

Law and Government Committee
May 29, 2015

COUNCIL OF THE CITY OF PHILADELPHIA
LAW AND GOVERNMENT COMMITTEE

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, May 29, 2015
10:17 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE - CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN ED NEILSON
COUNCILWOMAN MARIAN B. TASCO
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN BOBBY HENON

ALSO PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE

BILLS: 140721 and 150368
RESOLUTIONS: 140732

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2 COUNCILMAN GREENLEE: This is the
3 Committee on Law and Government. We have a
4 quorum with Councilman Goode, Councilman
5 Neilson and Council President Clarke and
6 myself.

7 Ms. Marconi, will you please read the
8 title of the first bill before us today.

9 THE CLERK: Bill No. 150368: An
10 Ordinance amending Chapter 20-1000 of The
11 Philadelphia Code, entitled "Political
12 Contributions and Expenditures," by further
13 providing for disclosures relating to
14 contributions and committee expenditures,
15 including electioneering communications
16 expenditures, further defining expenditures,
17 further providing for regulation of
18 contributions and making technical changes,
19 all under certain terms and conditions.

20 COUNCILMAN GREENLEE: Thank you. Could
21 you call the name of the two witnesses we
22 have on record, please.

23 THE CLERK: Hope Caldwell and Michael
24 Cooke.

1 (Witnesses approach Witness Table.)

2 COUNCILMAN GREENLEE: Good morning.

3 MR. COOKE: Good morning.

4 COUNCILMAN GREENLEE: I take it you're
5 not Hope.

6 MR. COOKE: I am not.

7 COUNCILMAN GREENLEE: Please identify
8 yourself for the record and proceed.

9 MR. COOKE: Thank you. My name is
10 Michael Cooke.

11 COUNCILMAN GREENLEE: Litter closer.
12 Little closer to the microphone.

13 MR. COOKE: Thank you. My name is
14 Michael Cooke. And I'm the Director of
15 Enforcement for the City's Board of Ethics.

16 Mr. Chairman, Members of the Committee,
17 thank you. As I said, my name is Michael
18 Cooke, Director of Enforcement for the
19 City's Board of Ethics. Thank you for the
20 opportunity to testify favorably on Bill
21 150368 concerning the City's campaign
22 finance law.

23 Board of Ethics has administered the
24 City's Campaign Finance Law since its

1 inception, and I've been involved in that
2 process since 2008. At the outset I should
3 note that this bill has been a collaborative
4 effort between the Board and City Council.
5 And as such, I don't think anything I say
6 today will be surprising to Members of the
7 Committee. Needless to say, the Board
8 strongly supports the Bill and commends
9 Council for its efforts to keep Philadelphia
10 at the forefront of the ever evolving
11 response to recent court decisions that have
12 so profoundly altered the way money
13 influences elections in this country.

14 Bill 150368 would amend Co-Chapter
15 20-1000 by enhancing campaign finance
16 disclosures required for candidates,
17 political committees and other entities that
18 participate in or spend money to influence
19 city elections.

20 Over the past few years, the judicial
21 decision such as the Citizens United Case
22 have dramatically shifted the landscape of
23 campaign finance spending. Significant
24 money is now being spent by groups other

1 than candidates and traditional political
2 committees. Some of the spending is done
3 through nonprofits. These entities often
4 try to exploit laws that have not kept pace
5 with the changes brought by court decisions
6 in order to disclose as little of their
7 funding and activity as possible. As a
8 result, the public does not know the source
9 of much of the money now being spent in
10 elections in this country.

11 Another gap in the existing law is that
12 most candidates and political committees
13 that spend influence city elections do not
14 file campaign finance reports disclosing
15 their activity until two weeks before the
16 primary or general election. For the last
17 two weeks before these elections, political
18 committees and other persons who make
19 independent expenditures of \$500 or more do
20 have to report those expenditures within 24
21 hours. But in those reports, they don't
22 have to disclose their sources of funding.

23 Bill 150368 would address the
24 shortcomings caused by recent court

1 decisions and inadequate reporting by adding
2 the following enhanced disclosure
3 requirements to the City's Campaign Finance
4 Law. It would add an additional reporting
5 requirement six weeks before the election
6 for candidate committees of City candidates
7 and any political committees that make
8 expenditures influence the City election.

9 Would impose new reporting requirements on
10 any person, including a political committee
11 other than a candidate's political committee
12 or not-for-profit organization that makes or
13 incurs expenditures for electioneering
14 communications aggregating in excess of
15 \$5,000 within the 50 days prior to the
16 election.

17 Because of the time sensitive nature of
18 these last-minute communications, these new
19 reporting requirements are imposed on four
20 different dates within the 50-day
21 preelection period. Two of those dates
22 would overlap with current reporting
23 deadlines under the State Election Code and
24 the City's Campaign Finance Law.

1 Reports filed based on this requirement
2 would disclose not just particular the
3 expenditure that triggered the obligation to
4 file but also all funding received and
5 expenditures made and debt incurred in the
6 new reporting period. The Bill would also
7 expand reportable independent expenditures
8 beyond just express adequacy for or against
9 a candidate to include any spending for
10 communications that within 50 days of a
11 covered election either promotes a tax,
12 supports or opposes a candidate or refers to
13 or depicts a candidate in that covered
14 election.

15 On behalf of the Board, I thank you for
16 your consideration of this Bill. As I said
17 at the beginning of my testimony, the Board
18 strongly supports it and commends Council
19 for taking up this matter. We are
20 particularly pleased with and appreciative
21 of the excellent dialogue we have had with
22 Council and Council staffers over the past
23 several months on campaign finance issues.
24 Look forward to continuing to work with you

1 on this topic as well as any other matters
2 within our jurisdiction.

3 I should note before I close that we
4 have proposed a technical amendment to the
5 Bill which we previously provided to Council
6 staff, and I believe they shared with you.
7 And with that, I would conclude my
8 testimony. And would be happy to answer any
9 questions that you may have.

10 Thank you.

11 COUNCILMAN GREENLEE: Thank you,
12 Mr. Cooke.

13 First, please let the record reflect
14 Councilwoman Tasco, a Member of the
15 Committee, is present.

16 First, Council President -- okay.
17 Councilman Neilson.

18 COUNCILMAN NEILSON: You sure,
19 Mr. President? Okay.

20 Michael, we just saw with -- thanks for
21 your testimony today. We just saw an
22 unusual election with a lot of expenditures
23 all across the board. And we saw the
24 Millionaires' Clause be invoked twice, two

1 times over this once at large, once in the
2 district. As a board, I think it would
3 probably be your duty to bring these things
4 to our attention and changes that you think
5 needs be done. And, I mean, my short time
6 here, I haven't gotten anything from you.

7 I was wondering do you have any
8 suggestions of changes that need to be made
9 besides this one here in front of you today?
10 Whereas, let's say a TV media buy -- someone
11 buys \$400,000 and doesn't report that for
12 two weeks before an election. I mean, we
13 saw that happen.

14 Will this fix that?

15 MR. COOKE: So as far as the reporting
16 of those kinds of expenditures, yes, this
17 Bill would address that issue in that for
18 the provision at 10-1006(1)(C) which sets
19 forth reporting required when a person makes
20 electioneering communications of \$5,000 --
21 expenditures for electioneering
22 communications of \$5,000 or more.

23 COUNCILMAN NEILSON: If I buy, Michael,
24 a million dollar TV ad, a million dollar TV

1 ad but I don't get billed for it until two
2 days before election --

3 MR. COOKE: Yes.

4 COUNCILMAN NEILSON: -- does this cover
5 that?

6 MR. COOKE: Yes. Because the proposed
7 bill sets the trigger for reporting at
8 either when the money is spent or the
9 promise to pay is made, whichever is sooner.
10 So if I make the arrangement with the TV
11 station six weeks before the election, then
12 that would trigger my filing requirement. I
13 wouldn't have to wait until I sent them the
14 check.

15 COUNCILMAN NEILSON: Do you feel the
16 Millionaire's Clause set at a \$250,000
17 threshold is sufficient or should that be
18 lowered?

19 MR. COOKE: I haven't considered that
20 before.

21 COUNCILMAN NEILSON: I'm asking you to
22 consider that today. We've been through a
23 few cycles with your Board. You know what
24 we've seen in the past.

1 Do you think that 250,000-dollar
2 threshold is adequate enough? Or do you
3 think it should be lowered?

4 MR. COOKE: I think that I can't think
5 of a harm that would by lowering it to, say,
6 \$250,000. I don't feel comfortable just off
7 the top of my head saying whether I think
8 that would definitely be better or not.

9 COUNCILMAN NEILSON: Do you think that
10 the average person that wants to run for
11 elected office and then a person who might
12 have a million dollars in the bank and can
13 afford, doesn't that put them at a
14 disadvantage?

15 MR. COOKE: Certainly if someone is able
16 to spend as much of their own money as they
17 want to, that gives them an advantage over
18 other candidates that don't have those
19 resources.

20 COUNCILMAN NEILSON: I will ask you
21 again. Do you think it should be lowered?

22 MR. COOKE: As I said --

23 COUNCILMAN NEILSON: I'm looking around
24 the room in here. And I don't --

1 COUNCILMAN GOODE: Point of information.

2 COUNCILMAN GREENLEE: Councilman Goode.

3 COUNCILMAN GOODE: Let me help you out a
4 bit.

5 MR. COOKE: Okay.

6 COUNCILMAN GOODE: You probably don't
7 know the legislative intent of setting that
8 threshold, so you probably can't respond to
9 it. I actually set the threshold, and I did
10 it based upon looking at how money was
11 invested in previous campaigns. And so,
12 what even people who were not millionaires
13 would invest in a campaign, how far they
14 would go or not go even in terms of
15 mortgaging their houses.

16 And so, it was truly meant to be a
17 millionaires' amendment for people who had
18 extraordinary resources as opposed to even
19 moderate to middle income people who would
20 mortgage their house for that opportunity.

21 MR. COOKE: Thank you, Councilman.

22 COUNCILMAN NEILSON: Thank you,
23 Councilman. Thank you, Michael.

24 COUNCILMAN GREENLEE: Thank you,

1 Council.

2 COUNCILMAN NEILSON: Thanks for all your
3 help through the process. I know you and I
4 talked all through the process. I've got to
5 say, you've done a great job advising and
6 making certain that we did things the way we
7 need to do them. And I appreciate all your
8 help.

9 MR. COOKE: Thank you.

10 COUNCILMAN GREENLEE: Thank you,
11 Councilman.

12 First, let the record reflect Councilman
13 O'Brien and Councilman Henon, Members of the
14 Committee, are present.

15 Council President Clarke.

16 COUNCIL PRESIDENT CLARKE: Thank you,
17 Mr. Chairman. Good morning.

18 MR. COOKE: Good morning.

19 COUNCIL PRESIDENT CLARKE: I just wanted
20 to thank you so much for working with our
21 staff and the collaborative and the
22 Administration was part of the
23 collaboration. I just want to say how much
24 I appreciate working in a proactive way to

1 put what we think is legislation that will
2 clearly have some impact on the future
3 elections. I did want to quickly weigh in.
4 I wasn't going to talk about anything else
5 other than that.

6 One of the issues, and this is -- this
7 is an issue that's from a practical
8 perspective, the Millionaire's Provision.
9 Person's a millionaire, right. God bless
10 them. Wish we all could be millionaire's.
11 That person probably hangs around people
12 that might be millionaires, right. This is
13 a simple reality. We are, like, regular
14 people. I think all of us live in row
15 houses or close to row homes.

16 COUNCILMAN GREENLEE: I live in a
17 townhouse.

18 COUNCIL PRESIDENT CLARKE: Townhouse,
19 that's right. They reclassified Fairmount.

20 The simple reality is that people of
21 certain -- well, they tend to hang around.
22 So the challenge is that the way -- I have
23 seen in the last election and a half is that
24 some finance people or even people that have

1 the ability to get contributions, their
2 contributions tend to be at the maximum
3 level as opposed to members like us. We get
4 \$1,000, 1200, 1500 because we are regular
5 people, you know.

6 So, the concern is just generally with
7 respect to the campaigns limits and, you
8 know, I voted for -- those of us that were
9 here were well intentioned. But the
10 challenge is, is it continuing to create an
11 imbalance in terms of the ability to put the
12 message out there? As you know, early on --
13 and this is probably for a longer
14 discussion. I wasn't going to bring it up.

15 But early on in the campaign, when you
16 looked at the numbers associated with the
17 Mayoral candidates and the Council
18 candidates, it was relatively low. The
19 money didn't start flowing until people
20 started putting the finger in the air and
21 saying, oh, this guy is going to win. And
22 they start throwing money. But at some
23 point, I think we probably need to talk
24 about not only the Millionaires' Provision

1 but some of the other provisions. We really
2 would like to have a balanced playing field.
3 I know there were a lot of good people that
4 had good messages. But because they didn't
5 have the wherewithal to get those kind of
6 contributions, it really hindered their
7 ability to get their message.

8 So, that's for another day, another
9 conversation. But today I just really want
10 to thank you all so much for being in a
11 position working with you on what we believe
12 to be a very important legislation.

13 MR. COOKE: Thank you.

14 COUNCIL PRESIDENT CLARKE: Thank you.

15 Thank you, Mr. Chairman.

16 COUNCILMAN GREENLEE: Thank you, Council
17 President.

18 Any other question? Comments?

19 Councilwoman Tasco.

20 MR. COOKE: Good morning.

21 COUNCILWOMAN TASCO: I want to say thank
22 you for working with us on the whole
23 financial piece since I -- we -- I passed
24 the Bill some time ago. And understanding

1 the politics of what we do and coming to
2 some conclusion and agreement on how we
3 would work to resolve some of the issues
4 that came about. And want to thank you and
5 the staff for working with us.

6 And while I may not be on Council, I
7 will be calling you because there are some
8 issues that I think we ought to discuss
9 further.

10 MR. COOKE: Be very happy to talk to
11 you.

12 COUNCILWOMAN TASCO: Thank you.

13 MR. COOKE: Thank you.

14 COUNCILMAN GREENLEE: Okay. Thank you,
15 Councilwoman.

16 Any other questions? Comments?

17 Seeing none, anyone else here to testify
18 on this Bill?

19 (Raised hand.)

20 Okay. You could have sat up front from
21 the beginning. Please identify yourself for
22 the record and proceed please.

23 MS. CALDWELL: Morning, Chairman
24 Greenlee and Members of the Committee.

1 Thank you for the opportunity to appear here
2 today on behalf of Mayor Nutter to testify
3 in support of Bill No. 150368. I am Hope
4 Caldwell, the City's Chief Integrity
5 Officer.

6 This Bill will enhance the reporting
7 requirements applicable to entities that
8 fundraise for the purpose of spending money
9 on city election. Policymakers, the courts
10 and most importantly the public have long
11 recognized that the best way to check the
12 potential influence of campaign spending on
13 decision making of elected officials is to
14 require public disclosure of who is
15 contributing on the money and who is
16 spending the money to influence the outcome
17 of elections.

18 Under our current system, campaign
19 finance information often is disclosed
20 either too long before or too close to an
21 election for the public and the Press to
22 have adequate time to scrutinize how
23 campaigns are funded and who is giving money
24 in support of candidates. This is

1 particularly true in the current age of
2 independent expenditures. Because of
3 deregulation by the Supreme Court, these
4 outlays by independent groups have become a
5 formidable feature of our campaign
6 landscape.

7 Most recently in the City's Mayoral
8 Campaign, a startling proportion of the
9 money spent came from independent groups not
10 affiliated or coordinated with a candidate.
11 The public has every reason to know about
12 the origin of these expenditures in order to
13 further safeguard against the potential
14 influence and equally potential appearance
15 of influence that these type of independent
16 spending may have on our elected officials.

17 We applaud the Board of Ethics for
18 proposing this legislation and working with
19 Council to advancing it. The Board charged
20 with enforcing our Campaign Finance Law is
21 wisely suggesting a more robust disclosure
22 requirement -- requirements that will not
23 only assist it in timely evaluating
24 potential violations of those laws, but just

1 as importantly will help shine light on who
2 is funding elections in Philadelphia.

3 Philadelphia needs this type of sunshine
4 to help hold elected officials accountable
5 to the public and to bolster confidence in
6 our government overall. For these reasons,
7 the Nutter Administration strongly supports
8 Bill No. 150368 as introduced and amended.
9 And we respectfully encourage the Committee
10 to give this Bill it's favorable
11 recommendation.

12 Thank you for your time and opportunity
13 to speak.

14 COUNCILMAN GREENLEE: Thank you. As far
15 as that amendment, that will be offered at
16 the meeting of the Committee.

17 Any questions?

18 Seeing none, thank you.

19 Anyone else here to testify on this
20 Bill?

21 Seeing none, for the record we have
22 written testimony in support from the
23 Committee of Seventy.

24 Again, anyone else to testify on this

1 particular Bill?

2 Seeing none, Ms. Marconi, the final bill
3 and the resolution before us today.

4 THE CLERK: Bill No. 140721: An
5 Ordinance providing for the submission to
6 the qualified electors of the City of
7 Philadelphia of the proposal set forth in a
8 Resolution approved by Council proposing an
9 amendment to the Philadelphia Home Rule
10 Charter relating to the creation of a new
11 Department of Planning and Development,
12 headed by a Cabinet-level Director to
13 oversee the City's planning, zoning,
14 licensing, inspection, enforcement and
15 housing functions; continuing the existence
16 of the City Planning Commission,
17 Philadelphia Historical Commission, Zoning
18 Board of Adjustments, Board of Building
19 Standards and Board of License and
20 Inspection Review as boards or commissions
21 in such new Department, with certain changes
22 to the powers and duties of such boards and
23 commissions; creating a new
24 Intergovernmental Housing Commission in such

1 new Department; and conforming other
2 provisions of the Charter to such
3 reorganization; and authorizing the
4 appropriate officers to publish notice and
5 to make arrangements for the special
6 election.

7 And Resolution 140732: Resolution
8 proposing an amendment to The Philadelphia
9 Home Rule Charter relating to the creation
10 of a new Department of Planning and
11 Development, headed by a Cabinet-level
12 Director to oversee the City's planning,
13 zoning, licensing, inspection, enforcement
14 and housing functions; continuing the
15 existence of the City Planning Commission,
16 Philadelphia Historical Commission, Zoning
17 Board of Adjustment, Board of Building
18 Standards and Board of License and
19 Inspection Review as boards or commissions
20 in such new Department, with certain changes
21 to the powers and duties of such boards and
22 commissions; creating a new
23 Intergovernmental Housing Commission in such
24 new Department; and conforming other

1 provisions of the Charter to such
2 reorganization; and providing for the
3 submission of the amendment to the electors
4 of Philadelphia.

5 COUNCILMAN GREENLEE: Before we get to
6 our witnesses, recognize Council President
7 Clarke.

8 COUNCIL PRESIDENT CLARKE: Thank you,
9 Mr. Chairman.

10 Real briefly and then I'm going to get
11 out of here because I'm not on the
12 Committee. I just wanted to say that I
13 really appreciated the fact that there was
14 substantive dialogue with respects to this
15 particular proposal across the board,
16 stakeholders, non-stakeholders, anybody that
17 had any interest in how we do business in
18 the government. Understanding restructuring
19 government in the City of Philadelphia is a
20 big thing, fully acknowledge that,
21 participated in earlier versions of
22 restructuring government. Say at the
23 Fairmount Parks and Recs and is working well
24 now.

1 While we continue to have that dialogue,
2 I think that it gave us an opportunity to
3 not only come up with what I believe is a,
4 personally, a pretty good conclusion, but it
5 gave us the ability to understand that this
6 is going to be a working document if, in
7 fact, we get it enacted with the full
8 participation of everyone in the City of
9 Philadelphia. Because at the end of the
10 day, we think that it impacts our lives.

11 So I just want to thank everybody who
12 has taken time over the last several months
13 to participate in this spirited
14 conversation. We think that the new Mayor,
15 he or she, if, in fact, this is enacted -- I
16 have to be politically correct -- will, in
17 fact, be in a position to utilize this
18 particular tool to really benefit all of the
19 citizens of the City of Philadelphia.

20 So, I just wanted to thank all of you,
21 Members of the Committee and particularly
22 the staff for your great work. Thank you
23 very much.

24 COUNCILMAN GREENLEE: Thank you,

1 Mr. President.

2 Our first witness, Ms. Marconi.

3 THE CLERK: Luke Butler, City Planning
4 Commissioner.

5 COUNCILMAN GREENLEE: Good morning.
6 Please identify yourself and proceed.

7 (Witness approaches witness table.)

8 MR. BUTLER: Good morning, Chairman
9 Greenlee, Members of City Council. My name
10 is Luke Butler. I'm the Chief of Staff for
11 Alan Greenberg, the Deputy Mayor for
12 Economic Development who is currently out of
13 the country. I'm here to testify on behalf
14 of the Administration in support of Bill No.
15 140721 and Resolution No. 140732, together
16 proposing a charter change to create a
17 Department of Planning and Development.

18 We are pleased to support this Bill and
19 appreciate the collaborative approach taken
20 by Council President Clarke and his staff in
21 the development of this proposal based on
22 feedback from the Administration and a range
23 of stakeholders. The proposed amendments
24 before the Committee today will consolidate

1 and continue the progress made towards the
2 better coordination of real estate
3 development and housing in the City of
4 Philadelphia.

5 The proposed structure takes many of the
6 positive elements of the structure currently
7 in place to facilitate a coordinated
8 approach to development across City
9 government. For example, the creation of a
10 Division of Development Services formalizes
11 and strengthens the role currently played by
12 Development Services Unit within the
13 Department of Commerce, whose function is to
14 help developers navigate the various
15 proposals required by departments across
16 City government on major real estate
17 development projects.

18 Our experience has been that bringing
19 all departments around the same table to
20 provide feedback and guidance on projects
21 has proved of great value to developers.
22 Similarly, incorporation of the Historical
23 Commission and the Office of Housing and
24 Community Development into the Charter are

1 positive steps.

2 It's a priority of the Administration to
3 make it easier to do business in the City
4 and to provide a coordinated predictable
5 process for the real estate development. We
6 believe that this proposal contributes to
7 these goals. And therefore, we support the
8 Bill and Resolution before this Committee
9 today.

10 Thank you. I'm happy to answer any
11 questions.

12 COUNCILMAN GREENLEE: Okay. Thank you,
13 Mr. Butler.

14 Any questions?

15 Seeing none, thank you. Thank you very
16 much.

17 Ms. Marconi, why don't we call a panel
18 for our next set of witnesses.

19 THE CLERK: Anne Fadullon, Beth
20 McConnell and Joe Schiavo.

21 (Panel approaches witness table.)

22 COUNCILMAN GREENLEE: Anne, I think you
23 were called first, so please identify
24 yourself and proceed.

1 MS. FADULLON: My name is Anne Fadullon.
2 I'm President of the Building Industry
3 Association. The BIA represents residential
4 building industry in the Philadelphia
5 region. I want to thank Councilman Greenlee
6 and the governance committee for allowing us
7 to testify and also thank Council President
8 Darrell Clarke on his leadership on this
9 Charter change bill.

10 Twelve years ago, the BIA published a
11 report called "If You Fix It, They Will
12 Come." And one of the things that we
13 recommended in the report was to create a
14 one-stop shop for permitting. This Bill and
15 Resolution don't quite get us fully there,
16 but we believe it's a big step forward in
17 that regard. We also believe this charter
18 change is important because it puts housing
19 and the Historic Commission in the charter.

20 It also memorializes a lot of the
21 positive changes that have been made under
22 the Nutter Administration that facilitate
23 development and, thereby, the economic
24 growth in the City.

1 Having served in two different mayoral
2 administrations, I have firsthand knowledge
3 of the transition period experienced during
4 the transfer of one administration to
5 another. Without a clear cut organizational
6 structure, this transition period can too
7 often be disruptive rather than cooperative.
8 But memorializing a clear streamline
9 organizational structure for planning and
10 development, the Bill will help ensure
11 consistent, transparent and predictable
12 process moving forward.

13 Although the incoming administration
14 should and must participate in the
15 operational details of the Bill, it is also
16 imperative that there is consistency from
17 the Administration to Administration in the
18 development process if we are to truly grow
19 our City and provide economic opportunity to
20 all.

21 Finally, although this Bill does not
22 address L&I directly, it is clearly the
23 white elephant in the room. The business
24 and licensing functions of L&I should be

1 separate from and not allowed to muddy the
2 basic tenant of public safety, which is
3 L&I's mandate.

4 The BIA urges the next administration to
5 focus on and restructure L&I to ensure it is
6 run with a professional manner with an
7 experienced, competent and knowledgeable
8 commissioner. And for City Council to fully
9 fund the department to provide it with the
10 maximum resource and capacity levels to
11 provide that the built environment in
12 Philadelphia is safe for all of its
13 residents.

14 The BIA fully supports Bill No. 140721
15 and Resolution No. 140732, and looks forward
16 to our continuing relationship with the
17 Administration and City Council to further
18 improve the development climate in
19 Philadelphia to provide for the economic
20 growth in our City.

21 Thank you.

22 COUNCILMAN GREENLEE: Thank you.

23 Ms. McConnell, I think you were next.

24 Excuse me, if I could just ask anybody

1 that's having a conversation, if they could
2 take it out. It gets a little hard to hear
3 up here. And with respect to the witnesses
4 so we can all hear them, I would greatly
5 appreciate it.

6 Ms. McConnell.

7 MS. MCCONNELL: Thank you. I talk loud,
8 too, so that might help.

9 COUNCILMAN GREENLEE: Okay.

10 MS. MCCONNELL: Good morning. And thank
11 you for the opportunity to testify. My name
12 is Beth McConnell, Policy Director with the
13 Philadelphia Association of CDC's. PACDC
14 supports the amended Bill No. 140721 and
15 Resolution 140732 because we believe it can
16 help create stronger coordination,
17 communication and planning to various local
18 public agencies that deal with housing and
19 community development.

20 I do want to thank Council President and
21 also specifically acknowledge Herb Wetzel
22 for the very hard work over many, many
23 months considering stakeholder input in
24 refining this Bill and Resolution. We

1 support the creation of the Department of
2 Planning and Development as a Cabinet-level
3 position, creating this department at the
4 highest level of government reflects and
5 acknowledgement that decisions about the
6 built environment of our City have
7 significant impacts on the quality of life
8 on residents as well as their economic
9 opportunities.

10 PACDC also supports the creation of the
11 new Division of Housing and Community
12 Development, DHCD. The current Office of
13 Housing and Community Development, OHCD,
14 which performs to the vital work of
15 planning, policy setting and administering
16 state, federal and city funds for affordable
17 homes and community development, exists due
18 to an Executive Order by Mayor Rizzo. OHCD
19 has become too important to the work of
20 revitalizing our City and advancing
21 equitable development to exist subject to
22 the whims of future administrations, so we
23 certainly support making this agency
24 permanent in the Charter.

1 And we also strongly support the
2 requirement that this new DHCD create a
3 multi-year strategic housing plan for the
4 City because we believe Philadelphia must
5 set ambitious but achievable short and long
6 term goals as well as implement multi-year
7 strategies to address the massive unmet need
8 for affordable homes while also increasing
9 the quality and availability of workforce
10 and market rate homes. In fact, creating
11 the strategic plan is one of the top
12 recommendations in our policy platform that
13 we released just in February on equitable
14 development for Philadelphia.

15 Similarly, we're pleased to see the
16 creation of the Housing Advisory Board which
17 will play a vital role in the development of
18 a long term strategic housing plan. This
19 Housing Advisory Board of practitioners and
20 policy experts will ensure ongoing
21 consistent input on the City's housing plans
22 and implementation and will create an
23 opportunity to hold future administrations
24 accountable to stakeholders on both creation

1 and implementation of the strategic housing
2 plan.

3 Language in the Resolution that directs
4 the new DHCD to convene key housing agencies
5 formalizes important work that began during
6 the Nutter Administration to improve
7 communication and collaboration
8 coordination. CDC's that build affordable
9 homes and also created mixed use development
10 often have to navigate an alphabet soup of
11 public agencies to cobble together all of
12 the necessary funding and support and
13 permissions to get their projects off the
14 ground. And the limited resources that we
15 have for the development of affordable homes
16 are spread across agencies that serve
17 different purposes.

18 The current leadership of these agencies
19 has already begun to improve that
20 interagency communication. And the language
21 in this Resolution will assure that work,
22 that critical work continues in the next
23 Administration.

24 PACDC also wants to recommend that there

1 be some common leadership among various
2 agencies. This would not be achieved
3 through legislation, but more through
4 implementation. Not through the legislative
5 language or ordinance but as the next
6 administration charged with implementing
7 this plan considers its next steps, we hope
8 they consider the value of having some
9 common board membership or staffing at some
10 of these agencies that coordinate closely.

11 And finally, we strongly welcome the
12 creation of the Division of Development
13 Services. It's important for Philadelphia
14 to have strong development standards and
15 rules to protect the public's interest and
16 safety. Navigating the many agencies that
17 enforce those standards for a single project
18 takes extraordinary patience and
19 perseverance. And creating this new
20 division charged with helping navigate this
21 web of agencies and advance their projects
22 in full compliance with all rules is long
23 past due and will help developers of long
24 and small projects alike.

1 And again, as the next administration
2 considers implementation of this new
3 division, we strongly encourage it's given
4 adequate resources to do that job including
5 leadership that is empowered to compel
6 cooperation from other agencies and
7 dedicated staff to ensure adequate capacity.

8 Thank you very much for considering our
9 comments.

10 COUNCILMAN GREENLEE: Thank you,
11 Ms. McConnell.

12 Mr. Schiavo, before you start, I'm glad
13 you mentioned Mr. Wetzel. And if I could
14 add also, John Christmas both did a yeoman's
15 job in pulling all this together and meeting
16 with all the various interest groups and
17 coming up with, I think, an excellent bill
18 today. So, thank you.

19 Mr. Schiavo.

20 MR. SCHIAVO: Good morning, Members of
21 the Committee on Law and Government. Thank
22 you for the opportunity to comment on this
23 important piece of legislation. My name is
24 Joe Schiavo. And I'm addressing you today

1 on behalf of the Philadelphia Crosstown
2 Coalition, a coalition comprised of some 20
3 local civic organizations. I serve the
4 committee as Chair of its Zoning and Land
5 Use Committee.

6 Since the last meeting on Resolution
7 140732 and Bill 140721 held on February 18
8 of this year, there has been the opportunity
9 for study, reflection and discussion via
10 your four stakeholder meetings convened by
11 Council President Clarke and hosted by John
12 Christmas and Herb Wetzel. We thank Council
13 President Clarke and we thank this Committee
14 for holding the resolution and bill in
15 Committee as requested by the Crosstown
16 Coalition and others in testimony offered
17 during the February 18 hearing, thus
18 providing the opportunity for such meetings
19 that have proved productive and, we believe,
20 beneficial towards substantiating and
21 refining a now improved legislative
22 instrument.

23 For its part, Council President Clarke's
24 office arranged for input from the

1 Departments of Law, Commerce, Planning,
2 Housing whose representatives provided
3 valuable contributions to the structure,
4 organization and technical detail of the
5 resolution as well as the smooth
6 incorporation of the many amendments offered
7 by the participating stakeholders. Our five
8 fellow nongovernmental organizations
9 participating provided invaluable broad
10 spectrum input at the meeting table. We
11 thank each participant for their time and
12 efforts.

13 Although we believe that the process
14 would have been enhanced had there been more
15 opportunity to elicit opinions from a wider
16 stakeholder group and the incoming
17 administration, we appreciate the efforts of
18 Council President's staff and acknowledge
19 that the resolution as presently drafted is
20 much improved.

21 Turning from the particulars of the
22 resolution to its planned implementation,
23 the Coalition cannot ignore the practical
24 consideration that each member of Council

1 who may support the Charter change in both
2 its broad-stroke concepts and administrative
3 detail must also accept the responsibility
4 to appropriately fund its functions.

5 Council has recently passed Zoning Code
6 Reform, but has failed to adequately fund
7 remapping stalling the benefits of true
8 zoning reform.

9 Similarly, if Council does not
10 adequately fund the underlying staffing
11 requirements of a reorganized planning and
12 development structure, then the goals of
13 this initiative will not be realized and the
14 efforts to date squandered.

15 Thank you.

16 COUNCILMAN GREENLEE: Thank you. Any
17 questions from -- for any of the three
18 witnesses?

19 Seeing none, thank you all.

20 And before Ms. Marconi reads the next
21 group, I just want to put on the record
22 there will be a letter submitted from the
23 Greater Philadelphia Association of Realtors
24 in support of this bill and resolution.

1 Ms. Marconi.

2 THE CLERK: Craig Schelter, Michael
3 Sklaroff and Darrel Zaslow.

4 COUNCILMAN GREENLEE: After these three
5 gentlemen, is there anyone else here who
6 wishes to testify on this bill or
7 resolution?

8 (No response.)

9 Thank you.

10 Mr. Schelter, I think your name is read
11 first. And if you're not ready to go,
12 Mr. Sklaroff.

13 (Panel approaches witness table.)

14 Please identify yourself and proceed.

15 MR. SCHELTER: Morning, Mr. Chairman,
16 Members of the Committee. My name is Craig
17 Schelter. I'm the Executive Director of the
18 Development Workshop. We are 501(c)(6)
19 nonprofit trade association dedicated to
20 fostering development, improving the City's
21 tax base and growing Philadelphia. Our
22 members include developers, lenders,
23 architects, planners, engineers, attorneys,
24 associated real estate professionals and

1 former City development officials.

2 We appreciate the opportunity to testify
3 at this hearing to comment on the City
4 Council's amendments to the bill and
5 resolution above that will dramatically
6 reorganize City agencies dealing with
7 planning and development in the City.

8 At the previous committee hearings of
9 December 8 and February 18, we recommended
10 that Council and the Mayor jointly create a
11 commission to give these issues appropriate
12 consideration from all stakeholders. The
13 office of Council President responded in mid
14 April with an invitation for an alternate
15 approach, which is for interested
16 stakeholders to jointly attend meetings with
17 City Council staff to discuss further
18 amendments to the bill and the resolution.
19 Attendings -- attendees at these meetings
20 included staff from the Department of
21 Commerce, Planning and Law, stakeholders
22 representing development, design, community
23 interest and members of City Council staff.

24 The work of that committee reflects

1 substantial clarifications and improvement
2 to the previous resolutions as drafted. We
3 thank all the participants for their input
4 in a very compressed time frame and the
5 leadership of John Christmas in moving the
6 process along. That said, we continue to
7 believe that certain important aspects of
8 the reorganization have not been adequately
9 dealt with.

10 As an example, with regard to the
11 Historical Commission in Section 4-605(A),
12 the language that governs current historic
13 designations on the text of that, is they
14 are designated historic building structures,
15 sites, objects and public interior portions
16 of building spaces whether interior,
17 exterior, collectively for purposes of this
18 section all pursuant to the criteria and
19 procedures set forth by City ordinance. We
20 believe this opens the door for designation
21 of historic building interiors by removing
22 the word public.

23 This is a potential gross infringement
24 on private property rights. And we

1 recommend keeping the language as it is by
2 Council -- as passed by Council in ordinance
3 today.

4 At this point, I want to stop here in
5 the testimony because I've told the Chairman
6 essentially that the testimony -- and the
7 rest of the testimony is superseded by
8 information which I received last night
9 after I submitted the testimony to City
10 Council. And basically, this was that the
11 presumptive next Mayor of Philadelphia was
12 not going to be taking a position on this
13 resolution or this bill so that our
14 recommendations that follow from that are
15 not -- we do not recommend going forward.

16 I would say that any -- accompanying any
17 Charter change effecting planning in the
18 zoning division of the new department, it
19 remains critical that City Council allocate
20 adequate staff and budget in the effort of
21 that division especially with regard to the
22 zoning remapping effort which needs to go on
23 city wide which was designated as part of
24 the zoning code change back some three years

1 ago.

2 We also recommend that the short title
3 and text of the bill reflect the amended
4 Intergovernmental Housing Commission be
5 changed to the Housing Advisory
6 Commission -- Housing Advisory Board. So
7 with those recommended changes, we would
8 support the bill and resolution as drafted.

9 And I would apologize. I'm happy to
10 take any questions. But I have a plane to
11 catch, so my chairman and friend Michael
12 Sklaroff is here I am sure to answer any
13 questions and add further comments.

14 Thank you again for keeping this bill in
15 Committee to allow the time for this to
16 happen. And I would also say the key part
17 of this effort, which is the development
18 workshop, is basically a development
19 organization working with the Crosstown
20 Coalition where the community interest and
21 the development interest were ones that came
22 very much focused together. I think we
23 learned a lot from one another. And we look
24 forward to seeing this process work in the

1 future.

2 Thank you.

3 COUNCILMAN GREENLEE: Okay. Thank you.

4 Mr. Sklaroff maybe you can answer this
5 since Mr. Schelter has to run I know. The
6 letter that was submitted, you say you are
7 taking out a few paragraphs?

8 MR. SCHELTER: Yes.

9 COUNCILMAN GREENLEE: Do you have or can
10 you submit something without this so it can
11 be a part of the record?

12 MR. SCHELTER: Yes.

13 COUNCILMAN GREENLEE: Just so we're all
14 on the same page.

15 MR. SCHELTER: In the coming week, we
16 will do that.

17 COUNCILMAN GREENLEE: Thank you. That's
18 fine.

19 Mr. Sklaroff.

20 MR. SKLAROFF: Michael Sklaroff, Chair,
21 Development Workshop. I would join in
22 everything that Craig said. I would also
23 say that the -- that it turns out that the
24 process that the Council President presented

1 to us worked. And --

2 COUNCILMAN GREENLEE: Amazing, isn't it?

3 MR. SKLAROFF: It is incredible. No,
4 it's not incredible. It was terrific. It
5 was done on a very short time frame. Herb
6 Wetzel and John Christmas got us all the
7 amendments. It was well thought out as
8 Craig said. It was a great experience
9 sitting down with other stakeholders,
10 especially Crosstown Coalition, people from
11 the Administration to basically sort things
12 out.

13 And while it's not perfect, it is very
14 good. And we're happy to support it today.

15 COUNCILMAN GREENLEE: Thank you. Always
16 nice to make you happy, Mr. Sklaroff.

17 MR. SKLAROFF: Well, especially, it's
18 always a pleasure to appear before you,
19 Mr. Chairman.

20 COUNCILMAN GREENLEE: Thank you. Thank
21 you very much.

22 MR. SKLAROFF: As a neighbor.

23 COUNCILMAN GREENLEE: Yes. Absolutely.
24 Mr. Zaslow.

1 MR. ZASLOW: Thank you, Mr. Chairman.
2 Darrell Zaslow, Legal Counsel to HAPCO, the
3 Homeowners Association of Philadelphia.
4 HAPCO represents owners of residential
5 rental property. I want to take the
6 opportunity to encourage the Committee to
7 pass and the Council to enact the proposed
8 legislation. It is very well done.

9 If you cannot reduce your proposal down
10 to two pages, then it's too complicated.
11 And we received a copy of a two-page summary
12 of this proposal which is so clear,
13 articulates the department, the division.
14 It's very well done. Mr. Wetzel should be
15 compli -- should be amended -- complimented
16 for that, as well.

17 You don't need me really here to tell
18 you it's a good proposal. You know that.
19 Really what I want to suggest to you,
20 Mr. Chairman, Members of the Committee is a
21 problem here is requirement that this be
22 submitted as a referendum to the voters.

23 I served as solicitor in Bucks County
24 for many years. I had the privilege of

1 writing the Administrative Code for Bensalem
2 Township, the largest second class township
3 in the state. We had a free reign to create
4 a government which was appropriate for the
5 township. Here in Philadelphia you are
6 saddled and burdened with this requirement
7 to have a referendum in order to pass these
8 changes of divisions of government and how
9 it should function.

10 So in addition to urging upon you
11 passage of the proposals now before you, I
12 would suggest that there be some effort put
13 in to suggesting at the state level that the
14 state law be changed and that there not be a
15 need for 20,000 people to come in an upswell
16 of requests, that there be some department
17 or other of government when your staffers
18 create things which are so clear and
19 articulate and obviously will work.

20 So, if there is some capability to take
21 out of this hearing that the City Charter
22 should be changed and that the state law out
23 in Harrisburg needs to be changed to remove
24 these referendum requirements so that you,

1 Mr. Chairman, in your wisdom are able to
2 create a form of government which functions
3 for Philadelphia without presuming that
4 citizens are going to have some better idea
5 than you have and that all these people have
6 examined this in detail and have testified
7 this morning.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank you. We
10 will put that on the list of things we would
11 like to see the state change.

12 MR. ZASLOW: Yes, good.

13 COUNCILMAN GREENLEE: Any questions?
14 Seeing none, thank you all very much.
15 Anyone else here again to testify on this
16 bill or resolution?

17 Seeing none, that concludes the hearing
18 of the Committee on Law and Government.

19 - - -

20 (Public Hearing adjourns and Public
21 Meeting commences.)

22 - - -

23 We will now go into our Public Meeting.

24 And Chair recognizes Councilman Goode.

1 COUNCILMAN GOODE: Thank you, Mr. Chair.

2 I move that the amendment to Bill No.
3 150368 be approved.

4 COUNCILMAN HENON: Second.

5 COUNCILMAN GREENLEE: Been moved and
6 seconded.

7 All in favor?

8 - - -

9 (Chorus of Ayes)

10 - - -

11 COUNCILMAN GREENLEE: Opposed?

12 Hearing none, the amendment passes.

13 Councilman Goode.

14 COUNCILMAN GOODE: I move that Bill
15 150368 as amended be reported out of this
16 Committee with a favorable recommendation;
17 and Rules of Council be suspended so as to
18 permit first reading at our next Council
19 session.

20 COUNCILMAN HENON: Second.

21 COUNCILMAN GREENLEE: It's been moved
22 and seconded.

23 All in favor?

24 - - -

1 (Chorus of Ayes)

2 - - -

3 COUNCILMAN GREENLEE: Opposed?

4 Hearing none, Bill No. 150368 as amended
5 is reported out of this Committee favorably
6 with a rule suspension.

7 Councilman Goode.

8 COUNCILMAN GOODE: I move that the
9 amendment to Bill No. 140721 be approved.

10 COUNCILMAN HENON: Second.

11 COUNCILMAN GREENLEE: It's been moved
12 and seconded.

13 All in favor?

14 - - -

15 (Chorus of Ayes)

16 - - -

17 COUNCILMAN GREENLEE: Opposed?

18 Hearing none, the amendment passes.

19 Councilman.

20 COUNCILMAN GOODE: I move that Bill
21 140721 as amended be reported out of this
22 Committee with a favorable recommendation;
23 and Rules of Council be suspended to permit
24 first reading at our next Council session.

1 COUNCILMAN HENON: Second.

2 COUNCILMAN GREENLEE: It has been moved
3 and seconded.

4 All in favor?

5 - - -

6 (Chorus of Ayes)

7 - - -

8 COUNCILMAN GREENLEE: Opposed?

9 Hearing none, Bill No. 140721 as amended
10 be reported out of this Committee favorably
11 with a rule suspension.

12 Councilman Goode.

13 COUNCILMAN GOODE: I move the amendment
14 to Resolution 140732 be approved.

15 COUNCILMAN HENON: Second.

16 COUNCILMAN GREENLEE: Moved and
17 seconded.

18 All in favor?

19 - - -

20 (Chorus of Ayes)

21 - - -

22 COUNCILMAN GREENLEE: Opposed?

23 Hearing none, the resolution is
24 approved -- I'm sorry, the amendment is

1 approved.

2 Councilman Goode.

3 COUNCILMAN GOODE: I move the Resolution
4 140732 as amended be reported out of this
5 Committee with a favorable recommendation.

6 COUNCILMAN HENON: Second.

7 COUNCILMAN GREENLEE: Been moved and
8 seconded.

9 All in favor?

10 - - -

11 (Chorus of Ayes)

12 - - -

13 COUNCILMAN GREENLEE: Opposed?

14 Hearing none, Resolution 140732 as
15 amended is reported out of this Committee
16 with a favorable recommendation.

17 Being no further business before this
18 Committee, we thank everybody for their
19 participation.

20 Thank you.

21 (Public Meeting of Law and Government
22 Committed adjourned at 11:02 a.m.)

23

24

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

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

ANGELA M. KING, RPR
Court Reporter - Notary Public

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