COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC HEARING

COMMITTEE OF THE WHOLE

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Room 401, City Hall
Philadelphia, Pennsylvania
Wednesday, Sept. 12, 2001
6:50 p.m.

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BILL 010527 - An Ordinance providing for the submission to the qualified electors of the City of Philadelphia of an amendment to the Educational Supplement to the Philadelphia Home Rule Charter...
RESOLUTION 010532 - An Resolution proposing an amendment to the Educational Supplement to the Philadelphia Home Rule Charter...

- - -

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA

COUNCILWOMAN JANNIE BLACKWELL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
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COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO
COUNCILWOMAN MARIAN B. TASCO

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9/12/01 - COM. OF WHOLE - BILL 010527, RES. 010532

I N D E X

BILL 010527
RESOLUTION 010532 PAGE
DEBRA KAHN, Secretary of Education .....
RICHARD FEDER, Chief Deputy City Solicitor ..
DEBRA LEE, Pa. ACORN .....
JOANNE MILES, Pa. ACORN .....
SHELLY YANOFF, Philadelphia Citizens for Children and Youth .....
FRAN SUGARMAN .....

9/12/01 - COM. OF WHOLE - BILL 010527, RES. 010532

COUNCIL PRESIDENT VERNA: Good afternoon, everyone. Can I have everyone's attention, please? I want to thank all of you for your patience. I want to remember the victims of yesterday attacks of New York and Washington, D.C., as well as their families who will be dealing with their losses for years to come. I cannot fathom what kind of hate, what kind of madness that would lead to this kind of violence. At this time I would ask that we all bow our heads for a moment of silent prayer for the victims and their families.

(Moment of silence.)

COUNCIL PRESIDENT VERNA: Thank you. I would like to add that there is one thing in which I think we can all do. There is a critical shortage of blood needed in both New York and Washington, D.C. And for all those for whom it is possible, I am asking that you take the time today to call Red Cross at 1-800-438-3543 to find out when and where you can donate blood. These weeks ahead of us will be trying times as individuals and as Americans and we must do all that we can to help. So I urge all of you who feel that you would want to contribute, please call to donate blood.

COUNCILMAN ORTIZ: Madam Chair, may I say something? My office has gotten some reports that some students in some of the areas in Feltonville of Palestinian descent have been attacked. And I hope that the citizens of Philadelphia understand that the citizens of Palestinian descent who live in the City are Philadelphians and they're not guilty of the heinous and cowardly act that was perpetrated against the United States. So I would hope that there's no violence that goes against Philadelphia residents of Palestinian descent.

COUNCIL PRESIDENT VERNA: Thank you, Councilman.

This is a public hearing of the Committee of the Whole. I would ask Mr. McPherson to read the titles of Bill Nos. 010527 and 010532.

MR. MCPHERSON: Bill No. 010527, an ordinance providing for the submission to the qualified electors of the City of Philadelphia of an amendment to the Educational Supplement to the Philadelphia Home Rule Charger which would establish a process which would authorize the privatization of the administration, operation, and management of the

School District, as approved by Resolution of the City council; fixing the date of a special election for such purpose; prescribing the form of ballot question to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

Resolution No. 010532, a resolution proposing an amendment to the Educational Supplement to the Philadelphia Home Rule Charter which would establish a process which would authorize the privatization of the administration, operation, and management of the School District, and providing for the submission of the amendment to the electors of Philadelphia.

COUNCIL PRESIDENT VERNA: Thank you. Our first witness is Debra Kahn.

MS. KAHN: Good afternoon. First of all, I appreciate the comments that you made at the beginning of this. It has been really a remarkable couple of days. We together in record time a system so today we had principals at four locations at all grade levels being trained by a medical mental health professionals. We wanted to make sure that doors open tomorrow and that students and all the

adults in the building are prepared as you can possibly be to cope with the whole variety of student response.

COUNCIL PRESIDENT VERNA: Thank you. Please proceed with your testimony.

COUNCILMAN RIZZO: I would like to ask a question. I have gotten some calls. It might be helpful, Secretary Kahn, to explain why the transportation wasn't provided to the parochial schools, why public transportation wasn't provided.

MS. KAHN: The events were extraordinary. It was not known until the Mayor went on television at 7:30 -- we did not know what the plan was in terms of the schools. We had been advised then we would be closing. It was late there was so many events to coordinate, it was just a situation that just to and focus our efforts on of the effort I just described. We're going to make a better procedure for that in the future. We've been in contact with then and spoke with the Cardinal yesterday. But thank you.

COUNCILMAN RIZZO: Thank you. Thank you, Madam Chair.

COUNCIL PRESIDENT VERNA: You're

welcome.

MS. KAHN: I am here to testify on behalf of the Administration of Mayor John F. Street, in opposition of Bill No. 010527 and Resolution No. 010532.

As we understand these items, Council passage would set in motion a process by which the Educational Supplement to the Philadelphia Home Rule Charter could be amended to establish a process to authorize privatization of the administration, operation and management of the School District. Like all amendments to the Home Rule Charter, voter approval, in this case intended for the general election of November 6th, would be required.

The Administration is opposed to these measures for a variety of legal, political and practical reasons. Let me say first, however, that we recognize that the core of Councilman Nutter's proposal, as well as Councilwoman Miller's resolution, which you have already adopted is a call for public input into the decision-making process about the future of the School District. Mayor Street, the leadership of the district and I are well aware that we are involved in a high stakes

endeavor to improve and preserve public education in Philadelphia. Our decisions will have profound consequences and we appreciate and invite the public's interest in being informed and involved. But we can accomplish that goal without resorting to the confusing, cumbersome and potentially harmful process created by the ordinance and accompanying resolution under consideration today.

Accompanying my testimony is a letter from City Solicitor Kenneth Trujillo, which explains the Administration's legal concerns about the proposed ordinance and resolution. Mr. Feder is in Council today to respond to your questions on legal matters. Essentially, the Solicitor has concluded that while he cannot declare the proposed measures illegal, there are sufficient problems that could make passage troublesome and likely to spawn extensive litigation. Moreover, much, if not most, of the amendment's effect would be nullified by the Public School Code, including the Education Empowerment Act of 2000.

First, the Empowerment Act of 2000, part of the Commonwealth's Public School Code, authorizes school boards of empowerment districts, of which

Philadelphia is one, to engage in privatization of school management. In particular, the Act authorizes empowerment districts to enter into contracts with for-profit entities to operate a school and employ its own staff to provide educational services. Under the Home Rule Act, we are prohibited from framing any charter provision that would contravene an act of the General Assembly applicable to all school districts. At the very least, the proposed charter amendment would contravene a key intent of empowerment, which is to provide school districts with new operating flexibility.

Another legal concern is that the proposed amendment is ambiguous with regard to the meaning of privatization. It could be construed to prohibit a variety of contracts which the School Board currently awards to for-profit entities for administration, management and operation of parts of the district, including contracts expressly authorized by the School Code. Again, this could cause litigation and greater confusion about our situation, when what we are striving for is clarity.

Beyond these legal matters, there are

likely to be serious practical and political consequences if these measures are enacted, which we respectfully ask Council to consider. The General Assembly is scheduled to reconvene on September 24th. If Council adopts these measures, it is very possible, perhaps even likely, that the Legislature would react swiftly to render the effect of your action null and void. The General Assembly could, for example, amend the School Code to expressly authorize privatization in all its possible forms, to say nothing of taking other retaliatory measures. Such action would be hostile and likely to invoke more philadelphia bashing at a critical time when we need a cooperative environment conducive to problem-solving. We have seen that the Commonwealth, as a sovereign, can usurp home rule and take action that we believe is harmful to the City. Some leaders of the General Assembly are already miffed because the Mayor, in the absence of the legislative exemption from the maintenance-of-effort provisions of Act 46 that he had requested and in fulfillment of his commitment to you, vetoed the ordinances that would have provided $45 million in new city funds to the School

District. The Mayor did not want to veto those funds but was forced to do so to protect the City's finances, particularly in the absence of a long-term solution for the district. I want to restate that the Administration will resubmit those ordinances to City Council so that the City is in position to deliver on its commitment to provide those funds on a one-time basis, once an exemption is forthcoming. In the meantime, approving this charter change on the heels of the Mayor's veto, would be fruitless, risky, and unwise.

The Ridge Administration is also unlikely to tolerate interference from these measures as it goes about developing its proposed plan for addressing the educational and financial challenges of the School District. In the event of a state takeover of the district, Act 46 would supersede the charter amendment. Council's adoption of these measures could effectively force a full state takeover of public education in Philadelphia, rather than permit schools to remain under some degree of local control, even in partnership with the Commonwealth. The provisions you are considering would impose time delays and

uncertainties that could jeopardize speedy implementation of a solution, the beginnings of which otherwise could be incorporated into the Governor's executive budget this fall. According to our current timetable, the negotiation period with the Governor expires on October 29th. The State Secretary of Education, therefore, could answer your action by invoking an Act 46 takeover of public schools before the voters even get to cast their ballots on November 6th.

Mayor Street has embarked on an extraordinary course with Governor Ridge to attempt to improve and preserve public education in Philadelphia. Indeed, when citizens voted for the last amendment to the City Charter in 1999, they gave the Mayor significantly increased authority for the delivery of public education. He is exercising that authority to the best of his judgment and ability, while accepting the responsibility and accountability that go with it.

We cannot be successful, however, unless we are able to see this process through completion, without changing the rules midstream or prejudging outcomes.

We also cannot be successful unless people who will be affected by the outcome have a say in its development. This has been a difficult, complicated story to communicate, and we understand that questions, rumors, strong opinions and anxiety abound. The Administration and School Board are interested in working with City Council, parents and advocates to redesign and implement a process to share information and provide the public with the opportunity to make suggestions and comment on ideas.

In closing, let me emphasize the need for all of us to stay flexible, preserve all options and keep an open mind about solutions. Rather than get distracted and divided about who will run the schools, we should be consistent and persistent about why we are running them. We must insist on financial stability that is affordable to the City and that permits us to focus our attention on classroom priorities. We also must insist on increasing educational quality that will provide our children with opportunities to succeed. That can happen only with strong management and adequate funding for smaller classes, decent facilities,

well-trained teachers and principals, effective curricula and state-of-the-art learning materials and technology. It is by these standards that solutions to our problems should be judged. Thank you

COUNCILWOMAN TASCO: Thank you very much. The Chair recognizes Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam Chair. Good afternoon, Ms. Kahn. Let me first say that I've had an opportunity to work on a lot of matters here and some have been good and maybe some may have been not so good. I've not had any, though, characterized as fruitless, risky, and unwise. Now, I wasn't able to follow along; I was doing some other stuff and listening. Was that out of your testimony or was that from the City Solicitor?

MS. KAHN: That was mine.

COUNCILMAN NUTTER: Now, the Solicitor issued his opinion and it is a four-plus-page opinion?

MS. KAHN: Correct.

COUNCILMAN NUTTER: And it raises a lot of issues and questions as you would expect from the

City Solicitor who represents both the Administration and City Council. And not withstanding the four-plus pages, reading from his opinion, he says, "It is my opinion that, although the proposed amendment is not itself unlawful," so the Solicitor of the City of Philadelphia, notwithstanding all the policy issues or even some of the political issues, has advised us as our lawyer on the law that the measure before us is not unlawful; is that correct?

MS. KAHN: I don't think that I said anything that contradicted that opinion, but if we're going to get into legal matters, I do want to ask Richard Feder who is Chief Deputy Solicitor to step up here and respond to your question.

COUNCILMAN NUTTER: We don't need to have a legal dispute. I asked a question about -- this is a language issue. The document either says what I just said it does or it doesn't. I says, "It is my opinion that, although the proposed amendment is not itself unlawful..." All I said was, after all the opinions, the policy, the pronouncements, and political concerns expressed by yourself, the Solicitor says that the amendment itself, the matter

before us, is not unlawful. And I just asked you if that was what the paper reads.

MS. KAHN: That is what it says and that is what I said, but there are nevertheless a significant number of legal concerns that could put us in territory that we don't necessarily believe we should be in.

COUNCILMAN NUTTER: I understand. That's why we have a law department, that's why we have a legal system, to take care of those kinds of matters.

Now, let me ask you this: One is an assumption. You believe in democracy, right?

MS. KAHN: Sure do.

COUNCILMAN NUTTER: And you think the parents and taxpayers and voters in this City should have a voice in this particular issue?

MS. KAHN: I absolutely believe that they should have opinions that they share and express with the people who in many cases are elected to represent them. I am also a person who believes in public discussion because I always learn from it. I think we went through that with a number of things that we do at the School District, the

most recent empowerment process being one of them. And so I think that there is a role to play. As I said in my testimony, we're very interested in trying to work with Council and community to be able to structure a way that will be effective for everyone.

COUNCILMAN NUTTER: And you think the public has had enough opportunity to either get information or be actively involved in a process that will or may potentially affect not only their lives but their children's lives for many years to come? You think there's been enough already?

MS. KAHN: I don't that think I testified to that fact.

COUNCILMAN NUTTER: I'm asking the question. I didn't say that you said that.

MS. KAHN: No, I don't think so yet, but I also think that has not been part of the process.

COUNCILMAN NUTTER: Well, I didn't create the process. I've been subject to the process. And I just very firmly believe that the parents, taxpayers, and voters of this City need a forum in which they can express their voice. And I thought as a legislator that one of the best places

for that is at a ballot box. It is a place where everyone can go, regardless of your station in life, who you know, who you don't know, have money, don't have money, tall, short, any other description. People can go to the ballot box on election day and express their view on a particular topic and then we in the political community respond to it. And I thought that since as of today and probably or hopefully tomorrow there is a process established that allows people to go to the polls and express their view as it relates directly to a ballot question that in the unfortunate situation that we find ourselves, which is time compressed in a discussion has been virtually closed that it will at least open that process and give people an additional forum and some information to think about as they contemplate the future of their children.

MS. KAHN: I think that there are a variety of ways in which voters and citizens express their opinion. And certainly, they don't go and have it -- if we don't provide for a public referenda, a public decision.

COUNCILMAN NUTTER: This is not a public referendum issue. This is a process that follows

duly established statute that allows for this type of matter to take place. It is the same process that we follow on any other proposed charter change matter. This is not new. It wasn't recently created for me or for any Councilmembers that have a interest in this. This was a process that was established by the founding father's and charter framers and the state legislature to give people the opportunity to make changes when they thought a change might be necessary. This is not about a popularity contest or some -- it's not called Proposition 601. It's a bill and a resolution.

MS. KAHN: No one is attempting to change the process, and I'm not testifying to the fact to trying to change the process by which charter amendments reach the ballot. That's not the point.

COUNCILMAN NUTTER: So you think that from a process standpoint, we're actually doing this the way it should be done according to the process that has been laid out?

MS. KAHN: Again, I can't comment. I assume the lawyers that looked at it, you as a legislator have looked at it, and I assume you're

following the process to get the question on the ballot. The question here is whether this is a question that should be put on the ballot and whether or not it would have the effect that I think presumably you're trying to tell the public that it would have. And what I'm saying is that we, for a variety of reasons, don't think that it would have that effect.

COUNCILMAN NUTTER: I understand that. I just want to make sure for the hearing that we're in, we've got a bill, we've got a resolution, you have in fact made your testimony, we respect and appreciate your testimony. What I'm concerned about as a legislator today in this hearing is that I have a matter that is properly before the Council that is following the rules as laid out by the first City Class Home Rule Charter Act and these matters are properly before this body, they're following the process, and they will potentially give the voters a voice in this matter; and whether by the opinion from City Solicitor or another opinion that's laid out by Law Department, we are following the process and it is legal to do what it is that we propose to do. You may disagree with the underlying

proponents, but what we are doing is in fact legal and lawful.

No further questions.

COUNCIL PRESIDENT VERNA: Are there any other questions of the witnesses?

Councilman Cohen.

COUNCILMAN COHEN: Thank you, Madam President. I'm also concerned by the City Solicitor's opinion. It doesn't seem to be the role of City Solicitor is to give us his legal opinion for policy or concerns about potholes along the way. And I had great difficulty in figuring out why the City Solicitor's opinion did not stop at the ruling on the law. Tell me, you have any reaction to that?

MS. KAHN: My reaction is that I'm going to have to ask that --

COUNCILMAN COHEN: Rather than asking you, Mr. Feder can answer.

MS. KAHN: I think that he should respond to that.

MR. FEDER: Councilman Cohen, I'm Richard Feder, head of the appeals and legislation unit for at the Law Department. I'm happy to answer your question. I would agree with you that City

Solicitor opinions should stick to the law, and I respectfully suggest that is what this opinion did. In summary, what this opinion says is that we feel that the proposed charter amendment has substantial ambiguities and we also opined on the legal effect of the proposed charter amendment which we believe in many, if not most cases, would be no effect because of superseding state law. I respectfully suggest to you those are legal issues which are exactly what the Solicitor is supposed to provide.

COUNCILMAN COHEN: Well, I guess we have a very basic disagreement on roles. It seems to me the role the City Solicitor is to tell us whether what we're doing is illegal. If it's not illegal, then it's a policy matter. And those that govern the charter policy state there opinions and we in Council listen to them and make a decision. I was surprised that the opinion went on beyond the first page.

Are there any policy reasons why you don't want to have a vote of the people on the issue?

MS. KAHN: Yes, Councilman. I believe, as my testimony pointed out, that this could have

consequences that I don't think that are intended and in my view would not be wise. I don't think -- I think we need very much as a policy matter to keep options to retain flexibility to be open to all solutions. We are also trying it in this very complicated environment to get clarity as opposed to more confusion. And I think that the consequences that this could have in the first instance, whether it provokes a reaction from the General Assembly which could render it void anyway and possibly do much more than that. And secondly, I think that while we go through this process that the Mayor has embarked on with the Governor there is an opportunity -- and we don't know yet what the result will be, but there is an opportunity to work out some agreement in partnership which there is a governing partnership between the Commonwealth and the City. But our fear is, is that this kind of action could actually preclude that.

COUNCILMAN COHEN: Well, that might be the very best thing because when you talk about a conclusion of reaching an agreement between the Governor, between the Commonwealth and the City, it sounds awfully good, but what I have heard is that

nobody has been present except the Governor representing the Commonwealth basically and the Mayor representing the City, and the people have been excluded from the conversations.

Councilman Nutter and I have some technical differences perhaps with respect to the bill and resolution introduced. But it struck me that in your testimony you offer citizens two things: You said we'll listen to their suggestions and we'll answer their questions. I think citizens are entitled to far more than that.

During the budget on the school when we were talking about a certain school that was available to parents of young kids, the Board of Education listened for several months to suggestions and nothing happened. It seems to me that participatory democracy requires much more of a role for citizens than just the ability to answer questions and make suggestions. It seems to me they must be listened to. And I suspect that a charter amendment is one way of making those of us who make decisions listened to.

I guess it's pretty hard for the Mayor of the City to ignore a vote and a referendum. I

expect that that's the basis of the reason for this charter amendment.

MS. KAHN: This is a representative democracy where people are elected to make decisions to represent the people. And as you well know, there's accountability. And if in fact it turns out that people are not satisfied with those decisions, they do render that dissatisfaction at the ballot box to vote for candidates.

And the last time voters actually approved a charter change, what that did was to give the Mayor, in fact, more authority over the administration of the public schools. And in fact, he's embarking on a course to exercise that responsibility.

COUNCILMAN COHEN: Well, as you know, I was opposed to that amendment.

MS. KAHN: But it got on the ballot.

COUNCILMAN COHEN: And in retrospect, it seems to me that I was much wiser -- what that ballot question did was it turned over the total authority of the school system to the one person, the Mayor, who never was enthusiastic about it and said, Now, you're not going to force me to deal with

the schools; I'll find a way to get rid of my responsibility. And therefore the City demanded, not the State, but the City demanded that unless there's some form of agreement reached between the City and State, the State is required to take over the school. So the Mayor has saved the Governor the embarrassment of demanding control by offering it, by in fact having the City demand the State takeover. I think in retrospect, I think that amendment was even more wrong. I think that it's more wrong now than I thought it was at that time. I have those kinds of concerns about the charter amendment, but I don't like the reason you give for opposition to it. We already have a representative form of democracy. We do have a legislative power for citizens to express their opinions through charter amendment as through referendums. Since the Supreme Court allegedly ruled in one case that the Home Rule Charter didn't permit referendums, but they said it only applied to that one case.

I think the concern is about confusing legislative policy and the law. I think Council has to make a decision which enables the citizens of this City to participate more fully in government.

I don't think public citizens in Philadelphia, the public wants to see the schools taken away because if you take away public participation and the control of schools, all you need to do is have one election of one person in the City and have that person enter into contracts to do everything. You can have a contract to carry out police duty, the fire duties, street duties, every duty. You remove people from government, and that's the fault of privatization. You take away the rights of people who have the ability to control the manner in which public services are performed. You eliminate the public aspect. That's my concern about privatization.

And I'm not concerned that the language of this charter amendment might be too friendly solution to privatization, the way in which it is phrased. I'm hoping that you may be able to amend that language somehow. But I have very deep concerns. It seems to me that it looks very much like there is a done deal. And if there is a done deal, it's been a done deal without participation in any fashion by citizenry. And it seems to me that if we lose public education, I think privatization

of the public school system, meaning we don't have a public school system any more, I think that's a tragic loss.

Thank you, Madam Chair.

COUNCIL PRESIDENT VERNA: You're welcome.

The Chair recognizes Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Madam President. I was wondering whether or not the Administration's position on the importance of representative democracy applies to the issue of -- I guess that's for another hearing.

Mr. Feder, is there anything that prohibits us from changing our charter to this method for charter amendment? If we follow procedure and want to change our charter, is there anything that prohibits us from that other than the people saying no?

MR. FEDER: Councilman Kenney, there's nothing to prohibit the Council from putting any question they want on the ballot.

COUNCILMAN KENNEY: Is there anything that prohibits the legislature from nullifying any of those actions that they don't agree with?

MR. FEDER: Perhaps the Home Rule argument which hadn't fared well.

COUNCILMAN KENNEY: So generally, every ballot question is either we have the ability to change the charter at anytime and legislature has the ability to nullify that change at any time; therefore, every ballot question is in the same circumstance as this?

MR. FEDER: Well, I respectfully suggest to you, Councilman, that this ballot question -- the effect of this ballot question already is virtually nullified by existing state law, and moreover, we're in a situation where we pretty much know that the General Assembly would take steps to nullify whatever is left.

COUNCILMAN KENNEY: How do you know that?

MR. FEDER: There seems to be a sentiment in Harrisburg that --

COUNCILMAN KENNEY: And how did we develop that knowledge?

MR. FEDER: I follow papers. I follow the public proceedings just like you do, Councilman.

COUNCILMAN KENNEY: So that's just your

opinion; not your legal opinion, your personal opinion?

MR. FEDER: That is correct, but the first point was a legal opinion.

COUNCILMAN KENNEY: I understand, but my point is that every potential ballot question is in the same circumstances as this ballot question is, it can be approved through a ballot through legal process, it can be approved or disapproved by the voters; the legislature at any point in time can decide to nullify. So what makes this one so special? Maybe that's policy.

MS. KAHN: I think what may make it special is what's at stake here. And our sincerely trying to work out a solution that does just what we said, preserve and improve public education in Philadelphia.

For the record, I would like to actually pick up on what Councilman Cohen had said. For the record, I have to state emphatically that there is no done deal. Certainly -- and I know that there are plenty of rumors out there. I've already said there is no done deal on the part of, certainly, this Administration in terms of what an outcome is

going to be.

COUNCILMAN KENNEY: What do you believe is the current state of affairs between the Governor and Legislature and the Administration are now? Do you consider it a good situation, a bad situation, a neutral situation? Basically, what you're asking us to do and the people to do is to allow the Administration to continue to make decisions practically unilaterally. Certainly, this body receives very little, if any, information that is of real value. And the conversations between the Mayor and the Governor have gone on in a unilateral way for two years now. So you're asking us to continue to trust the strategies that have put us in what I believe is a pretty rotten situation compared to legislation and Governor vis-a-vis school funding and the condition of the schools.

MS. KAHN: Well, considering the fact that the funding problems for the School District have gone on for years, we are actually closer -- the agreements and arrangements that we have been able to work out between the Street Administration and working with both the legislature and the Ridge Administration brought us to a point that we haven't

been to before. And by that I mean for the first time we will be having the Commonwealth that has to present to the City its plan, being very deeply engaged and taking a very hard look at the School District and trying to see what it would do and make some recommendation, some proposals to us. That's the first time that that's really happened, in my memory.

COUNCILMAN KENNEY: In other words, the Commonwealth has hired a company to evaluate the School District under a contract they're paid and they are in the running to be one of the companies to potentially run the district, and this is not illegal? To me, paying somebody $2.7 million of Commonwealth money, of taxpayers money from Philadelphia to examine the system that we all know generally what the flaws are -- we've been looking at them for years -- and that this is the same company that's going to potentially make a recommendation that may in fact run the system.

MS. KAHN: I cannot say -- the Governor was free to choose whoever he wanted to choose to come in and take a look at the School District, and that was certainly not a decision in which we had

any part. I would like to say that if we end up through the course of the negotiation period, which is expected to start on about September 30th and go through following the month, and if in fact there is an agreement, this City Council will certainly have a role in approving that agreement. I think that we all know that any resolution, if it's going to be a positive resolution, will involve probably more revenue. That's certainly something the Mayor has talked about from time to time and the Council will have a role and an opportunity to be able to have a say in that.

COUNCILMAN KENNEY: So what's wrong with seeking the guidance of the people we represent?

MS. KAHN: Because I think that in the end it could just -- doing it in this way could in fact preclude us from getting the guidance in the manner that's contemplated here.

COUNCILMAN KENNEY: Can you explain that?

MS. KAHN: I've already explained, and I'll say it again. Because I think that it could trigger the fact that the Commonwealth will not want to have this kind of process to be bound when it

already thinks and believes that there is state legislation that permits the local school board to privatize and to enter into these kinds of arrangements. It already believes that we have that. And rather than delay things and confuse the situation even further, it could have the effect of triggering a response that would invoke Act 46.

COUNCILMAN KENNEY: Well, if they base their opinion on Mr. Feder or Mr. Trujillo's opinion, they would not hear what we do because, according to them, this issue is moot as far as they're concerned. They can do whatever they want whenever they want. Why would this antagonize them or be a catalyst for them to move quicker than they're moving now? What information would you have from the Governor, from the State House or State Senate that would give you that indication that this is going to trigger such a drastic response?

MS. KAHN: As I said, I think that it was likely because we all need to move ahead as quickly as we can. We have a very precarious cash situation at the School District. We need to get on with resolving this. We've got the Governor will be preparing his executive budget sometime this fall

and these are all opportunities that we have if, and I under score if, we believe that we can work together and come to an agreement on a plan to pursue it might, for example, involve joint governance, this could have the effect -- and I'm not saying that it absolutely will, but it could have the effect of derailing it.

COUNCILMAN KENNEY: Couldn't it have the effect of being a tool of information for legislators representing Philadelphia? Perhaps they'd be interested also in knowing the views of their constituents which we share.

MS. KAHN: I think that there are many ways to get that kind of information. Having public hearings in this Council is one of those ways. The Board of Education has public hearings. We all know that there have been a series of community meetings that have been taking place around the City and more of those occur. And these are all ways, and probably even some others that we can think about, that could give us the positive results and the positive benefits of getting public opinion without necessarily risking triggering negative consequences.

COUNCILMAN KENNEY: So in other words, if the answer is not what they want to hear, that's a negative consequence rather than what their true opinion is?

I mean, you will agree with me that people who come in here or at the School Board, it takes some effort on their part to get up here by public transportation, take time out of their day, as opposed to going in a convenient neighborhood located polling booth by pulling a lever on a ballot question that is the same way to express their opinion while sitting at this table. Part of bringing the opportunity to the masses to express their opinion as opposed to people who are advocates who are purely engaged in this issue, with many people who have day-to-day things they have to deal with, it would be easier for them to go to a ballot box to express their opinion.

And again, going back to Councilman Nutter's question, where is the harm? Why is information a bad thing to have? Why is the opinion of people a bad thing to have? To me, anyone can argue that it seems to be to want hide it something as opposed to exposing it.

MS. KAHN: I'm certainly not trying to hide anything.

COUNCILMAN KENNEY: I said people who express that opinion that somehow it's better to do it in this room or the school board room as opposed to a ballot box.

Thank you very much. No questions.

MR. MCPHERSON: Councilman Cohen.

COUNCILMAN COHEN: Thank you. First, I want to express just overall general agreement with Councilman Kenney that this agreement has one major failure. I believe that the City Council has the power to amend the Home Rule Charter and that the legislature has no power to nullify. They've undertaken that power from time to time, but I think that the Law Department as it's fighting the authority, it shows the same zest and zeal in fighting the case. I think that it's clear that the Home Rule Charter has no meaning whatever if any action taken can be immediately nullified by a state legislative action. Then there's no distinction between Home Rule legislation and any other kind of legislation by a municipality. The uniqueness of the Home Rule is that once a power is granted to a

city, that power cannot be taken away by the legislative bodies. And I think that the City Administration over the years has weakened that principle by engaging in activities sometimes together with the legislative body of the state in order to curb an action that the City Council takes that the Mayor of the City, whoever that Mayor may happen to be at the time, doesn't like. I think a Home Rule Charter power is a very strong power that cannot be easily nullified.

I am very much concerned with why you don't want this debate. I assume it's because in fact it is a done deal and because there are certain very strange things about this what I call a done deal. Seems strange to me to pay a company $2 million or more in order to prepare a bid to enable that company to take over the school system. I've never heard of that kind of thing. In private enterprise, a private company has to put together a private funding to enable it to present a plan to somebody to have that other group accept the plan. Here, the State agreed to pay the company the cost of preparing a bid by which the company can announce if it chooses to, and I expect it will, that it is

the best vehicle for taking over the public school system in Philadelphia. And I think in a referendum in a ballot question that kind of issue is going to be made public. I think there will be many other aspects that are going to be made public if there is a ballot question and I think properly made public.

I think it's a serious concern that the owner of this company is alleged to have made a profit of about a hundred million dollars in the sale of stock which raises a question as to the motivation. Is it in the interest of public education or is it in the interest of self profit? He made that profit, we're told, despite the fact that the for-profit company that he was heading was losing money.

There are lots of questions raised about this company. No where in the chart that they presented did they show that in any one locale that had more than I believe it was 7200 students. Philadelphia is an entirely different kind of system. All of those questions and many more have been raised at some of these public meetings you've talked about are going to become big questions if there is an election contest. I believe there will

be big questions if there was no election contest, but it may be that an election will serve to highlight the purposes better, and that may be the reason certain people would prefer not to have an election question on the ballot. But certainly one way or another, it's urgent, it seems to me, the concept of public education requires that the public participate in the decision-making.

And I don't accept your notion of representative democracy because then you're telling people, by your interpretation of it, that they don't play a role; all they can do is ask questions or make suggestions but they have no role in achieving policy. I believe that the interest of whether there ought to be a public school system in Philadelphia is something that requires full participation by voters in making that decision, whether they do it through a referendum or any other fashion, but I think it requires their full participation.

If you have any comment on that, I'd like to hear you because it makes no sense to say it's not a done deal when the only two people at the table, the only two interests at the table have

already agreed this company is going to get paid for its work and that it may offer as one of the options the role of taking over the whole school system or any part of it.

MS. KAHN: Councilman, the parties at the table have not agreed to that. The Administration and School Board had absolutely no involvement whatsoever with the selection of Edison Schools, with their contract, with the Commonwealth, with the amount of funding, with their fee, none of that. That was not our decision. The Mayor has said that repeatedly. It was the Governor's decision, that Administration's decision, the Ridge Administration's decision and theirs alone.

COUNCILMAN COHEN: The Mayor didn't have to agree to it. The Mayor agreed to that decision --

MS. KAHN: You just said, I think, that the parties at the table participated.

COUNCILMAN COHEN: The School Board is not a party at the table.

MS. KAHN: No, the Mayor did not agree to that decision. What the Mayor agreed to was to have the Governor come in and study the school

district so that he could get more information in any way he chose. It was in the Mayor's view not up to him to decide how the Governor could do it. And in fact, he said, "Governor, you do it however you think you need to do it to get the information that you need."

COUNCILMAN COHEN: What the Governor did is precisely what the Mayor did, he got rid of the problem by saying he's going to turn it over to a private company, he's going to pay that company enough money so they can decide if it's worthwhile taking over. Many people raise the question, who is being bailed out, the Philadelphia Public Schools or the for-profit company which has never run a profit and last year alone had a deficit of $35 million, a greater single deficit, I believe, than the Philadelphia School District had, particularly in compared to size all of the people added together constitutes no more than about one-third of the public school population in Philadelphia. The School District in Philadelphia did not have a deficit just for last year of a hundred million dollars. When we talk about the deficits in School District, we're talking about cumulative deficit

that have arisen over many, many years. But the Edison School deficit is far greater and so there's a lot of ground to believe that the real purpose of the arrangement is to give them enough population in order to enable that for-profit company for the first time possibly to make a profit. And where will that money come from? The educational needs of the students. If the Philadelphia School System doesn't have enough money now to provide the kind of education that the students ought to get, when on top of that you're going to put an added cost of providing profits for Edison, you're just taking that away from the educational opportunities of the students.

MS. KAHN: I would just say that our position on this ordinance and this resolution in no way should be construed as taking a position on ultimate outcomes. What we're saying here is that we --- and I've said it in my testimony. We would urge people to have open minds, to be flexible to consider all sorts of solutions. But that's not the same thing as saying that our opposition to this is an endorsement of any one particular source.

COUNCILMAN COHEN: Thank you, Madam

President.

COUNCIL PRESIDENT VERNA: Thank you. Are there any other questions from any members of the committee?

Thank you. Thank you very much.

MS. KAHN: Thank you.

COUNCIL PRESIDENT VERNA: I ask that you remain during the public hearing in the event that you're to be recalled.

MS. KAHN: I will do that for as long as I can.

COUNCIL PRESIDENT VERNA: Our next witness is Shelly Yanoff.

MS. YANOFF: Council President, may I, with your permission as ACORN to join us here?

COUNCIL PRESIDENT VERNA: Certainly.

MS. YANOFF: I yield to them to start and then we'll continue.

COUNCIL PRESIDENT VERNA: Fine.

MS. YANOFF: It's in the interest of time, believe it or not.

COUNCIL PRESIDENT VERNA: Please proceed.

MS. LEE: Hello, my name is Debra Lee.

I am testifying on the behalf of 56 families of the Pennsylvania ACORN. ACORN is a membership organization made of low- and moderate-income people who work to change their communities and neighborhoods at local, state, and federal level. ACORN is an independent organization and we have consistently been critical of the School District and continue to fight for positive changes. We are here today to applaud Councilman Nutter's proposal to create a mechanism through which we will have a say in what happens with our public schools.

MS. MILES: My name is Joanne Miles. Many of us have been at Edison High recent public forum. We went there to meet because we believe that it could be a forum where we could honestly discuss and candidly debate the potential privatization of our school.

MS. LEE: For this reason we support this solution. Additionally, we ask that it will go one step further in Section 12-200, create a mechanism that calls elections at the effective schools in addition to or instead of city-wide elections. Those who are directly affected must have a choice. Thank you.

MR. ORNAUR (ph): My name is Jeff Ornaur (ph). Essentially, what we're saying is at the Edison forum, people were essentially denied their right speak honestly given enough time to have their say and in fact ACORN members were dejected as well as others from the forum. So it's certainly an inherently biased process. And what we're looking for is a way for the public to make their input known in a fair and honest way. And for this reason, we support a ballot initiative that would let people vote on privatization, whether or not there should be a process. In addition to that, if there is a process, create thereby a mechanism whereby parents could vote up or down on their particular school. We recognize the privatization may not be a wholesale thing of the district one way or the other. So privatization or charterization should be subject to a vote of the parents at that particular school.

MS. YANOFF: Thank you. Madam President, Members of the Council. I thought actually that Philadelphia and Philadelphians in the last year have been more acted upon in too many instances. We can't have anything that limits guns.

We can't have anything that limits predatory lending. And now, in close sessions we appear to be on our way to having public schools be taken over by for-profit entities. We think that there's a better way to do that and we don't think this is easy. We do actually recognize the serious effort that the Administration has made, but the reality is that there is no public accountability at this stage. Councilwoman Blackwell was at the forum in West Philadelphia. I know Councilwoman Miller was at the forum in Northwest Philadelphia. People have gone there, been told that Edison was not interested in taking over. And then two days later, they in fact tell one of the newspapers that in fact they are very interested in privatizing. They gave out a survey that no fifth grader would pass in any of your classes as an unbiased question or an unbiased questionnaire. They didn't ask whether there was enough money, they asked whether every single thing was perfect in the school. Well, I challenge any well-funded school district person to be able to say yes to that in Radnor or in West or Southwest Philadelphia. So we're at a spot where people are acting upon us and we'd like to be at the table. We

understand we can't make all decision, but we think that there should be an opportunity for more serious public engagement that is not a sham, that is not pretending to ask questions and not being interested in answers, that it's really serious about what's happening in our schools, an issue that is more important to the future of this City than any other.

And I know that the conference was postponed for tomorrow, but the outlook in Philadelphia economically is very dire and every poll says that's because of the educational system.

Now, we understand that we know that we have a lot of work to do. But behind close doors choosing secret arrangements and making secret deals is not the way to do it. So we're here to say yes, we think there should be a ballot initiative. But we want to do another thing; we want two questions on the ballot. We want one question that is similar that is the same as been already out there, that is, shall there been a vote to allow privatization? And a second is that before -- if there is a yes vote on that, before privatization takes place, there shall be a vote in any school there shall be a vote of the affected school body, that is, the parents. So what

we're asking is that you today do something to stop all of us who are active in public schools to stop us from feeling so acted upon and empower us to really have some voice in the operation of the most important function in the City. Thank you very much.

MS. BLACKWELL: Thank you very much. Shelly, please give her your name and organization again.

MS. YANOFF: I'm sorry. I'm Shelly Yanoff. I'm Execute Directive of Philadelphia Citizens for Children and Youth, the region's child advocacy organization.

COUNCILWOMAN BLACKWELL: Thank you very much.

Questions?

Councilman Cohen.

COUNCILMAN COHEN: Thank you, Madam Chair. I had not known of that second question until the first time before this meeting started. It raises one question in my mind. I wonder what your response would be. At various times in this City Council, questions have come up where members have been divided by district. And so long as the

district was taken care of so that the District Councilmember thought he or she was protecting the members according to the way they felt, the member would not have much interest in what happened in the rest of the City. Based upon the experience that developed on that basis, it seems to me that why would a school that had a lot of independence would say, our parent-teacher association is dead set against privatization, but I doubt if the questionnaire comes to us we're ready to say no. What would we care about anybody else. Have you given any thoughts to that kind of question? In other words, I'm concerned that were there a ballot question that becomes easy for people to vote yes on the main question feeling very comfortable that when it comes home to their local school board, they'll still have a chance to vote no. I was wondering has there been any thought given to that?

MS. YANOFF: Well, Councilman, I'm sorry that we don't have a proposed language in front of you either because of the events of yesterday and the time necessity of this ballot question if it's going to be on the ballot, there was not enough time to actually analyze and come up with solutions. I

think the most important thing in looking at how we really do improve the quality of public education in this City is for the parents to feel and the students to feel that they do have a voice in shaping their future and they can do something. So that I think that this first question which says, "Shall there been a process," that's all it says, "Shall there been a process?" So I think the critical question is before that anything happens people who are to be the most affected have the opportunity to say no exactly the way you described it. I don't think that we are in a situation where we can necessarily -- I would like to say that we don't need much more support than we have in this state, but we do. And I don't know how much we can control. But I think we should be able absolutely to control the schools that our children go to. And I think that that's a major -- and I think that will actually read down to really improving, seriously improving public education if people feel there's actually an electoral connection between what happens in their schools and what happens -- how the people who are supposed to be governing them vote.

COUNCILMAN COHEN: Let me raise another

question. I suspect that Council Ortiz would raise it were he here. He referred to a question of balkinization. He expressed concerns at various times about maybe Edison will only take some schools and not others and will that result in different standards of education throughout Philadelphia. What thoughts would you have on that by making it possible for there to be not one system throughout Philadelphia, but different systems depending on the votes of individual schools?

MS. YANOFF: I think, Councilman Cohen, that without any action on this ballot question, it is likely that there's going to be some balkination, unfortunately. The question is how do we deal with that, how do we create a governance structure that makes sure that there are some things that we guarantee everybody and that there is a voice to be heard. And I think that's where we are right now. I mean, how do we, for instance, make sure -- how do you as a governing body make sure that certain kids are signed up for certain schools and certain kids are said they shouldn't go there, too hard to educate? How do we make sure that there's not discriminatory practices? How do we make sure that

there's special ed in every school? How do we do that? We can only do that in partnership, the citizens, the parents, and their government. And this is one connection that is possible to draw. And in the absence of another one, I would urge that we consider this one.

COUNCILMAN COHEN: Thank you very much. Because I'm just hoping we find lots of methods for the voters to express strong confidence in a public school system and enough participation by the public to produce the kind of results you talk about.

MS. YANOFF: Well, you know I certainly do. Thank you very much.

COUNCILMAN COHEN: Thank you, Madam Chair.

COUNCILWOMAN BLACKWELL: You're welcome. Are there other questions?

Thank you very much.

Is there anyone else here to testify on this bill?

Thank you very much. We will stand at ease until we get further instruction on the vote on this bill.

(Council at ease.)

COUNCIL PRESIDENT VERNA: It's my understanding we have one witness that just walked in that would like to be recognized. Please identify yourself for the record and proceed with your testimony.

MS. SUGARMAN: Good afternoon. My name is Fran Sugarman. I'm a parent in the City of Philadelphia. I'm also an educational consultant and I am involved in the Coalition to Support Full Funding that has been started with some groups that were here today.

Basically, as a parent and as a Philadelphia resident and a strong believer in public schools, I'm here to strongly advocate that the public needs to have some input, serious input into the decisions being made about the future of our public schools. A lot of us feel that the decision to allow Edison to have a contract to evaluate the School District was done behind closed doors. I think it's been made pretty self-evident that there's a clear conflict of interest here that Edison is going to be evaluating the School District, at the same time Edison clearly wants to run parts, if not all, of the School District and to

still have them to do an evaluation when they have a self-interest in the outcome seems a little bit unclear.

But basically my main message to Council is that the public needs input, needs to decide the future of our public schools. If you expect public school parents to stay in Philadelphia to support the schools, they need to decide whether a company like Edison is going to be running their schools or not. And I would support Councilman Nutter's bill that will allow it to come before a referendum for the public so the public can decide.

In New York City, parents were able to decide by school whether Edison was going to be involved in running their schools. We need a similar type of thing to happen here. I think the future of our schools is at stake here. All of us know that many people are possibly leaving the City or have questions about staying in the City because of public schools. So shouldn't this public have a right to decide what's going to happen in terms of the future of their school? That is my main message here to Council today, to please let the public have serious input as to what is the future of the

schools in regards to Edison.

COUNCIL PRESIDENT VERNA: Thank you very much. Thank you for taking the time to come in to express your views.

Are there any other witnesses?

COUNCILMAN NUTTER: Madam President?

COUNCIL PRESIDENT VERNA: Yes. Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam President. Madam President, there was discussion on the record earlier with regard to some testimony by representatives from PCCY and the ACORN organization regarding the issue of parental involvement or approval of the proposed privatization of an individual school. And out of that discussion and hearing about that particular conflict -- I apologize for not being in room at the time that discussion was going on, but I was listening to it -- I wish to put forward one amendment. It would be on the second page of the Resolution 010532. There would be an additional (iii) that would read --

COUNCIL PRESIDENT VERNA: I'm sorry, what page is that on, Councilman?

COUNCILMAN NUTTER: Page 2 of the Resolution. The Section 12-200.

COUNCIL PRESIDENT VERNA: Okay.

COUNCILMAN NUTTER: There is language in italics. The last sentence of which says "and (ii)," I would propose striking the "and" and at the end of the word "at" insert "and (iii) that a majority of the parents of the school age children registered at any school shall have approved the privatization of each such school."

COUNCIL PRESIDENT VERNA: Are there any questions on the amendment?

The Chair recognizes Councilman Cohen.

COUNCILMAN COHEN: This is addressed to Councilman Nutter. Is there a time limit on when the vote takes place under your amendment? And is it just one vote? And what happens when the parents -- each year new students come in, new parents appear. Is there an opportunity for a later vote the following year or the next year? Have you dealt with any of those? Or just give me your opinion on it. Those are the ideas that come to my mind.

COUNCILMAN NUTTER: Actually, I

appreciate it and you are, a usual, very quick. I would envision that just like the current environment that virtually any year or every year, for instance, parents can decide to potentially have their school function as a charter school. I think that new parents coming in, quite frankly, should not necessarily be completely bound or have their voices lost in that discussion. If you have a new group of parents, whatever the grade maybe, but in any year, certainly the parents should be able to take that kind of action if they make that choice then that democratic entity presents an opportunity for that group of parents at that point in time to make that decision.

The short answer to your question is no, there is no set time period in the amendment as proposed. If you have any suggestions, I'm open.

COUNCILMAN COHEN: I frankly don't know whether it's good to have the question come up every year or have it decided once for all time.

COUNCILMAN NUTTER: Councilman, as you even posed the question, you well know that new parents come to the school. It becomes -- I think it is virtually six in one hand, half a dozen in the

other. You could probably argue either way and you would be very persuasive either side you were on. But there's an argument that says, yes, if a decision is made, at least for that moment people should deal with that. New people coming should have an opportunity to express their voice. If they are bound either by decisions that people made three years ago, you know, is there fairness in that? So I think at the school level, we still need to give the parents of the school age children some opportunity to express themselves.

COUNCILMAN COHEN: Thank you.

Thank you, Madam Chair.

COUNCIL PRESIDENT VERNA: Thank you.

Are there any other questions from members of the committee?

Seeing none, this will conclude the public hearing on Bill No. 010527 and Resolution 010532.

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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING

COMMITTEE OF THE WHOLE

- - -

Wednesday, September 12, 2001

- - -

Public Meeting conducted by the Committee of the whole, held in Room 401, City Hall, Philadelphia, Pennsylvania, on the above date, to consider action on the following:

BILL NO. 010527

RESOLUTION NO. 010527

- - -

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA

COUNCILWOMAN JANNIE BLACKWELL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK J. DI CICCO
COUNCILMAN WILSON W. GOODE, JR.
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN W. THACHER LONGSTRETH
COUNCILMAN RICHARD T. MARIANO
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO
COUNCILWOMAN MARIAN B. TASCO

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COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman Nutter.

COUNCILMAN NUTTER: Thank you, Madam President. Madam Chair, I would move to adopt the proposed amendment to Resolution 010532 as read into the record at the earlier hearing.

(Duly seconded.)

COUNCIL PRESIDENT VERNA: It has been moved and seconded that the amendment be adopted.

All in favor will signify by saying aye.

(Aye.)

COUNCIL PRESIDENT VERNA: Those opposed?

(No response.)

COUNCIL PRESIDENT VERNA: The ayes have it. The amendment has been adopted.

The Chair recognizes Councilman Nutter regarding Resolution No. 010532.

COUNCILMAN NUTTER: Thank you, Madam Chair. I move that Resolution 010532, as amended, be reported out of this committee with a favorable recommendation.

(Duly seconded.)

COUNCIL PRESIDENT VERNA: It has been moved and seconded that Resolution No. 010532 be

9/12/01 - PUBLIC MEETING - BILL 010527, RES. 010532

reported out of committee with a favorable recommendation, as amended.

All in favor will signify by saying aye.

(Aye.)

COUNCIL PRESIDENT VERNA: Those opposed?

(No response.)

COUNCIL PRESIDENT VERNA: The ayes have it. And the motion has been adopted.

The Chair recognizes Councilman Nutter regarding Bill No. 010527.

COUNCILMAN NUTTER: Thank you, Madam Chair. Madam Chair, I move that Bill No. 010527 be reported out of this committee with a favorable recommendation and further recommendation that the rules of Council be suspended to permit first reading at our next session.

(Duly seconded.)

COUNCIL PRESIDENT VERNA: It has been moved and seconded that Bill No. 010527 be reported out of committee with a favorable recommendation, also a recommendation that the rules of Council be suspended so as to permit first reading at our next Council session.

All in favor will signify by saying aye.

(Aye.)

COUNCIL PRESIDENT VERNA: Those opposed?

(No response.)

COUNCIL PRESIDENT VERNA: The ayes have it. And the motion has been carried.

Council will stand in recess for 20 minutes. And at that time, we will consider the other bill scheduled before the Committee of the Whole. Thank you all very much.

(Council adjourned at 4:50 p.m.)

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

I HEREBY CERTIFY that the foregoing proceedings of the Council of the City of Philadelphia of September 12, 2001, were reported fully and accurately by me, and that this is a correct transcript of the same.

RE: COMMITTEE OF THE WHOLE

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Lisa C. Bradley, RPR
and Notary Public