a benefit data  
24          warehouse that will enable our department  
25          to better manage the more than 500,000

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           claims that are processed under the  
3           self-insured medical and prescription  
4           program each year at a cost of \$70  
5           million.

6                       The Office of Human Resources  
7           is committed to supporting the  
8           Administration's goal of 25 percent  
9           minority, women and disabled-owned  
10          businesses participating in City  
11          contracting. OHR's contribution to the  
12          goal is somewhat limited by the fact that  
13          our office will only seek two major  
14          contracts in FY13, and that is the  
15          dependent eligibility audit that I  
16          mentioned as well as the data warehouse.  
17          Overall, our FY13 goal is 5 percent, but  
18          we work closely with the Office of  
19          Economic Opportunity as soon as our RFP  
20          process begins to ensure that we set  
21          appropriate goals and we maximize  
22          participation opportunities.

23                      I would like to highlight two  
24          contracts, though, in other departmental  
25          budgets that we have played major roles

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       in, and it demonstrates our strong  
3       commitment to the Administration's goals.  
4       Our office selected Robert L. Johnson  
5       Insurance Services -- it's a  
6       minority-owned insurance service firm --  
7       for stop loss coverage. That contract  
8       exceeded \$1.6 million. It resides in the  
9       Finance budget, but we selected the  
10      vendor.

11                   In addition, we've worked with  
12      the Office of Innovation and Technology  
13      to select Equinoxys. It's another  
14      minority firm, 100 percent participation,  
15      to support our Human Resources  
16      Information System. That contract is  
17      valued at \$360,000. So we do the best we  
18      can when we can.

19                   With that, that summarizes my  
20      testimony and I'm happy to answer any  
21      questions you may have.

22                   COUNCILMAN JONES: A couple of  
23      quick questions. You mentioned in your  
24      testimony for FY13 75,000 for audits to  
25      ensure that we are providing benefits

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           only to eligible dependents. Can you  
3           elaborate on that? What's the problem  
4           and how does this appropriations help  
5           with that?

6                   MR. D'ATTILIO: So it's a due  
7           diligence. We provide benefits to  
8           approximately 5,500 City employees,  
9           non-represented, exempts and fair share  
10          employees from District Council mainly 33  
11          and their dependents. We need to ensure  
12          that the dependents that we provide  
13          coverage for are actual eligible  
14          dependents; that is, they're under the  
15          age of 26 or they're truly the dependent  
16          children of our employees. So what we  
17          intend to do this year is hire a firm to  
18          help us with an audit.

19                   COUNCILMAN JONES: Do you think  
20          that in that regard there's a problem?

21                   MR. D'ATTILIO: I think, again,  
22          it's something that anyone when we're  
23          managing an \$84 million program, we  
24          should periodically audit our rolls to  
25          make sure that people who should have

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           been removed have been removed and people  
3           who have been placed on the rolls are  
4           truly eligible. It's just due diligence.

5                   COUNCILMAN JONES: Okay.

6           Medical expenditures, health expenditures  
7           are proposed to increase substantially  
8           this year. I think it's \$11 million.  
9           What role does the Office of Human  
10          Resources have in managing the increased  
11          cost to the City of Philadelphia?

12                   MR. D'ATTILIO: So, again, my  
13          office provides benefits for the 5,500  
14          non-represented, exempt and fair share  
15          employees. We have been aggressive in  
16          trying to contain the spiraling cost of  
17          healthcare through competitive  
18          contracting, through self-insurance on  
19          the prescription and medical benefit side  
20          and through plan design changes, and we  
21          have pretty much held those cost  
22          increases in check. Our \$84 million  
23          proposed budget this year is the same as  
24          FY12, and if you look at the Five Year  
25          Plan, it's not projected to change in the

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           Five Year Plan. We will make the changes  
3           necessary to stay within that budget.

4                   MR. STARTARE: Can I please  
5           add. James Startare, Deputy HR Director.

6                   I oversee the employee benefits  
7           program. And just to clarify, that  
8           increase is strictly on the Fraternal  
9           Order of Police benefit program. As Al  
10          D'Attilio just mentioned, the  
11          City-administered non-rep population is  
12          remaining flat from a budget perspective.

13                   COUNCILMAN JONES: It's my  
14          understanding and I believe on public  
15          comment District Council 33's President  
16          came in and asserted that they have a  
17          really good health cost containment plan  
18          and that in fact we were taking notes  
19          from that. Is that indeed true?

20                   MR. STARTARE: I don't want to  
21          comment on what District Council 33 does  
22          if they administer and operate their plan  
23          independently. I could speak for what we  
24          do, and I could say directly that the  
25          City-administered plan is not taking

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           notes from any other City unions.

3           However, we continually look at our

4           bottom line. Our goal is to give City

5           employees a phenomenal benefits program

6           at the right cost, and we work

7           aggressively on many efforts such as the

8           audit we spoke about, health management

9           initiatives to either reduce cost or

10          mitigate medical trend and inflation.

11                       So if the unions -- and if they

12          participate in those initiatives, we

13          commend them for it, but we don't follow

14          their lead in that effort.

15                       COUNCILMAN JONES: So how long

16          have we had our current contract with our

17          healthcare providers? Has it changed?

18          Do we go each year, every two years bid

19          it out and see who comes back with the

20          best package, and who has been the

21          awardee? How often do we change?

22                       MR. STARTARE: That's a great

23          question. So under our contract

24          provisions, we have one-year contracts

25          with three successive renewals. So

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           currently we went out to market to an RFP  
3           process in the fall of 2009. So that  
4           means we are approaching our third year  
5           within those term contracts, but that's a  
6           Herculean task doing all those RFPs at  
7           the same time. So my effort is to  
8           stagger them.

9                       For example, for Calendar Year  
10          '13, which our benefits are on a calendar  
11          year, I'll be going out to market for the  
12          dental program and the vision program,  
13          and then for Calendar Year '14, the  
14          medical insurance program and  
15          prescription drug program will be going  
16          out to market, which is the final year of  
17          that contract, but it behooves us to  
18          stagger them from an administrative  
19          perspective.

20                      COUNCILMAN JONES: Who are the  
21          awardees?

22                      MR. STARTARE: For medical it's  
23          Independence Blue Cross. For  
24          prescription drug, it's CVS Caremark.  
25          Our dental insurance carrier is United



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           Concordia Dental, and our vision provider  
3           is Vision Benefits of America.

4           COUNCILMAN JONES: And when is  
5           the last time we changed vendors?

6           MR. STARTARE: We have  
7           maintained Independence Blue Cross for a  
8           large number of years.

9           COUNCILMAN JONES: How many  
10          years?

11          MR. STARTARE: I believe --  
12          don't quote me on this, but it's over 25  
13          years, if I'm correct with that number,  
14          but I don't know for sure. But we had an  
15          aggressive RFP process, like I mentioned,  
16          in the fall of 2010. Our prescription  
17          carrier has been in place for  
18          approximately seven or eight years, but,  
19          again, we went out to market with that  
20          program. Our dental insurance carrier  
21          changed in the fall of 2010. The  
22          previous carrier was Delta Dental. It  
23          transitioned to United Concordia.

24          COUNCILMAN JONES: So is it  
25          safe to say that on the other RFPs,

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           whether it's dental, vision, they change  
3           how often? What's the frequency?

4                     MR. STARTARE: They all can  
5           change. So they all --

6                     COUNCILMAN JONES: They all can  
7           change is different than all have  
8           changed, and my question is, are we  
9           really -- Tom Knox, who ran for Mayor,  
10          often talked about the healthcare issue  
11          here and that we're not really being as  
12          competitive as we could be. I'll just  
13          put it out there and say that we -- I  
14          would use a Spanish term, but I won't.

15                    COUNCILWOMAN SANCHEZ: They  
16          won't know.

17                    COUNCILMAN JONES: The  
18          intestinal fortitude to really challenge  
19          that contract and, therefore, are  
20          getting -- we're not getting the benefit  
21          of any true -- and I'm not doubting your  
22          integrity nor the integrity of those who  
23          came before you, but I'm saying to you  
24          that we keep getting these cost  
25          increases, and I'm listening to the

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       unions tell us and this body that they're  
3       able to be more competitive. I've heard  
4       other people such as Tom Knox say to me  
5       that there is a margin of savings that  
6       could be garnered. And when you tell me  
7       the same contractor for 25 years has  
8       gotten the same contract, you know --

9           MR. STARTARE: Councilman, I  
10      can address that in two phases. The  
11      first phase is that in the RFP process in  
12      the fall of 2010 for medical  
13      specifically, there were two major  
14      corporate companies that bid on that.  
15      That was Independence Blue Cross, which  
16      has the lion's share of business in this  
17      area, I think we all know that, and then  
18      Aetna. That was a very competitive RFP  
19      process. It came down to the wire. We  
20      selected Independence Blue Cross as the  
21      final determining decision, but it was a  
22      very aggressive RFP and a very aggressive  
23      process. To elaborate on that, the City  
24      also has a health management vendor.

25           COUNCILMAN JONES: I saw that

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           contract.

3                   MR. STARTARE: And we did an  
4           aggressive RFP for the health management  
5           program. Independence Blue Cross also  
6           offers health management services.  
7           Through a competitive process, we had  
8           many vendors bid on this. The program  
9           was awarded to Active Health Management,  
10          which is Aetna's organization.

11                   So we're not bashful about  
12          moving the business as long as the  
13          benefits are appropriate and at the best  
14          cost for our employees.

15                   COUNCILMAN JONES: Well, I'm  
16          glad to hear you tell me that on the  
17          record, and I am thankful that Blue Cross  
18          has their headquarters here in  
19          Philadelphia and employs all of those  
20          people, but someone told me we don't have  
21          the stones to go against them. And  
22          that's okay, but I just -- in these tough  
23          budget times, we're trying to look in the  
24          couches for quarters to fund a school  
25          system. Everything has to be on the

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           table by way of analysis to look for cost  
3           benefit, and there are no sacred cows.

4           MR. STARTARE: And I --

5           MR. D'ATTILIO: And we agree  
6           with that a hundred percent, Councilman.

7           COUNCILMAN JONES: All right.  
8           I'm going to yield the mic and recognize  
9           Councilman Goode.

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

12                 Let's continue along that line  
13          of questioning. Good afternoon,  
14          Mr. D'Attilio and those at the table.  
15          Let's start with your testimony where it  
16          says that you're committed to supporting  
17          the Administration's goal of diversity,  
18          but you're somewhat limited by the fact  
19          that our office will only seek two major  
20          contracts in Fiscal Year 2013. I am  
21          confused by that.

22          MR. D'ATTILIO: So, Councilman,  
23          a number of contracts that we either are  
24          instrumental in selecting or  
25          administering don't reside in the Office

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           of Human Resources' budget. They reside  
3           in Finance. So I had mentioned in my  
4           summary, for example, our stop loss  
5           insurance carrier, Robert L. Johnson,  
6           it's a \$1.6 million --

7                   COUNCILMAN GOODE: I heard  
8           that. I was asking you to explain the  
9           statement of what limits you in terms of  
10          achieving a better goal of diversity.

11                  MR. D'ATTILIO: So the point  
12          that I was trying to make in my testimony  
13          is that this coming year, we will be  
14          doing RFPs for a data warehouse and for  
15          the dependent eligibility audit. That's  
16          the only opportunities that we --

17                  COUNCILMAN GOODE: I'm going to  
18          get to those two contracts in a second,  
19          but what I'm confused by is, you have  
20          other contracts that will be renewed.

21                  MR. D'ATTILIO: We have a  
22          number of smaller contracts that are  
23          miscellaneous purchase orders, and we  
24          intend to -- they're typically under  
25          \$20,000. We intend to be aggressive --

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 COUNCILMAN GOODE: What  
3 percentage of your contracts will be  
4 renewed versus RFPs, new RFPs? Can you  
5 give me the number of contracts or  
6 contract dollars or both?

7 MR. ALBERT: Brian Albert,  
8 Deputy HR Director.

9 We have five miscellaneous  
10 orders, so they're under \$20,000.

11 COUNCILMAN GOODE: I'm asking  
12 total contracts.

13 MR. ALBERT: Total contracts?

14 COUNCILMAN GOODE: What  
15 percentage will be renewed and what  
16 percentage will be newly RFP'd?

17 MR. ALBERT: We'll issue RFPs  
18 for all of them.

19 MR. D'ATTILIO: Councilman, I  
20 believe that all of the contracts will be  
21 up for renewal. As Mr. Startare  
22 testified --

23 COUNCILMAN GOODE: My question  
24 is --

25 MR. D'ATTILIO: -- our

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 contracts are --

3 COUNCILMAN GOODE: -- what  
4 percentage of the contracts. How many  
5 contracts will you have? How many  
6 contracts are being renewed?

7 MR. D'ATTILIO: So we will --  
8 we will be renewing the contract for Aon.

9 COUNCILMAN GOODE: I'm not  
10 asking you to itemize them. I'm asking  
11 you actually to quantify it. How many  
12 contracts do you have?

13 MR. D'ATTILIO: About seven.  
14 All but one will be renewed.

15 COUNCILMAN GOODE: That's the  
16 answer I wanted.

17 MR. D'ATTILIO: That's the FPSI  
18 contract.

19 COUNCILMAN GOODE: Seven  
20 contracts, only one is going to be a new  
21 RFP?

22 MR. D'ATTILIO: Two will be new  
23 RFPs.

24 COUNCILMAN GOODE: Two will be  
25 new RFPs. Do you know the contract



1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           amounts for the ones that are being  
3           renewed?

4                   MR. D'ATTILIO: Aon Consulting  
5           is 250,000.

6                   COUNCILMAN GOODE: I'm talking  
7           about total. What percentage of contract  
8           dollars on renewable contracts, what  
9           contracts are being renewed, and what  
10          percentage of contract dollars are going  
11          to newly RFP'd contracts?

12                  MR. D'ATTILIO: We haven't  
13          worked out the percentage, but I can give  
14          you the figures.

15                  COUNCILMAN GOODE: Go ahead.

16                  MR. D'ATTILIO: So Aon is  
17          250,000. IMX Medical Management is  
18          \$19,500. Dr. Proud is \$19,500. Pennock  
19          Snyder Associates is \$15,000. Clara  
20          Whaley Perkins is \$10,000.

21                  COUNCILMAN GOODE: And those  
22          are the contracts that are being renewed.  
23          The other two contracts are the dependent  
24          eligibility audit. How much is that?

25                  MR. D'ATTILIO: The dependent

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           eligibility audit we estimate to be  
3           75,000 and the data warehouse we estimate  
4           to be 150,000. Hopefully less on both,  
5           but...

6                   COUNCILMAN GOODE: And on the  
7           contracts that fall under other  
8           departments that are listed associated  
9           with your department, how much are they  
10          worth?

11                   MR. D'ATTILIO: So Robert L.  
12          Johnson is 1.6, over \$1.6 million, and  
13          the Equinoxys contract is 360,000.

14                   MR. STARTARE: As Al D'Attilio  
15          mentioned earlier, our total fringe  
16          benefits spending is \$84 million. That  
17          84 million resides under the General  
18          Fund. So does that answer your question,  
19          Councilman?

20                   COUNCILMAN GOODE: It does not.

21                   MR. STARTARE: Well, \$84  
22          million was fringe benefits that reside  
23          in the General Fund alone in addition to  
24          the Equinoxys contract, but in round  
25          estimated numbers, we're approximately

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           over \$85 million.

3                   COUNCILMAN GOODE: Two  
4           questions, two final questions very  
5           quickly. One, on the contracts to be  
6           renewed, is there a process to review  
7           diversity in those contracts? Is there a  
8           new process?

9                   MR. ALBERT: The majority of  
10          those are medical services at the Medical  
11          Evaluation Unit, and we have used a  
12          number of the doctors for a long time.  
13          We do intend to go out for an RFP.

14                   COUNCILMAN GOODE: That's not  
15          the question I asked. As the contract is  
16          up for renewal, is the issue of diversity  
17          reviewed?

18                   MR. D'ATTILIO: Yes.

19                   COUNCILMAN GOODE: So submit to  
20          the Chair -- I'll just leave it here --  
21          for both new RFPs and old RFPs what was  
22          the percentage, diversity percentage, put  
23          in the contract -- I'm sorry; what was  
24          the diversity percentage put in the RFP,  
25          what was the percentage put in the

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       contract, what is the participation rate  
3       now, and how has that participation rate  
4       changed during the course of the  
5       contract. And that will tell me whether  
6       you actually reviewed it over the course  
7       of the contract.

8                     Thank you, Mr. Chair.

9                     MR. D'ATTILIO: Thank you,  
10       Councilman.

11                    COUNCILMAN JONES: The Chair  
12       thanks Councilman Goode, and now  
13       recognizes Councilman Johnson.

14                    COUNCILMAN JOHNSON: Yes.  
15       Thank you. I just had a couple of  
16       questions regarding the audit.

17                    Has this audit been done in the  
18       past?

19                    MR. STARTARE: I can answer  
20       that question, Councilman. No, it has  
21       not. And can I clarify that?

22                    COUNCILMAN JOHNSON: Sure.

23                    MR. STARTARE: What we're doing  
24       is a complete re-verification of  
25       dependents. We monitor when we have new

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       hires that they submit proof of  
3       dependency, meaning marriage certificate,  
4       birth certificate, to make sure that  
5       we're covering legitimate and eligible  
6       dependents. However, with our tenured  
7       population, we feel as though there's  
8       opportunity. Obviously people get  
9       divorced as years go on. So we would  
10      like to do a complete re-verification,  
11      and we think that it's going to  
12      substantiate a good return on investment.

13                   COUNCILMAN JOHNSON: Yes. By  
14      how much? Just an estimate, that's all.

15                   MR. STARTARE: My estimate on  
16      the low end is \$500,000 up to a high end  
17      of about \$1.3 million. And that's under  
18      complete re-verification of dependents.

19                   COUNCILMAN JOHNSON: And let's  
20      say a significant population of people  
21      who are deemed ineligible, right, what's  
22      their recourse? Let's say they weren't  
23      properly assessed. Would they feel  
24      like -- what's their due process?

25                   MR. STARTARE: And this is the

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       benefit of using a third party, that  
3       there will be an appeals process. And so  
4       the program would work through a  
5       staggered communication channel starting  
6       in beginning of Fiscal Year '13 in July  
7       up through the benefits enrollment  
8       period, which runs through the fall of  
9       next year.

10                   With that being said, employees  
11       will have enough time to secure the  
12       proper verification. They'll have the  
13       opportunity during the annual enrollment  
14       period to actually remove a dependent if  
15       that dependent is truly ineligible, and  
16       then if they so desire to appeal, it's  
17       determined that it's not an eligible  
18       dependent, that dependent will be removed  
19       from the insurance.

20                   COUNCILMAN JOHNSON: And in  
21       terms of the -- there's an increase under  
22       the benefits administration. Can you  
23       just elaborate on that just in general?

24                   MR. STARTARE: Can you please  
25       be a little more specific with the

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 question?

3 COUNCILMAN JOHNSON: One

4 second.

5 Disregard that last question.

6 I'll move forward.

7 MR. STARTARE: Councilman, if  
8 you have any questions, I could give you  
9 my contact information and I can address  
10 it off line.

11 COUNCILMAN JOHNSON: Okay. All  
12 right. Thank you very much. That's  
13 pretty much it.

14 MR. STARTARE: You're welcome.

15 MR. D'ATTILIO: Thank you.

16 COUNCILMAN JONES: The Chair  
17 thanks the Councilman, and recognizes  
18 Councilwoman Sanchez.

19 COUNCILWOMAN SANCHEZ: Thank  
20 you.

21 I would be remiss not to ask  
22 you the questions I asked of the Civil  
23 Service Commission. What's the current  
24 diversity in your own team?

25 MR. D'ATTILIO: In the Office

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2           of Human Resources? We broke up our  
3           analysis as to senior management, which  
4           are the people at this table, our  
5           managers, supervisors and staff. Do you  
6           wish race or gender first?

7                   COUNCILWOMAN SANCHEZ: And  
8           language.

9                   MR. D'ATTILIO: Language? We  
10          have a number of bilingual employees.  
11          There's about four in hiring services.  
12          We have one individual who is fluent in  
13          Spanish, Chinese and Japanese; another  
14          individual fluent in Spanish and  
15          Portuguese; one individual fluent in  
16          Korean; and another in Arabic and French.

17                  COUNCILWOMAN SANCHEZ: Of how  
18          many employees? So what's the diversity  
19          numbers of your total team? You said you  
20          broke it up on management. Give me your  
21          diversity numbers in management in terms  
22          of race, ethnicity.

23                  MR. D'ATTILIO: So in terms of  
24          race, we are 100 percent -- our senior  
25          management is 100 percent white. Our



1 4/9/12 - WHOLE - BILL 120164, ETC.

2 managers are 30 percent white, 60 percent  
3 black or African American, 10 percent  
4 American Indian or Alaskan Native.

5 Supervisory staff in the Office of Human  
6 Resources is 50 percent white, 50 percent  
7 black, and our remaining staff is 18.97  
8 percent white, 65.52 percent black, 5.17  
9 percent Hispanic or Latino, 6.9 percent  
10 Asian, 3.4 percent two or more races not  
11 Hispanic or Latino.

12 COUNCILWOMAN SANCHEZ: Give me  
13 that Hispanic number again.

14 MR. D'ATTILIO: Hispanic for  
15 staff is 5.17 percent. Overall that  
16 represents 3.7 percent of our department.

17 COUNCILWOMAN SANCHEZ: And you  
18 can pass that on to the Chair, because  
19 I'd be also interested in gender.

20 You said 100 percent of your  
21 senior management is white. How many  
22 people is that?

23 MR. D'ATTILIO: It's the five  
24 people at this table.

25 COUNCILWOMAN SANCHEZ: Okay.

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           MR. D'ATTILIO: I have the  
3 gender information, if you wish that.

4           COUNCILWOMAN SANCHEZ: You can  
5 pass it on to the Chair. I absolutely  
6 want to include it in here. I got to ask  
7 you, because I'm going to ask your  
8 department, so I got to make sure I don't  
9 say I'm giving you a pass on that  
10 information.

11           One of the things that our  
12 Majority Leader Jones was alluding to as  
13 it related to the health insurance is,  
14 one of the points that the unions have  
15 brought to our attention is this whole  
16 self-insurance piece as opposed to  
17 dealing with IBC, and that's where the  
18 margins come in. There's this whole  
19 notion of there's this middle percentage.

20           Before we go back out, you're  
21 saying we're in year three. We put this  
22 out in 2009. Has anybody considered  
23 having someone conduct a review about  
24 could we convert to a self-insurance  
25 model, what that would take?

1 4/9/12 - WHOLE - BILL 120164, ETC.

2 MR. D'ATTILIO: We are  
3 self-insured.

4 COUNCILWOMAN SANCHEZ: Oh, you  
5 are self-insured?

6 MR. D'ATTILIO: We are  
7 self-insured on medical and prescription.

8 COUNCILWOMAN SANCHEZ: So why  
9 do we use IBC?

10 MR. D'ATTILIO: They're our  
11 third-party administrators. They  
12 negotiate the discounts with the  
13 hospitals and --

14 COUNCILWOMAN SANCHEZ: So that  
15 goes back to Mr. Knox's point. Why are  
16 we not doing that internally, dealing  
17 directly with the hospitals as opposed to  
18 using IBC? That's the percentage, the  
19 margin we're talking about.

20 MR. STARTARE: Councilwoman,  
21 hi, James Startare again. I could answer  
22 that question comfortably, that I don't  
23 know of any large employer that works  
24 directly with the hospitals. That's a  
25 great idea. I'm not opposed to that

1           4/9/12 - WHOLE - BILL 120164, ETC.  
2       idea. I would like to discuss that idea  
3       in more detail. But any large employer  
4       needs a TPA. They need someone to  
5       negotiate a network of hospitals or  
6       doctors. They're currently negotiating  
7       the discounts with the hospitals that Al  
8       mentioned. They also offer customer  
9       service units. So they also process and  
10      adjudicate the claims, which is probably  
11      the biggest component. The City of  
12      Philadelphia is not a claims payer. We  
13      reimburse the third party, Independence  
14      Blue Cross, the claims they process and  
15      pay the providers. So that's how the  
16      industry is structured.

17                   But with healthcare reform,  
18      that is somewhat changing or has the  
19      potential to change, and I'm open to  
20      discussing that more, because I do like  
21      that idea.

22                   COUNCILWOMAN SANCHEZ: Yeah,  
23      but I think that's what we're getting to,  
24      a situation where we're managing that.  
25      We're managing and we're doing the

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           negotiating, because I think that there's  
3           a belief system that, one, we can get  
4           cheaper rates, particularly if we're  
5           dealing with our local hospitals and  
6           there's a relationship. And I think two  
7           is creating an internal system to do that  
8           within ourselves, and that's where the  
9           profit margin -- because even though  
10          we're self-insurance, the rates are being  
11          determined by a third party and  
12          negotiated.

13                   MR. STARTARE: Well, also to  
14          clarify -- and this will be my final  
15          point -- actually, the third party  
16          charges us a fee to administer and then  
17          we pay the actual claim. Fortunately  
18          we're not subject to a rate or a premium  
19          under the self-insured model. But you  
20          raise some very interesting and valid  
21          points, and it's very apropos with the  
22          landscape of healthcare nationally.

23                   COUNCILWOMAN SANCHEZ: So we'd  
24          like to -- if I may. I know that's where  
25          you were heading --

1                   4/9/12 - WHOLE - BILL 120164, ETC.

2                   COUNCILMAN JONES: Absolutely.

3                   COUNCILWOMAN SANCHEZ: --

4                   Councilman Jones, which was I think there  
5                   needs to be a work group that begins to  
6                   look at what that is and that we could --  
7                   obviously Council has an interest to work  
8                   with the Administration. We want to  
9                   absolutely get to a point where we can  
10                  control our cost of benefits. We know  
11                  the pension is a grave concern. This  
12                  becomes another point of contention,  
13                  particularly as we negotiate with our  
14                  unions and one where if there's a  
15                  potential to have a savings of -- and the  
16                  numbers vary, say something like 8  
17                  percent of whatever we're paying, not  
18                  including this fee that we're paying, we  
19                  owe it to everyone to be able to explore  
20                  that.

21                  Thank you.

22                  MR. D'ATTILIO: Thank you.

23                  COUNCILMAN JONES: Well, are  
24                  there any other questions for this panel?

25                  (No response.)

1           4/9/12 - WHOLE - BILL 120164, ETC.

2           COUNCILMAN JONES: Hearing  
3           none, I wanted to answer your question,  
4           Councilman Johnson. Four to two on the  
5           veterans versus freshmen in attendance.

6           This Committee will stand at  
7           recess until Tuesday, April 10th, 2012 at  
8           10:00 a.m. Thank you.

9           (Committee of the Whole  
10          recessed at 2:15 p.m.)

11                       - - -

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I HEREBY CERTIFY that the  
proceedings, evidence and objections are  
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stenographic notes taken by me upon the  
foregoing matter on April 9, 2012, and that  
this is a true and correct transcript of same.

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| <b>A</b>                |                         |                          |                          |                         |
|-------------------------|-------------------------|--------------------------|--------------------------|-------------------------|
| <b>ABC</b> 51:25        | 120:2                   | 46:17 169:14             | 55:20 56:4,6,20          | 231:7                   |
| <b>abeyance</b> 42:23   | <b>accumulating</b>     | 173:17 181:18            | 57:2,7 62:8              | <b>aggrieved</b> 171:9  |
| <b>ability</b> 10:17    | 106:17                  | 182:6 219:3,7            | 64:21 191:16             | <b>ago</b> 32:16,16     |
| 20:24 35:9,15           | <b>accurate</b> 41:6    | 219:11                   | 211:20                   | 46:25 60:6              |
| 35:20,24 36:2           | 82:7                    | <b>Additionally</b>      | <b>advertised</b> 108:21 | 89:17 193:5             |
| 40:4 59:10              | <b>accurately</b> 256:5 | 15:15                    | <b>advertising</b>       | 205:24 207:6            |
| 61:20 72:19             | <b>ACH</b> 8:7          | <b>additions</b> 96:18   | 208:12                   | <b>agree</b> 156:13     |
| 91:3                    | <b>achieving</b> 238:10 | <b>address</b> 173:18,25 | <b>advice</b> 151:24     | 178:21 188:22           |
| <b>able</b> 20:21 26:5  | <b>acknowledge</b> 79:8 | 180:9 235:10             | 152:17                   | 212:15 237:5            |
| 30:24 34:3,7,10         | <b>acquire</b> 156:21   | 247:9                    | <b>Aetna</b> 235:18      | <b>agreement</b> 3:7    |
| 37:6 41:20              | <b>acquisition</b>      | <b>addressed</b> 174:5   | <b>Aetna's</b> 236:10    | 10:8 41:10,22           |
| 61:25 62:8              | 155:24                  | <b>addressing</b> 174:2  | <b>African</b> 14:19     | 41:24,25 44:24          |
| 64:10 65:20             | <b>Act</b> 88:12 121:20 | <b>add-on</b> 94:15      | 15:4 205:21              | 86:23 88:6              |
| 66:4 81:6 98:17         | 142:8 148:18            | 142:7                    | 249:3                    | 131:5 135:14,20         |
| 107:7 113:6             | <b>action</b> 221:20    | <b>add-ons</b> 94:25     | <b>afternoon</b> 145:21  | <b>agreements</b> 11:4  |
| 135:13,15,17,24         | <b>actions</b> 200:19   | <b>adjudicate</b> 252:10 | 145:23,25                | 12:4 41:2 42:6          |
| 137:22 150:6            | <b>active</b> 206:16    | <b>adjustment</b> 45:14  | 150:23 158:25            | 42:12 43:20,22          |
| 151:2 154:6             | 236:9                   | <b>administer</b> 224:5  | 159:2 165:3,5            | 45:4,6,9,11             |
| 157:2 159:23            | <b>actively</b> 188:5   | 230:22 253:16            | 168:24 181:4,7           | <b>agrees</b> 221:14    |
| 169:7 195:6             | <b>activities</b> 60:10 | <b>administered</b>      | 186:6,8 199:12           | <b>ahead</b> 189:7      |
| 205:18 209:18           | 108:2                   | 217:20                   | 200:3 223:14             | 241:15                  |
| 235:3 254:19            | <b>activity</b> 21:8    | <b>administering</b>     | 237:13                   | <b>aid</b> 13:7         |
| <b>absolutely</b> 20:25 | <b>actual</b> 21:20     | 224:13,19                | <b>age</b> 209:14 228:15 | <b>airport</b> 115:19   |
| 23:21 125:24            | 51:15 76:25             | 237:25                   | <b>aged</b> 95:6,23      | 148:17 154:2            |
| 180:5 187:14            | 77:5,5,8,13 81:6        | <b>administration</b>    | <b>agencies</b> 6:11     | 155:8,13                |
| 213:22 250:5            | 81:8,24 105:3           | 3:22 16:12               | 7:10 11:5 27:25          | <b>Airport's</b> 147:25 |
| 254:2,9                 | 106:15 122:23           | 22:18,25 23:13           | 36:14 72:5,5,24          | <b>Al</b> 214:15,20     |
| <b>abyss</b> 99:18      | 173:22 177:4,5          | 33:5 86:24               | 73:3 92:12               | 230:9 242:14            |
| <b>Academy</b> 204:11   | 180:16 182:12           | 201:25 220:20            | 93:20 96:23              | 252:7                   |
| <b>accelerate</b> 18:7  | 198:5,6,13              | 225:10 246:22            | 97:4 117:2,23            | <b>Alan</b> 165:11      |
| <b>accept</b> 24:16     | 228:13 253:17           | 254:8                    | 118:13 126:16            | <b>Alaskan</b> 249:4    |
| <b>accepting</b> 206:5  | <b>add</b> 73:3 94:11   | <b>Administration's</b>  | 127:24 140:22            | <b>Albert</b> 199:23    |
| <b>access</b> 70:19     | 116:7,25 131:10         | 226:8 227:3              | 141:19                   | 200:9 203:8             |
| <b>accommodating</b>    | 141:16 155:13           | 237:17                   | <b>agency</b> 31:4 73:9  | 223:16,19 239:7         |
| 104:12                  | 211:3 214:20            | <b>administrative</b>    | 95:11 98:10              | 239:7,13,17             |
| <b>accomplishes</b>     | 230:5                   | 25:24 45:13              | 139:21,22                | 243:9                   |
| 224:10                  | <b>added</b> 9:8 31:3   | 56:16 166:13             | 141:12 142:7,11          | <b>alleged</b> 49:13    |
| <b>accomplishing</b>    | 211:20                  | 167:22 215:6             | 142:13 170:22            | <b>Allegheny</b> 168:16 |
| 207:16                  | <b>adding</b> 33:11,24  | 232:18                   | 171:13 189:25            | <b>allow</b> 18:6,24    |
| <b>accomplishments</b>  | 62:22 74:2              | <b>administrators</b>    | 190:14                   | 38:8 94:24              |
| 9:22                    | <b>addition</b> 9:24    | 127:12 251:11            | <b>Agent</b> 148:13      | 135:22 201:19           |
| <b>account</b> 66:16    | 19:2 87:6               | <b>adopt</b> 2:11,15     | <b>agents</b> 141:3      | 203:21                  |
| 131:13                  | 150:12 166:6            | 181:21                   | <b>aggressive</b> 229:15 | <b>allowance</b> 166:4  |
| <b>accountant</b> 121:4 | 175:15 194:20           | <b>adopting</b> 2:17     | 233:15 235:22            | <b>allowed</b> 192:20   |
| <b>accountants</b>      | 206:21 225:16           | <b>advanced</b> 15:18    | 235:22 236:4             | <b>allows</b> 94:10     |
| 118:22 119:8            | 227:11 242:23           | <b>advantage</b> 50:21   | 238:25                   | 224:6                   |
|                         | <b>additional</b> 46:16 | 50:25 54:4               | <b>aggressively</b>      | <b>alluding</b> 250:12  |

|                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>alternate</b> 138:15  | 125:6,10 246:13          | 166:15,18 167:6          | <b>approached</b> 3:25   | <b>arrearages</b>        |
| <b>amazed</b> 112:16     | <b>annually</b> 31:6     | 167:13,21 168:8          | 91:17 145:17             | 110:14                   |
| <b>amend</b> 185:3       | <b>anomaly</b> 77:19     | 168:10,12,15,18          | 154:23 164:24            | <b>arrears</b> 75:15     |
| 193:10 194:2             | <b>answer</b> 15:24      | 168:20 169:5             | 199:9 223:8              | <b>arresting</b> 171:4   |
| <b>amendments</b>        | 33:13 39:2,25            | 170:20,21 171:2          | <b>approaches</b>        | <b>arrived</b> 175:2     |
| 18:19                    | 40:5 41:13 55:6          | 172:9 173:7,17           | 104:13                   | <b>arsenal</b> 59:25     |
| <b>America</b> 233:3     | 79:2 87:17               | 174:14 175:8             | <b>approaching</b>       | <b>arsenals</b> 64:10    |
| <b>American</b> 14:20    | 91:16 97:6               | 180:3 181:10,25          | 232:4                    | <b>Asian</b> 14:22 15:5  |
| 15:4 205:21              | 109:3 148:22             | 190:2 192:13             | <b>appropriate</b>       | 221:11 249:10            |
| 249:3,4                  | 167:24 169:18            | 201:2 246:3              | 226:21 236:13            | <b>aside</b> 163:15      |
| <b>Americans</b>         | 195:18 224:2             | <b>appeared</b> 77:17    | <b>appropriation</b>     | <b>asked</b> 18:19 25:15 |
| 221:11                   | 227:20 240:16            | <b>appellate</b> 200:25  | 4:20 5:13 6:10           | 86:16 94:23              |
| <b>amnesty</b> 8:16      | 242:18 244:19            | <b>applicable</b> 184:15 | <b>appropriations</b>    | 146:10 153:21            |
| 21:7 46:25               | 251:21 255:3             | <b>applicants</b> 44:5   | 228:4                    | 178:2 180:12             |
| <b>amount</b> 8:17 32:5  | <b>answered</b> 195:16   | 203:22 204:20            | <b>approval</b> 2:20     | 189:17 192:16            |
| 42:21 43:19              | <b>answering</b> 39:12   | 205:8,11 207:2           | <b>approved</b> 3:8      | 243:15 247:22            |
| 47:22 62:24              | <b>anticipate</b> 7:4    | 210:15,15,17,19          | 26:13 173:15             | <b>asking</b> 222:12     |
| 64:18 80:16              | <b>anticipated</b> 5:20  | <b>application</b> 152:5 | 214:17 216:10            | 238:8 239:11             |
| 82:7 100:18              | 5:22 162:12,15           | 200:15 204:3             | <b>approves</b> 200:18   | 240:10,10                |
| 106:2 108:9              | 162:20                   | 208:9                    | <b>approximately</b>     | <b>aspect</b> 159:25     |
| 110:11 111:10            | <b>anticipating</b>      | <b>applications</b>      | 8:8,19 56:25             | 220:2                    |
| 126:9 140:7,25           | 163:12 168:19            | 25:19 206:5,8            | 96:11 149:8              | <b>Assembly</b> 20:3     |
| 141:24 144:24            | <b>anticipation</b> 17:8 | 206:17                   | 167:6,13 172:8           | 88:11                    |
| 169:6 172:12             | 161:9 162:17,19          | <b>applied</b> 60:23     | 228:8 233:18             | <b>assent</b> 170:24     |
| <b>amounts</b> 241:2     | 162:24                   | 134:11 152:10            | 242:25                   | <b>asserted</b> 230:16   |
| <b>amusement</b> 143:4   | <b>anxious</b> 104:20    | 193:17 204:20            | <b>April</b> 1:7 39:7    | <b>assessed</b> 123:3    |
| 143:11,15,17,19          | <b>anybody</b> 41:14     | <b>apply</b> 150:16      | 95:23 129:11             | 245:23                   |
| 143:25 144:4,7           | 48:10 89:3               | 151:7 193:15             | 255:7 256:7              | <b>assessment</b> 69:9   |
| 144:10,25                | 131:6 189:17             | 198:10 204:4             | <b>apropos</b> 253:21    | 119:22 144:20            |
| <b>analysis</b> 18:15,23 | 194:19 250:22            | 208:20 215:21            | <b>Arabic</b> 248:16     | 166:23 167:12            |
| 32:15 75:20              | <b>anymore</b> 87:16     | 256:20                   | <b>area</b> 11:5 49:3,7  | 169:5 170:20             |
| 99:4,8 100:7             | 99:15 141:8              | <b>applying</b> 152:23   | 70:3 93:17               | 171:10 177:5             |
| 117:18 150:9,15          | <b>anyone's</b> 131:2,3  | <b>appoint</b> 171:15,16 | 115:19,19                | 178:5 179:16,24          |
| 151:3 152:4              | <b>anyway</b> 117:16     | <b>appointed</b> 203:22  | 136:22 155:19            | 180:9 188:5              |
| 153:24 154:21            | <b>Aon</b> 240:8 241:4   | <b>appointment</b>       | 206:25 235:17            | 193:6 194:23,25          |
| 155:2,6 156:6,9          | 241:16                   | 224:16                   | <b>areas</b> 18:21 46:14 | 195:25 197:16            |
| 156:14 160:21            | <b>apparently</b> 53:8   | <b>appoints</b> 170:24   | 49:9 60:13 61:4          | 198:16                   |
| 160:22,24 161:2          | <b>appeal</b> 24:21      | 170:25 180:2             | 99:25 127:8              | <b>assessments</b> 6:25  |
| 237:2 248:3              | 171:12,13                | 191:11                   | 129:14,18 132:9          | 7:5 123:8 124:6          |
| <b>and/or</b> 256:22     | 172:13 175:18            | <b>appraisals</b> 186:25 | 132:20,23 216:5          | 166:16 195:21            |
| <b>animated</b> 53:11    | 175:19 177:13            | <b>appraiser</b> 187:9   | <b>argue</b> 182:20      | 196:19,23                |
| <b>announce</b> 166:23   | 178:18 184:12            | <b>appreciate</b> 45:21  | <b>argument</b> 182:21   | 198:14                   |
| <b>announced</b> 215:9   | 194:19 246:16            | 107:8 164:2              | <b>arms</b> 143:6        | <b>assessors</b> 170:24  |
| <b>announcement</b>      | <b>appealed</b> 193:17   | 183:9 192:4              | <b>arose</b> 108:3       | 171:16 174:24            |
| 215:12                   | 193:19,20                | 206:20                   | <b>arrange</b> 74:15     | <b>asset</b> 149:24      |
| <b>announcing</b> 215:8  | <b>appealing</b> 173:21  | <b>approach</b> 135:11   | <b>arrangement</b>       | 150:3,7,17               |
| <b>annual</b> 5:17 44:4  | <b>appeals</b> 165:19,21 | 183:6                    | 43:4 86:25 87:2          | 151:4,10 152:14          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 152:22,25 153:3<br>157:15,23,25<br>158:9<br><b>assets</b> 154:4,13<br>155:10<br><b>assistance</b> 43:5,16<br>43:21 44:11,12<br>61:24<br><b>Assistant</b> 43:7<br><b>associated</b> 150:14<br>151:10 152:11<br>158:18 242:8<br><b>Associates</b> 241:19<br><b>assume</b> 37:2,3<br>225:17<br><b>assuming</b> 149:25<br>158:13<br><b>Assurance</b> 148:10<br><b>assured</b> 207:6<br><b>attached</b> 156:3<br><b>attendance</b> 255:5<br><b>attended</b> 108:21<br><b>attention</b> 30:16<br>35:12 38:5<br>112:21 159:18<br>250:15<br><b>attorney</b> 73:10<br><b>attorneys</b> 59:18<br>68:14 69:4<br>73:11 120:2<br>171:24 181:19<br>187:7<br><b>Attorney's</b> 48:15<br><b>attract</b> 37:11<br>224:7<br><b>at-large</b> 79:21<br><b>auction</b> 19:21<br>110:10<br><b>auctions</b> 108:20<br><b>audience</b> 33:16<br><b>audit</b> 52:2,5 69:3<br>69:8 71:23,25<br>119:16,17,19<br>120:14 225:14<br>226:15 228:18<br>228:24 231:8<br>238:15 241:24 | 242:2 244:16,17<br><b>audited</b> 6:24<br><b>auditors</b> 69:19<br>70:4 71:24<br><b>audits</b> 6:20 47:13<br>47:16 49:22<br>66:14 227:24<br><b>August</b> 196:2<br><b>authorities</b><br>148:16<br><b>authority</b> 3:5,5,11<br>10:15 24:8 59:3<br>59:8 60:2 98:9<br>142:6,16 148:7<br><b>authorized</b> 3:7<br><b>automated</b> 7:23<br><b>automatic</b> 74:19<br>74:21<br><b>automation</b> 8:21<br>8:23<br><b>automotive</b><br>203:16<br><b>availability</b><br>208:13<br><b>available</b> 202:20<br>202:21<br><b>average</b> 7:24 8:3<br>8:11,15,17 9:4,6<br>39:15 71:24<br><b>AVI</b> 124:17<br>130:16 173:15<br>189:2,21<br><b>Aviation</b> 147:6<br><b>awarded</b> 236:9<br><b>awardee</b> 231:21<br><b>awardees</b> 115:3<br>232:21<br><b>aware</b> 22:17 32:4<br>117:13,14 151:3<br>151:15 190:8<br>219:25<br><b>a.m</b> 1:7 255:8<br><b>A2</b> 159:10<br><br><b>B</b><br><b>back</b> 25:15,21<br>26:16,20 33:12 | 38:9 44:7 51:12<br>62:9,12,16<br>64:19,19,23,24<br>65:10 72:22<br>76:2 77:14<br>79:14,19,23<br>85:15 91:25<br>93:16 105:21<br>107:25 110:19<br>113:16,24<br>125:23 126:2<br>127:4,21 134:13<br>136:17 140:15<br>149:10 169:13<br>175:11,17<br>181:16 184:15<br>185:12 189:7<br>194:5 197:13<br>201:23 203:4<br>207:11 221:14<br>231:19 250:20<br>251:15<br><b>background</b><br>187:5<br><b>backlash</b> 174:4<br><b>backtrack</b> 61:20<br><b>bailiwick</b> 73:10<br><b>bakeries</b> 53:4<br><b>balance</b> 43:13<br>143:13 161:13<br><b>balances</b> 144:3<br><b>bank</b> 108:14<br>129:20<br><b>banking</b> 20:12<br>112:7<br><b>bar</b> 143:5,7,18<br><b>barber</b> 35:3<br><b>bars</b> 143:16,16<br><b>base</b> 191:24<br><b>based</b> 22:13 28:15<br>28:17 30:20<br>63:3,20 74:25<br>75:12 78:4,6<br>115:11,18 136:5<br>150:10 159:8<br>165:24 169:22<br>176:23 193:4 | 222:14<br><b>baseline</b> 17:18<br><b>bashful</b> 236:11<br><b>basic</b> 30:24<br>166:14 172:22<br><b>basically</b> 85:9<br>118:3 146:23<br>163:4,12 170:8<br>192:11<br><b>basis</b> 17:8 47:12<br>47:17 59:19<br>121:5 149:17<br>161:16<br><b>Bass</b> 1:10 186:3,4<br>186:9 187:12,17<br>187:20 188:8,21<br>189:14 190:5,12<br>192:5<br><b>bat</b> 102:21<br><b>batteries</b> 76:6<br>83:14<br><b>battery</b> 76:9,11<br>76:12,17,18<br>77:4,11,12,16<br>78:5 80:3<br><b>battle</b> 220:25<br><b>BBB</b> 159:7<br><b>beat</b> 221:21<br><b>Beckley</b> 4:13 19:4<br>20:8,11,25 22:4<br>22:21,24 23:21<br>87:14 93:23<br>94:4,8,16,22<br>95:8 96:12 97:3<br>104:9 108:17<br>109:17,23 110:6<br>111:12 112:18<br>113:19 116:6<br>117:21 118:8<br>127:23 139:23<br>141:15<br><b>began</b> 205:23<br><b>beginning</b> 9:12<br>246:6<br><b>begins</b> 226:20<br>254:5<br><b>begun</b> 7:18 49:6 | <b>behalf</b> 6:13 29:23<br>69:6 146:5<br><b>behoove</b> 191:17<br><b>behooves</b> 232:17<br><b>belief</b> 73:20 253:3<br><b>believe</b> 21:2 23:17<br>30:13 53:4<br>70:24 81:7<br>96:17 108:18<br>155:14 158:3<br>207:11 210:2<br>230:14 233:11<br>239:20<br><b>benefit</b> 61:12<br>224:20 225:9,23<br>229:19 230:9<br>234:20 237:3<br>246:2<br><b>benefits</b> 210:4,12<br>225:15 227:25<br>228:7 229:13<br>230:6 231:5<br>232:10 233:3<br>236:13 242:16<br>242:22 246:7,22<br>254:10<br><b>Benny's</b> 31:7<br><b>best</b> 12:17 108:18<br>110:12 130:4<br>227:17 231:20<br>236:13<br><b>Bethel</b> 4:14 11:9<br>42:18 43:2 44:3<br>45:3 58:13,17<br>58:22 60:19<br>61:5 62:6 63:5<br>63:22 64:4,13<br>65:22 76:4<br>77:24 78:16,25<br>80:6,25 81:17<br>81:22 82:3 86:5<br>86:10 106:8,25<br>107:9 128:9<br>131:9<br><b>better</b> 21:19 42:6<br>58:11,16 68:22<br>69:11 98:21 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 102:20 104:22<br>117:3,4 118:10<br>128:5 130:15<br>135:12 156:9<br>203:3 210:14,17<br>225:25 238:10<br><b>betting</b> 108:19<br><b>beverages</b> 143:18<br><b>beware</b> 179:20<br><b>bid</b> 53:17 108:23<br>110:10 231:18<br>235:14 236:8<br><b>big</b> 34:14 37:24<br>106:2 107:14<br>155:6 177:6<br><b>bigger</b> 21:15<br>37:23 60:9<br><b>biggest</b> 252:11<br><b>bilingual</b> 14:24<br>214:6,19 215:2<br>215:4,7,9 216:4<br>216:23 218:4<br>219:4,4,25<br>220:23 248:10<br><b>bill</b> 2:10,14,16 3:1<br>3:9 4:1 5:1 6:1<br>7:1 8:1 9:1 10:1<br>11:1 12:1 13:1<br>14:1 15:1 16:1<br>17:1 18:1,2,4,8<br>18:15 19:1,5<br>20:1,15 21:1<br>22:1,15 23:1,17<br>24:1 25:1 26:1<br>27:1 28:1 29:1<br>30:1 31:1 32:1<br>33:1 34:1 35:1<br>36:1 37:1 38:1<br>38:23,25 39:1<br>40:1 41:1 42:1<br>43:1,11,15 44:1<br>45:1,14 46:1<br>47:1 48:1 49:1<br>50:1 51:1 52:1<br>53:1 54:1 55:1<br>56:1 57:1 58:1<br>59:1 60:1 61:1,7 | 61:10,20 62:1,3<br>62:5,9,20 63:1<br>64:1,17,17 65:1<br>66:1 67:1 68:1<br>69:1 70:1 71:1<br>72:1 73:1 74:1<br>75:1,8,11,14<br>76:1,22 77:1<br>78:1,9 79:1,10<br>79:18 80:1,7,9,9<br>80:19,23,24<br>81:1,8,11,15,23<br>82:1,5 83:1,8,11<br>83:18 84:1,13<br>85:1 86:1 87:1<br>88:1 89:1 90:1<br>91:1 92:1 93:1<br>94:1 95:1 96:1<br>97:1 98:1 99:1<br>100:1 101:1<br>102:1 103:1<br>104:1 105:1,23<br>106:1,2,6,11,12<br>106:15,19 107:1<br>108:1 109:1<br>110:1 111:1<br>112:1 113:1<br>114:1 115:1<br>116:1 117:1<br>118:1 119:1<br>120:1 121:1,20<br>122:1,2,7 123:1<br>124:1 125:1,3,6<br>126:1,8,8 127:1<br>128:1 129:1<br>130:1 131:1,3<br>132:1,11,13<br>133:1 134:1<br>135:1,13 136:1<br>137:1 138:1<br>139:1 140:1<br>141:1 142:1,12<br>143:1 144:1<br>145:1 146:1<br>147:1 148:1<br>149:1 150:1<br>151:1 152:1 | 153:1 154:1<br>155:1 156:1<br>157:1 158:1<br>159:1 160:1<br>161:1 162:1<br>163:1 164:1<br>165:1 166:1<br>167:1 168:1<br>169:1 170:1<br>171:1 172:1<br>173:1 174:1<br>175:1 176:1<br>177:1 178:1<br>179:1 180:1<br>181:1 182:1<br>183:1 184:1,3,5<br>184:7 185:1,3,6<br>186:1 187:1<br>188:1 189:1<br>190:1 191:1<br>192:1 193:1<br>194:1 195:1<br>196:1 197:1<br>198:1 199:1<br>200:1 201:1<br>202:1 203:1<br>204:1 205:1<br>206:1 207:1<br>208:1 209:1<br>210:1 211:1<br>212:1 213:1<br>214:1 215:1<br>216:1 217:1<br>218:1 219:1<br>220:1 221:1<br>222:1 223:1<br>224:1 225:1<br>226:1 227:1<br>228:1 229:1<br>230:1 231:1<br>232:1 233:1<br>234:1 235:1<br>236:1 237:1<br>238:1 239:1<br>240:1 241:1<br>242:1 243:1<br>244:1 245:1 | 246:1 247:1<br>248:1 249:1<br>250:1 251:1<br>252:1 253:1<br>254:1 255:1<br><b>billing</b> 76:14,21<br>77:5<br><b>billion</b> 8:6 128:11<br>148:6<br><b>bills</b> 1:18 2:6,9<br>9:17 11:16<br>13:17,19 42:18<br>57:24 65:3<br>74:25 76:23<br>81:12,21 82:18<br>82:19 83:3 84:5<br>84:8 103:21<br>105:24 106:4<br>124:21 134:18<br>173:22 195:3<br>196:2<br><b>birth</b> 245:4<br><b>bit</b> 59:3 100:13<br>153:13 186:24<br><b>black</b> 205:25<br>249:3,7,8<br><b>Blackwell</b> 1:11<br>179:11<br><b>bless</b> 3:20<br><b>block</b> 125:8 175:9<br>179:17<br><b>blocking</b> 81:5<br><b>blocks</b> 179:13,19<br><b>Blondell</b> 1:15<br>221:2<br><b>Blue</b> 232:23 233:7<br>235:15,20 236:5<br>236:17 252:14<br><b>bluntly</b> 88:4<br><b>board</b> 10:14 24:9<br>24:21 35:23<br>59:17 69:6<br>101:9 117:2<br>122:21,25 123:3<br>164:17,21 165:8<br>165:11,19,19<br>166:19 167:21 | 167:21,22 170:6<br>181:3,6,15,21<br>183:25 184:3<br>187:3,4,14<br>188:3,14,15<br>190:10,10 191:9<br>193:7 210:16<br>212:2 214:25<br><b>BOBBY</b> 1:12<br><b>bodies</b> 205:18<br><b>body</b> 166:13<br>200:25 235:2<br><b>Boehm</b> 9:9<br><b>bond</b> 146:16<br>149:20 150:11<br>150:14 151:7<br>152:7,24 153:4<br>153:5 154:9<br>157:17 158:8<br>159:5,6,14<br>161:5<br><b>bondholders</b><br>149:18<br><b>bonds</b> 148:6<br>149:5,9,12,16<br>151:9 152:10,11<br>152:13,21 153:4<br>153:4 156:20,21<br>157:3,4,5,7,12<br>157:13,17,18,21<br>157:24 158:14<br><b>bond's</b> 158:10<br><b>books</b> 33:18 63:12<br>102:11<br><b>borrow</b> 159:23<br>163:20<br><b>borrowed</b> 162:22<br>162:23<br><b>borrowing</b> 162:19<br>163:12<br><b>borrows</b> 161:14<br><b>bottom</b> 231:4<br><b>bottom-line</b> 87:4<br>154:10<br><b>bought</b> 177:21<br><b>boxing</b> 35:2<br><b>breach</b> 44:16 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>break</b> 41:23<br>112:11,13<br>164:19 168:25<br><b>breaking</b> 42:11<br>161:24<br><b>breaks</b> 113:15<br><b>Breslin</b> 4:16 11:9<br>56:19<br><b>Brian</b> 223:19<br>239:7<br><b>brief</b> 15:23 36:11<br><b>briefly</b> 86:20<br>87:13<br><b>bring</b> 46:15,16,17<br>63:8 101:10<br>110:23 111:2<br>135:20 137:23<br>141:20,23<br><b>brings</b> 182:23<br><b>Broad</b> 115:12<br><b>broader</b> 133:25<br>155:2 156:23<br><b>brochures</b> 11:21<br>12:3 125:14<br><b>broke</b> 170:18<br>248:2,20<br><b>broken</b> 42:15<br>149:11 217:11<br>220:19<br><b>brother</b> 37:24<br><b>brought</b> 8:12 9:4<br>117:24,25<br>131:21 179:8<br>250:15<br><b>Brown</b> 1:15 114:4<br>114:5,10,18,25<br>115:8,15,22<br>116:4,17 117:7<br>117:12,20 118:6<br>118:20 120:6,18<br>121:6,10 142:25<br>143:2,22 144:2<br>144:13,18 145:2<br>205:20<br><b>BRT</b> 166:12<br>167:5 172:12<br>186:13 | <b>budget</b> 2:15,17<br>92:16 146:6,12<br>146:22,25 148:4<br>162:4,6,8<br>165:17 167:7,16<br>167:19 169:10<br>172:25 179:7<br>201:4,10 222:3<br>223:24 224:24<br>227:9 229:23<br>230:3,12 236:23<br>238:2<br><b>budgetary</b> 166:4<br><b>budgeted</b> 146:8<br><b>budgeting</b> 154:10<br><b>budgets</b> 226:25<br><b>building</b> 68:18<br>120:16 128:16<br><b>buildings</b> 70:14<br><b>bulk</b> 28:25<br><b>burden</b> 85:3<br>122:12<br><b>Bureau</b> 4:15,17<br>30:4 114:21<br>115:20<br><b>burnt</b> 180:21<br><b>business</b> 6:24<br>7:17 11:2 13:22<br>21:21,22,23<br>34:20,23 36:22<br>39:10 47:4,7<br>48:7,24 53:24<br>55:23 70:9 89:3<br>119:15,20 120:4<br>129:7 135:16<br>161:25 163:8<br>235:16 236:12<br><b>businesses</b> 7:24<br>14:14 26:13<br>37:12,15,19<br>47:14 56:20,25<br>66:17 67:13<br>70:17,21 141:7<br>226:10<br><b>businessowners</b><br>118:22<br><b>businessperson</b> | 102:15<br><b>buy</b> 19:21 108:12<br>110:16 111:8,16<br>144:8 178:10,22<br><b>buyer</b> 178:20,22<br>179:20<br><b>buying</b> 108:15<br>112:3<br><hr/> <b>C</b><br><hr/> <b>calculate</b> 77:6<br><b>calculated</b> 63:3<br><b>calendar</b> 8:4,9<br>26:7 232:9,10<br>232:13<br><b>California</b> 205:10<br>205:18 212:10<br><b>call</b> 39:17,19 40:5<br>72:20 81:14<br>101:2 119:9,17<br>119:21 120:14<br>140:15,20<br><b>called</b> 30:10 31:12<br>43:6 65:7 107:5<br>128:25<br><b>calling</b> 42:10,14<br>72:23 84:22<br>101:25 120:12<br><b>calls</b> 24:16 39:12<br>40:11 73:17,24<br>106:20 118:24<br>127:18<br><b>call-in</b> 119:15<br><b>candidates</b><br>206:11 218:21<br>218:23 219:14<br><b>canvassing</b> 7:14<br>7:18 70:8<br><b>capacity</b> 40:4<br>93:11 96:19<br>102:12<br><b>capital</b> 2:11,15<br>158:15<br><b>capitalized</b> 148:3<br><b>car</b> 79:12 147:10<br><b>card</b> 119:20<br><b>cards</b> 9:20 | <b>care</b> 87:25<br><b>Caremark</b> 232:24<br><b>Carla</b> 165:7<br>187:21,23<br><b>carrier</b> 232:25<br>233:17,20,22<br>238:5<br><b>carry</b> 60:7 63:11<br>64:3<br><b>carrying</b> 64:2<br>200:17<br><b>case</b> 12:25 73:10<br>75:5,24 76:8<br>77:9,10 79:15<br>94:8 105:8<br>140:24 174:14<br>181:20 185:19<br>193:20<br><b>caseload</b> 180:14<br><b>cases</b> 59:10,13,16<br>61:15 69:5<br>72:18 73:5,11<br>73:13 74:22<br>76:16 117:5<br>126:4 166:15,17<br>186:22 192:24<br>193:2<br><b>cash</b> 88:24,24<br>89:9 160:21,24<br>160:25 161:4,10<br>161:15 162:5<br><b>cashiering</b> 12:9<br>12:18 101:23<br><b>casting</b> 202:2<br><b>catch</b> 181:11<br><b>catchall</b> 138:12<br><b>categories</b> 14:23<br>136:2<br><b>category</b> 48:5<br>90:25 202:13<br><b>cautiously</b> 191:17<br><b>CDC</b> 25:11<br><b>CDCs</b> 51:8<br><b>Celia</b> 223:18<br><b>census</b> 221:9<br><b>center</b> 5:25<br>115:14 132:24 | 225:9<br><b>centers</b> 11:24<br>125:19 158:13<br><b>certain</b> 16:17<br>22:14 37:19<br>42:21 64:18<br>78:23 80:16<br>112:10 129:22<br>140:25 157:16<br>176:23 197:8<br>201:24 211:22<br>211:23<br><b>certainly</b> 153:11<br>180:3 212:4<br><b>certificate</b> 245:3<br>245:4 256:2<br><b>certification</b><br>148:10 214:19<br>214:24 256:19<br><b>certified</b> 14:13<br>36:22 95:18<br>116:13 148:13<br>201:9<br><b>certify</b> 216:19<br>256:3<br><b>certifying</b> 256:23<br><b>Chair</b> 25:2 26:9<br>26:23 29:15<br>38:12 45:25<br>52:16 57:14<br>66:24 92:4<br>103:10 107:21<br>114:3 121:14<br>124:14 135:4<br>139:13 142:24<br>153:17 158:21<br>183:13 186:2,5<br>192:7 199:18<br>200:5 210:23<br>213:6,12,19<br>220:15 243:20<br>244:8,11 247:16<br>249:18 250:5<br><b>Chairman</b> 165:10<br>183:16 185:24<br>237:11<br><b>challenge</b> 12:19 |
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 85:15 86:19<br>88:5 234:18<br><b>challenges</b> 78:4<br><b>challenging</b> 88:18<br>130:14<br><b>Chamber</b> 30:15<br><b>chance</b> 49:25<br>131:20 132:3<br><b>change</b> 16:12<br>41:13 83:9,19<br>84:8,13 203:21<br>229:25 231:21<br>234:2,5,7<br>252:19<br><b>changed</b> 29:7<br>43:24 44:2 75:3<br>76:9,11,18 77:4<br>77:15 83:24<br>174:16 196:11<br>231:17 233:5,21<br>234:8 244:4<br><b>changes</b> 2:25<br>18:16 42:25<br>44:18 67:25<br>84:25 86:21<br>87:3 229:20<br>230:2<br><b>changing</b> 74:17<br>83:13 252:18<br><b>channel</b> 11:8,11<br>128:24 246:5<br><b>charge</b> 61:10 78:3<br>143:17<br><b>charged</b> 75:25<br>165:23 166:13<br>200:14<br><b>charges</b> 6:13<br>62:20 85:24<br>253:16<br><b>charity</b> 87:19,25<br>88:14<br><b>Charles</b> 146:2<br><b>Charter</b> 201:15<br>203:21 224:17<br><b>cheaper</b> 253:4<br><b>check</b> 10:18 12:12<br>37:7 141:25 | 143:12 144:2<br>207:13 229:22<br><b>checks</b> 10:9 43:25<br><b>check-cashing</b><br>78:11<br><b>cheese</b> 137:24<br><b>Cheyney</b> 206:25<br>209:7<br><b>Chief</b> 4:13 187:8<br>216:21<br><b>children</b> 228:16<br><b>Chinese</b> 248:13<br><b>choices</b> 33:10<br><b>choosing</b> 133:8<br><b>CINDY</b> 1:10<br><b>cited</b> 117:14<br><b>citizen</b> 135:12<br><b>citizens</b> 11:7<br>125:16 189:17<br><b>city</b> 1:2,6 2:21,23<br>3:10 4:11 6:14<br>8:4 9:12 10:5,19<br>10:22 11:22,25<br>18:20 19:16,22<br>20:14,16 22:11<br>23:8 24:18<br>36:12 37:13<br>45:13 47:8,14<br>53:6,25 68:6,14<br>69:7,14 72:23<br>75:23 76:6 78:7<br>85:23 96:9 97:5<br>97:9 98:10<br>109:20 110:8,11<br>118:23 120:2<br>122:2,23 132:20<br>132:24 133:5<br>135:17 139:25<br>144:15,25 146:2<br>146:8 148:7,15<br>150:21,24,25<br>157:19 159:5,22<br>160:4 161:8,13<br>161:15,20 163:6<br>165:22 167:5<br>175:11,22<br>177:22 182:24 | 183:3 184:11<br>185:12 188:2<br>190:11 192:23<br>192:25 193:10<br>193:20 195:2<br>196:7 200:4<br>202:5,14 203:24<br>204:13 207:22<br>209:2,5,20<br>211:4,14,19,23<br>211:24 212:8<br>214:7 221:12<br>223:15 224:10<br>226:10 228:8<br>229:11 231:2,4<br>235:23 252:11<br><b>citywide</b> 167:11<br>167:14<br><b>City's</b> 9:23 20:2<br>96:25 161:12<br>223:16<br><b>City-administe...</b><br>230:11,25<br><b>City-related</b><br>146:17<br><b>civic</b> 125:7<br><b>civil</b> 103:4 199:8<br>199:18 200:6,7<br>200:13,19,21<br>201:2 203:22<br>211:4,13,21<br>212:18 214:5<br>221:21 224:6,12<br>224:14,14,18,21<br>247:22<br><b>claim</b> 253:17<br><b>claiming</b> 47:3<br><b>claims</b> 49:14<br>226:2 252:10,12<br>252:14<br><b>Clara</b> 241:19<br><b>clarify</b> 45:5 88:12<br>230:7 244:21<br>253:14<br><b>clarity</b> 134:15,24<br><b>Clarke</b> 1:10 2:2<br>3:12,19 4:3,6,8 | 16:3,15,22 17:7<br>17:10,24 18:13<br>20:6,9,17 21:25<br>22:8,22 23:10<br>23:22 24:11,15<br>24:24 29:13<br>38:10 45:23<br>52:11,15 57:12<br>66:10,22 74:8<br>77:20 78:2,20<br>79:3 80:20 81:9<br>81:19,25 82:11<br>82:15 85:2,6,13<br>85:22 86:7,12<br>89:10,21,25<br>90:9,14 91:13<br>92:2 103:6,9<br>107:19 113:25<br>121:12 124:12<br>133:15,22 134:5<br>135:2 139:3,8<br>139:12,15<br>142:22 145:5,10<br>145:15,19,22<br>146:13 147:11<br>147:20 148:25<br>149:21 151:11<br>151:14,25<br>152:12,19 153:8<br>153:12 156:17<br>157:9 158:5,19<br>160:9,14 164:5<br>164:9,15 201:11<br><b>class</b> 5:3,3,6,8,9<br>6:3,5,6,8 18:20<br>146:8 166:10,10<br>166:11 167:18<br>177:19 201:5,6<br>201:7 204:10<br>205:16 225:3,7<br><b>classes</b> 200:23<br><b>classifications</b><br>200:24<br><b>classifying</b> 224:11<br><b>clause</b> 90:4,7,12<br>90:17<br><b>clauses</b> 102:25 | 103:2<br><b>clear</b> 13:13 88:13<br>101:17 183:23<br>189:5<br><b>clearer</b> 13:18<br><b>clearinghouse</b><br>7:23<br><b>clearly</b> 79:11 91:2<br>220:24<br><b>clerical</b> 8:22<br>170:3,4 180:16<br><b>clerk</b> 215:7,8<br><b>client</b> 105:2<br><b>clientele</b> 84:21<br><b>clients</b> 119:2,12<br>137:18<br><b>clockwork</b> 78:10<br><b>close</b> 75:6 100:11<br>159:18 179:14<br>212:11<br><b>closely</b> 67:21<br>104:23 226:18<br><b>codified</b> 98:15<br><b>codifies</b> 100:7<br><b>collaborate</b> 61:2<br><b>colleague</b> 58:3<br>70:24 108:3<br>221:14<br><b>colleagues</b> 33:9<br>38:9 79:21 85:7<br>86:15<br><b>collect</b> 6:12 16:20<br>17:4 22:3 24:7<br>93:13,13,22<br>99:3 100:18,19<br>107:13 109:6,12<br>110:18 125:25<br>133:3 142:11<br><b>collected</b> 8:17<br>9:11 17:20 30:8<br>30:17 93:18<br>96:14 102:16<br>104:18,20<br>118:13 143:10<br><b>collectible</b> 100:17<br><b>collecting</b> 21:13<br>21:24 33:18 |
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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 46:12 65:18,19<br>96:24 107:17<br>108:7 144:12<br><b>collection</b> 6:11<br>13:4 21:20<br>27:25 30:2,4<br>57:23,24 58:9<br>58:13 59:6 60:9<br>72:5,24 73:9<br>92:12 95:9,11<br>96:23 97:4 98:5<br>98:9 100:8,22<br>101:4 102:12<br>112:25 114:21<br>115:20 117:2,23<br>121:18 126:6,16<br>127:24 129:13<br>139:20,21<br>140:22 141:12<br>141:19 142:7,13<br><b>collections</b> 9:6<br>13:6,8 17:21<br>24:2 27:24<br>30:10,11 32:6<br>32:22 33:3 34:4<br>47:19 60:12<br>71:18 74:13<br>92:21,23 97:19<br>98:4,7,8,8,11,25<br>100:3 108:2<br>114:13,24<br>116:20,24<br>117:17 122:11<br>128:5,12 129:25<br>131:12 132:24<br><b>collectively</b><br>127:16<br><b>collector</b> 32:5<br>138:4,7<br><b>collectors</b> 30:20<br>30:22 31:5<br>69:19 71:5,7,9<br>72:12,17 93:24<br>140:20 141:6<br><b>collects</b> 97:21<br><b>college</b> 206:13<br><b>colleges</b> 206:2,24 | <b>come</b> 3:22 44:20<br>62:10 76:7<br>81:16 83:19<br>84:10 88:6<br>91:15 103:25<br>113:23 120:16<br>122:22 131:4<br>134:17 135:18<br>136:18 137:2<br>164:22 169:13<br>178:4 181:16<br>194:11 195:23<br>196:14 197:13<br>204:20 212:10<br>250:18<br><b>comes</b> 24:22 45:8<br>62:15 63:12<br>72:4 86:18<br>104:16 112:7<br>116:20 119:6<br>134:9 174:22<br>192:22 193:15<br>195:20,22 218:4<br>231:19<br><b>comfortable</b><br>88:15<br><b>comfortably</b><br>251:22<br><b>coming</b> 37:13<br>45:18 65:2<br>105:13 122:24<br>124:8 126:9<br>128:8,14,20<br>129:10 133:23<br>173:20,21 188:3<br>191:6 194:7<br>238:13<br><b>commend</b> 159:24<br>231:13<br><b>commending</b><br>159:13<br><b>comment</b> 52:20<br>201:20 230:15<br>230:21<br><b>comments</b> 188:24<br>189:8<br><b>commercial</b> 53:4 | 53:5 148:2<br><b>commission</b> 6:11<br>93:12 146:4,5,7<br>146:15 148:5,8<br>160:3 199:18<br>200:6,14,17<br>201:7,12 214:5<br>214:12 218:18<br>220:3 221:22<br>247:23<br><b>Commissioner</b><br>4:5,10,14,16<br>16:8,19,23 17:9<br>17:13 18:9 21:4<br>23:6 24:5,13,19<br>25:6,7,13,20<br>26:3,10,15,19<br>27:2,8,13,18<br>28:6,10,13,16<br>28:22 29:9,20<br>31:20,25 32:14<br>34:17 35:16<br>36:4,10 38:17<br>39:5 40:10,19<br>41:12 42:8,18<br>43:2 44:3 45:3,7<br>46:19 47:25<br>48:6 49:10,18<br>50:4,7,18,24<br>51:6,20,24 54:6<br>54:12,19 55:4<br>55:15,22,25<br>56:8,13,17,24<br>57:10,19 58:12<br>58:17,22 59:2,7<br>60:19 61:5 62:6<br>63:5,22 64:4,13<br>65:22 66:8,12<br>66:20 67:5 68:3<br>69:21 70:2 71:4<br>71:8,15 72:13<br>74:16 76:4<br>77:24 78:16,25<br>80:6,25 81:17<br>81:22 82:3,13<br>82:23 85:4,11<br>85:20 86:5,10 | 89:14,23 90:6<br>90:11 91:7,9<br>92:13,20 93:3<br>93:15,21 97:11<br>102:7 106:8,25<br>107:9 114:8,15<br>114:20 115:6,10<br>115:17,25<br>116:21 117:9,15<br>118:4,11 119:13<br>120:9,22 121:8<br>125:2 126:12,20<br>126:25 127:9<br>130:6,22 131:9<br>134:21 136:4,15<br>137:5 138:5,16<br>138:23 140:3,13<br>142:4 143:14,24<br>144:6,16,22<br>145:13 147:12<br>199:19,20,21,22<br>206:10<br><b>Commissioners</b><br>200:7 215:18<br><b>Commission's</b><br>148:19<br><b>commitment</b><br>227:3<br><b>committed</b> 226:7<br>237:16<br><b>committee</b> 1:3 2:5<br>4:9 191:10<br>255:6,9<br><b>common</b> 152:9<br>183:6 191:2<br>193:21 194:22<br>198:7<br><b>Commonwealth</b><br>7:20 30:13 31:2<br>34:21 37:23<br>46:21 47:11<br>72:21 184:10,12<br><b>Commonwealth's</b><br>70:11<br><b>communication</b><br>105:4 246:5<br><b>communications</b> | 13:14<br><b>communities</b><br>125:11 129:19<br><b>community</b> 48:24<br>105:14 112:5<br>178:3 204:7<br><b>comp</b> 53:15<br>175:12<br><b>companies</b> 53:25<br>57:6 114:13<br>117:13,16<br>235:14<br><b>company</b> 52:2<br>148:11<br><b>comparable</b><br>150:12 189:16<br>209:17<br><b>compared</b> 8:8<br>17:22 99:5<br><b>comparing</b><br>117:19<br><b>compensation</b><br>53:16 224:12<br><b>competition-wise</b><br>117:3<br><b>competitive</b><br>110:25 224:19<br>229:17 234:12<br>235:3,18 236:7<br><b>competitor</b><br>118:15,18<br><b>competitors</b><br>116:25<br><b>complaining</b><br>100:25<br><b>complaints</b> 53:12<br>54:22<br><b>complete</b> 12:10<br>244:24 245:10<br>245:18<br><b>completed</b> 56:7<br>167:14 206:5<br><b>completely</b> 193:8<br><b>completing</b> 56:16<br>167:11<br><b>complex</b> 155:16<br>155:18 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>compliance</b> 6:19<br>6:22 10:23<br>36:15 46:18<br>70:3 135:19,21<br>224:17 | 237:21 238:19<br><b>consequences</b><br>13:20<br><b>consider</b> 137:8<br>174:14 195:8<br><b>considerable</b><br>187:21<br><b>consideration</b><br>174:8 178:19<br>179:22 180:4<br>200:12 223:25<br><b>considered</b> 43:9<br>250:22<br><b>considering</b><br>110:12<br><b>consist</b> 12:10<br><b>consisted</b> 15:9<br><b>consistent</b> 33:22<br><b>consisting</b> 6:20<br>72:11<br><b>consists</b> 15:13<br>165:18 201:5<br><b>constituent</b><br>134:16<br><b>constituents</b><br>48:24 73:16<br>84:22 173:21<br>174:21<br><b>constraints</b> 151:5<br>158:2<br><b>construction</b> 7:17<br>52:25 53:2<br><b>consult</b> 190:14<br><b>consultant</b> 101:8<br>101:10<br><b>consulted</b> 189:20<br>189:23 190:3<br><b>Consulting</b> 241:4<br><b>contact</b> 11:18<br>42:13 80:14,22<br>247:9<br><b>contain</b> 229:16<br><b>contained</b> 169:9<br>219:25 256:5<br><b>containment</b><br>230:17<br><b>contention</b> 254:12 | <b>context</b> 188:24<br><b>contingencies</b><br>166:7 169:9,11<br>169:23<br><b>contingent</b> 172:24<br><b>continually</b> 17:6<br>231:3<br><b>continuation</b> 2:4<br>135:8<br><b>continue</b> 8:23<br>11:3,6 14:12<br>31:4 66:7 72:8<br>76:22 80:22<br>83:10 111:8<br>125:17 129:5<br>147:24 201:12<br>221:11 237:12<br><b>continued</b> 8:24<br>53:20 223:2<br><b>continues</b> 6:21<br>74:4 80:12<br>133:2<br><b>continuum</b> 30:9<br>30:11<br><b>contract</b> 6:15<br>36:2 139:22<br>148:9,11 201:8<br>225:19 227:7,16<br>231:16,23<br>232:17 234:19<br>235:8 236:2<br>239:6 240:8,18<br>240:25 241:7,10<br>242:13,24<br>243:15,23 244:2<br>244:5,7<br><b>contracted</b> 6:12<br><b>contracting</b> 27:16<br>29:8 105:3<br>226:11 229:18<br><b>contractor</b> 201:9<br>235:7<br><b>contractors</b> 10:24<br>31:18 116:20<br><b>contracts</b> 5:21,23<br>14:3,6 27:22<br>29:2,4 86:9 | 94:17 104:24<br>114:12,14,23<br>118:9 226:14,24<br>231:24 232:5<br>237:20,23<br>238:18,20,22<br>239:3,5,12,13<br>239:20 240:2,4<br>240:5,6,12,20<br>241:8,9,11,22<br>241:23 242:7<br>243:5,7<br><b>contrast</b> 20:11<br><b>contributing</b><br>118:7<br><b>contribution</b><br>226:11<br><b>Contributions</b> 6:8<br><b>control</b> 66:3<br>254:10 256:22<br><b>convenience</b><br>137:14 148:24<br><b>conversation</b><br>77:23 156:20<br>222:8<br><b>conversations</b><br>22:13 147:14<br>149:24<br><b>convert</b> 250:24<br><b>convey</b> 129:6<br><b>cookouts</b> 125:10<br><b>Cooperation</b> 3:5<br>3:7<br><b>coordinator</b><br>218:19<br><b>copy</b> 169:16<br>202:10,17<br><b>copying</b> 169:15<br>170:4<br><b>core</b> 224:10<br><b>corporate</b> 15:7<br>235:14<br><b>correct</b> 36:3 63:6<br>69:20 76:14<br>107:2 168:14<br>195:21 216:11<br>218:12,15 | 233:13 256:8<br><b>correctly</b> 92:10<br>208:11<br><b>corresponding</b><br>8:24<br><b>corridors</b> 7:17<br>70:9,12<br><b>cost</b> 93:4 216:14<br>219:3,7,10,11<br>226:4 229:11,16<br>229:21 230:17<br>231:6,9 234:24<br>236:14 237:2<br>254:10<br><b>costs</b> 215:20<br><b>cost-effective</b><br>152:5 224:20<br><b>cottage</b> 171:23<br><b>couches</b> 236:24<br><b>Council</b> 1:2,10<br>2:2,21 3:8,12,19<br>4:3,6,7 12:2<br>16:2,3,15,22<br>17:7,10,24<br>18:13 20:6,9,17<br>21:25 22:8,22<br>23:10,22 24:11<br>24:15,24 29:13<br>38:10 45:23<br>52:11,15 57:12<br>66:9,10,22 67:3<br>74:8 77:20 78:2<br>78:20,21 79:3<br>80:20 81:9,19<br>81:25 82:11,14<br>82:15,24 85:2,6<br>85:13,22 86:7<br>86:12 89:10,17<br>89:21,22,25<br>90:9,14 91:13<br>92:2 103:6,9<br>104:13 107:19<br>113:25 121:12<br>122:24 124:12<br>133:12,15,22<br>134:5 135:2<br>139:3,8,11,12 |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 139:15 142:22<br>145:5,10,14,15<br>145:19,22 146:2<br>146:13 147:11<br>147:20 148:23<br>148:25 149:21<br>151:11,14,25<br>152:12,19 153:8<br>153:12 156:17<br>157:9 158:5,19<br>160:9,14 164:5<br>164:9,15 165:6<br>165:6 166:3<br>169:13 170:17<br>173:16 176:2<br>177:11 181:12<br>181:17 182:2,11<br>191:11 195:8<br>200:5 201:11<br>202:21 221:13<br>223:15 228:10<br>230:15,21 254:7<br><b>Councilman</b> 1:11<br>1:12,12,13,13<br>1:14,14,16 25:2<br>25:4,9,17,23<br>26:8,11,17,22<br>27:6,10,15 28:2<br>28:8,11,14,20<br>29:6,11,14,17<br>29:22 31:23<br>32:7 33:8 34:8<br>35:13,25 36:5<br>38:7,11,14,19<br>40:8,14,21 42:3<br>42:16 43:23<br>44:25 45:20,24<br>46:3 47:23 48:3<br>48:22 49:16,24<br>50:6,10,13,22<br>51:3,11,22 52:7<br>52:12,13,17<br>54:10,17,25<br>55:9,18,24 56:5<br>56:11,15,22<br>57:3,13 58:3<br>60:5 66:13,19 | 67:2,7 69:16,24<br>70:23,25 71:6<br>71:11 72:3 74:6<br>74:9 79:21 92:6<br>92:19,22 93:7<br>93:19 94:2,6,14<br>94:20 95:3 96:3<br>96:22 97:7,16<br>97:22,25 98:13<br>99:11,14,17,21<br>100:5 101:13<br>102:3,8 103:7,8<br>103:11 105:11<br>106:23 107:3,11<br>107:20 121:16<br>122:17 123:13<br>124:9,13 133:12<br>133:17,20 134:7<br>134:23 135:6<br>136:12,25<br>137:12 138:10<br>138:19,25 139:4<br>139:10,14,17,24<br>140:6 141:13<br>142:19,23<br>147:16,22<br>153:19 155:17<br>156:15,18<br>158:23 159:3,12<br>160:8,10,16,17<br>160:25 161:22<br>162:11,14,18<br>163:16,23 164:2<br>164:20 165:2<br>168:2,5,13<br>169:21 170:10<br>171:19 172:3,4<br>172:18,22 173:9<br>174:13 175:23<br>176:9,14,18<br>177:12,17 178:9<br>178:13 179:2,5<br>180:6,7 183:5,8<br>183:11,12,14,15<br>184:8,18,24<br>185:8,13,16,22<br>185:25 191:14 | 192:2,3,7,8,9<br>194:13 195:11<br>195:13,17 196:9<br>196:13,18,22,24<br>197:5,10,21<br>198:12,18,22<br>199:2,7,11,25<br>200:4 201:18<br>202:19,23 203:7<br>204:8,17 205:6<br>205:15 206:19<br>207:14 208:6,21<br>209:24 210:5,13<br>210:21,24,25<br>211:11,17 212:5<br>212:15,16,20<br>213:2,6,12,22<br>217:14 221:7,25<br>222:17,21,24<br>223:5,10,14<br>227:22 228:19<br>229:5 230:13<br>231:15 232:20<br>233:4,9,24<br>234:6,17 235:9<br>235:25 236:15<br>237:6,7,9,10,22<br>238:7,17 239:2<br>239:11,14,19,23<br>240:3,9,15,19<br>240:24 241:6,15<br>241:21 242:6,19<br>242:20 243:3,14<br>243:19 244:10<br>244:11,12,13,14<br>244:20,22<br>245:13,19<br>246:20 247:3,7<br>247:11,16,17<br>254:2,4,23<br>255:2,4<br><b>councilmanic</b><br>184:14 193:4<br><b>Councilman's</b><br>179:6<br><b>Councilmember</b><br>29:16 38:13 | 46:2 52:16<br>57:15 66:25<br>92:5 103:10<br>105:12 107:22<br>121:15 135:5<br>139:13,16<br>153:18 158:22<br><b>Councilmembers</b><br>24:17 174:20<br><b>Councilpeople</b><br>174:4<br><b>Councilperson</b><br>137:23<br><b>Councilwoman</b><br>1:10,11,15,15<br>33:15 57:16,21<br>58:20,24 59:20<br>60:25 61:14<br>63:2,9,25 64:6<br>65:12 66:6<br>103:14 107:23<br>109:2,21 110:4<br>111:4,19 113:2<br>113:22 114:2,4<br>114:5,10,18,25<br>115:8,15,22<br>116:4,17 117:7<br>117:12,20 118:6<br>118:20 120:6,18<br>121:6,10,13<br>124:15,16<br>125:21 126:15<br>126:23 127:3<br>129:12 130:8<br>131:8,10 132:6<br>133:18,19 134:3<br>135:9 142:25<br>143:2,22 144:2<br>144:13,18 145:2<br>145:6 179:11<br>186:3,4,9<br>187:12,17,20<br>188:8,21 189:14<br>190:5,12 191:8<br>191:15 192:5<br>205:20 212:24<br>213:4,10,13,14 | 213:24 214:9<br>215:13 216:16<br>217:5,8,15,16<br>218:10,13,16<br>219:2,16,19<br>220:4,8,12<br>221:10 222:7,18<br>222:19 234:15<br>247:18,19 248:7<br>248:17 249:12<br>249:17,25 250:4<br>251:4,8,14,20<br>252:22 253:23<br>254:3<br><b>Council's</b> 148:24<br>170:24 180:2<br><b>counsel</b> 4:13<br>151:23,23<br>152:18 186:20<br>191:20<br><b>count</b> 108:24<br><b>counties</b> 123:7<br>186:23 204:18<br><b>country</b> 205:9,14<br><b>County</b> 168:16<br><b>couple</b> 11:7 12:22<br>16:5 25:21<br>32:16 38:20<br>46:6,24 54:15<br>60:6 68:20<br>74:11 83:3<br>114:10 128:2<br>149:3 159:4<br>168:6 170:11<br>172:5,10 183:7<br>194:8 201:20,22<br>205:23 207:6<br>209:12 227:22<br>244:15<br><b>course</b> 127:18<br>161:10 162:25<br>244:4,6<br><b>court</b> 88:5,18<br>170:18 175:15<br>184:2,10,10,12<br>184:13 185:9,11<br>185:19 186:16 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 186:18,19 187:9<br>189:24 193:21<br><b>court-ordered</b><br>123:22<br><b>cover</b> 161:4,13,14<br><b>coverage</b> 227:7<br>228:13<br><b>covering</b> 2:23<br>245:5<br><b>cows</b> 237:3<br><b>Coy</b> 30:3<br><b>co-counsel</b> 9:3,8<br>21:10 96:2<br><b>CPA</b> 15:7 34:25<br><b>CPAs</b> 15:20 119:9<br>171:24<br><b>create</b> 36:14,17<br>36:17 53:25<br>59:16 112:12<br>171:23 191:21<br>196:20 217:2<br><b>created</b> 16:10<br>30:9 31:21<br>34:22 217:25<br>218:2,6 219:17<br>219:20,20<br>220:24 221:4<br><b>creating</b> 88:10<br>112:11 217:21<br>253:7<br><b>creation</b> 26:12,14<br>50:15 216:3,18<br>219:3<br><b>creative</b> 88:20<br>89:7<br><b>credit</b> 9:20 25:10<br>25:12 26:12,14<br>50:15,16,19<br>149:14 159:19<br>159:20 195:6,14<br><b>credits</b> 51:10<br>120:25<br><b>crime</b> 48:17<br><b>criminal</b> 207:5<br><b>Cross</b> 232:23<br>233:7 235:15,20<br>236:5,17 252:14 | <b>cross-trained</b><br>98:15 100:22<br><b>cultural</b> 207:22<br>207:23<br><b>current</b> 9:25<br>12:20 32:2,4<br>43:11,15 62:14<br>62:20 64:17,17<br>94:17 96:18<br>134:13 135:20<br>159:4 163:9<br>231:16 247:23<br><b>currently</b> 14:16<br>19:11 72:15<br>114:12,13,16<br>148:8 149:7,16<br>225:19 232:2<br>252:6<br><b>Curt</b> 127:4<br><b>CURTIS</b> 1:13<br><b>customer</b> 76:24<br>80:8,12,18,19<br>82:6,21 83:21<br>84:12,15 97:13<br>136:9 137:13<br>138:7 252:8<br><b>customers</b> 9:19<br>11:15 13:15<br>39:16 43:10<br>45:17 76:10<br>119:12 129:7<br><b>customer's</b> 77:3<br>77:10 80:21<br>81:13 82:2<br><b>cut</b> 137:16,25<br><b>CVS</b> 232:24<br><br><hr/> <b>D</b> <hr/> <b>D</b> 1:15<br><b>DAC</b> 148:10,12<br><b>daily</b> 47:17 59:18<br><b>Dante's</b> 136:14<br><b>DARRELL</b> 1:10<br><b>data</b> 7:9 13:3<br>37:18 46:23<br>47:12,15 49:19<br>170:3 225:23 | 226:16 238:14<br>242:3<br><b>date</b> 109:17 163:5<br><b>Davey</b> 165:15<br><b>DAVID</b> 1:14<br><b>day</b> 33:14 37:25<br>73:6 121:4,5<br>163:7,8 170:7<br><b>days</b> 39:15,15<br>54:20 73:8,8<br>95:6,7,18,20,24<br>140:25 163:17<br>194:9<br><b>de</b> 175:19<br><b>deal</b> 41:24 85:18<br>96:23 135:17<br>168:12 207:21<br><b>dealing</b> 51:14<br>119:16 180:19<br>250:17 251:16<br>253:5<br><b>dealings</b> 159:22<br><b>dealt</b> 137:17<br><b>debt</b> 58:5,14 59:4<br>61:22 62:17<br>63:3,8,11,20<br>64:2,3,5,19,23<br>64:24 65:10,14<br>65:25 109:19<br>146:18,18,22<br>148:3,5 150:4,8<br>150:10 151:21<br>154:11 157:10<br>158:17 160:3<br><b>debts</b> 60:7 109:12<br><b>decade</b> 188:7<br><b>December</b> 73:21<br>162:23<br><b>decide</b> 54:24 72:4<br>72:6<br><b>decided</b> 88:11<br><b>decides</b> 185:19<br>200:25<br><b>deciding</b> 132:10<br>132:12<br><b>decision</b> 156:9<br>235:21 | <b>decisions</b> 165:24<br>201:3<br><b>decrease</b> 4:22,23<br>19:6 184:22<br><b>decreased</b> 203:25<br><b>dedicate</b> 138:11<br><b>dedicated</b> 103:5<br>187:15<br><b>deductions</b> 47:3<br><b>deemed</b> 245:21<br><b>deeply</b> 157:14<br><b>defend</b> 69:6<br><b>defer</b> 150:20<br><b>define</b> 97:5<br><b>definitely</b> 22:4<br>78:17 112:18<br><b>degree</b> 112:10<br><b>degrees</b> 15:6,18<br><b>Delaware</b> 205:12<br><b>delinquencies</b><br>10:13 68:25<br>69:2 129:21,24<br><b>delinquency</b><br>16:17 43:18<br>62:13,22 67:15<br>127:6,6 128:6<br>144:25<br><b>delinquent</b> 6:12<br>13:6,17 17:21<br>19:13 24:2<br>41:21 43:13<br>62:2 67:13<br>72:18 73:5,19<br>74:5 95:12,14<br>95:16<br><b>delinquents</b> 16:21<br>17:3 127:21<br><b>deliver</b> 208:15<br><b>Delta</b> 233:22<br><b>demographic</b><br>206:22<br><b>demographics</b><br>13:24 167:20<br>206:18 207:17<br><b>demonstrates</b><br>227:2<br><b>dental</b> 232:12,25 | 233:2,20,22<br>234:2<br><b>department</b> 3:24<br>4:19,20 5:5 6:2<br>6:16,17,19 7:15<br>7:19,22 8:10<br>9:16 10:3,22<br>12:8,23 13:25<br>14:11,16 16:24<br>17:16 21:9 23:3<br>28:18 29:2 30:4<br>32:12 34:4,23<br>46:10 52:21<br>54:9 55:7 57:22<br>58:4 67:21,22<br>67:23 68:7,10<br>68:13 69:22,25<br>70:11 72:10<br>83:13 86:3,6<br>91:10 97:12,19<br>101:3 105:22<br>119:10 120:21<br>127:12 128:13<br>134:10 137:3<br>138:12,15<br>148:16 165:18<br>167:15 186:21<br>206:15 207:12<br>207:13,20<br>209:21,22<br>214:12 215:14<br>216:2 217:19<br>220:21 223:3<br>225:5,20,24<br>242:9 249:16<br>250:8<br><b>departmental</b><br>226:24<br><b>departments</b> 35:6<br>115:3 203:11,18<br>209:21 214:8,19<br>216:18 217:2<br>219:5 221:23<br>222:2 224:7<br>242:8<br><b>Department's</b><br>13:11 15:9,12 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 71:20 159:9<br><b>depend</b> 185:18<br><b>dependency</b><br>245:3<br><b>dependent</b> 226:15<br>228:15 238:15<br>241:23,25<br>246:14,15,18,18<br><b>dependents</b><br>225:16 228:2,11<br>228:12,14<br>244:25 245:6,18<br><b>depending</b> 183:2<br>197:24<br><b>deployed</b> 7:14<br><b>deposit</b> 163:4<br><b>deputies</b> 11:10<br><b>Deputy</b> 4:14,16<br>42:17 43:2 44:3<br>45:3 58:17,22<br>60:19 61:5 62:6<br>63:5,22 64:4,13<br>65:22 76:4<br>77:24 78:16,25<br>80:6,25 81:17<br>81:22 82:3 86:5<br>86:10 106:8,25<br>107:9 131:9<br>205:3 223:18<br>230:5 239:8<br><b>derivative</b> 160:4<br><b>descriptions</b><br>214:6 219:9,24<br><b>deserve</b> 175:22<br><b>design</b> 229:20<br><b>designated</b><br>219:13<br><b>desire</b> 246:16<br><b>Despite</b> 208:12<br><b>detail</b> 149:6 252:3<br><b>determination</b><br>69:9 72:16<br><b>determine</b> 63:13<br>72:6 100:8<br>109:7 150:10<br>194:21<br><b>determined</b> 18:24 | 246:17 253:11<br><b>determining</b><br>194:20 224:11<br>235:21<br><b>develop</b> 92:24<br>155:19<br><b>developed</b> 11:23<br><b>developing</b><br>224:13<br><b>development</b><br>155:21 156:23<br><b>dialogue</b> 205:23<br><b>difference</b> 5:18<br>64:15 77:7<br>98:19<br><b>different</b> 12:5<br>17:11 34:9,20<br>44:22 49:8 89:7<br>126:24 146:23<br>149:11 155:10<br>157:7,10 158:2<br>182:5 234:7<br><b>differential</b> 171:3<br><b>difficult</b> 98:16<br>104:6 177:3<br>201:24<br><b>difficulty</b> 202:24<br>203:14 209:25<br><b>Digital</b> 148:9<br><b>diligence</b> 71:12<br>223:2 228:7<br>229:4<br><b>dire</b> 101:24<br><b>direct</b> 118:14<br>156:22 256:22<br><b>directly</b> 119:4,18<br>133:21 151:9<br>230:24 251:17<br>251:24<br><b>Director</b> 91:20<br>146:3 165:8<br>199:24 200:9<br>203:8 205:4<br>216:12 221:22<br>222:9 223:17,18<br>230:5 239:8<br><b>Directors</b> 188:17 | 188:20<br><b>directory</b> 120:20<br>120:21<br><b>Director's</b> 216:20<br><b>disabled-owned</b><br>226:9<br><b>disadvantage</b><br>63:6<br><b>disapproves</b><br>200:18<br><b>Disclosure</b> 148:13<br><b>discount</b> 87:9<br>89:16,19 90:5<br>90:18 91:6,12<br><b>discounts</b> 85:23<br>87:7 89:12,13<br>251:12 252:7<br><b>discovery</b> 6:20<br>69:3 70:4<br><b>discuss</b> 124:17<br>130:16 191:11<br>252:2<br><b>discussed</b> 23:3<br>168:22<br><b>discussing</b> 52:23<br>252:20<br><b>discussion</b> 53:9<br>53:10 91:8<br><b>discussions</b><br>123:11 216:19<br><b>disposable</b> 65:7,8<br><b>dispute</b> 106:21<br><b>Disregard</b> 247:5<br><b>Disseminating</b><br>148:13<br><b>district</b> 10:6<br>33:13 48:15<br>58:5,14 65:3<br>67:15 74:23<br>79:11 103:16<br>124:23 141:4<br>176:23 177:7<br>213:17 228:10<br>230:15,21<br><b>districts</b> 74:24<br>84:20 107:16<br>141:3 | <b>diverse</b> 224:8<br><b>diversity</b> 207:23<br>237:17 238:10<br>243:7,16,22,24<br>247:24 248:18<br>248:21<br><b>division</b> 6:19 7:7<br>8:14 17:17<br>28:25 69:4<br>170:20,22<br><b>divorced</b> 245:9<br><b>Doctor</b> 159:17<br><b>Doctorate</b> 15:22<br><b>doctors</b> 243:12<br>252:6<br><b>document</b> 220:15<br><b>dog</b> 35:2<br><b>doing</b> 11:2 17:11<br>31:16 33:2,5<br>36:25 51:4<br>58:11,11 59:11<br>70:22 71:24<br>73:2 96:20 98:5<br>102:23 105:17<br>117:3,4 122:11<br>124:18,24 126:5<br>127:5 128:4<br>129:25 130:19<br>130:23 131:12<br>132:18 155:22<br>167:3 186:13,13<br>190:16 198:17<br>207:19 213:8<br>218:24 221:23<br>232:6 238:14<br>244:23 251:16<br>252:25<br><b>dollar</b> 30:19<br>92:25 102:4<br>197:19<br><b>dollars</b> 8:6 9:7<br>30:17 31:16<br>32:3,5 41:9 65:4<br>66:15 71:25<br>93:10 96:8<br>100:11 128:12<br>142:15 155:24 | 185:12 239:6<br>241:8,10<br><b>domain</b> 166:18<br>186:22<br><b>don'ts</b> 154:15<br><b>door</b> 49:20 75:8<br>75:18<br><b>doors</b> 70:15 84:7<br><b>Doris</b> 199:17<br>200:5<br><b>double</b> 181:8<br><b>doubled</b> 8:18<br><b>doubting</b> 234:21<br><b>downstairs</b> 70:15<br>120:14 136:9<br><b>downtown</b> 141:5<br><b>downturn</b> 30:22<br><b>do's</b> 154:15<br><b>Dr</b> 159:16 241:18<br><b>draft</b> 73:2<br><b>drama</b> 217:9<br><b>dramatic</b> 75:4<br><b>dramatically</b> 19:6<br><b>drastic</b> 179:14<br><b>drill</b> 190:24<br><b>drivers</b> 38:3<br><b>driver's</b> 35:19<br>38:3<br><b>DROP</b> 209:15<br><b>drop-off</b> 209:3<br><b>drug</b> 232:15,24<br><b>dual</b> 126:5,13<br><b>Dubow</b> 23:7<br>52:21 74:14<br>91:14,19,20<br>97:18,24 98:3<br>99:7,13,19,23<br>101:5,16 122:6<br>123:6 124:2,11<br>154:25 156:12<br><b>due</b> 4:24 11:17<br>71:12 73:19<br>95:13 110:11<br>120:4 128:2<br>178:13 225:3<br>228:6 229:4<br>245:24 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                           |                           |                           |                          |                          |
|---------------------------|---------------------------|---------------------------|--------------------------|--------------------------|
| <b>dumping</b> 19:20      | 46:8 98:24                | <b>emotional</b> 217:10   | <b>enrollments</b>       | 188:6                    |
| <b>D'Attilio</b> 199:23   | 100:14,23 172:6           | <b>emphasis</b> 82:21     | 60:16                    | <b>estimate</b> 75:12    |
| 199:24 200:10             | <b>efficient</b> 21:16    | <b>employee</b> 15:21     | <b>ensure</b> 225:14     | 80:23 81:4,12            |
| 203:7,8 204:15            | 119:11 173:4              | 31:7 146:7                | 226:20 227:25            | 242:2,3 245:14           |
| 204:24 211:6,15           | <b>efficiently</b> 100:9  | 230:6                     | 228:11                   | 245:15                   |
| 214:21 216:11             | <b>effort</b> 67:17 208:2 | <b>employees</b> 9:25     | <b>ensures</b> 146:18    | <b>estimated</b> 4:22    |
| 217:4,7 220:7             | 231:14 232:7              | 10:2 14:16,17             | <b>ensuring</b> 200:15   | 5:15 76:18,22            |
| 220:11 223:13             | <b>efforts</b> 57:25 58:9 | 14:19,24 15:10            | 201:13 224:16            | 77:2,7 78:9              |
| 223:16 228:6,21           | 159:9 203:5,12            | 15:10,13,14,15            | <b>enter</b> 10:7 12:4   | 80:10,11,13,17           |
| 229:12 230:10             | 205:25 231:7              | 15:19,21 23:24            | <b>enterprise</b> 116:16 | 81:3,21 82:5             |
| 237:5,14,22               | <b>eight</b> 233:18       | 36:18 68:12               | <b>entire</b> 12:16 62:9 | 83:8,22 84:5,8           |
| 238:11,21                 | <b>Eighty</b> 40:8        | 97:9 98:2                 | 179:12                   | 105:24 106:6,12          |
| 239:19,25 240:7           | <b>either</b> 38:23 39:2  | 139:25 140:9              | <b>entirety</b> 22:19    | 147:3,8 162:8            |
| 240:13,17,22              | 42:24 104:4               | 142:3 200:20              | <b>entities</b> 36:20    | 166:8 225:2,14           |
| 241:4,12,16,25            | 148:23 158:16             | 201:2 224:22              | 37:5 51:8,10             | 225:22 242:25            |
| 242:11,14                 | 206:11 231:9              | 225:4 228:8,10            | 85:25 87:8,10            | <b>estimates</b> 75:2    |
| 243:18 244:9              | 237:23                    | 228:16 229:15             | 93:12 96:24              | 83:3                     |
| 247:15,25 248:9           | <b>elaborate</b> 46:8     | 231:5 236:14              | 98:12 135:18             | <b>estimating</b> 82:8   |
| 248:23 249:14             | 104:8 228:3               | 246:10 248:10             | <b>entity</b> 97:5       | 110:23                   |
| 249:23 250:2              | 235:23 246:23             | 248:18                    | <b>entry</b> 170:3       | <b>ethics</b> 102:25     |
| 251:2,6,10                | <b>elected</b> 75:10      | <b>employer</b> 251:23    | <b>entry-level</b> 216:5 | <b>ethnicity</b> 248:22  |
| 254:22                    | 125:19 217:22             | 252:3                     | <b>equal</b> 211:9       | <b>Eugene</b> 165:15     |
| <b>E</b>                  | <b>election</b> 115:4     | <b>employment</b>         | <b>Equinoxys</b> 227:13  | <b>evaluate</b> 98:14    |
| <b>E</b> 76:24 80:10      | <b>electronic</b> 13:4    | 200:16 204:6              | 242:13,24                | <b>Evaluation</b>        |
| <b>earlier</b> 70:8 86:23 | <b>elevation</b> 179:12   | <b>employs</b> 236:19     | <b>equipment</b> 5:11    | 243:11                   |
| 127:24 135:10             | <b>eligibility</b> 61:21  | <b>empower</b> 112:5      | 6:7 93:6 136:19          | <b>evening</b> 169:3     |
| 153:5 156:19              | 226:15 238:15             | <b>EMS</b> 98:8           | <b>equitable</b> 165:24  | <b>event</b> 144:8,14    |
| 157:3 158:6               | 241:24 242:2              | <b>enable</b> 225:24      | <b>era</b> 89:8          | 151:4 152:20             |
| 203:21 242:15             | <b>eligible</b> 60:17,21  | <b>enactment</b> 200:20   | <b>erring</b> 173:10     | 157:22                   |
| <b>early</b> 150:15       | 61:19 62:11               | <b>encourage</b> 36:8     | <b>error</b> 78:18 79:24 | <b>events</b> 125:12     |
| 162:23                    | 63:14,17,21               | <b>encumbered</b>         | 83:10                    | 144:10                   |
| <b>eclipse</b> 28:18      | 64:8 124:19               | 27:20                     | <b>especially</b> 120:3  | <b>everybody</b> 19:25   |
| <b>economic</b> 14:5,9    | 218:17 224:15             | <b>ended</b> 11:13        | 128:6 211:22             | 88:23 130:25             |
| 41:7,16 42:25             | 225:16 228:2,13           | <b>enforce</b> 9:13       | <b>essential</b> 13:15   | 182:14,19                |
| 44:2,6 226:19             | 229:4 245:5               | <b>enforcement</b>        | <b>essentially</b> 87:16 | 193:17 195:4             |
| <b>economy</b> 30:23      | 246:17                    | 33:24 132:25              | <b>establishing</b>      | <b>evidence</b> 256:4    |
| <b>educating</b> 129:4    | <b>eliminated</b> 16:7    | <b>enhance</b> 18:25      | 224:14                   | <b>exact</b> 18:3 122:19 |
| 222:10                    | <b>eliminating</b>        | <b>enhancement</b>        | <b>establishment</b>     | 123:5 205:7              |
| <b>education</b> 121:24   | 121:21                    | 46:7                      | 200:22                   | 214:15                   |
| 128:21                    | <b>elimination</b> 4:25   | <b>enrichment</b>         | <b>estate</b> 9:12 11:16 | <b>exactly</b> 122:8     |
| <b>effect</b> 4:24 148:12 | 225:11                    | 207:23                    | 39:10 47:21,24           | <b>exam</b> 208:8,10     |
| <b>effective</b> 117:8,10 | <b>embark</b> 12:8        | <b>enroll</b> 64:9 124:22 | 48:4 73:16,19            | 211:13 225:12            |
| 203:25 224:8              | <b>embarking</b> 68:4     | <b>enrolled</b> 60:18     | 88:2,8,16 94:9           | <b>examination</b>       |
| <b>effectively</b> 22:6   | <b>embarrassed</b>        | <b>enrolling</b> 130:17   | 94:23 95:10,17           | 218:22                   |
| 174:5                     | 102:15                    | 130:18                    | 96:13 114:16             | <b>examinations</b>      |
| <b>efficiencies</b> 13:9  | <b>eminent</b> 166:18     | <b>enrollment</b> 246:7   | 128:7 135:15             | 219:10                   |
|                           | 186:22                    | 246:13                    | 186:25 187:9             | <b>example</b> 46:23,24  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 73:15 88:21<br>96:19 127:20<br>129:8 141:4<br>142:9 150:5<br>154:17 155:8,13<br>162:22 204:8<br>232:9 238:4<br><b>exams</b> 211:21<br>224:14<br><b>exceed</b> 14:11<br>71:18 188:19<br><b>exceeded</b> 227:8<br><b>exceedingly</b><br>111:24<br><b>exceeds</b> 14:4<br><b>excellent</b> 71:10<br>187:3 192:16<br><b>Exchange</b> 148:18<br><b>excuse</b> 147:12<br>160:23 165:12<br>220:17<br><b>Executive</b> 146:3<br>165:8 188:17,19<br>221:16,19<br>222:15<br><b>exempt</b> 22:18<br>88:16 176:5<br>229:14<br><b>exempted</b> 20:5<br>23:5<br><b>exemption</b> 22:11<br>23:17 87:20<br>88:2 166:16<br>189:9<br><b>exemptions</b> 22:14<br><b>exempts</b> 228:9<br><b>exist</b> 119:8<br><b>existing</b> 5:20<br>12:13 102:13<br>177:15<br><b>expand</b> 174:9,10<br><b>expanded</b> 8:2<br>9:24 59:3<br><b>expect</b> 32:12,13<br>116:12 132:23<br>194:8 209:6<br><b>expectation</b> 102:9 | 173:11<br><b>expectations</b><br>101:17<br><b>expected</b> 168:9<br>172:8<br><b>expecting</b> 110:25<br><b>expects</b> 14:11<br><b>expend</b> 100:17<br><b>expenditures</b><br>166:8 229:6,6<br><b>expense</b> 45:15<br>149:18 160:6<br>162:9<br><b>expenses</b> 161:12<br><b>experience</b><br>104:11 108:9<br>118:23 186:24<br>186:24 187:21<br>190:15,23<br>206:12,14<br><b>experiences</b><br>191:23<br><b>experiencing</b><br>209:14<br><b>expertise</b> 186:12<br><b>explain</b> 69:17<br>110:5 175:12<br>238:8<br><b>explanation</b><br>161:23<br><b>explore</b> 91:22<br>254:19<br><b>express</b> 23:8<br><b>extended</b> 143:7<br><b>extent</b> 110:24<br><b>external</b> 93:9<br><b>extra</b> 207:7 211:3<br>211:12 215:20<br><b>eyes</b> 123:19<br><b>E-check</b> 9:16<br><b>e-mail</b> 39:21<br>120:11<br><b>E-Tide</b> 16:6<br><b>E-Tides</b> 5:2<br><hr/> <b>F</b> <hr/> <b>FAA</b> 155:15 | <b>face</b> 77:22 91:15<br><b>faced</b> 33:9<br><b>faces</b> 65:20<br><b>facilities</b> 90:22<br><b>fact</b> 18:15 63:20<br>88:15 135:21<br>168:16 207:3<br>226:12 230:18<br>237:18<br><b>factor</b> 209:18<br>210:4 214:24<br>216:23<br><b>factors</b> 118:7<br><b>facts</b> 165:25<br><b>fade</b> 209:10<br><b>failed</b> 76:17 77:18<br>143:3<br><b>fair</b> 78:15 108:24<br>165:24 228:9<br>229:14<br><b>fairest</b> 198:10<br><b>faithfully</b> 81:10<br><b>fall</b> 9:14 42:20,23<br>43:6 215:10<br>232:3 233:16,21<br>235:12 242:7<br>246:8<br><b>fallen</b> 3:16<br><b>falls</b> 121:17<br>193:13<br><b>familiar</b> 18:8,10<br>34:15,18 77:10<br>123:4 157:14<br><b>far</b> 4:12 24:22<br>41:7 92:18<br>193:24 204:19<br>205:9 218:8<br><b>fashion</b> 137:25<br><b>favor</b> 184:11<br><b>feared</b> 209:2<br><b>February</b> 6:23<br>10:11 17:20<br>39:6 95:15,17<br><b>federal</b> 24:10<br>125:20 160:21<br><b>fee</b> 16:10,13 94:11<br>142:9 253:16 | 254:18<br><b>feed</b> 117:5<br><b>feel</b> 88:15 132:17<br>175:21 189:23<br>245:7,23<br><b>feels</b> 20:2 75:7<br>171:8<br><b>fees</b> 6:13 13:7<br>97:21 98:20<br>142:7 150:14<br><b>fell</b> 90:24<br><b>felt</b> 102:14<br><b>female</b> 14:18<br>15:11,14,21<br>205:22<br><b>female-owned</b><br>148:11<br><b>fewer</b> 21:20<br><b>field</b> 70:6 141:2<br><b>Fifteen</b> 28:7<br><b>fifth</b> 19:15<br><b>figure</b> 24:4 32:10<br>70:16 100:13<br>130:14 158:11<br><b>figured</b> 181:9<br><b>figures</b> 197:17<br>241:14<br><b>figuring</b> 127:7<br>195:9<br><b>files</b> 47:16<br><b>filing</b> 5:2 13:4<br>16:6 47:6<br><b>fill</b> 201:24<br><b>filling</b> 209:25<br><b>final</b> 232:16<br>235:21 243:4<br>253:14<br><b>finally</b> 9:7 225:22<br><b>finance</b> 98:6<br>155:3 157:25<br>159:9,15 214:25<br>215:5 225:5,20<br>225:21 227:9<br>238:3<br><b>financed</b> 152:8<br><b>financial</b> 2:22<br>148:15 219:15 | <b>find</b> 32:8 73:15<br>85:10 171:20<br>174:21 207:2<br><b>finding</b> 22:5<br>111:5,6,9<br>201:23 202:25<br><b>findings</b> 52:5<br><b>fine</b> 56:11 85:21<br><b>fines</b> 6:13 98:20<br>134:13,13,18,20<br><b>finish</b> 137:16<br><b>fire</b> 98:8 204:9<br>213:16<br><b>firefighter</b> 225:12<br><b>firefighters</b> 3:16<br>208:8 213:17<br>216:22<br><b>firm</b> 116:9 227:6<br>227:14 228:17<br><b>firms</b> 14:7,8<br><b>first</b> 18:20 21:11<br>25:9 38:5 67:7<br>67:16 82:25<br>93:25 95:11,15<br>95:21 96:12,15<br>103:13 110:3<br>111:15 114:11<br>117:22 118:2<br>128:8 134:14,19<br>146:24 173:19<br>173:24 176:5<br>178:2 179:8<br>181:2 192:17<br>202:13 211:7<br>217:22 235:11<br>248:6<br><b>first-time</b> 41:21<br>127:21<br><b>fiscal</b> 2:12,15,17<br>2:23 3:2 7:3,6<br>7:21 17:2,23<br>26:25 27:3,4,11<br>27:17,21 41:13<br>41:20 68:10<br>92:21 93:25<br>96:15 117:10,22<br>118:3 146:5 |
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 147:3,6,9 148:4<br>148:20 162:10<br>163:2,9,10,11<br>163:24 165:16<br>166:2,9,24<br>214:21 218:9<br>223:23 237:20<br>246:6<br><b>fit</b> 65:5<br><b>Fitch</b> 159:10<br><b>fitters</b> 209:16<br><b>five</b> 2:22 15:3,14<br>15:21 30:24<br>33:21 161:17,18<br>165:20 167:22<br>202:13 217:14<br>217:16 229:24<br>230:2 239:9<br>249:23<br><b>fix</b> 123:11<br><b>flat</b> 230:12<br><b>flexibility</b> 19:7<br>22:15 23:15<br>113:3,7,9<br>141:25 152:16<br>153:7 156:4<br>158:3<br><b>flexible</b> 113:16<br><b>flip</b> 19:12<br><b>float</b> 138:11<br><b>flooded</b> 177:2,25<br><b>flops</b> 141:22<br><b>Florida</b> 176:17<br>190:19<br><b>flow</b> 59:16 160:21<br>160:24,25 161:4<br>161:10,15 162:5<br><b>fluent</b> 219:12<br>248:12,14,15<br><b>focus</b> 79:5 121:21<br><b>focusing</b> 46:15<br>47:22 121:23<br><b>folk</b> 209:14<br><b>folks</b> 35:22 39:20<br>46:18 47:4,6<br>73:7 84:2,5,19<br>111:8 112:5 | 113:15 126:2<br>127:14 129:4,9<br>130:10 147:13<br>177:21<br><b>follow</b> 42:15<br>46:13 78:21<br>128:23 231:13<br><b>followed</b> 185:23<br><b>following</b> 4:25<br>136:2 163:21<br>197:14,23<br><b>follows</b> 166:10<br><b>followup</b> 42:5<br>89:11<br><b>follow-up</b> 85:19<br><b>food</b> 143:19<br><b>Fools</b> 129:11<br><b>forecast</b> 16:20<br>17:2<br><b>forecasting</b> 16:16<br><b>foreclosure</b> 18:5,7<br>21:18 134:9<br><b>foregoing</b> 256:7<br>256:19<br><b>foremost</b> 134:14<br>173:20,25<br><b>forever</b> 137:21<br><b>Forgive</b> 153:5<br><b>former</b> 147:17<br>187:8 188:19<br><b>forth</b> 51:16 60:8<br>151:5<br><b>fortitude</b> 234:18<br><b>Fortunately</b><br>253:17<br><b>forward</b> 3:22<br>18:12 22:16<br>23:9 26:9,22<br>67:16 68:19<br>76:15 80:4<br>107:12 116:23<br>117:6,19 188:25<br>189:2 247:6<br><b>found</b> 36:20<br>113:20<br><b>foundation</b> 67:10<br>189:6 | <b>four</b> 15:15 16:14<br>30:16 69:13<br>146:23 149:11<br>167:17 172:14<br>174:7,10 188:2<br>188:17 221:4<br>248:11 255:4<br><b>four-letter</b> 143:8<br><b>FPSI</b> 240:17<br><b>Frances</b> 4:12<br><b>frank</b> 4:15 11:9<br>181:23<br><b>frankly</b> 104:14<br>118:9 170:21<br><b>Fraternal</b> 230:8<br><b>freaking</b> 79:17<br><b>free</b> 67:15 75:7<br>87:25 89:9<br>213:5<br><b>freeze</b> 124:20<br>125:5,16 130:18<br>176:22 177:15<br><b>French</b> 248:16<br><b>frequency</b> 234:3<br><b>fresh</b> 80:2<br><b>freshmen</b> 255:5<br><b>Friday</b> 128:19<br>196:11,12<br><b>friendly</b> 13:12<br>137:20<br><b>friends</b> 199:13<br><b>fringe</b> 242:15,22<br><b>front</b> 113:9,17<br>138:8<br><b>frozen</b> 62:24 64:7<br><b>frustration</b> 63:16<br><b>full</b> 10:8 37:20<br>102:12 106:11<br>108:9 142:15<br><b>fully</b> 7:7 89:3<br>256:5<br><b>full-time</b> 5:7 6:4<br>206:12 210:10<br><b>function</b> 167:2<br>174:17 200:24<br><b>functions</b> 166:14<br><b>fund</b> 4:19 5:7,12 | 5:18 6:4,9 48:9<br>121:24 145:16<br>146:3,24 160:2<br>161:9,13,25<br>166:3 224:23<br>236:24 242:18<br>242:23<br><b>funding</b> 4:25 5:16<br>172:23,24<br>225:11<br><b>funds</b> 146:8,23<br>156:2 169:14<br>181:18<br><b>further</b> 23:7 74:7<br>164:4 175:25<br><b>future</b> 12:7 67:11<br>107:13 156:4<br><b>FY11</b> 9:15 27:9<br>27:10<br><b>FY12</b> 4:22 5:14<br>8:9 13:25 14:5<br>224:25 225:12<br>229:24<br><b>FY13</b> 4:19 5:12<br>6:9 14:10<br>224:23 226:14<br>226:17 227:24 | <b>generally</b> 38:21<br>203:12<br><b>generate</b> 167:12<br><b>generated</b> 19:3<br><b>generous</b> 19:11<br><b>gentleman</b> 75:6<br>75:25 78:8 79:6<br>79:9,16<br><b>getting</b> 22:11<br>33:15 38:3<br>53:12 64:15<br>73:17,24 75:11<br>83:22 84:5,15<br>84:16 89:6<br>92:11 105:24<br>106:6 108:8<br>111:8,22 118:18<br>118:19 124:5<br>126:7 127:25<br>128:22 129:2,4<br>130:24 131:18<br>170:4,5 204:5<br>210:14,17,18<br>221:2 234:20,20<br>234:24 252:23<br><b>give</b> 12:3 17:13<br>22:15 36:6 50:9<br>52:6 88:25<br>89:13,15 93:12<br>101:9 142:10<br>146:11 149:5<br>174:11 186:10<br>195:12 202:7,10<br>202:17 208:24<br>213:5,19 214:15<br>217:19 218:21<br>220:21 231:4<br>239:5 241:13<br>247:8 248:20<br>249:12<br><b>given</b> 11:25 68:21<br>96:10<br><b>gives</b> 141:24<br>196:4,5<br><b>giving</b> 51:19 59:9<br>88:25 113:14<br>250:9 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>glad</b> 105:19<br>148:22 153:13<br>192:16 205:17<br>236:16<br><b>go</b> 4:18 19:7<br>33:12 37:6 38:9<br>39:20,22 41:21<br>44:7,11,22 49:4<br>51:12 53:17<br>59:17 61:16<br>62:9 64:5,19<br>68:8,24,25 69:4<br>70:6,7,17 74:10<br>78:10 79:14<br>83:6,20,25 84:6<br>85:15,17 86:20<br>88:3 90:7,12<br>97:9 99:15<br>102:19,21 104:5<br>107:25 109:15<br>111:15 123:21<br>125:7,11 126:2<br>131:19 136:10<br>137:3,6 141:7<br>141:12 144:9<br>151:20 154:17<br>172:3 175:11,25<br>178:16 187:3,15<br>198:5,6,13<br>231:18 236:21<br>241:15 243:13<br>245:9 250:20<br><b>goal</b> 7:5 12:13<br>14:5,10,12<br>16:24 17:5 28:3<br>28:5,12,17 29:7<br>130:3 226:8,12<br>226:17 231:4<br>237:17 238:10<br><b>goals</b> 224:9<br>226:21 227:3<br><b>God</b> 3:20<br><b>Goehring</b> 9:8<br><b>goes</b> 34:7 44:13<br>45:14 62:17<br>73:8 90:13 95:8<br>95:10 99:17 | 103:22 131:6<br>134:12,14,19<br>141:2 174:23<br>251:15<br><b>going</b> 17:11 23:18<br>23:25 24:3,12<br>32:17 33:9 34:6<br>34:12 38:7<br>40:12 41:24<br>42:4 59:17<br>62:14,19 64:5<br>64:16,19 65:11<br>67:22 70:12,13<br>73:7,23 74:19<br>74:20 75:23<br>77:6 78:12<br>79:18,23 80:2,9<br>80:18 83:10,13<br>83:20 85:3<br>86:14 95:20<br>100:15 104:19<br>109:8,15 110:2<br>110:15 111:25<br>112:8,17 116:22<br>117:17 118:4<br>121:21 123:17<br>125:23 127:3<br>132:8 136:21<br>138:3,22 140:21<br>141:18 142:17<br>143:7,18 146:11<br>150:20 151:17<br>155:12 156:7<br>164:16,17,21<br>171:20,21,23<br>172:2,7 174:3<br>177:2,8,13<br>178:4 179:21<br>180:15,17,21,24<br>181:10,25 182:4<br>182:5,9 184:21<br>188:24 189:7<br>190:21 193:6,22<br>195:5 198:2<br>201:18 203:4<br>205:24 206:6<br>208:3 209:11 | 217:24 232:11<br>232:15 237:8<br>238:17 240:20<br>241:10 245:11<br>250:7<br><b>good</b> 2:2 4:3,5,7<br>20:14 21:13<br>25:6,7 29:19,20<br>38:16,17 46:19<br>47:9 57:7,18,19<br>67:4,5 71:3 72:9<br>75:19 91:19<br>99:9,16 100:17<br>102:19 110:22<br>114:6,7,8 120:7<br>125:22 145:19<br>145:21,22,24<br>150:23 153:21<br>154:20 158:25<br>159:2 165:3,5<br>186:6,7 194:4<br>195:18 199:11<br>200:3 212:7<br>222:5 223:14<br>230:17 237:13<br>245:12<br><b>Goode</b> 1:11 25:3<br>25:4,9,17,23<br>26:8,11,17,22<br>27:6,10,15 28:2<br>28:8,11,14,20<br>29:6,11 50:13<br>220:25 237:9,10<br>238:7,17 239:2<br>239:11,14,23<br>240:3,9,15,19<br>240:24 241:6,15<br>241:21 242:6,20<br>243:3,14,19<br>244:12<br><b>gotten</b> 193:25<br>216:25 235:8<br><b>governed</b> 157:20<br><b>government</b> 11:5<br>36:14<br><b>grab</b> 37:10,11<br><b>grade</b> 144:19 | 150:20<br><b>graduating</b><br>204:10<br><b>grant</b> 45:13,16<br>64:16<br><b>granted</b> 95:2<br><b>Grants</b> 6:9 27:21<br>92:14 141:17<br><b>gratifying</b> 57:5<br><b>grave</b> 254:11<br><b>GRB</b> 95:25 104:5<br>104:11 112:24<br>114:17 115:9,10<br><b>great</b> 45:2,21 57:9<br>69:16 103:17<br>111:6 127:22<br>185:17 191:15<br>192:6 231:22<br>251:25<br><b>Greenlee</b> 1:12<br>38:13,14,19<br>40:8,14,21 42:3<br>42:16 43:23<br>44:25 45:20<br>183:14,15 184:8<br>184:18,24 185:8<br>185:13,16,22<br><b>grew</b> 221:8<br><b>grip</b> 104:25<br><b>group</b> 30:6 49:12<br>68:12 70:4 98:6<br>120:24 136:10<br>136:11 137:6<br>140:20 254:5<br><b>groups</b> 127:16<br><b>growth</b> 221:12<br><b>guaranteed</b><br>210:11,11<br><b>guess</b> 42:17,19<br>51:12 84:19<br>92:9 103:22<br>109:2 113:23<br>140:10 169:18<br>173:19 181:13<br>182:11 195:19<br>195:20 203:13<br>211:3 | <b>guide</b> 152:6<br><b>guideline</b> 44:22<br><b>guidelines</b> 19:10<br>44:9<br><b>guys</b> 53:17 59:8<br>61:24 86:8<br>103:13,20 126:5<br>168:7 208:2<br>209:8 |
| <b>H</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                    |
| <b>hair</b> 35:3<br><b>half</b> 89:17 93:5<br>96:10 128:11<br>146:25 147:7<br>188:2<br><b>Hall</b> 1:6<br><b>hand</b> 105:16,17<br>109:11,13<br>113:17<br><b>handle</b> 73:11<br>143:10 169:7<br>172:7 203:11<br><b>handled</b> 86:2,3<br>115:5 174:17<br>186:22<br><b>happen</b> 78:4<br>89:20 106:15<br>193:22 204:13<br><b>happened</b> 31:2<br>68:18 79:9<br>86:20,22 128:13<br>173:6 177:22<br><b>happening</b> 75:22<br>79:20 105:20<br>189:21<br><b>happy</b> 58:18<br>131:5 159:21<br>191:8,25 201:17<br>227:20<br><b>hard</b> 19:16 21:5<br>53:20 155:25<br><b>harder</b> 208:17<br><b>hardship</b> 19:10<br>61:15<br><b>hardware</b> 12:10<br><b>hard-pressed</b>                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                    |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 41:11<br><b>Harrisburg</b> 16:13<br>29:25 31:22<br>34:24 35:2,5,24<br>94:24 121:19<br>123:2,18,23<br>142:6,12<br><b>hate</b> 212:8<br><b>haunts</b> 33:14<br><b>head</b> 156:7<br>188:11 204:22<br>205:2<br><b>heading</b> 253:25<br><b>headquarters</b><br>236:18<br><b>heads</b> 220:21<br><b>health</b> 229:6<br>230:17 231:8<br>235:24 236:4,6<br>236:9 250:13<br><b>healthcare</b> 229:17<br>231:17 234:10<br>252:17 253:22<br><b>hear</b> 50:23 65:15<br>102:5 104:10<br>105:10,19<br>165:21 166:14<br>166:17 171:2,13<br>171:14 181:19<br>190:2 191:23<br>202:15,16<br>208:10 236:16<br><b>heard</b> 18:11,14<br>21:3 136:16<br>210:6 217:13<br>235:3 238:7<br><b>hearing</b> 2:5 54:23<br>55:3,8 79:19<br>85:9 100:10<br>174:16,23<br>175:21 179:7<br>180:20 181:7<br>193:24 194:24<br>255:2<br><b>hearings</b> 168:24<br>169:2 170:5,7<br>180:17 181:8 | 184:22 187:16<br>193:14<br><b>hears</b> 169:3<br>200:25<br><b>heavy</b> 34:2 168:7<br><b>Hela</b> 114:22<br>115:19<br><b>held</b> 170:17<br>229:21<br><b>hell</b> 136:14<br><b>help</b> 49:21 58:12<br>99:25 103:17<br>107:7,14,17<br>119:5,5,6 154:9<br>190:10,10 228:4<br>228:18<br><b>helped</b> 59:15<br><b>helpful</b> 58:7 107:5<br>145:3 222:10<br><b>helping</b> 103:17<br>132:16<br><b>helps</b> 37:21 129:6<br>207:24<br><b>Henon</b> 1:12 66:25<br>67:2,7 69:16,24<br>70:23 71:6,11<br>72:3 74:6<br>160:16,17,25<br>161:22 162:11<br>162:14,18<br>163:16,23 164:2<br><b>Herculean</b> 232:6<br><b>Hey</b> 44:20 84:7<br>131:18<br><b>hi</b> 251:21<br><b>high</b> 77:14 82:9<br>147:18,21 168:9<br>171:10 207:25<br>245:16<br><b>higher</b> 16:14,18<br>30:21 40:12<br>83:20 173:12<br>192:19<br><b>highest</b> 47:22<br>48:4,8 221:12<br><b>highlight</b> 226:23<br><b>highlights</b> 6:18 | 146:12,21<br>149:20<br><b>highly</b> 30:7<br>187:19<br><b>high-end</b> 170:9<br><b>hire</b> 228:17<br><b>hires</b> 220:22<br>245:2<br><b>hiring</b> 142:3<br>181:18 248:11<br><b>Hispanic</b> 14:21<br>15:5 249:9,11<br>249:13,14<br><b>historically</b><br>205:25<br><b>hit</b> 7:4 176:7<br><b>hold</b> 10:17 24:17<br>35:7,11 39:2<br>168:8 178:3<br>208:4,22 209:11<br><b>holding</b> 58:23,25<br><b>holds</b> 104:4 148:8<br><b>home</b> 131:2 134:9<br>181:5 201:15<br>224:17<br><b>homeowner</b><br>129:23 131:25<br><b>homeowners</b><br>131:17 177:19<br><b>homes</b> 112:13<br>113:13,18 126:3<br>129:17 176:25<br>177:3<br><b>homestead</b> 176:3<br>189:9<br><b>homework</b> 213:9<br><b>home-occupied</b><br>129:23<br><b>honor</b> 144:15<br>180:8 183:5,10<br>183:18 192:3<br><b>hope</b> 28:18 37:25<br>39:20,24 113:19<br>195:15<br><b>hopefully</b> 33:6<br>41:19 44:15,19<br>58:15 62:21 | 68:20 75:18<br>83:12 182:2<br>242:4<br><b>hoping</b> 68:16<br><b>hospitals</b> 87:22<br>89:6 251:13,17<br>251:24 252:5,7<br>253:5<br><b>host</b> 144:14<br><b>hours</b> 143:8<br><b>house</b> 13:5 83:17<br>171:11 175:10<br>178:10,22<br>182:16,17<br><b>houses</b> 176:24<br>177:21,24,25<br><b>Housing</b> 215:3<br><b>HR</b> 221:22 230:5<br>239:8<br><b>huge</b> 65:17<br>129:23 190:21<br><b>Human</b> 199:24<br>200:9 203:8<br>205:4 212:22<br>214:11,22<br>216:12 218:18<br>220:3 221:6<br>223:6,17,23<br>224:5 225:5,17<br>226:6 227:15<br>229:9 238:2<br>248:2 249:5<br><b>hundred</b> 142:15<br>192:24 218:11<br>237:6<br><b>hundreds</b> 89:4<br><b>hunt</b> 34:14 | <b>identified</b> 34:13<br>120:19<br><b>identify</b> 7:10<br>219:12<br><b>III</b> 165:13<br><b>imagine</b> 19:16<br>179:10<br><b>immediately</b><br>19:14<br><b>impact</b> 18:22<br>122:3 123:24<br>172:11<br><b>impacts</b> 154:15<br><b>implement</b> 6:22<br><b>implementation</b><br>12:25<br><b>implemented</b><br>7:22 166:25<br><b>implications</b><br>154:22 155:23<br><b>important</b> 20:21<br>201:12 207:15<br><b>impossible</b> 222:13<br><b>improbable</b><br>222:13<br><b>improved</b> 159:20<br><b>improving</b> 13:8<br><b>IMX</b> 241:17<br><b>inaccuracies</b> 78:6<br><b>incentive</b> 211:12<br><b>incentives</b> 118:11<br><b>inclined</b> 153:23<br>154:19<br><b>include</b> 8:2 9:24<br>12:25 146:22<br>250:6<br><b>included</b> 12:11<br>124:20 161:17<br>161:18 162:7<br><b>includes</b> 5:16<br>97:20 225:13<br><b>including</b> 7:16<br>15:18,20 17:16<br>200:20 254:18<br><b>inclusive</b> 2:13<br>207:19<br><b>income</b> 7:12 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 65:7,8 113:11<br>121:23 131:6<br>177:15,18,20<br>210:11<br><b>incorporate</b> 63:7<br><b>incorporating</b><br>2:25<br><b>incorrect</b> 75:21<br><b>increase</b> 5:14,16<br>7:2 8:20,24 11:6<br>19:2 27:23 51:4<br>58:8 63:19<br>100:12 108:11<br>121:24 124:21<br>147:2,5 167:17<br>168:15 169:22<br>173:11 176:8<br>180:15,18 182:7<br>183:24 214:14<br>224:25 225:2,7<br>225:13 229:7<br>230:8 246:21<br><b>increased</b> 8:10,15<br>9:3 21:3,8<br>159:20 229:10<br><b>increases</b> 5:19,20<br>5:22 75:4<br>170:11,14,14<br>225:8 229:22<br>234:25<br><b>increasing</b> 8:21<br>13:8<br><b>increasingly</b><br>201:23<br><b>indebtedness</b> 9:23<br>161:5<br><b>Independence</b><br>121:20 232:23<br>233:7 235:15,20<br>236:5 252:13<br><b>independent</b><br>170:22 171:12<br>178:25 189:24<br>190:14<br><b>independently</b><br>230:23<br><b>Indian</b> 249:4 | <b>indicate</b> 173:5<br><b>indicated</b> 157:3<br><b>individual</b> 33:16<br>42:10 54:14<br>137:15 203:10<br>248:12,14,15<br><b>individually</b><br>127:16<br><b>individuals</b> 32:25<br>35:11 39:12<br>49:3 70:7 74:25<br>100:22 102:25<br><b>industrial</b> 155:21<br><b>industries</b> 34:21<br><b>industry</b> 49:2<br>171:23 252:16<br><b>ineligible</b> 245:21<br>246:15<br><b>inflation</b> 231:10<br><b>influx</b> 172:11<br><b>information</b><br>11:18 12:3<br>13:20 26:20<br>47:5 50:13 51:7<br>51:14,19 52:6<br>116:3 125:5,14<br>125:17 133:10<br>133:14 136:5,6<br>136:7,23 197:6<br>204:25 205:5<br>208:13,15<br>227:16 247:9<br>250:3,10<br><b>informing</b> 11:11<br><b>infusion</b> 167:16<br><b>initially</b> 217:21<br><b>initiative</b> 12:24<br>123:4 131:11<br>167:14 173:15<br><b>initiatives</b> 7:15<br>12:7 231:9,12<br><b>ink</b> 209:10<br><b>inner</b> 207:21<br><b>Innovation</b><br>227:12<br><b>inquiring</b> 161:24<br><b>inserting</b> 5:24 | <b>inside</b> 96:19<br>128:16<br><b>insists</b> 20:4<br><b>Inspections</b> 7:16<br><b>installment</b><br>125:15<br><b>instance</b> 62:10<br>82:8 151:18<br><b>institution</b> 144:11<br><b>institutions</b> 87:11<br>88:14 90:22,24<br><b>instructions</b><br>13:19<br><b>instrumental</b><br>237:24<br><b>insurance</b> 227:5,6<br>232:14,25<br>233:20 238:5<br>246:19 250:13<br><b>intake</b> 218:19<br><b>integrated</b> 12:15<br><b>integrity</b> 234:22<br>234:22<br><b>intend</b> 228:17<br>238:24,25<br>243:13<br><b>intention</b> 67:12<br><b>interacting</b> 216:6<br><b>interest</b> 20:3 74:2<br>75:25 78:13<br>94:12 106:4,10<br>106:14,17,21<br>110:8,13 146:17<br>147:25 162:9<br>254:7<br><b>interested</b> 59:25<br>104:15 131:24<br>249:19<br><b>interesting</b> 22:9<br>30:12 59:21<br>253:20<br><b>Intergovernme...</b><br>3:4,6<br><b>interim</b> 161:9<br><b>internal</b> 7:9 46:9<br>93:10 140:9<br>253:7 | <b>internally</b> 92:24<br>93:11 96:21<br>140:25 251:16<br><b>intestinal</b> 234:18<br><b>introduced</b> 9:16<br><b>intuitive</b> 13:13<br><b>inundated</b> 119:25<br>120:10<br><b>invest</b> 34:3<br><b>Investigation</b><br>6:21 7:13<br><b>investigators</b><br>69:20 70:5,6<br>72:11<br><b>investing</b> 93:9<br>100:10 101:22<br><b>investment</b> 30:14<br>30:25 32:11,22<br>99:5 101:19<br>102:22 245:12<br><b>investments</b><br>101:21<br><b>investors</b> 108:19<br>112:4 113:15<br><b>involve</b> 155:4,4<br><b>involved</b> 188:6<br>189:21<br><b>involvement</b> 51:5<br><b>in-house</b> 31:17<br>32:2<br><b>IRS</b> 37:18 46:20<br>46:23 61:3<br><b>issue</b> 20:19 35:17<br>35:18 60:7 61:6<br>78:3 79:4,7,22<br>84:23 87:15<br>91:24 105:22,22<br>119:17 132:14<br>132:15 137:9,9<br>149:4,10,19,20<br>151:18 152:7<br>177:6 203:15<br>216:15 217:22<br>219:15,15<br>221:17 234:10<br>239:17 243:16<br><b>issued</b> 157:24 | <b>issues</b> 19:24 41:17<br>74:17 103:21<br>105:18 123:8<br>124:7 173:25<br>211:22<br><b>item</b> 92:14<br><b>itemize</b> 240:10<br><b>items</b> 102:2<br>167:18<br><b>Itron</b> 76:20<br><b>IVRs</b> 32:3 |
| <b>J</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>J</b> 4:9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>James</b> 1:14<br>223:19 230:5<br>251:21                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>JANNIE</b> 1:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>January</b> 3:9 15:8<br>55:14,16,16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>Japanese</b> 248:13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>Jersey</b> 205:12<br>212:9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>job</b> 21:13 26:11<br>26:13 50:15<br>102:19 110:22<br>128:5 182:3<br>200:22 202:5<br>207:24 210:7,11<br>212:10,13 214:6<br>216:3,4 217:25<br>219:6,9,20,24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>jobs</b> 26:18 54:2<br>210:2,20 221:6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>Johns</b> 165:14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| <b>Johnson</b> 1:13<br>46:2,3 47:23<br>48:3,22 49:16<br>49:24 50:6,10<br>50:22 51:3,11<br>51:22 52:7,13<br>58:3 66:13,19<br>121:15,16<br>122:17 123:13<br>124:9 133:12,17<br>133:20 134:7,23<br>135:24 139:10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                             |

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| 139:14,14,16,17<br>139:24 140:6<br>141:13 142:19<br>158:22,23 159:3<br>159:12 160:8<br>172:3,4,18<br>173:9 174:13<br>175:23 176:9,14<br>176:18 177:12<br>177:17 178:9,13<br>179:2 180:7<br>183:8,12 227:4<br>238:5 242:12<br>244:13,14,22<br>245:13,19<br>246:20 247:3,11<br>255:4<br><b>Johnson's</b> 66:13<br><b>joint</b> 7:18<br><b>Jones</b> 1:13 29:16<br>29:17,22 31:23<br>32:7 33:8 35:13<br>35:25 36:5 38:7<br>70:25 92:5,6,19<br>92:22 93:7,19<br>94:2,6,14,20<br>95:3 96:3,22<br>97:7,16,22,25<br>98:13 99:11,14<br>99:21 100:5<br>101:13 102:3,8<br>103:8 133:24<br>135:5,6 136:12<br>136:25 137:12<br>138:10,19,25<br>139:13 145:21<br>145:24 146:2,15<br>147:16,24 149:2<br>149:4,7 150:19<br>153:18,19<br>155:17 156:15<br>159:2,6 160:5<br>162:7 163:19,24<br>164:12,20 165:2<br>168:2,5 169:21<br>170:10 171:19<br>179:5 180:6 | 183:5,11 185:25<br>191:14 192:3,7<br>195:11 198:22<br>199:2,7,11,25<br>200:4 201:18<br>202:19,23 204:8<br>204:17 205:15<br>206:19 207:14<br>208:21 210:5,13<br>210:21 212:15<br>212:20 213:2,6<br>213:12,22<br>217:14 221:7,25<br>222:17,21,24<br>223:5,10,14<br>227:22 228:19<br>229:5 230:13<br>231:15 232:20<br>233:4,9,24<br>234:6,17 235:25<br>236:15 237:7<br>244:11 247:16<br>250:12 254:2,4<br>254:23 255:2<br><b>JR</b> 1:11,13<br><b>judge</b> 165:11<br>168:13 170:2,13<br>172:16,20 174:6<br>174:15 175:24<br>176:11,15<br>177:10,14 178:6<br>178:11,15 179:3<br>179:23 180:23<br>184:6,9,19<br>185:5,10,14,20<br>186:7,14,15,18<br>187:13,18<br>188:10 189:12<br>189:22 190:7<br>191:7,25 192:15<br>194:15,18<br>195:15,24<br>196:10,16<br>197:15 198:4,15<br>199:4<br><b>July</b> 163:20<br>195:22 196:6,8 | 196:14 197:13<br>197:23 225:6<br>246:6<br><b>June</b> 148:12<br>163:21 197:9,10<br>216:13<br><b>Juris</b> 15:22<br><b>jurisdiction</b><br>206:15<br><b>jurisdictions</b> 68:8<br><b>justice</b> 187:8<br>207:5<br><hr/> <b>K</b> <hr/> <b>K</b> 1:12 165:11<br><b>keep</b> 59:13 102:24<br>112:13 113:13<br>123:18 129:16<br>142:14 234:24<br><b>keeping</b> 42:6<br>113:17 126:2<br><b>Keith</b> 4:9 142:20<br><b>Kenney</b> 1:14 34:9<br>52:16,17 54:10<br>54:17,25 55:9<br>55:18,24 56:5<br>56:11,15,22<br>57:3 60:5<br>136:13<br><b>KENYATTA</b><br>1:13<br><b>key</b> 12:13<br><b>Kimmel</b> 115:14<br><b>kind</b> 19:20 23:11<br>24:2 31:18<br>32:11,13 33:3<br>37:21 40:22<br>57:4 70:19 87:2<br>91:23 98:25<br>99:4 101:3<br>102:22 103:3<br>108:13 109:3<br>126:13 131:4<br>137:21 138:14<br>140:2,8 154:13<br>185:18<br><b>kinds</b> 155:23 | <b>King</b> 31:13<br><b>knew</b> 57:6 83:21<br>83:23,24,25<br>153:13 213:11<br><b>knock</b> 75:8 84:7<br><b>knocked</b> 75:17<br>193:7<br><b>knocking</b> 70:14<br><b>know</b> 18:2,3<br>24:22 31:15<br>32:16 35:25<br>36:24 39:4<br>40:23 42:7,19<br>42:22 44:20<br>47:21 48:12<br>51:16,21,23<br>53:13,20 60:11<br>60:15,20 61:4<br>61:22 63:15,17<br>65:17,18 71:18<br>74:14 75:17<br>76:24 79:20<br>82:20 83:17,19<br>84:2,15,16 92:9<br>97:4,6 98:5,16<br>99:3 100:16<br>101:3,7,15,19<br>102:11,17,18,19<br>103:24 105:7,16<br>109:22 110:14<br>112:9 113:8,11<br>116:2 118:14<br>120:13 122:7<br>123:5,6,9<br>124:22 125:22<br>126:4 127:14,19<br>128:4,14 129:13<br>130:3,13 131:18<br>132:2,19 136:22<br>137:22 138:8,20<br>143:8,20 153:13<br>155:7 157:21<br>158:6 166:20<br>167:10 169:3,11<br>169:19 172:17<br>173:6 176:4<br>177:13 178:23 | 181:13,24,25<br>182:3,12 183:20<br>184:2 187:20<br>188:9 190:15,19<br>190:24 193:21<br>193:24 194:9,10<br>196:20 197:22<br>198:2,18 204:14<br>207:3,9,15<br>209:13 213:14<br>218:3,3 219:23<br>222:11 233:14<br>234:16 235:8,17<br>240:25 251:23<br>253:24 254:10<br><b>knowing</b> 60:22<br>198:14<br><b>knowledge</b><br>108:11 191:24<br><b>knowledgeable</b><br>108:22 187:7<br><b>known</b> 196:7<br><b>knows</b> 214:5<br><b>Knox</b> 234:9 235:4<br><b>Knox's</b> 251:15<br><b>Korean</b> 248:16<br><hr/> <b>L</b> <hr/> <b>L</b> 1:10 4:13 227:4<br>238:5 242:11<br>256:14<br><b>labor</b> 215:10<br><b>laborer</b> 220:5<br><b>laborers</b> 209:22<br><b>laid</b> 189:6<br><b>land</b> 20:12 22:16<br>108:13 112:7<br>129:20 155:23<br>156:21 157:2<br>158:12 176:24<br>177:22<br><b>landscape</b> 253:22<br><b>language</b> 214:24<br>215:11,21<br>219:13 248:8,9<br><b>large</b> 52:25 87:10<br>88:14,22 89:5,6 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 106:18 110:14<br>144:24 200:18<br>233:8 251:23<br>252:3<br><b>Largely</b> 88:9<br><b>larger</b> 90:24<br>108:4 204:6<br><b>largest</b> 43:20<br><b>lastly</b> 42:17<br><b>Latino</b> 249:9,11<br><b>Latinos</b> 221:10<br><b>law</b> 15:7 19:25<br>21:9 23:3 24:10<br>29:2 54:11<br>55:16 67:22<br>68:5 69:23<br>72:10 86:22<br>87:3,18 88:9,12<br>89:13,15 91:22<br>94:10 104:22<br>105:2 116:9<br>151:4 155:4<br>160:22<br><b>lawmakers</b><br>123:10<br><b>lawsuit</b> 170:15<br><b>lawyers</b> 15:2<br><b>laying</b> 67:10<br><b>lays</b> 189:7<br><b>lead</b> 231:14<br><b>Leader</b> 70:25<br>192:10 250:12<br><b>learned</b> 30:10<br><b>learning</b> 128:24<br><b>lease</b> 146:19<br><b>leave</b> 119:19<br>125:13 138:22<br>189:25 243:20<br><b>leaving</b> 37:14<br><b>left</b> 4:12,12 27:16<br>165:12 223:7<br><b>Legacy</b> 12:14<br><b>legal</b> 8:13 17:16<br>28:24 68:5,9,11<br>87:15 171:18<br><b>legally</b> 91:4 95:22<br><b>legislate</b> 138:21 | <b>legislation</b> 20:12<br>20:13 53:23<br>59:14 94:24<br>96:8 176:4<br>190:4,4,8<br><b>legislatively</b><br>166:12<br><b>legitimate</b> 245:5<br><b>Lehigh</b> 52:3<br><b>letter</b> 10:6,10,16<br>76:24 95:18,23<br>126:17,21<br><b>letters</b> 10:4,12<br>13:17 127:20<br>131:17,23<br>149:13 194:25<br><b>letting</b> 109:7<br>132:2<br><b>let's</b> 76:24 82:7<br>104:16 114:11<br>134:8 181:3<br>182:12,13<br>237:12,15<br>245:19,22<br><b>level</b> 20:20 125:20<br>134:16 140:24<br>159:21 191:2<br>194:22 198:7<br>207:25<br><b>levels</b> 147:18<br><b>leverage</b> 88:19<br><b>Lewis</b> 2:8,10<br><b>Lexus</b> 132:11<br><b>liabilities</b> 37:9<br><b>liability</b> 19:23<br><b>liaison</b> 119:2<br><b>liberties</b> 156:3<br><b>libraries</b> 11:24<br>125:18<br><b>license</b> 7:16 34:25<br>35:2,3,5,7,17,19<br>35:19<br><b>licenses</b> 34:24<br>35:10 38:3<br><b>lienholder</b> 104:3<br><b>lieu</b> 86:17<br><b>life</b> 76:8 137:18 | <b>lifting</b> 34:2<br><b>light</b> 213:15<br><b>limited</b> 118:23<br>152:22 226:12<br>237:18<br><b>limits</b> 238:9<br><b>Lincoln</b> 206:25<br>209:7<br><b>Linda</b> 199:21<br>200:7<br><b>line</b> 85:5 92:14<br>119:6,14 121:18<br>137:4,21 231:4<br>237:12 247:10<br><b>Linebarger</b> 9:3<br>21:9 95:4,25<br>96:7 104:5,12<br>114:17 115:8<br>116:7<br><b>lines</b> 39:18 153:20<br><b>lion's</b> 235:16<br><b>liquor</b> 143:15<br><b>list</b> 36:7 101:22<br>154:13 215:10<br>216:18 217:3,19<br>217:21,24 218:2<br>218:17,21 219:4<br><b>listed</b> 242:8<br><b>listen</b> 206:20<br><b>listening</b> 234:25<br><b>listing</b> 49:13<br>220:22<br><b>lists</b> 218:6 219:17<br>221:3 224:15<br><b>literature</b> 125:12<br><b>litigation</b> 88:11<br>184:7<br><b>little</b> 4:18 15:23<br>20:23 59:3<br>67:21 70:18<br>100:13 109:10<br>135:16 149:6<br>153:13 178:17<br>203:3 208:17<br>214:2 246:25<br><b>live</b> 133:5 211:3<br><b>lived</b> 204:18 | <b>lives</b> 75:6<br><b>LLM</b> 15:6,22<br><b>load</b> 168:7<br><b>lobby</b> 70:16<br><b>local</b> 115:9 125:20<br>205:11,11 253:5<br><b>locally</b> 123:25<br><b>located</b> 11:20<br><b>locations</b> 49:13<br><b>locked</b> 78:23<br><b>Logan</b> 179:13,14<br><b>logic</b> 93:8<br><b>logistical</b> 20:19<br>219:14<br><b>logistically</b> 19:17<br><b>long</b> 17:6 39:3<br>44:7,15 54:18<br>62:21 102:18<br>138:9 156:13<br>160:20 163:20<br>187:23 209:9<br>231:15 236:12<br>243:12<br><b>longer</b> 44:19,21<br>116:13<br><b>long-term</b> 9:2<br>116:8<br><b>look</b> 29:25 32:24<br>33:23 34:8<br>44:14 47:18,19<br>47:20 48:11,20<br>49:6 56:2 58:6,8<br>67:16 91:14<br>100:2,4 110:7<br>112:15 113:2<br>123:2 135:15<br>137:7 138:17<br>141:16 153:22<br>154:4,21 155:7<br>155:11,25<br>168:16 172:24<br>178:19 179:17<br>188:13 207:16<br>211:18,25 212:4<br>229:24 231:3<br>236:23 237:2<br>254:6 | <b>looked</b> 19:25<br>34:11,20,23<br>47:2 100:20,21<br>136:17,24<br><b>looking</b> 22:18<br>33:5,11 36:20<br>40:17 49:22<br>51:9 68:19<br>70:15,20 71:19<br>84:3 107:12<br>109:24 111:22<br>112:19 113:5<br>116:14 117:18<br>123:14 128:17<br>129:16,19,21<br>140:4,17 150:3<br>155:18,22<br>176:21 177:8<br>190:17<br><b>lopsided</b> 206:22<br><b>lose</b> 56:12<br><b>loss</b> 227:7 238:4<br><b>lost</b> 56:14 213:18<br><b>lot</b> 47:6 51:8 52:3<br>52:23 59:16<br>83:6 84:2 85:16<br>90:21 98:11<br>103:24 105:18<br>108:14 109:15<br>112:2 114:23<br>122:7 136:18<br>183:3 188:12<br>189:15 190:20<br>208:23 210:9<br><b>lots</b> 51:15 52:24<br><b>lottery</b> 215:16<br>220:7,9,9<br><b>Love</b> 151:16<br>154:18<br><b>low</b> 42:20 61:3<br>108:15 111:10<br>111:15,24 112:8<br>112:17 113:11<br>131:6 177:15,18<br>179:12 245:16<br><b>lowball</b> 110:24<br><b>lower</b> 16:18 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 109:15 112:2<br>184:10,13<br>192:19<br><b>low-income</b> 60:13<br>61:4,6,9 127:7<br><b>lull</b> 131:15<br><b>L&amp;I</b> 35:21 70:8<br>97:21 114:23<br>136:23 | 249:21<br><b>manager</b> 32:25<br><b>managers</b> 161:20<br>248:5 249:2<br><b>managing</b> 64:12<br>91:20 216:20<br>224:18 228:23<br>229:10 252:24<br>252:25<br><b>mandate</b> 23:16<br>200:17<br><b>mandated</b> 166:13<br>201:14<br><b>mandates</b> 19:12<br><b>mandatory</b> 7:22<br><b>manner</b> 146:20<br>155:18 224:6<br><b>manual</b> 127:18<br><b>manually</b> 74:20<br><b>March</b> 8:17 11:13<br>11:17 15:12<br>73:20,22<br><b>marching</b> 71:20<br><b>margin</b> 235:5<br>251:19 253:9<br><b>margins</b> 250:18<br><b>MARIA</b> 1:15<br><b>MARK</b> 1:16<br><b>market</b> 19:19<br>31:9 50:14,19<br>51:9 108:24,25<br>109:7 111:2<br>159:24 165:21<br>167:6 194:20<br>232:2,11,16<br>233:19<br><b>marriage</b> 245:3<br><b>masters</b> 169:2,17<br>181:14,19<br><b>match</b> 25:25<br><b>Materials</b> 5:10<br>6:7<br><b>math</b> 96:5<br><b>mathematical</b><br>152:4<br><b>mathematicians</b><br>96:5 | <b>matter</b> 198:5<br>256:7<br><b>maturity</b> 163:5,7<br><b>maximize</b> 226:21<br><b>maximum</b> 94:19<br><b>Mayor</b> 3:3,9<br>170:23,25<br>179:25 182:7<br>201:25 221:16<br>234:9<br><b>mayors</b> 154:3<br><b>Mayor's</b> 180:10<br>213:21 222:14<br><b>ma'am</b> 116:2<br>121:9<br><b>MBA</b> 15:7<br><b>MBE</b> 14:7<br><b>MBE/WBE</b><br>115:23<br><b>MBE/WBE/DS...</b><br>14:2,13<br><b>McAnally</b> 205:3,6<br>206:4 207:10<br>208:5 209:23<br>210:7,16 218:8<br>218:12,15 219:8<br>219:18,22<br>223:20<br><b>mean</b> 23:11 41:8<br>57:5 61:4,11<br>80:11,24 84:24<br>90:5,18 91:5<br>98:23 102:23<br>105:11 108:8<br>111:24 112:22<br>122:8,10 129:7<br>133:25 134:20<br>137:7 140:2<br>144:19 150:15<br>171:3,24 178:6<br>182:10 184:19<br>187:3,10 205:12<br>209:17<br><b>meaning</b> 245:3<br><b>means</b> 31:13<br>131:7,25 194:18<br>232:4 256:21 | <b>measure</b> 116:22<br><b>measured</b> 116:19<br>118:15<br><b>medical</b> 203:14<br>226:3 229:6,19<br>231:10 232:14<br>232:22 235:12<br>241:17 243:10<br>243:10 251:7<br><b>meet</b> 31:18 191:8<br><b>meeting</b> 23:14<br>53:9 60:12<br>68:24,25 74:15<br>85:19 178:3<br><b>meetings</b> 69:3<br>143:5 168:23<br><b>member</b> 187:4,4<br><b>members</b> 4:8<br>15:16,25 23:12<br>145:25 164:6<br>165:6,14 170:6<br>172:15 181:3,6<br>183:25 191:9<br>198:24 200:4<br>201:11,19<br>223:15<br><b>Memorandum</b><br>10:21<br><b>Memorandums</b><br>46:22<br><b>memory</b> 209:9<br><b>mention</b> 19:8 58:2<br>189:9<br><b>mentioned</b> 60:6<br>111:23 190:19<br>203:20 226:16<br>227:23 230:10<br>233:15 238:3<br>242:15 252:8<br><b>merely</b> 169:10<br><b>merit</b> 200:15<br>201:14<br><b>message</b> 80:18<br>128:22 129:2,4<br>129:6 130:24<br><b>met</b> 18:4 23:11<br><b>meter</b> 75:13,16 | 76:3,12 77:17<br>77:18 78:5 80:3<br>81:5<br><b>meters</b> 74:16,17<br>74:21 75:3<br><b>methods</b> 12:5<br><b>mic</b> 172:2 237:8<br><b>Michael</b> 205:3<br>223:19<br><b>MICHELE</b><br>256:14<br><b>Michelle</b> 4:13<br>11:9<br><b>middle</b> 177:19<br>193:9 250:19<br><b>military</b> 206:12<br><b>milk</b> 132:12<br><b>millage</b> 122:24<br>182:9,10 195:9<br><b>million</b> 6:25 7:2,5<br>9:7,11 10:5,13<br>14:3,7 16:25<br>17:4,17,19,21<br>17:22 24:6<br>30:14,17,18,25<br>31:6,8 32:9<br>66:15 71:17,19<br>71:25 92:11,17<br>93:5,9,10,17,24<br>94:3,5 96:4,10<br>100:10,11<br>117:24 128:11<br>147:2,2,5,5,7,8<br>147:10 149:8<br>150:6 162:8<br>182:6 226:5<br>227:8 228:23<br>229:8,22 238:6<br>242:12,16,17,22<br>243:2 245:17<br><b>mind</b> 87:11<br>139:19 173:20<br>174:2<br><b>minimum</b> 110:10<br><b>minor</b> 156:5<br><b>minorities</b> 15:4<br>15:11,16,19 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            |                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>minority</b> 13:22<br>15:20 26:24<br>114:22 226:9<br>227:14                                                                                                      | 10:16 21:7,12<br>70:12 73:18,25<br>75:12,14 78:9<br>80:8 81:12,16<br>83:18 110:3<br>118:16 120:5<br>163:4,8,9                                 | <b>movies</b> 144:9<br><b>moving</b> 18:5,11<br>22:16 23:18<br>117:19 124:5<br>236:12                                                                                                                                                     | 205:18 206:11<br>228:11 252:4                                                                                                                                                                                                                                              | <b>news</b> 57:8 75:19<br>222:5                            |
| <b>minority-owned</b><br>227:6                                                                                                                                      |                                                                                                                                               | <b>MSB</b> 68:18<br>128:16 142:3                                                                                                                                                                                                          | <b>needs</b> 136:20<br>161:4,10 182:24<br>183:3 252:4<br>254:5                                                                                                                                                                                                             | <b>nice</b> 88:6                                           |
| <b>minus</b> 159:9,10                                                                                                                                               |                                                                                                                                               | <b>muffled</b> 214:2                                                                                                                                                                                                                      | <b>negatively</b> 18:22                                                                                                                                                                                                                                                    | <b>night</b> 75:9,18                                       |
| <b>minute</b> 95:22<br>156:6 213:3                                                                                                                                  | <b>monthly</b> 68:24<br>116:23 117:16                                                                                                         | <b>Mullin</b> 159:16,17                                                                                                                                                                                                                   | <b>neglect</b> 48:13                                                                                                                                                                                                                                                       | <b>nine</b> 15:5,10,10                                     |
| <b>miscellaneous</b><br>238:23 239:9                                                                                                                                | <b>months</b> 11:8<br>13:16 32:18<br>44:12,13 64:24<br>68:20 93:25<br>96:15 110:21<br>117:22 118:2<br>163:14,14 202:6<br>203:24               | <b>multiply</b> 194:23                                                                                                                                                                                                                    | <b>negotiate</b> 11:3<br>63:13 185:15<br>251:12 252:5<br>254:13                                                                                                                                                                                                            | <b>Nix</b> 165:13 179:4<br>188:9,12 194:17<br>196:22 197:2 |
| <b>mismatch</b> 161:11                                                                                                                                              |                                                                                                                                               | <b>municipal</b> 120:20<br>186:16,18                                                                                                                                                                                                      | <b>negotiated</b> 253:12                                                                                                                                                                                                                                                   | <b>noble</b> 138:17                                        |
| <b>missing</b> 98:12                                                                                                                                                |                                                                                                                                               | <b>municipality</b> 86:2                                                                                                                                                                                                                  | <b>negotiating</b><br>113:10 252:6<br>253:2                                                                                                                                                                                                                                | <b>noise</b> 147:18                                        |
| <b>mission</b> 224:4,10                                                                                                                                             |                                                                                                                                               | <b>murky</b> 87:21<br>88:10                                                                                                                                                                                                               | <b>neighborhood</b><br>149:17 179:7                                                                                                                                                                                                                                        | <b>non-competitive</b><br>210:3                            |
| <b>misunderstood</b><br>196:5                                                                                                                                       | <b>Moody's</b> 159:10<br>159:11                                                                                                               | <b>MURPHY</b> 256:14                                                                                                                                                                                                                      | <b>neighborhoods</b><br>129:22 130:20<br>207:21,22 209:4                                                                                                                                                                                                                   | <b>non-low</b> 177:20                                      |
| <b>mitigate</b> 231:10                                                                                                                                              | <b>moratorium</b><br>11:12 39:7<br>123:22                                                                                                     | <hr/> <b>N</b> <hr/>                                                                                                                                                                                                                      | <b>net</b> 4:24 154:6<br>202:2 225:7,8                                                                                                                                                                                                                                     | <b>non-PHA</b> 177:20                                      |
| <b>mix</b> 195:10                                                                                                                                                   | <b>morning</b> 2:3 3:16<br>4:4,6,7 25:6,8<br>29:19,21 38:16<br>38:18 46:6<br>57:18,20 67:4,6<br>91:19 114:6,7,9<br>145:20 168:24<br>181:4,7   | <b>nail</b> 53:3                                                                                                                                                                                                                          | <b>network</b> 252:5                                                                                                                                                                                                                                                       | <b>non-Philadelphia</b><br>202:3                           |
| <b>model</b> 250:25<br>253:19                                                                                                                                       | <b>MOU</b> 37:5 68:11<br>88:22                                                                                                                | <b>name</b> 165:4,7<br>223:11,15                                                                                                                                                                                                          | <b>Neukrug</b> 91:9                                                                                                                                                                                                                                                        | <b>non-profit</b> 87:7,9                                   |
| <b>models</b> 190:18                                                                                                                                                | <b>mortgages</b> 179:18                                                                                                                       | <b>names</b> 199:14                                                                                                                                                                                                                       | <b>never</b> 51:21,23<br>102:14 109:18<br>128:12 173:6,7                                                                                                                                                                                                                   | <b>non-profits</b> 87:12<br>87:17 89:16<br>90:21 91:2      |
| <b>modernization</b><br>12:24 101:25                                                                                                                                | <b>mouth</b> 208:11,16                                                                                                                        | <b>Nancy</b> 150:21,24                                                                                                                                                                                                                    | <b>new</b> 8:12 9:4,18<br>12:12,19 29:7<br>30:10 33:11,11<br>50:14,19 51:9<br>53:24 55:23<br>75:13 76:3,11<br>77:17 80:2<br>147:25 168:10<br>169:24 194:22<br>194:25 203:5<br>205:12,13 212:9<br>219:21,24<br>220:22 221:3<br>239:4 240:20,22<br>240:25 243:8,21<br>244:25 | <b>non-rep</b> 230:11                                      |
| <b>moment</b> 3:15,17<br>3:18 52:9<br>213:15,20,23                                                                                                                  | <b>move</b> 20:21 21:17<br>23:9 31:15<br>68:17 76:14<br>80:4 109:24<br>117:6 137:10<br>182:25 189:2<br>191:17 202:5<br>203:23 209:15<br>247:6 | <b>National</b> 116:9                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                            | <b>non-reporting</b><br>7:11                               |
| <b>Monday</b> 1:7<br>129:9 181:3,4                                                                                                                                  |                                                                                                                                               | <b>Native</b> 249:4                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                            | <b>non-represented</b><br>224:21 228:9<br>229:14           |
| <b>money</b> 37:10<br>45:12 48:17,19<br>62:16 76:2<br>78:12 103:4<br>104:17 109:6<br>126:9 133:3<br>140:8 144:12<br>147:25 159:23<br>161:14 163:15<br>181:17 215:20 |                                                                                                                                               | <b>nature</b> 121:2<br>170:3 174:8                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                            | <b>non-resident</b><br>211:10                              |
| <b>monies</b> 151:8<br>152:9 155:15                                                                                                                                 |                                                                                                                                               | <b>necessarily</b> 45:18<br>77:21 79:6<br>87:12 154:9<br>157:14                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>non-Section</b><br>177:19                               |
| <b>monitor</b> 58:10<br>108:18 112:15<br>244:25                                                                                                                     |                                                                                                                                               | <b>need</b> 44:19 55:8<br>56:9 59:23<br>72:17,21 75:17<br>81:23 91:5<br>101:24 111:21<br>112:14 113:16<br>136:22 137:6<br>152:17 154:21<br>155:3,4 167:16<br>169:12,20<br>172:19,20,22<br>173:13,18 176:6<br>182:24 190:22<br>203:2 204:2 |                                                                                                                                                                                                                                                                            | <b>normally</b> 76:9                                       |
| <b>monitoring</b> 108:6<br>108:16                                                                                                                                   | <b>moved</b> 122:9<br>202:14 206:3                                                                                                            |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>North</b> 39:24                                         |
| <b>month</b> 7:25 8:3<br>8:14 9:5,10                                                                                                                                | <b>movement</b> 122:25<br>123:17                                                                                                              |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>Northeast</b> 39:23<br>115:21 141:6                     |
|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>note</b> 161:9 162:9<br>162:12,15,17<br>163:3 205:19    |
|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>notes</b> 175:17<br>230:18 231:2<br>256:6               |
|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>notion</b> 250:19                                       |
|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>November</b> 10:3<br>127:21                             |
|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>novo</b> 175:19                                         |
|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>NTI</b> 156:20,20,24<br>157:5,8                         |
|                                                                                                                                                                     |                                                                                                                                               |                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                            | <b>number</b> 8:11,12                                      |

|                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9:4 21:2 25:16<br>25:22 57:4,6<br>58:16 60:2<br>61:11 65:17<br>74:22 90:20<br>107:15 108:4,15<br>118:21 119:23<br>123:7 141:17<br>168:15 175:6<br>192:23 197:3<br>214:16 233:8,13<br>237:23 238:22<br>239:5 243:12<br>248:10 249:13<br><b>numbers</b> 38:25<br>111:21 117:18<br>128:7,16,20<br>205:7 214:15<br>242:25 248:19<br>248:21 254:16<br>N.C 165:13 | <b>office</b> 5:22 11:20<br>14:4,9 39:23<br>48:15 50:2<br>58:10 63:18<br>67:9 68:6 71:13<br>77:22 107:6<br>108:11 111:11<br>115:12 118:24<br>119:4 141:5<br>146:9 150:18,25<br>162:4,6 166:22<br>169:4 170:19<br>171:9 179:24<br>180:9 195:25<br>197:16 198:16<br>214:22 215:3,5<br>216:3,21 222:9<br>223:22 224:4<br>225:5,17 226:6<br>226:13,18 227:4<br>227:12 229:9,13<br>237:19,25<br>247:25 249:5<br><b>officer</b> 180:21<br>205:8 206:6,14<br><b>officers</b> 213:20<br>216:22<br><b>offices</b> 12:2 119:3<br>174:9<br><b>official</b> 75:10<br>193:25<br><b>officially</b> 55:11<br>216:2<br><b>officials</b> 125:19<br><b>offset</b> 225:10<br><b>oftentimes</b> 38:25<br>41:3<br><b>Oh</b> 1:14 31:23<br>56:11 59:7 71:6<br>99:16 118:17<br>151:11 196:3,3<br>220:17 251:4<br><b>OHR</b> 224:10<br>225:21<br><b>OHR's</b> 226:11<br><b>OIT</b> 135:22<br><b>okay</b> 17:25 20:18 | 23:11 24:25<br>26:8 40:21<br>42:16 44:25<br>45:20 50:11<br>52:8 55:18 59:8<br>86:13 88:23<br>89:11 92:3<br>120:6 121:6<br>123:13 125:21<br>131:8 133:14<br>138:3 139:24<br>141:13 145:2<br>153:9,14 158:20<br>159:15 163:23<br>164:20 175:23<br>176:14 180:6<br>185:13,16 188:8<br>190:12 204:22<br>212:5 213:18<br>217:8 220:13<br>229:5 236:22<br>247:11 249:25<br><b>old</b> 75:15 79:16<br>95:5 123:16<br>134:17 188:11<br>199:13 243:21<br><b>older</b> 116:10<br>149:10<br><b>oldest</b> 134:14,20<br><b>old-school</b> 74:20<br><b>once</b> 106:18 132:3<br>137:19 179:20<br>197:6<br><b>ones</b> 27:22 102:17<br>117:4 130:20<br>241:2<br><b>one-size-fits-all</b><br>132:22<br><b>one-stop</b> 99:2<br>101:3 135:11<br><b>one-year</b> 231:24<br><b>ongoing</b> 53:8<br><b>online</b> 9:18,19<br>13:3 37:6 41:22<br>41:23 204:3<br><b>onslaught</b> 168:12<br><b>onus</b> 80:7 | <b>OPA</b> 167:10<br><b>open</b> 25:11,14<br>108:20 143:16<br>167:24 174:18<br>175:20 252:19<br><b>opened</b> 49:20<br><b>operate</b> 12:20<br>230:22<br><b>operates</b> 162:2<br><b>operating</b> 2:17<br>146:6 223:24<br><b>operation</b> 46:8<br>165:17 166:21<br><b>operations</b> 30:2<br>49:4<br><b>opinion</b> 33:23<br>189:5,18 191:5<br><b>opportunities</b><br>14:12 29:8<br>207:4 226:22<br>238:16<br><b>opportunity</b><br>24:20 29:23<br>37:10 55:23<br>68:21 89:2<br>226:19 245:8<br>246:13<br><b>Opportunity's</b><br>14:5,9<br><b>opposed</b> 33:24<br>80:4 93:9<br>173:11 250:16<br>251:17,25<br><b>opposite</b> 111:5<br><b>optimal</b> 7:8<br><b>optimistic-faced</b><br>204:10<br><b>options</b> 9:17,19<br><b>oral</b> 218:22<br><b>order</b> 35:11 134:2<br>221:16,20<br>222:15 230:9<br><b>orders</b> 71:20<br>238:23 239:10<br><b>ordinance</b> 2:11,14<br>2:16 3:8 169:14<br>170:16 184:14 | 193:5<br><b>Ordinarily</b><br>195:24<br><b>Orfanelli</b> 199:21<br>199:22 200:8<br><b>org</b> 97:10<br><b>organization</b><br>236:10<br><b>organizational</b><br>96:25<br><b>organizations</b><br>125:8<br><b>original</b> 158:10<br>196:4<br><b>originally</b> 152:8<br>171:16<br><b>outbound</b> 72:20<br>72:23,25 127:17<br>140:15,20<br><b>outcomes</b> 68:2<br><b>outdated</b> 5:24<br><b>Outgoing</b> 5:25<br><b>outlined</b> 166:9<br>167:9<br><b>outreach</b> 11:7<br>124:18 205:25<br><b>outside</b> 85:25<br>93:20,22 115:18<br>115:19 139:20<br>139:22 147:14<br>204:13 208:25<br>211:23,24<br><b>outsourcing</b> 99:6<br>102:24<br><b>outstanding</b><br>46:12,14 134:18<br>149:8 152:11,13<br>152:21 153:3<br>157:3,4,7,19<br>160:7<br><b>out-of-pocket</b><br>45:15<br><b>Out-of-town</b> 53:3<br><b>overall</b> 14:2<br>154:11 226:17<br>249:15<br><b>overbid</b> 53:18 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                        |                          |                          |                          |                        |
|------------------------|--------------------------|--------------------------|--------------------------|------------------------|
| <b>overlay</b> 127:5   | <b>parcels</b> 167:5     | <b>party</b> 246:2       | 254:18                   | 63:16 64:20,21         |
| <b>overqualified</b>   | <b>Pardon</b> 162:13     | 252:13 253:11            | <b>payment</b> 9:16      | 64:25,25 65:15         |
| 210:19                 | <b>Park</b> 151:16       | 253:15                   | 10:7 12:4,18             | 79:15 81:7,10          |
| <b>oversee</b> 230:6   | 154:18                   | <b>part-time</b> 5:7     | 36:9 41:3,18,22          | 82:17 97:8             |
| <b>oversees</b> 146:16 | <b>parking</b> 48:10     | <b>pass</b> 249:18 250:5 | 41:25 42:15              | 100:15 107:5           |
| <b>owe</b> 10:2,4 41:8 | 49:2,4,8,22              | 250:9                    | 43:4,17 45:5,9           | 108:15,22 111:9        |
| 66:18 82:19,20         | 51:15 52:3,24            | <b>passed</b> 18:16      | 45:11,16,19              | 112:2,13 113:10        |
| 126:18,18              | 66:15 98:9               | 53:23 122:2              | 48:14 61:18,23           | 113:13,17              |
| 135:25 142:10          | <b>Parkside</b> 155:19   | 123:23 170:18            | 73:23,25 80:11           | 124:23 126:7,9         |
| 142:13 185:12          | <b>part</b> 8:20 63:15   | <b>passes</b> 122:5      | 86:17 125:15             | 126:17 128:16          |
| 254:19                 | 64:11 75:9               | <b>passionate</b> 113:12 | 126:10 128:17            | 128:19 129:16          |
| <b>owed</b> 24:6 33:20 | 79:10 90:15              | <b>patience</b> 199:12   | 131:4                    | 130:17,18 133:5        |
| 62:16 76:3             | 102:14 124:4             | 222:18                   | <b>payments</b> 7:23     | 137:20 141:16          |
| 103:16 107:15          | 140:17 153:23            | <b>patient</b> 139:19    | 8:7 9:21 11:19           | 155:5 170:25           |
| 109:19 110:7           | 154:20 156:23            | <b>pay</b> 9:19 10:8     | 12:5 16:17 36:3          | 171:15 176:6           |
| 134:19                 | 167:19                   | 11:22 17:3               | 43:14 134:8,11           | 179:22 187:7           |
| <b>owes</b> 48:10 78:8 | <b>participate</b> 10:22 | 30:16 38:4 39:9          | 146:17,19 148:6          | 190:11,15,23           |
| 78:13                  | 231:12                   | 45:6 48:8 53:14          | 161:5                    | 191:18 204:4           |
| <b>owned</b> 19:22     | <b>participating</b>     | 53:14,14,16              | <b>payroll</b> 166:25    | 208:15,19 209:3        |
| <b>owner</b> 61:7      | 226:10                   | 62:20,21 64:22           | <b>pays</b> 43:17 134:16 | 212:7 216:6            |
| 113:20                 | <b>participation</b>     | 64:23 67:13              | <b>peak</b> 40:12        | 217:23 228:25          |
| <b>owners</b> 141:8    | 13:23 14:2               | 74:3,4 81:8              | <b>Pedro</b> 199:19      | 229:2 235:4            |
| 143:5                  | 26:25 51:5               | 82:20 88:6,7             | 200:8 213:5              | 236:20 245:8,20        |
| <b>ownership</b> 112:6 | 148:19 221:3             | 90:23 91:3 94:7          | 214:4                    | 248:4 249:22,24        |
| <b>O'Leary</b> 223:18  | 226:22 227:14            | 94:9,13 95:19            | <b>penalties</b> 60:8    | <b>people's</b> 87:11  |
|                        | 244:2,3                  | 95:19 111:17             | 106:4 150:13             | 108:11 109:11          |
| <b>P</b>               | <b>particular</b> 23:13  | 133:7,8 134:17           | <b>penalty</b> 74:2 76:2 | <b>perceive</b> 192:14 |
| <b>package</b> 171:25  | 34:13 43:8               | 141:22 142:18            | 78:14 94:12              | <b>percent</b> 10:17   |
| 231:20                 | 46:13 48:8 49:7          | 144:4,7,23               | 106:10,13,17,21          | 12:21 14:4,6,8         |
| <b>Pagan</b> 165:5,7   | 75:24 76:8 77:3          | 146:22 149:15            | 110:8                    | 14:10,19,20,21         |
| 168:4 187:25           | 77:9 85:7 98:17          | 150:20 151:9             | <b>pending</b> 25:18     | 14:22 15:17            |
| 197:9 199:6            | 152:7,14,21,24           | 154:8 160:3,5            | 170:16                   | 24:9 27:4,7,9,11       |
| <b>Pagan's</b> 188:18  | 152:24 154:8             | 163:21 182:16            | <b>Pennock</b> 241:18    | 27:14 28:4,4,7,9       |
| <b>page</b> 23:20      | 171:11 207:8             | 182:17 200:23            | <b>Pennsylvania</b> 1:6  | 28:12,21 29:7          |
| <b>paid</b> 9:17 35:8  | 215:15 221:18            | 252:15 253:17            | 3:4 7:20 46:21           | 40:6,7,9 41:15         |
| 106:11,14 144:7        | <b>particularly</b>      | <b>payer</b> 252:12      | 87:20 121:22             | 45:7 53:18             |
| 144:11 149:5           | 48:25 65:2               | <b>paying</b> 13:19,21   | 186:20 205:12            | 58:13,19,21            |
| 195:4                  | 67:14 82:18              | 36:22 37:19              | <b>pension</b> 10:4,9,14 | 94:12,15,17            |
| <b>panel</b> 198:24    | 113:11 127:7             | 43:11,15 47:7            | 24:9,21 254:11           | 96:4 114:22            |
| 222:22 254:24          | 132:9,20 207:20          | 49:14 53:6               | <b>pensioner's</b> 10:18 | 116:12 130:2,7         |
| <b>panels</b> 168:25   | 216:4 221:15             | 74:25 78:8               | <b>people</b> 23:2 33:25 | 130:10 133:4           |
| <b>paper</b> 122:20    | 253:4 254:13             | 81:11,15 82:7,9          | 38:21 39:18              | 142:15 148:20          |
| 148:2 169:15           | <b>parties</b> 103:23    | 105:25 106:5,12          | 40:16,25 41:16           | 149:19 166:5           |
| 179:19                 | <b>partners</b> 116:11   | 118:17 132:11            | 42:6 44:10               | 182:14 192:18          |
| <b>paperwork</b> 170:5 | <b>partnership</b> 46:9  | 132:12 142:9             | 45:11,12 47:2            | 192:19,21,22           |
| 181:5                  | 67:11                    | 149:16 157:21            | 53:13 55:5 56:3          | 193:7,12 195:3         |
| <b>parallel</b> 12:20  | <b>parts</b> 177:7       | 159:18 254:17            | 60:17 62:7               | 197:25,25 198:8        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 204:16,18 226:8<br>226:17 227:14<br>237:6 248:24,25<br>249:2,2,3,6,6,8<br>249:8,9,9,10,15<br>249:16,20<br>254:17<br><b>percentage</b> 31:18<br>88:7 130:5<br>141:20 193:15<br>239:3,15,16<br>240:4 241:7,10<br>241:13 243:22<br>243:22,24,25<br>250:19 251:18<br><b>perfect</b> 98:24<br><b>perfectly</b> 110:15<br><b>performance</b><br>116:18,19<br><b>period</b> 43:14<br>55:13 78:24<br>161:3,6 246:8<br>246:14<br><b>periodically</b><br>228:24<br><b>Perkins</b> 241:20<br><b>permission</b> 29:24<br><b>permit</b> 35:3<br><b>permits</b> 35:21,22<br><b>person</b> 35:4,18<br>41:7,21 61:6,9<br>61:10,12 64:7<br>78:3 100:12<br>119:18 138:9,11<br>149:23 180:3<br>212:12<br><b>personal</b> 5:6 6:3<br>208:19<br><b>personally</b> 186:15<br><b>personnel</b> 5:17<br>166:25 169:16<br>169:25 201:3<br>215:22 216:3<br>217:18<br><b>person's</b> 44:2<br>134:9,12<br><b>perspective</b> 78:14 | 79:4,14 85:14<br>176:19 230:12<br>232:19<br><b>pertains</b> 195:19<br><b>phase</b> 235:11<br><b>phases</b> 235:10<br><b>phenomenal</b><br>231:5<br><b>phenomenon</b><br>74:24<br><b>Philadelphia</b> 1:2<br>1:6 2:21,23 4:11<br>11:22 20:5<br>22:12 36:13<br>39:24 47:8,15<br>78:7 85:24<br>120:3 122:22<br>141:4 148:17<br>165:22 186:16<br>188:2 201:14,15<br>211:4 221:13<br>229:11 236:19<br>252:12<br><b>Philly</b> 212:11,12<br><b>phone</b> 39:12 71:5<br>71:7,9 73:17,24<br>97:8 106:19<br>119:14 127:18<br><b>physical</b> 174:8<br>178:8<br><b>physically</b> 68:17<br><b>pick</b> 97:8 223:6<br><b>picked</b> 179:15<br><b>picking</b> 122:12<br><b>picture</b> 154:5<br>187:11<br><b>piece</b> 20:13<br>125:24 132:25<br>250:16<br><b>pieces</b> 110:19<br><b>piggyback</b> 127:23<br>142:5<br><b>pilot</b> 34:10 88:8<br><b>pilots</b> 70:18 86:17<br>86:25 87:6,16<br><b>pipe</b> 209:16<br><b>Pittsburgh</b> | 115:11<br><b>place</b> 12:21 42:2<br>43:19 56:9<br>59:15 68:11<br>78:11 91:24<br>122:4 129:25<br>173:24 180:19<br>233:17<br><b>placed</b> 11:23<br>149:9 229:3<br><b>places</b> 53:6<br><b>plan</b> 2:22 33:21<br>44:16 61:18<br>62:17 65:5,7,9<br>79:18 161:17,19<br>168:11 229:20<br>229:25 230:2,17<br>230:22,25<br><b>planned</b> 53:9<br><b>planning</b> 173:13<br><b>plans</b> 8:23 13:10<br>125:16 126:10<br>128:17<br><b>play</b> 45:8 106:16<br>136:19 147:18<br>177:9<br><b>played</b> 217:11<br>226:25<br><b>Plaza</b> 39:24<br><b>Pleas</b> 193:21<br><b>please</b> 2:8 3:17,21<br>105:7 116:4<br>145:23 147:14<br>165:3 199:16,25<br>223:12 230:4<br>246:24<br><b>pleased</b> 166:23<br><b>plus</b> 72:2 159:8<br><b>pocket</b> 45:18<br><b>point</b> 8:6 23:18<br>30:17 41:19<br>51:16 55:19<br>65:23 66:8<br>77:18 95:4<br>106:18 112:12<br>133:10,13 134:2<br>152:15 179:6 | 194:12,14<br>238:11 251:15<br>253:15 254:9,12<br><b>points</b> 149:17<br>211:3 250:14<br>253:21<br><b>police</b> 171:6 204:9<br>204:11 205:8<br>206:6,9,14,15<br>207:11,13,20<br>216:22 230:9<br><b>policeman</b> 171:4<br><b>policy</b> 78:14 79:4<br>79:14 85:14<br><b>policy-wise</b> 79:7<br>84:3<br><b>poor</b> 129:14 132:9<br>132:20,23 176:7<br><b>population</b><br>230:11 245:7,20<br><b>populations</b><br>208:18 221:8<br><b>portal</b> 13:3<br><b>portfolio</b> 154:14<br><b>portion</b> 43:21<br><b>Portuguese</b><br>248:15<br><b>position</b> 5:8 91:5<br>150:8 151:2<br>186:17 219:21<br>220:2,5<br><b>positions</b> 6:4<br>25:14 200:23<br>201:24 203:12<br>203:15,23 216:6<br>220:10 224:13<br><b>possibility</b> 88:17<br>176:22<br><b>possible</b> 8:20<br>130:23 138:6<br>169:10 172:24<br><b>possibly</b> 64:16<br>96:21 129:18<br>130:11,19<br>169:17 196:16<br><b>Postal</b> 5:19<br><b>posted</b> 54:20 | <b>posters</b> 209:7<br><b>posts</b> 148:14<br><b>potential</b> 5:19<br>34:11 47:2<br>166:7 252:19<br>254:15<br><b>potentially</b> 32:24<br>152:2 155:14<br><b>poverty</b> 44:21<br>133:6<br><b>practices</b> 12:17<br>130:4<br><b>predictive</b> 30:19<br>31:16 32:3<br>92:25 96:8<br>102:4<br><b>preempt</b> 123:14<br><b>preference</b> 211:9<br><b>premium</b> 94:7,10<br>253:18<br><b>preparation</b><br>108:13 124:25<br><b>prepared</b> 121:25<br>122:4 213:11<br><b>prepares</b> 161:15<br><b>prescription</b><br>226:3 229:19<br>232:15,24<br>233:16 251:7<br><b>PRESENT</b> 1:9<br><b>presently</b> 184:7<br><b>preservation</b><br>201:13<br><b>President</b> 1:10<br>2:2 3:12,19 4:3<br>4:6,8 16:2,3,15<br>16:22 17:7,10<br>17:24 18:13<br>20:6,9,17 21:25<br>22:8,22 23:10<br>23:22 24:11,15<br>24:24 25:5<br>29:12,13,18,24<br>38:10,15 45:22<br>45:23 46:4<br>52:11,14,15,18<br>57:12 66:9,10 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 66:22 67:3 74:8<br>77:20 78:2,20<br>78:22 79:3<br>80:20 81:9,19<br>81:25 82:11,14<br>82:15,25 85:2,6<br>85:13,22 86:7<br>86:12 89:10,21<br>89:25 90:9,14<br>91:13 92:2,7<br>100:6 103:6,9<br>103:12 107:19<br>113:24,25<br>121:11,12<br>124:12 133:9,13<br>133:15,22 134:5<br>134:25 135:2,7<br>139:2,3,8,11,12<br>139:15 142:21<br>142:22 145:4,5<br>145:10,14,15,19<br>145:22,25<br>146:13 147:11<br>147:17,17,20<br>148:25 149:21<br>151:11,14,25<br>152:12,19 153:8<br>153:12,20<br>156:11,16,17<br>157:9 158:5,19<br>160:9,14,18<br>164:5,9,15<br>165:6 186:15<br>191:22 201:10<br>230:15<br><b>press</b> 65:16<br>213:16<br><b>pretty</b> 71:2 74:3<br>88:3 92:15<br>110:22 144:23<br>174:22 189:5<br>229:21 247:13<br><b>previous</b> 166:6<br>167:8 184:16<br>233:22<br><b>previously</b> 22:7<br><b>price</b> 5:22 111:15 | 197:4<br><b>primarily</b> 4:24<br>22:16 173:14<br><b>principal</b> 94:12<br>146:16 163:4<br><b>principles</b> 200:16<br><b>prior</b> 29:4 76:17<br>86:24 118:3<br>154:7 163:5<br>186:18 188:3<br>206:13<br><b>prioritization</b><br>101:20<br><b>private</b> 31:17<br>87:18 112:6<br>209:19<br><b>privilege</b> 48:7<br>66:9 120:4<br><b>privy</b> 51:13<br><b>proactive</b> 42:10<br>70:22 73:6,13<br>80:16 83:2 84:4<br>84:6,17 123:15<br>129:3,17 130:11<br><b>probably</b> 11:8,25<br>17:5 19:22 26:5<br>32:8,20 33:2<br>37:13 54:13<br>60:21 68:8<br>69:13 71:24<br>73:18 75:20<br>93:4,16 98:24<br>106:19 110:22<br>111:13 112:20<br>122:13 128:15<br>128:18 137:15<br>149:25 158:14<br>168:23 173:12<br>173:19 180:21<br>181:2 188:18<br>195:8 219:23<br>252:10<br><b>problem</b> 79:25<br>85:12 105:6<br>107:10 132:7<br>176:20 191:13<br>209:20 228:3,20 | <b>problems</b> 182:10<br><b>procedural</b><br>183:22<br><b>procedurally</b><br>183:25 185:2,6<br><b>proceed</b> 3:14<br>90:19 145:23<br><b>proceedings</b><br>256:4<br><b>proceeds</b> 151:7,20<br>152:6,23 153:4<br>153:5 154:16<br>155:9 156:5<br>157:17<br><b>process</b> 9:13<br>13:10 17:25<br>18:6,7,25 19:3<br>19:19 20:23<br>22:17 34:15,18<br>49:17 54:18<br>55:10,10 56:16<br>65:25 72:18<br>74:13,18 75:16<br>90:18 100:8<br>115:4 117:8<br>123:15,20 132:4<br>143:13 144:19<br>156:10,13 167:2<br>167:11 191:5,18<br>222:11 226:20<br>232:3 233:15<br>235:11,19,23<br>236:7 243:6,8<br>245:24 246:3<br>252:9,14<br><b>processed</b> 131:16<br>226:2<br><b>processing</b> 5:25<br>12:12,18<br><b>procurement</b><br>6:17 167:3<br><b>professional</b> 5:21<br>27:20 34:24<br>35:18 72:7<br>119:20 203:14<br><b>professionals</b><br>119:7,24 120:13 | <b>professor</b> 159:16<br><b>profile</b> 135:23<br><b>profit</b> 253:9<br><b>program</b> 2:11<br>6:23 7:25 9:23<br>10:23,24 25:12<br>26:2,4,6,12,14<br>36:15 42:19<br>43:7,8,9,22 44:5<br>44:12,23 50:16<br>61:13 62:7,12<br>63:4 64:8,11,20<br>140:10 148:2<br>156:25 157:8<br>224:20 226:4<br>228:23 230:7,9<br>231:5 232:12,12<br>232:14,15<br>233:20 236:5,8<br>246:4<br><b>programmatic</b><br>155:5<br><b>programs</b> 25:10<br>34:10 41:18<br>43:5,17 44:11<br>130:25 158:15<br><b>progress</b> 51:18<br>203:6<br><b>progressed</b> 202:8<br><b>Progressive</b><br>114:17,19,21<br>115:16,18<br><b>project</b> 17:3,18<br>32:19 101:24<br>172:21<br><b>projected</b> 7:4<br>229:25<br><b>projection</b> 16:18<br><b>projections</b><br>161:16,18 162:5<br><b>projects</b> 52:25<br>105:13 127:17<br>141:21<br><b>promised</b> 26:18<br><b>promote</b> 214:13<br><b>promoters</b> 144:3<br>144:3 | <b>promotion</b> 216:24<br>224:16<br><b>promulgated</b> 54:3<br>55:12<br><b>proof</b> 245:2<br><b>proper</b> 246:12<br><b>properly</b> 245:23<br><b>properties</b> 8:12<br>9:4 18:18 19:18<br>20:22 21:17<br>108:12 109:5,14<br>109:25 110:13<br>111:10 112:22<br>123:2 182:13<br><b>property</b> 19:15,20<br>21:14,23 42:24<br>43:24 104:2,7<br>104:16 108:22<br>109:18 110:16<br>110:19 112:25<br>121:20,22 122:9<br>122:16 123:17<br>123:22 126:3<br>127:5 165:21<br>166:15,22 169:4<br>170:19 171:10<br>177:5,6 178:4<br>179:21,24 180:9<br>195:25 197:16<br>198:16<br><b>proposal</b> 154:3<br>183:24<br><b>proposed</b> 2:25<br>165:16 189:11<br>189:12 190:4,8<br>224:23 225:23<br>229:7,23<br><b>prosecuting</b> 48:16<br><b>prospective</b> 9:25<br><b>protect</b> 130:20<br><b>Proud</b> 241:18<br><b>provide</b> 13:18<br>47:12 50:2<br>91:11 94:18<br>100:6 119:23<br>125:12 154:12<br>154:14 204:25 |
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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 228:7,12<br><b>provided</b> 11:18<br><b>provider</b> 233:2<br><b>providers</b> 231:17<br>252:15<br><b>provides</b> 148:5<br>229:13<br><b>providing</b> 2:20<br>225:15 227:25<br><b>provision</b> 156:24<br>176:3<br><b>provisions</b> 231:24<br><b>proximity</b> 75:6<br><b>PSA</b> 132:16<br><b>PSAs</b> 11:10<br>128:23<br><b>public</b> 2:5 51:17<br>54:21,23 55:3,7<br>159:15 200:16<br>216:7 230:14<br>256:15<br><b>publicly</b> 176:20<br><b>pump</b> 111:20<br><b>pumping</b> 109:13<br><b>purchase</b> 5:8 6:5<br>238:23<br><b>purchased</b> 176:24<br><b>purchaser</b> 104:15<br><b>purchasing</b> 111:9<br><b>purely</b> 87:18<br><b>purpose</b> 158:10<br><b>purposes</b> 39:9<br>216:24 220:16<br><b>pursuant</b> 3:6<br><b>push</b> 19:17<br>103:25 104:7<br>111:8,25 143:7<br><b>pushing</b> 20:4<br>60:15 104:18<br>109:4 111:7,24<br><b>put</b> 24:3 30:19<br>33:17 39:14<br>42:21 45:12<br>76:12 77:13,16<br>80:18 99:24<br>102:10 103:3<br>105:15 109:18 | 138:13 175:6<br>177:4 180:10<br>182:13 188:24<br>189:4 193:6<br>234:13 243:22<br>243:24,25<br>250:21<br><b>puts</b> 65:16<br><b>putting</b> 61:17<br>142:2 176:21<br><b>p.m</b> 255:10 | 192:16 194:4<br>195:16,19<br>198:19 208:9<br>211:2 217:24<br>231:23 234:8<br>239:23 242:18<br>243:15 244:20<br>247:2,5 251:22<br>255:3<br><b>questioning</b><br>237:13<br><b>questions</b> 15:25<br>16:5 38:8 39:25<br>40:2 46:6 74:7<br>74:11 79:2<br>85:17 87:23<br>113:23 114:11<br>120:11 139:5<br>145:7 148:23<br>149:3 155:3<br>159:4 160:11<br>164:4,6 167:25<br>168:6 172:6<br>188:23 198:23<br>201:17,21<br>212:17 222:22<br>224:2 227:21,23<br>243:4,4 244:16<br>247:8,22 254:24<br><b>quick</b> 16:5 25:10<br>36:6 149:3<br>156:19 160:19<br>201:21 211:2<br>227:23<br><b>quicker</b> 20:23<br><b>quickly</b> 243:5<br><b>Quinones-Sanc...</b><br>1:15 214:10<br><b>quite</b> 104:14<br>118:8 168:14<br>170:21 181:23<br>186:24 187:12<br><b>quote</b> 31:13 34:14<br>233:12 | 100:16,21<br><b>race</b> 154:4 248:6<br>248:22,24<br><b>races</b> 249:10<br><b>raise</b> 38:20 150:6<br>253:20<br><b>raised</b> 38:21 39:3<br>39:6 40:20,22<br>40:25 150:17<br><b>raising</b> 182:8,8,10<br><b>ramping</b> 168:11<br><b>Ramsey</b> 206:10<br><b>ran</b> 105:18 234:9<br><b>rate</b> 5:19 7:4 14:2<br>26:25 71:2,10<br>71:11 76:23<br>122:14,23,24<br>127:22 128:14<br>149:12,15<br>197:13,22<br>198:10 219:13<br>244:2,3 253:18<br><b>raters</b> 219:12<br><b>rates</b> 13:23<br>224:12 253:4,10<br><b>rating</b> 159:5,6,14<br>159:19,21<br><b>ratio</b> 194:22<br>197:4 198:7<br><b>reach</b> 119:4<br>120:13 192:21<br>204:6 207:7<br>208:17<br><b>reached</b> 28:4,9<br>107:6 175:4<br><b>reaction</b> 19:5 23:2<br><b>read</b> 2:8 18:10<br>76:25 77:7,8,13<br>81:6,24 92:10<br>122:18<br><b>reading</b> 74:21,22<br>76:12 77:2,5,14<br>80:12,13,23<br>81:3 82:16 84:9<br>161:2<br><b>readings</b> 76:19<br>80:17 82:5 | <b>reads</b> 83:22<br><b>ready</b> 92:11<br>131:19 170:4<br><b>real</b> 9:11 11:16<br>31:21 36:6<br>39:10 47:21,24<br>48:4 65:21<br>73:16,19 87:22<br>88:2,8,16,17<br>94:9,23 95:10<br>95:16 96:13<br>111:3 114:16<br>128:7 135:14<br>156:19 165:21<br>166:15 171:20<br>186:25 187:9<br>188:6<br><b>realistic</b> 73:12<br><b>realize</b> 23:25<br>98:23<br><b>really</b> 20:10 21:12<br>21:21 26:7<br>30:15 33:10<br>34:19 57:3<br>61:11 62:24<br>104:10 107:16<br>108:15 110:23<br>111:10 124:8<br>131:16 151:5,12<br>154:6 163:14<br>169:11,19<br>170:14 173:6<br>174:16 177:4<br>183:23 188:25<br>189:4 190:20,22<br>230:17 234:9,11<br>234:18<br><b>realtime</b> 70:20<br><b>reason</b> 44:17<br>90:19 106:3,9<br>124:4 140:11<br><b>reasons</b> 53:11<br><b>reassessed</b> 168:20<br><b>reassessment</b><br>123:23 168:17<br><b>rebates</b> 195:12<br><b>Rebecca</b> 52:21 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>recalculate</b> 62:5<br>63:20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 217:11 220:16<br>220:17,19 222:8<br>223:11 236:17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>registry</b> 70:15,20<br><b>regular</b> 44:23<br>119:14 138:13<br>177:18,21                                                                                                                                                                                                                                                        | 140:18<br><b>remove</b> 246:14<br><b>removed</b> 229:2,2<br>246:18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 256:20<br><b>reprogrammed</b><br>77:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>recall</b> 203:4<br>208:11 221:7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Records</b> 54:8,18<br><b>recourse</b> 245:22<br><b>Recovery</b> 6:15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>regulations</b> 25:25<br>54:3,7 55:5 56:9<br>120:24 200:21<br>224:18                                                                                                                                                                                                                                                               | <b>renegotiated</b><br>118:10<br><b>renewable</b> 241:8<br><b>renewal</b> 44:4<br>239:21 243:16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>request</b> 4:20 5:13<br>6:10 23:4 146:6<br>146:25 147:4<br>201:4 206:9<br>213:21 214:18<br>216:2 218:4<br>222:3,5 223:24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>receipt</b> 202:4<br><b>receipts</b> 21:6<br><b>receivable</b> 95:5<br><b>receive</b> 80:17<br>149:25 151:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>recreation</b> 11:24<br>125:18 158:12<br><b>recruit</b> 203:2<br>205:8 206:6<br><b>recruited</b> 204:12<br><b>recruiting</b> 203:5<br>203:11 206:16<br>206:23 207:12<br>208:22,25<br>209:16                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>reimburse</b> 252:13<br><b>reiterate</b> 103:14<br><b>related</b> 86:21<br>133:21 148:7,16<br>151:20 156:24<br>158:9 170:15<br>250:13<br><b>relates</b> 16:16<br>23:15 46:11<br>87:6,8 134:4<br>157:5<br><b>relating</b> 74:16<br><b>Relations</b> 218:18<br>220:3 221:6<br><b>relationship</b> 47:9<br>68:23 69:12<br>72:14 253:6 | <b>renewed</b> 238:20<br>239:4,15 240:6<br>240:14 241:3,9<br>241:22 243:6<br><b>renewing</b> 240:8<br><b>Rental</b> 147:10<br><b>renting</b> 177:20<br><b>rep</b> 215:2,3<br><b>repay</b> 163:10<br><b>repayment</b><br>146:16 155:15<br>155:24 163:18<br><b>repayments</b><br>150:11<br><b>replace</b> 5:23<br>12:13 122:15<br><b>replaced</b> 76:7<br>77:16 149:10<br><b>replacement</b><br>12:11<br><b>report</b> 27:7 49:25<br>50:2,16 58:18<br>68:14 116:23<br>117:16 161:21<br><b>reporter</b> 256:23<br><b>reporters</b> 175:15<br><b>represent</b> 130:21<br><b>representative</b><br>18:4 22:10<br>112:21 122:19<br><b>Representatives</b><br>125:9<br><b>representing</b><br>118:25<br><b>represents</b> 224:24<br>249:16<br><b>reproduction</b> | <b>requested</b> 18:17<br>50:14 214:7<br>215:4,7<br><b>requesting</b> 5:5 6:2<br>166:3 218:4<br>219:5 221:24<br><b>requests</b> 166:17<br>214:16,23 216:9<br>216:14,17,25<br>218:14 220:19<br>221:4,5<br><b>require</b> 80:5<br>168:25 169:15<br><b>required</b> 8:22<br>89:13,15 148:17<br>151:6 160:21<br>163:2 176:4<br>193:14 194:21<br><b>requirement</b><br>202:4<br><b>requirements</b><br>5:17 41:15<br>155:9 206:9<br><b>requires</b> 10:24<br>176:2<br><b>requiring</b> 25:25<br><b>reside</b> 237:25<br>238:2 242:22<br><b>residence</b> 83:7,15<br><b>residency</b> 103:2<br>204:2<br><b>resident</b> 211:7,9<br>211:12,14,19<br><b>residential</b> 53:2<br>141:8<br><b>residents</b> 11:11<br>11:17 67:12 |
| <b>received</b> 77:4<br>167:5 206:7<br>214:23<br><b>receives</b> 80:8<br><b>receiving</b> 162:24<br>163:13<br><b>recess</b> 255:7<br><b>recessed</b> 255:10<br><b>recession</b> 30:21<br>210:14<br><b>recognize</b> 40:3<br>113:14 140:23<br>237:8<br><b>recognizes</b> 25:2<br>29:15 38:12<br>45:25 52:16<br>57:14 66:24<br>92:4 103:10<br>107:21 114:3<br>121:14 124:14<br>135:4 139:13<br>142:24 153:17<br>158:21 183:13<br>186:2 192:8<br>210:23 213:13<br>244:13 247:17<br><b>recognizing</b> 42:14<br><b>recommendation</b><br>181:20<br><b>recommendatio...</b><br>181:15 191:12<br><b>recommended</b><br>14:10 202:2<br><b>reconfiguring</b><br>61:22<br><b>reconvene</b> 164:21<br><b>record</b> 173:5<br>199:15 208:3 | <b>recruitment</b><br>203:19 204:7<br>208:2,7 209:6<br>215:15<br><b>recruits</b> 204:11<br><b>rectify</b> 107:7<br><b>redesign</b> 13:11<br><b>reduce</b> 154:11<br>180:25 231:9<br><b>reduction</b> 166:5<br><b>reevaluate</b> 44:17<br><b>reevaluated</b> 44:6<br><b>refer</b> 175:17<br>179:3<br><b>reference</b> 190:3<br><b>referring</b> 158:4<br>160:24<br><b>reflect</b> 18:20<br><b>reform</b> 123:17<br>252:17<br><b>regard</b> 119:22<br>125:4 203:6<br>228:20<br><b>regarding</b> 2:6<br>13:20 38:22<br>50:14 51:14<br>122:20 244:16<br><b>regardless</b> 79:25<br><b>regards</b> 89:18<br>172:6 190:25<br><b>regional</b> 186:20 | <b>remind</b> 147:19<br>222:4<br><b>reminded</b> 11:15<br><b>remiss</b> 247:21<br><b>remit</b> 8:3 48:19<br><b>remitted</b> 7:24 8:7<br>48:18 144:11<br><b>remodernization</b>                                                                                                                                                        | <b>reproduction</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                           |                           |                         |                          |                         |
|---------------------------|---------------------------|-------------------------|--------------------------|-------------------------|
| 202:3                     | <b>resulting</b> 6:24     | 59:17 69:6              | 34:17 35:16              | 85:23 88:24             |
| <b>resides</b> 225:19     | <b>results</b> 68:2       | 120:25 170:6            | 36:4,10 38:17            | 90:15 100:11            |
| 227:8 242:17              | <b>retail</b> 155:22      | 192:25 214:25           | 39:5 40:10,19            | 101:14 102:8            |
| <b>resolution</b> 1:18    | <b>retain</b> 224:7       | 215:6 243:6             | 41:12 42:8               | 114:16,25               |
| 2:7,9,19,20 59:4          | <b>retire</b> 116:11      | 250:23                  | 46:19 47:25              | 115:13 118:25           |
| 59:12                     | 150:4,7                   | <b>reviewed</b> 13:18   | 48:6 49:10,18            | 119:9 120:7             |
| <b>resolve</b> 59:14      | <b>retired</b> 10:2 24:18 | 243:17 244:6            | 50:4,7,18,24             | 122:14 124:6            |
| <b>resources</b> 65:5     | 158:14,17                 | <b>reviewing</b> 54:14  | 51:6,20,24 54:6          | 127:2 133:18,23         |
| 150:17 173:18             | 186:17                    | 206:17                  | 54:12,19 55:4            | 134:22 136:9,10         |
| 199:24 200:9              | <b>retirees</b> 10:12     | <b>revised</b> 2:22     | 55:15,22,25              | 137:10 138:19           |
| 203:9 205:4               | <b>retirement</b> 158:8   | 13:18 206:8             | 56:8,13,17,24            | 141:14 142:5,9          |
| 212:23 214:11             | 209:15                    | <b>revises</b> 219:9    | 57:10,19 59:7            | 144:17 145:3            |
| 214:22 216:13             | <b>retiring</b> 23:23     | <b>revision</b> 164:18  | 66:8,12,20 67:5          | 149:16 153:9            |
| 223:17,23 224:5           | 150:14                    | 164:21 165:9            | 68:3 69:21 70:2          | 156:14 157:5            |
| 225:6,17 226:6            | <b>return</b> 71:2,10,12  | 184:4 188:4             | 71:4,8,15 72:13          | 158:16 164:16           |
| 227:15 229:10             | 127:22 245:12             | 200:22                  | 82:13,23 85:4            | 165:10 169:19           |
| 238:2 248:2               | <b>returns</b> 32:13      | <b>Reynolds</b> 1:15    | 85:11,20 89:14           | 171:12 182:22           |
| 249:6                     | 46:24 47:7                | 205:20                  | 89:23 90:6,11            | 184:18 185:21           |
| <b>respect</b> 3:2 74:12  | <b>revenue</b> 3:23 4:10  | <b>re-val</b> 171:22    | 91:7 92:13,20            | 185:23 191:4            |
| 86:19 90:17               | 4:21 6:9,16 7:9           | <b>re-verification</b>  | 93:3,15,21               | 196:9,25 197:15         |
| 149:4 178:14              | 7:19 10:3 12:24           | 244:24 245:10           | 97:11 102:7              | 197:21 198:21           |
| <b>response</b> 126:6     | 14:17 22:3                | 245:18                  | 114:8,15,20              | 206:25 212:6            |
| 139:7 145:9               | 27:22 30:3,18             | <b>RFP</b> 99:24 101:10 | 115:6,10,17,25           | 217:9 220:14            |
| 160:13 164:8              | 33:11 34:3,12             | 226:19 232:2            | 116:21 117:9,15          | 223:6 231:6             |
| 198:25 212:19             | 37:11 38:22               | 233:15 235:11           | 119:13 120:9,22          | 237:7 245:21            |
| 222:23 254:25             | 43:7,21 46:7,10           | 235:18,22 236:4         | 121:8 125:2              | 247:12                  |
| <b>responses</b> 215:19   | 46:11,17 67:24            | 240:21 243:13           | 126:12,20,25             | <b>rigid</b> 19:9       |
| <b>responsibilities</b>   | 68:7,13 70:11             | 243:24                  | 127:9 130:6,22           | <b>rise</b> 213:19      |
| 169:24                    | 74:13 86:4                | <b>RFPs</b> 72:25 232:6 | 134:21 136:4,15          | <b>rival</b> 188:18     |
| <b>responsibility</b>     | 91:22 92:15               | 233:25 238:14           | 137:5 138:5,16           | <b>road</b> 37:22 117:6 |
| 80:21 81:14               | 97:19,20 100:3            | 239:4,4,17              | 138:23 140:3,13          | 193:9                   |
| 82:2 144:15               | 101:4,20,22,25            | 240:23,25               | 142:4 143:14,24          | <b>Rob</b> 52:21 91:19  |
| 154:8 225:18              | 104:22 105:2              | 243:21,21               | 144:6,16,22              | 121:17 122:18           |
| <b>responsible</b>        | 114:7,21 115:5            | <b>RFP'd</b> 239:16     | 145:13                   | 124:10                  |
| 203:18                    | 115:7,20 119:5            | 241:11                  | <b>rid</b> 140:14 157:22 | <b>Robert</b> 30:3      |
| <b>restaurants</b> 53:5   | 119:8,10 120:21           | <b>Rhynhart</b> 52:22   | <b>ride</b> 132:10 213:5 | 165:13 227:4            |
| <b>restoration</b> 53:2   | 121:18 140:18             | <b>Richardson</b> 3:23  | <b>right</b> 4:15 17:20  | 238:5 242:11            |
| <b>restricted</b> 151:19  | 141:17 143:10             | 4:5,10 16:4,8,19        | 18:12 21:18              | <b>rock</b> 30:6 31:21  |
| <b>restriction</b> 152:23 | 150:2 161:8               | 16:23 17:9,13           | 22:2 23:23               | 31:24                   |
| <b>restrictions</b>       | 162:17,20                 | 18:9 23:6 24:5          | 24:25 25:14,16           | <b>Rodriguez</b> 199:19 |
| 155:20                    | <b>revenues</b> 19:2      | 24:13,19 25:7           | 27:9,13 31:24            | 199:20 200:8            |
| <b>restructuring</b>      | 33:24 94:21               | 25:13,20 26:3           | 40:12 42:22              | 208:6 213:8             |
| 67:20 71:13               | 97:9,14 98:18             | 26:10,15,19             | 45:21 50:11,21           | 214:9 217:6             |
| 72:8                      | 98:19 161:12              | 27:2,8,13,18            | 55:9 56:3,19             | 223:4                   |
| <b>result</b> 13:16 19:24 | 162:25 163:13             | 28:6,10,13,16           | 57:9 59:15               | <b>ROI</b> 31:19        |
| 21:8 86:22                | <b>Revenue's</b> 13:25    | 28:22 29:9,20           | 65:12 69:15              | <b>role</b> 229:9       |
| 150:2,17 225:8            | <b>review</b> 54:21       | 31:20,25 32:14          | 70:23 73:2               | <b>roles</b> 226:25     |

|                         |                           |                          |                           |                            |
|-------------------------|---------------------------|--------------------------|---------------------------|----------------------------|
| <b>rolling</b> 55:10    | 150:7 151:4               | <b>satisfied</b> 174:23  | <b>security</b> 210:8     | 253:19                     |
| <b>rolls</b> 110:19     | 154:7,16 156:22           | <b>save</b> 140:7        | <b>see</b> 20:5,15 21:19  | <b>self-interest</b> 105:9 |
| 228:24 229:3            | 156:22 158:9              | <b>savings</b> 100:14    | 37:7 43:25                | <b>sell</b> 85:25 110:21   |
| <b>roof</b> 98:22       | <b>sales</b> 6:14 8:11,18 | 235:5 254:15             | 47:17 59:10,21            | 151:16 153:2               |
| <b>rookie</b> 99:15     | 8:22,25 9:10              | <b>saw</b> 16:10 235:25  | 60:2,9 61:3               | 157:2 177:3                |
| <b>rookies</b> 99:22    | 19:8 21:2,20              | <b>saying</b> 79:24      | 80:13 83:2                | <b>seller</b> 178:21       |
| <b>room</b> 1:6 191:22  | 47:13 96:20,20            | 81:13,18 82:4            | 91:14 99:11,14            | 179:19                     |
| <b>Ross</b> 18:4 22:11  | 108:5 111:21              | 84:22 90:22              | 109:9 117:3               | <b>selling</b> 21:14,23    |
| <b>rotation</b> 138:14  | 121:23 122:9              | 95:18 126:13             | 118:18 124:7              | 158:12                     |
| <b>roughly</b> 9:6      | 131:11 149:24             | 127:4,23 138:2           | 138:4 141:17              | <b>Senators</b> 125:9      |
| 117:25                  | 150:3,18 196:23           | 185:4 234:23             | 144:9,13 154:5            | <b>send</b> 10:15 39:21    |
| <b>round</b> 66:7 74:11 | 196:24,25 197:3           | 250:21                   | 159:19 167:7,20           | 47:15 72:25                |
| 242:24                  | 197:3,12,18,18            | <b>says</b> 27:7 36:21   | 168:21 169:4              | 73:13 80:22                |
| <b>RPR-Notary</b>       | 197:19,19,20,24           | 49:21 103:15             | 172:25 173:3              | 95:17,20 125:17            |
| 256:15                  | <b>salon</b> 35:4         | 126:17 137:8             | 174:15 180:18             | 131:15 141:21              |
| <b>Rue</b> 221:5        | <b>salons</b> 53:3        | 179:16 237:16            | 182:23 183:20             | 142:12 196:25              |
| <b>rule</b> 166:16      | <b>sampling</b> 112:22    | <b>scenario</b> 158:11   | 205:17 206:22             | 197:11                     |
| 201:15 224:17           | <b>Sanchez</b> 33:15      | <b>scheduled</b> 131:13  | 209:6 212:9               | <b>sending</b> 81:11,15    |
| <b>ruled</b> 184:11     | 52:3 57:15,16             | <b>schedules</b> 163:6   | 213:10 215:25             | 81:21 126:16,21            |
| 185:9                   | 57:21 58:20,24            | <b>scholarships</b>      | 231:19                    | 131:16,22                  |
| <b>rules</b> 54:4 152:6 | 59:20 60:25               | 87:24                    | <b>seeing</b> 103:15      | <b>sends</b> 195:25        |
| 157:20                  | 61:14 63:2,9,25           | <b>school</b> 10:5       | 108:14 123:19             | <b>senior</b> 15:9,13,16   |
| <b>ruling</b> 192:12,14 | 64:6 65:12 66:6           | 236:24                   | 126:8 128:6,20            | 15:17 125:16               |
| 195:20 196:5,7          | 103:14 107:22             | <b>seamless</b> 137:4    | 199:2,13 212:20           | 135:12 248:3,24            |
| 196:14                  | 107:23 109:2,21           | <b>seamlessly</b> 67:23  | 222:24                    | 249:21                     |
| <b>Rum</b> 4:12         | 110:4 111:4,19            | <b>searching</b> 59:22   | <b>seek</b> 14:12 35:14   | <b>seniors</b> 82:18       |
| <b>run</b> 164:16 197:3 | 113:2,22 124:15           | <b>season</b> 40:13      | 48:15 54:23               | 124:19                     |
| <b>runs</b> 246:8       | 124:16 125:21             | <b>seats</b> 183:7       | 151:23 152:17             | <b>sense</b> 23:24 58:4    |
| <b>rural</b> 18:21      | 126:15,23 127:3           | <b>second</b> 9:8 10:10  | 226:13 237:19             | 84:19 102:24               |
| <b>Rutter</b> 9:9       | 129:12 130:8              | 13:24 16:11              | <b>seeking</b> 55:6       | 120:8 122:15               |
|                         | 131:8 132:6               | 17:14 21:10              | 118:24                    | 153:25 154:2               |
| <b>S</b>                | 133:18,19 134:3           | 26:17 74:10              | <b>seen</b> 11:8 124:21   | 171:17,18 183:4            |
| <b>sacred</b> 237:3     | 135:9 212:24              | 90:15 96:17              | 126:10                    | 183:6 190:20               |
| <b>safe</b> 233:25      | 213:4,10,13,14            | 101:18 111:14            | <b>select</b> 197:18      | 191:2 198:9                |
| <b>salaries</b> 183:24  | 213:24 215:13             | 166:21 193:10            | 224:7 227:13              | 204:22                     |
| 184:5 210:3             | 216:16 217:8,16           | 193:11 238:18            | <b>selected</b> 227:4,9   | <b>sent</b> 10:3 75:2      |
| <b>salary</b> 170:11,13 | 218:10,13 219:2           | 247:4                    | 235:20                    | 76:19 95:24                |
| 184:16,23               | 219:16,19 220:4           | <b>Secondly</b> 83:5     | <b>selecting</b> 21:17    | 127:20 195:2               |
| <b>sale</b> 8:13 9:5,13 | 220:8,12 221:10           | <b>Secretary</b> 165:13  | 237:24                    | 197:6,7                    |
| 17:25 18:25             | 222:7,19 234:15           | 179:4 188:12             | <b>selection</b> 115:4    | <b>separate</b> 20:13      |
| 19:14,18 20:15          | 247:18,19 248:7           | 194:17 196:22            | <b>selective</b> 214:23   | 122:23 132:15              |
| 20:22 21:6,11           | 248:17 249:12             | 197:2                    | 216:23                    | 180:14 184:5               |
| 104:2,8,18              | 249:17,25 250:4           | <b>sections</b> 170:19   | <b>self-insurance</b>     | <b>separation</b> 166:22   |
| 108:8,13 109:5          | 251:4,8,14                | <b>sector</b> 209:19     | 229:18 250:16             | <b>sergeant</b> 171:5      |
| 109:14,18 112:3         | 252:22 253:23             | <b>secure</b> 115:3      | 250:24 253:10             | <b>series</b> 149:12       |
| 112:24 125:24           | 254:3                     | 246:11                   | <b>self-insured</b> 226:3 | <b>seriously</b> 102:14    |
| 131:14,19 132:8         | <b>satellite</b> 39:23    | <b>Securities</b> 148:18 | 251:3,5,7                 | 222:16                     |

|                          |                           |                           |                          |                          |
|--------------------------|---------------------------|---------------------------|--------------------------|--------------------------|
| <b>servants</b> 103:4    | 191:24 228:9              | <b>significantly</b>      | 135:3 138:24             | <b>solution</b> 89:8     |
| <b>service</b> 7:9 46:10 | 229:14 235:16             | 137:16                    | 147:15                   | <b>somebody</b> 22:19    |
| 75:10 90:17,23           | <b>Sheriff</b> 8:11,13    | <b>Silberstein</b>        | <b>sit</b> 23:7 91:10    | 48:13 83:7               |
| 97:13 119:11             | 9:13 17:25                | 165:11 168:13             | 121:2,3                  | 101:2,14 104:13          |
| 136:9 137:14             | 18:25 19:7,14             | 170:2,13 172:16           | <b>site</b> 52:25 177:23 | 108:23 112:15            |
| 146:22 148:4,6           | 19:18 20:15,22            | 172:20 174:6,15           | <b>sites</b> 7:17        | 120:13 133:2             |
| 160:3 199:8,18           | 21:2,6,11 96:19           | 175:24 176:11             | <b>sitting</b> 137:21    | 161:23 179:16            |
| 200:6,7,14,19            | 96:20 104:7               | 176:15 177:10             | <b>situation</b> 38:2    | 212:9,11                 |
| 200:21 201:2             | 108:5,12 109:5            | 177:14 178:6,11           | 41:8 42:25 44:2          | <b>someone's</b> 38:5    |
| 203:23 211:5,13          | 109:14,18                 | 178:15 179:3,23           | 44:6 107:8               | <b>somewhat</b> 57:5     |
| 211:21 212:18            | 111:21 112:3              | 180:23 184:6,9            | 124:17 178:8             | 226:12 237:18            |
| 214:5 215:2,2            | 125:24 131:11             | 184:19 185:5,10           | 252:24                   | 252:18                   |
| 216:5 221:21             | 132:8 134:10              | 185:14,20 186:7           | <b>six</b> 2:12 8:6 15:3 | <b>soon</b> 54:16 105:14 |
| 224:6,12,14,15           | <b>Sheriff's</b> 104:2    | 186:14 187:13             | 15:16 53:25              | 171:20 226:19            |
| 224:18 227:6             | 108:8,10 111:11           | 187:18 188:10             | 70:5 97:3                | <b>sorry</b> 55:2 56:5   |
| 247:23 252:9             | 112:24 131:14             | 189:12,22 190:7           | 139:23,24                | 56:23 74:19              |
| <b>services</b> 5:6,9,21 | 131:19                    | 191:7,25 192:15           | 163:14 202:5             | 85:24 90:10              |
| 6:4,6 8:13 17:16         | <b>shift</b> 207:17       | 194:15,18                 | 203:24 208:10            | 139:16,16                |
| 27:20 28:25              | <b>shifted</b> 82:21      | 195:15,24                 | 218:20                   | 147:15,23 158:8          |
| 30:5 72:7                | <b>shop</b> 22:10 99:2    | 196:10,16                 | <b>size</b> 100:20       | 160:15,19 196:4          |
| 120:15 136:8             | <b>short</b> 88:23        | 197:15 198:4,15           | <b>skilled</b> 209:13,22 | 243:23                   |
| 215:5 223:6              | 103:19 161:6              | 199:4                     | 210:2,8,9                | <b>sort</b> 42:23 109:16 |
| 227:5 236:6              | 164:19 193:13             | <b>silence</b> 3:15,17,18 | <b>skills</b> 188:18     | <b>sorts</b> 19:23       |
| 243:10 248:11            | <b>short-term</b> 162:9   | 213:20,23                 | 214:24                   | <b>sound</b> 217:10      |
| <b>service-exempt</b>    | <b>shown</b> 148:3        | <b>silly</b> 110:20       | <b>slightly</b> 150:19   | 220:18                   |
| 224:21                   | <b>shows</b> 80:10        | <b>similar</b> 11:3       | <b>slots</b> 25:11       | <b>sounded</b> 183:17    |
| <b>servicing</b> 53:5    | 133:6                     | 32:12 79:22               | <b>slow</b> 74:4         | <b>sources</b> 33:12     |
| <b>set</b> 11:19 41:22   | <b>shut</b> 129:10        | <b>simple</b> 28:2        | <b>small</b> 90:22       | <b>so-and-so</b> 138:4,7 |
| 42:2 88:12               | <b>shutoff</b> 128:15     | 182:14,18                 | 118:22 135:16            | <b>space</b> 90:5,18     |
| 110:9 118:11             | <b>shutting</b> 11:14     | 183:18                    | 169:6 201:8              | 91:5 142:2               |
| 151:5 163:14             | <b>shut-offs</b> 129:8    | <b>simpler</b> 191:3,5    | <b>smaller</b> 90:21     | 174:12                   |
| 184:5 193:2,3            | <b>sick</b> 39:15         | <b>simplest</b> 198:8     | 238:22                   | <b>Spanish</b> 14:25     |
| 193:10,11                | <b>side</b> 19:12 39:13   | <b>simply</b> 183:19      | <b>Smith</b> 23:8        | 215:12 218:20            |
| 226:20                   | 39:14 40:6,7              | <b>single</b> 12:14       | 199:17,17 200:3          | 218:23 234:14            |
| <b>sets</b> 151:5        | 59:6 71:23                | 118:12 216:2              | 200:5 202:9,22           | 248:13,14                |
| <b>settling</b> 61:17    | 97:20,21 113:6            | <b>sinking</b> 145:16     | 212:3                    | <b>speak</b> 14:25 22:24 |
| <b>seven</b> 36:18 70:5  | 127:19 128:10             | 146:3 160:2               | <b>Snyder</b> 241:19     | 62:25 87:14              |
| 93:25 96:15              | 137:11 173:10             | 161:25 176:25             | <b>social</b> 215:4      | 140:16 143:23            |
| 117:22 118:2             | 188:5 229:19              | 177:24 178:23             | <b>socked</b> 75:13      | 174:20 177:23            |
| 163:13 186:23            | <b>sign</b> 37:5 210:21   | <b>sir</b> 4:4 25:8 26:6  | <b>software</b> 12:11    | 187:19 218:23            |
| 187:6 202:13             | 218:16 221:19             | 29:10,21 38:11            | <b>sold</b> 42:24 43:25  | 230:23                   |
| 233:18 240:13            | <b>signed</b> 10:20       | 38:18 49:11               | 157:16 175:10            | <b>speaking</b> 43:4,8   |
| 240:19                   | 221:16                    | 50:5,8 51:21              | 178:7                    | 45:8 76:5 108:4          |
| <b>seventy-three</b>     | <b>significant</b> 118:21 | 52:6 54:7,15              | <b>sole</b> 146:7        | 183:22 203:13            |
| 218:11                   | 123:24 140:7              | 55:17 56:3,18             | <b>Solicitor</b> 23:8    | <b>spec</b> 216:4,4      |
| <b>sewer</b> 13:7        | 150:2 155:16              | 66:21 67:6 90:8           | 68:15                    | 218:5                    |
| <b>share</b> 37:20 46:23 | 245:20                    | 92:14 133:23              | <b>Solicitor's</b> 68:6  | <b>specialty</b> 215:11  |

|                           |                           |                           |                           |                          |
|---------------------------|---------------------------|---------------------------|---------------------------|--------------------------|
| 218:20                    | 219:8 248:5               | 59:24 86:22               | <b>stones</b> 236:21      | <b>success</b> 31:2 72:9 |
| <b>specific</b> 43:3      | 249:5,7,15                | 87:3 94:10,18             | <b>stop</b> 35:22 36:2,7  | 141:10                   |
| 47:20 119:23              | <b>staffed</b> 7:7        | 102:23 122:10             | 38:2 81:21                | <b>successful</b> 71:14  |
| 121:3 155:20              | <b>staffing</b> 13:23     | 122:21 125:8,20           | 105:15 106:22             | 71:16,21                 |
| 157:15 246:25             | 20:19 136:20              | 130:4 140:24,24           | 106:24 227:7              | <b>successive</b> 231:25 |
| <b>specifically</b> 52:24 | <b>stages</b> 13:5        | 142:14 165:3              | 238:4                     | <b>sudden</b> 16:13      |
| 126:21 143:12             | <b>stagger</b> 232:8,18   | 199:14 205:13             | <b>stopped</b> 35:22      | 39:9                     |
| 206:20 235:13             | <b>staggered</b> 246:5    | 223:11                    | <b>store</b> 35:4         | <b>suggested</b> 137:23  |
| <b>specifics</b> 40:24    | <b>stand</b> 164:22       | <b>statement</b> 70:25    | <b>strategic</b> 6:22     | <b>summarize</b>         |
| <b>specs</b> 219:5,6,20   | 255:6                     | 156:25 238:9              | <b>strategy</b> 156:23    | 146:10 223:25            |
| <b>speed</b> 32:19        | <b>standard</b> 12:15     | <b>statements</b>         | <b>stream</b> 97:13       | <b>summarizes</b>        |
| <b>spend</b> 92:11,16,24  | 44:23 45:9                | 148:15                    | <b>street</b> 7:14 115:13 | 227:19                   |
| 172:12 173:2,3            | 208:23                    | <b>states</b> 68:9 176:16 | <b>Streets</b> 209:22     | <b>summary</b> 4:18      |
| <b>spending</b> 93:8      | <b>standards</b> 88:13    | 189:15,16                 | 215:14                    | 15:24 36:11              |
| 141:18 166:5              | <b>standpoint</b> 51:17   | 190:18 204:19             | <b>strictly</b> 230:8     | 148:21 200:13            |
| 242:16                    | 123:16 173:14             | <b>statewide</b> 23:16    | <b>strings</b> 156:2      | 238:4                    |
| <b>spent</b> 122:7 188:4  | <b>star</b> 30:6 31:21,24 | <b>stating</b> 80:19      | <b>strong</b> 227:2       | <b>Superfund</b>         |
| <b>spike</b> 126:11       | <b>start</b> 9:9 55:13    | <b>station</b> 171:6      | <b>structure</b> 97:2,10  | 177:23                   |
| <b>spiraling</b> 229:16   | 64:22 67:8                | <b>statistic</b> 30:16    | <b>structured</b> 163:17  | <b>supervised</b> 99:2   |
| <b>spirit</b> 135:8       | 73:23 80:2,2              | <b>statistics</b> 56:2    | 252:16                    | <b>supervising</b>       |
| <b>spoke</b> 30:7 34:9    | 85:15 89:6                | 59:13                     | <b>stuck</b> 179:20       | 104:24                   |
| 74:14 180:25              | 106:16 107:17             | <b>status</b> 18:3 60:24  | <b>studies</b> 42:5       | <b>supervision</b>       |
| 204:9 231:8               | 114:11 117:5              | <b>stay</b> 44:15 92:8    | <b>study</b> 51:14 98:14  | 256:22                   |
| <b>spoken</b> 48:23       | 156:8,10 159:13           | 155:9 194:17              | 100:7                     | <b>supervisors</b> 32:25 |
| <b>sporadic</b> 210:10    | 182:17 237:15             | 230:3                     | <b>stuff</b> 31:17 95:24  | 248:5                    |
| <b>sporting</b> 144:9     | <b>Startare</b> 223:19    | <b>staying</b> 131:25     | 108:14 109:8              | <b>Supervisory</b>       |
| <b>Spruce</b> 115:13      | 230:4,5,20                | <b>STEB</b> 171:21        | 129:21 132:17             | 249:5                    |
| <b>Squilla</b> 1:16       | 231:22 232:22             | 192:12,17,21,25           | 171:22                    | <b>Supplies</b> 5:10 6:7 |
| 103:10,11                 | 233:6,11 234:4            | 193:3,7,15,18             | <b>style</b> 154:14       | <b>supply</b> 5:23       |
| 105:11 106:23             | 235:9 236:3               | 194:2 195:22              | <b>subcommittee</b>       | <b>support</b> 5:16      |
| 107:3,11 108:3            | 237:4 239:21              | 196:3,3,5,20              | 191:21                    | 67:17 173:24             |
| 192:8,9 194:13            | 242:14,21                 | 197:13                    | <b>subcontractors</b>     | 208:25 223:22            |
| 195:13,17 196:9           | 244:19,23                 | <b>stenographer</b>       | 116:14                    | 227:15                   |
| 196:13,18,24              | 245:15,25                 | 164:19 209:10             | <b>subject</b> 10:9       | <b>supporting</b> 12:17  |
| 197:5,10,21               | 246:24 247:7,14           | 222:6                     | 253:18                    | 226:7 237:16             |
| 198:12,18                 | 251:20,21                 | <b>stenographic</b>       | <b>submit</b> 164:23      | <b>supportive</b>        |
| 210:24,25                 | 253:13                    | 256:6                     | 195:21 223:12             | 123:16,20 215:3          |
| 211:11,17 212:5           | <b>started</b> 11:14 26:7 | <b>step</b> 175:25 207:7  | 243:19 245:2              | <b>supports</b> 224:9    |
| <b>stadium</b> 149:5      | 68:4 70:10,13             | <b>steps</b> 203:3        | <b>submitted</b> 3:3      | <b>Suppose</b> 152:13    |
| <b>staff</b> 15:9,13,16   | 109:9 126:5               | <b>Steve</b> 159:16,17    | 54:8 192:24               | <b>supposed</b> 53:14    |
| 15:17 33:2 96:9           | <b>starting</b> 21:10     | <b>stick</b> 24:12 36:8   | 193:2 200:11              | 100:2 198:17             |
| 120:12,19,23              | 32:21 79:23               | 131:5                     | 223:21                    | <b>supposedly</b>        |
| 127:11 165:20             | 116:22 117:11             | <b>stimulate</b> 214:13   | <b>subpoena</b> 84:12     | 197:17                   |
| 167:17,23                 | 246:5                     | <b>stimulus</b> 171:25    | <b>substantially</b> 8:10 | <b>Supreme</b> 170:18    |
| 169:22 170:9              | <b>starts</b> 55:12,16    | <b>stipulated</b> 10:6    | 229:7                     | 187:8 189:24             |
| 172:15 180:15             | <b>state</b> 18:2 32:9,23 | <b>stock</b> 31:9         | <b>substantiate</b>       | <b>sure</b> 17:9 22:23   |
| 202:25 216:21             | 35:15 37:17               | <b>stole</b> 48:17        | 245:12                    | 23:19 25:22              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26:10 40:14<br>41:5 46:18<br>66:11 68:3 74:3<br>89:2 91:23 98:3<br>129:15 130:9<br>133:16 134:6<br>149:7,22 151:3<br>172:9 173:23<br>191:9 202:22<br>207:18 214:14<br>221:13 228:25<br>233:14 244:22<br>245:4 250:8<br><b>surprised</b> 57:4<br>104:10 105:9<br><b>surrounding</b><br>204:18,19<br><b>suspect</b> 74:23<br><b>suspend</b> 38:8<br>43:12<br><b>suspended</b> 43:18<br>62:13,18<br><b>sustains</b> 184:13<br>185:11<br><b>swap</b> 149:13,18<br>160:6<br><b>swaps</b> 160:6<br><b>synonymously</b><br>138:2<br><b>system</b> 5:2 12:9<br>12:12,19,20<br>16:6,9 31:7 37:6<br>51:7 61:24<br>70:19 72:23<br>76:21 77:6 93:2<br>93:4 98:21<br>101:23 118:12<br>127:13 135:22<br>140:15 143:13<br>173:24 180:19<br>201:14 204:4<br>227:16 236:25<br>253:3,7<br><b>systems</b> 30:8<br><b>system/collection</b><br>13:2<br><b>S&amp;P</b> 159:7 | <b>T</b><br><b>table</b> 4:2 91:18<br>145:18 154:24<br>164:25 199:10<br>223:9 237:2,14<br>248:4 249:24<br><b>take</b> 29:25 32:9<br>32:18 34:6 49:6<br>54:4 55:20 56:6<br>59:11 62:8<br>64:21 66:16<br>78:11 88:4<br>92:25 100:19<br>102:2 110:20<br>112:23 135:15<br>136:21 137:18<br>147:13 155:25<br>160:20 178:18<br>180:4 181:5,10<br>190:21 191:16<br>193:8 195:6<br>207:7 250:25<br><b>taken</b> 19:14 28:24<br>50:20,25 56:4<br>56:20,25 76:13<br>78:18 93:23<br>179:6,22 221:20<br>222:15 256:6<br><b>takes</b> 32:17 43:19<br>62:8 69:8 80:3<br>156:6 182:21<br>194:19<br><b>talk</b> 24:20 60:4<br>67:24 85:5<br>87:13 190:22<br>191:18<br><b>talked</b> 23:23 30:7<br>48:25 57:25<br>59:2 60:11<br>61:15 83:20<br>135:9,10 136:13<br>149:14 158:7<br>234:10<br><b>talking</b> 23:14<br>33:4 61:8 64:2<br>68:23 69:22<br>71:5 81:10 | 82:17 95:9 99:8<br>124:3 136:13<br>143:15,21<br>153:14 169:22<br>170:10 241:6<br>251:19<br><b>taller</b> 70:14<br><b>task</b> 232:6<br><b>tax</b> 4:14,16 5:2<br>6:14,20,22 8:14<br>8:16,21,23<br>10:23,25 11:16<br>15:2 16:6 18:5,7<br>21:13 25:10,11<br>26:12,14 34:8<br>36:15 39:9,10<br>39:13 40:6,13<br>46:25 47:3,13<br>47:18,20 48:7<br>48:10,11 49:22<br>50:14,15,19<br>51:9 57:24 58:8<br>59:11,17 68:5,5<br>69:2,6,17,18<br>70:19 71:22<br>87:20 88:2,16<br>90:8 94:21,23<br>95:10,13,17<br>96:13 97:15,20<br>98:19 102:11<br>110:19 118:13<br>119:6,24 120:4<br>120:25 121:20<br>121:23,23 122:9<br>122:9,16,23<br>123:17,22<br>124:20 125:3,4<br>125:6,16 126:8<br>126:22 127:12<br>127:13,14,19<br>130:7,18 136:2<br>136:23 137:9<br>143:4,11,15,16<br>143:17,19,25<br>144:4,7,10,25<br>147:10 151:4,23<br>152:18 161:8 | 162:16 167:3,15<br>173:22 176:7<br>214:25<br><b>taxable</b> 157:13,17<br>157:25 158:17<br><b>taxation</b> 15:6<br><b>taxed</b> 49:5<br><b>taxes</b> 6:12 9:17<br>10:2,8 11:22<br>12:6 13:6 21:24<br>30:24 32:17<br>33:11,17,19<br>34:13 35:8<br>36:23 37:20<br>38:4 39:17<br>46:12 47:8,19<br>48:9,11 49:14<br>49:22 52:24<br>53:7,16,24<br>66:15,17 67:14<br>86:18 88:8<br>90:13 94:9,25<br>95:14 96:14<br>98:18 102:13<br>103:15,20<br>104:17,19<br>107:13,15 110:8<br>110:18 119:15<br>121:22 126:3,19<br>127:25 135:15<br>135:24 136:6<br>139:21 162:24<br>164:18,22 165:9<br>176:23 182:7,8<br>184:4 188:4<br>195:4<br><b>taxpayer</b> 30:4<br>50:8 100:24<br>119:5 120:15<br>136:8 175:4,5,8<br><b>taxpayers</b> 8:2<br>9:18 11:16 12:3<br>13:15 42:11<br>48:18 51:13<br>129:6 135:23<br>136:5 165:23<br>175:22 | <b>taxpaying</b> 113:4<br><b>tax-exempt</b><br>157:12,19<br><b>team</b> 72:10<br>180:10 247:24<br>248:19<br><b>tech</b> 120:23<br><b>technical</b> 120:11<br>120:12,19<br><b>technicians</b><br>203:17<br><b>technologies</b><br>12:14<br><b>technology</b> 12:15<br>32:2 227:12<br><b>tell</b> 26:5 37:8<br>50:19 51:25<br>52:4 59:4 60:22<br>79:14 116:5<br>118:16 138:18<br>170:12 179:9<br>187:2 214:17<br>235:2,6 236:16<br>244:5<br><b>telling</b> 56:19 85:8<br>129:9 216:8<br><b>temporary</b><br>167:17 172:14<br><b>ten</b> 208:10<br><b>tend</b> 195:11<br><b>tens</b> 65:3<br><b>tenured</b> 245:6<br><b>term</b> 30:10 67:16<br>87:19 232:5<br>234:14<br><b>terms</b> 20:19 23:25<br>101:6,19 113:17<br>124:18 125:23<br>126:7 159:22<br>163:3 172:7<br>180:14,16<br>186:11 189:8<br>221:2 238:9<br>246:21 248:21<br>248:23<br><b>test</b> 206:7 215:21<br>217:23 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



|                           |                         |                          |                           |                           |
|---------------------------|-------------------------|--------------------------|---------------------------|---------------------------|
| <b>testified</b> 239:22   | 165:9 168:2             | 30:14 34:8 41:4          | <b>threatened</b>         | 83:6 84:2                 |
| <b>testify</b> 21:4 146:4 | 172:4 179:2             | 50:20,25 59:21           | 112:23                    | 103:24 210:22             |
| 165:16 174:25             | 180:7 183:10,11         | 60:5 71:21               | <b>three</b> 15:4,18,19   | 236:23                    |
| 175:2                     | 183:15 185:17           | 74:18 75:11              | 110:20 140:19             | <b>time-wise</b> 137:15   |
| <b>testifying</b> 168:3   | 185:24,25 186:4         | 80:7 82:12,16            | 166:14,17 167:8           | <b>title</b> 31:14        |
| <b>testimony</b> 36:16    | 192:6,10 198:21         | 83:12 89:12              | 181:11 188:16             | <b>titles</b> 2:9         |
| 37:17 115:23              | 198:22 199:3,4          | 90:3,20 91:8,21          | 214:23 216:9              | <b>today</b> 4:11 62:15   |
| 145:12 146:11             | 199:6,12 210:22         | 92:17 97:21              | 218:14 221:4              | 125:13 146:4              |
| 148:22 164:11             | 212:6,14,21             | 99:7 101:6               | 225:4 231:25              | 165:15 200:6              |
| 164:23 165:4              | 213:11,24               | 102:20 107:14            | 250:21                    | 218:17 223:18             |
| 167:7,20 199:15           | 220:14 221:5            | 108:17 110:21            | <b>threw</b> 184:2        | <b>told</b> 194:24        |
| 200:2,12,13               | 222:17,19,25            | 118:8 121:17             | <b>thrown</b> 65:19       | 208:23 236:20             |
| 201:16 212:21             | 223:3,4,10,13           | 122:6,13 124:2           | <b>Thursday</b> 128:19    | <b>Tom</b> 234:9 235:4    |
| 222:25 223:12             | 237:10 244:8,9          | 124:3,6 137:12           | <b>ticket</b> 144:8       | <b>tool</b> 13:3,5,7 22:5 |
| 223:22 224:2              | 244:15 247:12           | 152:16 153:20            | <b>tiebreaker</b> 211:7   | <b>tools</b> 20:14 37:24  |
| 227:20,24                 | 247:15,19               | 156:10 159:14            | 211:8,14,16,21            | 59:23,23,24               |
| 237:15 238:12             | 254:21,22 255:8         | 159:15 171:21            | <b>tied</b> 180:11        | 61:25 65:20,24            |
| <b>tests</b> 217:20       | <b>thankful</b> 236:17  | 172:19 173:4             | <b>tighter</b> 104:25     | 141:11                    |
| <b>thank</b> 3:13,20      | <b>thanking</b> 67:8    | 174:19 175:25            | <b>time</b> 7:3 9:2 13:21 | <b>top</b> 68:24 69:2     |
| 16:4 24:25 25:4           | <b>thanks</b> 244:12    | 176:2,12,15              | 17:23 21:11               | 96:4 100:14               |
| 29:11,12,14,17            | 247:17                  | 177:15 185:23            | 36:23 39:3,6,19           | 204:21 205:2              |
| 33:15 38:11,11            | <b>theory</b> 78:19     | 187:5 189:10             | 40:23 41:4                | <b>total</b> 10:12 14:3,6 |
| 38:14 45:22,24            | <b>they'd</b> 122:11    | 190:6,13 191:16          | 43:13 56:12,14            | 14:15 23:16               |
| 46:3,5 52:9,12            | 127:25                  | 191:20 196:6             | 60:5 66:16 68:4           | 109:19 110:10             |
| 52:17,20 53:19            | <b>thing</b> 65:23 81:3 | 203:24 208:16            | 75:7 77:15                | 154:5 166:8               |
| 57:9,13,16,22             | 101:18 118:25           | 211:18 212:6             | 78:22,23 79:15            | 168:17 201:4              |
| 66:7,19,23 67:2           | 140:23 178:2            | 228:19,21 229:8          | 79:17 86:17,18            | 239:12,13 241:7           |
| 67:18 74:6,9              | 180:8,13 181:2          | 235:17 245:11            | 90:20 95:15,21            | 242:15 248:19             |
| 77:21 92:3,3,6            | <b>things</b> 13:12     | 252:23 253:2,6           | 100:19 103:19             | <b>totalling</b> 225:9    |
| 103:7,8,11,13             | 33:12 34:5 36:7         | 254:4                    | 110:3 111:14              | <b>Totally</b> 20:7,8     |
| 103:18 107:3,4            | 37:21 38:20             | <b>thinking</b> 185:2    | 122:7 128:8               | <b>touch</b> 208:19       |
| 107:18,20,23              | 53:3 69:14              | <b>third</b> 10:15 25:23 | 131:15 133:10             | <b>touching</b> 65:10     |
| 113:24 114:2,5            | 70:18 99:23             | 103:22 111:14            | 138:2 159:17              | <b>tough</b> 33:10        |
| 121:7,10,13               | 100:2 101:5,21          | 193:2,3 232:4            | 161:3,6 172:12            | 236:22                    |
| 124:9,11,13               | 104:21 112:20           | 246:2 252:13             | 175:16 184:20             | <b>town</b> 70:14         |
| 134:25 135:6              | 120:25 122:4            | 253:11,15                | 184:22 188:4              | <b>TPA</b> 252:4          |
| 138:23,25 139:4           | 124:24 125:10           | <b>third-party</b> 7:8   | 197:8 215:18              | <b>track</b> 34:3 153:11  |
| 139:18 142:19             | 132:18 136:18           | 72:4,16 76:20            | 221:18 222:2,3            | <b>trades</b> 202:24      |
| 142:21,23 145:3           | 140:14 141:25           | 104:3,14 251:11          | 232:7 233:5               | 203:15 209:13             |
| 145:4,6,11,13             | 142:17 156:8            | <b>Thirty</b> 54:20      | 243:12 246:11             | 210:2,9,9                 |
| 145:24 146:14             | 172:10 189:3            | <b>thought</b> 112:2     | <b>timeframe</b> 32:4     | <b>traditionally</b>      |
| 147:21,21 149:2           | 191:11 211:8            | 182:4                    | 100:6                     | 121:3                     |
| 149:2 153:14,16           | 250:11                  | <b>thoughts</b> 189:18   | <b>timeline</b> 101:6,7,9 | <b>trained</b> 30:20,23   |
| 156:15,18                 | <b>think</b> 17:15 19:4 | <b>thousand</b> 41:9     | 101:12                    | 96:9 98:17                |
| 158:20,24                 | 19:24 20:20             | 176:10                   | <b>timely</b> 119:11      | 100:12                    |
| 160:10,17 164:3           | 21:15,18 22:5           | <b>thousands</b> 65:4    | 146:20                    | <b>trainee</b> 215:5      |
| 164:10,11,12,14           | 25:21 27:3              | 119:25                   | <b>times</b> 16:14 23:12  | <b>transactions</b>       |

|                          |                          |                          |                           |                           |
|--------------------------|--------------------------|--------------------------|---------------------------|---------------------------|
| 160:4                    | <b>trying</b> 39:17 41:2 | 235:10,13                | <b>undertaking</b>        | <b>use</b> 7:8 17:17 22:6 |
| <b>transcript</b> 256:8  | 55:19 56:2               | 237:19 238:18            | 98:16 190:22              | 36:7 39:21                |
| 256:20                   | 64:20 70:16,21           | 240:22,24                | <b>under-reporters</b>    | 45:16 72:7,24             |
| <b>transfer</b> 137:4    | 73:12 79:5 80:4          | 241:23 243:3,4           | 7:11                      | 114:17 139:20             |
| 169:14 225:4             | 82:24,25 84:6            | 249:10 253:6             | <b>unemployment</b>       | 140:21 155:22             |
| <b>transferred</b> 6:15  | 84:17 85:10              | 255:4                    | 53:15                     | 175:12 234:14             |
| 29:3 68:7                | 88:20 89:18              | <b>twofold</b> 78:17     | <b>unfortunately</b>      | 251:9                     |
| 225:21                   | 103:25 109:24            | 80:8                     | 48:12 65:11               | <b>user</b> 13:12         |
| <b>transfers</b> 193:3   | 110:17,18 112:4          | <b>two-to-one</b> 25:25  | 77:8                      | <b>usually</b> 104:20     |
| <b>transient</b> 37:13   | 124:22 132:5             | <b>type</b> 29:4 43:3,22 | <b>uniformity</b> 90:4,7  | 119:18                    |
| <b>transition</b> 68:17  | 158:11 172:21            | 44:23 118:13             | 90:12,16 182:21           | <b>utilize</b> 156:20     |
| <b>transitioned</b>      | 172:23 173:3,4           | 122:3,3 135:19           | <b>unions</b> 231:2,11    | <b>utilized</b> 60:3      |
| 233:23                   | 190:9 206:21             | 155:2 177:4              | 235:2 250:14              | <b>U.S</b> 5:19           |
| <b>transparent</b>       | 214:13 229:16            | 217:2                    | 254:14                    |                           |
| 174:19 175:14            | 236:23 238:12            | <b>types</b> 98:18       | <b>unison</b> 7:15 84:18  | <hr/> <b>V</b> <hr/>      |
| 175:20                   | <b>Tuesday</b> 181:7     | 100:21 157:7             | 127:10,15                 | <b>vacant</b> 22:16       |
| <b>Transportation</b>    | 255:7                    | <b>typically</b> 238:24  | <b>unit</b> 6:21 7:13     | 183:7                     |
| 186:21                   | <b>tuned</b> 194:17      | <b>typist</b> 215:7,9    | 8:14,23 12:16             | <b>vacated</b> 193:18     |
| <b>travel</b> 29:24      | <b>turn</b> 34:6 86:14   |                          | 15:3 34:22                | 194:3,5                   |
| <b>Treasurer</b> 150:21  | <b>turned</b> 216:14     | <hr/> <b>U</b> <hr/>     | 36:17,18 39:11            | <b>vacation</b> 39:14     |
| 150:24                   | <b>turns</b> 31:8        | <b>ultimately</b> 144:14 | 59:11 68:5                | 54:15                     |
| <b>Treasurer's</b> 146:9 | <b>Tweet</b> 128:25      | <b>umbrella</b> 43:6     | 69:18,18 119:9            | <b>valet</b> 49:7         |
| 150:25                   | <b>Twelve</b> 58:24      | <b>unacceptable</b>      | 119:17 120:14             | <b>valid</b> 253:20       |
| <b>tremendous</b>        | <b>Twenty-five</b> 94:4  | 221:15                   | 131:13 243:11             | <b>value</b> 64:7 108:25  |
| 141:24 182:3             | 176:10 194:12            | <b>uncollected</b> 34:12 | <b>United</b> 232:25      | 109:15 110:16             |
| 209:25                   | 194:14                   | <b>uncollectible</b>     | 233:23                    | 111:3 167:6               |
| <b>trend</b> 231:10      | <b>Twenty-one</b> 94:2   | 52:23                    | <b>units</b> 252:9        | 171:9 174:25              |
| <b>tried</b> 74:15       | <b>twice</b> 117:25      | <b>unconstitutional</b>  | <b>Unit's</b> 8:21        | 175:3 178:17,18           |
| 142:18                   | <b>Twit</b> 128:24       | 170:17                   | <b>universe</b> 95:5      | 178:20,24                 |
| <b>tries</b> 171:5       | <b>two</b> 15:5,11,11    | <b>underground</b>       | <b>universities</b> 10:19 | 182:12 194:21             |
| <b>trigger</b> 155:14    | 30:17 32:25              | 49:3 51:15               | 11:4 36:12                | 198:5,6,13                |
| 157:21 169:6             | 50:20,25 53:24           | <b>understand</b> 38:24  | 87:22 206:2,24            | <b>valued</b> 201:8       |
| <b>troubles</b> 188:25   | 54:2 73:3 83:22          | 40:15 41:10,16           | 207:8                     | 227:17                    |
| <b>true</b> 94:20,23     | 89:17 101:5,21           | 42:4 69:7 81:20          | <b>university</b> 10:20   | <b>values</b> 165:22      |
| 197:18,20                | 110:20 118:3,13          | 83:6 84:4 87:9           | 11:2 36:24                | 193:2,16                  |
| 230:19 234:21            | 121:17 126:24            | 91:24 102:4              | 88:22,23 89:5             | <b>variable</b> 149:12    |
| 256:8                    | 136:20 140:13            | 122:14 132:25            | <b>university's</b> 36:21 | 149:15                    |
| <b>truly</b> 228:15      | 140:17 166:16            | 168:8 173:10             | <b>update</b> 25:10       | <b>variety</b> 49:8 99:25 |
| 229:4 246:15             | 167:16 170:19            | 175:5 182:15,19          | 202:7                     | 200:18 210:20             |
| <b>trust</b> 48:9        | 172:14,14 174:7          | 184:25,25                | <b>updated</b> 219:6      | <b>various</b> 35:6       |
| <b>trusted</b> 208:14    | 174:10 181:2,6           | 193:12                   | <b>upfront</b> 72:18      | 36:19 41:17               |
| <b>try</b> 17:4 24:21    | 181:11 194:12            | <b>understanding</b>     | 73:4 93:6                 | 70:9,12 125:7             |
| 41:6 63:19               | 194:14 202:15            | 10:21 20:18              | <b>upgrade</b> 12:8,9     | 125:12,15                 |
| 105:13 110:2             | 206:11,13                | 46:22 63:24              | 102:2 159:14              | 127:17 130:25             |
| 141:9 143:6              | 213:17,20                | 67:19 134:12             | <b>upgraded</b> 159:7     | 135:18,23 141:3           |
| 153:11 208:17            | 218:10 226:13            | 157:16 230:14            | <b>uphill</b> 220:25      | 141:7,11 154:4            |
| 208:18 215:15            | 226:23 231:18            | <b>understood</b> 83:23  | <b>upside</b> 20:16       | 160:6                     |

|                          |                       |                        |                          |                        |
|--------------------------|-----------------------|------------------------|--------------------------|------------------------|
| <b>vast</b> 76:10 157:18 | 63:10,10 65:13        | 140:16 151:15          | 148:14                   | 78:12 79:2,25          |
| <b>vendor</b> 10:23 36:3 | 67:7 72:6 73:4,6      | <b>water</b> 4:15 5:12 | <b>Wednesday</b> 181:6   | 84:3,6,17,20           |
| 36:15 76:20              | 74:3 81:8 82:10       | 9:17,18 11:12          | <b>week</b> 39:16 40:11  | 88:20 89:12,15         |
| 116:8 227:10             | 83:8,18,24 84:8       | 13:7 39:8,14,16        | 54:13 83:21              | 91:23 92:10            |
| 235:24                   | 88:4 91:14,15         | 40:7 42:18 43:7        | 101:2 127:19             | 95:9,20 96:20          |
| <b>vendors</b> 10:25     | 92:9 101:14           | 43:11,21 58:14         | 136:17 149:15            | 99:6 101:25            |
| 89:5 233:5               | 102:10 103:18         | 61:7,8,10 62:20        | <b>weekend</b> 213:9     | 102:13 108:7           |
| 236:8                    | 107:4,25 109:6        | 68:25 71:22            | <b>weeks</b> 54:15 60:6  | 109:4,6,13             |
| <b>verification</b>      | 109:11,12 112:9       | 74:12 75:8             | 128:3 218:25             | 110:2,11,17,25         |
| 246:12                   | 112:11,14,15          | 76:21 81:2             | <b>welcome</b> 52:14     | 112:10,18 113:5        |
| <b>verify</b> 218:22     | 113:3,6,7,8,14        | 83:12 84:12            | 57:11 66:21              | 113:10,14              |
| <b>Verna</b> 147:17      | 118:18 121:25         | 85:23,25 86:3,4        | 121:9 135:3              | 116:22 124:22          |
| <b>versa</b> 105:18      | 122:13 125:25         | 86:6 87:8 89:11        | 165:2 247:14             | 128:4,5,19             |
| 127:14                   | 125:25 129:15         | 89:13 90:8,13          | <b>welders</b> 209:16    | 129:2,3,9,17,25        |
| <b>versus</b> 18:20      | 129:24 130:9,9        | 91:9,22 97:14          | <b>went</b> 10:11 16:14  | 130:2,6,11,16          |
| 23:16 239:4              | 131:2,2 132:19        | 97:20 103:21           | 49:15 51:25              | 130:17,19,23           |
| 255:5                    | 132:21 133:3,24       | 105:21 110:8           | 52:2 77:14 87:2          | 131:5 137:22           |
| <b>veterans</b> 255:5    | 133:25 142:17         | 114:23 126:8,18        | 88:21 102:5              | 138:21 140:4,12        |
| <b>vice</b> 105:17       | 143:9 147:19          | 126:22 127:6,11        | 188:15 232:2             | 140:17 141:18          |
| 127:13 165:12            | 156:14 159:24         | 127:14 128:9,13        | 233:19                   | 143:7 151:17           |
| <b>View</b> 165:19       | 172:9 173:23          | 129:7 130:7            | <b>weren't</b> 62:4      | 156:7 158:12           |
| 166:19 167:22            | 181:24 201:20         | 131:3,11 132:8         | 105:25 106:5             | 159:23 162:18          |
| <b>vision</b> 232:12     | 206:22 207:8,18       | 132:11,13              | 245:22                   | 163:2,12 164:16        |
| 233:2,3 234:2            | 207:25 208:22         | 135:13 136:7,8         | <b>we'll</b> 23:6 24:3,7 | 164:17,20              |
| <b>vote</b> 208:24       | 214:20 215:24         | 136:8,23 137:9         | 41:20 71:18,21           | 165:13,15 167:2        |
| <hr/>                    |                       | 137:11 138:4           | 84:23 85:18              | 168:18 171:19          |
| <b>W</b>                 |                       | 147:4 148:16           | 100:4 101:7,11           | 171:22 172:7,21        |
| <hr/>                    |                       | 209:21                 | 101:22 102:2             | 172:23 173:2,4         |
| <b>W</b> 1:11            | 230:20 250:6          | <b>way</b> 30:9 32:11  | 111:7 138:17             | 174:3 178:24           |
| <b>wage</b> 48:11        | 254:8                 | 33:10 34:9             | 145:16 169:12            | 180:24 184:21          |
| <b>wages</b> 209:17      | <b>wanted</b> 31:15   | 60:22 61:2 90:2        | 169:19 181:2             | 189:24 190:21          |
| <b>Wageworks</b>         | 36:17 45:4            | 90:4 102:19            | 183:20 191:20            | 193:14 194:21          |
| 225:18                   | 101:16 124:16         | 104:19 113:20          | 197:11,22                | 202:14,16 204:5        |
| <b>wait</b> 212:24,25,25 | 131:10 134:15         | 119:12 131:18          | 202:20 223:5             | 206:6,16 210:17        |
| 212:25,25 213:2          | 134:24 150:7          | 135:10 168:21          | 239:17                   | 210:18 213:15          |
| <b>waiting</b> 73:8      | 159:12 186:10         | 171:7,7 174:23         | <b>we're</b> 13:13 15:24 | 228:22 234:11          |
| 138:2 202:14,16          | 214:4 240:16          | 181:9,16,22            | 21:16,22,22,23           | 234:20 236:11          |
| <b>waivers</b> 202:11,11 | 255:3                 | 182:18 183:2           | 22:5 23:19,25            | 236:23 242:25          |
| 204:2                    | <b>wanting</b> 176:22 | 208:14 211:2           | 24:3,12 27:14            | 244:23 245:5           |
| <b>waiving</b> 53:23     | <b>wants</b> 48:13    | 237:2                  | 32:4 33:4 36:11          | 250:21 251:19          |
| <b>walk</b> 136:10       | 111:17 133:10         | <b>Wayne</b> 165:14    | 36:13 42:9               | 252:23,24,25,25        |
| <b>walked</b> 75:16      | 181:12 182:7          | <b>ways</b> 182:5      | 47:22 49:16              | 253:4,10,18            |
| <b>want</b> 17:18 23:19  | <b>warehouse</b> 13:3 | 220:18                 | 56:15 58:10,11           | 254:17,18              |
| 34:2 38:20 39:8          | 225:24 226:16         | <b>WBE</b> 14:8 201:9  | 59:22 61:7               | <b>we've</b> 9:8 10:18 |
| 40:24 41:5,25            | 238:14 242:3          | <b>web</b> 208:14      | 68:16,19 70:20           | 11:13,15,25            |
| 47:16 48:14              | <b>wash</b> 79:12     | <b>website</b> 13:11   | 70:21 71:16              | 17:20 18:19            |
| 53:19 57:22              | <b>wasn't</b> 16:10   | 36:21 39:21            | 72:25 73:12              | 21:4 22:13             |
| 58:2,6 60:9              | 89:22 105:4           |                        |                          |                        |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 28:19,23,24<br>35:21 37:4<br>49:18,20 57:25<br>63:18 66:14<br>69:10 70:13<br>93:23 99:4,7,24<br>99:24 108:10<br>111:7 122:6<br>136:23 142:18<br>143:4 158:15<br>166:24 168:22<br>174:16 227:11<br><b>Whaley</b> 241:20<br><b>what-have-you</b><br>175:13<br><b>white</b> 14:21<br>248:25 249:2,6<br>249:8,21<br><b>white-collar</b><br>48:17<br><b>wide</b> 210:20<br><b>wider</b> 202:2<br><b>WILLIAM</b> 1:12<br><b>willing</b> 33:25<br>84:20 89:22<br>102:21 178:20<br>178:21,22<br>205:19<br><b>willingness</b> 67:9<br><b>Wilson</b> 1:11<br>220:25<br><b>win</b> 21:15<br><b>wind</b> 34:6 53:18<br>95:4<br><b>wine</b> 137:24<br><b>wing</b> 31:3<br><b>Winkler</b> 149:14<br>150:22,23,24<br>151:13,22 152:3<br>152:15 153:2,10<br>155:12 157:6,11<br>158:16 160:23<br>161:7 162:3,13<br>162:16,21<br>164:14<br><b>Winkler's</b> 159:8<br><b>winter</b> 11:12 | <b>wipe</b> 65:14<br><b>wire</b> 235:19<br><b>wish</b> 60:20 183:18<br>248:6 250:3<br><b>withhold</b> 24:9<br><b>withholding</b><br>10:10<br><b>witness</b> 3:25<br>91:17,17 145:17<br>154:23,23<br>164:24 199:9<br>223:8<br><b>witnesses</b> 3:25<br>139:6 145:8,17<br>160:12 164:7,24<br>199:9 223:8<br><b>woman-owned</b><br>116:12,15<br><b>women</b> 15:3<br>226:9<br><b>wonderful</b> 187:14<br><b>wondering</b> 40:16<br>64:9<br><b>word</b> 42:22 143:9<br>193:25 208:11<br>208:16<br><b>work</b> 8:22 14:13<br>16:9 33:3 41:6<br>41:14,18 45:10<br>46:20 48:14<br>53:20 59:18<br>62:14 67:9<br>68:12 70:8<br>84:18,20,23<br>101:11 103:5<br>107:16 112:7<br>122:13 127:10<br>127:16 131:20<br>135:14 141:9<br>162:3 171:6<br>180:16 186:19<br>189:3,6 195:5<br>201:13 203:10<br>203:17 208:17<br>209:19 210:10<br>211:22,24 215:4<br>226:18 231:6 | 246:4 254:5,7<br><b>worked</b> 10:18<br>21:4 35:21 37:4<br>49:11 63:18<br>104:22 210:8<br>215:14 227:11<br>241:13<br><b>workers</b> 24:18<br><b>workforce</b> 224:9<br><b>working</b> 13:13<br>22:10,20 35:5<br>36:11,13,19<br>37:17,18 47:9<br>49:19 52:22<br>57:22 67:21<br>68:22 69:11<br>70:10 72:9,14<br>103:18,20<br>104:23 107:12<br>108:10 127:15<br>131:21 132:2<br>140:21 144:21<br>212:8 217:23<br><b>workmen's</b> 53:15<br><b>works</b> 140:24<br>144:23 153:24<br>154:18 162:2<br>209:14 251:23<br><b>world</b> 76:13 204:5<br><b>worse</b> 42:7 58:11<br><b>worth</b> 30:18<br>108:23 111:18<br>242:10<br><b>worthwhile</b> 53:21<br><b>wouldn't</b> 32:9,23<br>63:23 106:13<br>124:4 135:11<br>140:6 142:2,8<br>178:12,16<br>184:22<br><b>WRAP</b> 43:6<br>60:15,17 61:13<br>61:19,21 62:4,4<br>62:7 63:14,17<br>130:17<br><b>wrap-around</b><br>135:19 | <b>WRBCC</b> 43:9,19<br>44:4 62:12 65:9<br><b>write</b> 66:4 109:11<br>120:24 179:18<br><b>writes</b> 219:9<br><b>write-off</b> 65:25<br><b>writing</b> 101:14<br>215:25<br><b>written</b> 54:3,7<br>66:2 200:11<br>214:7 223:21<br><b>wrong</b> 77:12 90:3<br><hr/> <b>X</b><br><hr/> <b>X</b> 32:5<br><hr/> <b>Y</b><br><hr/> <b>yeah</b> 123:6 158:6<br>162:21 176:12<br>183:17 196:17<br>209:23 220:17<br>252:22<br><b>year</b> 2:18,22 3:2<br>7:3,6,21 8:4,9<br>16:11 17:2,15<br>17:19,23 19:13<br>21:5 23:18 26:6<br>26:7,25 27:3,5<br>27:11,12,17,21<br>28:3,5,11,19,21<br>28:23 32:6,21<br>33:6,21 36:16<br>41:14,20 43:12<br>44:5,14 49:20<br>59:9 62:19 68:4<br>68:10 71:17<br>83:14 92:12,16<br>92:17,21 93:8<br>93:14,25 95:13<br>95:21 96:7,16<br>99:16 117:10,23<br>125:3 128:8,10<br>128:18 146:6<br>147:4,6,9 148:4<br>148:20 161:8,11<br>161:17,19<br>162:10,22 163:2<br>163:9,10,11,19 | 163:25 165:16<br>166:2,6,9,21,24<br>167:4,15 168:18<br>182:22 195:5<br>196:15 197:11<br>197:12,14,23<br>202:12 214:22<br>217:20 218:7,9<br>219:17,21<br>223:23 226:4<br>228:17 229:8,23<br>229:24 230:2<br>231:18 232:4,9<br>232:11,13,16<br>237:20 238:13<br>246:6,9 250:21<br><b>years</b> 2:12,24<br>12:22 29:5<br>32:16,16 46:25<br>53:24 54:2 66:2<br>79:16 83:22<br>89:17 118:3<br>167:8 181:11<br>186:12 188:3,9<br>193:5 201:22<br>202:12 205:24<br>206:11,13 207:6<br>217:13 231:18<br>233:8,10,13,18<br>235:7 245:9<br><b>year's</b> 172:25<br><b>yield</b> 102:22<br>237:8<br><b>York</b> 205:13<br><b>younger</b> 188:13<br><b>Y2K</b> 72:22 102:5<br>140:15<br><hr/> <b>Z</b><br><hr/> <b>zero</b> 45:10 178:24<br><b>Zoning</b> 35:23<br><b>Zuritsky</b> 49:12<br><hr/> <b>\$</b><br><hr/> <b>\$1,300</b> 75:14 78:6<br>78:13<br><b>\$1.2</b> 31:6<br><b>\$1.3</b> 245:17 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                        |                                                       |                                         |                                  |                            |
|----------------------------------------|-------------------------------------------------------|-----------------------------------------|----------------------------------|----------------------------|
| <b>\$1.6</b> 7:2 227:8<br>238:6 242:12 | <b>\$5</b> 100:18 147:10<br><b>\$5,347,459</b> 224:24 | <b>10.21</b> 14:8<br><b>10:00</b> 255:8 | 85:1 86:1 87:1<br>88:1 89:1 90:1 | 184:1 185:1<br>186:1 187:1 |
| <b>\$10,000</b> 241:20                 | <b>\$5.6</b> 147:2                                    | <b>10:25</b> 1:7                        | 91:1 92:1 93:1                   | 188:1 189:1                |
| <b>\$100</b> 17:17 142:10              | <b>\$5.8</b> 147:5                                    | <b>100</b> 5:6 6:3 8:16                 | 94:1 95:1 96:1                   | 190:1 191:1                |
| <b>\$109</b> 17:22                     | <b>\$50</b> 150:6                                     | 12:21 73:11                             | 97:1 98:1 99:1                   | 192:1 193:1                |
| <b>\$11</b> 147:8 229:8                | <b>\$50,000</b> 59:9                                  | 94:11 114:22                            | 100:1 101:1                      | 194:1 195:1                |
| <b>\$112</b> 147:7                     | <b>\$500,000</b> 100:19                               | 142:15 146:8                            | 102:1 103:1                      | 196:1 197:1                |
| <b>\$118</b> 142:13                    | 245:16                                                | 148:20 166:10                           | 104:1 105:1                      | 198:1 199:1                |
| <b>\$12.9</b> 10:5                     | <b>\$60,000</b> 225:8                                 | 198:7 201:6                             | 106:1 107:1                      | 200:1 201:1                |
| <b>\$121</b> 17:21                     | <b>\$7</b> 128:11                                     | 225:3 227:14                            | 108:1 109:1                      | 202:1 203:1                |
| <b>\$13</b> 83:17                      | <b>\$70</b> 30:17,25                                  | 248:24,25                               | 110:1 111:1                      | 204:1 205:1                |
| <b>\$15</b> 16:24 17:4,19              | 226:4                                                 | 249:20                                  | 112:1 113:1                      | 206:1 207:1                |
| <b>\$15,000</b> 241:19                 | <b>\$70,000</b> 184:17                                | <b>105</b> 73:8                         | 114:1 115:1                      | 208:1 209:1                |
| <b>\$150,000</b> 225:23                | <b>\$700,000</b> 112:25                               | <b>11</b> 14:22 26:25                   | 116:1 117:1                      | 210:1 211:1                |
| <b>\$163,699</b> 225:3                 | <b>\$75,000</b> 225:14                                | 27:3                                    | 118:1 119:1                      | 212:1 213:1                |
| <b>\$163,971</b> 4:22                  | <b>\$750,000</b> 32:21                                | <b>12</b> 15:13,14,19                   | 120:1 121:1                      | 214:1 215:1                |
| <b>\$166,903</b> 201:5                 | <b>\$755,000</b> 131:22                               | 27:12 58:15,19                          | 122:1 123:1                      | 216:1 217:1                |
| <b>\$18</b> 142:11                     | <b>\$780,000</b> 8:19                                 | 58:21,23 147:4                          | 124:1 125:1                      | 218:1 219:1                |
| <b>\$19,337,750</b> 4:21               | <b>\$8</b> 162:8                                      | 147:6,9 214:22                          | 126:1 127:1                      | 220:1 221:1                |
| <b>\$19,500</b> 241:18,18              | <b>\$8.2</b> 148:6                                    | <b>120164</b> 1:18 2:6                  | 128:1 129:1                      | 222:1 223:1                |
| <b>\$2</b> 41:10 93:5                  | <b>\$80</b> 75:11 78:5                                | 2:10 3:1 4:1 5:1                        | 130:1 131:1                      | 224:1 225:1                |
| <b>\$20</b> 6:25                       | <b>\$84</b> 228:23 229:22                             | 6:1 7:1 8:1 9:1                         | 132:1 133:1                      | 226:1 227:1                |
| <b>\$20,000</b> 7:25                   | 242:16,21                                             | 10:1 11:1 12:1                          | 134:1 135:1                      | 228:1 229:1                |
| 238:25 239:10                          | <b>\$85</b> 243:2                                     | 13:1 14:1 15:1                          | 136:1 137:1                      | 230:1 231:1                |
| <b>\$202</b> 147:4                     | <b>\$85,000</b> 225:18                                | 16:1 17:1 18:1                          | 138:1 139:1                      | 232:1 233:1                |
| <b>\$21,150,000</b> 6:10               | <b>\$9.8</b> 10:13 24:6                               | 19:1 20:1 21:1                          | 140:1 141:1                      | 234:1 235:1                |
| <b>\$222</b> 146:25                    | <b>\$90</b> 182:6                                     | 22:1 23:1 24:1                          | 142:1 143:1                      | 236:1 237:1                |
| <b>\$223,699</b> 224:25                |                                                       | 25:1 26:1 27:1                          | 144:1 145:1                      | 238:1 239:1                |
| <b>\$234,000</b> 16:11                 | <b>0</b>                                              | 28:1 29:1 30:1                          | 146:1 147:1                      | 240:1 241:1                |
| <b>\$246,093</b> 5:3                   | <b>0.1</b> 130:10                                     | 31:1 32:1 33:1                          | 148:1 149:1                      | 242:1 243:1                |
| <b>\$25</b> 7:5 93:24                  | <b>07</b> 154:3                                       | 34:1 35:1 36:1                          | 150:1 151:1                      | 244:1 245:1                |
| <b>\$25,000</b> 176:5                  | <b>1</b>                                              | 37:1 38:1 39:1                          | 152:1 153:1                      | 246:1 247:1                |
| <b>\$250,000</b> 225:11                |                                                       | 40:1 41:1 42:1                          | 154:1 155:1                      | 248:1 249:1                |
| <b>\$290</b> 149:8                     | <b>1</b> 93:4 182:13                                  | 43:1 44:1 45:1                          | 156:1 157:1                      | 250:1 251:1                |
| <b>\$3</b> 93:8                        | 215:9                                                 | 46:1 47:1 48:1                          | 158:1 159:1                      | 252:1 253:1                |
| <b>\$3,000</b> 182:16                  | <b>1st</b> 55:17 163:20                               | 49:1 50:1 51:1                          | 160:1 161:1                      | 254:1 255:1                |
| <b>\$300,000</b> 182:15                | <b>1,094</b> 201:6                                    | 52:1 53:1 54:1                          | 162:1 163:1                      | <b>120165</b> 1:18 2:6     |
| <b>\$310,000</b> 225:9                 | <b>1,099,540</b> 166:8                                | 55:1 56:1 57:1                          | 164:1 165:1                      | 2:14                       |
| <b>\$360,000</b> 227:17                | <b>1,300</b> 10:11                                    | 58:1 59:1 60:1                          | 166:1 167:1                      | <b>120166</b> 1:18 2:7     |
| <b>\$4</b> 100:10                      | <b>1,500</b> 6:8                                      | 61:1 62:1 63:1                          | 168:1 169:1                      | 2:16                       |
| <b>\$4,000</b> 182:17                  | <b>1.02</b> 182:25                                    | 64:1 65:1 66:1                          | 170:1 171:1                      | <b>120167</b> 1:18 2:19    |
| <b>\$4,500</b> 148:9                   | <b>1.03</b> 182:25                                    | 67:1 68:1 69:1                          | 172:1 173:1                      | <b>120176</b> 2:7          |
| <b>\$4.2</b> 30:14                     | <b>1.2</b> 31:8                                       | 70:1 71:1 72:1                          | 174:1 175:1                      | <b>13</b> 15:3 148:4,20    |
| <b>\$40,000</b> 31:6                   | <b>1.6</b> 242:12                                     | 73:1 74:1 75:1                          | 176:1 177:1                      | 162:10 232:10              |
| <b>\$400,000</b> 182:17                | <b>10</b> 14:24 249:3                                 | 76:1 77:1 78:1                          | 178:1 179:1                      | 246:6                      |
| <b>\$42,000</b> 79:10                  | <b>10th</b> 255:7                                     | 79:1 80:1 81:1                          | 180:1 181:1                      | <b>132</b> 14:20           |
| <b>\$45,000</b> 31:7                   | <b>10,000</b> 8:3                                     | 82:1 83:1 84:1                          | 182:1 183:1                      | <b>136,309</b> 201:5       |
|                                        | <b>10,874,716</b> 6:3                                 |                                         |                                  |                            |

|                          |                          |                           |                           |             |
|--------------------------|--------------------------|---------------------------|---------------------------|-------------|
| <b>14</b> 71:17 232:13   | <b>200</b> 5:3,8 6:5     | <b>27.2</b> 192:22        | <b>4</b> 32:9             | 122:1 123:1 |
| <b>140</b> 14:17         | 73:11 166:10             | 193:13                    | <b>4th</b> 179:9          | 124:1 125:1 |
| <b>15</b> 14:5 27:3 28:3 | 167:18 201:6             | <b>270</b> 6:4 163:17     | <b>4,022,815</b> 6:5      | 126:1 127:1 |
| 29:6 32:24 33:2          | 225:7                    | <b>273</b> 218:9 219:17   | <b>4,194</b> 5:3          | 128:1 129:1 |
| 53:18 66:2               | <b>2001</b> 149:10       | 221:3                     | <b>4/9/12</b> 3:1 4:1 5:1 | 130:1 131:1 |
| 71:18 149:17             | <b>2004</b> 148:12       | <b>29,500</b> 201:6,8     | 6:1 7:1 8:1 9:1           | 132:1 133:1 |
| 192:19                   | <b>2005</b> 62:16,23     | <b>291</b> 202:11         | 10:1 11:1 12:1            | 134:1 135:1 |
| <b>15,000</b> 166:11     | <b>2006</b> 142:8        | <hr/>                     | 13:1 14:1 15:1            | 136:1 137:1 |
| 189:10                   | <b>2007</b> 149:9 186:18 | <b>3</b>                  | 16:1 17:1 18:1            | 138:1 139:1 |
| <b>15,099,949</b> 5:15   | <b>2008</b> 15:8 216:13  | <b>3</b> 5:9 27:7,11 28:4 | 19:1 20:1 21:1            | 140:1 141:1 |
| <b>15,241,875</b> 5:6    | <b>2009</b> 136:17 232:3 | 96:10 166:11              | 22:1 23:1 24:1            | 142:1 143:1 |
| <b>15,707,456</b> 5:13   | 250:22                   | 201:7                     | 25:1 26:1 27:1            | 144:1 145:1 |
| <b>15-year</b> 65:24     | <b>2010</b> 8:9 30:13    | <b>3rd</b> 3:9 179:10     | 28:1 29:1 30:1            | 146:1 147:1 |
| <b>150</b> 9:5           | 233:16,21                | <b>3,568,349</b> 5:8      | 31:1 32:1 33:1            | 148:1 149:1 |
| <b>150,000</b> 242:4     | 235:12                   | <b>3.2</b> 14:22          | 34:1 35:1 36:1            | 150:1 151:1 |
| <b>1563-A</b> 3:10       | <b>2011</b> 8:5 95:14    | <b>3.39</b> 14:21         | 37:1 38:1 39:1            | 152:1 153:1 |
| <b>159</b> 56:20,25      | <b>2012</b> 1:7 3:2 6:23 | <b>3.4</b> 93:16 249:10   | 40:1 41:1 42:1            | 154:1 155:1 |
| <b>16</b> 39:11          | 11:16 15:12              | <b>3.67</b> 27:9          | 43:1 44:1 45:1            | 156:1 157:1 |
| <b>17</b> 14:22 94:15    | 62:19,23 127:25          | <b>3.7</b> 249:16         | 46:1 47:1 48:1            | 158:1 159:1 |
| <b>17th</b> 120:5        | 167:4 225:6              | <b>3.8</b> 92:17 93:17    | 49:1 50:1 51:1            | 160:1 161:1 |
| <b>173,746</b> 5:18      | 255:7 256:7              | 149:19                    | 52:1 53:1 54:1            | 162:1 163:1 |
| <b>18</b> 14:21 15:2     | <b>2013</b> 2:12,15,18   | <b>30</b> 14:23 95:6      | 55:1 56:1 57:1            | 164:1 165:1 |
| 32:17,18,24              | 2:24 117:11              | 249:2                     | 58:1 59:1 60:1            | 166:1 167:1 |
| 39:13 94:16              | 146:6 165:16             | <b>30th</b> 163:22 197:9  | 61:1 62:1 63:1            | 168:1 169:1 |
| 96:4 142:14              | 166:2,9 167:15           | 197:11                    | 64:1 65:1 66:1            | 170:1 171:1 |
| 197:25                   | 223:23 237:20            | <b>300</b> 5:4 6:6        | 67:1 68:1 69:1            | 172:1 173:1 |
| <b>18.1</b> 192:18       | <b>2017</b> 2:24         | 167:18                    | 70:1 71:1 72:1            | 174:1 175:1 |
| 193:16,17,18,18          | <b>2018</b> 2:12         | <b>31st</b> 11:13,17      | 73:1 74:1 75:1            | 176:1 177:1 |
| 193:19 194:3,3           | <b>21</b> 12:12 92:11    | 73:20,21,22               | 76:1 77:1 78:1            | 178:1 179:1 |
| 194:6 196:8              | <b>23</b> 39:13          | <b>310</b> 5:7            | 79:1 80:1 81:1            | 180:1 181:1 |
| <b>18.97</b> 249:7       | <b>24.8</b> 193:12 194:7 | <b>32</b> 192:21 194:5    | 82:1 83:1 84:1            | 182:1 183:1 |
| <b>19,501,721</b> 4:23   | <b>24.86</b> 14:20       | 195:3 197:24              | 85:1 86:1 87:1            | 184:1 185:1 |
| <b>1934</b> 148:19       | <b>24/7</b> 75:10        | <b>32,000</b> 47:2        | 88:1 89:1 90:1            | 186:1 187:1 |
| <b>1988</b> 188:15       | <b>25</b> 10:17 14:10    | <b>33</b> 228:10 230:21   | 91:1 92:1 93:1            | 188:1 189:1 |
| <b>1992</b> 3:9          | 24:9 28:12               | <b>33's</b> 230:15        | 94:1 95:1 96:1            | 190:1 191:1 |
| <hr/>                    | 41:15 45:7               | <b>35</b> 73:6 168:19     | 97:1 98:1 99:1            | 192:1 193:1 |
| <b>2</b>                 | 53:18 96:3,13            | 172:8 173:16              | 100:1 101:1               | 194:1 195:1 |
| <hr/>                    | 97:14 117:24             | 180:19                    | 102:1 103:1               | 196:1 197:1 |
| <b>2</b> 166:5           | 189:15 197:25            | <b>35,000</b> 167:13      | 104:1 105:1               | 198:1 199:1 |
| <b>2,000</b> 167:6       | 204:15,17 226:8          | 168:10                    | 106:1 107:1               | 200:1 201:1 |
| <b>2,500</b> 10:4        | 233:12 235:7             | <b>350,000</b> 8:19       | 108:1 109:1               | 202:1 203:1 |
| <b>2.2</b> 9:11          | <b>25,000</b> 176:13     | <b>353</b> 14:18          | 110:1 111:1               | 204:1 205:1 |
| <b>2.4</b> 14:7          | 189:10                   | <b>360,000</b> 242:13     | 112:1 113:1               | 206:1 207:1 |
| <b>2:15</b> 255:10       | <b>25.2</b> 194:16       | <b>377</b> 129:8          | 114:1 115:1               | 208:1 209:1 |
| <b>20</b> 34:20 39:15    | 196:11                   | <b>391</b> 14:18          | 116:1 117:1               | 210:1 211:1 |
| 44:11 53:18              | <b>250,000</b> 241:5,17  | <b>391,000</b> 166:7      | 118:1 119:1               | 212:1 213:1 |
| 58:13 219:23             | <b>26</b> 228:15         | <hr/>                     | 120:1 121:1               | 214:1 215:1 |
| <b>20,200</b> 166:11     |                          | <b>4</b>                  |                           |             |

|                           |                          |                       |  |  |
|---------------------------|--------------------------|-----------------------|--|--|
| 216:1 217:1               | <b>527,526</b> 5:9       | <b>90</b> 73:8 95:6   |  |  |
| 218:1 219:1               | <b>53</b> 116:11         | 130:2 163:17          |  |  |
| 220:1 221:1               | <b>530</b> 97:12         | <b>90-some</b> 192:24 |  |  |
| 222:1 223:1               | <b>531</b> 14:15,17      | <b>95</b> 130:7       |  |  |
| 224:1 225:1               | <b>55</b> 88:13          | <b>96</b> 130:7       |  |  |
| 226:1 227:1               | <b>580,000</b> 167:4     | <b>99.9</b> 130:9     |  |  |
| 228:1 229:1               | <hr/>                    |                       |  |  |
| 230:1 231:1               | <b>6</b>                 |                       |  |  |
| 232:1 233:1               | <b>6th</b> 67:14         |                       |  |  |
| 234:1 235:1               | <b>6,000</b> 40:11 206:8 |                       |  |  |
| 236:1 237:1               | <b>6.9</b> 249:9         |                       |  |  |
| 238:1 239:1               | <b>60</b> 44:13 64:24    |                       |  |  |
| 240:1 241:1               | 68:12 95:18,19           |                       |  |  |
| 242:1 243:1               | 95:24 249:2              |                       |  |  |
| 244:1 245:1               | <b>60-day</b> 95:23      |                       |  |  |
| 246:1 247:1               | <b>60-month</b> 65:5     |                       |  |  |
| 248:1 249:1               | <b>600,000</b> 21:6      |                       |  |  |
| 250:1 251:1               | <b>607,507</b> 5:14      |                       |  |  |
| 252:1 253:1               | <b>64</b> 11:8,11 128:24 |                       |  |  |
| 254:1 255:1               | <b>65.52</b> 249:8       |                       |  |  |
| <b>40</b> 133:4 142:8     | <b>66.48</b> 14:19       |                       |  |  |
| 180:20                    | <b>672,000</b> 166:10    |                       |  |  |
| <b>400</b> 1:6 5:4,10 6:6 | <hr/>                    |                       |  |  |
| 131:22 166:11             | <b>7</b>                 |                       |  |  |
| 201:7                     | <b>7th</b> 52:3          |                       |  |  |
| <b>41.68</b> 14:6         | <b>70</b> 68:12          |                       |  |  |
| <b>433,761</b> 5:17       | <b>700</b> 6:24 128:18   |                       |  |  |
| <b>45,000</b> 168:10,19   | <b>700,000</b> 9:6       |                       |  |  |
| 172:8 173:16              | <b>708,540</b> 166:4     |                       |  |  |
| <hr/>                     | <b>71</b> 193:7          |                       |  |  |
| <b>5</b>                  | <b>75</b> 79:16          |                       |  |  |
| <b>5</b> 40:11 226:17     | <b>75,000</b> 227:24     |                       |  |  |
| <b>5,500</b> 228:8        | 242:3                    |                       |  |  |
| 229:13                    | <hr/>                    |                       |  |  |
| <b>5,800</b> 167:4        | <b>8</b>                 |                       |  |  |
| <b>5.17</b> 249:8,15      | <b>8</b> 177:19 254:16   |                       |  |  |
| <b>5.8</b> 14:3           | <b>80</b> 40:5           |                       |  |  |
| <b>50</b> 8:15 9:5 15:17  | <b>80,000</b> 168:18     |                       |  |  |
| 249:6,6                   | <b>800</b> 128:18        |                       |  |  |
| <b>50,000</b> 167:13      | <b>808,425</b> 6:6       |                       |  |  |
| 181:10                    | <b>82</b> 142:11         |                       |  |  |
| <b>500</b> 6:8 100:19     | <b>84</b> 242:17         |                       |  |  |
| <b>500,000</b> 39:16      | <b>85</b> 40:6           |                       |  |  |
| 225:25                    | <b>855,000</b> 8:8       |                       |  |  |
| <b>51</b> 66:14           | <hr/>                    |                       |  |  |
| <b>51.88</b> 14:3 27:14   | <b>9</b>                 |                       |  |  |
| <b>52</b> 28:9,20         | <b>9</b> 1:7 256:7       |                       |  |  |
|                           | <b>9th</b> 179:9         |                       |  |  |