

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE OF THE WHOLE

Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, May 21, 2014  
1:55 p.m.

PRESENT:

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

BILLS 130489, 130724, 140140, 140144, 140145,  
140146, 140147, and 140148  
RESOLUTION 140159

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COUNCIL PRESIDENT CLARKE: Good afternoon, everyone. Sorry for the delay. We were downstairs honoring our veterans and we ran a little long, but we could run as long as possible. It's never enough time to help honor our veterans. So sorry for the short delay.

What we'd like to do is, we have a couple of bills that are Capital Budget bills that we would like to move out of Committee today, bills that there's a consensus on. There may be one or two amendments on those bills, but we will amend them on the Calendar. It's related to the Planning Commission's timeline, the 30-day timeline that's required before we can act, the Council, on the amendments. So there will probably be an amendment at the next session of Council on the first reading. What I'd like to do is just vote those out of Committee and then we'll get back into the meat of the School District testimony, if that's okay with all the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           colleagues. Thank you.

3                   This is the public hearing of  
4           the Committee of the Whole regarding  
5           Bills No. 130489, 130724, 140140, 140144,  
6           140145, 140146, 140147, 140148, and  
7           Resolution No. 140159. And please note  
8           that Bill No. 130489, called the  
9           non-utilization tax bill, is being held  
10          at the call of the Chair.

11                   Ms. Lewis, would you please  
12          read the titles of the bills.

13                   MS. LEWIS: Yes, sir.

14                   Bill No. 130724, amending  
15          Chapter 19-1300 of The Philadelphia Code,  
16          entitled "Real Estate Taxes," by  
17          authorizing the School Reform Commission  
18          to determine whether certain tax  
19          exemptions from School District of  
20          Philadelphia real estate taxes shall  
21          continue; and by making technical  
22          corrections; all under certain terms and  
23          conditions.

24                   Bill No. 140140, an ordinance  
25          amending Chapter 19-1500 of The

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           Philadelphia Code, entitled "Wage and Net  
3           Profits and Tax," by decreasing the rate  
4           or rates of the tax imposed upon certain  
5           low income persons, providing for refunds  
6           of excess taxes paid, directing the  
7           Revenue Department to develop procedures  
8           and forms whereby eligible taxpayers can  
9           obtain such refunds, and requiring  
10          employers to provide refund forms to  
11          employees; all under certain terms and  
12          conditions.

13                   Bill No. 140144, an ordinance  
14                   to adopt a Capital Program for the six  
15                   Fiscal Years 2015 through 2020 inclusive.

16                   Bill No. 140145, an ordinance  
17                   to adopt a Fiscal 2015 Capital Budget.

18                   Bill No. 140146, an ordinance  
19                   adopting the Operating Budget for Fiscal  
20                   Year 2015.

21                   Bill No. 140147, an ordinance  
22                   amending Section 19-1806 of The  
23                   Philadelphia Code, entitled  
24                   "Authorization of Realty Use and  
25                   Occupancy Tax," to further authorize the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           Board of Education of the School District  
3           of Philadelphia to impose a tax on the  
4           use or occupancy of real estate within  
5           the School District of Philadelphia,  
6           under certain terms and conditions.

7                     Bill No. 140148, an ordinance  
8           amending Section 19-1801 of The  
9           Philadelphia Code, entitled  
10          "Authorization of Tax," to further  
11          authorize the Board of Education of the  
12          School District of Philadelphia to impose  
13          a tax on real estate within the City of  
14          Philadelphia, under certain terms and  
15          conditions.

16                    And Resolution No. 140159,  
17          providing for the approval by the Council  
18          of the City of Philadelphia of a Revised  
19          Five Year Financial Plan for the City of  
20          Philadelphia covering Fiscal Years 2015  
21          through 2019, and incorporating proposed  
22          changes with respect to Fiscal Year 2014,  
23          which is to be submitted by the Mayor to  
24          the Pennsylvania Intergovernmental  
25          Cooperation Authority (the "Authority")

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           pursuant to the Intergovernmental  
3           Cooperation Agreement, authorized by an  
4           Ordinance of this Council approved by the  
5           Mayor on January 3rd, 1992 (Bill No.  
6           1563-A), by and between the City and the  
7           Authority.

8                       COUNCIL PRESIDENT CLARKE:  
9           Thank you so much.

10                      What I would like to do --  
11           before we make a motion to go into a  
12           public meeting, I would like to, for the  
13           record, ask if there are any questions or  
14           witnesses on Bill No. 140140, Bill No.  
15           140144, and Bill No. 140145.

16                      (No response.)

17                      COUNCIL PRESIDENT CLARKE:  
18           There being none, thank you.

19                      At this time, we will move into  
20           the public meeting. We will recess the  
21           public hearing and move into the public  
22           meeting, and the Chair recognizes  
23           Councilman Goode for a motion on Bill No.  
24           140140.

25                      COUNCILMAN GOODE: Thank you,

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Mr. Chairman. I move that Bill No.  
3           140140 be reported from Committee with a  
4           favorable recommendation and further move  
5           that the rules of Council be suspended so  
6           as to permit first reading of this bill  
7           at the next session of Council.

8                       (Duly seconded.)

9                       COUNCIL PRESIDENT CLARKE:

10          Thank you. It has been moved and  
11          properly seconded that Bill No. 140140 be  
12          reported from this Committee with a  
13          favorable recommendation and further  
14          moved that the rules of Council be  
15          suspended so as to permit first reading  
16          of this bill at our next session of  
17          Council.

18                      All those in favor?

19                      (Aye.)

20                      COUNCIL PRESIDENT CLARKE:

21          Those opposed?

22                      (No response.)

23                      COUNCIL PRESIDENT CLARKE: The  
24          ayes have it, and the bill is reported  
25          out of Committee with a favorable

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           recommendation and suspension of the  
3           rules.

4                   I'll now move to Councilman  
5           Greenlee for a motion on Bill No. 140144.

6                   COUNCILMAN GREENLEE: Thank  
7           you, Mr. President. I move that Bill No.  
8           140144 be reported from this Committee  
9           with a favorable recommendation and  
10          further move that the rules of Council be  
11          suspended to permit first reading of this  
12          bill at the next session of Council.

13                   (Duly seconded.)

14                   COUNCIL PRESIDENT CLARKE:  
15          Thank you. It has been moved and  
16          properly seconded that Bill No. 140144 be  
17          reported from this Committee with a  
18          favorable recommendation and further  
19          moved that the rules of Council be  
20          suspended so as to allow the reading of  
21          this bill at the next session of Council.

22                   All those in favor?

23                   (Aye.)

24                   COUNCIL PRESIDENT CLARKE:

25          Those opposed?

1           5/21/14 - WHOLE - BILL 130489, etc.

2           (No response.)

3           COUNCIL PRESIDENT CLARKE: The  
4 ayes have it, and that bill will be heard  
5 on the first reading at our next session  
6 of Council.

7           And the Chair recognizes  
8 Councilman Jones for a motion on Bill No.  
9 140145.

10           COUNCILMAN JONES: Thank you,  
11 Mr. Chairman. I move that Bill No.  
12 140145 be reported from this Committee  
13 with a favorable recommendation and  
14 further move that the rules of Council be  
15 suspended to permit first reading at our  
16 next session of Council.

17           (Duly seconded.)

18           COUNCIL PRESIDENT CLARKE:  
19 Thank you. It has been moved and  
20 properly seconded that Bill No. 140145 be  
21 reported from this Committee with a  
22 favorable recommendation and further  
23 moved that the rules of Council be  
24 suspended to permit first reading at the  
25 next session of Council.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           All those in favor?

3           (Aye.)

4           COUNCIL PRESIDENT CLARKE:

5           Those opposed?

6           (No response.)

7           COUNCIL PRESIDENT CLARKE: The  
8           ayes have it and the motion carries, and  
9           Bill No. 140145 will be reported from  
10          this Committee with a favorable  
11          recommendation and with a request for  
12          rules suspension to allow reading at the  
13          next session of Council.

14          Thank you very much. That  
15          concludes the public meeting. We will  
16          now go back into the public hearing.

17          And at this time, I don't think  
18          we have any -- there's no testimony from  
19          the School District? Do we have  
20          testimony?

21          DR. HITE: Sure.

22          COUNCIL PRESIDENT CLARKE: Oh,  
23          you do? Okay.

24          DR. HITE: I don't have any  
25          testimony. I just have comments or

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           should I just --

3                   COUNCIL PRESIDENT CLARKE: If  
4           you have it, you can give it.

5                   DR. HITE: Thank you. Thank  
6           you, Mr. President, and thank you,  
7           members of Council, for allowing us this  
8           opportunity to respond to questions from  
9           the Committee.

10                   Sixteen days ago we were here  
11           talking about the dire needs of the  
12           School District, and today we'll continue  
13           to talk about or to respond to questions  
14           around our fiscal stability or  
15           instability. And I just want to add as a  
16           matter of context that although we're 16  
17           days removed from the first hearing,  
18           we're no better off. As a matter of  
19           fact, in many respects, it is worse for  
20           the following reasons:

21                   Several weeks ago our  
22           principals completed a complex and very  
23           complicated process to site select, and  
24           what we are trying to move to is a  
25           process so that every principal has the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           ability to site select. And while the  
3           process has been completed, we're facing  
4           the prospect of going back to principals  
5           very soon and asking them to lay off the  
6           individuals that they just site selected.

7                     The only reason I pose that --  
8           I raise that concern is because I want to  
9           once again reiterate the urgency around  
10          what we're facing as a School District.  
11          We are trying not to have to send out  
12          over a thousand layoff notices, because  
13          once we do that, it has, in many cases,  
14          irreversible implications for our  
15          District and costs associated with those,  
16          separation costs or unemployment costs  
17          associated with such a process.

18                    In addition to that, we have  
19          now many families, students, and faculty  
20          members who are, rightfully so, concerned  
21          about what our schools will look like.  
22          Just a few days ago we met with  
23          principals who are very concerned that  
24          any reduction to their current situation  
25          puts them and their schools and their

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       staffs and, more importantly, their  
3       students in jeopardy. Two individuals  
4       even said they don't even think they  
5       could fit 40 children in a classroom.  
6       Two others said they don't think that  
7       they could ensure safety. And so it just  
8       speaks to the fact that our school  
9       leaders are also sharing their  
10      significant concerns about what our  
11      schools will look like if in fact we have  
12      to move forward without revenue that  
13      we've requested, the \$224 million,  
14      including the 120 plus the 96 million in  
15      additional revenue.

16                 Since we were here last, we've  
17      also been in Harrisburg advocating for  
18      the state and with the state to increase  
19      their revenue streams, and we hope to do  
20      the same thing today with Council.

21                 And so I just want thank you  
22      for indulging me, Council President,  
23      Mr. Council President, and I just wanted  
24      to add that piece, because I think that  
25      the closer we get to a time when we have

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           to begin making decisions by law --  
3           layoffs have to be done by a specific  
4           time period -- then the more dire the  
5           situation becomes. And so I just wanted  
6           to add that as a bit of context to  
7           today's comments.

8                       COUNCIL PRESIDENT CLARKE:

9           Thank you.

10                      I would like at this time to  
11           ask my colleagues if you all can indulge  
12           me if I go over the five-minute limit  
13           with questions, and then I probably won't  
14           ask any more questions. Thank you. I  
15           don't like to abuse the chair. Thank  
16           you.

17                      Thank you for your testimony.

18                      I want to actually ask  
19           Mr. Dubow to come up to the witness  
20           table. And not that you all should  
21           leave. This is kind of going to be a  
22           little joint effort here.

23                      (Witness approached witness  
24           table.)

25                      COUNCIL PRESIDENT CLARKE:

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Thank you. So I'm going to read some  
3           statements, because I'm just trying to  
4           get a little clarity on where we are with  
5           respect to this whole issue with respect  
6           to the City's fiscal health and the  
7           School District's fiscal health.

8                        So as far back as January in  
9           '09, there was a statement, My number one  
10          priority of course among day-to-day  
11          citizen services is making sure that the  
12          City is safe, that our citizens,  
13          especially our children, are safe in an  
14          environment -- and I'm assuming that's a  
15          reference to having police and fire and  
16          all the things associated with that --  
17          getting a good education, and respond to  
18          the economic crisis to make sure that we  
19          have jobs and economic opportunity. But  
20          increasingly, the fiscal integrity of our  
21          City government looms paramount.

22                       And again in January '09, 650  
23          million in the first nine months of last  
24          year. There was a meeting in Atlanta and  
25          Phoenix and writing a letter to the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           Treasury Secretary, Henry Paulson at the  
3           time, seeking financial help for U.S.  
4           cities. The letter cited investment  
5           deficits and rising pension costs.

6                       So now we go to 4/27/12, and  
7           this is in a broader context. It talked  
8           about Mayor Street, a little shot on him  
9           about him doing some things as it relates  
10          to taking money, not dealing with the  
11          Pension Fund appropriately and then,  
12          which may explain why even when the  
13          City's budget picture improved, Street  
14          continued to pay the lowest amount  
15          possible, a practice that put the Pension  
16          Fund in a significant difficulty.

17                      And then in August 1, '13,  
18          That's a lot of money that either could  
19          be utilized for schools, additional  
20          funding or to help us with our pension  
21          challenges. Both are important. One is  
22          imminent and the other over time. And  
23          the one is obviously the School District,  
24          because it seems to be the continuing  
25          theme, but over time is going to eat us

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       alive.

3                   Then there's another statement  
4       more recent, 3/6/14. Let me be clear, I  
5       have been consistent on this issue. We  
6       are in agreement with a 50/50 split, 1  
7       percent sales tax extension, coupled with  
8       implementation of the cigarette tax. It  
9       is vitally important for the financial  
10      stability of our School District and the  
11      fiscal health of our City Pension Fund,  
12      and I will continue to advocate for a  
13      change in the sales tax extension  
14      legislation in Harrisburg.

15                   So, Mr. Dubow, I'm going to ask  
16      you a trick question. Who do you think  
17      made those statements?

18                   MR. DUBOW: I'm going to guess  
19      it was the Mayor.

20                   COUNCIL PRESIDENT CLARKE: All  
21      right. The current Mayor.

22                   MR. DUBOW: And the last one  
23      was actually from his budget address, I  
24      think.

25                   COUNCIL PRESIDENT CLARKE: I

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           just want to make sure, because I just  
3           want to get a little clarity. I thought  
4           that was the path that we were moving  
5           down.

6                        So there were subsequent  
7           conversations as it relates to the  
8           Pension Fund and the ability for the  
9           Pension Fund to get to fully funded based  
10          on various plans.

11                      MR. DUBOW: To 80 percent  
12          funded. When you say "fully funded," you  
13          mean 80 percent?

14                      COUNCIL PRESIDENT CLARKE: Yes,  
15          80 percent. That's the traditional.

16                      And then there's issues about  
17          when it was going to get to the fully  
18          funded, and my understanding is if we do  
19          nothing, there may actually only be -- in  
20          some terms people say "only" -- a  
21          two-year window, and I've actually heard  
22          references as small as one year in some  
23          publication somewhere.

24                      MR. DUBOW: I think if we do  
25          nothing, we get to 80 percent funded --

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           by "nothing," it's following the current  
3           path.

4                   COUNCIL PRESIDENT CLARKE: The  
5           state path.

6                   MR. DUBOW: No. By doing  
7           nothing, I mean no legislation at all you  
8           get to 80 percent funded in, I think  
9           it's, FY33.

10                  COUNCIL PRESIDENT CLARKE: And  
11          then if you do the existing.

12                  MR. DUBOW: The enacted state  
13          sales tax legislation, we get to 80  
14          percent funded in FY30.

15                  COUNCIL PRESIDENT CLARKE: And  
16          then if you do the --

17                  MR. DUBOW: The sliding scale,  
18          the four-year sliding scale, I think it's  
19          FY28.

20                  COUNCIL PRESIDENT CLARKE: And  
21          if you do the plan as proposed by City  
22          Council?

23                  MR. DUBOW: That's the one I  
24          was just talking about when I say FY28.

25                  COUNCIL PRESIDENT CLARKE:

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Okay. You said if we do nothing, meaning  
3           that you're assuming that we enacted the  
4           state's --

5                       MR. DUBOW: Sorry. Let me  
6           start again. If no legislation -- if the  
7           sales tax isn't extended, so if nothing  
8           changes and we just fund the Pension Fund  
9           the way we're funding it now, we'd get to  
10          80 percent funded in FY33.

11                      COUNCIL PRESIDENT CLARKE:  
12          Okay.

13                      MR. DUBOW: If enacted  
14          legislation consistent with the state  
15          legislation that has the first 120  
16          million going to the School District and  
17          then the additional above the repayment  
18          of borrowing going to the Pension Fund  
19          without growing over time, you get to 80  
20          percent funded in FY30.

21                      COUNCIL PRESIDENT CLARKE:  
22          Okay.

23                      MR. DUBOW: Under the  
24          legislation introduced last week that  
25          starts with 120 million going to the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           District and then I think it's 70, 60,  
3           50 -- I think that's the percents -- that  
4           would get you, I think, around FY28 to 80  
5           percent funded.

6                   COUNCIL PRESIDENT CLARKE: So  
7           two years?

8                   MR. DUBOW: Yes. And the  
9           reason is, it's a \$5 billion unfunded  
10          liability.

11                   COUNCIL PRESIDENT CLARKE: I  
12          know all about that. We've been talking  
13          about that for a while.

14                   MR. DUBOW: Yes. It takes a  
15          substantial amount of money to move that.

16                   COUNCIL PRESIDENT CLARKE: All  
17          right. So what you're saying on the  
18          record is only a two-year difference.

19                   MR. DUBOW: Yes.

20                   COUNCIL PRESIDENT CLARKE: And  
21          how much money would we not have to put  
22          in the Pension Fund if we got there two  
23          years earlier? Because we're now putting  
24          additional revenue in the Pension Fund.  
25          Once you get to fully funded, my

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           assumption is that -- I understand you  
3           have to maintain a certain level, but  
4           we're putting beyond what is fiscally  
5           healthy. And I kind of threw that at  
6           you. I probably didn't give you a chance  
7           to calculate that.

8                     MR. DUBOW: Yeah. I would need  
9           to --

10                    COUNCIL PRESIDENT CLARKE:  
11           Okay. I'll give you that. Well, I made  
12           my point.

13                    So what I'm hearing from  
14           members of the General Assembly and  
15           members from the executive branch on the  
16           state, those statements that continue to  
17           be made from you guys, the implication is  
18           that it's not that big of a deal, what  
19           you reference as a two-year swing, so why  
20           should we do additional money to  
21           pensions. Is that the position that you  
22           take?

23                    MR. DUBOW: The Mayor's  
24           position, as he said in the budget  
25           address and as he's said publicly since,

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           is he's advocating for the change in  
3           allocation as proposed last week, coupled  
4           with the cigarette tax. The cigarette  
5           tax, he wouldn't want to change the  
6           allocation because then the District  
7           would get less money.

8                       COUNCIL PRESIDENT CLARKE:

9           Okay. We agree with you on that. As I  
10          said publicly and to anybody that will  
11          listen, that the split doesn't work  
12          without the cigarette tax. Everybody is  
13          counting on the cigarette tax.

14                      MR. DUBOW: Right.

15                      COUNCIL PRESIDENT CLARKE: So  
16          at the earlier hearing, I think at the  
17          last hearing where the School District  
18          was here, there was a number associated  
19          with revenues going to the School  
20          District separate and aside from the 120,  
21          and I know Councilman Goode had asked  
22          about Plan B as it relates to additional  
23          revenue, and I think we asked again  
24          about -- I think it was a question of  
25          you, Mr. Dubow, when you were here and

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           then we asked again when the School  
3           District was here about this \$75 million,  
4           and I think the Chairman and Dr. Hite  
5           initially didn't necessarily say that it  
6           was cigarettes, but then at some point  
7           kind of pulled that out that that will  
8           probably be cigarettes. And I think that  
9           the statements were that we depend on the  
10          75 regardless as to whether or not it was  
11          cigarettes, and I think you actually said  
12          you were agnostic on the source, you just  
13          wanted the 75 million.

14                 So upon hearing that, when  
15          we're told that if it's not cigarettes,  
16          it has to come from somewhere, and  
17          conversation with you shortly thereafter,  
18          I needed to know -- give me a little  
19          clarity on that, because what I didn't  
20          want to have happen is City Council be  
21          given an ordinance at the last minute,  
22          right, to say we have to raise people's  
23          real estate taxes or some other tax. And  
24          I know you hate me doing this, but I just  
25          don't want us holding the bag, City

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           Council. So we're going to have to put  
3           some things on the record.

4                     If we're not successful with  
5           the cigarette tax, what happens?

6                     MR. DUBOW: There are no good  
7           second options. I mean, we in one of the  
8           earlier hearings asked, Well, what would  
9           be off the table. We don't want to do  
10          another broad-based tax increase. We  
11          also don't want to do anything that  
12          strips money from our General Fund,  
13          because in that case, we'd have to make  
14          cuts that would affect everybody,  
15          including children. So for us, it's an  
16          all-out push for the cigarette tax  
17          because we really need that.

18                    COUNCIL PRESIDENT CLARKE:  
19          Okay. So give it back to the school.

20                    Dr. Hite, Chairman, what is the  
21          position of the School District as it  
22          relates to that?

23                    CHAIRMAN GREEN: I'm sorry. I  
24          was saying hi to my former colleague. If  
25          you could repeat the question.

1           5/21/14 - WHOLE - BILL 130489, etc.

2                   COUNCIL PRESIDENT CLARKE: It  
3 was in reference to the \$75 million that  
4 was discussed in the budget conversation  
5 at our last hearing and there was some  
6 question about the 75 million and I  
7 think, again, I say that there was a  
8 question with respect to Mr. Dubow asked  
9 by Councilman Goode about the City's Plan  
10 B, because there has been a lot of  
11 reference to City Council's Plan B and I  
12 just would like to know what's the Plan B  
13 for the Administration and the School  
14 District.

15                   CHAIRMAN GREEN: Well,  
16 unfortunately, as everybody knows, we do  
17 not have taxing authority, so our Plan B  
18 consists of cutting a thousand positions  
19 this year, and if the cigarette tax is  
20 split, another 1,500 positions over the  
21 next four years. And so that's our Plan  
22 B, and to work harder to try to get -- to  
23 use what powers that we have under 696 to  
24 get the concessions we need from our  
25 labor partners.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCIL PRESIDENT CLARKE:

3           Okay. And was it your belief that the  
4           School District was going to get that  
5           money regardless as to whether or not  
6           cigarettes were passed?

7           CHAIRMAN GREEN: It's been our  
8           understanding that we were hoping for  
9           expecting \$75 million from the City.

10          COUNCIL PRESIDENT CLARKE:

11          Based on?

12          CHAIRMAN GREEN: Based on the  
13          Mayor's budget address.

14          COUNCIL PRESIDENT CLARKE:

15          Solely?

16          CHAIRMAN GREEN: Yes. Well, I  
17          mean --

18          COUNCIL PRESIDENT CLARKE:

19          There's no conversation about the 75  
20          million beyond the budget address?

21          CHAIRMAN GREEN: I have asked  
22          the Finance Director on many occasions  
23          what the proposal is if we are not going  
24          to get the cigarette tax for the 75  
25          million, and he told me the same thing he

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           told you a minute ago, which is there are  
3           no good answers to that question and we  
4           haven't decided how we would try to deal  
5           with that.

6                       COUNCIL PRESIDENT CLARKE:  
7           Okay. Well, it sounds like to me he said  
8           that the money won't be forthcoming,  
9           because the only other way to raise \$75  
10          million is a tax increase. That didn't  
11          necessarily sound like to me that we have  
12          to figure it out.

13                     CHAIRMAN GREEN: Well, I mean,  
14          there are, of course, other -- I believe  
15          that there's nothing more important than  
16          the education of our children. What Dr.  
17          Hite said about what is happening in  
18          schools today and what the Mayor's  
19          listening tour clearly shows is that what  
20          is happening is not sustainable. The  
21          schools are being held together by  
22          principals and teachers, who are  
23          overburdened with the lack of adults in  
24          the building, and our best schools will  
25          start to deteriorate over time and our

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       worst schools will get worse over time  
3       because of the lack of resources  
4       available. And that is why we're so  
5       concerned about any loss of revenue this  
6       year or in the next three years, because  
7       as Dr. Hite said, we need 216 million for  
8       status quo, and those costs increase  
9       every single year to maintain status quo  
10      in the following year and in the  
11      following year, et cetera. And so our  
12      five-year budget is built with a base  
13      that is basically status quo, assuming we  
14      don't get additional revenue, that  
15      includes the 120 million for that entire  
16      period and 75 million for that entire  
17      period from the cigarette tax or some  
18      other source.

19                   COUNCIL PRESIDENT CLARKE:

20      Okay.

21                   Colleagues, please, five more  
22      minutes, I promise, and I'm done.

23                   So, Chairman, at the last  
24      hearing, there was this discussion about  
25      the additional dollars that were

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           requested from the state. And I did a  
3           little research about some of the  
4           questions that you asked of the last SRC  
5           Chair about their request for state  
6           funding from the same governor, Governor  
7           Corbett. Didn't really seem to answer  
8           the question, so I want to ask you, what  
9           has been the process as it relates to the  
10          SRC for asking for additional revenue  
11          from the Governor?

12                   CHAIRMAN GREEN: Our specific  
13          ask for additional revenue is \$150  
14          million. We had a budget that initially  
15          put \$62 million on the table for the  
16          District that was proposed by the  
17          Governor. We are asking for several  
18          adjustments. There's a 240 million Ready  
19          to Learn Block Grant, which gives only 29  
20          to the District. Our proposal is to  
21          change that to a charter reimbursement  
22          formula instead of the Ready to Learn  
23          Block Grant, which would give us 90  
24          million or so instead of 29.

25                   COUNCIL PRESIDENT CLARKE:

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Sounds familiar.

3                   CHAIRMAN GREEN: We requested  
4           that.

5                   COUNCIL PRESIDENT CLARKE: It  
6           seems like something we were talking  
7           about actually when you were here.

8                   CHAIRMAN GREEN: That's right.

9                   COUNCIL PRESIDENT CLARKE: But  
10          go ahead. I'm sorry.

11                  CHAIRMAN GREEN: Also we are  
12          looking at -- we have requested a  
13          severance or excise tax to help the  
14          schools as well. And at the moment,  
15          we're told additional revenue looks  
16          unlikely and we have -- we are aware that  
17          there's a billion dollar plus deficit at  
18          the state level, so while the City is on  
19          stable financial footing, the state is  
20          not and the District is not and --

21                  COUNCIL PRESIDENT CLARKE: You  
22          said we're on stable financial footing?

23                  CHAIRMAN GREEN: The state is  
24          not.

25                  COUNCIL PRESIDENT CLARKE: No.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           I just want to make sure, you said the  
3           City is on stable financial footing?

4                   CHAIRMAN GREEN: Relative to my  
5           entire service in Council, we're far  
6           better off.

7                   COUNCIL PRESIDENT CLARKE:  
8           We're better off?

9                   CHAIRMAN GREEN: Yeah.

10                  COUNCIL PRESIDENT CLARKE:  
11          Because I'm sure there are a lot of  
12          people that are concerned about the  
13          brownouts at the fire stations and the  
14          lack of staffing at rec centers and the  
15          City's inability to do a lot of the core  
16          services that we would like to do.

17                  CHAIRMAN GREEN: I understand,  
18          and I think there's no more core service  
19          than the education of our children.

20                  COUNCIL PRESIDENT CLARKE: I  
21          agree. I agree a thousand percent.

22                  Okay. So I just want to make  
23          sure. In what format did you have that  
24          request to the state? Was it a letter,  
25          document?

1           5/21/14 - WHOLE - BILL 130489, etc.

2           CHAIRMAN GREEN: No. Visits to  
3 Harrisburg and calls to Harrisburg and,  
4 you know, meetings with Corbett  
5 Administration officials.

6           COUNCIL PRESIDENT CLARKE: So  
7 there was no official request for  
8 funding?

9           CHAIRMAN GREEN: I would call  
10 what I asked for an official request for  
11 funding.

12          COUNCIL PRESIDENT CLARKE:  
13 So --

14          CHAIRMAN GREEN: And I've made  
15 those same requests to the leaders of --  
16 I've made -- I've had the same  
17 conversations with the leaders of the  
18 House and the Senate.

19          COUNCIL PRESIDENT CLARKE: So  
20 don't you think it would benefit all if  
21 there was an official document that was  
22 submitted to the state from the SRC  
23 requesting funding, its share of the  
24 requested \$150 million from the School  
25 District of Philadelphia? I mean, this

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           is a very significant issue, as you've  
3           referenced, and these are a significant  
4           amount of dollars, and not to have a  
5           documented request leaves me a little  
6           concerned. I mean, I would think at a  
7           minimum there would be a letter attached  
8           to a budget or something, not just a  
9           conversation in somebody's office.

10                   CHAIRMAN GREEN: Well, I would  
11           say that my pleas are not just  
12           conversations. They're well founded and  
13           based in fact about what is going to  
14           happen to the District if we're not  
15           successful, and I have made specific  
16           asks, which I talked about the last time  
17           I was here and talked about again today.

18                   COUNCIL PRESIDENT CLARKE: Is  
19           there a reason why you don't want to put  
20           it in writing?

21                   CHAIRMAN GREEN: No, but --

22                   COUNCIL PRESIDENT CLARKE: Can  
23           you put it in writing?

24                   CHAIRMAN GREEN: I'd be happy  
25           to.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCIL PRESIDENT CLARKE: That  
3 would be helpful. I mean, people like to  
4 see that there's actually a request made  
5 in writing attached to a document to  
6 reference why the challenges exist and  
7 the future implications of it.

8           CHAIRMAN GREEN: I understand.  
9 I would say that whether or not it's in  
10 writing, the prospects of getting  
11 additional state funding this year other  
12 than the cigarette tax are extremely low  
13 given that there's five weeks left until  
14 they pass their budget. And also I would  
15 anticipate that the resources that are  
16 currently in our plan that rely on the  
17 funding, the 62 million the Governor is  
18 planning to provide, will be  
19 significantly less, and so our actual  
20 deficit will be, instead of assuming the  
21 120, our actual deficit will be about  
22 \$136 million instead of 96. And we're  
23 scrambling at the moment with  
24 contingencies in the District to do the  
25 only thing we have the power to do, which

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           is cut staffing. And, frankly, as Dr.  
3           Hite said in his opening remarks, this is  
4           not sustainable and the dam will break at  
5           some point and, you know -- and I think  
6           also in the financial supplement that was  
7           provided, there's -- the budget in brief,  
8           there's -- sorry.

9                     DR. HITE: So, Council  
10          President, so as a part of our budget in  
11          brief that we communicate and we deliver  
12          to all of our delegation and to the  
13          Governor's Office, it is -- in the budget  
14          in brief, it does talk about the 150  
15          million from the state.

16                    COUNCIL PRESIDENT CLARKE: It  
17          talks about it or is it an official  
18          request?

19                    DR. HITE: Yeah. It's not an  
20          official letter. It's just communicated  
21          in the budget.

22                    COUNCIL PRESIDENT CLARKE: Can  
23          we see an official request? I'm just  
24          asking. I mean, very simple.

25                    DR. HITE: We can get that.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCIL PRESIDENT CLARKE: Can  
3 you, from the Chair?

4           CHAIRMAN GREEN: Yeah,  
5 absolutely. We'll be happy to send --

6           COUNCIL PRESIDENT CLARKE:  
7 You're the appointee of the Governor.

8           CHAIRMAN GREEN: We'll be happy  
9 to send an official request. The budget  
10 that we represented to the state has \$150  
11 million coming from the state.

12          COUNCIL PRESIDENT CLARKE:  
13 Okay. But can you send an official  
14 request? I just want to be clear.

15          CHAIRMAN GREEN: I just want to  
16 be clear again. Yes.

17          COUNCIL PRESIDENT CLARKE:  
18 Thank you. Thank you, and I'll come  
19 back.

20          The Chair recognizes Councilman  
21 Goode.

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

24          Good afternoon.

25          DR. HITE: Good afternoon.

1           5/21/14 - WHOLE - BILL 130489, etc.

2                   COUNCILMAN GOODE: I'm in  
3 receipt of the budget responses from the  
4 School District dated yesterday. I had  
5 posed a question, Question No. 5, Provide  
6 a list of who should have to pay more in  
7 order to fund the School District  
8 request. The response I received is, The  
9 School District of Philadelphia has  
10 requested a revenue analysis from the  
11 City Finance Office. We will provide  
12 this information as soon as it's made  
13 available to the District.

14                   Since we have Mr. Dubow sitting  
15 conveniently near you --

16                   CHAIRMAN GREEN: I'll get up.

17                   COUNCILMAN GOODE:

18 Mr. Chairman, you should not leave.

19                   Mr. Dubow, will you inform the  
20 Chairman and Dr. Hite again of what you  
21 just stated for the record today and what  
22 you stated for the record previously  
23 about Plan B and the fact that if it's  
24 not a cigarette tax, then there are no  
25 other options.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           MR. DUBOW: That's correct.

3           COUNCILMAN GOODE:

4           Mr. Chairman, do you have a response?

5           CHAIRMAN GREEN: Yeah. I don't  
6           believe there are no other options.

7           COUNCILMAN GOODE: And therein  
8           lies the problem, not with you but  
9           between the two of you in terms of what's  
10          being communicated and what's being  
11          miscommunicated. The Administration did  
12          not put any new money in the Operating  
13          Budget and the Administration has not  
14          requested any new money other than  
15          through the cigarette tax. Is that  
16          correct, Mr. Dubow?

17          MR. DUBOW: That's correct. We  
18          requested the additional funding through  
19          the cigarette tax.

20          COUNCILMAN GOODE: And other  
21          than the cigarette tax, there's nothing  
22          available other than the sales tax  
23          extension, in your view?

24          MR. DUBOW: Those are the two  
25          ways in which we think we can get

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           additional money to the District, that's  
3           correct.

4                   COUNCILMAN GOODE: Any  
5           response, Mr. Chairman?

6                   CHAIRMAN GREEN: Yes. One  
7           percent increase in every City tax,  
8           simply 1 percent in everything across the  
9           board, would raise \$34 million. Two  
10          percent would raise \$76 million. There's  
11          certainly that option or looking at --  
12          given its purpose and the gravity of the  
13          situation Dr. Hite described, that's an  
14          option.

15                   COUNCILMAN GOODE: Have you put  
16          that request in writing to the City  
17          Administration?

18                   CHAIRMAN GREEN: We have not  
19          put a detailed request in writing --  
20          sorry. Dr. Hite has sent a letter to the  
21          Administration requesting a breakdown of  
22          how revenue -- of what taxes that could  
23          be raised that would provide revenue that  
24          the District needs, and we're waiting on  
25          a response. So I'm just talking from

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           general knowledge.

3                   COUNCILMAN GOODE:   Mr.

4           Chairman, what you said was that the only  
5           options available are not simply the  
6           sales tax and cigarette tax, and that's  
7           also consistent with the question that I  
8           asked, and you said you asked for a  
9           response from the Finance Department.  
10          The response from the Finance Department  
11          is that's it. If it's not that, then it  
12          doesn't exist. You said you don't agree  
13          with that analysis, you think there are  
14          other ideas. So I'm asking you not to be  
15          agnostic about it and simply send that  
16          request to the City Administration for  
17          them to respond to. Can you do that?

18                   CHAIRMAN GREEN:   So I  
19          understand your request is that we  
20          specifically suggest taxes that we would  
21          increase or cuts that we would make. I  
22          don't really think that the School Reform  
23          Commission and its staff is in a position  
24          to suggest to the Mayor or City Council  
25          the revenue choices that City Council and

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           the Mayor need to make.

3                   COUNCILMAN GOODE: You just --

4                   CHAIRMAN GREEN: We just are  
5           trying to express our needs.

6                   COUNCILMAN GOODE: You and Dr.  
7           Hite said at the previous hearing that  
8           the Administration told you they were  
9           going to give you \$75 million. The  
10          questions posed by Council was, is that  
11          the cigarette tax or is it something  
12          else? And you've taken the position that  
13          it's not just the cigarette tax, but that  
14          is in fact the position of the  
15          Administration. The Administration says  
16          it's the cigarette tax or it's nothing.

17                   So you need to have a  
18          conversation about it, because if it's  
19          the cigarette tax or nothing and you want  
20          them to propose some other taxes, then  
21          you should formally request that.

22                   CHAIRMAN GREEN: We are  
23          formally requesting that additional taxes  
24          or cuts to the City budget to help the  
25          School District.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCILMAN GOODE: You should  
3 put that in writing.

4           CHAIRMAN GREEN: But which  
5 taxes and which cuts, we don't feel like  
6 it is appropriate for us to make those  
7 policy decisions.

8           COUNCILMAN GOODE: That's not  
9 necessarily your statements in the media  
10 recently. Because if you're truly  
11 agnostic about it, then you shouldn't  
12 worry about how we get you the money or  
13 how we don't get you the money.

14          CHAIRMAN GREEN: I'm not  
15 worried about how you get me the money.

16          COUNCILMAN GOODE: You're not  
17 worried about the fact that the  
18 Administration said it's the cigarette  
19 tax or nothing?

20          CHAIRMAN GREEN: I'm worried  
21 about that statement. I'm not worried  
22 about how we would get the money, whether  
23 it's cuts. What's more important,  
24 eliminating brownouts or having 43 kids  
25 in a class? There are choices that can

1           5/21/14 - WHOLE - BILL 130489, etc.

2           be made.

3                   COUNCILMAN GOODE: There should  
4           be a formal response to the City  
5           Administration and/or City Council of  
6           what you're actually looking for, with  
7           the knowledge that in response to a  
8           question I asked, you said you're going  
9           to go to the Finance Department to figure  
10          out what's available. And the Finance  
11          Director just said on the record, as he  
12          said previously, it's the cigarette tax  
13          and sales tax, and if it's not the  
14          cigarette tax that's additional revenue  
15          for the School District beyond the sales  
16          tax, it's nothing. You all need to work  
17          that out on the record transparently in  
18          writing.

19                   Thank you, Mr. President.

20                   CHAIRMAN GREEN: Thank you. I  
21          wish I could ask the Finance Director  
22          some questions. Thank you.

23                   COUNCIL PRESIDENT CLARKE:  
24          Councilman, there's no one else teed up,  
25          so if you had additional questions.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           You're good?

3                   COUNCILMAN GOODE: Yes.

4                   COUNCIL PRESIDENT CLARKE:

5           Thank you.

6                   Okay. Get back. So let me  
7           make sure I heard. Chairman said -- I  
8           thought I heard him say that Dr. Hite  
9           sent the letter requesting additional --

10                   MR. DUBOW: Yes. Dr. Hite sent  
11           a letter to me asking for the impact or  
12           the amount of revenue generated by 1  
13           percent, 5 percent, 10 percent increases,  
14           to look at revenue generated by a parking  
15           meter increase, to look at the impact of  
16           service cuts particularly on children.

17                   COUNCIL PRESIDENT CLARKE: To  
18           the City?

19                   MR. DUBOW: Mm-hmm. And to  
20           look at legislation that's before  
21           Council. That letter is almost done. I  
22           think it should be done within a day.

23                   COUNCIL PRESIDENT CLARKE: Does  
24           that include the U&O?

25                   MR. DUBOW: Yes, it will.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           And when we send that to Dr.  
3       Hite, we can send a copy to Council.

4           COUNCIL PRESIDENT CLARKE: Dr.  
5       Hite, did you send us a copy?

6           DR. HITE: Of the request?

7           COUNCIL PRESIDENT CLARKE: Yes.

8           DR. HITE: No, but I can. I  
9       can send you a copy of the request.

10          COUNCIL PRESIDENT CLARKE:  
11       Thank you. I don't usually like getting  
12       requests asking us to raise taxes, but in  
13       the context of this conversation, it  
14       would probably be good if we had a copy  
15       of that.

16          DR. HITE: Sure.

17          COUNCIL PRESIDENT CLARKE:  
18       Okay. So if we're successful -- and,  
19       one, I want to say that it will probably  
20       benefit us all -- and I've tried to  
21       figure out a strategy that, at a minimum,  
22       would have the Mayor and the Council go  
23       to Harrisburg together and even have the  
24       School District be a part of that  
25       conversation, because what's been

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           happening over the last couple years,  
3           everybody is kind of like -- you don't  
4           really know who says what in front of  
5           whom and what the response is.

6                       So there is a request for, at a  
7           minimum, the Mayor and Clarke, if nothing  
8           else, it would be good to see us together  
9           up in Harrisburg. We might be in  
10          separate cars, but that's okay. We'll  
11          get to the same place, and have the  
12          School District and other people involved  
13          for the cigarette tax, because every  
14          proposal to bring us to a level where we  
15          will be funded to a point where I'm  
16          assuming there won't have to be  
17          significant layoffs, because I still  
18          don't quite understand how you get to  
19          that point without the 150 from the  
20          state, because the way I took it, it was  
21          a package, particularly since the  
22          revenues didn't materialize from the  
23          state last year, except the \$45 million  
24          one-time revenue stream that was not  
25          annualized. So I'm a little concerned

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           about why that's not annualized and how  
3           it's not shown in the budget as an  
4           additional \$45 million deficit. It would  
5           be good for a lot of reasons if everybody  
6           can get on the same page about the  
7           cigarette tax, because every time I know  
8           personally I've been to Harrisburg and  
9           I'm sure every other member and two of  
10          our colleagues actually worked there as  
11          legislators, it's always helpful if  
12          people are on the same page from the City  
13          of Philadelphia. It doesn't  
14          necessarily -- it's not necessarily  
15          required for any other city in the  
16          Commonwealth, but Philadelphia, they want  
17          us all to have certain guidelines and  
18          standards, and I think we should be okay  
19          with that.

20                 So if at all possible, there  
21          could be a conversation around having a  
22          unified front at a minimum on the  
23          cigarette tax, because that is clearly a  
24          key component of what we're proposing,  
25          what the School District is proposing,

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           the SRC is proposing to have that  
3           cigarette tax. So as a followup to this  
4           conversation, obviously not in this room,  
5           because I've never seen a significant  
6           amount of very controversial things  
7           achieved in public -- it is the way it  
8           is -- I will ask that you consider that  
9           strategy as it relates to the cigarette  
10          tax.

11                   CHAIRMAN GREEN: Mr. President,  
12          certainly we'll be happy to -- we are in  
13          fact up there giving the message on the  
14          cigarette tax. The problem is, when we  
15          get in the room, they want to discuss all  
16          the School District issues, and obviously  
17          we are opposed to a split of the sales  
18          tax because it would eliminate 1,500  
19          positions over the next four years and --

20                   COUNCIL PRESIDENT CLARKE: If  
21          you got the cigarettes?

22                   CHAIRMAN GREEN: Yes.

23                   COUNCIL PRESIDENT CLARKE: How  
24          do you calculate that?

25                   CHAIRMAN GREEN: It takes 135

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           million out of the schools over a  
3           four-year period.

4                   COUNCIL PRESIDENT CLARKE: With  
5           the cigarettes?

6                   CHAIRMAN GREEN: Yes.

7                   COUNCIL PRESIDENT CLARKE: Have  
8           you seen the calculation that we had?  
9           And you don't agree with it? There was  
10          additional revenue going in the -- in the  
11          chart that we put together -- we have  
12          some pretty smart people around here  
13          too -- is that there's additional revenue  
14          going into the School District every  
15          year.

16                   CHAIRMAN GREEN: That's right,  
17          and that natural growth in our revenue is  
18          already assumed in our budget, and I'm  
19          going to ask Matt to discuss that, but  
20          just like the City's Five Year Plan, it  
21          assumes growth in revenue and there are  
22          also year over year growth in costs even  
23          if we cut nothing that have to be  
24          addressed. So, yes, in every out year  
25          with the 120 and 75 million, there will

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           have to be cuts to our workforce.

3                   COUNCIL PRESIDENT CLARKE: So  
4           if you take out the -- no, no, no.

5                   CHAIRMAN GREEN: I'm sorry.  
6           Matt, you want to give detail on that?

7                   COUNCIL PRESIDENT CLARKE: No.  
8           I want to stick with you. You made the  
9           statement, Mr. Chair.

10                   So you're saying if we take out  
11           the reference to the natural growth,  
12           because you're saying that that's the  
13           issue, the natural growth in real estate  
14           and some of the other issues, you're  
15           suggesting that that's \$135 million?

16                   CHAIRMAN GREEN: I'm suggesting  
17           that the natural growth is already  
18           assumed in our budgets for a status quo  
19           budget and the loss of 135 million will  
20           have to be made up with cuts.

21                   COUNCIL PRESIDENT CLARKE: But  
22           I'm asking you, are you suggesting that  
23           that natural growth is \$135 million?

24                   CHAIRMAN GREEN: I don't know  
25           what the natural growth number is, but

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           it's already in our Five Year Plan.

3                   COUNCIL PRESIDENT CLARKE: You  
4           just made the statement that you lose  
5           \$135 million if you took the natural --

6                   CHAIRMAN GREEN: No, no. We  
7           lose \$135 million from the effect of the  
8           sales tax proposed split. The natural  
9           growth does not help us because it's  
10          already in the Five Year Plan.

11                  COUNCIL PRESIDENT CLARKE: But  
12          how do you get to \$135 million?

13                  CHAIRMAN GREEN: That's what it  
14          is over four years.

15                  COUNCIL PRESIDENT CLARKE:  
16          Based on what?

17                  CHAIRMAN GREEN: Based on  
18          adding up the reduction in the sales tax  
19          to the District over four years.

20                  COUNCIL PRESIDENT CLARKE: And  
21          adding the cigarette tax?

22                  CHAIRMAN GREEN: It assumes --  
23          it has nothing to do with the cigarette  
24          tax.

25                  COUNCIL PRESIDENT CLARKE: But

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           our proposal assumes the cigarette tax.

3                   CHAIRMAN GREEN: I understand  
4           that, but it takes 135 -- we are assuming  
5           for the purpose of this year's budget  
6           that we'll get 216 million. That's all  
7           120 -- and that we'll have that for the  
8           next five years. That's all 120 and all  
9           75, plus wherever we can cobble together  
10          another 21, and that is just for status  
11          quo services. We need that same money  
12          every year for the next five years in  
13          order to avoid cuts in the out years.

14                   COUNCIL PRESIDENT CLARKE:  
15          Okay. So you can assume that, but you  
16          can't assume the state 150? I'm just  
17          trying to get on a level playing ground.  
18          It's like the state money that's  
19          requested from the state, it's like you  
20          just kind of wipe that off, but the City  
21          money, it has to happen. I just want  
22          some equity in this, and I don't agree  
23          with you.

24                   CHAIRMAN GREEN: I completely  
25          agree with you. We need money from the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           state, and when we talk to the state, we  
3           tell them we need money from the state.  
4           When we're here in City Council -- but  
5           the likelihood of that is very slim.

6                   COUNCIL PRESIDENT CLARKE: So  
7           for the record, you're saying that the  
8           assumed growth in real estate -- that's  
9           pretty much the assumed growth that's  
10          shown -- is \$135 million?

11                   CHAIRMAN GREEN: No, I'm not  
12          saying that.

13                   COUNCIL PRESIDENT CLARKE:  
14          That's what I'm trying to -- where are  
15          you getting this \$135 million number  
16          from?

17                   CHAIRMAN GREEN: Can you, Matt?

18                   MR. STANSKI: It's the  
19          difference between 120 million being  
20          consistent every year and then the split.  
21          So you're right, it doesn't assume the  
22          cigarette tax at all.

23                   COUNCIL PRESIDENT CLARKE:  
24          Okay. All right. That's what I'm  
25          saying. And I've said earlier if we

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           didn't get the cigarette tax, we wouldn't  
3           do the split. So that statement was  
4           inaccurate.

5                     DR. HITE: Right.

6                     COUNCIL PRESIDENT CLARKE: All  
7           right. I just want to make it for the  
8           record, because we have people who are  
9           going to write that Clarke's plan,  
10          Council's plan -- call it my plan like  
11          I'm a solo artist out here. We have a  
12          bill that's actually supported by a lot  
13          of Councilmembers and some General  
14          Assembly members, because there's  
15          actually a bill in Harrisburg teed up  
16          both in the House and the Senate and a  
17          letter that we have from the Mayor  
18          supporting this. So I just want to make  
19          sure that we're going to be accurate,  
20          because what gets reported needs to get  
21          reported accurately. So you're going to  
22          withdraw that statement, Mr. Chairman?

23                    CHAIRMAN GREEN: I'm sorry?

24                    COUNCIL PRESIDENT CLARKE:  
25          You're going to withdraw that statement?

1           5/21/14 - WHOLE - BILL 130489, etc.

2           CHAIRMAN GREEN: No.

3           COUNCIL PRESIDENT CLARKE: Sir.

4           MR. STANSKI: The 135 is the  
5 difference between the 120 annualized and  
6 the split without the cigarette tax. But  
7 with the cigarette tax, the overall  
8 growth in City revenues, coupled with  
9 flat to minimal growth in state revenues,  
10 will keep the District in this continual  
11 position of laying people off.

12           COUNCIL PRESIDENT CLARKE: And  
13 it will be an increase in revenue every  
14 year.

15           MR. STANSKI: Not at the pace  
16 that our expenditures increase.

17           COUNCIL PRESIDENT CLARKE: But  
18 the state -- this is ridiculous. So  
19 you're saying that if we're showing  
20 additional revenue going to the School  
21 District annually based on the cigarette  
22 tax and the sales tax --

23           MR. STANSKI: And natural  
24 growth.

25           COUNCIL PRESIDENT CLARKE: --

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           you would be in a worse position than you  
3           are now?

4                   MR. STANSKI: So if I look at  
5           the chart that was attached to the  
6           legislation introduced last week, the  
7           growth from FY16 to FY17 in City revenues  
8           is \$4 million. And given our recent  
9           history on state funding, given --

10                   COUNCIL PRESIDENT CLARKE:  
11           That's a long way from the 135.

12                   MR. STANSKI: Given our recent  
13           state funding, we will not be in a  
14           position to sustain the current spending  
15           patterns that we have as a district. Our  
16           charter payments, our pension payments,  
17           and our healthcare payments alone are  
18           like \$70 to \$80 million annually.

19                   COUNCIL PRESIDENT CLARKE: And  
20           none of that is driven by the City of  
21           Philadelphia. The charter payments are  
22           based on an operation relating to the  
23           state. The pension has nothing to do  
24           with the City of Philadelphia. So the  
25           issues that you have have to do with the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           state and the operation of the School  
3           District. So it sounds like you're  
4           attempting to make those issues that have  
5           nothing to do with our funding creating a  
6           challenge for you, which it probably is,  
7           right, but it's not our challenge. It's  
8           not because of anything we were prepared  
9           to do.

10                   CHAIRMAN GREEN: No. The loss  
11           of \$135 million as a result of the split,  
12           even with the natural growth in revenue  
13           that was in Matt's memo, will cause the  
14           District to have to lay off \$135 million  
15           worth of employees over the next four  
16           years.

17                   COUNCIL PRESIDENT CLARKE: So,  
18           Mr. Chairman, it sounds like a good sound  
19           bite, but obviously you're not hearing  
20           what your own finance guy says.

21                   CHAIRMAN GREEN: Matt -- I'm  
22           sorry. I don't think --

23                   COUNCIL PRESIDENT CLARKE: Your  
24           finance guy said that the number that you  
25           are quoting is based on the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           non-implementation of a cigarette tax.  
3           We don't have a plan that doesn't have --

4                   CHAIRMAN GREEN: I don't think  
5           we're saying anything different,  
6           Mr. President.

7                   COUNCIL PRESIDENT CLARKE: I'm  
8           sorry?

9                   CHAIRMAN GREEN: Matt and I are  
10          not saying anything different. If we  
11          are, I would ask that he correct me.

12                  COUNCIL PRESIDENT CLARKE: I'm  
13          actually hearing something different.

14                  CHAIRMAN GREEN: If we are, I  
15          would ask that Matt correct me.

16                  COUNCIL PRESIDENT CLARKE:  
17          You're saying that the number does not  
18          reflect cigarette tax; am I correct?

19                  MR. STANSKI: The \$135 million  
20          loss based on the split is just assuming  
21          sales tax as 120 annualized versus the  
22          split. The analysis, you're correct,  
23          does not include the cigarette tax.  
24          However, I will say that as proposed, the  
25          revenue growth in the out years, both

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           from on the City side and the state side,  
3           will not be able to fund our current  
4           expenses. And so what we're asking is  
5           for the 120 million annualized and the  
6           cigarette tax.

7                   COUNCILMAN GOODE: Point of  
8           information.

9                   COUNCIL PRESIDENT CLARKE:  
10          Thank you.

11                   Councilman Goode.

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

14                   Since Mr. Dubow just  
15          conveniently left the room, I'll just ask  
16          the question and take you at your word.  
17          Did the Administration tell you or not  
18          tell you that it was the cigarette tax or  
19          nothing? How much money did they tell  
20          you you were getting? How much money did  
21          they tell you they were putting in the  
22          budget for you? Tell me what they said.

23                   CHAIRMAN GREEN: The first time  
24          I've heard it's the cigarette tax or  
25          nothing is in this room.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCILMAN GOODE: We told you  
3           that before, but now Mr. Dubow admitted  
4           it because the Council President invited  
5           him, but now he's left the room again.  
6           But if it is the cigarette tax or  
7           nothing, shouldn't the Administration  
8           have told you that but, more importantly,  
9           shouldn't you have heard it in the  
10          Mayor's budget address? The Mayor said  
11          it. The Mayor said he supported a split  
12          with the cigarette tax. It's been in  
13          print and all over the place numerous  
14          times.

15          CHAIRMAN GREEN: My  
16          recollection --

17          COUNCILMAN GOODE: Why is the  
18          financial projection based on just the  
19          sales tax and not the cigarette tax and  
20          with no split when that idea has been out  
21          there as a collective idea, different  
22          branches of local government and the  
23          State Legislature? The idea is not new.  
24          And the only thing that's new about it  
25          is, some people are now saying they don't

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           support it.

3                   CHAIRMAN GREEN: I think how we  
4           got here is far less important than how  
5           we are here than the fact that we are  
6           here yet again, but my recollection of  
7           the Mayor's budget address -- and I don't  
8           have it in front of me -- is that he said  
9           he is proposing \$75 million for the  
10          School District and there are words like  
11          he hopes it's through state  
12          legislation -- I mean state legislation  
13          and the cigarette tax. It's not limited  
14          to that amount.

15                   COUNCILMAN GOODE: The Mayor  
16          made it very clear in his budget address  
17          that there was no money included in his  
18          budget for the schools, except for the  
19          cigarette tax and the sales tax  
20          extension.

21                   CHAIRMAN GREEN: He certainly  
22          introduced a budget with no more money  
23          for the schools other than the cigarette  
24          tax.

25                   COUNCILMAN GOODE: And said

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           that there was no more money available  
3           for the schools, except through the sales  
4           tax extension and the cigarette tax. He  
5           then endorsed the idea publicly multiple  
6           times of a split based upon getting the  
7           cigarette tax. Now, how exactly does the  
8           School District not get that message when  
9           everyone else heard it and not put it  
10          within your financial projections?

11                   CHAIRMAN GREEN: Well, we  
12          continue to ask the Mayor to not have  
13          that position and we continue to ask  
14          Council to not have that position,  
15          because the 120 million plus 75 from the  
16          cigarette tax as proposed by Council's  
17          bill will result in layoffs over the next  
18          four years of a thousand people.

19                   COUNCILMAN GOODE: You base  
20          your financial projections, as you said  
21          in the past -- Dr. Hite, I believe you've  
22          been quoted as saying this, or the  
23          financial officer -- based upon the  
24          Mayor's budget and the Governor's budget  
25          to be realistic in terms of what you

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           think you're going to get, and you  
3           consistently say we know we're going to  
4           get this from the state based upon what's  
5           in the state's budget, but you don't  
6           consistently say we know what we're going  
7           to get from the City based upon what's in  
8           the City budget, because what's in the  
9           City budget was zero, except for the  
10          sales tax extension and the cigarette  
11          tax. How did you not see that and how  
12          did you not see the Mayor's comments and  
13          the Administration's comments publicly  
14          that they supported a split of the sales  
15          tax revenue with the cigarette tax? How  
16          do you not see that when everyone else  
17          saw it?

18                   CHAIRMAN GREEN: We don't  
19           accept it. We continue to seek  
20           additional -- we continue to seek the  
21           additional revenue.

22                   COUNCILMAN GOODE: So put that  
23           in writing.

24                   Thank you, Mr. President.

25                   COUNCIL PRESIDENT CLARKE:

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Thank you, sir.

3                   The Chair recognizes Councilman

4           Oh.

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

7                   For me to understand this  
8           conversation, let me just kind of ask  
9           you, last year we pretty much understood  
10          we would be at this point this year.  
11          This year we understand we're going to be  
12          back here next year in the kind of same  
13          situation, and the year after.

14                  What was done last year in  
15          preparation of this year? What are you  
16          doing this year -- forget just about like  
17          the funding issue just today. I know  
18          that's what you're focused on, but what  
19          are you doing for next year? In other  
20          words, is there any kind of effort?  
21          Where will the funding problem be  
22          addressed in a more permanent way?

23                  DR. HITE: So last year,  
24          Councilman Oh, we laid off -- we  
25          eliminated in excess of 5,000 positions.

1           5/21/14 - WHOLE - BILL 130489, etc.

2                   COUNCILMAN OH: I understand  
3       that, but that is a reaction to a  
4       problem. What I'm saying is, so in  
5       preparation to plan to not lay off  
6       people, to get more money from the state,  
7       from the Governor, from the Legislature,  
8       from the City, what plan did you put in  
9       place as opposed to just if we don't get  
10      the money, we're going to fire people?  
11      What was the plan? What is the plan?  
12      How do you resolve this funding situation  
13      other than keep coming back here with a  
14      crisis?

15                  DR. HITE: One of the reasons  
16      it's a crisis is because we don't get  
17      what we requested in previous years.

18                  COUNCILMAN OH: Agreed.

19                  DR. HITE: So that's one. So  
20      the second part is that we were planning  
21      this year to use the full 120 for an  
22      extended period of time simply because it  
23      was a part of the recurrent source of  
24      revenue, and our ask this year is for,  
25      just as it was a year ago, for recurring

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           sources of revenue so that we're not back  
3           in this position year after year.

4                   COUNCILMAN OH: Okay.  
5           Understood, but there's two things that I  
6           am getting from this conversation. One  
7           is that --

8                   CHAIRMAN GREEN: Councilman,  
9           also it's important to remember we do not  
10          control our revenues. So we ask and we  
11          are working with advocates to get passed  
12          in Harrisburg a full fair funding  
13          formula, a commission which is supposed  
14          to be put in place, which hopefully would  
15          have results by the end of this year.  
16          But until there is a statewide full fair  
17          funding formula that is funded, we will  
18          continue to be in this position, and it  
19          is a position outside of our control,  
20          because we don't have taxing authority,  
21          so we have to go to separate entities and  
22          ask City Council and the state for  
23          additional revenue.

24                   And so Dr. Hite did present a  
25          plan this spring calling for specifically

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           \$440 million which he says will allow him  
3           to start being proactive towards his goal  
4           to have 100 percent great schools. We  
5           know that is not realistic this year, but  
6           that is the number that we need, and only  
7           a change in the state funding formula can  
8           get us there unless City Council is going  
9           to increase revenue to the District by  
10          \$200 million more than our current ask,  
11          and the state needs to do more. I cannot  
12          remember the exact number, but we're like  
13          in the bottom 10 percent of states in  
14          terms of the amount of state revenue that  
15          goes toward school funding. In this  
16          state it's 35 percent goes towards the  
17          schools. It used to be 50 percent. And  
18          so we have to get back to that kind of  
19          formula at the state level, and we're  
20          working to do that, to get that  
21          legislation passed in Harrisburg.

22                       But predicting our revenue  
23          every year is really important, which is  
24          why having the 1 percent sales tax get  
25          split over time puts Dr. Hite in the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           position instead of having a stable base  
3           which he can then grow from as revenue  
4           grows and make plans for the next year,  
5           plans to invest, plans to do a District  
6           turnaround in this school, every year he  
7           has to make plans to cut. And we have a  
8           great Superintendent and a great team who  
9           have great plans for our children and  
10          they need a stable funding base in order  
11          to implement those plans with the natural  
12          growth that occurs or we're going to have  
13          to keep doing this every year. It's  
14          just -- we're keeping the best team in  
15          the country on the bench with this  
16          happening to us every year.

17                 COUNCILMAN OH: So if I could  
18          continue, because I'm getting three  
19          things from that now. One is that the  
20          planning process for funding the schools  
21          was based on things that may not happen,  
22          that if they happen may not completely  
23          happen, such as 120, 120 split, cigarette  
24          tax. Those things are -- they were not  
25          sure funding sources.

1           5/21/14 - WHOLE - BILL 130489, etc.

2                   And then what I'm hearing that  
3 even if you get the money, it's still not  
4 enough.

5                   And then finally what you're  
6 saying is if the state does a new funding  
7 formula, that that will help, but I would  
8 say that there's serious concern that the  
9 state will do a funding formula based on  
10 the school districts that are at the  
11 table, and those are the other 500 school  
12 districts. They have elected  
13 representation. They represent school  
14 districts in communities that are part of  
15 the majority of schools that have common  
16 interests in a state funding formula that  
17 do not include Philadelphia, which  
18 doesn't have taxing authority and which  
19 is a much different school district, with  
20 half the charter schools in the City. I  
21 mean, we are quite different.

22                   So I just find no magic answer  
23 in the state's funding formula, which  
24 once you're done it and they've divided  
25 up all the needs and how they're going to

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           do it among those 500 school districts,  
3           our city will be underfunded again,  
4           except there will be less state money to  
5           make up the difference based on how  
6           that's going to occur.

7                        So I don't want to kind of give  
8           the incorrect impression. I understand  
9           that we're talking about the funding now,  
10          but what I don't understand is other than  
11          saying the state is going to come up with  
12          a new funding formula that will fix this  
13          or -- in other words, where is something  
14          different other than expecting a  
15          different outcome? What is different in  
16          how more money, appropriate and adequate  
17          money, will be obtained from the  
18          different funding sources? We as a city  
19          cannot afford to fund these things.  
20          There is a need for the state to provide  
21          that, but there has to be some different  
22          approach to getting actual dollars from  
23          the state as opposed to coming back next  
24          year and seeing what other authority the  
25          state may give us to tax ourselves some

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           more. So if I knew that, I could  
3           understand where you're going with this.

4                   DR. HITE: Well, this may not  
5           help you understand any better, but one  
6           of the things that I think is important  
7           is, number one, we've talked about what  
8           we need in recurring revenue and talked  
9           about what in fact those things would  
10          purchase or buy or return to schools.  
11          We've lobbied advocates, we've lobbied  
12          parents and all of the elected officials,  
13          both here and in Harrisburg, and we are  
14          advocating for a full funding formula and  
15          we are looking for ways -- and we've done  
16          it with two -- and we're looking for ways  
17          to do it with our other labor groups to  
18          get to a place where those individuals  
19          are also making a commitment to help us  
20          with this issue. But without recurring  
21          sources of revenue, Councilman Oh, we're  
22          right back here again. I mean, and it is  
23          now unfortunately at a place where we no  
24          longer have ability to cut our way or to  
25          reduce our size in a way that provides us

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           with enough revenue to fill in the gap.  
3           So it is a -- it's nothing -- it's no  
4           longer something we can cut our way to  
5           solve. This is going to require some  
6           additional revenue, and those revenues  
7           will have to be recurring.

8                   COUNCILMAN OH: Can the state  
9           provide you and us with the total amount  
10          of taxes that they receive out of the  
11          City of Philadelphia?

12                   DR. HITE: I'm sure they can.

13                   CHAIRMAN GREEN: Councilman, I  
14          have asked that question of many of our  
15          Senators, including Appropriations staff  
16          in both the House and the Senate, and  
17          I've been asking for four years, and I  
18          have not been able to get a solid answer  
19          to that question, and I cannot explain  
20          why. But I have to believe, as you do,  
21          that we are net contributors when you  
22          include the gasoline tax and other taxes  
23          that are paid from the City.

24                   COUNCILMAN OH: Well, thank you  
25          very much. Thank you.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Thank you, Council President.

3           COUNCIL PRESIDENT CLARKE:

4           Thank you, Councilman.

5           The Chair recognizes Councilman  
6           Jones.

7           COUNCILMAN JONES: Thank you,  
8           Mr. Chairman.

9           At the request of Bill Green, I  
10          was not -- I mean Bill Greenlee, I was  
11          not going to ask a question, but it is  
12          his fault, because I asked him the  
13          answers to what they were talking about  
14          and he could not provide them for me. So  
15          I'm going to ask my questions.

16          COUNCIL PRESIDENT CLARKE:  
17          Understand.

18          COUNCILMAN JONES: This is like  
19          an algebraic equation that seems to have  
20          so many variables that you cannot come up  
21          with a predictable answer, except for the  
22          doom of our kids. I mean, that's the  
23          only predictable outcome that we're  
24          talking about, and it troubles me to that  
25          effect.

1           5/21/14 - WHOLE - BILL 130489, etc.

2                   I've seen charts that clearly  
3 show the lack of funding that has come  
4 from the state and the increase in  
5 funding that has come from the City of  
6 Philadelphia while you were a member.  
7 Each and every year members here taking  
8 tough votes, that it's hard to explain in  
9 barber shops, beauty salons and on front  
10 porches to our constituents why, once  
11 again, we are raising taxes on the  
12 overtaxed, and we always come back with  
13 the thing, It's for our kids. It's for  
14 our kids, and that if we do it this year,  
15 we may -- this will all go away.

16                   So the way I got it is that we  
17 need 216, of which a predictable portion  
18 of that is going to come from 120 from  
19 us, which is a sales tax, which actually  
20 takes money away from our own operation  
21 of the City, but nonetheless, the kids  
22 are worth it. But there's this delta of  
23 75 million that we can't -- we don't know  
24 where that's going to come from if we  
25 don't get a cigarette tax that some

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       people I hear one week to the next say  
3       that, yes, it may happen as a part of a  
4       Missouri compromise or it may not. So,  
5       again, we're in that situation.

6           But one of the things that I  
7       would hope that we agree is that we come  
8       up with a predictable plan so that we are  
9       not here next year. This -- wait a  
10      minute. This is getting old -- I'm going  
11      to get my five minutes. You know the  
12      bell.

13           It is getting old to me. It is  
14      getting old to other members, and it's  
15      damn sure, doggone sure getting old to  
16      the advocates that come in here.

17           Now, I don't know, but AVI was  
18      a part of this strategy to fix it. There  
19      are some assumptions that were made by  
20      the Administration that there was going  
21      to be an increase in real estate values  
22      over the years.

23           Question: How does that impact  
24      the long-term viability of your funding  
25      source? That's number one. If property

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       values of, what is it, 98 billion total  
3       property worth, taxable properties in the  
4       City, if that has a predictable increase  
5       over the years and your split remains the  
6       same, how does that impact you long term  
7       to offset some of these deficits?

8                   Number two, if indeed we keep  
9       talking about concessions from other  
10      places that I don't see happening, why do  
11      we keep doing that in our factoring and  
12      just deal with the problem as it  
13      realistically is in the sense that you  
14      don't know, you can't say what you're  
15      going to be able to get from other  
16      entities, so here's the real problem.

17                   The other thing that I was  
18      encouraged about was the possibility of  
19      charter school reimbursement, and this is  
20      a question, not a statement. If that  
21      charter school reimbursement, how much of  
22      a problem would we actually be sitting  
23      here pointing fingers at each other  
24      about, which is, again, at a state  
25      origin? If we just reimbursed what you

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           get taken away from every year, because  
3           parents have voted with their feet and  
4           their children to seek alternative  
5           sources of education, how would that  
6           impact our budget?

7                     And, finally, a fair funding  
8           formula long term in your plan, that God  
9           willing there will be a delta of change  
10          come November and January, that we get  
11          somebody back in the Commonwealth that  
12          really -- I know you can't respond to  
13          that part, but somebody that really cares  
14          about these kids enough to put their  
15          money where their doggone mouth is. And  
16          so if that happens, what is the prospect  
17          of our -- does it -- right on time --  
18          does it take us from a bare-bones budget  
19          or to something that we can get parents  
20          optimistic about the future of their  
21          kids? And I asked a series of questions  
22          and hopefully I get the answers.

23                    CHAIRMAN GREEN: I'm going to  
24          ask Matt to answer these questions, but I  
25          just want to point out that what we're

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           seeking here is stability. It's not  
3           growth. And so if we got the 120 and  
4           knew we could count on it for five years  
5           and we got the 96, so we got \$216  
6           million, we would have a base from which  
7           we could actually start to be proactive  
8           and plan, and without that stability,  
9           we're going to be back filling the gap  
10          here every year. So we want to start  
11          with that base, and then I'll have Matt  
12          answer the questions.

13                 COUNCILMAN JONES: I want a  
14          scenario that talks about -- I want to  
15          know the realistic impacts in a doom and  
16          gloom, but I also want to hear what  
17          happens at the state if we actually  
18          change a reimbursement formula for  
19          charters, what that does for you, and  
20          what happens if indeed we get a fair  
21          funding formula at the state level,  
22          because a lot of these things are at our  
23          level, but some of these things have a  
24          really good impact if we have the courage  
25          to do them at the state level. Then show

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           me what my -- help me to take that to a  
3           barber shop, to a beauty salon and be  
4           able to explain to them that these are  
5           the good outcomes that will be there for  
6           our kids if we do the right thing, both  
7           at the City and at the state level too.  
8           Because every time we get the doom and  
9           gloom part of it, and everybody comes in  
10          here and says, it's your fault, it's  
11          Council's fault, you're not -- but that's  
12          not true, and that's the frustration that  
13          our President has, because it's not an  
14          accurate depiction of our potential  
15          scenarios in an algebraic formula.

16                 CHAIRMAN GREEN: I completely  
17          agree, it's not fair and it's not  
18          Council's fault at all for where we are,  
19          and Council has stepped up every year,  
20          and we appreciate that. But it's also  
21          not the District's fault. Dr. Hite and  
22          his team are not responsible for the cuts  
23          that came as a result of lack of state  
24          funding and have had to make draconian  
25          choices that they want to avoid having to

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           make in future years so that we can  
3           actually take this team off the bench and  
4           let them build 100 percent great schools.

5                   COUNCILMAN JONES: That's one  
6           thing we agree on. So give us the  
7           numbers.

8                   DR. HITE: Just one more before  
9           we give you the numbers, Councilman  
10          Jones. I think it's also important to  
11          say that -- I agree with the Chair's  
12          comments. Council has, in the little  
13          time that I've been here, Council has  
14          been the most helpful in terms of the  
15          revenue that's been provided to the  
16          School District, and I am also sorry that  
17          every year we have to come in, at least  
18          since I've been here, and talk about  
19          gloom and doom, because I want to talk  
20          about what's possible as well. But the  
21          truth of the matter is this, and so last  
22          year our collective ask was 304. Of the  
23          304, we got 112. The state took all the  
24          credit for the 112, although most of it  
25          was here locally. They also gave us 120

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           in recurring to replace what was one  
3           time. And so we're back here again  
4           trying to deal with that, and it just  
5           escalates every year.

6                     But I want to make a point --  
7           and I'll just apologize in advance,  
8           because if in fact we need to be here to  
9           talk about what we need in order to  
10          appropriately and sufficiently educate  
11          our children again next year or the year  
12          after or the year after, I will do that,  
13          because they deserve no less and they  
14          actually deserve a lot better than every  
15          year coming in talking about what we have  
16          to take away.

17                    So I do want Matt to talk about  
18          what these scenarios look like, because  
19          they are substantial.

20                   MR. STANSKI: So, Councilman,  
21          on your first point, just a reminder, the  
22          216 only gets us to status quo, what we  
23          have now. To Dr. Hite's point, the  
24          status quo has changed unfortunately.  
25          When we asked for the 304 last year, that

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           was a status quo ask, but that was a  
3           district that had 350 guidance  
4           counselors, a lot more teachers. Our now  
5           ask of 216 million is a new status quo,  
6           which we believe is wholly insufficient  
7           to educate children.

8                   COUNCILMAN JONES: We all  
9           agree. We agree. Council, SRC, we  
10          agree.

11                   MR. STANSKI: So the need, in  
12          our view, is 440 in recurring,  
13          sustainable funding.

14                   On the AVI question, AVI was  
15          revenue neutral for the first year. We  
16          are seeing roughly 2 to 2 and a half  
17          percent growth annually based on the  
18          City's projections. We have built that  
19          into our Five Year Plan. So that is  
20          not -- again, those are projections that  
21          we assume to help us cope with increased  
22          costs.

23                   On the charter school  
24          reimbursement piece, you're absolutely  
25          right. The last time the District got

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       charter school reimbursement was Fiscal  
3       Year '11 and it was \$109 million. If  
4       that same formula was implemented today,  
5       the appropriation would probably be over  
6       180 million.

7           To what Chairman Green  
8       mentioned earlier, if the Ready to Learn  
9       Block Grant was switched over to charter  
10      school reimbursement, it would be around  
11      80 to 90, but to your point, if the  
12      formula were still intact, the District  
13      would probably see at least \$108 million  
14      in recurring funding.

15           To the final point on the fair  
16      funding, I think everyone has indicated  
17      there's really two mechanisms to ensure  
18      adequate funding for the District at the  
19      state level. One is that the pot is big  
20      enough, that the pot of money is big  
21      enough statewide, and that it's  
22      distributed based on need. But in the  
23      costing-out study that was done a few  
24      years back, a recent study done by the  
25      University of Pennsylvania says that the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       District has been shortchanged upwards of  
3       nearly \$4,000 a student, which would put  
4       us near 16,000 to 17,000 a student. Not  
5       quite where Pittsburgh is, which they're  
6       around 19,000 or 20,000 a student, not  
7       quite where Lower Merion is. They're  
8       around 21,000, 22,000 a student.

9           COUNCILMAN JONES: And one  
10      other point for the record. This body  
11      took another hard vote last week where we  
12      increased parking meter rates -- thank  
13      you, Council, for doing that -- where  
14      that's an additional \$7 million that we  
15      are providing annually to the School  
16      District. And we continue to take those  
17      kinds of tough votes. It's hard going to  
18      one of my commercial corridors and  
19      saying, Hey, I'm here again; yeah, your  
20      rates went up, you know, 100 percent, but  
21      it's for the kids. And we'll keep doing  
22      it, just like you. Our commitment is to  
23      keep supporting them, but at some point  
24      we have to collectively do something  
25      about things that can change for the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           better for our kids at that state level,  
3           and it's just not. And we keep kind of  
4           robbing Peter as the President's  
5           frustration grew. That's a pothole that  
6           doesn't get fixed and that's a lot that  
7           stays trash strewn. And so keep in mind,  
8           yeah, they're worth it, but also they got  
9           to be worth it to the Governor too.

10                   Thank you, Mr. President.

11                   COUNCIL PRESIDENT CLARKE:

12           Thank you, Councilman.

13                   I want to call on Councilman  
14           Squilla next, but I just wanted to make  
15           one statement in response to the  
16           Chairman's statement about fault as it  
17           relates to the School District. And I  
18           understand it's not the fault of Dr.  
19           Hite, you, Mr. Chair, because you spent  
20           your last several years here, and  
21           probably a lot of people here, but it's  
22           also not the members sitting in this  
23           room's fault that the pension deficit has  
24           a \$5 billion deficit. But guess what?  
25           We have to try to figure out a way to fix

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           it, just like you have to try to figure  
3           out a way to fix it.

4                   I just want to say -- and I  
5           don't have the statistics because I  
6           didn't think it would go here, but with  
7           respect to the children, it's this  
8           constant conversation like somehow the  
9           School District is the only body who has  
10          the responsibility to deal with children.  
11          The fact of the matter is -- and I just  
12          don't have the budget detail here -- is  
13          that the City of Philadelphia funds a  
14          significant number of organizations that  
15          deal with those same children. So while  
16          I understand you all have an obligation  
17          to deal with the children between  
18          whatever the hours are, I'm not really  
19          sure because it's been a minute since my  
20          daughter has been in public school, the  
21          reality is that even during school hours,  
22          we have a significant responsibility for  
23          those same children.

24                   So this whole issue -- and I  
25          understand, you got to do what you got to

1           5/21/14 - WHOLE - BILL 130489, etc.

2           do. You're supposed to advocate for your  
3           issue, but you need to understand that we  
4           have to advocate for the organizations  
5           that come in here every year and ask us  
6           for additional funding. I mean, do you  
7           think that we're comfortable with the  
8           fact that we are actually turning down a  
9           bunch of people who have come in here and  
10          asked us? Some of the same advocates who  
11          come in here that advocate for schools,  
12          they're in here on all of the -- PCCY,  
13          they stay in here, some of them all of  
14          the groups, and guess what we have to  
15          tell them? We don't have the money to  
16          increase your budget. I mean, it's just  
17          a simple reality.

18                 So it's not just this one-sided  
19          thing where the only people that have to  
20          deal with young people and children is  
21          the School District. We also have a  
22          fiscal responsibility, which is why we're  
23          trying to fix our fiscal house, because  
24          as much as people like to think that we  
25          have a stable fiscal situation, we

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           actually don't. The reality is, we're  
3           not close to investing what we'd like to  
4           invest in our young people and the same  
5           children that you all have the  
6           responsibility for. So it's a broader  
7           picture.

8                       I just continue to hear about  
9           the children being the most important  
10          thing, and I agree with you, and we feel  
11          the same way, that they're the most  
12          important thing that we can do, so we do  
13          have the responsibility to make sure  
14          those people get to school safe and fund  
15          all of the different programs. So I just  
16          wanted to say that.

17                     The Chair recognizes Councilman  
18          Squilla.

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

21                     Thank you, guys. My question  
22          is a little different, in that last year  
23          I guess you asked for, was it 340  
24          million?

25                     MR. STANSKI: 304.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCILMAN SQUILLA: And what  
3 was the amount that you received?

4           MR. STANSKI: It was overall  
5 112, 95 of which was one-time funding.

6           COUNCILMAN SQUILLA: So 95 was  
7 one time. So it's 112. So then  
8 recurring was approximately 17 million?

9           MR. STANSKI: Yeah, about that.

10          COUNCILMAN SQUILLA: Around 17  
11 million. And with that money last year,  
12 what was your total budget for the  
13 District?

14          MR. STANSKI: We're about 2.5  
15 billion for the operating budget.

16          COUNCILMAN SQUILLA: And that's  
17 what you worked off of last year?

18          MR. STANSKI: Mm-hmm.

19          COUNCILMAN SQUILLA: Now, the  
20 90 million was recurring last year, so --

21          MR. STANSKI: Ninety-five  
22 million.

23          COUNCILMAN SQUILLA: So you're  
24 short 95 million going --

25          MR. STANSKI: Correct.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCILMAN SQUILLA: So you ran  
3 a bare-bones operation at this point --

4           MR. STANSKI: Mm-hmm.

5           COUNCILMAN SQUILLA: -- at that  
6 95 million. You did what you needed to  
7 do. People got laid off, and it was a  
8 very tough year. Class sizes increased.  
9 All the bad things that we hear about.

10           So now we're short 95 million.  
11 Now you're increasing it 120 million this  
12 year with the City portion of it?

13           MR. STANSKI: So on the revenue  
14 side, it was 95, but I have to remind  
15 Council, we used our entire fund balance  
16 also to balance the budget, which was 39  
17 million. So that was also one-time  
18 money. And we also had \$11 million of  
19 building sales, which is one-time money.  
20 So there were a lot of -- so our one-time  
21 fixes were over \$120 million.

22           COUNCILMAN SQUILLA: You  
23 received \$11 million in your last year's  
24 budget that you used for school sales?

25           MR. STANSKI: We budgeted 11

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           million for building sales.

3                   COUNCILMAN SQUILLA: You  
4           budgeted.

5                   MR. STANSKI: Correct.

6                   COUNCILMAN SQUILLA: And where  
7           did you get that money from? I mean, you  
8           didn't receive it?

9                   MR. STANSKI: We're in the  
10          process of selling them right now.

11                  COUNCILMAN SQUILLA: You didn't  
12          receive it?

13                  MR. STANSKI: Well, we're still  
14          in the fiscal year, so if we sell them in  
15          June as we're proposed, we would meet  
16          that target.

17                  COUNCILMAN SQUILLA: And the  
18          fiscal ends July 1st?

19                  MR. STANSKI: June 30th.

20                  COUNCILMAN SQUILLA: So without  
21          those sales in June, what do you do --  
22          then you're \$11 million short.

23                  MR. STANSKI: We're short  
24          again, yeah.

25                  COUNCILMAN SQUILLA: So what

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           are you doing?

3                   MR. STANSKI: Well, we have  
4           closing dates for the properties, the  
5           five properties that we're going to sell  
6           by June 30th, and if whatever we're  
7           short, the City is supposed to make up  
8           for up to 50 million.

9                   COUNCILMAN SQUILLA: Up to \$50  
10          million.

11                  MR. STANSKI: Yeah.

12                  COUNCILMAN SQUILLA: And what  
13          is the actual number that you will be  
14          getting from those sales?

15                  MR. STANSKI: We're projected,  
16          after closing costs and defeasance costs,  
17          to net \$25 million.

18                  COUNCILMAN SQUILLA: To net 25  
19          million. So then if that happens, so  
20          then you would have additional monies for  
21          next year?

22                  MR. STANSKI: No.

23                  COUNCILMAN SQUILLA: You  
24          budgeted 11 million.

25                  MR. STANSKI: We need 61

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           million in building sales, because the 50  
3           million --

4                   COUNCILMAN SQUILLA: But you  
5           only budgeted 11.

6                   MR. STANSKI: Right, but the 50  
7           million that was promised to the District  
8           is tied to the sale of buildings. So you  
9           have to combine the 50 and the 11.

10                  COUNCILMAN SQUILLA: So you're  
11           saying 61 million --

12                  MR. STANSKI: Sixty-one million  
13           in building sales in our current budget,  
14           current for Fiscal '14. What we sell --  
15           and so right now we're projecting to net  
16           25 million. So that means the City would  
17           then make up about 35 million of that to  
18           get us to the --

19                  COUNCILMAN SQUILLA: So you're  
20           getting an additional 35 million by the  
21           end of July?

22                  MR. STANSKI: End of June.

23                  COUNCILMAN SQUILLA: The City  
24           is coming up and giving you an additional  
25           35 million?

1           5/21/14 - WHOLE - BILL 130489, etc.

2           MR. STANSKI: That's the plan.

3           COUNCILMAN SQUILLA: Okay.

4           Now, next year what is your budgeted for  
5           sales?

6           MR. STANSKI: Currently we  
7           don't have any money budgeted for sales.

8           COUNCILMAN SQUILLA: So you're  
9           not selling any buildings?

10          MR. STANSKI: We are selling  
11          buildings.

12          COUNCILMAN SQUILLA: So why  
13          wouldn't you include them in your budget?

14          MR. STANSKI: We're still  
15          deliberating that but, quite frankly,  
16          Councilman, it is one-time revenue that  
17          we've continuously budgeted and would, in  
18          our view, be more appropriately used to  
19          pay down debt service or use for one-time  
20          capital projects.

21          COUNCILMAN SQUILLA: So no  
22          longer is the sales of buildings going to  
23          be included in any of your budgeting at  
24          this time?

25          MR. STANSKI: It's still under

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           deliberation, but right now in the  
3           proposed budget, it's not built in, no,  
4           any revenue for Fiscal '15.

5                   COUNCILMAN SQUILLA: Which is  
6           great, and we would really love you to  
7           pay down your debt services. I mean,  
8           it's a big key.

9                   So we're talking 95 and the  
10          City is going to give you an additional  
11          35, correct, at the end of --

12                   MR. STANSKI: Well, the -- so  
13          let me break down the 95. The 45 was a  
14          one-time payment from the state based on  
15          a loan forgiveness from the federal  
16          government. The 50 million, as  
17          originally proposed, was supposed to be a  
18          City payment based on a borrowing on the  
19          1 percent sales tax. Since that did not  
20          materialize --

21                   COUNCILMAN SQUILLA: Excuse me.  
22          That also got changed. The 50 million  
23          instead was going to be for -- either  
24          give you the 50 million or sell the  
25          schools.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           MR. STANSKI: Right. So now  
3 the deal part of that 50 million is sell  
4 the schools. Whatever you don't get up  
5 to 50, the City makes up the difference.

6           COUNCILMAN SQUILLA: Right. So  
7 now you're getting that. All right. So  
8 the total was -- that's where you get  
9 your 95.

10          MR. STANSKI: Right.

11          COUNCILMAN SQUILLA: And then  
12 you said there was an additional one-time  
13 fund?

14          MR. STANSKI: Yeah. We used  
15 all of our fund balance.

16          COUNCILMAN SQUILLA: Which was  
17 39?

18          MR. STANSKI: Thirty-nine.

19          COUNCILMAN SQUILLA: So that's  
20 48, so it's 148?

21          MR. STANSKI: Yeah; 95 and 39  
22 is 124 -- 134.

23          COUNCILMAN SQUILLA: Whatever  
24 it is, around there. So say it's 134.  
25 That was not recurring, so we are short

1           5/21/14 - WHOLE - BILL 130489, etc.

2           that?

3                   MR. STANSKI: Correct.

4                   COUNCILMAN SQUILLA: So next  
5           year if you're going to get 120 recurring  
6           money, that would put us 14 below what  
7           you have this year?

8                   MR. STANSKI: Right off the  
9           bat, yes.

10                  COUNCILMAN SQUILLA: Right off  
11           the bat.

12                  MR. STANSKI: And you're  
13           assuming no growth in expenditures at  
14           all.

15                  COUNCILMAN SQUILLA: Correct.  
16           Correct. So what I'm having a hard time  
17           understanding, with the other additional  
18           revenues, whether the cigarette tax comes  
19           in or any other growth in sales or  
20           collection of taxes, which I believe we  
21           also had, what was the additional  
22           collection in taxes that the School  
23           District received from revenue this year?

24                  MR. STANSKI: It was an  
25           additional 15 in delinquent and 13 in

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           current collections.

3                   COUNCILMAN SQUILLA: So that's  
4           28 million. So that also was not -- that  
5           was also --

6                   MR. STANSKI: We had already  
7           budgeted the current --

8                   COUNCILMAN SQUILLA: You  
9           already budgeted, which is -- okay. The  
10          15 --

11                  MR. STANSKI: The 15 was new.

12                  COUNCILMAN SQUILLA: Now, we at  
13          that point would then knock that down to  
14          120? So that's down to 120 since you got  
15          15 additional million in --

16                  MR. STANSKI: But we already  
17          built that into the budget.

18                  COUNCILMAN SQUILLA: Do you  
19          have any delinquent taxes built in this  
20          year?

21                  MR. STANSKI: Yes. We do every  
22          year.

23                  COUNCILMAN SQUILLA: How much?

24                  MR. STANSKI: Sixty-two million  
25          in real estate, as we did this past year.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCILMAN SQUILLA: In  
3 additional delinquent real estate taxes?

4           MR. STANSKI: Not additional.

5           COUNCILMAN SQUILLA: You're  
6 just doing --

7           MR. STANSKI: We're just doing  
8 what they normally collected on a yearly  
9 basis, which is about 62 million.

10          COUNCILMAN SQUILLA: So at this  
11 point, you're not really looking at any  
12 additional revenue from collection of our  
13 close to a billion dollars in delinquent  
14 taxes?

15          MR. STANSKI: Additional  
16 revenue?

17          COUNCILMAN SQUILLA: Yes.

18          MR. STANSKI: On top of what  
19 we're already collecting?

20          COUNCILMAN SQUILLA: Right.

21          MR. STANSKI: No.

22          CHAIRMAN GREEN: Sorry. Just  
23 to be clear, our budget, I believe -- and  
24 correct me if I'm wrong, Matt -- has the  
25 regular real estate tax payments, plus an

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           additional number for an estimated  
3           delinquent payment on top of what we  
4           expect to come in from the regular  
5           on-time real estate payments during the  
6           year, and that delinquent amount that is  
7           in our budget and estimated to be  
8           received next year is \$62 million.

9           MR. STANSKI: Yes.

10          COUNCILMAN SQUILLA: All right.  
11          When I asked it --

12          MR. STANSKI: We build in  
13          delinquent collections.

14          COUNCILMAN SQUILLA: That's  
15          what I asked. So you're looking to  
16          collect an additional \$62 million in next  
17          year's budget --

18          MR. STANSKI: Yes.

19          COUNCILMAN SQUILLA: -- for  
20          delinquent taxes?

21          MR. STANSKI: Yes.

22          COUNCILMAN SQUILLA: And that  
23          is --

24          MR. STANSKI: I mean, you're  
25          saying "additional." I just want to say

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           that it's the expected collections that  
3           we have on an annual basis for  
4           delinquent --

5                   COUNCILMAN SQUILLA: See,  
6           that's a different --

7                   CHAIRMAN GREEN: It's already  
8           in the budget.

9                   MR. STANSKI: It's already in  
10          the budget.

11                  COUNCILMAN SQUILLA: I know,  
12          but you're saying annual collections.

13                  MR. STANSKI: Annual delinquent  
14          collections.

15                  COUNCILMAN SQUILLA: So every  
16          year you're getting 62 million of annual  
17          delinquent collections?

18                  MR. STANSKI: We used to get  
19          50. Because of the City's initiative,  
20          it's up to 62, 63. That's like the new  
21          normal. So we build that into our budget  
22          annually.

23                  COUNCILMAN SQUILLA: Over and  
24          above. So, again, that's over and above  
25          what you're going to get from the

1           5/21/14 - WHOLE - BILL 130489, etc.

2           current --

3                   MR. STANSKI: Correct.

4                   COUNCILMAN SQUILLA: -- taxes?

5                   MR. STANSKI: But it's already  
6           built into the budget.

7                   CHAIRMAN GREEN: No, no. It's  
8           not over and above from the current taxes  
9           because we got the same 62 million last  
10          year and we'll get the same 62 million  
11          next year that we get this year. So it's  
12          not new money to the District. It's  
13          money the District gets every year and is  
14          assuming it will get every year in order  
15          to maintain the status quo, which I think  
16          is your question. Like if you get this  
17          money, can you do something with that  
18          instead of --

19                   COUNCILMAN SQUILLA: We are  
20          trying to re-up revenue to collect some  
21          of the delinquent taxes that's out there.

22                   CHAIRMAN GREEN: I'm with you,  
23          and I worked on legislation to do just  
24          that.

25                   COUNCILMAN SQUILLA: Exactly.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           So what I'm saying is, by doing that,  
3           since the number is so large, if we could  
4           collect a percentage of that, I mean,  
5           even if it's -- say it's a billion  
6           dollars. If we collect 25 percent, which  
7           will be terrible, it would be 250  
8           million. Now, not all of that would be  
9           for school taxes, but that would be a big  
10          chunk of money that we could work on to  
11          get to the School District. It seems  
12          like we're always forgetting that issue.  
13          We always look at ways -- I guess the  
14          easy way is, let's just tax something  
15          more and we'll get additional dollars,  
16          but after a while, the people who don't  
17          pay it are never going to pay it and we  
18          just keep taxing people who do pay it.  
19          So that's a way I think we could come up  
20          with additional revenue to help the  
21          District.

22                   CHAIRMAN GREEN: I agree, and  
23                   certainly since Councilman Goode has  
24                   given us permission to ask for specific  
25                   ways of getting revenues, certainly as I

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       said last time, tax lien sales that we  
3       worked on and other issues that we worked  
4       on, you know, if they could be done, I  
5       think could lead to the reasonable  
6       assumption that we'll get revenue. But  
7       there is no plan at the moment for those  
8       to be done, and we have asked the  
9       Administration about that.

10                   COUNCILMAN SQUILLA: Well, I  
11       think it's up to Council, and I think we  
12       will continue to do that. I know the  
13       Councilmembers had had several  
14       resolutions to that effect and will  
15       continue to do that and push that issue,  
16       but, again, I just -- back to my last  
17       point real quick, Mr. President.

18                   So it looks like from last year  
19       non-recurring costs was about \$139  
20       million compared to this year, right? So  
21       with the 120 from the City, we're looking  
22       at 19 million that was not recurring from  
23       last year's budget that you will be short  
24       from last year's budget?

25                   MR. STANSKI: Right, assuming

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           no growth in any expenditures.

3                   COUNCILMAN SQUILLA: Right. So  
4           that's what's so hard to understand, I  
5           think, about if the 120 million is  
6           already included without our additional  
7           tax revenue growth and collection of  
8           delinquent taxes, why the necessity to  
9           lay off so many people would come into  
10          effect?

11                   MR. STANSKI: Well, we have \$80  
12          to \$100 million worth of expense growth.

13                   COUNCILMAN SQUILLA: A hundred  
14          million dollars in expense growth?

15                   MR. STANSKI: Yeah.

16                   COUNCILMAN SQUILLA: What is  
17          that?

18                   MR. STANSKI: Our charter  
19          payments are going up \$32 million. Our  
20          pension payments are going up \$32  
21          million. Our health payments are going  
22          up \$18 to \$20 million. Our special ed  
23          costs tend to go up \$8 to \$10 to \$12  
24          million annually. And this is no -- and  
25          then I will say we're also ending Fiscal

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           '14 with a projected deficit of \$28  
3           million, so we have to make up that  
4           deficit as well.

5                   COUNCILMAN SQUILLA: Is that  
6           even coming in with the additional money  
7           the City is going to pay for the  
8           properties?

9                   MR. STANSKI: No. That money  
10          has been planned for and spent.

11                  COUNCILMAN SQUILLA: So even  
12          with that money coming in then?

13                  MR. STANSKI: I mean, we got  
14          the okay back in August to spend the 50  
15          million.

16                  COUNCILMAN SQUILLA: Right. So  
17          you're still overspent 28 million?

18                  MR. STANSKI: For the year,  
19          yeah. Higher than expected charter  
20          payments and we're short on some revenues  
21          as well.

22                  COUNCILMAN SQUILLA: All right.  
23          I'll come back. I have questions on the  
24          charter payments.

25                  COUNCIL PRESIDENT CLARKE: Go

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       ahead.

3                   COUNCILMAN SQUILLA: The  
4       charter payments --

5                   DR. HITE: Councilman Squilla,  
6       remember, on the 50 million, it was we  
7       were not going to open schools because we  
8       didn't have the staffs needed. And so  
9       the 50 million, the promise for the 50  
10      million was to provide us with the  
11      opportunity to call individuals back in  
12      order to open schools this year.

13                  COUNCILMAN SQUILLA: Right.  
14      And that's why you're getting it.

15                  DR. HITE: Right.

16                  COUNCILMAN SQUILLA: I think it  
17      was agreed on by Council, and that's  
18      where the whole sale of schools came in,  
19      to find a way to do that. Because, I  
20      mean, as Councilmembers and Chairman  
21      Green reiterates, I mean, this is -- we  
22      need to find ways of raising revenue and  
23      doing different things to come up with  
24      different revenue sources, and I think  
25      that's what we on Council are trying to

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           do at this point. I was just trying to  
3           get to a point where since last year --  
4           you're saying your expenses are growing  
5           from last year. Your expenses this year  
6           are over \$120 million greater than last  
7           year?

8                     MR. STANSKI: They're over 120  
9           million greater than last year? No.

10                    COUNCILMAN SQUILLA: What did  
11           you say your expenses this year budgeted  
12           are how much more than last year?

13                    MR. STANSKI: Our growth in  
14           expenses is about \$80 million.

15                    COUNCILMAN SQUILLA: So your  
16           budget this year is \$80 million greater  
17           than last year?

18                    MR. STANSKI: Right.

19                    CHAIRMAN GREEN: And that  
20           growth in expenses every year through the  
21           next five years exceeds the natural  
22           revenue growth that we get and the  
23           City -- so just like the City's Five Year  
24           Plan, it assumes growth in real estate  
25           taxes because of AVI and other things in

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           the out years, so does the District's,  
3           but that natural revenue growth does not  
4           exceed our natural expense growth without  
5           laying off -- without increasing any cost  
6           that is within our control. So all of  
7           our expense growth is cost that is  
8           outside of our control because of  
9           essentially state law.

10                   COUNCILMAN SQUILLA: Well, then  
11           how do we reduce that cost without laying  
12           off members?

13                   CHAIRMAN GREEN: We can't  
14           reduce that cost because it's in state  
15           law. So the only -- the solution to me  
16           is a full fair funding formula, but it's  
17           not going to happen by June 30th.

18                   COUNCILMAN SQUILLA: Right.

19                   MR. STANSKI: So, Councilman,  
20           just so I'm clear, right now our  
21           projected spend for this current fiscal  
22           year is 2.54 billion, and if we were to  
23           keep the status quo for next year, it's  
24           2.63 billion.

25                   COUNCILMAN SQUILLA: And what

1           5/21/14 - WHOLE - BILL 130489, etc.

2           was last year's, 2.5?

3           MR. STANSKI: 2.54.

4           COUNCILMAN SQUILLA: 2013.

5           MR. STANSKI: Well, the current

6           fiscal year is 2.54.

7           COUNCILMAN SQUILLA: And what

8           you're asking for is 2.63?

9           MR. STANSKI: To keep status  
10          quo.

11          COUNCILMAN SQUILLA: So it's  
12          800,000 -- I mean 800 million.

13          MR. STANSKI: It's 89 million,  
14          but then we have to make up a deficit.

15          COUNCILMAN SQUILLA: Right. So  
16          close to a hundred million dollars.

17          Thank you very much. Thank  
18          you.

19          COUNCIL PRESIDENT CLARKE:

20          Thank you, Councilman.

21          The Chair recognizes Councilman

22          Oh.

23          COUNCILMAN OH: Thank you very  
24          much, Mr. President.

25          So I think that Chairman Green

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           and I are probably on the same sheet of  
3           music in terms of what we're looking at,  
4           I think. From the Governor's Office,  
5           from the Senate, from the House, if you  
6           were to go to these three entities and  
7           say for Year 1, for Year 2, for Year 3,  
8           4, 5, so forth, we need X amount of money  
9           to operate the schools, and it's a big  
10          number, and they say, We will not provide  
11          a percentage of that amount, you have to  
12          come up with some other way of getting  
13          that, we would at least here in  
14          Philadelphia know what that number is.

15                 So if you have a number that  
16          would be the amount you need to not just  
17          barely operate the schools but to  
18          appropriately operate the schools, have  
19          you communicated that number to those  
20          three entities to say, This is the amount  
21          that we need, and for them to say, You  
22          can expect this amount from us in terms  
23          of funding, whether it's through a  
24          funding formula, a new funding formula,  
25          whether it's through an appropriation?

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Has there been a discussion of what that  
3           number is?

4                   DR. HITE: Yes. The number is  
5           440, Councilman Oh.

6                   COUNCILMAN OH: Four-forty, I  
7           understand --

8                   COUNCILMAN SQUILLA: From the  
9           state?

10                  DR. HITE: You mean broken out  
11          by entity?

12                  COUNCILMAN OH: No. I mean  
13          just in its entirety. What is the full  
14          budget that you need to appropriately  
15          operate the school?

16                  DR. HITE: Four hundred and  
17          forty million.

18                  COUNCILMAN Oh: I mean the  
19          total, like 2.8 billion, 2.3 million.  
20          What is the total number?

21                  MR. STANSKI: It's 2.8 billion  
22          in operating.

23                  COUNCILMAN OH: So that gets us  
24          your great school district. That's not  
25          just a patched-up, barely floating, a

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           little bit of improvement school  
3           district?

4                     DR. HITE: Yes. It puts us on  
5           a path to make schools better.

6                     COUNCILMAN OH: So Harrisburg  
7           has said what about providing that total  
8           amount of money? What's the difference  
9           that we're looking at?

10                    CHAIRMAN GREEN: Well, as Matt  
11           mentioned in our communications with the  
12           budget requesting 150 million, I've  
13           described the various alternative revenue  
14           sources that we would like them to  
15           consider to provide us that funding.  
16           That 150 with the cigarette tax and other  
17           things gets us a long way there. But the  
18           reaction that we're getting right now is  
19           the state has its own \$1 billion deficit  
20           and it is unlikely that we are going to  
21           get all of the 62 million that the state  
22           has -- that the Governor put in his  
23           initial budget for us. I mean, that's  
24           the unfortunate answer.

25                    COUNCILMAN OH: So --

1           5/21/14 - WHOLE - BILL 130489, etc.

2           CHAIRMAN GREEN: So we're  
3           talking about 216 when the real need may  
4           end up being 236 to 246.

5                   But we don't want to give up on  
6           that money, because it is in the  
7           Governor's budget and they haven't made  
8           any final decisions. The real problem  
9           with respect to Harrisburg -- there's a  
10          couple of issues with respect to  
11          Harrisburg. The first is, Harrisburg  
12          often doesn't make its final budget  
13          deals, and now we're five weeks left  
14          because of the election year and not  
15          having dealt with it in the significant  
16          way they would have in the past, like  
17          last year, it's very likely that the deal  
18          may not be known by June 30th. So we  
19          have to assume that nothing -- as of June  
20          30th, we're sending out layoff notices  
21          because something is not done in  
22          Harrisburg. The cost of that is not  
23          reversible to the District. So we're  
24          trying to put in place as much as we can  
25          to avoid that cost.

1           5/21/14 - WHOLE - BILL 130489, etc.

2                   Last year we laid off people  
3           and then called them back, but didn't get  
4           all of the severance and term pay back.  
5           So we want to avoid that this year, and  
6           that's why we're stressing or Dr. Hite  
7           mentioned when he came in, it's been 16  
8           days since our last time before Council.  
9           If we could get action on the 120 and  
10          all -- on the 120, passes the state past,  
11          and all just focus on the cigarette tax.  
12          And the great thing about that is, we  
13          actually all agree on the 120 for next  
14          year. So all of us. The Council's  
15          proposal is the District gets 120 next  
16          year from the sales tax. The District's  
17          budget has 120 next year from the sales  
18          tax. So we agree on that. So I guess  
19          the way we can, in my view, given the  
20          timing it's in Harrisburg and how  
21          complicated it is to get not one thing or  
22          two -- how complicated it is to get two  
23          things versus one thing, that we focus  
24          all on the cigarette tax, and if we get a  
25          full fair funding formula that will make

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           the District whole, go back together in  
3           the fall and seek to change the sales tax  
4           formula in the state so that we can say  
5           we can -- our delegation can focus on one  
6           thing, cigarette tax, so that you guys  
7           don't have to consider cuts in the City  
8           budget or other revenue measures or  
9           anything else. We agree on that. We  
10          agree on the 120 next year. So let's put  
11          aside this argument until the fall when  
12          we know about the split of the sales tax  
13          and bring it up back then, and hopefully  
14          we'll see a path to be able to go lobby  
15          with you.

16                   COUNCILMAN OH: So the problem  
17          that I'm addressing is that people will  
18          take a certain amount of pain with a  
19          light at the end of the tunnel, and it's  
20          important for us as a city in order to  
21          keep revenues growing or to keep them  
22          here or to keep population here, to get  
23          investment in, but if there isn't some  
24          known plan or factor that people can see  
25          this will lead to this point of success

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           or relief or something, it's hard for us  
3           to do that. And if we shrink our  
4           economy, we shrink the revenues available  
5           and we have growing debts as well.

6                        So you had mentioned and I had  
7           mentioned I think separately but probably  
8           the idea that if the state will not give  
9           us more money, we can keep more money  
10          from new lines of revenues that are  
11          coming into Philadelphia in the  
12          transformation of our economy. Have you  
13          had any conversations about legislation  
14          that would allow Philadelphia to retain  
15          larger percentages of new revenues coming  
16          into our city or existing lines of  
17          revenue?

18                      DR. HITE: No.

19                      COUNCILMAN OH: Because, I  
20          mean, that may be just kind of an  
21          out-of-the-box idea, but I have had  
22          conversations around that. Not saying  
23          that they're that meaningful, but they're  
24          not outright rejected in the sense that I  
25          think what we were saying is we give far

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           more money to Harrisburg and when we --  
3           the only place that I can really think  
4           significantly where that situation is  
5           reversed is in schools. We give a lot  
6           more money. We get a lot less. But in  
7           schools, we get more than any other  
8           district, but if we could retain more of  
9           our dollars, we would not need to ask for  
10          more dollars. We could just retain more  
11          dollars. But that would be a legislative  
12          or a political solution to changing the  
13          paradigm or the dynamic by which we're  
14          always on the short end of the stick.

15                 So with the election coming up,  
16          it's a political opportunity. If we knew  
17          what legislation we were looking for,  
18          those type of things, we could certainly  
19          raise it in the Governor's race. Those  
20          type of things are typically when we can  
21          leverage some new type of relationship in  
22          the split of funding or revenues.

23                 CHAIRMAN GREEN: I completely  
24          agree with you about different revenue  
25          options. Unfortunately, none of that is

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           going to be leverageable by June 30th,  
3           and that's when the budget has to be  
4           passed.

5                   COUNCILMAN OH: True. But what  
6           I'm saying is the ability to just come up  
7           with some emergency type of funding is, I  
8           think, more likely if we are able to look  
9           at a solution as opposed to just raising  
10          more taxes or coming up with more money  
11          if we don't get some of these things,  
12          with no idea that there is relief in the  
13          future or success in the future or even  
14          the pursuit of an idea to get us out of  
15          this cycle.

16                   CHAIRMAN GREEN: I think the  
17          only way to get out of this cycle --  
18          because even additional revenue measures  
19          at the state level don't necessarily get  
20          appropriated to schools. So even if we  
21          came up with creative ways or the ability  
22          to keep money, even additional revenue  
23          that the City gets, would be up to this  
24          body whether or not to appropriate to  
25          schools. So we can't sort of separate --

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCILMAN OH: What I'm  
3 saying --

4           CHAIRMAN GREEN: As a district,  
5 it doesn't seem as a policy matter we  
6 should be like talking about what the  
7 appropriate revenue split is between the  
8 taxes that are raised from the City and  
9 what gets --

10          COUNCILMAN OH: But I think  
11 somebody should. In other words,  
12 somebody should be talking with the  
13 Senate or the House or the Governor or  
14 the people running for governor about the  
15 fact that the School District cannot keep  
16 coming and nickel and diming its way to  
17 barely getting money, but here is a way  
18 for the state and the City and the School  
19 District to get appropriate funding by  
20 changing the relationship about the  
21 division of revenues.

22          My understanding -- and I know  
23 Council President and others, they're  
24 doing the delegation, they're going up to  
25 Harrisburg, all that stuff. My

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           understanding is far easier for me as a  
3           state legislator to allow Philadelphia to  
4           keep more of its revenues and be able to  
5           give less of the state's money to  
6           Philadelphia. It's far easier than for  
7           me to go back to my constituents and tell  
8           them that I have voted to give more money  
9           to Philadelphia when my own district  
10          needs more money. It's just easier to  
11          say, I have given less money to  
12          Philadelphia, but I have allowed  
13          Philadelphia to keep more of its own  
14          money.

15                   CHAIRMAN GREEN: And that's  
16           essentially the only thing that  
17           Harrisburg has been willing to do. The  
18           120 we get from the sales tax is in fact  
19           Philadelphia taxpayers paying an extra 1  
20           percent, and the cigarette tax, which was  
21           the funding that we looked at last year  
22           and still all agree on and are fighting  
23           for in Harrisburg this year, is once  
24           again Philadelphians paying an additional  
25           tax and there be no contribution from the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           state. But in the long run, that is not  
3           sustainable for the School District of  
4           Philadelphia. The state has to change  
5           its funding formula to provide the  
6           appropriate amount of funding to the  
7           School District of the City of  
8           Philadelphia.

9                   COUNCILMAN OH: So Council  
10          President is talking about energy zone,  
11          which is new revenues. You have talked  
12          about technology and innovation that is  
13          new to Philadelphia. I've talked about  
14          international trade and investment  
15          through FDI EB-5 that we don't have in  
16          Philadelphia, and we would have to work  
17          this out with Harrisburg as to what the  
18          split is, if Harrisburg were in agreement  
19          on it funding the schools so they could  
20          get it off their back. And, again, even  
21          though that doesn't have to do with right  
22          now, it helps with right now because  
23          we're looking at how this is going to  
24          work, and I believe Harrisburg is in the  
25          same position as we are. Every year they

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           got to deal with this problem and there's  
3           no end in sight of going back to their  
4           constituents about why they gave more  
5           money to Philadelphia and it's broke and  
6           it's not performing.

7                     And, again, I'll just say  
8           again, unless you're at the table  
9           involved in this funding formula so it  
10          actually does fund Philadelphia, it may  
11          be a funding formula as in many states  
12          where the funding is inadequate for a  
13          city like Philadelphia with its problems.

14                    CHAIRMAN GREEN: One of the  
15          requests that we've made to Harrisburg  
16          that I neglected to mention earlier is  
17          that we are asking that if there is a  
18          commission on a funding formula, that Dr.  
19          Hite serve or that a representative of  
20          the District serve on that commission so  
21          that our voice is heard.

22                    COUNCILMAN OH: Thank you very  
23          much.

24                    COUNCIL PRESIDENT CLARKE:  
25          Thank you, Councilman.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Councilwoman Brown, you go  
3 first and then I'll follow you.

4           COUNCILWOMAN BROWN: Okay.

5           Good afternoon, gentlemen. I  
6 want to first thank you for the response  
7 to the question I raised about what is  
8 the nature and level of the partnerships  
9 going on with our area universities.  
10 It's very informative, and I'll study  
11 this more as we continue this debate  
12 around funding and whether or not our  
13 non-profit sector that are participating  
14 in pilots providing their fair share with  
15 regard to this whole funding issue.

16           A separate budget question --  
17 let me restate also that there's still  
18 the intention of Councilwoman Blackwell  
19 and I to have a separate briefing around  
20 charter schools, and after the report  
21 that's been released by the Auditor  
22 General, it really does underscore why we  
23 need to have that broader conversation  
24 and not use this time for that.

25           I am curious now around this

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           one issue of charter schools and the  
3           classification or declassification of  
4           special ed students. And so the question  
5           is, what I've learned is that a number of  
6           our students leave the Philadelphia  
7           public school system and are classified  
8           one way and then they go into charter  
9           schools who declassify them as special  
10          ed, which also equals that they get X  
11          number of thousand dollars additional  
12          because of that declassification of those  
13          children.

14                        So just speak briefly to what  
15          the process is. Where is the gap or the  
16          missing link or the misstep in that --  
17          and maybe it's none of those -- that we  
18          classify our kids one way and yet when  
19          they get to charter schools, they're  
20          declassified as special ed, which then  
21          upticks the level of the reimbursement.

22                       MR. STANSKI: I don't know that  
23          we've ever done an analysis on if a  
24          student was in a District school and then  
25          they moved to a charter school or if we

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           renaissance that school and became a  
3           charter, whether they actually have been  
4           identified as special ed. What I can  
5           tell you is just the process we use is  
6           that charter schools report their  
7           enrollment into our system.

8                   COUNCILWOMAN BROWN: Charter  
9           schools what?

10                   MR. STANSKI: Charter schools  
11           will report their enrollment into a  
12           centralized system that the District  
13           operates. They identify in that system  
14           the number of students in their schools  
15           with IEPs. We require them to then  
16           submit the first page of the IEP to the  
17           District to ensure that those students do  
18           actually have IEPs. And then regardless  
19           of the disability, the District is  
20           required by state law to make a payment  
21           for that special ed student for this year  
22           of about \$22,400.

23                   COUNCILWOMAN BROWN: And so  
24           then you simply rely on the accuracy and  
25           accurate diagnosis of those young people

1           5/21/14 - WHOLE - BILL 130489, etc.

2           based on the charter school submission?

3                   MR. STANSKI: We absolutely do.

4                   DR. HITE: Councilwoman, they  
5           work through a process just like our  
6           process of eligibility, and it is  
7           determined through the same process that  
8           we use, but because they're independent  
9           LEAs, they actually could make that  
10          designation themselves.

11                   I would add one other piece.  
12          Yes to your -- Mr. Stanski said he's not  
13          aware, but we are aware that children go  
14          off to charters and then are classified  
15          as special ed and then it ups the  
16          reimbursement. And it's the same  
17          reimbursement, so it's not categorized by  
18          handicapping condition. It is one  
19          reimbursement regardless of how severe or  
20          not severe the handicapping condition is.  
21          So, for instance, if the child just needs  
22          speech, they get the full \$22,000. So  
23          that's something that has to be worked  
24          on.

25                   The other thing is, the other

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           dynamic is when children leave the  
3           District and go to out-of-District  
4           placements. Those are some that are  
5           court ordered into other places.

6                   COUNCILWOMAN BROWN: Yes, yes,  
7           yes.

8                   DR. HITE: And those children  
9           typically come back with IEPs.

10                  COUNCILWOMAN BROWN: Is that  
11          right?

12                  DR. HITE: And then the  
13          District then must bear the cost of those  
14          students moving forward. So they didn't  
15          leave us with an IEP, but they will come  
16          back with one.

17                  COUNCILWOMAN BROWN: So I  
18          wanted to revisit that issue.

19                  And then the second was in the  
20          earlier budget hearings around the School  
21          District, the notion of the interest of  
22          the District Attorney -- well, the issue  
23          is truancy and the inability due to legal  
24          impediments where the District cannot  
25          provide contact information to the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           District Attorney's Office or to Judge  
3           Kevin Dougherty. So I want to revisit  
4           that, because in my office doing some  
5           additional homework under the Family  
6           Education of Rights and Privacy Act, it  
7           says, and I quote, "Schools may disclose  
8           without consent 'directory,' in quotes,  
9           information such as a student's name,  
10          address, telephone number, date, place of  
11          birth, honors, awards, and dates of  
12          attendance. However, schools must tell  
13          parents and eligible students about  
14          directory information and allow those  
15          parents a reasonable amount of time to  
16          request that from the school."

17                        So with that development or  
18          with that new information, can you  
19          further speak to why there's still an  
20          impediment to assisting the DA's interest  
21          in dealing with this issue? And it's  
22          really the DA and the DHS dealing with  
23          this issue of truancy.

24                       (Witness approached witness  
25          table.)

1           5/21/14 - WHOLE - BILL 130489, etc.

2           MS. LYNCH: Thank you. Karen  
3           Lynch, Chief of Student Support Services,  
4           for the record.

5           Councilwoman, I believe that  
6           the issue comes down to two points. It's  
7           the "however" point that you mentioned.

8           COUNCILWOMAN BROWN: It's the  
9           what?

10          MS. LYNCH: However. You  
11          stated and then there was the "however"  
12          that came in the statement. The consent  
13          of the parent is required, and we have  
14          shared with the District Attorney that if  
15          we can get our parents to consent,  
16          then --

17          COUNCILWOMAN BROWN: You'll  
18          probably get the kids to school, right?

19          MS. LYNCH: Well, sharing the  
20          information would be the consent. The  
21          challenge that we have also shared is, in  
22          this instance, the District Attorney  
23          would like to receive information  
24          regarding the number of days of absence,  
25          the truancy that the student has

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       received. And so what we estimate and  
3       what he also agrees is that very few  
4       parents will agree to give consent to  
5       share with the prosecutor information  
6       about their child's truancy and number of  
7       days of absence knowing that there is the  
8       potential of prosecution.

9           COUNCILWOMAN BROWN: For all  
10      the reasons that I understand. So let's  
11      put a period there. What if we move that  
12      to DHS, who also has a deep concern  
13      around truancy and wants to work  
14      collaboratively to figure out how we  
15      can -- if we arrest truancy, then we  
16      minimize some of the subsequent domino  
17      effect issues that come with kids who  
18      don't show up at school.

19                So I really get that, that  
20      prosecutor/DA piece. In fact, I'm not so  
21      sure I'd want that either because of all  
22      of what it even looks like or smells  
23      like. So let's then move to the DHS side  
24      of the ledger.

25               MS. LYNCH: So both DHS and the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           School District of Philadelphia have  
3           reached out to the District Attorney  
4           collectively, individually to say that if  
5           there is a way to resolve this entire  
6           circumstance, we are more than willing to  
7           try and figure that out. I think that  
8           we're repeatedly about that process, and  
9           any help that anyone can offer to help  
10          facilitate that effort and move it  
11          forward, that would be appreciated.  
12          Right now it's the federal regulations  
13          that pretty much dictate that there has  
14          to be the consent. But beyond that, I'm  
15          not aware of any impediment.

16                   COUNCILWOMAN BROWN: You're not  
17          aware of?

18                   MS. LYNCH: I'm not aware of  
19          anything that would stand in the way.  
20          DHS is obviously helping us right now  
21          with the effort of truancy. They are  
22          working in our schools and they are  
23          helping to provide supportive services.

24                   COUNCILWOMAN BROWN: So what  
25          does that look like in terms of data?

1           5/21/14 - WHOLE - BILL 130489, etc.

2           Has there been a reduction in truancy as  
3           a result of us working together?

4                   MS. LYNCH: The effort to place  
5           individuals within our schools to help  
6           identify students that are truant is an  
7           effort that is just starting.

8                   COUNCILWOMAN BROWN: Just  
9           starting, okay.

10                  MS. LYNCH: So I can't give you  
11          feedback on that process, because it  
12          just --

13                  COUNCILWOMAN BROWN: It's so  
14          new.

15                  MS. LYNCH: It's so new.

16                  COUNCILWOMAN BROWN: So just  
17          starting meaning September 2013?

18                  MS. LYNCH: That would mean  
19          just starting, it will probably go into  
20          full effect September 2014.

21                  COUNCILWOMAN BROWN: Which  
22          means next year during budget hearings we  
23          could have an update data driven on what  
24          the yield has been; is that fair to say?

25                  MS. LYNCH: What the results

1           5/21/14 - WHOLE - BILL 130489, etc.

2           have been of having the --

3                   COUNCILWOMAN BROWN: Yes, where  
4           we are with truancy and what the result  
5           of the new effort has been.

6                   MS. LYNCH: Yes. Absolutely.

7                   COUNCILWOMAN BROWN: So let me  
8           put on the record now that come testimony  
9           for next year, that that is included in a  
10          part of the testimony, because every year  
11          the truancy question is raised and every  
12          year we hear about the disconnect between  
13          those three stakeholders, DHS, the School  
14          District, and the DA's Office. So in the  
15          way that you've articulated, I fully get  
16          the DA piece, but if we know we have  
17          willing partners with DHS and the School  
18          District, then we really do need to  
19          figure it out.

20                   MS. LYNCH: I think we have  
21          great partners with the School District  
22          and the Department of Human Services. We  
23          have looked at efforts that have been  
24          underway. This year we've made  
25          incremental changes in the process that

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       we've had. We're still not satisfied  
3       with the results, because many of our  
4       schools' truancy is still high. We are  
5       now moving and stepping up our  
6       engagement, as I just said, to actually  
7       have staff within the schools that DHS  
8       has identified.

9                   COUNCILWOMAN BROWN: Okay. All  
10      right, then. Thank you.

11                  MS. LYNCH: Thank you.

12                  COUNCILWOMAN BROWN: Thank you,  
13      Mr. President.

14                  COUNCIL PRESIDENT CLARKE:  
15      Thank you, Councilwoman.

16                  I had a couple of questions.  
17      I'll probably need you, sir.

18                  COUNCILMAN JONES: Point of  
19      information, just real quick.

20                  COUNCIL PRESIDENT CLARKE:  
21      Sure.

22                  COUNCILMAN JONES: While you  
23      were out, what Councilwoman Brown's  
24      question spoke to, your statement that  
25      other departments are assuming some of

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           the roles within that, and this case was  
3           DHS actually serving as truant officers  
4           in public schools. I just want to put  
5           that on the record.

6                       COUNCIL PRESIDENT CLARKE:

7           Correct. Our list is almost complete in  
8           terms of what the City of Philadelphia  
9           has to fund and the children that they  
10          have to service and the dollar figure  
11          attached with that. So I just want to  
12          make a point. Not trying to pit children  
13          against children, but the reality is, as  
14          I said earlier, other people have  
15          responsibilities for children also.

16                      A couple of quick questions.  
17          One, Mr. Chairman, I think we should  
18          probably bring you in here every week,  
19          because the more we talk, the more you  
20          kind of come around to our view, and I  
21          think you're going to have that nostalgic  
22          thing going on with that seat over there,  
23          because you're actually coming around to  
24          our point of view. Because when you  
25          first came in, there was no conversation

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           about more state funding, and then I  
3           heard you just reference something about  
4           a couple of issues, one with respect to a  
5           state funding formula, charter school  
6           reimbursement, because that's what we  
7           talked about for the last two years since  
8           they cut it out of the line item out of  
9           last year, and then I actually heard you  
10          reference something very interesting  
11          about if somehow one or two of those  
12          initiatives have been enacted on the  
13          state level, that maybe we can address  
14          the 120 at a later date. I don't  
15          necessarily agree with you in terms of  
16          the most opportune time in getting  
17          something like that crafted, but our  
18          proposal does commit to 120 this year and  
19          the subsequent years more than 120  
20          obviously if we get cigarettes.

21                 So what I'd like to do is  
22          submit something to you that is a  
23          different kind of strategy as it relates  
24          to the 120 and the out years based on the  
25          particular set of circumstances, if in

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           fact certain things happen. I want to  
3           submit that basically to you so much  
4           because you're the Chair and the policy  
5           arm of the government there.

6                   CHAIRMAN GREEN: That would  
7           be -- I look forward to that, and we are  
8           going to prepare in writing and send to  
9           you for discussion purposes an analysis  
10          of our expenses year over year compared  
11          to the natural growth in revenue and sort  
12          of lay out what that means on a  
13          year-by-year basis. It would be great to  
14          reach resolution on this issue or put it  
15          on a shelf for a year and then focus only  
16          on the cigarette tax, because I think if  
17          we all just focus on that, we have a much  
18          higher probability of seeing it happen  
19          and avoiding tough choices here again  
20          this year, which we apologize for and  
21          wish there was something we could do  
22          about it.

23                   COUNCIL PRESIDENT CLARKE:  
24          Right. Well, we obviously think there  
25          are some things that you can do, but I

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           just want to make sure that I don't  
3           necessarily agree with you in terms of  
4           when we should craft something, because I  
5           think this is the best possibility that  
6           actually gets something in this  
7           particular calendar year.

8                       CHAIRMAN GREEN: I would  
9           suggest if the City, the District, and  
10          Council are all requesting something next  
11          fall that doesn't affect anybody else in  
12          the state, we can get it done far more  
13          easily and with less distraction of a  
14          full budget cycle, because it's no skin  
15          off anybody's nose, it only affects  
16          Philly. And so I hear what you're  
17          saying, but maybe let's continue this  
18          conversation not in this forum.

19                      COUNCIL PRESIDENT CLARKE:  
20          Thank you, sir.

21                      CHAIRMAN GREEN: Thank you.

22                      COUNCIL PRESIDENT CLARKE: All  
23          right. I want to get real quick to the  
24          property issue. I know Councilman  
25          Squilla had a number of questions with

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           respect to property sales, and I have to  
3           say, my good buddy back there, former L&I  
4           Commissioner, she's shaking her head like  
5           I don't want to come up there, but I  
6           really would like you to come up, if at  
7           all possible.

8                       CHAIRMAN GREEN: I'm going to  
9           take this opportunity to get out of the  
10          line of fire.

11                      COUNCIL PRESIDENT CLARKE: All  
12          right. Thank you. Thank you,  
13          Councilman. I understand.

14                      (Witness approached witness  
15          table.)

16                      COUNCIL PRESIDENT CLARKE:  
17          Because this issue is going to come up, I  
18          suspect you'll be getting a letter soon.  
19          I'm officially asking for some additional  
20          money, and I know the Mayor -- I  
21          shouldn't say I know what he's going to  
22          do.

23                      So last year there was what we  
24          believed to be an agreement on a strategy  
25          that the City would basically put in

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           place money that was available basically  
3           in exchange for the school buildings, so  
4           to speak, through PIDC, and we basically  
5           said, one, it didn't require maintenance  
6           of effort -- didn't trigger maintenance  
7           of effort because it would essentially be  
8           a purchase of, not a direct contribution  
9           to the schools, so it kind of got us  
10          around that. And we were actually  
11          prepared, I think we actually  
12          appropriated around \$50 million in our  
13          budget to accommodate that. I got to  
14          tell you again for the record that I'm  
15          disappointed, and I actually asked for  
16          the press conference picture. It  
17          actually is Clarke, Nutter, and  
18          Councilwoman Brown. She's actually in  
19          the picture when we were announcing this  
20          deal, and this is all the way back in  
21          October. And the fact that from October  
22          to now at the 11th hour that we've only  
23          sold seven buildings and haven't even  
24          completed the sale on a couple of those  
25          buildings, I must tell you that that

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           whole process left a very sour taste in  
3           our mouths.

4                       The insistence that the School  
5           District continue to be part of the  
6           process just for whatever reason, I never  
7           understood that, fully acknowledging that  
8           it wasn't what you all were structured to  
9           do. You were structured to educate young  
10          people. And why we're now at the 11th  
11          hour turning it over to PIDC, who is what  
12          we believe at that time was going to be  
13          the entity that was actually going to  
14          take full responsibility for those  
15          particular property sales, but anyway,  
16          that's water over the dam, so to speak.

17                      So under the proposed plan at  
18          that time, there was an opportunity to do  
19          such a transaction. So would you all be  
20          supportive of such a transaction as  
21          opposed to some other scenario that might  
22          cost more money in the long run?

23                      DR. HITE: On --

24                      COUNCIL PRESIDENT CLARKE:

25          Where the City essentially fronts you the

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           money in exchange for the buildings that  
3           will then be sold by PIDC so we can get  
4           our revenue back.

5                     DR. HITE: You're talking about  
6           the ones that are under contract or the  
7           ones moving forward?

8                     COUNCIL PRESIDENT CLARKE: The  
9           ones that -- what do you have left, like  
10          20?

11                    DR. HITE: Twenty.

12                    COUNCIL PRESIDENT CLARKE: It's  
13          only 20 left?

14                    DR. HITE: Yes.

15                    COUNCIL PRESIDENT CLARKE:  
16          Would you be supportive of such a  
17          proposal?

18                    DR. HITE: We would consider  
19          such a proposal, Council President, and  
20          based on the -- so what held the process  
21          up at the beginning which you just  
22          described is, we were -- and I think we  
23          had a lot of conversations about this.  
24          There was policy within the SRC that  
25          talked about how we would dispose of

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           those properties. We started with the  
3           properties that had the most -- that we  
4           received the most interest for, and then  
5           we were going to go into the second phase  
6           of those, and we're in the second phase  
7           of those now.

8                     And so certainly we would be in  
9           a place to review a proposal that  
10          provides us monies for those facilities,  
11          no question, but it is something that the  
12          SRC would have to make a determination in  
13          their own policy.

14                    COUNCIL PRESIDENT CLARKE: All  
15          right. That's kind of why we had the  
16          level of delay, because of the policies  
17          that were put in place that were  
18          subsequent to the policies that the SRC  
19          gave you where they suspended all the  
20          regulations associated with requirements  
21          for property sales. Am I correct?

22                    DR. HITE: That's correct, but  
23          it also -- but that was also a part of  
24          the process. The policy was to ensure --

25                    COUNCIL PRESIDENT CLARKE: The

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           policy was passed when Mr. Ramos was  
3           here.

4                     DR. HITE: That's correct.

5                     COUNCIL PRESIDENT CLARKE: And  
6           you had the opportunity to sell those  
7           properties without any impediments  
8           basically.

9                     DR. HITE: No, no, no. You're  
10          talking about a different -- you're  
11          talking about when Knudsen was here and  
12          they sold property?

13                    COUNCIL PRESIDENT CLARKE: I'm  
14          talking about when the SRC suspended its  
15          policy as it relates to property sales  
16          that basically gave you the ability to  
17          sell those properties with virtually no  
18          impediments.

19                    DR. HITE: No. That suspension  
20          was specific to a requirement that on  
21          each property we had to then get either a  
22          court ruling or some other ruling, which  
23          slowed the process down dramatically.  
24          And so the SRC suspended that part of the  
25          code so that we didn't have to do that

1           5/21/14 - WHOLE - BILL 130489, etc.

2           for every property that someone made an  
3           offer on.

4                   COUNCIL PRESIDENT CLARKE:

5           Okay.

6                   DR. HITE: So that was a part  
7           of the code suspension.

8                   COUNCIL PRESIDENT CLARKE:

9           There was no other suspension as it  
10          relates to disposition?

11                  DR. HITE: It was just that  
12          one.

13                  COUNCIL PRESIDENT CLARKE: Just  
14          that one?

15                  DR. HITE: Right. And that was  
16          one that created long periods of time  
17          from the time a property was listed until  
18          the time that they came to agreement, and  
19          that's why that part of the policy was  
20          suspended on these new properties.

21                  COUNCIL PRESIDENT CLARKE: So  
22          you're saying that from October of '13  
23          when the announcement was made and we had  
24          the press conference and everybody --  
25          most people I talked to thought it was a

1           5/21/14 - WHOLE - BILL 130489, etc.  
2       great idea, and I think you actually  
3       thought it was a pretty good idea, to  
4       now, that the ability to sell properties  
5       was limited to seven properties,  
6       particularly given the fact that we  
7       forwarded a number of entities who were  
8       interested in the property acquisition,  
9       and actually two of them and the third  
10      that actually ended up pulling back their  
11      level of interest because of the policies  
12      that were established. And I believe  
13      Mr. Greenberger was working with you all  
14      to put in place these extremely  
15      cumbersome requirements to sell  
16      properties. One, it's like why did we  
17      seriously entertain the entire portfolio  
18      acquisition, and, two, why did we  
19      self-impose all of these impediments that  
20      caused us to have such challenges as it  
21      relates to your ability to sell  
22      buildings? And you know I voiced my  
23      concern to you all all along, and my  
24      position was that people felt they didn't  
25      have to do it because they can just

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           simply ask us to raise people's taxes and  
3           we'd give you all the money. I genuinely  
4           believe that, because that's what always  
5           happens.

6                       MS. BURNS: Hi. Fran Burns,  
7           Chief Operating Officer, School District  
8           of Philadelphia.

9                       Just to put a little bit more  
10          perspective to the conversation and  
11          context, when the SRC adopted the sale  
12          and reuse policy in August of 2013, that  
13          policy was adopted to govern the reuse of  
14          properties for the District moving  
15          forward, and the thought and intent  
16          around the policy encompasses a lot. It  
17          encompasses how do we relieve ourselves  
18          of the property and get the revenue, but  
19          it also has some thought to kind of the  
20          public trust in terms of public dollars  
21          that were used to purchase the  
22          properties, public dollars that are still  
23          owed in terms of the debt that we have on  
24          each property. And when we looked at  
25          that policy, we said, Okay, well, we know

1           5/21/14 - WHOLE - BILL 130489, etc.

2           it has taken us a while to sell

3           properties over the past two years that

4           we've tried outside of this policy. So

5           how can we learn from where we've been?

6           And part of that was we'll have a series

7           of expedited sales that we know we have

8           very high interest in and we'll get those

9           properties up and marketed in a way that

10          we would turn those properties very

11          quickly to get the revenue there.

12                       We also had mid-level

13          properties that we knew we had some

14          interest but not a very high level of

15          interest, and we also looked at kind of

16          the market viability across all the

17          properties that we had available.

18                       So the theory and thought is

19          that --

20                       COUNCIL PRESIDENT CLARKE:

21          Excuse me, Ms. Burns. When you say "we,"

22          are you talking about the School

23          District?

24                       MS. BURNS: The School District

25          in concert with the Mayor's Office of

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           Economic Development.

3                   COUNCIL PRESIDENT CLARKE: But  
4           no real estate company or --

5                   MS. BURNS: Well, when we --

6                   COUNCIL PRESIDENT CLARKE:  
7           That's kind of my point.

8                   MS. BURNS: So then in October,  
9           though --

10                  COUNCIL PRESIDENT CLARKE: Why  
11           were you all in that?

12                  MS. BURNS: -- we also had --  
13           we then engaged Binswanger and the  
14           Philadelphia Industrial Development  
15           Corporation as our partners and also to  
16           lead us through the process of the real  
17           estate sales at that time, recognizing  
18           that while we have an internal staff that  
19           is qualified, it's a very small staff  
20           and, again, that we wanted the expertise  
21           of a broker and someone who knows the  
22           Philadelphia real estate market in  
23           addition to the expertise of the  
24           Philadelphia Industrial Development  
25           Corporation. So we did also bring in

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           professionals to help us in disposing of  
3           the properties and in the sale and  
4           disposition, all of which actually, in  
5           comparison to where the District had been  
6           over the past few years prior to that,  
7           actually took nine to 12 months off of  
8           the sale process if we settled those  
9           properties in June.

10                       I think the other reality  
11           around the properties are that we may  
12           have -- of the 20 that we have remaining,  
13           we may have four or five that are going  
14           to generate a high level of interest and  
15           the others are going to be difficult to  
16           resell and difficult potentially to  
17           market and get a value at or above  
18           appraised value. That doesn't mean that  
19           we don't think that there's potential and  
20           that we're not going to market  
21           extraordinarily hard, but to look at this  
22           revenue that is one time I think in a way  
23           that -- I think there's still a lot of  
24           speculation around it, of what we have  
25           left.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCIL PRESIDENT CLARKE:

3           Ms. Burns, did you in fact have an offer  
4           of upwards of \$100 million for the entire  
5           portfolio?

6           MS. BURNS: Well, we put the  
7           entire portfolio up for sale in the first  
8           week of November.

9           COUNCIL PRESIDENT CLARKE: I'm  
10          asking you a question. Did you in fact  
11          have actually two offers, one was for 100  
12          and the other was for 80 million?

13          MS. BURNS: We received a  
14          letter of interest that --

15          COUNCIL PRESIDENT CLARKE: No.  
16          You received a little more --

17          MS. BURNS: I don't consider it  
18          an offer, though.

19          COUNCIL PRESIDENT CLARKE: You  
20          received a little more than that. You  
21          received a term sheet, because I gave it  
22          to you.

23          MS. BURNS: Okay. I consider  
24          it a letter of interest.

25          COUNCIL PRESIDENT CLARKE: All

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           right.

3                     DR. HITE:   And --

4                     COUNCIL PRESIDENT CLARKE:   It  
5           laid out a schedule, the whole nine  
6           yards.

7                     DR. HITE:   Right.   And upon  
8           talking with the group, Council  
9           President, they also interpreted it as a  
10          letter of interest, because it would  
11          require us to then talk about what the  
12          details of an offer would look like.   And  
13          we were talking about a cash position and  
14          an analysis of their ability to actually  
15          purchase the full lot of properties.

16                    COUNCIL PRESIDENT CLARKE:   Did  
17          you find out if they had the capacity to  
18          be involved in such a --

19                    MS. BURNS:   Well, a few  
20          things --

21                    COUNCIL PRESIDENT CLARKE:   We  
22          didn't bring these people to you  
23          without --

24                    MS. BURNS:   We met with them.  
25          We also when we put the -- we actually

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           put the entire portfolio up for sale, and  
3           they did not respond.

4                   COUNCIL PRESIDENT CLARKE: You  
5           put it up along with a lot of other  
6           things, and the bureaucracy associated  
7           with the strategy was put in place, and  
8           the reality is that not only did they  
9           walk away, Alterra walked away, and what  
10          they told you, We're not prepared to get  
11          into a bidding process to spend a lot of  
12          time and money, and you simply tell us  
13          based on that strategy that you all had,  
14          Well, you know what, we're not interested  
15          in selling it to you. And in the real  
16          estate world, you know the most difficult  
17          thing as it relates to putting finance  
18          together is some level of certainty. And  
19          you put people in a position where --  
20          who, in my mind, because we checked them  
21          out, and they are funded by pension funds  
22          and they were prepared to move ahead and  
23          make the sale, to the point where I got  
24          tired of them calling me. Right?

25                   MS. BURNS: They're calling me

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           about other things now. So they're still  
3           talking about financing ideas that they  
4           have in other ways.

5                   COUNCIL PRESIDENT CLARKE: They  
6           want to refinance 440.

7                   I mean, this is my point: The  
8           sense of urgency that was expressed by  
9           Dr. Hite, you, sir, in September -- it  
10          was actually over the summer of last year  
11          when you were sending out these signals  
12          that the kids will not be able to go to  
13          school and all of the gloom and doom,  
14          which was probably real, right, was not  
15          expressed in the process with which you  
16          were to try and sell the building. It  
17          was just this ho-hum attitude, Well,  
18          we'll get to it. And you just said here,  
19          The people like learned a lot. I mean, I  
20          don't understand. It was a sense of  
21          urgency in September, and then once we  
22          had an agreement, you all kind of like  
23          had people be involved in an on-the-job  
24          training program.

25                   MS. BURNS: No. I think we got

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           the properties up for sale on November  
3           7th. So they were up within a few weeks  
4           of that.

5                   COUNCIL PRESIDENT CLARKE: They  
6           were up in a process that made no sense.

7                   MS. BURNS: Okay.

8                   COUNCIL PRESIDENT CLARKE: And  
9           if you had turned the properties over to  
10          PIDC like we suggested back there, people  
11          who were involved in real estate -- and I  
12          don't hold that against you, right,  
13          because you don't sell real estate -- I  
14          think we would have been way beyond this  
15          and we would have experienced the revenue  
16          and we would have moved on to the  
17          long-term issue as it relates to School  
18          District funding and not be sitting here  
19          in May getting ready to talk about  
20          another short-term funding crisis.

21                  DR. HITE: Right, and --

22                  COUNCIL PRESIDENT CLARKE:  
23          People didn't take it -- weren't as  
24          aggressive or expressed a sense of  
25          urgency in getting that done as was

1           5/21/14 - WHOLE - BILL 130489, etc.

2           expressed to us in September.

3                   DR. HITE: And I'm not -- and  
4           Mr. Council President, I appreciate the  
5           point, and I'm not sure what was  
6           communicated to you, but it was a sense  
7           of urgency. That's why we had several  
8           meetings with those groups. That's why  
9           after conducting an analysis, we  
10          determined that they in fact, in our  
11          opinion and the people who were advising  
12          us, did not have the financial  
13          wherewithal to pull off that type of  
14          deal. And so that's why we then went  
15          back to a process to list those  
16          properties. And in addition to that, we  
17          listed the whole group, so if they were  
18          interested in bidding on the whole group,  
19          they could have. And I don't believe  
20          that they submitted a bid for the entire  
21          portfolio.

22                   COUNCIL PRESIDENT CLARKE: So  
23          who made that determination along with  
24          you, that they didn't have the financial  
25          capacity?

1           5/21/14 - WHOLE - BILL 130489, etc.

2           DR. HITE: Well, we did an  
3 analysis and then --

4           COUNCIL PRESIDENT CLARKE: We,  
5 the School District?

6           DR. HITE: We in the School  
7 District did an analysis.

8           COUNCIL PRESIDENT CLARKE: Who  
9 in the School District did that analysis?

10          DR. HITE: And we also had one  
11 of the local groups to also help conduct  
12 an analysis of the whole process. It was  
13 our general counsel in the School  
14 District that performed that analysis  
15 based on what they put in their letter of  
16 interest.

17          COUNCIL PRESIDENT CLARKE: And  
18 you determined that they didn't have --  
19 wait a minute. Let me understand this.  
20 The general counsel, is that a real  
21 estate person?

22          DR. HITE: It is our bond  
23 counsel. So that's bond counsel, yes,  
24 and they can do transactions, yes, sir.

25          COUNCIL PRESIDENT CLARKE: They

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           made a determination that that  
3           organization didn't have the financial  
4           capacity to purchase this --

5                     DR. HITE: All we could base  
6           that on is through conversations that we  
7           had with the organization and  
8           conversations that they had with us. And  
9           based on those conversations, it wasn't  
10          the desire of the District or the SRC to  
11          move forward with a transaction with that  
12          group.

13                    COUNCIL PRESIDENT CLARKE:  
14          Okay. I'll accept that --

15                    DR. HITE: But then we offered  
16          it as a part of the process, and that  
17          group --

18                    COUNCIL PRESIDENT CLARKE:  
19          Along with everybody else?

20                    DR. HITE: Along with everyone  
21          else.

22                    COUNCIL PRESIDENT CLARKE:  
23          Which they told you that they were not  
24          going to participate.

25                    DR. HITE: No, they did not.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           They told us that they may be interested  
3           in responding to --

4                   COUNCIL PRESIDENT CLARKE:

5           That's what they told me. I'm sorry.  
6           Because they didn't want to be involved  
7           in a bidding process, because it  
8           obviously put them in a position -- okay.

9                   And so with respect to -- you  
10          may have answered it. I was talking to a  
11          couple people up here. With respect to  
12          the defeasance payments, I know you have  
13          to pay a little bit and then you actually  
14          eliminate your debt service payments.  
15          Have you calculated that into your  
16          budget, your debt service payments?

17                   MR. STANSKI: Yes.

18                   COUNCIL PRESIDENT CLARKE: For  
19          the seven buildings?

20                   MR. STANSKI: For the seven  
21          buildings, yes. Our debt service for  
22          next year will be lower by 800,000,  
23          900,000, yes.

24                   COUNCIL PRESIDENT CLARKE: Are  
25          you going to calculate, although those

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           transactions have not been completed yet,  
3           if you were to sell the -- Ms. Burns, you  
4           said how many there's a high level of  
5           expression of interest?

6                     MS. BURNS: Out of the 20,  
7           probably about five.

8                     COUNCIL PRESIDENT CLARKE:  
9           Five. One, I guess, includes William  
10          Penn?

11                    MS. BURNS: That's correct.

12                    COUNCIL PRESIDENT CLARKE: So  
13          have you calculated those five if they  
14          sell at the appraised value or the market  
15          value, because that's more important, in  
16          terms of the reduction in your deficit  
17          and then as it relates to the defeasement  
18          payments associated with that? Have you  
19          done that?

20                    MR. STANSKI: I know what the  
21          defeasement payments are. We're still  
22          calculating the debt service savings on  
23          those five properties.

24                    COUNCIL PRESIDENT CLARKE:  
25          Because that's important, particularly

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           when you ask us to dip into the till  
3           again of the taxpayers, particularly  
4           given one building that I've actually  
5           personally because of the expressions of  
6           interest from a local organization to  
7           buy -- we've been dealing with that for  
8           like two, three years. So hopefully we  
9           can conclude those transactions sooner  
10          than later. Because while we're always  
11          supportive, but I really don't feel good  
12          about the way you all conducted that  
13          process. The sense of urgency was just  
14          not there, from my perspective.

15                        Okay. I'm good.

16                        The Chair recognizes Councilman  
17          Squilla.

18                        COUNCILMAN SQUILLA: Thank you,  
19          Mr. President.

20                        I think obviously we agree it's  
21          a tough business to sell properties, and  
22          I'm glad to see that we've moved on and  
23          it's over at PIDC now to be handling the  
24          process. But they had mentioned earlier  
25          and we looked at the payments for, I

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           guess, special ed and for special ed to  
3           charter schools. The District pays per  
4           student?

5                     MR. STANSKI: We do, yes.

6                     COUNCILMAN SQUILLA: What is  
7           the amount?

8                     MR. STANSKI: This year it's  
9           about \$22,400 a student for a special ed  
10          student.

11                    COUNCILMAN SQUILLA: And what  
12          does a special ed encompass? Is there  
13          any levels of it or does it matter --

14                    MR. STANSKI: Any level.

15                    COUNCILMAN SQUILLA: So if it's  
16          an ADD student compared to a --

17                    MR. STANSKI: Yeah. It is  
18          based on the average cost of a special ed  
19          student in the District.

20                    COUNCILMAN SQUILLA: So even if  
21          it's an autistic child or an ADD child,  
22          they get the same amount?

23                    MR. STANSKI: They do, correct.

24                    DR. HITE: No matter the  
25          handicap.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           COUNCILMAN SQUILLA: Isn't that  
3 something that you guys can be  
4 approaching the State Legislature with to  
5 change?

6           MR. STANSKI: We have, and  
7 there's legislation working through the  
8 Legislature now to phase in a revised  
9 formula that's based on disability. But  
10 it's still working its way through the  
11 Legislature.

12           COUNCILMAN SQUILLA: I mean,  
13 because it seems like today everybody is  
14 diagnosed as ADD or ADHD, and I guess  
15 it's a way of getting additional dollars,  
16 and it doesn't seem like a fair way to  
17 actually use our budget, our District's  
18 budget, into reimbursing the schools.  
19 Also, if the charter school has a child  
20 who is physically handicapped or  
21 handicapped in general and you have that  
22 payment, if that child leaves that  
23 charter school and back to the District  
24 school, do you recoup those dollars?

25           MR. STANSKI: No. We pay

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           charters on a monthly basis. So they  
3           keep the payment for the amount of time  
4           they've serviced the child. So if the  
5           child leaves in October, we stop paying  
6           for the child in October and then we  
7           assume the responsibility.

8                   COUNCILMAN SQUILLA: So the  
9           same is for any student that leaves a  
10          charter and goes back into the District  
11          school?

12                   MR. STANSKI: Correct.

13                   COUNCILMAN SQUILLA: And so  
14          they would then do that. So there is an  
15          active legislative process going on for  
16          that reimbursement process?

17                   MR. STANSKI: Yes, there is.

18                   COUNCILMAN SQUILLA: What is  
19          the total money for special ed to the  
20          charters that the District pays?

21                   MR. STANSKI: About 200, 250  
22          million.

23                   COUNCILMAN SQUILLA: And so  
24          that could really be, in a sense, a  
25          saving depending on how the strategy of,

1           5/21/14 - WHOLE - BILL 130489, etc.

2           I guess, criteria --

3                   MR. STANSKI: Right, yeah, and  
4           knowing what then they'd have to report  
5           the actual disability, correct.

6                   COUNCILMAN SQUILLA: All right.  
7           Well, I mean, that's a good point. I  
8           mean, when that was brought up, it just  
9           seemed crazy to be paying that much  
10          money. And then also the decision comes  
11          down from the diagnosis. Is that for  
12          every kid who has that diagnosis is  
13          vetted through the District?

14                  MR. STANSKI: Based on the  
15          legislation?

16                  COUNCILMAN SQUILLA: Yes.

17                  MR. STANSKI: I'm not -- so  
18          currently the way it works is, we don't  
19          know the specific disability. We just  
20          know that there is an IEP and then we pay  
21          it. I do not know the administrative  
22          procedures that would have to be put in  
23          place to -- we wouldn't have the capacity  
24          to review every IEP.

25                  COUNCILMAN SQUILLA: No, but

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           there has to be a diagnosis of level  
3           of --

4                   MR. STANSKI: Right, and the  
5           charter school would still be the primary  
6           responsibility -- that would be their  
7           primary responsibility, to approve that  
8           or to recommend that diagnosis.

9                   COUNCILMAN SQUILLA: And they  
10          would just send that to the District and  
11          we accept it by the District what their  
12          diagnosis was?

13                  MR. STANSKI: Correct. I mean,  
14          because once the IEP is in place, I mean,  
15          it's essentially federal law that you  
16          have to provide those services.

17                  COUNCILMAN SQUILLA: Is there  
18          any study done or any audit done about  
19          the level of, I guess, number of students  
20          and we found out that some --

21                  MR. STANSKI: We do financial  
22          audits and enrollment audits when the  
23          charter school is up for renewal, which  
24          is every usually three to five years, but  
25          we do not have the capacity to do annual

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           audits of every charter. So what we do  
3           is -- so we do review IEPs. We do review  
4           enrollment counts when they are up for  
5           renewal.

6                   COUNCILMAN SQUILLA: But at  
7           this point, there is no reason to  
8           actually go into the level of diagnosis  
9           of an IEP?

10                   MR. STANSKI: Not right now.

11                   COUNCILMAN SQUILLA: But that  
12           will be hopefully in the future?

13                   MR. STANSKI: Hopefully.

14                   COUNCILMAN SQUILLA: Does that  
15           seem like it would have legs in the  
16           Legislature?

17                   MR. STANSKI: It's moving.  
18           Obviously there's some strong resistance  
19           from the charter community.

20                   COUNCILMAN SQUILLA: I guess  
21           there would be, but it doesn't logically  
22           make sense. It would take more money if  
23           you have an autistic kid than maybe if  
24           you had a kid who was ADD compared to,  
25           you know, different levels and plus

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           number of students per class you're  
3           allowed.

4                   MR. STANSKI: Right. They're  
5           opposing the legislation right now.

6                   DR. HITE: And it's significant  
7           opposition. I mean, it's --

8                   COUNCILMAN SQUILLA: It's  
9           significant opposition?

10                  DR. HITE: Yes, from the  
11          charters, because they would lose 200  
12          million just from the legislation here.  
13          I mean, that would be significant for  
14          them. So it's extensive opposition.

15                  COUNCILMAN SQUILLA: But is the  
16          argument before -- is there an argument,  
17          though, that they need the same amount of  
18          money depending on the diagnosis? Is  
19          that the argument?

20                  MR. STANSKI: I think we would  
21          be in support of -- whatever the  
22          diagnosis is, we would want to give the  
23          payment in order for them to adequately  
24          serve that child.

25                  COUNCILMAN SQUILLA: Right.

1           5/21/14 - WHOLE - BILL 130489, etc.

2           MR. STANSKI: But we're just  
3 asking that the level of funding be  
4 commensurate with the disability.

5           COUNCILMAN SQUILLA: Okay.

6           CHAIRMAN GREEN: That really  
7 underscores one of the major problems we  
8 have in the District, in that there are  
9 all these state laws that create bad  
10 incentives for charters and others to  
11 take certain actions. And if you think  
12 you can get a child an IEP for ADD or  
13 something else, assuming that's something  
14 that you can get an IEP for -- certainly  
15 I should have had one for that.

16          COUNCILMAN SQUILLA: Yes. I  
17 think I would have had one myself.

18          CHAIRMAN GREEN: But there's no  
19 reason not to do it.

20          COUNCILMAN SQUILLA: It's  
21 almost an incentive to do it.

22          CHAIRMAN GREEN: It's an  
23 incentive to do it, because the more  
24 children with lesser disabilities,  
25 they're getting \$22,000 for them, more

1           5/21/14 - WHOLE - BILL 130489, etc.  
2           money they have for their operations and  
3           the less the District has, and there's  
4           not a thing we can do about it.

5                   COUNCILMAN SQUILLA: Well,  
6           that's good to hear, that you are  
7           pursuing that in a way that logically  
8           makes sense and another way to reduce --  
9           again, that reduces the District costs.  
10          We're talking about how can we reduce the  
11          cost. That would be a way legislatively  
12          to reduce the cost to the District.

13                   MR. STANSKI: Absolutely.

14                   COUNCILMAN SQUILLA: Thank you.

15                   COUNCILMAN JONES: Thank you,  
16          Councilman.

17                   Are there any other questions  
18          for this panel from the SRC?

19                   (No response.)

20                   COUNCILMAN JONES: Councilwoman  
21          Blackwell, any other questions?

22                   COUNCILWOMAN BLACKWELL: No.

23                   COUNCILMAN JONES: I'm  
24          reluctantly --

25                   CHAIRMAN GREEN: No questions

1           5/21/14 - WHOLE - BILL 130489, etc.

2           from you, Mr. Chairman?

3                   COUNCILMAN JONES:   Going once,  
4           going twice, thank you all.

5                   CHAIRMAN GREEN:   Thank you very  
6           much.   Thank you.

7                   COUNCILMAN JONES:   This  
8           Committee will stand at recess until  
9           Wednesday, June 4th, 2014 at 1:00 p.m.,  
10          at which time we will reconvene in Room  
11          400, City Hall.   Thank you.

12                          (Committee of the Whole  
13          adjourned at 4:30 p.m.)

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CERTIFICATE

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

-----  
MICHELE L. MURPHY  
RPR-Notary Public

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