

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 23, 2012
10:00 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 120164, 120165, 120166, 120173, 120174,
120175, 120230, 120338, 120339, 120340 and
120341
RESOLUTION 120167

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COUNCIL PRESIDENT CLARKE: Good morning. This is the Committee of the Whole on the operating budget. This is a continuation of the public hearing of the Committee regarding Bills No. 120164, 120165, 120166, 120173, 120174, 120175, 120230, 120338, 120339, 120340, 120341 and Resolution No. 120167.

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

1 5/23/12 - WHOLE - BILL 120164, etc.
2 Years 2013 through 2017, and
3 incorporating proposed changes with
4 respect to Fiscal Year 2012, which is to
5 be submitted by the Mayor to the
6 Pennsylvania Intergovernmental
7 Cooperation Authority (the "Authority")
8 pursuant to the Intergovernmental
9 Cooperation Agreement, authorized by an
10 ordinance of this Council approved by the
11 Mayor on January 3rd, 1992 (Bill No.
12 1563-A), by and between the City and the
13 Authority.

14 Bill No. 120173, amending
15 Section 19-1806, entitled "Authorization
16 of Realty Use and Occupancy Tax," to
17 further authorize the Board of Education
18 of the School District of Philadelphia to
19 impose a tax on the use or occupancy of
20 real estate within the School District of
21 Philadelphia, under certain terms and
22 conditions.

23 Bill No. 120174, amending
24 Chapter 19-1500 of The Philadelphia Code,
25 entitled "Wage and Net Profits Tax," by

1 5/23/12 - WHOLE - BILL 120164, etc.
2 repealing Section 19-1508, entitled
3 "Refunds and Forgiveness for Poverty
4 Income."

5 Bill No. 120175, authorizing
6 real estate taxes for the City of
7 Philadelphia and the School District of
8 Philadelphia for Fiscal Year 2013 and
9 thereafter, by amending Chapter 19-1300
10 of The Philadelphia Code, entitled "Real
11 Estate Taxes," to provide for a tax and
12 tax rate on real property, for
13 exclusions, and for an established
14 pre-determined ratio; and by amending
15 Chapter 19-1800 of The Philadelphia Code,
16 entitled "School Tax Authorization," to
17 further authorize the Board of Education
18 of the School District of Philadelphia to
19 impose a tax on real estate within the
20 City of Philadelphia, and providing for a
21 tax rate and for exclusions; all under
22 certain terms and conditions.

23 Bill No. 120230, authorizing
24 real estate taxes for the City of
25 Philadelphia and the School District of

1 5/23/12 - WHOLE - BILL 120164, etc.
2 Philadelphia for Fiscal Year 2013 and
3 thereafter, by amending Chapter 19-1300
4 of The Philadelphia Code, entitled "Real
5 Estate Taxes," to provide for a tax and
6 tax rate on real property; and by
7 amending Chapter 19-1800 of The
8 Philadelphia Code, entitled "School Tax
9 Authorization," to further authorize the
10 Board of Education of the School District
11 of Philadelphia to impose a tax on real
12 estate within the City of Philadelphia,
13 and providing for a tax rate; all under
14 certain terms and conditions.

15 Bill No. 120338, an ordinance
16 amending Section 19-1307 of The
17 Philadelphia Code, entitled "Deferrals of
18 Real Estate Tax," by further providing
19 for certain deferrals of payment of a
20 certain portion of Real Estate Taxes due
21 the City of Philadelphia or the
22 Philadelphia School District, all under
23 certain terms and conditions.

24 Bill No. 120339, an ordinance
25 amending Title 19 of The Philadelphia

1 5/23/12 - WHOLE - BILL 120164, etc.
2 Code, by adding a new Chapter 19-2900A,
3 entitled "Special Real Estate Tax
4 Provisions for Low Income Taxpayers,"
5 providing for credits against real estate
6 tax for certain low income taxpayers,
7 under certain terms and conditions.

8 Bill No. 120340, an ordinance
9 enacting a new Chapter 19-3800 of The
10 Philadelphia Code, authorizing the
11 granting of tax exemptions to longtime
12 owner-occupants of certain properties in
13 the City of Philadelphia.

14 Bill No. 120341, an ordinance
15 amending Chapter 19-1300 of The
16 Philadelphia Code, entitled "Real Estate
17 Taxes," by further providing for
18 installment payments of real estate
19 taxes, all under certain terms and
20 conditions.

21 COUNCIL PRESIDENT CLARKE:

22 Thank you.

23 This morning we'll begin by
24 considering proposed amendments that were
25 offered by Councilman Bill Green on May

1 5/23/12 - WHOLE - BILL 120164, etc.

2 14th. We will hear testimony on those
3 amendments.

4 Will the Administration please
5 come forward.

6 (Witnesses approached witness
7 table.)

8 COUNCIL PRESIDENT CLARKE: Good
9 morning, sir.

10 MR. DUBOW: Good morning,
11 Council President Clarke. Good morning,
12 members of the Committee. I'm Rob Dubow.
13 I serve as the Finance Director. Today
14 with me is Revenue Commissioner Keith
15 Richardson. I'm here to testify on
16 amendments to Bill Nos. 120173 and 120175
17 that have been proposed by Councilman
18 Green.

19 The Administration's
20 overarching goal for the Actual Value
21 Initiative is to implement a property
22 assessment system that's accurate,
23 equitable and understandable. In
24 addition, as that new system is
25 implemented, the Administration believes

1 5/23/12 - WHOLE - BILL 120164, etc.
2 it is appropriate to capture value that
3 has not been captured by the broken
4 assessment system since at least 2004.
5 Capturing that value would generate an
6 additional \$94 million for the School
7 District, and that additional revenue has
8 become an integral part of the District's
9 FY13 budget and its FY13 to FY17 Five
10 Year Plan.

11 The first set of proposed
12 amendments would reduce the amount of
13 FY13 revenue proposed to be generated by
14 the property tax for the District by a
15 projected \$94 million and would increase
16 the amount generated by the Use and
17 Occupancy tax, which goes to the School
18 District, by \$94 million.

19 Those changes would allow the
20 City to reduce property tax rates while
21 implementing the Actual Value Initiative
22 and, at the same time, would generate
23 critical revenue for the District. As a
24 result, those amendments would meet the
25 Administration's primary objectives.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 The amendments regarding the
3 U&O tax also shift who pays for the
4 increase in School District revenues from
5 residential property owners to commercial
6 and industrial property owners.

7 This shift is intended to avoid
8 a potential increase in residential
9 property tax bills that would be caused
10 by going to accurate values if, as is
11 likely, commercial and industrial
12 properties are assessed closer to their
13 true market values in the current system
14 than are residential properties. If
15 commercial and industrial properties are
16 assessed at values closer to their true
17 market values, they are likely to see a
18 decrease in their bills when values are
19 accurately assessed, and the decrease
20 would be coupled with an overall increase
21 in taxes for residential properties.

22 Avoiding increases in
23 residential property taxes is an
24 important policy goal. It must, however,
25 be weighed against maintaining tax

1 5/23/12 - WHOLE - BILL 120164, etc.
2 burdens for businesses that would
3 otherwise see a decrease in their burden
4 under a new accurate assessment system.

5 A second set of amendments
6 proposed would eliminate the use of the
7 phase-in or smoothing in the proposed
8 real estate tax formula, raise the
9 homestead exemption to either 40,000 or
10 60,000 and lower the fail-safe rates set
11 forth in the bill. With respect to
12 smoothing, the amendments would provide
13 that the shift to new millage rates and
14 changes in tax bills, both up and down,
15 would happen in one year. The
16 Administration proposed the phase-in as a
17 way to ease the transition to the new tax
18 levels, particularly for property owners
19 who would see substantial increases under
20 the new accurate system.

21 Council has proposed other
22 methods of easing that transition, and
23 the Administration continues to work with
24 Council on those proposals. We
25 anticipate being able to reach agreement

1 5/23/12 - WHOLE - BILL 120164, etc.
2 with Council, and if we do reach an
3 agreement and smoothing is not one of the
4 agreed-upon options, the Administration
5 would support the amendment that
6 eliminates the phase-in of the new rates.

7 With respect to the homestead,
8 the amendments increase the proposed
9 homestead exemption from the 15,000
10 included in Bill 120175 to either 40,000
11 or 60,000. Increasing the homestead will
12 provide greater relief for owners of
13 low-valued homes and will shift the tax
14 burden to commercial and industrial
15 properties, residential rental properties
16 and higher-valued homes. It will also
17 mean that a number of property owners
18 would pay no tax at all. We said
19 repeatedly we're certainly willing to
20 consider with Council some increase in
21 the homestead exemption.

22 Regarding the fail-safe tax
23 rates, we're open to considering
24 adjustments to the rates, particularly if
25 smoothing is eliminated.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 The third set of proposed
3 amendments also create a credit for
4 over-collection of property taxes; that
5 is, above our historical collection rate.
6 The Administration has been seeking to
7 improve revenue collections through a
8 variety of efforts, and we believe the
9 City and the School District should
10 benefit from our efforts in this regard.

11 Lastly, the various sets of
12 amendments would eliminate all proposed
13 establishment of tax rates for 2014 using
14 the same type of formula proposed this
15 year, and we're not opposed to taking out
16 the FY14 numbers.

17 That concludes my testimony,
18 and we'd be happy to answer any questions
19 you may have.

20 COUNCIL PRESIDENT CLARKE:

21 Thank you, Mr. Dubow.

22 The Chair recognizes Councilman
23 Goode.

24 COUNCILMAN GOODE: Thank you,
25 Mr. Dubow. I'm going to ask you a list

1 5/23/12 - WHOLE - BILL 120164, etc.

2 of silly questions. Okay?

3 MR. DUBOW: Of what questions?

4 COUNCILMAN GOODE: Silly

5 questions.

6 MR. DUBOW: I like silly

7 questions.

8 COUNCILMAN GOODE: Just to make

9 a point.

10 MR. DUBOW: Okay.

11 COUNCILMAN GOODE: Is the

12 Administration still planning on sending

13 out individual property tax bills next

14 year?

15 MR. DUBOW: Yes.

16 COUNCILMAN GOODE: So there's

17 no such thing as an aggregate property

18 tax bill for homeowners, right?

19 MR. DUBOW: I'm sorry?

20 COUNCILMAN GOODE: There's no

21 such thing as an aggregate property tax

22 bill for homeowners, right?

23 MR. DUBOW: Aggregate? Right.

24 COUNCILMAN GOODE: Homeowners

25 won't get a bill that states that this is

1 5/23/12 - WHOLE - BILL 120164, etc.

2 your portion of the aggregate homeowner
3 tax bill?

4 MR. DUBOW: Right. They'll get
5 an assessment and then a bill.

6 COUNCILMAN GOODE: It's an
7 individual bill.

8 MR. DUBOW: Yes.

9 COUNCILMAN GOODE: So a
10 low-value homeowner who will be getting a
11 tax cut under AVI probably doesn't view
12 his individual bill as part of an
13 aggregate tax?

14 MR. DUBOW: That's correct.

15 COUNCILMAN GOODE: But that
16 homeowner deserves that tax cut?

17 MR. DUBOW: Right.

18 COUNCILMAN GOODE: And
19 otherwise they would be taxed unfairly?

20 MR. DUBOW: Correct.

21 COUNCILMAN GOODE: Thank you,
22 Mr. President.

23 COUNCIL PRESIDENT CLARKE:
24 Sorry. I was reverting to my old role as
25 Majority Whip. I was doing the floor

1 5/23/12 - WHOLE - BILL 120164, etc.
2 manager thing. I'm sorry.

3 The Chair recognizes Councilman
4 Green.

5 COUNCILMAN GREEN: Thank you,
6 Mr. Chair.

7 Thank you for your testimony,
8 Mr. Dubow. It seems like you've
9 consulted some economists before
10 preparing this testimony, because it
11 appears to be on the one hand, on the
12 other hand, a bit --

13 MR. DUBOW: When you wish I
14 only had one hand?

15 COUNCILMAN GREEN: Yes, I wish
16 you had one hand.

17 So I guess I want to start with
18 the U&O formula. Could you describe sort
19 of in layman terms, the way you did for
20 the formula applying the property taxes,
21 the U&O formula.

22 MR. DUBOW: Yeah, although
23 probably not as -- I should probably give
24 you that in writing rather than trying to
25 do it here. I mean, it's based on

1 5/23/12 - WHOLE - BILL 120164, etc.
2 assessments, the old millage rate and
3 then doing a calculation that basically
4 gets you to the same amount of revenue.

5 COUNCILMAN GREEN: But it's
6 very straightforward compared to the real
7 estate model. In other words --

8 MR. DUBOW: It is.

9 COUNCILMAN GREEN: -- in the
10 real estate model, you took out prior
11 year collections, you took out appeals,
12 you took out all sorts of stuff. Why
13 isn't the collection of U&O between
14 January and August relevant for U&O the
15 way it is in your view for real estate?

16 MR. DUBOW: Because it's
17 collected on a different cycle.

18 COUNCILMAN GREEN: I'm sorry?

19 MR. DUBOW: It's collected on a
20 different cycle. It's collected year
21 round instead of just in February and
22 March.

23 COUNCILMAN GREEN: And so you
24 don't think that those measures are
25 needed?

1 5/23/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: Well, also because
3 it wasn't changing, we basically did a
4 formula that just got us to the same
5 place. I think it was simpler kind of in
6 every way.

7 COUNCILMAN GREEN: And you
8 don't think --

9 MR. DUBOW: If we're changing
10 the number, it might be more complicated.

11 COUNCILMAN GREEN: Or I'm
12 wondering if the real estate formula is
13 too complicated as compared when we can
14 do a simple formula for one. So I guess
15 if you had the same simple formula for
16 real estate, just designed to collect --
17 designed off the base of bills that go
18 out to collect the same amount of money
19 without adjusting for all these other
20 things, wouldn't that look a lot more
21 like just setting a millage rate like we
22 do every year and it either comes in
23 above it or below it and we're a little
24 bit ahead, a little bit behind?

25 I'm trying to understand why we

1 5/23/12 - WHOLE - BILL 120164, etc.
2 went with the complicated real estate
3 formula versus just a simple formula to
4 collect the same amount of money, which
5 would be the same as having a millage
6 rate, which doesn't take into account
7 prior year collections and all this other
8 stuff.

9 MR. DUBOW: I think a lot of it
10 has to do with the collection patterns
11 for the two taxes. The real estate is
12 collected differently. So I think that's
13 why the two formulas had to be different.

14 COUNCILMAN GREEN: But, I mean,
15 essentially what the formula is going to
16 produce is a millage rate.

17 MR. DUBOW: At the end, that's
18 right.

19 COUNCILMAN GREEN: Right. And
20 every year for the last four years, we've
21 just had a millage rate and whatever
22 prior year collections were, they were.
23 Whatever extra collections happened in
24 January to August, they were, et cetera.

25 And so I guess what I'm trying

1 5/23/12 - WHOLE - BILL 120164, etc.

2 to understand is why you didn't want a
3 formula that's just like the formula
4 we've had for the past four years, which
5 is to set a millage rate.

6 MR. DUBOW: Why we didn't want
7 to just set a millage rate?

8 COUNCILMAN GREEN: No, no, no.
9 I mean through a formula.

10 MR. DUBOW: Well, we are
11 getting to a millage rate through a
12 formula.

13 COUNCILMAN GREEN: We are, but
14 it's a very complicated formula that
15 takes into account things that we never
16 take into account when we just set a
17 millage rate, like prior year collections
18 and stuff like that.

19 MR. DUBOW: Because before, the
20 number of assessments weren't changing.
21 The assessment level wasn't changing. We
22 had that information. So if you used the
23 same assessments and all the other
24 factors are the same, the only thing
25 that's changing is your rate, right? But

1 5/23/12 - WHOLE - BILL 120164, etc.

2 now there are multiple factors changing,
3 so that makes it more complicated.

4 COUNCILMAN GREEN: Well, prior
5 year collections are what they are.
6 They're not changing. They are what they
7 are in every previous year too.

8 MR. DUBOW: Right, but your
9 assessments are changing.

10 COUNCILMAN GREEN: Sure.

11 MR. DUBOW: Your millage rate
12 is changing.

13 COUNCILMAN GREEN: But why is
14 it important to take things out of the --
15 to add things to a formula or to create a
16 formula that includes things that are not
17 relevant really to the millage rate the
18 way we've set them for the last four
19 years?

20 MR. DUBOW: Well, they are, and
21 we also think that appeal losses, we
22 think that there will be a lot that will
23 change and we wanted to capture that in
24 the formula.

25 COUNCILMAN GREEN: Well, I

1 5/23/12 - WHOLE - BILL 120164, etc.
2 mean, appeal losses were -- the way the
3 formula works, you've only got them
4 increasing by \$4 million. It's not a big
5 delta.

6 So I just would like a clear
7 statement, I guess, as to whether or not
8 there's a different formula because you
9 hope or it has the potential to bring in
10 more revenue than just a non-complicated
11 formula would bring in.

12 MR. DUBOW: No, that is not why
13 there's a different formula.

14 COUNCILMAN GREEN: That's the
15 end of my time, Mr. President. I'll come
16 back.

17 COUNCIL PRESIDENT CLARKE:
18 Thank you, Councilman.

19 The Chair recognizes Councilman
20 Jones.

21 COUNCILMAN JONES: Thank you,
22 Mr. President.

23 Can you briefly give me your
24 perspective on state actions in the House
25 and Senate and any court rulings which

1 5/23/12 - WHOLE - BILL 120164, etc.
2 will have a bearing on some of the
3 decisions we have to make here locally,
4 your perspective on whether or not we are
5 limited by way of valuations and how that
6 impacts the court rulings, the STEB
7 issue. Give us a current event of where
8 we are right now so that we understand
9 and the public understands what our
10 options are now.

11 MR. DUBOW: Right. Okay. So
12 let me talk about what's going on in the
13 Legislature first and then I'll talk
14 about STEB. Does that cover it?

15 COUNCILMAN JONES: That will do
16 it.

17 MR. DUBOW: Okay. So we have
18 three bills related to the Actual Value
19 Initiative in Harrisburg. One would
20 enable us to do a homestead. That bill
21 passed the Senate, is in the House, was
22 voted out of the House Urban Affairs
23 Committee with amendments. One amendment
24 changes the amount of time people can
25 apply for a homestead from -- well, it

1 5/23/12 - WHOLE - BILL 120164, etc.
2 came out of the Senate with 75 days to
3 apply for a homestead. We thought that
4 in the first year that was too long given
5 our timeframe. So we asked to amend that
6 to 30 days. It came out of House Urban
7 Affairs with 60. We'd still like it to
8 go back to 30 days. So it now goes to
9 Appropriations. When it gets through
10 Appropriations, it would go to the House
11 floor, hopefully pass there, and then
12 have to go back to the Senate and then to
13 the Governor.

14 COUNCILMAN JONES: Can you
15 elaborate on why -- I think I know -- 30
16 versus 90? What is your rationale?

17 MR. DUBOW: Looking at the
18 timeframe here to get responses back from
19 people and to build it into our formula
20 this year so we have the right millage
21 rate, we need that time.

22 COUNCILMAN JONES: And
23 conversely, the public, who is less than
24 sophisticated, may not understand that
25 timeframe at least on the first year. So

1 5/23/12 - WHOLE - BILL 120164, etc.

2 that --

3 MR. DUBOW: So we intend to
4 have a fairly aggressive campaign to
5 inform people about it and to make
6 applying as simple as possible. We have
7 a firm on board. We're working with them
8 already to make sure that happens.

9 COUNCILMAN JONES: Okay.

10 MR. DUBOW: The second item is
11 a bill that would allow us to lower
12 millage rate on the School District side.
13 The millage rate -- we're not allowed to
14 reduce the millage rate under Act 46,
15 which was the fiscal distress bill for
16 the School District. When we go to
17 actual value, assessments will go way up
18 if we can't reduce the millage rate.
19 Everyone's taxes will go way up.

20 That bill is still in the
21 Senate. It came out of the Senate
22 Education Committee, is now in
23 Appropriations. There's a divide in the
24 Philadelphia Senate delegation. Senator
25 Fornese has proposed a change to the bill

1 5/23/12 - WHOLE - BILL 120164, etc.
2 that would require two votes if any
3 additional revenue was going to be
4 generated for the School District. So
5 we're in conversations about that,
6 because we want -- we think there should
7 be one vote rather than two.

8 The third bill would
9 reconstitute the way the Board of
10 Revision of Taxes is constituted to be
11 consistent with the vote the voters took
12 here, have certain requirements and a
13 selection process that would include
14 Council and the Mayor. That came out of
15 the Senate and is still in the House
16 Urban Affairs Committee.

17 So that's the legislation.

18 COUNCILMAN JONES: Any sense of
19 timing? I know that's not your bailiwick
20 and more of ours, but you've been in
21 communications with the state.

22 MR. DUBOW: I think they're in
23 today and then I think they're out until
24 June 4th. So we're hoping for action
25 soon after they come back, but as you

1 5/23/12 - WHOLE - BILL 120164, etc.

2 say, it's hard to predict.

3 COUNCILMAN JONES: I don't know
4 if there's any consensus that would have
5 us believe that they're going to act that
6 quickly. I just want to know any
7 inaction, what does that limit us to
8 doing?

9 MR. DUBOW: So if there's no
10 final action on the homestead bill, then
11 we couldn't provide a homestead locally.
12 And if there's no action on the bill
13 letting us lower millage rates, we
14 couldn't lower the millage rates.

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

17 COUNCIL PRESIDENT CLARKE:
18 Thank you, Councilman.

19 The Chair recognizes Councilman
20 Kenney.

21 COUNCILMAN KENNEY: Thank you,
22 Mr. President.

23 I concur with Councilman Jones
24 on the 30-day issue. We need to get as
25 many people possibly taking advantage of

1 5/23/12 - WHOLE - BILL 120164, etc.
2 whatever homestead opportunities we have,
3 and I think 30 days is going to lose a
4 lot of folks who aren't ready or
5 knowledgeable or too busy to get to it
6 within the 30-day timeframe. So that's
7 just my opinion on it, and we'll see
8 where it goes.

9 MR. DUBOW: Right. Like I
10 said, we'll work aggressively to make
11 sure people know.

12 COUNCILMAN KENNEY:
13 Mr. President, is there any way we can
14 solicit some input from the larger
15 building owners and managers in the City
16 as it relates to the U&O shift increase,
17 proposed increase?

18 Anecdotally, I've been hearing
19 information from folks that that would be
20 passed on to the tenants and it would
21 make the buildings less attractive for
22 companies to want to locate or rent space
23 in our downtown buildings at least. So I
24 would like to get some formal opinion
25 from them on that.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 And, Mr. Dubow, relative to the
3 \$15,000 and \$40,000, \$60,000 homestead
4 issue, have you analyzed the effects of a
5 \$40,000 or \$60,000 homestead exemption on
6 those properties that aren't severely
7 affected by AVI or affected at all, and
8 because we're doing a larger homestead,
9 we have to make the millage rate higher
10 to capture the money. Therefore,
11 potentially a person who is not affected
12 under the current AVI proposal, with
13 everyone else getting a larger homestead,
14 would in fact raise their taxes in some
15 way. I mean, do you understand?

16 MR. DUBOW: Yeah. So the
17 millage rate would go up. The larger the
18 homestead, the larger the millage rate
19 you need. So there definitely would be
20 an effect that people at higher-valued
21 homes would see an increase. Actually,
22 Council technical staff did an analysis
23 and I think they had the split point at
24 like 175,000, that above 175,000 you
25 would see an increase in what you were

1 5/23/12 - WHOLE - BILL 120164, etc.

2 paying.

3 COUNCILMAN KENNEY: But 175,000

4 isn't necessarily a higher-end home.

5 MR. DUBOW: But that's --

6 COUNCILMAN KENNEY: When you

7 say "higher-end home," I'm thinking

8 Rittenhouse Square, not \$175,000 in East

9 Falls or in Manayunk.

10 MR. DUBOW: So that was the

11 split point.

12 COUNCILMAN KENNEY: So I think

13 we need to be careful on the homestead.

14 Although you want to sound to be more

15 generous and more understanding of

16 getting people's assessment number down,

17 I just don't want to hurt another group

18 of people by having their taxes and the

19 millage rate on their tax go up to cover

20 the revenue that we're giving them.

21 MR. DUBOW: There's a definite

22 trade-off.

23 COUNCILMAN KENNEY: Thank you,

24 Mr. President.

25 COUNCIL PRESIDENT CLARKE:

1 5/23/12 - WHOLE - BILL 120164, etc.

2 You're welcome, Councilman.

3 The Chair recognizes Councilman

4 Oh.

5 COUNCILMAN OH: Thank you very
6 much, Mr. President.

7 COUNCIL PRESIDENT CLARKE:
8 You're welcome.

9 COUNCILMAN OH: Could you
10 again, because I wasn't clear on it, give
11 me your opinion on increasing the
12 homestead exemption. So if it wasn't
13 15,000, if it was 40,000 or higher,
14 lower, what's your opinion about
15 increasing the homestead exemption?

16 MR. DUBOW: First, we are open
17 to the idea of increasing it. There are
18 some trade-offs, though. The higher you
19 go, the more of a shift you have to
20 people at higher-valued homes. So the
21 millage rate would go up. So that's a
22 trade-off. And there's a split probably
23 in the \$175,000 to \$200,000 range where
24 above that, you'll start to see an
25 increase rather than a decrease from a

1 5/23/12 - WHOLE - BILL 120164, etc.
2 homestead. And the higher you go, the
3 more homes don't have any tax liability,
4 which --

5 COUNCILMAN OH: Is there a way
6 to shift some of the tax burden to
7 commercial property owners other than,
8 for example, the U&O proposal?

9 MR. DUBOW: Well, the homestead
10 does that. The homestead does shift some
11 of the burden over to commercial and
12 industrial. It doesn't do it to the same
13 extent the U&O does because some of that
14 shift goes to other residential owners.

15 COUNCILMAN OH: Is there
16 another way to get more of the burden on
17 commercial property owners?

18 MR. DUBOW: Well, the challenge
19 is that under the Pennsylvania
20 Constitution, you have to have uniformity
21 in your taxing, so you can't tax -- you
22 can't have a different property tax rate
23 for commercial and industrial than you
24 can have for residential.

25 COUNCILMAN OH: Okay. The AVI

1 5/23/12 - WHOLE - BILL 120164, etc.
2 applied to the old property values would
3 produce the same tax revenues, would it
4 not, as we were getting last year?

5 MR. DUBOW: Let me make sure I
6 understand. So if we --

7 COUNCILMAN OH: If we change
8 the taxing system and kept the same
9 property values, we would end up with the
10 same amount of money; would we not?

11 MR. DUBOW: If we changed the
12 millage rates and had no --

13 COUNCILMAN OH: No, not the
14 millage rate. If we adopt AVI, actual
15 value, as opposed to the percentage times
16 32 percent, the property values, it
17 appears to me -- and I'm asking you for
18 clarification -- that the reason why we
19 are having this issue about unanticipated
20 consequences to real estate homeowners is
21 because we have new tax assessments, not
22 necessarily because we're switching to a
23 different method of taxation.

24 MR. DUBOW: I think I
25 understand. So there are two things that

1 5/23/12 - WHOLE - BILL 120164, etc.
2 are going on. We're moving to accurate
3 assessments. That's what's causing the
4 shifts that are causing the issues. And
5 then we're getting rid of the fractional
6 system where we used the pre-determined
7 ratio of 32 percent.

8 COUNCILMAN OH: Right. So
9 getting rid of the fractional system and
10 going to an actual value system does not
11 increase anyone's taxes if they're
12 assessed at the same property values.

13 MR. DUBOW: Right, if we still
14 use the old inaccurate assessments but
15 just took out the pre-determined ratio
16 and reduced the millage rate, yeah,
17 people would get the same tax bill.

18 COUNCILMAN OH: Okay. So --

19 MR. DUBOW: But it would be
20 based on the old broken assessment
21 system.

22 COUNCILMAN OH: Right. So this
23 new assessment system is what is causing
24 the issues that we're discussing about
25 how it affects certain homeowners in

1 5/23/12 - WHOLE - BILL 120164, etc.

2 certain communities or --

3 MR. DUBOW: Right. I'd phrase
4 it a little differently. The fact that
5 we've had a broken system over all these
6 years is what causes the issue, and we're
7 trying to fix that problem now.

8 COUNCILMAN OH: Okay.

9 MR. DUBOW: But, yes, it's
10 fixing the problem that is raising these
11 issues.

12 COUNCILMAN OH: So as far as I
13 can tell, nobody has a problem with
14 fixing the broken system and I don't
15 think there's a problem with applying
16 fair assessments to properties. I think
17 the issue is, one, heavy impacts upon
18 those who are now receiving fair
19 assessments that they're unprepared for
20 and, two, and probably more importantly,
21 the doubt that may exist that certain
22 properties in developing or developed
23 areas are fairly being applied because
24 the assessed value of the house reflected
25 by the sales in the neighborhoods are not

1 5/23/12 - WHOLE - BILL 120164, etc.
2 something that the people in those
3 neighborhoods can afford, and that may
4 come down to some type of philosophical
5 issue or something, but at the end of the
6 day, that seems to be the worry to me.

7 MR. DUBOW: And I think that's
8 why we're working with Council on some
9 gentrification proposals that would help
10 with people in the last category you
11 talked about.

12 COUNCILMAN OH: Okay.

13 Thank you very much,
14 Mr. President.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you, Councilman.

17 The Chair recognizes Councilman
18 Greenlee.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. President.

21 Good morning.

22 MR. DUBOW: Good morning.

23 COUNCILMAN GREENLEE: I just
24 want to follow up on Councilman Jones's
25 question about the bills in Harrisburg.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 It seems to me the second bill you talked
3 about about the ability to lower the
4 millage, if we don't get that, that's
5 real problematic, right?

6 MR. DUBOW: That's a real
7 problem, yes.

8 COUNCILMAN GREENLEE: And, I
9 mean, what --

10 MR. DUBOW: And if we don't get
11 the homestead, I think that's a real
12 problem.

13 COUNCILMAN GREENLEE: No, no,
14 no. I agree. I mean on both. But it
15 would seem like if we don't get that
16 ability to lower the millage, what do we
17 do then?

18 MR. DUBOW: It's a big issue.

19 COUNCILMAN GREENLEE: I raise
20 that because I'm hearing -- I'm sorry.
21 Go ahead.

22 MR. DUBOW: I don't want to
23 speculate on that here.

24 COUNCILMAN GREENLEE: Okay.

25 MR. DUBOW: I'd be willing to

1 5/23/12 - WHOLE - BILL 120164, etc.
2 talk to you about it, but I don't want to
3 do that here.

4 COUNCILMAN GREENLEE: But, I
5 mean, that's a big deal.

6 MR. DUBOW: Yes. I agree.

7 COUNCILMAN GREENLEE: Because
8 if we don't get that, it's a problem.
9 Okay.

10 MR. DUBOW: I agree.

11 COUNCILMAN GREENLEE: And we're
12 hearing -- and maybe I shouldn't say
13 this, but you kind of alluded to it too.
14 We're hearing that there's problems in
15 Harrisburg with that, you know.

16 MR. DUBOW: Yes, and, like I
17 said, we're trying to work through those.

18 COUNCILMAN GREENLEE: All
19 right. I see you don't want to talk
20 about it anymore, so I'm not going to
21 push it at this point, and I understand
22 why you don't, but, I mean, if we
23 don't -- you know, we got to come up
24 with -- I think at some point you got to
25 tell us what the Administration's idea

1 5/23/12 - WHOLE - BILL 120164, etc.

2 is.

3 MR. DUBOW: I just don't think
4 there are answers that I could give you
5 right now that would be productive for
6 the process.

7 COUNCILMAN GREENLEE: All
8 right.

9 See, I'm a nice guy, so I won't
10 push that, Mr. President. Thank you.

11 COUNCIL PRESIDENT CLARKE: You
12 already did, sir. Thank you, Councilman.

13 The Chair recognizes Councilman
14 Squilla.

15 COUNCILMAN SQUILLA: Good
16 morning.

17 MR. DUBOW: Good morning.

18 COUNCILMAN SQUILLA: I think
19 you know where I stand --

20 MR. DUBOW: You're in favor of
21 this.

22 COUNCILMAN SQUILLA: -- on the
23 this issue, but I want to ask some
24 questions about the AVI and I guess the
25 homesteads and how we come up with these

1 5/23/12 - WHOLE - BILL 120164, etc.
2 numbers.

3 You say that the rate of, I
4 guess, the tipping point is around 175,
5 around there. At what homestead
6 implementation? Is that 15,000?

7 MR. DUBOW: It actually -- it
8 was between 175 and 200. And this was
9 something that Council technical staff
10 did. So it was between 175 and 200 at
11 every level they looked at. That was
12 where the tipping point was, at 15, 30,
13 60. I think it was somewhere in there
14 for all of them.

15 COUNCILMAN SQUILLA: Wouldn't
16 that have to change depending on the
17 homestead? Because if you have a \$15,000
18 homestead, your millage rate would be a
19 certain level. If you have a 30,000 or
20 60,000 homestead, your millage rate would
21 have to increase.

22 MR. DUBOW: That's right.

23 COUNCILMAN SQUILLA: So by
24 increasing that millage rate, it may even
25 move the median price down for the

1 5/23/12 - WHOLE - BILL 120164, etc.

2 tipping point.

3 MR. DUBOW: I think that was
4 part of the reason that it was moving a
5 little, was that the millage rate -- that
6 they were putting in different millage
7 rates at different homesteads. So I
8 think they built that in.

9 COUNCILMAN SQUILLA: And if we
10 put the smoothing -- and I know you
11 mentioned that you'd be willing to
12 eliminate smoothing in an amendment if it
13 was perceived to work better for --

14 MR. DUBOW: Right, if we had
15 other measures of relief that worked.

16 COUNCILMAN SQUILLA: Right.
17 With the smoothing, because sometimes
18 with that, depending on the gentrified
19 neighborhoods, you actually see an
20 increase in taxes the first year.

21 MR. DUBOW: Right.

22 COUNCILMAN SQUILLA: And then
23 going down.

24 So they're actually going to be
25 paying more that first year and then

1 5/23/12 - WHOLE - BILL 120164, etc.
2 going down. So sometimes the smoothing
3 that was put in place to protect some of
4 the incidents were actually hurting them.

5 MR. DUBOW: Right. That's one
6 of the issues and that's one of the
7 reasons that we're willing to talk about
8 what other relief measures work better.

9 COUNCILMAN SQUILLA: And the
10 people who are going to get hurt the most
11 here obviously are the people who have
12 lived in the neighborhoods that we talked
13 about that are increased in value --

14 MR. DUBOW: Right.

15 COUNCILMAN SQUILLA: -- have
16 lived there for a while, ten years, maybe
17 more, and may not have the means to pay
18 the tax bill.

19 We need to come up with an
20 opportunity or a reason, some type of
21 homestead or, like you say,
22 gentrification that would pinpoint those
23 people to be able to get protection.
24 Now, right now by state ordinance, we
25 don't need any state approval to do that;

1 5/23/12 - WHOLE - BILL 120164, etc.
2 is that correct?

3 MR. DUBOW: I think that's
4 correct, yes.

5 COUNCILMAN SQUILLA: So if we
6 come up with a type of homestead not --
7 we wouldn't need state approval in
8 Harrisburg right now in order to do some
9 type of gentrification homestead?

10 MR. DUBOW: There are two
11 different questions in there. To do a
12 homestead, we need state authorization.
13 I don't think to do a gentrification bill
14 we need authorization.

15 COUNCILMAN SQUILLA: So even if
16 we don't get state approval to do
17 anything, we could do a gentrification
18 bill, but we will not be able to lower
19 the millage rate, because at this point,
20 the state hasn't allowed us to do that?

21 MR. DUBOW: That's correct.

22 COUNCILMAN SQUILLA: And if
23 we're not allowed to lower the millage
24 rate like Councilman Green said, then we
25 really cannot go to the AVI platform?

1 5/23/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: I think what we
3 responded to Councilman Greenlee is that
4 we are trying to consider options for
5 what we would do in that scenario.

6 COUNCILMAN SQUILLA: So at this
7 point, we do not have another option?

8 MR. DUBOW: Right.

9 COUNCILMAN SQUILLA: So if we
10 don't get our response from Harrisburg --

11 MR. DUBOW: Yes. Getting that
12 is crucial.

13 COUNCILMAN SQUILLA: And do we
14 have to vote on this before we get that?

15 MR. DUBOW: We may, yeah. Or
16 you may.

17 COUNCILMAN SQUILLA: So by the
18 next hearing, are we going to have
19 another option?

20 MR. DUBOW: I don't know. I
21 can't answer that right now.

22 COUNCILMAN SQUILLA: You don't
23 know?

24 Okay. I'll come back on the
25 second round.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you. Thank you, Councilman.

4 The Chair recognizes

5 Councilwoman Tasco.

6 COUNCILWOMAN TASCO: I have a
7 simple question. Would the U&O occupancy
8 tax apply to homeowners who own duplexes?

9 COMMISSIONER RICHARDSON: No.

10 COUNCILWOMAN TASCO: Because
11 they are classified as commercial, they
12 have to get a license or permit to rent
13 the property. And I got a lot of flack
14 from them regarding the trash fee. So
15 would they -- how would it impact on
16 them?

17 COMMISSIONER RICHARDSON: Keith
18 J. Richardson, Revenue Commissioner.

19 For individuals that own
20 duplexes, it would not impact them. If
21 there were three or more units, it would
22 impact someone for use and occupancy tax,
23 not for duplexes. And if they live in
24 the duplex also, they wouldn't even have
25 an effect on them.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 COUNCILWOMAN TASC0: If they
3 live in the property?

4 COMMISSIONER RICHARDSON: Or do
5 not. For two units, they would not have
6 to have a use and occupancy situation.

7 COUNCILWOMAN TASC0: But if
8 there's a three-unit building or more --

9 COMMISSIONER RICHARDSON:
10 Right.

11 COUNCILWOMAN TASC0: -- they
12 would be required to --

13 COMMISSIONER RICHARDSON:
14 Right.

15 COUNCILWOMAN TASC0: -- pay the
16 U&O tax?

17 In that scenario, how would all
18 of this -- at the end of the day, would
19 they only be charged with that one U&O or
20 would they end up paying additional taxes
21 through whatever else we do with this
22 stuff?

23 MR. DUBOW: If they had more
24 than the four units, there would be --
25 the owner would pass through the

1 5/23/12 - WHOLE - BILL 120164, etc.
2 additional costs.

3 COUNCILWOMAN TASC0: I know
4 they would pass it through to the renter.

5 MR. DUBOW: Yeah.

6 COUNCILWOMAN TASC0: Okay.

7 COUNCILMAN GREEN: Point of
8 information.

9 COUNCILWOMAN TASC0: Point of
10 information. I'll accept that.

11 COUNCILMAN GREEN: Thank you,
12 Madam Chair.

13 COUNCILWOMAN TASC0: He's busy.
14 Go ahead.

15 COUNCILMAN GREEN: So it's my
16 understanding that U&O does not apply to
17 multi-family or any residential property
18 at all. If it's used as a residence,
19 there is no U&O tax that's passed through
20 to a tenant. If it's used as a
21 commercial property, U&O tax is passed
22 through to the tenant. So whether it's a
23 multi-family apartment building, a
24 four-unit building or a two-unit
25 building, there is no U&O for a

1 5/23/12 - WHOLE - BILL 120164, etc.

2 residential use, period. That's my
3 understanding from the regs and having
4 talked to the people.

5 COUNCILWOMAN TASC0: They don't
6 pay U&O now?

7 COUNCILMAN GREEN: They do not.

8 COMMISSIONER RICHARDSON: If
9 it's for four or more units, I think they
10 do pay use and occupancy, but, again...

11 COUNCILWOMAN TASC0: What's the
12 answer?

13 COMMISSIONER RICHARDSON: The
14 Councilman is correct.

15 COUNCILWOMAN TASC0: They do
16 not pay any U&O even though it's an
17 apartment building?

18 COMMISSIONER RICHARDSON:
19 Right.

20 COUNCILWOMAN TASC0: Beyond
21 four-unit, beyond three-unit, they don't
22 pay U&O tax?

23 COMMISSIONER RICHARDSON: No.

24 COUNCILWOMAN TASC0: So they
25 wouldn't be subjected to the U&O

1 5/23/12 - WHOLE - BILL 120164, etc.

2 increase?

3 COMMISSIONER RICHARDSON: No.

4 COUNCILWOMAN TASC0: Okay.

5 Thank you.

6 Thank you. That's it for right

7 now.

8 COUNCIL PRESIDENT CLARKE:

9 Thank you, Councilwoman.

10 The Chair recognizes

11 Councilwoman Brown.

12 COUNCILWOMAN BROWN: Thank you.

13 Thank you.

14 Good morning, everybody.

15 Forgive the redundancy in the questions,

16 but I need to ask for review purposes.

17 So what I've heard and what's
18 now sticking is that we're relying on the

19 state for a number of variables, for

20 action on a number of variables that

21 impact what we're doing, need to do

22 between now and May 30th, correct?

23 MR. DUBOW: Correct.

24 COUNCILWOMAN BROWN: And those

25 variables are? If you could complete the

1 5/23/12 - WHOLE - BILL 120164, etc.
2 sentence.

3 MR. DUBOW: Sure. The
4 variables are reducing millage rates.

5 COUNCILWOMAN BROWN: Right.

6 MR. DUBOW: And providing
7 homesteads.

8 COUNCILWOMAN BROWN: Okay. On
9 the homestead exemption, why would we not
10 get the homestead exemption? What are
11 the hurdles or impediments that you are
12 aware of?

13 MR. DUBOW: I don't think there
14 are hurdles in Harrisburg related to
15 homestead in specific. I think it's just
16 that they're in their budget process and
17 there are lots of things going on up
18 there, and so it's just a matter --

19 COUNCILWOMAN BROWN: They move
20 at a different pace than we do as well.

21 MR. DUBOW: They have other
22 things that they're doing too.

23 COUNCILWOMAN BROWN: Diplomacy
24 is your middle name.

25 Okay. That's it. Thank you,

1 5/23/12 - WHOLE - BILL 120164, etc.

2 Mr. Chairman.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you, Councilwoman.

5 The Chair recognizes Councilman
6 Green.

7 COUNCILMAN GREEN: Thank you,
8 Mr. Chair.

9 I just want to start with U&O.
10 And so just to be clear, U&O tax applies
11 to no residential property regardless of
12 size, number of units, et cetera; is that
13 correct?

14 COMMISSIONER RICHARDSON: Yes.

15 COUNCILMAN GREEN: Okay. Can
16 you tell me with a \$15,000 homestead
17 exemption or any size homestead
18 exemption, let's just call it 15 or 40,
19 what proportion of that homestead
20 exemption is going to be paid for by
21 commercial and industrial properties
22 versus residential properties?

23 MR. DUBOW: I think I can
24 actually do that calculation, but I
25 haven't. So I think I can get you that,

1 5/23/12 - WHOLE - BILL 120164, etc.
2 providing we make assumptions about
3 growth in commercial and growth in
4 residential.

5 COUNCILMAN GREEN: Right.
6 Would you be surprised by numbers that
7 would say if we start with 70 percent of
8 all tax dollars coming from residential
9 and 30 percent of all tax dollars coming
10 from commercial and industrial, which is
11 almost what I project, would you be
12 surprised to learn that really 60 percent
13 of the cost of the homestead exemption is
14 paid for by other residential property
15 owners and not shifted to commercial and
16 industrial?

17 MR. DUBOW: I wouldn't be
18 surprised by that.

19 COUNCILMAN GREEN: You wouldn't
20 be surprised?

21 MR. DUBOW: I would not.

22 COUNCILMAN GREEN: So you agree
23 with the general proposition that the
24 cost of the homestead exemption is borne
25 mostly by other residential property

1 5/23/12 - WHOLE - BILL 120164, etc.

2 owners?

3 MR. DUBOW: Well --

4 COUNCILMAN GREEN: And would

5 not shift --

6 MR. DUBOW: -- I'd say I

7 wouldn't be surprised. I'd want to

8 actually look at it. But said in the

9 testimony, that it goes to other

10 residential in addition to going to

11 commercial and industrial. I said that

12 in response to Councilman Oh's question

13 too.

14 COUNCILMAN GREEN: I just

15 wanted to clarify the response to

16 Councilman Oh's question.

17 So when you say in your

18 testimony that it's applied to

19 higher-valued homes, you're simply making

20 the statement that it's applied to all

21 residential property owners above -- with

22 a value of their home above what the

23 homestead exemption is set at?

24 MR. DUBOW: Right.

25 COUNCILMAN GREEN: So a

1 5/23/12 - WHOLE - BILL 120164, etc.

2 higher-valued home, if the homestead
3 exemption is 15,000, is a home worth
4 \$16,000 and a higher-valued home, if the
5 homestead exemption is set at 40, is a
6 home worth \$41,000?

7 MR. DUBOW: Right, but the home
8 at 41,000 would still get a benefit from
9 the homestead; it would outweigh the
10 additional cost --

11 COUNCILMAN GREEN: Absolutely.

12 MR. DUBOW: -- by a significant
13 amount.

14 COUNCILMAN GREEN: Absolutely.

15 I was surprised by some of the
16 numbers you cited about where the break
17 point is. I've got, for example, in
18 Central Roxborough, the market value on
19 the -- I basically took the 44 GMAs that
20 the Administration prepared and then
21 applied the rates that I thought were
22 somewhat likely based on the modeling
23 that we've done, and I got a \$40,000
24 homestead exemption benefiting someone
25 even with a \$233,000 home.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: Right. It wasn't
3 my analysis, so I was just reporting what
4 I saw.

5 COUNCILMAN GREEN: I mean,
6 taxes would be \$200 lower, for example,
7 for that home in Central Roxborough or in
8 Wynnefield or wherever it is, Mayfair.

9 So have you seen the Center
10 City District analysis of the impact of
11 Center City office towers being at 60, 80
12 or 100 percent of their full value today?

13 MR. DUBOW: I saw the sheet. I
14 didn't spend a lot of time on it.

15 (Councilman Green handing Mr.
16 Dubow paperwork.)

17 MR. DUBOW: Wow, this feels
18 like a trial.

19 COUNCILMAN GREEN: Their
20 analysis indicates that if they're at 60
21 percent of value today, that they'll get
22 a \$40 million aggregate tax break across
23 926 office towers in the district today
24 and that they'll get a \$75 million tax
25 break if they're closer to 100 percent.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 We've had anecdotal evidence from the
3 property owners that they are pretty
4 close to 100 percent, at least the large
5 ones organized by BOMA.

6 Can you comment on their
7 analysis and whether or not you think you
8 would agree that this is generally a true
9 statement of --

10 MR. DUBOW: I think there would
11 be a shift, just looking at it here. I
12 don't want to say whether their numbers
13 make sense. I will say also based on
14 some of the things that OPA has looked
15 at, I think the 60 percent is probably
16 closer to where that percentage is.

17 COUNCILMAN GREEN: This is
18 Center City office towers only.

19 MR. DUBOW: Okay. Yeah. So, I
20 mean, I'd have to spend more time with it
21 before saying that this makes sense or
22 doesn't.

23 COUNCILMAN GREEN: So you're
24 comfortable with an assumption that says
25 that commercial and industrial properties

1 5/23/12 - WHOLE - BILL 120164, etc.

2 are about 60 percent of their value on a
3 citywide basis?

4 MR. DUBOW: Yes.

5 COUNCILMAN GREEN: Okay.

6 Thank you, Mr. President. I'll
7 come back.

8 COUNCIL PRESIDENT CLARKE:

9 You're welcome, Councilman.

10 The Chair recognizes Councilman
11 Oh.

12 COUNCILMAN OH: Thank you,
13 Mr. President.

14 Ninety-four million dollars is
15 the number that is kind of at issue here,
16 and in terms of how the Administration
17 arrived at this number, the
18 Administration would have an estimated
19 aggregate value and an anticipated
20 millage rate; is that correct?

21 MR. DUBOW: We haven't figured
22 the millage rate. We have a formula that
23 has that as a target revenue, a target
24 revenue amount, that we would get to when
25 we get total assessments, and then you'd

1 5/23/12 - WHOLE - BILL 120164, etc.
2 use the assessments and that target to
3 get to the millage rate.

4 COUNCILMAN OH: Okay. So in
5 coming up with the budget and with the
6 \$94 million, you had some method of
7 guesstimating --

8 MR. DUBOW: Of getting to the
9 94, yeah. That was based on looking at
10 the growth in values from 2004, so the
11 last time we did an assessment to now.
12 We got that information from our outside
13 economic consultant, IHS Global Insight.

14 COUNCILMAN OH: And then you
15 did all the estimates --

16 MR. DUBOW: Yes.

17 COUNCILMAN OH: -- providing
18 state pass, everything passes, and you
19 come up with 94 million.

20 And this 94 million is for the
21 School District?

22 MR. DUBOW: Correct.

23 COUNCILMAN OH: And so can I
24 ask you -- and this goes a little bit
25 outside of this, but in exchange for the

1 5/23/12 - WHOLE - BILL 120164, etc.
2 \$94 million, do you get any more
3 accountability or control from the School
4 District?

5 MR. DUBOW: I think that's a
6 discussion that you should have with the
7 District.

8 COUNCILMAN OH: Okay. That's
9 fair enough.

10 In terms of alternatives to
11 taxing to raise money for the School
12 District, are there alternatives that are
13 being considered beyond just simply this
14 type of the assessments and the tax
15 increases?

16 MR. DUBOW: In terms of how
17 they went about getting to balance in
18 their plan, they've made significant
19 expenditure reductions and actually
20 planning to make --

21 COUNCILMAN OH: No. I mean on
22 behalf of the Administration. In other
23 words, this has been a continuing issue
24 and appears possibly to be a continuing
25 issue in the future as a lack of funding

1 5/23/12 - WHOLE - BILL 120164, etc.
2 for the School District and an inability
3 for the real estate property owners to
4 bear the cost of it under these formulas.

5 Is there an alternative method
6 of taxation that may be authorized by the
7 state that would spread some of that tax
8 burden to other entities?

9 MR. DUBOW: We had a different
10 proposal last year, but it didn't go
11 anywhere.

12 COUNCILMAN OH: See, I'll ask
13 you later what it was.

14 MR. DUBOW: It was
15 sugar-sweetened drinks.

16 COUNCILMAN OH: Okay. What
17 about -- and I don't know this. I'm just
18 curious. What about the non-profit
19 sector that are real estate owners and
20 property owners in our city? I mean,
21 what capacity is there to put some of the
22 real estate tax on those entities?

23 MR. DUBOW: There was -- we put
24 pressure on them and got revenue. There
25 was a change in state law maybe 10, 15

1 5/23/12 - WHOLE - BILL 120164, etc.
2 years ago, in '95, that made that much
3 more difficult, and so we were not
4 generating as much. There's been a
5 recent Supreme Court ruling that may have
6 an impact on that and we need to
7 understand better what that ruling means.

8 COUNCILMAN OH: That Supreme
9 Court ruling meaning that we may be able
10 to obtain tax revenues?

11 MR. DUBOW: There's a
12 possibility, but we need to understand it
13 better.

14 COUNCILMAN OH: Okay. Then I'd
15 love to know what that Supreme Court
16 ruling is at a later point in time.

17 MR. DUBOW: Okay.

18 COUNCILMAN OH: Thank you very
19 much, Mr. President.

20 COUNCIL PRESIDENT CLARKE:
21 You're welcome, Councilman.

22 The Chair recognizes Councilman
23 Kenney.

24 COUNCILMAN KENNEY: Thank you,
25 Mr. President.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 I haven't taken a strong
3 position against AVI to date. I'm kind
4 of like waiting for as much information
5 as you possibly can, either from you, our
6 consultants, and trying to just work our
7 way to a point where we can act
8 rationally.

9 MR. DUBOW: Right.

10 COUNCILMAN KENNEY: And the
11 biggest concern that I have -- and this
12 is a concern of Councilman Squilla's. I
13 also know that Councilman Kenyatta
14 Johnson and Council President Darrell
15 Clarke and Councilwoman Blackwell are
16 kind of the four districts that get this
17 big huge impact relative to large jumps
18 in market value.

19 MR. DUBOW: Gentrification.

20 COUNCILMAN KENNEY: We don't
21 like -- I don't like using that word as
22 much anymore, because it implies other
23 things that aren't -- it's large
24 increases --

25 MR. DUBOW: Large increases in

1 5/23/12 - WHOLE - BILL 120164, etc.
2 value.

3 COUNCILMAN KENNEY: Large
4 increases in market value, primarily
5 based, I believe -- and Councilman
6 Squilla and I have had this conversation
7 on and on -- primarily impacted by tax
8 abatements. I mean, I think if you
9 overlay the tax-abated areas with the
10 large increases in market value, you'll
11 see a match. And Council President has
12 asked, and I've been working with
13 Councilman Squilla, because his district
14 is impacted the most, and I worked on the
15 constitutional amendment to give this
16 property tax relief back as far as 1988,
17 '87 to come up with something that
18 protects those folks, and we're working
19 hard and we're going to try to get there.

20 I could be for this if that
21 happens, but the ongoing discussion about
22 the state not giving us the authority to
23 reduce the millage, I don't know how I
24 can, in good conscience, vote on anything
25 if we don't have any millage protection.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 I mean -- and, again, I've stopped short
3 of criticizing or saying I'm against it
4 out of the box, because I want to see
5 where it goes, but, I mean, really that
6 would be asking us to do something crazy,
7 wouldn't it? And then we fall back, if
8 that doesn't happen, then we fall back to
9 Councilman Squilla's original bill, which
10 would have delayed it until we get that
11 approval to reduce the millage.

12 I'm willing to take somewhat of
13 a leap of faith on the market values,
14 which I think is also a little
15 uncomfortable without having those
16 numbers, but knowing going into it we
17 don't have the authority to reduce the
18 millage, I don't know where we go other
19 than Councilman Squilla's suggestion. I
20 mean, could you comment?

21 MR. DUBOW: I hear your
22 concern. It's a significant issue.

23 COUNCILMAN KENNEY: I think
24 it's more than significant. It's like
25 imagine 9.4 percent and market-rate

1 5/23/12 - WHOLE - BILL 120164, etc.

2 values. People would be jumping off the
3 bridge.

4 MR. DUBOW: Right. And that's
5 the case that we're making.

6 COUNCILMAN KENNEY: Or throwing
7 us off.

8 MR. DUBOW: That's the case
9 that we're making in Harrisburg.

10 COUNCILMAN KENNEY: But you do
11 have a Plan B?

12 MR. DUBOW: We don't have a
13 Plan B yet.

14 COUNCILMAN KENNEY: All right.
15 Well, I mean, you know how much I respect
16 you and I enjoy working with you, but a
17 Plan B is almost a requisite now.

18 MR. DUBOW: I understand.

19 COUNCILMAN KENNEY: But I want
20 to let you know from a person who is
21 still not against you, still can be for
22 you or for this plan, with the right
23 protections for these long-term
24 homeowners, I got to go the other way if
25 we can't get the millage help.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: Okay.

3 COUNCILMAN KENNEY: All right.

4 Thanks.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you, Councilman.

7 The Chair recognizes Councilman
8 Jones.

9 COUNCILMAN JONES: Thank you,
10 Mr. President.

11 I'm going to end where I
12 started, which was to bring up the
13 uncertainty at the state level and
14 suggest that you take the bull by the
15 horns, Mr. President, and convene a
16 huddle, if you would, with the respective
17 actors at the state level, whether it's
18 the Senate, whether it's the House, from
19 the Philadelphia delegation, I would
20 throw in the Administration from the
21 second floor. Because what we seem to be
22 calling mixed signals in a number of
23 ways, which is sending signals to those
24 who don't want to help Philadelphia
25 anyway, that we are not united. And if

1 5/23/12 - WHOLE - BILL 120164, etc.
2 we could call that huddle on behalf of
3 those young people that we're running out
4 of runway for -- September is coming --
5 and get our collective acts together.

6 One of the things that the
7 President has done is met with many of
8 these delegation leaders, and maybe under
9 his leadership, we can pull people
10 together and kind of narrow down some of
11 the options so that we have some
12 predictability like Councilman Kenney and
13 Councilman Squilla have called for,
14 because right now as it stands, we have
15 so many different signals coming out of
16 Philadelphia that our -- I won't say
17 opponents, but sometimes detractors are
18 taking advantage of this.

19 So, Mr. President, I'd ask that
20 you call a huddle. And I thought I'd
21 never say it, but I kind of miss Governor
22 Rendell right about now and some other
23 key strong players that have been up
24 there in the past. So maybe that
25 leadership has to come from you.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Councilman, I've actually been in the
4 basement recently loosening my arm off,
5 but I got to tell you, I can't throw as
6 long as I could.

7 COUNCILMAN JONES: You can't
8 get to Harrisburg? All right.

9 COUNCIL PRESIDENT CLARKE: The
10 arm's a little creaky, but I'm prepared
11 to put a little oil on it and do
12 whatever.

13 COUNCILMAN JONES: We got to
14 get these guys in a huddle in a room to
15 kind of narrow down some of the choices
16 so that we can get some predictability,
17 because the uncomfort level comes from
18 the uncertainty of Harrisburg.

19 COUNCIL PRESIDENT CLARKE: I
20 agree, Councilman. I've actually been
21 talking to a number of legislators, both
22 on the Senate and the House side, and I'm
23 sure all of us have. They are clearly
24 more uncertain about the impact than we
25 are, and we get briefed on a pretty

1 5/23/12 - WHOLE - BILL 120164, etc.
2 consistent basis here. So to expect them
3 to have as much knowledge on this
4 particular matter as we do is probably
5 not fair, but I do think that they're
6 leaning on us collectively as a municipal
7 delegation to kind of get on the same
8 page, and then I think the message can be
9 sent to the legislators in Harrisburg
10 that we're together. But unfortunately
11 we find ourselves not at that point now,
12 and it's getting pretty late in the game
13 in terms of Plan B. So I think --

14 COUNCILMAN JONES: We're
15 running out of runway.

16 COUNCIL PRESIDENT CLARKE:
17 Yeah. We really need to --

18 MR. DUBOW: I do agree it would
19 be very helpful if we get to the point
20 where we can show unity here in terms of
21 convincing them to take action.

22 COUNCIL PRESIDENT CLARKE:
23 Yeah. And I talked to a Senator the
24 other day and that Senator basically said
25 that -- and it was clear based on the

1 5/23/12 - WHOLE - BILL 120164, etc.
2 conversation that they didn't have a
3 grasp of what was being proposed and any
4 potential measures that could be
5 protective. But we have to get there,
6 and we got a real timeline here.

7 MR. DUBOW: Yes.

8 COUNCILMAN JONES: So obviously
9 that would include the second floor, this
10 body and whatever state leadership could
11 be mustered, and let's get this show
12 going.

13 COUNCIL PRESIDENT CLARKE:
14 Absolutely. I concur, Councilman.

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

17 COUNCIL PRESIDENT CLARKE:
18 You're welcome.

19 The Chair recognizes
20 Councilwoman Brown.

21 COUNCILWOMAN BROWN: I remember
22 my second question, and it was linked to
23 Councilman Oh's question regarding the
24 benefit of increasing the homestead
25 exemption from 15 to 40. So could you

1 5/23/12 - WHOLE - BILL 120164, etc.

2 repeat what your answer was, Rob Dubow,
3 please.

4 MR. DUBOW: Sure. I think --
5 hopefully I'll say the same thing this
6 time.

7 There are trade-offs. You're
8 obviously providing relief to people in
9 home values, lower home values. You
10 provide significant relief at \$40,000.
11 You do shift that burden to other
12 homeowners and you shift it to commercial
13 and industrial properties. You also, if
14 you're at 40,000, you have a number of
15 homeowners who aren't paying any tax at
16 all, which probably doesn't make sense.

17 COUNCILWOMAN BROWN: And?

18 MR. DUBOW: You have homeowners
19 who aren't paying any property tax at
20 all, because their value would be under
21 40,000.

22 COUNCILWOMAN BROWN: Okay. All
23 right, then. Thanks again.

24 MR. DUBOW: Sure.

25 COUNCIL PRESIDENT CLARKE:

1 5/23/12 - WHOLE - BILL 120164, etc.

2 Done, Councilwoman?

3 COUNCILWOMAN BROWN: Yes. I'm
4 done, Mr. President.

5 COUNCIL PRESIDENT CLARKE:

6 Thank you.

7 The Chair recognizes Councilman
8 Green.

9 COUNCILMAN GREEN: Thank you,
10 Mr. President.

11 Based on the 60 percent that
12 you just shared, you think C&I is, as a
13 whole -- and I think you're previously on
14 the record as suggesting that the
15 Administration's view of residential
16 property tax as a percentage of its
17 actual value is 33 percent?

18 MR. DUBOW: I think, yeah, what
19 I said is that the GMAs we used, the
20 average increase was about a three times
21 increase. So we thought that's
22 reasonable to use in terms of doing a
23 model.

24 COUNCILMAN GREEN: I'm sorry.

25 So, I mean, I think your previous

1 5/23/12 - WHOLE - BILL 120164, etc.

2 testimony was that you believe three
3 times is about right?

4 MR. DUBOW: I guess what I'm
5 saying is that's what we got from those
6 44 GMAs. We think that that's a large
7 enough sample so that it's
8 representative. So we think that's an
9 appropriate thing to use in doing the
10 modeling, which may be different from
11 where we actually wind up in the end, but
12 we think it's appropriate.

13 COUNCILMAN GREEN: I
14 understand. So if it's three times and
15 if it's 60 percent, then the model I had
16 is at 58 percent, but --

17 MR. DUBOW: That's pretty
18 close.

19 COUNCILMAN GREEN: That's
20 pretty close. That shows that the
21 difference paid between residential and
22 commercial property owners today is on
23 the order of 200 million, and that's
24 going to increase to over \$500 million,
25 because commercial and industrial

1 5/23/12 - WHOLE - BILL 120164, etc.
2 property owners will go down by 100
3 billion and commercial will go up by over
4 200. And so I get an aggregate shifting
5 of the tax being paid between commercial
6 and industrial and residential of not 200
7 billion but a shift of the difference of
8 \$328 billion. So essentially where
9 homeowners will be paying --

10 MR. DUBOW: Through homestead?

11 COUNCILMAN GREEN: Million.
12 I'm sorry. Homeowners will be paying
13 \$328 million more than --

14 MR. DUBOW: Without a
15 homestead?

16 COUNCILMAN GREEN: That's with
17 a \$15,000 homestead.

18 MR. DUBOW: I'd have to look at
19 that.

20 COUNCILMAN GREEN: Does that
21 sound out of bounds to you?

22 MR. DUBOW: I don't know. I
23 don't -- I need to look at it.

24 COUNCILMAN GREEN: Can you
25 provide the answer to that to the Chair,

1 5/23/12 - WHOLE - BILL 120164, etc.

2 please.

3 MR. DUBOW: Sure.

4 COUNCILMAN GREEN: Will we have
5 any certainty as to what's going to pass
6 Harrisburg by next week?

7 MR. DUBOW: I doubt it, because
8 I think they're out after today. I don't
9 think they're back until the week after
10 next.

11 COUNCILMAN GREEN: Okay. And
12 so can we take action next week and move
13 things out of City Council if we don't
14 know the results in Harrisburg?

15 MR. DUBOW: I think what you
16 could do is take things to first reading.

17 COUNCILMAN GREEN: Although if
18 we have to adjust the rate, the Weiner
19 rule would apply and that has to be
20 done --

21 MR. DUBOW: That has to be done
22 by the end of June.

23 COUNCILMAN GREEN: That has to
24 be done in committee, not once it's in
25 the full Council.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: Right.

3 COUNCILMAN GREEN: So we
4 actually can't take action next week
5 without some real clarity from
6 Harrisburg. Would you agree with that or
7 not?

8 MR. DUBOW: Well, that's why I
9 said you could go to first reading. So
10 you'd be ready to go if Council -- if the
11 state --

12 COUNCILMAN GREEN: Well, we
13 can't amend the millage, even the
14 formulaic millage, in Council itself.
15 That has to be done in committee, because
16 the public has to have a chance to
17 comment on that.

18 MR. DUBOW: I'm assuming that
19 they actually do something.

20 COUNCILMAN GREEN: But they
21 won't do something next week?

22 MR. DUBOW: No, no; when they
23 get back.

24 COUNCILMAN GREEN: So we'd have
25 to --

1 5/23/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: So you'd be
3 prepared to go.

4 COUNCILMAN GREEN: So we'd be
5 coming out of committee assuming
6 everything we want we're going to get?

7 MR. DUBOW: Assuming that we'd
8 be allowed to reduce millage and get a
9 homestead, yes.

10 COUNCILMAN GREEN: Is there a
11 way to construct a bill that takes care
12 of every variable?

13 MR. DUBOW: I think you'd
14 probably need multiple bills to do that.

15 COUNCILMAN GREEN: Multiple
16 bills?

17 MR. DUBOW: Probably.

18 COUNCILMAN GREEN: Has the
19 Administration started preparing them?

20 MR. DUBOW: No.

21 COUNCILMAN GREEN: Okay.

22 Thank you, Mr. President. I'll
23 come back.

24 COUNCIL PRESIDENT CLARKE: No.
25 Go ahead.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 COUNCILMAN GREEN: Okay.

3 So forget the formulaic rate
4 and everything else. Essentially what
5 the savings clause does is set a millage
6 rate. Would you agree with that?

7 MR. DUBOW: Yes.

8 COUNCILMAN GREEN: And what
9 millage rate does it set as currently
10 drafted?

11 MR. DUBOW: Two and a half
12 percent.

13 COUNCILMAN GREEN: One of the
14 amendments I had last week changed that
15 millage rate to 1.25 percent. I think we
16 can both agree, now that we've done a
17 little math, if we believe 33 and 60
18 percent, that that's too low?

19 MR. DUBOW: I think that's
20 right.

21 COUNCILMAN GREEN: So in order
22 to set a millage rate, we have to take a
23 guess as to what the aggregate value of
24 all property is in the City of
25 Philadelphia?

1 5/23/12 - WHOLE - BILL 120164, etc.

2 MR. DUBOW: Right. And
3 fail-safe was always an estimate.

4 COUNCILMAN GREEN: Right. Two
5 and a half percent would collect between
6 2 and 2.5 billion when we are only trying
7 to collect 1.28 billion.

8 MR. DUBOW: Two and a half
9 percent assumes smoothing.

10 COUNCILMAN GREEN: Actually,
11 the Law Department says that's not
12 correct. Their smoothing is not built
13 into the two and a half percent.

14 MR. DUBOW: Well, that's why it
15 was two and a half percent. That's why I
16 thought it should be two and a half
17 percent. If you don't have smoothing,
18 then it should be lower.

19 COUNCILMAN GREEN: Okay.

20 MR. DUBOW: You need different
21 fail-safes with smoothing and without.

22 COUNCILMAN GREEN: So what is
23 the appropriate millage rate to set in
24 the event a court throws out the
25 formulaic approach and we have to rely on

1 5/23/12 - WHOLE - BILL 120164, etc.

2 a millage rate? I don't think that event
3 is hardly unlikely given Mr. Angelo and
4 other caselaw.

5 MR. DUBOW: You're saying with
6 or without smoothing?

7 COUNCILMAN GREEN: Without
8 smoothing.

9 MR. DUBOW: Without smoothing?
10 I would want to get back to you with more
11 precision, but I would probably say
12 something like 1.7.

13 COUNCILMAN GREEN: 1.7?

14 MR. DUBOW: Yeah. But, I mean,
15 I'd want to -- that's where I think, but
16 I'd want to spend a little more time with
17 that.

18 COUNCILMAN GREEN: And that's
19 with the 15,000 homestead?

20 MR. DUBOW: Yes.

21 COUNCILMAN GREEN: Okay. That
22 implies an aggregate value of all real
23 estate in the City of around \$94 billion.

24 MR. DUBOW: That's probably --
25 yeah.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 COUNCILMAN GREEN: I mean,
3 essentially what you're doing when you're
4 setting that rate is guessing what the
5 aggregate value of all real estate is.

6 MR. DUBOW: That's correct.

7 COUNCILMAN GREEN: And so is
8 that the Administration's position now,
9 that it's --

10 MR. DUBOW: I think what I said
11 is, I need to go back and work on that,
12 and I just gave you a number off the top
13 of my head. So I wouldn't call that a
14 position.

15 COUNCILMAN GREEN: That's your
16 best guess at this moment?

17 MR. DUBOW: But I said I want
18 to go back and refine it.

19 COUNCILMAN GREEN: Okay. Would
20 you be surprised -- basically what the
21 modeling --

22 MR. DUBOW: I really wouldn't
23 be surprised by anything at this point.

24 COUNCILMAN GREEN: What the
25 modeling I did showed was that the U&O

1 5/23/12 - WHOLE - BILL 120164, etc.
2 rate is going to actually go down under
3 the Administration's proposal from 4.62
4 per \$100 of value to 85 cents or 82 cents
5 per \$100 of value without any of the
6 amendments I proposed.

7 MR. DUBOW: I would expect the
8 rate to go down because the assessed
9 values are going up, and it's based on
10 assessed values.

11 COUNCILMAN GREEN: Right.

12 MR. DUBOW: So, yes. To
13 generate the same amount of revenue, you
14 would need that reduction in rate.

15 COUNCILMAN GREEN: Right.
16 Would you be surprised -- basically what
17 the modeling demonstrated is that for
18 anybody whose commercial and industrial
19 property today is at 52 percent of value
20 or higher, that their U&O and real estate
21 tax collection will be revenue neutral.

22 MR. DUBOW: The combined amount
23 of the two?

24 COUNCILMAN GREEN: Yeah. And
25 if you're above 52 percent, not only will

1 5/23/12 - WHOLE - BILL 120164, etc.
2 your real estate taxes go down but your
3 U&O will go down.

4 MR. DUBOW: That I'd have to
5 look at. So you're saying they would
6 both go down under your proposal?

7 COUNCILMAN GREEN: Yes, if
8 you're above 52 percent.

9 MR. DUBOW: I'd have to look at
10 that.

11 COUNCILMAN GREEN: Can you get
12 back to the Chair with those numbers.

13 MR. DUBOW: You mean based on
14 your model?

15 COUNCILMAN GREEN: Based on
16 your model. I mean, I'm not -- I think
17 as we're considering U&O amendments, I'm
18 basing that policy based on the
19 information I've assembled with your help
20 and the help of others, and I'd like to
21 know if you disagree with my base
22 assumptions about that, which may change
23 my policy position on that.

24 MR. DUBOW: Right. That's what
25 I'm saying, I'd have to look at your

1 5/23/12 - WHOLE - BILL 120164, etc.
2 model, particularly on the U&O side, to
3 get to that.

4 COUNCILMAN GREEN: Okay. If
5 you can get back to the Chair, I'd
6 appreciate it.

7 Thank you, Mr. President.

8 COUNCIL PRESIDENT CLARKE:
9 Thank you, Councilman.

10 The Chair recognizes Councilman
11 Kenney.

12 COUNCILMAN KENNEY: Thank you,
13 Mr. President.

14 Mr. Dubow, in your view, what
15 is the purpose for smoothing?

16 MR. DUBOW: The purpose for
17 smoothing was to ease the transition to
18 actual value for property owners whose
19 tax bills were going to increase
20 substantially.

21 COUNCILMAN KENNEY: If in fact
22 we're able to protect the most vulnerable
23 and most market value jumps through some
24 type of gentrification or state
25 constitutional amendment allowance for

1 5/23/12 - WHOLE - BILL 120164, etc.

2 that protection, do we even need the
3 smoothing?

4 MR. DUBOW: I'm not sure we do,
5 and we'd be willing to talk about
6 eliminating smoothing if we had other --
7 if we came up with a package of relief
8 measures that we thought were effective
9 and didn't include smoothing, we could
10 support that.

11 COUNCILMAN KENNEY: Because
12 smoothing does seem to get complicated in
13 its implementation.

14 MR. DUBOW: Yes.

15 COUNCILMAN KENNEY: All right.
16 So you're willing to abandon smoothing
17 if --

18 MR. DUBOW: Yes.

19 COUNCILMAN KENNEY: Okay.
20 Thank you.

21 Thank you, Mr. President.

22 COUNCILWOMAN BROWN: What was
23 the question?

24 COUNCILMAN KENNEY: The
25 question was, if we put in relief

1 5/23/12 - WHOLE - BILL 120164, etc.
2 measures and protections for long-term
3 residents who experience 300 and 400
4 percent increases in market value, we
5 wouldn't need the smoothing, because
6 there's no need to soften the blow if the
7 blow is not there.

8 Thank you, Mr. President.

9 COUNCIL PRESIDENT CLARKE:

10 You're welcome, Councilman.

11 The Chair recognizes Councilman
12 Green.

13 COUNCILMAN GREEN: Thank you.

14 Just following up on Councilman
15 Kenney's questioning about smoothing,
16 based on your own analysis, who does
17 smoothing help and who does it hurt?

18 MR. DUBOW: So it hurts -- the
19 easiest part of your answer is, it hurts
20 people whose taxes will go down under the
21 proposed change in assessments, because
22 they'll have to wait longer for it to go
23 down. It helps some people whose
24 assessments go up, because it will take
25 longer for their increases to be in

1 5/23/12 - WHOLE - BILL 120164, etc.
2 place. It doesn't help everybody whose
3 assessments go up. That varies depending
4 on how much they go up and -- well,
5 that's kind of the key, how much they go
6 up, where they start and where they end.

7 COUNCILMAN GREEN: Yeah, but so
8 the question is -- I'm trying to get a
9 little bit more specific. Take the
10 homestead out of it. Assume a zero
11 homestead.

12 MR. DUBOW: Yeah. I wasn't
13 talking homestead.

14 COUNCILMAN GREEN: So if you
15 have a zero homestead and your property
16 is 25 percent or above its actual value
17 today on OPA's records, does smoothing
18 help or hurt you?

19 MR. DUBOW: Part of it depends
20 on where you end up, but it should help
21 you if you have that -- there's a break
22 point.

23 COUNCILMAN GREEN: Twenty-five
24 percent or above.

25 MR. DUBOW: Oh, 25 percent or

1 5/23/12 - WHOLE - BILL 120164, etc.

2 above? It probably does not help you.

3 COUNCILMAN GREEN: Right. So
4 the average of the GMAs that you looked
5 at was 33 percent. So is it fair to say
6 that smoothing hurts most people and
7 helps a few people?

8 MR. DUBOW: I think if you look
9 at -- I think more people actually see
10 decreases than increases. So just based
11 on that, I think it probably hurts more
12 people than it helps.

13 COUNCILMAN GREEN: Thank you.
14 Smoothing hurts more people than it helps
15 people.

16 MR. DUBOW: I think that's it.

17 COUNCILMAN GREEN: Thank you.

18 COUNCIL PRESIDENT CLARKE:

19 Thank you, Councilman.

20 The Chair recognizes Councilman
21 Goode.

22 COUNCILMAN GOODE: Thank you,
23 Mr. President.

24 Following up on Councilman
25 Green's question, smoothing specifically

1 5/23/12 - WHOLE - BILL 120164, etc.

2 hurts lower-value homeowners who will be
3 getting a tax cut and who have been
4 overburdened with taxes for years?

5 MR. DUBOW: Correct.

6 COUNCILMAN GOODE: So smoothing
7 actually helps people who have been
8 under-assessed for years?

9 MR. DUBOW: That's correct.

10 COUNCILMAN GOODE: Thank you.

11 COUNCIL PRESIDENT CLARKE:

12 Thank you, Councilman.

13 The board is clear. Any other
14 questions for these witnesses?

15 Councilman Green.

16 COUNCILMAN GREEN: Thank you,
17 Mr. President.

18 One quick question. If we set
19 the millage at 1.7 and it actually --
20 which I believe would be about a cushion
21 of ten points, because at a 15K homestead
22 at three times and 58 percent, it looks
23 like it would have to be 1.59. So we're
24 setting it at 1.7 to have some room in
25 case the aggregate value comes in lower.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 So we'd collect 100 million more than
3 intended or so, or if we set it at 1.8,
4 that would be 150 million more. So in
5 the legislation that -- or the amendments
6 that I proposed last week, I proposed
7 that we give a credit back to homeowners
8 in the event that we over-collected, and
9 given the real possibility that we may be
10 relying on a millage rate that is set
11 high so that we definitely have enough
12 revenue, shouldn't we have built in a
13 mechanism to make sure that people have a
14 credit of that amount on their next bill
15 and that it just doesn't go into the
16 General Fund and gets spent?

17 MR. DUBOW: So what concerns us
18 about that amendment is, we are putting a
19 significant emphasis on improving our
20 collections. What that would essentially
21 say is, if you improve collections, you
22 don't take those additional collections
23 in.

24 COUNCILMAN GREEN: No, it
25 doesn't say that. It says if you improve

1 5/23/12 - WHOLE - BILL 120164, etc.

2 current year collections and --

3 MR. DUBOW: That's part of the
4 initiative, to make sure that happens.

5 COUNCILMAN GREEN: And this is
6 based on your current year numbers. You
7 can do all the prior year collections you
8 want without it impacting that. And I'm
9 not even talking about the formulaic
10 approach. I'm talking about when
11 we're --

12 MR. DUBOW: But one of the
13 points of improving prior year
14 collections is to get people to pay their
15 current year, and that's the ultimate
16 goal.

17 COUNCILMAN GREEN: Are you
18 saying you'd be less incentivized to do
19 that if you couldn't take the additional
20 money and spend it or have it available
21 for City services?

22 MR. DUBOW: I'm saying every
23 time we have a conversation about the
24 amount of revenue we have, people say we
25 should be collecting more, we should be

1 5/23/12 - WHOLE - BILL 120164, etc.

2 doing a better job of collections.

3 COUNCILMAN GREEN: I absolutely
4 agree. All this does is --

5 MR. DUBOW: And this would say
6 we wouldn't do that.

7 COUNCILMAN GREEN: All this
8 does is say if we collect more, people
9 get a tax break next year. I can't
10 imagine people would be opposed to us
11 collecting more and lowering their taxes
12 next year.

13 MR. DUBOW: What we're trying
14 to do is collect what's due, and if we
15 collect what's due and people are paying
16 what's due, why should they get a credit?

17 COUNCILMAN GREEN: Because
18 you've created a formula that assumes
19 we're going to -- a very complicated
20 formula that assumes we're going to
21 collect a certain amount of money and --

22 MR. DUBOW: But you were
23 talking about the fail-safe where we
24 actually have a millage rate.

25 COUNCILMAN GREEN: Well, either

1 5/23/12 - WHOLE - BILL 120164, etc.
2 way, but you were answering the question
3 about the formula when I was asking the
4 other question. So now when you go back
5 to the formula, you've created a very
6 complicated formula.

7 MR. DUBOW: I thought we were
8 talking about when we got to the
9 fail-safe.

10 COUNCILMAN GREEN: Okay. Are
11 you okay with that as applied to the
12 fail-safe mechanism?

13 MR. DUBOW: For the same
14 reason, no. If we have a millage rate
15 and people pay what they're owed, they
16 shouldn't be getting a credit.

17 COUNCILMAN GREEN: So if we
18 collect -- because the formulaic approach
19 that the Administration is telling us we
20 can rely on and will be legal doesn't
21 work, if we collect an extra \$150
22 million, the City should just keep it and
23 not give it back to taxpayers. That's
24 your testimony?

25 MR. DUBOW: No. My testimony

1 5/23/12 - WHOLE - BILL 120164, etc.
2 about the 1.7 was, I needed to go back
3 and do more analysis, because I didn't
4 know exactly how much it would generate.
5 I didn't know the implications of it. I
6 said that a couple of times. I didn't
7 say that's where -- you asked whether
8 that was the Administration's position,
9 and I said no, that I needed to go back
10 and look at that number.

11 COUNCILMAN GREEN: I'm not
12 asking about what number the fail-safe
13 should be set at, because whatever number
14 it's set at --

15 MR. DUBOW: Well, you asked
16 about the amount 1.7 would generate.
17 That's the basis of your question.

18 COUNCILMAN GREEN: No.
19 Whatever number it's set at, it's going
20 to be inaccurate, because we don't know
21 the aggregate value in advance. And so
22 you're only going to be comfortable with
23 a number that is purposefully high to
24 make sure that the City and the School
25 District collect the revenue that they

1 5/23/12 - WHOLE - BILL 120164, etc.
2 need. What I'm asking you is, given that
3 scenario, what is the objection to saying
4 you've set revenue targets for the City
5 and the School District; if the fail-safe
6 comes into effect and we far exceed them,
7 why not mandate that that extra \$150
8 million is tax credits next year?

9 MR. DUBOW: I think if we
10 looked at that, we'd need to do it in a
11 way that made sure that it wasn't just --
12 that we weren't getting additional
13 revenues because we've improved our
14 collections. If the reason is that we
15 got the millage rate wrong, that's
16 different from if it's an improvement in
17 our collection processes.

18 COUNCILMAN GREEN: Or what
19 about if you got the formula wrong such
20 that it was intended to collect an extra
21 \$20 million that we can't see through the
22 application of the formula? I agree with
23 you. I mean, if you can collect more,
24 that's great, but in a transition year,
25 in order to give certainty to -- well,

1 5/23/12 - WHOLE - BILL 120164, etc.

2 I'll speak for myself -- to me and get
3 someone like me comfortable with this
4 proposal, I really want to see bounds on
5 the limits that you can take from
6 taxpayers, and you seem unwilling to put
7 bounds on the limits that you can take
8 from taxpayers, even if we can agree that
9 if it's the second scenario where it's
10 not the formulaic approach, we're
11 purposefully going to collect an extra
12 \$100 million.

13 MR. DUBOW: I actually think
14 what I said just a minute ago is that we
15 need to work on the wording of something
16 like that to make sure it wasn't because
17 we weren't getting additional revenue
18 because our collections improved, and if
19 it was something where the rate was
20 wrong, we should look at whether there's
21 wording that can address that. So I
22 don't think --

23 COUNCILMAN GREEN: So you're
24 not against a fail-safe as such or a
25 measure that would put a limit on the

1 5/23/12 - WHOLE - BILL 120164, etc.
2 amount of a windfall, say, the City could
3 get as a result of something going wrong
4 with our formula or something else, so
5 long as we don't penalize you for extra
6 collections?

7 MR. DUBOW: Yes.

8 COUNCILMAN GREEN: Okay. Thank
9 you.

10 Thank you, Mr. President.

11 COUNCIL PRESIDENT CLARKE:

12 Thank you, Councilman.

13 The Chair recognizes Councilman
14 Goode.

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

17 Following up on Councilman
18 Green's question again, we've been
19 overcharging low-value homeowners for
20 years; is that correct?

21 MR. DUBOW: That's correct.

22 COUNCILMAN GOODE: And they are
23 finally supposed to get a tax cut going
24 into the future; is that correct?

25 MR. DUBOW: That's correct.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 COUNCILMAN GOODE: But we're
3 not planning on giving them any of their
4 money back, are we?

5 MR. DUBOW: No.

6 COUNCILMAN GOODE: But they've
7 been overcharged for years?

8 MR. DUBOW: That's correct.

9 COUNCILMAN GOODE: So if we did
10 get a windfall, shouldn't that money go
11 to lower-value homeowners that's been
12 overcharged for years?

13 MR. DUBOW: That's an
14 interesting question.

15 COUNCILMAN GOODE: I think it
16 is.

17 Thank you, Mr. President.

18 COUNCIL PRESIDENT CLARKE:

19 Thank you, Councilman.

20 Thank you for your testimony.

21 I ask Ms. Judith Robinson.

22 (Witness approached witness
23 table.)

24 MS. ROBINSON: Good morning,
25 all. Good morning.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 (Good morning.)

3 MS. ROBINSON: I want to
4 testify. My name is Judith Robinson.
5 I'm sorry. And I'm here to testify on
6 bills that relate to Fiscal Year 2013.

7 COUNCIL PRESIDENT CLARKE:

8 Ms. Robinson, why don't you wait until
9 folks leave the room so we get a little
10 more quiet, make sure we hear your
11 testimony.

12 MS. ROBINSON: Thank you. I
13 appreciate that.

14 COUNCIL PRESIDENT CLARKE:

15 You're welcome.

16 (Pause.)

17 COUNCIL PRESIDENT CLARKE:

18 Please proceed.

19 MS. ROBINSON: Thank you, sir.

20 COUNCIL PRESIDENT CLARKE:

21 You're welcome.

22 MS. ROBINSON: I want to
23 testify on bills that relate to Fiscal
24 Year 2013, but my testimony probably will
25 encompass all of the different bills,

1 5/23/12 - WHOLE - BILL 120164, etc.
2 because I just want to hit certain areas.
3 But I want to start off my testimony by
4 saying no one of us is smarter than all
5 of us. I heard you, Councilman Jones,
6 say that. I don't know who the original
7 author of that statement is, but it's so
8 true, so true. So I just want to repeat
9 that, because as a citizen, I know that
10 none of us have it all figured all out.
11 And I don't envy you all in your position
12 as it relates to dealing with these
13 issues of taxes, but I will say something
14 that I heard nearly 20-some years ago in
15 studying real estate as an appraiser,
16 that valuing real estate is an art, not a
17 science. So just keep that in mind as
18 you talk about full valuation, actual
19 valuation. It's an art, not a science.
20 And in this economy that we're in with
21 this major fluctuation in value, I think
22 you just need to really be cognizant of
23 that.

24 And a suggestion, that these
25 issues of dealing with taxes are very

1 5/23/12 - WHOLE - BILL 120164, etc.
2 complicated, and I would just suggest
3 maybe -- and I know tax issues are dealt
4 with throughout the Council sessions, but
5 you wouldn't have the pressure of the
6 budget upon you if you were to deal with
7 these issues when you're not under this
8 pressure of, you know -- because it seems
9 that you're budgeting and you're dealing
10 with pressure of taxation and changing
11 things around, and you might make some
12 mistakes or -- you just will have a clear
13 head, I think, if you were to deal with
14 them in an ongoing basis and not under
15 the pressure of budgeting.

16 So then I'm going to get into
17 my testimony regarding actual specifics.

18 I asked one of my friends what
19 would you do when your money is low?
20 That's the question I'm asking. What do
21 you do when you don't have a lot of
22 money? And the first thing this person
23 said was you will cut down on spending.
24 So my -- and that's what I would do, you
25 know, as someone that's financially

1 5/23/12 - WHOLE - BILL 120164, etc.
2 strapped right now and most of my life.
3 I know that budgeting is important. So
4 you stop spending. You cut spending.

5 So I'm asking the question
6 regarding the School Board. I'm
7 concerned about -- and I'm going to focus
8 on the real estate aspect of what's going
9 on in the school system. They have a lot
10 of land. There's some land at 30th and
11 Gordon Street. I attended McIntyre
12 Elementary School, and that building was
13 torn down back in 1960-something, had to
14 be after '67, '68, and that land is
15 sitting there vacant all these years. It
16 has some value, but it's just sitting
17 there. And I don't know if there's a
18 value put on land and you can sell it to
19 offset some of these needs with the
20 School Board. That's one thing I'm
21 concerned about.

22 There was some land at 15th and
23 Susquehanna that come to find out -- I
24 thought it was Parks and Recreation, and
25 the land was owned by the School Board.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 They were ready to give it away for a
3 dollar.

4 I'm bringing that back up now
5 because any value, any income that can
6 come as a result of valuing real estate
7 and selling it, I think you should try to
8 get as much money as possible off your
9 real estate.

10 I'm really concerned about
11 something that I've been seeing in the
12 paper, capital projects at the School
13 Board. I'm thinking to myself if 60
14 schools are being closed -- we don't know
15 which ones they are -- why are we still
16 spending money fixing up schools,
17 removing asbestos? I know that's
18 dangerous, so it might be an emergency.
19 Correct me if I'm wrong. But there are
20 contracts being let every day.

21 I'm reading in the newspaper --
22 for instance, I'll give you an example.
23 The Morton McMichael Elementary School,
24 \$1.2 million to be spent, over \$1.2
25 million to be spent. How do we know this

1 5/23/12 - WHOLE - BILL 120164, etc.
2 is not a school that will be closed? I
3 mean, who is making these decisions as
4 we're talking about closing 60 schools?
5 Why are we still doing work on buildings?
6 Unless somebody knows some buildings is
7 not going to be closed definitely, I
8 would be concerned about spending \$1.2
9 million on it. So that's just one of my
10 concerns. What's going on in the capital
11 department where money is still being
12 spent like we don't have a problem, and
13 why?

14 I'm really concerned about
15 things being spent -- money being spent
16 on things and not the children. I'm
17 hearing layoffs for bus drivers, nurses,
18 teachers. All kinds of things are going
19 on, but money is still being spent in the
20 capitals department. I just don't
21 understand that. So I'm going to leave
22 that alone and ask you all to find out
23 why. And correct me if I'm wrong as to
24 why we can't stop spending.

25 I'm going to switch to now

1 5/23/12 - WHOLE - BILL 120164, etc.
2 Parks and Recreation, something that
3 concerns me, and I'm going to lump land
4 into that also.

5 I am concerned that some rec
6 centers such as the rec center at 15th
7 and Dauphin, Winchester Rec Center, is
8 unstaffed. Why? Why is it that we don't
9 have a staff at the rec center? I saw
10 something where janitors are being -- are
11 not being able to be used in some rec
12 centers. So I need some help in
13 understanding why our children in the
14 area of 15th and Dauphin area are not
15 having the benefit of a rec center that's
16 staffed with some programs in it.

17 There's something going on now.
18 I'm not sure, but I'm asking Councilman
19 Clarke, President Clarke, to please
20 ascertain what is going on with the rec
21 center there at 15th and Dauphin,
22 Winchester Rec Center, because I just
23 think that's a problem, especially when
24 there's some goings on between the land
25 at 15th and Susquehanna, which is owned

1 5/23/12 - WHOLE - BILL 120164, etc.
2 by the School Board, but the rec
3 center -- the Rec Department, it's in
4 their inventory. Because when they did
5 their study of what is in their
6 inventory, that land was still in their
7 inventory and the rec center was still in
8 their inventory. So I'm not clear what's
9 going on there. But I know if money is
10 being spent in other areas, if not, why
11 not at Winchester?

12 I am also concerned about the
13 fees being charged at the park.
14 Fairmount Park was my backyard as a
15 child.

16 COUNCIL PRESIDENT CLARKE: Ms.
17 Robinson?

18 MS. ROBINSON: Yes.

19 COUNCIL PRESIDENT CLARKE: One
20 second. We were trying to limit the
21 testimony to the amendments that we were
22 hearing today. And I'm going to always
23 try to accommodate you, but this is not
24 the day for public testimony. So we're
25 asking you to reference the bills, the

1 5/23/12 - WHOLE - BILL 120164, etc.
2 amendments that were offered today.

3 MS. ROBINSON: Okay. Well,
4 that's why I'm referencing Bill No.
5 120165, an ordinance to adopt a Fiscal
6 2013 Capital Budget.

7 COUNCIL PRESIDENT CLARKE: I
8 understand.

9 MS. ROBINSON: Am I within
10 order to do that?

11 COUNCIL PRESIDENT CLARKE:
12 Well, I'm trying to give you as much time
13 as possible, but I'm going to ask you to
14 kind of summarize your comments, in all
15 due respect, because there is
16 traditionally a limit in terms of your
17 testimony, but I'm trying to accommodate
18 you. So I'm asking you if you can kind
19 of focus your comments on the amendments
20 today, and understand that I'm trying to
21 give you leeway to talk about certain
22 aspects of it, but this is really focused
23 for the amendments offered by Councilman
24 Green.

25 MS. ROBINSON: Well, you know

1 5/23/12 - WHOLE - BILL 120164, etc.

2 what, sir?

3 COUNCIL PRESIDENT CLARKE:

4 There is actually a limit in terms of
5 time for testimony. We actually limit
6 Councilmembers in terms of their
7 questioning. So if you can kind of
8 summarize your testimony today.

9 MS. ROBINSON: When I received
10 this public notice in the mail, it did
11 not say that I would be limited in my
12 comments. It gave me bills. So I'm
13 trying to get clarity on what is this
14 hearing about today?

15 COUNCIL PRESIDENT CLARKE:
16 Traditionally, Ms. Robinson, the limit is
17 three minutes. I have clearly allowed
18 you to go beyond the three minutes
19 because I'm trying to accommodate you.
20 So I'm just simply asking you if you can
21 kind of summarize the issues, because
22 this can't go on and on.

23 MS. ROBINSON: I'm going to
24 summarize, but let me say this: We don't
25 have this stuff all figured out, so why

1 5/23/12 - WHOLE - BILL 120164, etc.
2 are we rushing? Based on what? And when
3 I got this, I know on Thursdays we have
4 three minutes, but I thought this was a
5 public hearing. That's why I'm here
6 today. Committee of the Whole --

7 COUNCIL PRESIDENT CLARKE:

8 Ms. Robinson, we have limits on everyone
9 in every hearing, but I have not imposed
10 that on you today. But I am asking you
11 if you can kind of summarize your
12 testimony, because there are limits
13 imposed both in the neighborhood budget
14 hearings, in the hearings in the City
15 Council, on Thursdays.

16 MS. ROBINSON: Since you got to
17 be the President of City Council, you
18 have put these limits on citizens, and we
19 have been very respectful to you, Council
20 President, in your limits. You are in
21 charge. I understand all of that. I'm
22 here as a citizen today giving input,
23 because you all do not have it all
24 figured out. So I'm saying to you, I
25 would like to respectfully finish my

1 5/23/12 - WHOLE - BILL 120164, etc.
2 comments, please. Thank you, sir. And I
3 will be as brief as possible, but I do
4 want to get this in, because they are
5 concerns, not just of mine but I talked
6 to people in my community and they're
7 concerned about parks, being fees in the
8 park.

9 As I started to say, Fairmount
10 Park was my backyard as a child. Okay?
11 We ran in the park and had a good-old
12 time. We cleaned up our trash
13 afterwards, et cetera. I'm concerned
14 that there are fees being placed on use
15 in the park, and I'm saying I want to
16 make sure that we as citizens who live
17 around the parks are not priced out of
18 Fairmount Park. Okay? That's what I
19 want to say real loud and clear. Okay?

20 I know we need money, et
21 cetera, but I don't want to be priced out
22 of the park where I can't take a child to
23 the park and have a picnic. Okay? So
24 that's just what I want to say regarding
25 that.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 Land -- oh, and regarding Parks
3 and Recreation, they did a study and they
4 found out in the study that tree canopy
5 in North Central Philadelphia is very
6 low. We don't have enough trees. With
7 all the demolition that we have had in
8 our city and especially concentrated in
9 the 5th District area, we need trees to
10 offset some of that asthma and
11 respiratory issues in our area. So I
12 hope that we can get some trees. Based
13 on the Parks and Recreation study, we
14 didn't have tree canopy. So we need some
15 trees in North Philadelphia. Not on the
16 sidewalks or the wrong trees where they
17 can uplift the sidewalk, but smaller
18 trees that could benefit us and clean our
19 air. So that's my area of concern at
20 Parks and Recreation.

21 Now I'll get to the Sheriff
22 Department.

23 COUNCIL PRESIDENT CLARKE:

24 Ms. Robinson?

25 MS. ROBINSON: Yes, sir.

1 5/23/12 - WHOLE - BILL 120164, etc.

2 COUNCIL PRESIDENT CLARKE: All
3 due respect, you are going to have a time
4 limit today.

5 MS. ROBINSON: Okay. Well, I'm
6 going to have a time limit and I'm going
7 to finish up right now. This is my last
8 area of concern.

9 COUNCIL PRESIDENT CLARKE: All
10 right.

11 MS. ROBINSON: The Sheriff
12 Department, I understand the Sheriff has
13 been here asking for \$3 million. There
14 is a problem in the Sheriff Department,
15 and I'm going to be real brief about
16 that, because I'm in litigation right now
17 with some of those folks in the Sheriff
18 Department. Okay?

19 COUNCIL PRESIDENT CLARKE:
20 Please proceed.

21 MS. ROBINSON: I'm going to say
22 that real estate area got into problems
23 because of your IT guy who was there
24 doing supposedly IT. Then he turns into
25 a real estate expert. So when you give

1 5/23/12 - WHOLE - BILL 120164, etc.
2 money, be very careful about what you're
3 giving it for down in the Sheriff
4 Department, because that real estate
5 section needs to be out of there, because
6 it will be more like you jumped in from
7 the frying pan into the fire. We have a
8 problem down there, and a class action
9 lawsuit is not going to help it. Okay?

10 I'm going to just leave that
11 there and put the pin in that.

12 The last -- and I appreciate
13 your patience with me, Councilman. I
14 really do. But last, but not least,
15 water. Water is a basic necessity that
16 all humans need. Please do not price
17 people out of the basic necessity of
18 water. I'm saying all of this, and you
19 all have the responsibility to do the
20 budgeting, and I don't envy you all in
21 that, but I want to make sure you keep
22 these things in mind as you go throughout
23 this process of budgeting.

24 And then I'm going to say this
25 and I'm going to get out of your way,

1 5/23/12 - WHOLE - BILL 120164, etc.
2 Councilman, because I do appreciate all
3 of you all listening to me. But I'm a
4 mother. I'm a grandmother. I heard
5 Mr. Henon say his mother said don't jump
6 in water if you can't see the bottom.
7 That's the kind of stuff my mother would
8 say, and that's the kind of stuff I say
9 as a mother. I'm here on behalf of my
10 grandchildren. Okay? So when I come
11 down here, I'm not coming down here
12 because I don't have anything better to
13 do. I'm a businesswoman and I need to be
14 somewhere making money, but I'm here on
15 behalf of my family, my children and the
16 children of this city, because we as
17 adults, I know we can do better, and we
18 should.

19 Thank you so much.

20 (Applause.)

21 COUNCIL PRESIDENT CLARKE:

22 Thank you.

23 Any questions of this witness?

24 (No response.)

25 COUNCIL PRESIDENT CLARKE:

1 5/23/12 - WHOLE - BILL 120164, etc.

2 Anyone else to testify?

3 (No response.)

4 COUNCIL PRESIDENT CLARKE:

5 There being none, thank you very much.

6 This Committee will stand in
7 recess until Wednesday, May 30th, 2012 at
8 1:00 p.m.

9 Thank you.

10 (Committee of the Whole
11 recessed at 11:40 a.m.)

12 - - -

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on May 23, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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