

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, June 11, 2013
1:10 p.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN

BILLS 130059, 130251, and 130324
RESOLUTION 130073

- - -

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COUNCILMAN GREENLEE: Good

3

afternoon, everyone. This is the

4

Committee on Law and Government. We have

5

a quorum consisting of myself and

6

Councilman Kenney, Vice Chair of the

7

Committee, Councilman Green, and

8

Councilman Henon and Councilman Goode.

9

Ms. Marconi, will you please

10

read the title of the first bill before

11

us today.

12

THE CLERK: Bill No. 130324, an

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ordinance amending Chapter 2-200 of The

14

Philadelphia Code, entitled "Recording of

15

Deeds," and Chapter 10-1000 of The

16

Philadelphia Code, entitled "Fees," by

17

adding duties for the certification of

18

deeds, providing for tangled title

19

assistance, providing for certain fees

20

and making certain technical changes, all

21

under certain terms and conditions.

22

COUNCILMAN GREENLEE: Thank

23

you.

24

Commissioner Decker can come

25

up, but before we start, I just want to

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 make a real brief statement.

3 I think most people know that
4 myself and my office and other
5 Councilmembers, particularly including
6 Councilwoman Sanchez, have been working
7 now for years dealing with the issue of
8 property theft through the filing of
9 fraudulent deeds. The bill before us
10 today is part of that continuing effort
11 to thwart the efforts of property
12 thieves.

13 Just to be clear, I'll be the
14 first to admit that this bill doesn't
15 solve the entire problem, but it keeps
16 going in the right direction to put as
17 many warnings and roadblocks in place to
18 protect people's homes and to avoid the
19 creation of a second victim -- and I
20 think this is very important -- to avoid
21 the creation of a second victim who buys
22 a house they believe to be free and
23 clear.

24 I want to thank Commissioner
25 Decker and other members of the

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 Administration for their assistance in
3 drafting this bill and the amendments as
4 she will discuss.

5 I also want to mention that I
6 met yesterday with Kathleen Wilkinson,
7 Chancellor of the Philadelphia Bar
8 Association, and others who pledge their
9 assistance in addressing this problem,
10 and there will be a letter from
11 Ms. Wilkinson put in detailing her
12 involvement.

13 As I've said before, in the end
14 we really need state legislation to more
15 thoroughly deal with deed theft, and
16 there are laws presently cooking up in
17 Harrisburg that I hope will be helpful.
18 In the end, I believe it is our
19 responsibility as government officials to
20 do all we can to help innocent and
21 vulnerable Philadelphians on this very
22 important issue.

23 Any comments or questions from
24 the members?

25 (No response.)

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2 COUNCILMAN GREENLEE: Seeing
3 none, Commissioner, please identify
4 yourself and proceed.

5 And for everyone, for anyone
6 who has written testimony, it will be
7 made part of the record. If they could,
8 if they could summarize their statements,
9 that would be great.

10 Commissioner.

11 COMMISSIONER DECKER: Good
12 afternoon, Councilman Greenlee and
13 members of the Committee on Law and
14 Government. My name is Joan Decker and I
15 serve as the Records Commissioner in the
16 City of Philadelphia and I'm here today
17 to testify in favor of Bill No. 130324,
18 which was introduced by the Councilman,
19 Councilman Greenlee, on April the 25th of
20 2013. And I will summarize. Thank you.

21 Thank you, Councilman, for your
22 interest in this very important and
23 serious issue. This bill will require a
24 couple of items, a number of items, and
25 what it requires is for the Records

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2 Department staff to conduct a grantor and
3 grantee name match; in other words, the
4 buyer and seller, that they match up from
5 a prior deed to the current deed. And it
6 also will require a series of
7 documentation depending upon the
8 particular condition, and those
9 documentations include items like a power
10 of attorney, articles of incorporation,
11 letters of administration, testamentary
12 papers and so on related to the
13 particular condition as listed in the
14 deed.

15 It also provides for a notice
16 of the benefits of title insurance and
17 the perils of not obtaining it. It also
18 provides for the distribution of a
19 document notice to every property on a
20 particular city block each time a
21 particular property is transferred. And
22 depending upon the conditions that we
23 need as a result of the check of these
24 requirements, it does require us to take
25 further actions that is as determined

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2 necessary in a particular case, and that
3 usually is interpreted to be some contact
4 with law enforcement.

5 And, again, the Administration
6 is very aware of the problems of
7 fraudulent transfers of property and take
8 this matter very seriously. Just very
9 briefly, the patterns that we see of
10 these fraudulent conveyances really
11 target three general groups, and they are
12 crimes against the elderly where an
13 elderly member or an elderly homeowner is
14 not aware that something is happening and
15 they're really taken advantage of.
16 Sometimes members of their own family
17 will perpetrate the fraud against them,
18 where they really encourage them to sign
19 a document, without the elderly member
20 really being aware of what that document
21 does, only to find out later that the
22 property has been transferred and, in
23 several limited number of cases, the
24 mortgage has been taken out in their name
25 and against their property.

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2 It's also a crime that we see
3 in immigrant populations where there are
4 cultural differences in understandings of
5 basically land records and systems and
6 laws governing them and the role of a
7 notario, which in some communities
8 represents a high level official,
9 generally a lawyer or someone who has
10 legal authority to conduct these types --
11 prepare documents and conduct these types
12 of transactions.

13 And also the other category are
14 really where family members take
15 advantage of one another where they are
16 trying to defraud other family members
17 out of an inheritance.

18 So they're the general
19 categories of this type of crime.

20 The Records Department has and
21 currently does now actually conduct these
22 checks, and any time that I mentioned we
23 perform the name match, we also look for
24 these documentation, as appropriate, and
25 if they are absent, we prepare a

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2 discrepancy notice, which is incorporated
3 as part of the document that is recorded
4 and appears on the public record.

5 We are in weekly communication
6 with law enforcement, the District
7 Attorney's Office, so they are aware of
8 what we are finding of any of these
9 discrepancies. For the past nine years,
10 we have been sending a document notice
11 letter to the property owner each time a
12 deed or a mortgage is recorded against
13 their property.

14 We also believe that really a
15 key to this is consumer education, and we
16 do participate in as much community
17 outreach as possible and participate in a
18 variety of neighborhood and other legal
19 service events.

20 We have asked the Council --
21 we've been working with Councilman
22 Greenlee's office, and we do appreciate
23 the partnership and the collaboration,
24 and we have requested two amendments to
25 the current bill. We would like to -- I

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2 mentioned the title insurance notice, and
3 the way that the current bill currently
4 reads is, it requires a signature. We
5 are somewhat concerned about having an
6 individual sign that particular notice
7 for just the perception that the
8 individual may be waiving his rights, his
9 or her rights. So we request that that
10 signature requirement be eliminated, but
11 not the notice itself. And we also
12 request that the notice letter, the
13 distribution to every property owner on a
14 block, on a city block, be made a little
15 bit more flexible. We would like to be
16 able to test and implement a couple of
17 solutions, test and monitor to make sure
18 that it's the most effective method of
19 distribution for this notice, and then be
20 able to retool and change as we think
21 might be more effective.

22 So, again, I thank the
23 Councilperson for working with us and for
24 meeting with us and addressing our
25 concerns, and I am happy to answer any

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2 questions you may have.

3 COUNCILMAN GREENLEE: Thank
4 you, Commissioner, and thank you, you and
5 your office, for your help on this. I
6 know as this process has gone on,
7 sometimes you and I have disagreed a
8 little bit, but I really appreciate your
9 cooperation in this and your concern for
10 this important issue. And, as you said,
11 this is -- there's probably more that
12 needs to be done, particularly through
13 the state, but we're trying to do what we
14 can do here locally to protect people,
15 and I appreciate that.

16 I just had one question. Do
17 you have an estimate on how many people
18 that come in that don't have title
19 insurance when they come in and file? Is
20 there even a rough idea about how much it
21 would be?

22 COMMISSIONER DECKER: I would
23 say just in general, a rough estimate
24 might be about 10 percent or so.

25 COUNCILMAN GREENLEE: Ten

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2 percent?

3 COMMISSIONER DECKER: Yeah.
4 Maybe a little bit more, a little bit
5 less, yes.

6 COUNCILMAN GREENLEE: All
7 right. Thanks.

8 Any questions for the
9 Commissioner?

10 (No response.)

11 COUNCILMAN GREENLEE: Seeing
12 none, thank you very much.

13 COMMISSIONER DECKER: Thank
14 you.

15 COUNCILMAN GREENLEE: The
16 record should reflect that Councilman
17 O'Brien, a member of the Committee, is
18 also present.

19 THE CLERK: Laura Fox of the
20 Land Title Association.

21 (Witness approached witness
22 table.)

23 COUNCILMAN GREENLEE: Please
24 identify yourself for the record and
25 proceed. Again, we have your written

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2 testimony.

3 MS. FOX: Thank you. Good. My
4 name is Laura Fox and I am the Chair of
5 the Legislative and Judicial Committee of
6 the Pennsylvania Land Title Association.
7 I'm also a practicing attorney and have
8 been in Pennsylvania and Philadelphia for
9 the last 30 years.

10 The PLTA, as we're known,
11 represents the title insurance industry
12 comprised of title insurance
13 underwriters, where I'm presently
14 employed, and title agents who do all of
15 the -- in essence, all of the closings in
16 the City of Philadelphia and pretty much
17 the State of Pennsylvania, except for
18 some of the counties that still use only
19 lawyers. We are in and consider
20 ourselves to be in the front line of
21 preventing deed fraud throughout the
22 state and certainly in the City of
23 Philadelphia, where when it occurs after
24 we've insured, we pay -- we hopefully
25 take care of and pay many of those

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2 claims. So it's very important to us,
3 because it's a huge part of what happens.

4 And while we appreciate
5 Councilperson Greenlee's efforts to
6 combat this terrible threat to the
7 American dream of homeownership, we are
8 very concerned that this bill does not
9 accomplish that goal. By the time the
10 deed gets to the Recorder's Office, the
11 fraud has occurred. That's the biggest,
12 biggest problem, and the real big problem
13 is unwinding it afterwards, which is
14 terribly difficult and expensive. And in
15 terms of this bill, the fraud that's
16 occurred would not be stopped by the
17 costly measures that this bill requires
18 of the Commissioner of Records.

19 In my example -- and I've got
20 many, many of them, because I've been
21 particularly doing this myself for many
22 years, involved in some of the committee,
23 et cetera. In one of the most recent and
24 egregious deed fraud cases that you
25 probably all are aware if you read the

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2 paper, the ones that were allegedly
3 forged by Ms. Thomas would have passed
4 the scrutiny of this bill. Every deed
5 that she presented would have been
6 passed, because the criteria she and
7 whoever did it with her and most people
8 are very, very good. It's very rare that
9 the fraudulators, as we call them, do not
10 find the correct owner of the property
11 and, therefore, they simply forge, along
12 with the notary, whatever name is on the
13 last deed of record.

14 We are very concerned that
15 adding an additional review that is not
16 required by state law but is now being
17 posed on the Philadelphia Commissioner of
18 Records will be an impediment to
19 recording for all of the City, at a time
20 when the real estate economy is slowly
21 recovering and more documents will be
22 presented for recording.

23 In order to maintain the flow
24 of commerce in this great city, it is
25 imperative the documents be recorded

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2 timely or other fraud and problems can
3 occur. This bill would require employees
4 of the Department of Records which
5 handles the recording for over 150,000
6 documents annually to undertake a legal
7 analysis and evaluate property transfer
8 documents without the expertise or
9 insurance underwriting provided by the
10 title insurance.

11 I mean, I know what we do, and
12 we do prevent some. We don't prevent
13 all, which is why we pay claims, but I
14 know what we do, and to think that the
15 employees of the City can do this easily
16 without causing a huge delay is very
17 concerning to us.

18 The procedure would expose the
19 City to the liability for errors in
20 judgment without improving the recording
21 process or helping detect fraud. And the
22 Philadelphia Department of Records is
23 subject to a court order in mandamus in
24 the case of the PLTA, Pennsylvania Land
25 Title Association, versus the City of

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2 Philadelphia for the January Term 1997,
3 which directs the City of Philadelphia to
4 follow state law in timely recorded index
5 deeds and other documents if they meet
6 the requirements imposed by state law.

7 And having practiced for this
8 long, I was involved in a round when that
9 case was done, and that was because --
10 and it was right before Commissioner
11 Decker was here, but -- and I can't tell
12 you how much she's improved the Recorder
13 of Deeds Office. It is now -- it went
14 from a recorder that we sued in '97 to
15 now 15-plus years later to basically one
16 of the best, if not the best, recorders
17 office in the state, and she has been the
18 person who has done that. So there's
19 nothing I can't say except wonderful
20 things about her, but I am worried,
21 having lived through from '80 to '97 when
22 I first practiced, a recorder of deeds
23 that went from okay, I guess, to just
24 horrible to the point that documents were
25 now nine months in delay of recording.

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2 It caused horrendous problems for
3 everyone, and we actually had to sue, and
4 I just hate to think that that could
5 happen again, even though I do have faith
6 in Commissioner Decker.

7 And although I hope there's
8 some funding for this extremely costly
9 review process, such funds in this
10 already cash-strapped city where I live
11 and work could be utilized much better to
12 stop deed fraud by education and outreach
13 to the citizens who may be the next
14 victims. And I know that the biggest
15 problem to me is the fact that the
16 education and outreach that needs to be
17 done is difficult to do. It's not quick.
18 It's not easy. And we do it certainly as
19 the Land Title Association, but that's
20 really what I think has to happen, so
21 that people get to -- so that I can pay
22 those claims. I mean, I don't say that
23 very often, but I want those people to
24 come in our office and have those
25 closings with a title agent or

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2 underwriter, whatever, who knows what
3 they're doing. And if they miss it, if
4 they can't stop it, then we're going to
5 have to take care of it.

6 And in addition, those same
7 funds could be and should be directed to
8 existing groups, Philadelphia VIP and
9 LRIS, that help the victims recover their
10 stolen property, a time-consuming and
11 costly process for those same victims
12 that have lost their homes.

13 PLTA supports statewide efforts
14 to prevent and deter fraudulent
15 conveyances of real estate before it
16 occurs and offers to work with the City
17 and other interested parties to develop
18 legislation and to prevent or deter
19 fraudulent conveyances of real estate.

20 As Councilperson Greenlee
21 mentioned, there are some bills pending.
22 We're working with those trying to -- and
23 some of them talk about more penalties
24 for notaries and some other stuff that I
25 think will help. And, therefore, we

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2 oppose City Bill No. 130324 and any
3 similar legislation which would impose
4 restrictions and new procedures on the
5 recording of deeds too late in the
6 process to stop fraud and will cost
7 additional title and administrative
8 problems.

9 Thank you. I'm happy for any
10 questions.

11 COUNCILMAN GREENLEE: Ms. Fox,
12 a few questions. I know Councilman Green
13 has a question too.

14 First of all, you said about
15 the faith in Commissioner Decker and what
16 she has done. You heard just a couple
17 minutes ago she supports this bill.

18 MS. FOX: No; I understand
19 that. I do. I still think it's going to
20 be tough. I understand she -- and if
21 nothing else, I'm here to say then
22 please, please, please give her funds,
23 because it's going to be really tough to
24 do in an economy that's increasing. I
25 mean with means documents.

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2 COUNCILMAN GREENLEE: And you
3 say I think in the beginning by the time
4 the deed gets to the Recorder's Office, a
5 fraud has occurred. Isn't it true the
6 buyer or the grantee may have been
7 defrauded but the recorded owner is not
8 affected until the actual deed is
9 recorded, right?

10 MS. FOX: No, because the state
11 law says that delivery of a deed is when
12 the transfer occurs and usually the money
13 has occurred. It can make it a slightly
14 easier process if it's found then,
15 although, again, I think that very, very
16 few of those are going to be stopped
17 here. So that state law says delivery of
18 a deed, and that happens in good cases
19 where simply someone forgets to record a
20 deed, and that's still considered later.
21 So that it could help stop some of that
22 process, but if the money is already
23 passed hands and the delivery, it's still
24 very, very difficult to unwind.

25 COUNCILMAN GREENLEE: And isn't

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2 it true that oftentimes part of this
3 problem is the second victim, the person
4 that buys the property that they think is
5 free and clear and is not? And wouldn't
6 this bill particularly help them, because
7 if there's problems, it would be stamped
8 non-certified. So if they check --

9 MS. FOX: But the only
10 problem -- I agree there are second
11 victims. There's no question. But the
12 problem is is that -- first of all, I
13 think the not certified can have its own
14 issues, which I actually have meant to
15 include in this and hadn't. But if the
16 second victim, unless it's not -- unless
17 it's refused, the second victim -- as I
18 said, almost all of the transfers that we
19 ever see, including the ones that even
20 happen in our office, the forged
21 documents are very good and it's not
22 stopped, but I don't think the second
23 victims -- I don't think it's going to
24 make any difference. I just don't.
25 That's not --

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2 COUNCILMAN GREENLEE: I have to
3 say, we've dealt with, by now, hundreds
4 of cases of these. People come in our
5 off. Ms. O'Connell that's here has
6 walked people through the process to try
7 to help them, and I would respectfully
8 disagree with you. I think it would
9 definitely help. And let me tell you,
10 some of these thieves are very
11 sophisticated and good at what they do
12 and some are just sloppy. And
13 unfortunately the employees down there
14 because of the law -- and you're right --
15 have to take this. And you talk about
16 putting more on the employees, there has
17 been employees down there who have told
18 me, Please give us more teeth so we can
19 do more to try to stop this. These are
20 the people who see it every day and who
21 will tell us that some of this stuff that
22 we have to take, we're embarrassed to do
23 it. So these are the employees.

24 And you also say about a huge
25 delay. You previously expressed

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2 confidence in Commissioner Decker to run
3 the department. Now you're saying there
4 will be this huge delay. Why?

5 MS. FOX: Because I know the
6 kind of review that this bill at least in
7 theory imposes can cause, and maybe there
8 will be -- because I know that it allows
9 for funds -- I mean increase in recording
10 fees, which is a different issue, but
11 unless those funds are directed to her
12 office to allow her -- and maybe they
13 will be, but I know --

14 COUNCILMAN GREENLEE: Well,
15 that's the idea.

16 MS. FOX: I know, but it's
17 never quite clear in there. That I do
18 think that you need to do this kind of
19 review, you need additional employees.
20 That's the other part of what I'm saying.
21 But my understanding is is that -- and we
22 see them -- is that there are very few
23 where simply looking at the deed and, in
24 essence, the matching part of this is
25 going to be stopped. Even by what I have

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2 understood are the current review that's
3 going on, there are very few. They're
4 not hundreds. There's like ten or
5 something in the first half of the year
6 or last year.

7 Now, I'm not saying it won't
8 stop a few, and then it's a balancing act
9 of how much money to do it, because I
10 just don't see -- most of the frauds are
11 very good unfortunately.

12 COUNCILMAN GREENLEE: I don't
13 know about that, but last question bring
14 I recognize Councilman Green. You say
15 about the balancing act. It seems to me
16 to take -- and I don't think it's going
17 to be a huge delay, and we can disagree
18 on that, but to take some time and maybe
19 some delay to possibly, just possibly
20 save people being in court for a year and
21 a half or, as one gentleman had to do in
22 North Philly, sit across renting a
23 property while he's looking at somebody
24 going in the property he stole. Or I
25 could fill this room with --

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2 MS. FOX: Oh, yeah. There are
3 some egregious --

4 COUNCILMAN GREENLEE: Let me
5 finish. I could fill this room with
6 people who have been defrauded and has
7 come just to our office, and I'm sure
8 we're not dealing with all of them,
9 although it seems that way sometimes.
10 Isn't it worth that time to save those
11 people, the most vulnerable people, and
12 if it takes a little bit more time, so be
13 it, in my opinion.

14 MS. FOX: But it's a balancing
15 act.

16 COUNCILMAN GREENLEE: Right.

17 MS. FOX: When documents get
18 too delayed overall and suddenly
19 mortgages get in the wrong order for
20 other people who creates all sorts of
21 other problems or judgments get ahead of
22 mortgages that are supposed to be first,
23 whether it's for banks or for title
24 insurance companies, a small delay,
25 there's always some small delay, every

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2 recorder across the state. The question
3 is, when it got to be nine months in '97,
4 it was horrendous. So --

5 COUNCILMAN GREENLEE: You said
6 that was a different commissioner, and it
7 was for different reasons. It seemed to
8 me back then it was just for whatever
9 reason, they didn't have it together down
10 there. We're talking something
11 different, and I think Commissioner --

12 MS. FOX: And I do. I
13 actually -- because it's true, I have the
14 utmost confidence in Commissioner Decker,
15 but it seems to me it's a terrible,
16 terrible burden and it is our concern,
17 because we lived through that and we
18 suffered many, many claims because of
19 that.

20 COUNCILMAN GREENLEE: Just the
21 last thing. Commissioner Decker I think
22 stated that she already does a lot of
23 this already, tracking things. So she
24 does a lot of it already, and have you
25 noticed a big delay yet?

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2 MS. FOX: No, not yet, but what
3 we're also realizing -- and I've actually
4 had this conversation with her -- is, we
5 all agree that the documents volume is
6 increasing right now, and that's a great
7 thing. People really are buying houses
8 and mortgaging more, and we're all very
9 happy in the real estate community. So
10 the question is, at what point will
11 that -- it happens to be timing, and as I
12 said, it's only a good thing. Is it
13 going to impede with this additional --
14 because there's more review now than what
15 she has been doing when you get to
16 corporate documents and powers of
17 attorney and estate stuff.

18 COUNCILMAN GREENLEE: There's
19 going to be more and --

20 MS. FOX: And difficult.

21 COUNCILMAN GREENLEE: I think
22 it's needed.

23 Councilman Green.

24 COUNCILMAN GREEN: Thank you.

25 Councilmember Greenlee,

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2 Chairman Greenlee, asked pretty much
3 everything I wanted to ask, but I will
4 say what is -- it's not clear to me from
5 your testimony or from your response to
6 Chairman Greenlee's questions what harm
7 you're trying to prevent with your
8 testimony against this bill. In other
9 words, as you say, very excellent Records
10 Commissioner says no problem. What harm
11 are you trying to prevent?

12 MS. FOX: The harm I'm trying
13 to prevent is the fact that if this is
14 done notwithstanding -- and you've heard
15 my respect for her -- that
16 notwithstanding that, that I think it's
17 going to be more overwhelming than she
18 said. And my other point is, I really
19 would like -- if there is any funds to be
20 able to do the outreach and the education
21 to get those people to a title insurance
22 agent first to do that conveyance. Not
23 even because we want the business; it's
24 really in the lower end business, which a
25 lot of it is.

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2 COUNCILMAN GREEN: That's kind
3 where I was going. Maybe the harm you're
4 trying to prevent is people won't get
5 title insurance.

6 MS. FOX: Well, no, but the
7 lower end business we lose money on, the
8 way rates are done. But we would -- it's
9 true. You can look at that stuff. I
10 mean, the lower rates are low compared to
11 where the higher rates the way it works,
12 and it's a lot of work, but we're
13 actually saying just get the education
14 and outreach, get them to lawyers, get
15 them to lawyers to prepare deeds. Forget
16 title agents who can't prepare deeds,
17 unless we're insuring. Get them to
18 lawyers, because it's a specialized
19 practice of law. Get them to people to
20 prepare it the right way and we can help
21 stop the fraud. That's the problem.

22 COUNCILMAN GREEN: Generally
23 speaking, though, a mortgage company is
24 going to require title insurance. So
25 we're only talking about --

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2 MS. FOX: We're talking

3 about --

4 COUNCILMAN GREEN: -- deeds

5 without, right, mortgages?

6 MS. FOX: But that's where they

7 occur. That's where this fraud occurs.

8 COUNCILMAN GREEN: Yes, but --

9 so we're talking about potentially 10
10 percent of all deeds and then far fewer
11 than that because you have experienced
12 people in that office who maybe have a
13 bad feeling, understand who is before
14 them and will take a look when they deem
15 it's appropriate where -- in other words,
16 they're going to use their judgment in
17 that office and they're going to exercise
18 their judgment. They're professionals at
19 what they do. They do a good job. It's
20 the best in Philadelphia -- I mean in
21 Pennsylvania.

22 And so I haven't heard you
23 articulate a harm. I've heard you
24 articulate a feeling that it is not going
25 to make a difference, but I think what

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 Councilman Greenlee is trying to do is
3 trying to make a difference. And so for
4 that reason, I don't find any of your
5 objections valid, but thank you for your
6 testimony.

7 MS. FOX: That's fine. I mean,
8 unfortunately I guess I feel like then I
9 haven't expressed it well, because where
10 I really want this money to go is to the
11 exact place that Councilperson Greenlee
12 said to undo the costly -- the LRIS and
13 the VIP, the tangled title cases, which I
14 have worked on before, where it costs so
15 much money to get them undone, and I
16 don't think that, as I said in my
17 testimony, the alleged ones by
18 Ms. Thomas, who passed the scrutiny of
19 the Recorder's Office properly, and it
20 wouldn't change it and they all have to
21 get it undone, at huge cost, huge cost.

22 COUNCILMAN GREENLEE: And we're
23 not saying that this is the thing we're
24 doing. We're doing a lot of that
25 outreach and a lot of the other things

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 that you discussed. So this is just
3 part. And I think I said that right in
4 the beginning of the hearing. This is
5 just part of what we're trying to do to
6 deal with this.

7 Are you familiar with Allegheny
8 County and what they do?

9 MS. FOX: Mm-hmm.

10 COUNCILMAN GREENLEE: You know
11 this bill is based mostly on their --

12 MS. FOX: Right, although
13 that's not a bill and I've worked --

14 COUNCILMAN GREENLEE: But it's
15 what they do, correct?

16 MS. FOX: But they do it for
17 description purposes. They do very
18 little with the names even though the
19 name part is part of the -- it's not an
20 actual city thing. It's something the
21 recorder developed.

22 COUNCILMAN GREENLEE: It's set
23 up differently there.

24 MS. FOX: Right. But, yes,
25 I've talked to them and have worked with

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 those people, and they basically don't --
3 they do have some fraud there, not as
4 much, thank goodness, but they've done it
5 mostly, which is similar to what the BRT
6 now -- they've done on description
7 issues. But they did it mostly for that,
8 and they do very little name checking, a
9 little bit but very little.

10 COUNCILMAN GREENLEE: Well,
11 maybe because we have more than they do,
12 we need to do more.

13 MS. FOX: Oh, no. I think we
14 do need to do more, and I think we're
15 actually doing it and I don't think it's
16 stopping most of it. That's why --

17 COUNCILMAN GREENLEE: I don't
18 think that's a good reason to say we
19 haven't stopped it yet, so we shouldn't
20 do more.

21 MS. FOX: No, no. I think we
22 should do other things. That's all I'm
23 saying.

24 COUNCILMAN GREENLEE: Any other
25 questions?

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2 (No response.)

3 COUNCILMAN GREENLEE: Seeing
4 none, thank you.

5 MS. FOX: Thank you.

6 COUNCILMAN GREENLEE: Is there
7 anyone else here to testify on Bill No.
8 130324?

9 (No response.)

10 COUNCILMAN GREENLEE: Seeing
11 none, Ms. Marconi, will you please read
12 the title of the next bill before us.

13 THE CLERK: Bill No. 130251, an
14 ordinance amending Chapter 13-100 of The
15 Philadelphia Code, entitled "Water
16 Rates," and amending Chapter 13-200 of
17 The Philadelphia Code, entitled "Sewer
18 Rates," by providing for an independent
19 rate-making body and processes and
20 procedures for fixing and regulating
21 rates and charges, under certain terms
22 and conditions.

23 COUNCILMAN GREENLEE: Our first
24 witness is?

25 THE CLERK: Howard Neukrug.

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2 (Witnesses approaches witness
3 table.)

4 COUNCILMAN GREENLEE: Good
5 afternoon, Commissioner. How are you?
6 Please identify yourself and proceed.
7 And, again, we have your written
8 testimony.

9 COMMISSIONER NEUKRUG: Good
10 afternoon and thank you. I have here
11 with me my Chief Financial Officer, Joe
12 Clare, Deputy Commissioner.

13 Good afternoon to Councilman
14 Greenlee and members of the Committee.
15 I'm Howard Neukrug, Water Commissioner
16 for the City of Philadelphia.

17 I'd like to thank City Council
18 President Darrell Clarke and his staff
19 for drafting this very thoughtful
20 legislation. The Water Department stands
21 ready to work with the new water rate
22 board and other stakeholders to establish
23 a rate-setting process that is thorough,
24 transparent, fair, and effective.

25 By using this ordinance as the

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2 template and by working together, I
3 believe we will strike that critical
4 balance between the fair and affordable
5 utility rates and continued investment in
6 our infrastructure.

7 I'd like to highlight a few of
8 the key elements of this ordinance.
9 First, board members are to be highly
10 qualified, dedicated professionals with
11 subject matter and industry-specific
12 experience.

13 Second, the rate-making process
14 is to be open and transparent and
15 predictable. Ratepayers, consumer
16 advocates, and other interested parties
17 all have the right to understand how
18 rates are determined, why the rates are
19 set as they are, who is making the
20 decisions, and how they can have a say in
21 the process. In addition, we know that
22 the longer the rate-setting process
23 takes, the more expensive and uncertain
24 things become. Predictability of the
25 process and the rates are critical to

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 everyone.

3 Lastly, the ordinance sets some
4 basic financial protections so that we
5 will be sure that we will always have the
6 financial capability to operate and
7 maintain our water system without
8 interruption. It also establishes
9 financial standards designed to protect
10 the Department's financial health and
11 reduce the long-term cost of capital for
12 the City's water, wastewater, and
13 stormwater infrastructure. In short, the
14 Water Department supports any rate
15 process that is vigorous, fair, and
16 effective. This ordinance is supported
17 because it provides for an experienced
18 water rate board; ensures an open,
19 transparent, and predictable rate-making
20 process; and includes financial
21 protections to make sure water and sewer
22 services are never in jeopardy.

23 Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you, Commissioner.

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2 Any questions?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing
5 none, thank you very much.

6 COMMISSIONER NEUKRUG: Thank
7 you.

8 COUNCILMAN GREENLEE: We got
9 Mike Helbing from PennFuture, please, and
10 I have Robert Ballenger from Community
11 Legal Services. Why don't you both come
12 up.

13 Is there anyone else here that
14 wants to testify on this bill, 130251?

15 (No response.)

16 COUNCILMAN GREENLEE:
17 Mr. Helbing, why don't go first. Please
18 identify yourself and proceed. And we
19 have both your testimonies.

20 MR. HELBING: Thank you. Good
21 afternoon, Chairman Greenlee and members
22 of the Committee. My name is Mike
23 Helbing. I'm a staff attorney with
24 PennFuture. PennFuture is a statewide
25 environmental organization that works to

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 create a just future in which nature,
3 communities, and the economy thrive. I
4 come before you today to express support
5 for Bill No. 130251.

6 PennFuture strongly supports
7 Green City Clean Waters, the Philadelphia
8 Water Department's stormwater management
9 plan that protects and enhances our
10 waterways with green infrastructure.

11 PennFuture intervened in both
12 the 2009 and 2012 rate proceedings to
13 support stormwater charges based on gross
14 and impervious area and a corresponding
15 credit program for non-residential
16 customers. We are pleased that the most
17 recent rate settlement ensures that the
18 Green City Clean Waters program will be
19 fully funded for the immediate future and
20 that the Water Department may implement
21 the program as planned.

22 Given the outcome of the
23 November ballot question, PennFuture
24 believes that the bill before us today
25 gives Philadelphia the best chance to

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 maintain its infrastructure and
3 appropriately fund the Water Department's
4 stormwater initiatives.

5 To be clear, we prefer that the
6 final rate-setting authority rests with
7 the Water Commissioner, but given that
8 the ballot question was overwhelmingly
9 approved, this bill affords the Water
10 Department the best chance to continue
11 its innovative stormwater work and
12 adequately fund Green City Clean Waters.

13 This ordinance provides for a
14 transparent, diverse, professional
15 rate-setting board consisting of at least
16 one consumer advocate. We understand
17 that the Water Department is committed to
18 providing data and other necessary
19 information to assist the board in its
20 deliberations.

21 PennFuture strongly supports
22 the minimum financial standards outlined
23 in the bill. The Department needs the
24 basic fiscal certainty to protect our
25 water supply, maintain aging

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 infrastructure, and adapt to unforeseen
3 economic circumstances. The absence of
4 these minimum financial protections could
5 threaten the Water Department's ability
6 to make badly needed investments in
7 crucial infrastructure. PennFuture also
8 supports a rate period of at least three
9 years to allow the Department to
10 adequately plan and prioritize with some
11 level of short and mid-range certainty
12 and to avoid abrupt changes in rates from
13 year to year.

14 For these reasons, we urge you
15 to approve this bill from Committee and
16 send it to Council for a full vote.

17 Thank you.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 Mr. Ballenger.

21 MR. BALLENGER: Good morning,
22 Mr. Chairman Greenlee, members of the
23 Committee on Law and Government. My name
24 is Robert Ballenger. I'm an attorney in
25 the Energy Unit at Community Legal

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2 Services where I focus on utility
3 matters. I recently served as counsel in
4 my firm's role as Public Advocate
5 representing the approximately 450,000
6 residential customers of the Water
7 Department in its most recent 2012 rate
8 increase. My colleague and co-counsel,
9 Thu Tran, testified on April 14th, 2012
10 before Council regarding Council's
11 proposal to create an independent water
12 rate-making board and expressed our hope
13 that that proposal would lead to a more
14 open and transparent process for setting
15 water, sewer, and stormwater rates.

16 Unfortunately, I don't believe
17 Bill 130251 accomplishes that objective,
18 and in fact, it could result in less
19 meaningful oversight and more arbitrary
20 rate-making. The bill would require a
21 likely increase in rates during the Water
22 Department's next rate increase, because
23 it establishes financial, substantive
24 financial, standards that are embedded in
25 rates. There are three that I would like

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2 to touch on: a requirement for cash
3 reserves, a requirement for capital
4 investments funded directly from current
5 customer rates, and revenues required
6 from current customer rates that would
7 fund operations. Based on what we know
8 from the last rate case, which settled a
9 mere six months ago, these new financial
10 standards could require a substantial
11 increase from customers in a single year.

12 I want to acknowledge, however,
13 that I believe the Department and I view
14 one of those substantive standards
15 differently, and that turns on whether
16 one reads the provision concerning 120
17 days of working capital as including
18 current operating funds. If it does,
19 then the number that I provided in my
20 testimony is likely overstated. If it
21 does not, then I believe the numbers I
22 provided are a conservative estimate.

23 The standards will certainly
24 translate into substantially higher
25 customer rates regardless of that

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2 interpretation, and they provide little
3 discretion to the board to determine in
4 fact what reasonable rates should be and
5 what reasonable reserve levels should be
6 for the Water Department in balancing the
7 needs of its customers.

8 The bill, frankly, provides
9 little very little authority to the board
10 to evaluate those standards and gives the
11 Water Department discretion to estimate
12 its future needs and charge customers for
13 them currently. In those respects, the
14 bill does not establish open and
15 transparent processes and procedures and
16 in fact shields the Water Department's
17 changes and rates from public examination
18 and meaningful review. So contrary to
19 giving the board the authority to set
20 rates, Bill 130251 likely ties its hands.

21 I'd like to agree with
22 Commissioner Neukrug that what's
23 important is the process under which new
24 rates are set and that that provides a
25 meaningful opportunity for all

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 stakeholder input. Bill 130251 by
3 omission doesn't tell us what that new
4 process will be, and if we can engage in
5 a collaborative together to determine how
6 rates will be set in the future, we
7 likely can craft something that does in
8 fact promote open and transparent
9 rate-setting.

10 The way I read it, the bill
11 requires the Water Department to maintain
12 reserves of 120 days of anticipated
13 operating debt and capital expenditures.
14 The difference between that capital and
15 the reserves PWD maintains in the
16 residual fund and rate stabilization fund
17 amounts to \$130 million in round numbers.
18 Again, if current operating funds are
19 included, that number is likely
20 overstated. However, in any rate, it is
21 a number that is not challenged, whatever
22 it is, by the board and cannot be
23 downwardly adjusted by the board in
24 setting new rates and charges.

25 The bill also requires the

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2 Water Department to set rates to fund 20
3 to 25 percent of its capital work from
4 current customers rather than by issuing
5 bonds that would cover that capital work.

6 Based on the disclosures from the last
7 rate case, this requirement results in
8 approximately \$27 to \$40 million from
9 PWD's customers in the next rate case.

10 However, again, that number may or may
11 not be accurate given that there's a
12 separate bond requirement that the Water
13 Department deposit 19 and a half million
14 dollars -- that's in current numbers --
15 into its capital account. Our
16 understanding was that this new standard
17 likely applied independently of that
18 existing standard, so we've reflected the
19 higher number there, but that number may
20 be overstated. Regardless, it is a
21 requirement for new funds from customers
22 that is unchallenged by the board. It's
23 mandated by this bill.

24 In addition to those direct
25 costs, the bill imbeds financial

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2 forecasts into the rate-making process.

3 It requires the Water Department to

4 produce a multi-year forecast and

5 so-called financial stability plan to

6 calculate its needs for increased rates.

7 This would codify a practice we've long

8 objected to in serving on behalf of the

9 residential customer class. We don't

10 believe that the use of estimates to

11 determine current customer rates that

12 project out many years into the future is

13 a reasonable way to calculate what is

14 required from customers currently.

15 As an example, in the 2008 rate

16 case, the Water Department forecasted it

17 would spend down its reserve in the rate

18 stabilization fund to \$50 million.

19 Instead, in the end of Fiscal 2012, the

20 balance in that account was \$142 million,

21 a difference of \$90 million. The board

22 has no choice really but to accept the

23 forecast or to undertake the process of

24 identifying the impact of any deviation

25 that it may suggest in rates and charges,

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 planned improvements, operations, debt
3 service, and reserves. In other words,
4 the board is placed, this new rate-making
5 board, in the position of accepting the
6 forecast or being depicted as
7 jeopardizing PWD's financial integrity,
8 even if it is unreasonable to accept the
9 forecast.

10 Finally, the bill requires that
11 all operations, City fund charges and
12 debt service be funded from current
13 customer revenues. As a result, the
14 board will have no authority to reduce a
15 rate increase request on the basis that
16 the Water Department has accumulated more
17 reserves than it needs and could spend to
18 mitigate charging more to customers in
19 future rate increases.

20 So in addition to the
21 substantive standards that this bill --

22 COUNCILMAN GREENLEE: Mr.
23 Ballenger, if I could ask you to wrap up,
24 please.

25 MR. BALLENGER: Yes, sir,

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 Mr. Chairman.

3 Attention to the process is
4 important, and I join with the Water
5 Department and the Water Commissioner in
6 saying that the process requires some
7 attention so that the parties can have
8 expectations of what a future rate
9 increase proceeding will entail:
10 opportunities for public input, an
11 adversary process, the establishment of a
12 record before a neutral decision-making
13 body, justification of rates, and the
14 opportunity to appeal. It also requires
15 a board that has the capacity to
16 undertake all of these tasks. A
17 structured 90-day review process is
18 absolutely inadequate. No water rate
19 case since 2001 has taken less than six
20 months. The most recent case, which
21 settled fully by all parties, took 11
22 months. So 90 days is certainly an
23 unreasonable timeframe to conduct this
24 important work. We think the board also
25 needs resources and staff to assist it in

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 accomplishing its goals and setting just
3 and reasonable rates for customers.

4 We look forward to helping
5 Council in any way we can to craft
6 legislation that would establish an open
7 and transparent rate-making process to
8 the benefit of all Water Department
9 customers.

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

12 COUNCILMAN GREENLEE: Thank
13 you.

14 Are there any questions?

15 (No response.)

16 COUNCILMAN GREENLEE: Seeing
17 none, thank you both very much.

18 We're temporarily going to
19 recess our public hearing and go into a
20 public meeting, and the Chair recognizes
21 Councilman Kenney regarding the amendment
22 to Bill No. 130251.

23 COUNCILMAN KENNEY: Thank you,
24 Mr. Chairman. I move that the amendment
25 to Bill No. 130251 be approved by this

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 Committee.

3 (Duly seconded.)

4 COUNCILMAN GREENLEE: It's been
5 moved and seconded.

6 All in favor?

7 (Aye.)

8 COUNCILMAN GREENLEE: Opposed?

9 (No response.)

10 COUNCILMAN GREENLEE: Hearing
11 none, the amendment is approved.

12 Councilman Kenney.

13 COUNCILMAN KENNEY: Thank you,
14 Mr. Chairman. I move that Bill No.
15 130251, as amended, be reported out of
16 this Committee favorably and a request
17 made for rules suspension to allow first
18 reading at our next Council session.

19 (Duly seconded.)

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

22 All in favor?

23 (Aye.)

24 COUNCILMAN GREENLEE: Opposed?

25 (No response.)

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2 COUNCILMAN GREENLEE: Hearing
3 none, Bill No. 130251, as amended, is
4 reported out of this Committee favorably
5 with a rules suspension to allow for
6 first reading at our next session of
7 Council.

8 Councilman Kenney.

9 COUNCILMAN KENNEY: Thank you,
10 Mr. Chairman. I move that the amendment
11 to Bill No. 130324 be approved.

12 (Duly seconded.)

13 COUNCILMAN GREENLEE: It's been
14 moved and seconded.

15 All in favor?

16 (Aye.)

17 COUNCILMAN GREENLEE: Opposed?

18 (No response.)

19 COUNCILMAN GREENLEE: Hearing
20 none, the amendment is adopted.

21 Councilman Kenney.

22 COUNCILMAN KENNEY: Thank you,
23 Mr. Chairman. I move that Bill No.
24 130324, as amended, be reported out of
25 this Committee favorably and a request

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 made for rules suspension to allow for
3 first reading at our next Council
4 session.

5 (Duly seconded.)

6 COUNCILMAN GREENLEE: It's been
7 moved and seconded.

8 All in favor?

9 (Aye.)

10 COUNCILMAN GREENLEE: Opposed?
11 (No response.)

12 COUNCILMAN GREENLEE: Hearing
13 none, Bill No. 130324, as amended, is
14 reported out of this Committee favorably
15 with a rules suspension to allow for
16 first reading at our next session of
17 Council.

18 We will now go back into our
19 public hearing and Council -- she should
20 be a Councilwoman. She works harder than
21 me.

22 Ms. Marconi, will you please
23 read the bill and resolution before us.

24 THE CLERK: Bill No. 130059, an
25 ordinance providing for the submission to

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 the qualified electors of the City of
3 Philadelphia of an amendment to Article
4 VIII, Chapter 5 of The Philadelphia Home
5 Rule Charter, entitled "Referenda
6 Approved by the Voters," by adding a new
7 section providing that the citizens of
8 Philadelphia urge the United States
9 Congress to propose, and the Pennsylvania
10 General Assembly to ratify, an amendment
11 to the United States Constitution that
12 would defend democracy from the
13 corrupting effects of undue corporate
14 power by overturning the decision of the
15 United States Supreme Court in Citizens
16 United versus Federal Election
17 Commission; fixing the date of a special
18 election for such purpose; prescribing
19 the form of ballot questions to be voted
20 on; and authorizing the appropriate
21 officers to publish notice and to make
22 arrangements for the special election;
23 and

24 Resolution 130073, resolution
25 proposing an amendment to Article VIII,

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 Chapter 5 of The Philadelphia Home Rule
3 Charter, entitled "Referenda Approved By
4 the Voters," by adding a new section
5 providing that the citizens of
6 Philadelphia urge the United States
7 Congress to propose, and the Pennsylvania
8 General Assembly to ratify, an amendment
9 to the United States Constitution that
10 would defend democracy from the
11 corrupting effects of undue corporate
12 power by overturning the decision of the
13 United States Supreme Court in Citizens
14 United versus Federal Election
15 Commission.

16 COUNCILMAN GREENLEE: Thank
17 you.

18 The first witness, Ms. Emerson.
19 Why don't you start. Please identify
20 yourself for the record and proceed.

21 MR. MASTERS: Mr. Chairman, we
22 were going to do a brief --

23 COUNCILMAN GREENLEE: Let me
24 hear from Ms. Emerson, please.

25 MR. MASTERS: All right.

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2 MS. EMERSON: Good afternoon,
3 Chairman Greenlee, Vice Chair Kenney, and
4 members of the City Council of
5 Philadelphia Committee on Law and
6 Government. My name is Hilary Emerson,
7 Esquire, and I am the Chief Legislative
8 Aide for State Representative Cherelle L.
9 Parker of the 200th Legislative District
10 and Chair of the Philadelphia Delegation
11 of the Pennsylvania House of
12 Representatives. I am here on behalf of
13 Cherelle Parker to provide testimony in
14 support of Bill 130059 and Resolution
15 130073, both of which have been
16 introduced by Councilwoman Maria
17 Quinones-Sanchez. Representative Parker
18 regrets that she could not be here
19 personally to testify in support of this
20 resolution. As you well know, it is the
21 peak of budget season, both here in
22 Philadelphia and in Harrisburg. However,
23 because of her commitment to preserving
24 the voice of the people through the
25 election process, Representative Parker

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 has asked me to present the following
3 testimony to highlight the importance of
4 this legislation.

5 Under Bill 130059 and
6 Resolution 130073, the citizens of
7 Philadelphia will have the opportunity to
8 urge Congress to amend the United States
9 Constitution to overturn the Supreme
10 Court's 2010 decision Citizens United
11 versus Federal Election Commission. This
12 legislation will also urge members of the
13 Pennsylvania General Assembly to ratify
14 an amendment proffered by Congress to
15 overturn Citizens United.

16 Citizens United was a severe
17 blow to the democracy and the integrity
18 of the election process. By declaring
19 that corporations are equivalent to human
20 beings and, therefore, possess
21 constitutional rights, the Supreme Court
22 effectively deflated the voice of
23 ordinary citizens in one of the defining
24 elements of our democracy, the election
25 process.

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2 Corporations, unlike ordinary
3 citizens, can exercise political clout
4 with their bank accounts. For example,
5 corporations can hire lobbyists to
6 express their interests and concerns to
7 elected officials. Citizens United
8 increased the political power of
9 corporations by permitting them to spend
10 unlimited amounts of money to advocate
11 for particular individuals or causes
12 under the guise of free speech.

13 Ordinary citizens simply cannot
14 compete with the political and economic
15 power that stems from corporations'
16 immense wealth and resulting access.
17 With an unemployment rate of 7.6 percent
18 in the U.S. and Pennsylvania and 10.3
19 percent in Philadelphia, many citizens
20 across the nation are struggling just to
21 keep the lights on or put food on the
22 table. We, the elected officials, are
23 the only lobbyists that our citizens can
24 afford to advocate on their behalf
25 regarding issues that impact every aspect

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 of their lives. It is simply unjust for
3 amorphous entities that cannot vote and
4 are not given representation in our
5 elected bodies to be permitted to wield
6 such exorbitant power by virtue of their
7 deep pockets.

8 I am happy to report that as of
9 June 10th, 2013, 15 states plus
10 Washington, DC have called on Congress
11 through resolutions, letters to their
12 respective congressional delegations, and
13 voter referenda to pass an amendment to
14 the Constitution that overturns Citizens
15 United. These states include our
16 neighboring states of New Jersey,
17 Delaware, and Maryland, as well as
18 California, Colorado, Connecticut,
19 Hawaii, Illinois, Maine, Massachusetts,
20 Montana, New Mexico, Rhode Island,
21 Vermont, and West Virginia.

22 It is my sincere hope that
23 Pennsylvania will soon join the ranks of
24 these states in calling for the reversal
25 of this terrible decision. Furthermore,

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 I pledge to continue raising awareness
3 about the inequitable influence of
4 corporate dollars in the election process
5 by working in a bipartisan manner to
6 introduce a resolution in the
7 Pennsylvania House of Representatives
8 exhorting Congress to amend the
9 Constitution to declare that corporations
10 are not equivalent to human beings and
11 thus do not possess constitutional
12 rights.

13 I am thrilled that momentum is
14 already building for this resolution
15 across the state. To date, seven
16 counties and municipalities in
17 Pennsylvania, including Philadelphia,
18 have joined the national chorus of nearly
19 500 municipalities in 32 states to
20 express their disapproval of Citizens
21 United and their desire to see it
22 overturned through constitutional
23 amendment. The Philadelphia City
24 Council's resolution, which was adopted
25 on June 21st, 2012, was spearheaded once

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2 again by Councilwoman Quinones-Sanchez,
3 along with Councilmembers Tasco, Jones,
4 and Bass. I hope that many more
5 municipalities in the Commonwealth will
6 take similar steps in the coming months
7 and that we will soon see Pennsylvania on
8 the list of states calling for the
9 reversal of Citizens United through a
10 constitutional amendment.

11 Today, Philadelphia, the
12 birthplace of our democracy and our
13 Constitution, is taking its advocacy to
14 the next level by providing its citizens
15 the opportunity to urge Congress
16 personally to amend the Constitution to
17 reduce the influence of money in politics
18 and establish that corporations are not
19 people with constitutional rights. In
20 taking this step, Philadelphia joins
21 other major cities like Chicago and San
22 Francisco that have placed similar
23 referenda on the ballot. In both cities,
24 the referenda passed with overwhelming
25 voter support.

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2 Of the more than 8.2 million
3 registered voters in Pennsylvania, over
4 one million are registered in
5 Philadelphia, the fifth largest city in
6 the United States. Providing the
7 citizens of Philadelphia the opportunity
8 to declare their disapproval of Citizens
9 United would be a powerful statement, not
10 only to the General Assembly, but also to
11 the entire country. Together, we can
12 build a nationwide coalition, city by
13 city and state by state, to reverse
14 Citizens United and ensure that our
15 government reflects the will of the
16 people, not corporations with deep
17 pockets.

18 In closing, I want to express
19 my sincerest appreciation to Councilwoman
20 Quinones-Sanchez for her leadership on
21 this issue and for championing the voice
22 of the people whom elected officials are
23 intended to serve. As a locally elected
24 governing body, City Council is one of
25 the levels of government most accessible

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2 to the citizens of Philadelphia and
3 attuned to the hearts and minds of its
4 constituents. This referendum will give
5 Philadelphia citizens the opportunity to
6 use the voice that Citizens United has
7 threatened to declare that our government
8 is a government of the people, by the
9 people, and for the people.

10 Thank you very much for
11 affording me the opportunity to present
12 testimony on the record regarding on
13 behalf of Representative Parker regarding
14 this issue of great importance to the
15 Philadelphia community at-large.

16 I would be happy to answer any
17 questions regarding Representative
18 Parker's testimony.

19 COUNCILMAN GREENLEE: Thank
20 you.

21 Councilman Green.

22 We'll let -- unless,
23 Ms. Emerson, you got a time problem? Do
24 you need to go?

25 MS. EMERSON: No.

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2 COUNCILMAN GREENLEE: All

3 right.

4 Mr. Masters or whoever wants to

5 go next.

6 (Video played.)

7 COUNCILMAN GREENLEE: Okay.

8 You want to -- do you have a statement

9 too?

10 MR. MASTERS: Yes.

11 COUNCILMAN GREENLEE: Okay.

12 Please identify yourself. I think we

13 have your written statement, I think. So

14 if you want to just --

15 MR. MASTERS: I will work

16 through it, sure.

17 Chairman Greenlee, members of

18 the Council's Law and Government

19 Committee. My name is Steve Masters.

20 I'm President of JustLaws. I'm here

21 today on behalf of my pro bono client,

22 Public Citizen, which for over 40 years

23 has proudly championed citizen interest

24 before Congress, the executive branch,

25 and the courts. JustLaws is proud to

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2 have drafted the legislation before you
3 today and the amendments that will be
4 considered, I believe, at another time.

5 We've heard the video -- the
6 story of stuff about the avalanche of
7 money from the Supreme Court case of
8 Citizens United, and we are grateful that
9 Philadelphia City Council has joined us
10 in the fight to reverse that decision.
11 Last June, through the leadership of
12 Councilwoman Maria Quinones-Sanchez, this
13 Council passed a strong resolution
14 endorsing a constitutional amendment, and
15 it added your voice to over 500
16 municipalities that have called for an
17 amendment across the country.

18 We're in a fight for the very
19 survival of our democracy, and the stakes
20 could not be higher. For Oklahoma City
21 and Durham County, North Carolina, it's
22 already game over.

23 In April of 2012, the elections
24 for Oklahoma City's Council, the
25 Super-PAC "Committee for Oklahoma City

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2 Momentum" spent \$400,000 on four
3 candidates. Keep in mind that the annual
4 salary for City Councilmen in Oklahoma
5 City is \$12,000 a year. They spent
6 \$400,000 on a race. Guess what happened?
7 Three of their four candidates won. The
8 only candidate who was able to defeat one
9 of the Super-PAC candidates noted deep
10 concerns that he saw with the democratic
11 implications of a Super-PAC spending
12 larges sums on campaign ads without
13 disclosing its donors.

14 Then there's Durham County,
15 North Carolina. They've also experienced
16 the effects of Citizens United. The
17 Super-PAC there called "Durham
18 Partnership for Progress" was funded by
19 one developer that spent thousands of
20 dollars on a mailer supporting four
21 Councilpeople who supported a
22 controversial development project that
23 their firm, Southern Durham Development,
24 planned to build. The Super-PAC support
25 helped elect two of those Councilpeople

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2 into office in elections held May 8th,
3 2012.

4 As Representative Parker's
5 testimony made clear, the real prize here
6 is persuading the Pennsylvania General
7 Assembly to ratify a constitutional
8 amendment to overturn Citizens United.
9 And as she mentioned, yesterday Delaware
10 became the 15th state to do that, so we
11 have some good news in terms of momentum.

12 I was in Montana last summer.
13 That's a state where you don't exactly
14 see the politics lining up with
15 Philadelphia or some of the other urban
16 Northeast states. Montana overwhelmingly
17 supports overturning Citizens United.

18 It's an issue that really
19 speaks to Americans across the political
20 spectrum. And this November, we're
21 hoping that Philadelphians will have the
22 chance to add momentum to the efforts by
23 weighing in on this assault on our
24 democracy.

25 Now, if we look at Election Day

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2 results from ballot questions in other
3 parts of the state, we can predict fairly
4 confidently that we're going to have an
5 overwhelming victory for democracy come
6 November here.

7 Consider these ballot question
8 results from Citizens United over the
9 past year: California, 77 percent yes
10 votes; Montana, 75 percent yes votes;
11 Colorado, 74 percent yes; Massachusetts,
12 79 percent yes; Richmond, California, 72
13 percent yes; San Francisco, 81 percent
14 yes; Chicago, 74 percent yes.

15 Together, Americans are coming
16 together to stand up and defend our
17 democratic rights. City by city and town
18 by town, through resolutions and ballot
19 questions, we can win this fight to save
20 our democracy.

21 Thank you again for your part
22 in building momentum for the day when the
23 Pennsylvania General Assembly joins the
24 ranks of those states who stand for a
25 constitutional amendment to guarantee

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 that democracy is for people and not for
3 corporations.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 Let me have Councilman Green
7 ask his question now and we'll hear from
8 the other.

9 COUNCILMAN GREEN: I just have
10 a couple of questions. I'm confused.
11 Has two-thirds of Congress passed this
12 and has it been referred to the states or
13 how is this process before the
14 Pennsylvania General Assembly at this
15 moment?

16 MR. MASTERS: No. The
17 Constitution amendment hasn't formally
18 gotten out of Congress. What happened
19 is, we've taken lessons from what
20 happened with the equal rights amendment,
21 where it got to be too late to go to the
22 state legislatures once the amendment got
23 out to try to fight for passage. So the
24 strategy here is that cities, towns, and
25 then actual state legislatures are

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2 passing support --

3 COUNCILMAN GREEN: I'm not
4 asking what the strategy is. I'm asking
5 whether or not there is any question
6 before the General Assembly --

7 MR. MASTERS: Not formal
8 representation.

9 COUNCILMAN GREEN: --
10 represented by Congress or whether -- I
11 can't remember what it. Is it
12 three-fifths of states also can do it on
13 their own and that causes -- or does it
14 always have to come from Congress? I
15 can't remember.

16 MR. MASTERS: You can
17 three-fifths of the states trigger that
18 process also under Article V of the
19 Constitution.

20 COUNCILMAN GREEN: Okay.
21 That's what I thought. So if
22 Pennsylvania were to pass it, is it being
23 passed in such a way that it would
24 trigger Article V of the Constitution or
25 is this purely a strategy waiting for

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 Congress to act?

3 MR. MASTERS: Some of the
4 states have passed the resolutions in a
5 way to trigger Article V for the
6 three-fifths and some of the states have
7 not.

8 COUNCILMAN GREEN: So what has
9 been introduced in the Pennsylvania
10 General Assembly?

11 MS. EMERSON: Representative
12 Parker is in the process of drafting a
13 resolution that would specifically state
14 that or urge Congress to pass an
15 amendment to send to the states that
16 would say that corporations are not
17 equivalent to human beings and don't have
18 constitutional rights. There have been
19 some similar measures introduced in the
20 General Assembly in the past, including
21 this particular session, but
22 Representative Parker is focusing on the
23 aspect of the Citizens United case that
24 states that corporations are human
25 beings.

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2 COUNCILMAN GREEN: Well, of
3 course corporations as entities do have
4 some constitutional rights, rights
5 against unreasonable search and seizure,
6 for example. You wouldn't want the
7 government to be able to wiretap or read
8 people's e-mails without getting a
9 warrant. So I assume the scope of what
10 is being proposed is limited to
11 election -- for purposes of participation
12 in elections or contributing, or not?

13 MR. MASTERS: There are
14 different constitutional amendments that
15 are being floated in Congress.

16 COUNCILMAN GREEN: I'm asking
17 about the Pennsylvania General Assembly.

18 MR. MASTERS: Sure.

19 MS. EMERSON: One of the pieces
20 of legislation that has already been
21 proposed deals specifically with limits
22 on campaign contributions.
23 Representative Parker's piece deals with
24 the First Amendment aspect where
25 corporations are -- by being considered

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2 human beings, they have that First
3 Amendment right to speak and, therefore,
4 can contribute --

5 COUNCILMAN GREEN: So it's
6 limited to the First Amendment?

7 MS. EMERSON: Yes.

8 COUNCILMAN GREEN: And to
9 political activity?

10 MS. EMERSON: Yes.

11 COUNCILMAN GREEN: That was my
12 question.

13 So isn't the -- I guess it
14 costs us a lot of money as a city to do a
15 referendum for an election and there's
16 dollars involved there. Should we
17 actually have a bill before the State
18 House before we pass a resolution urging
19 them to pass it? That's part one of the
20 question. And part two of the question
21 is, why not introduce in the State House
22 an Article V amendment to the
23 Constitution which just requires
24 three-fifths of the state to pass it
25 without Congress acting? Because we all

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2 know Congress isn't going to act.

3 MS. EMERSON: Well, that's
4 certainly something that we will take a
5 look at as we finish up the drafting of
6 our legislation.

7 In terms of whether the City
8 should move first with the ballot
9 question or the state, in order to get
10 the state to move on an issue, it's very
11 important to hear from the local
12 municipalities and counties and what the
13 citizens of those municipalities would
14 like to see in state government. So
15 by -- as I mentioned in Representative
16 Parker's testimony, there have already
17 been seven counties and municipalities in
18 Pennsylvania that have said, Look, we
19 want to see the Constitution amended to
20 overturn Citizens United, and that really
21 speaks volumes in the General Assembly,
22 and that's what we're hoping that the
23 City will do today, is give the people
24 directly through the ballot question the
25 opportunity to say, Look, we want you to

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2 show your support for this and to urge
3 Congress to pass an amendment that the
4 states can ratify to the Constitution.

5 COUNCILMAN GREEN: Isn't the
6 problem with the political process money?
7 Isn't the problem the Buckley versus
8 Valeo decision, which says money equals
9 speech? And so it's not a question of
10 who gets to spend the money, but -- I
11 mean, if we're going to amend the
12 Constitution, I would amend the
13 Constitution to say money does not equal
14 speech, because until you take that out,
15 we'll keep having the Senate as a
16 millionaire's club, and it seems to me
17 our priority here is on the wrong thing,
18 because money is the pervasive problem in
19 politics, in my view, and not the entity
20 or person who gets to spend it. If you
21 can limit spending, you can limit
22 corporate spending to 5 grand for every
23 corporation, 10 grand for every
24 corporation.

25 And so it seems to me the focus

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2 here is perhaps misplaced. If we really
3 want to solve the fundamental problem in
4 American politics, we've got to be able
5 to limit dollars spent. Money is the
6 problem.

7 MR. MASTERS: We agree with
8 you, Councilman Green, and the
9 constitutional amendments that are most
10 likely to move out of Congress focus on
11 the dual issues of money is not speech
12 and corporations are not people. That
13 was the double punch in Citizens United,
14 and then it was extended last year in the
15 Montana case to state and localities. So
16 we basically have a framework now under
17 the law where corporations have so much
18 money and they've been endowed with these
19 First Amendment rights to express them by
20 spending as much as they want without any
21 possibility of control. So it's a double
22 whammy that we're going after.

23 COUNCILMAN GREEN: This is a
24 very personal thing to me, because my
25 father -- Buckley versus Valeo was

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2 decided in the summer of 1976 and John
3 Heinz went on to spend \$4 million to
4 defeat my father in the Senate race in
5 the fall after that decision came down.

6 And so it seems to me the focus
7 should be on money. But at any rate,
8 thank you for your testimony. Obviously
9 I'm supportive of the broad goal that
10 you're expressing and just want to
11 suggest if we're going to pass a
12 constitutional -- if we're going to go
13 forward in the State House, it ought to
14 focus on money and Article V, because
15 you're not going to get this through a
16 republican House in the U.S. Congress.

17 So thank you.

18 MS. EMERSON: Thank you.

19 COUNCILMAN GREENLEE: Thank
20 you, Councilman.

21 Just one question, Ms. Emerson.
22 You mentioned seven municipalities. Were
23 they done through ballot question or just
24 by passing resolution through the
25 legislative bodies?

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2 MS. EMERSON: I don't remember
3 if it was a split. It's been a split
4 across the country, some have been ballot
5 measures, some have been city councils or
6 other local legislative bodies. I don't
7 recall off the top of my head, but there
8 is a link in the testimony to a website.
9 It mentioned the site for you, the
10 united4thepeople site. It gives a
11 comprehensive list of all state and local
12 measures, state measures that have both
13 been proposed and passed and then local
14 measures that have been passed, and you
15 can go down to Pennsylvania and see all
16 of those.

17 COUNCILMAN GREENLEE: All
18 right. Thanks.

19 Are there any other questions
20 for Ms. Emerson?

21 (No response.)

22 COUNCILMAN GREENLEE: I mean,
23 you're obviously welcome to stay, but if
24 you -- I don't think we have any more
25 questions. If you could express our

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2 regards for Representative Parker and
3 thank her for efforts up in Harrisburg.

4 MS. EMERSON: Absolutely.

5 COUNCILMAN GREENLEE: She, in a
6 lot of ways, got a tougher job than we
7 do. Please. Thank you.

8 MS. EMERSON: Thank you.

9 COUNCILMAN GREENLEE: Thank you
10 for being here.

11 Ma'am, please identify yourself
12 and proceed.

13 MS. BELK: I'm Phyllis Belk.
14 I'm one of one constituents, and it's
15 nice to be here in your committee. I am
16 representing Common Cause of
17 Pennsylvania. I am the Co-Chair of the
18 Philadelphia Chapter of Common Cause.

19 The Citizens United case has
20 been a priority issue of Common Cause
21 since it was declared.

22 I have copies of my testimony
23 for you, so I am going to sort of skim it
24 since the previous speakers have done
25 such a good job. But mainly Common Cause

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2 was organized to be the citizens lobby in
3 the United States, because even back 40
4 years ago, it was recognized that the
5 individual citizen has a hard time going
6 up against big, private interests. And I
7 really want to emphasize that it is
8 entirely appropriate that our City
9 Council, our elected representatives at
10 the local level, take up this issue and
11 work to put it on the ballot for our
12 Philadelphia voters and to really help us
13 in educating about it. I think it's
14 obvious that we can all say, Oh, yes,
15 corporations should not be given rights
16 as an individual citizen when they're
17 obviously not, but just as you and
18 Councilman Green have gotten into the
19 nitty-gritty, we really need to
20 understand the issue, and that's why we
21 would like to see you take up the issue
22 rather than just leaving it up to the
23 Pennsylvania Assembly, which I hope they
24 will, and I'm very glad that our
25 legislator, Cherelle Parker, is doing

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2 that.

3 But our point is that unlimited
4 campaign spending is not free speech.
5 And we've seen how powerful interests
6 have worked to narrow our choices before,
7 and we heard Steve enumerate some
8 specific examples. Big donors unduly
9 influence what issues are discussed in
10 campaigns, which legislation gets taken
11 up in Congress, and who government
12 ultimately is accountable to. Americans
13 want fair, commonsense rules where each
14 candidate spends an equal amount and
15 donors are limited on what any donor can
16 give to influence the outcome of an
17 election. But federal courts have ruled
18 that limiting big money in politics to
19 create a level playing field violates the
20 First Amendment. We believe the court
21 has mistaken freedom of speech with
22 freedom of spending.

23 Councilman Green mentioned the
24 Buckley versus Valeo case, and the U.S.
25 Supreme Court held there that the

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2 appearance of corruption justified some
3 limits on contributions to candidates,
4 but it wrongly rejected other fundamental
5 interests that the citizens of
6 Philadelphia find compelling, such as
7 creating a level playing field and
8 ensuring that all citizens, regardless of
9 wealth, have an opportunity to have their
10 political views held.

11 The Constitution exists to
12 protect the rights of real people, living
13 human beings. Corporations don't
14 breathe, fight in wars or have children.
15 We create corporations for specific
16 economic purposes and give them special
17 powers and privileges to carry out their
18 important role in society.

19 Yet, in Citizens United and
20 other cases, the Supreme Court ruled that
21 corporations should be considered people
22 with constitutional rights. While the
23 shareholders who form corporations do
24 indeed have rights that protect their
25 property and other corporate interests,

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2 the court failed to understand that we,
3 the people, can limit the special powers
4 we have granted corporations for their
5 intended purpose. For example, we do not
6 have to let corporate treasury funds
7 drown out the voices of real people in
8 our elections.

9 So we're asking that you as the
10 representatives of we, the people in
11 Philadelphia, do approve the move to get
12 this on our ballot and help educate
13 voters here, who can then help move it
14 through the State of Pennsylvania.

15 Thank you.

16 COUNCILMAN GREENLEE: Thank
17 you.

18 Whoever would like to go next,
19 please identify yourself and proceed.

20 MR. SHEPPARD: Hello. Thank
21 you for your time. I'll be brief. My
22 name is Alex Sheppard and I'm a
23 Rootstriker. Rootstrikers is a
24 non-partisan, net roots activist
25 organization focused on fighting

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 political corruption in the U.S. and
3 reducing the role of special interests'
4 money in elections.

5 Philly Rootstrikers fight
6 political corruption through educating
7 people in Philadelphia and the
8 surrounding areas about the corrupting
9 influence of money over government. This
10 ballot question could be one way to do
11 just that.

12 While many Americans, 71
13 percent of republicans and 81 percent of
14 democrats, believe money buys results in
15 government, they don't know how extensive
16 it is, how much it affects their lives in
17 a negative way, and how they could
18 actually do something about it to change
19 it.

20 We believe the ballot question
21 is one way to spark greater interest in
22 fighting the corrupting influence of
23 money. People will hear about it, and
24 people want to know more about it.
25 Groups like those gathered here today

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2 will take this opportunity to promote a
3 greater understanding of dependency
4 corruption in government and encourage
5 people to speak out against this
6 corruption through their votes this fall,
7 because people need to tell all branches
8 of our government that we will not
9 tolerate even the appearance of
10 corruption, because the Supreme Court
11 majority acknowledged in the Citizens
12 United versus FDC case that government
13 has the authority to prevent corruption
14 or even the appearance of corruption.
15 Yet the court believed large political
16 expenditures do not contribute to either.

17 This ballot question is just
18 one way the people of Philadelphia can
19 show both the court and all levels of
20 government that the influence of money
21 creates dependence corruption, that the
22 public will no longer tolerate what
23 appears to be a corrupt system, made
24 worse by the Citizens United decision,
25 and that we need to do something to put

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2 our government back in the hands of the
3 people and the people alone.

4 And while our government was
5 corrupted by the influence of money
6 before Citizens United case and will
7 still be corrupt after it's overturned by
8 an amendment, this ballot question will
9 raise awareness of the destruction of
10 unlimited and undisclosed campaign
11 contributions. This awareness can lead
12 to a desire for further education. This
13 education can lead to outrage over what
14 government is doing for some and nothing
15 for others depending on one's financial
16 standing. This outrage can lead to
17 people taking action within and outside
18 the formal political channels, and this
19 action can lead to the removal of the
20 harness moneyed interests have on our
21 government so our elected officials can
22 surely represent the needs of their
23 constituents and Americans everywhere.

24 This is why this ballot
25 question is so important to the people of

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2 Philadelphia. Like people all across
3 this country, they are being hurt by
4 decisions affected by campaign
5 contributors. And without the resources
6 to pay for politicians' attention, their
7 cries for positive change are being
8 ignored.

9 Whether you're talking about
10 millions of state dollars being
11 reallocated from school education to
12 prison construction to favor campaign
13 contributors from the prison industrial
14 complex or national gun legislation
15 stymied by the big moneyed interests of
16 the NRA which prevents our urban
17 communities from passing practical gun
18 laws to protect citizens dealing with
19 daily gun violence, the ballot question
20 is one of the few avenues left for the
21 people to show where they stand on this
22 dependency corruption that has consumed
23 our government and the special interests
24 who pull politicians' strings.

25 Thank you.

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2 COUNCILMAN GREENLEE: Please
3 identify yourself and proceed.

4 MR. POOLE: My name is John
5 Poole and I'm the Pennsylvania Director
6 for an organization called Wolf Pack and
7 also a local organizer for Move to Amend,
8 but today I'm mostly here as a resident
9 of South Philadelphia to talk to you
10 about corruption and money and politics
11 and how I believe this referendum will
12 help the City have their voice heard on
13 this.

14 Eighty-seven percent of
15 Americans are deeply troubled by the
16 influence of money in politics, and
17 that's why these organizations have
18 started as cross-partisan organizations
19 to restore democracy by removing
20 corruption associated with money and
21 politics. We believe the only way this
22 can be done with such an ingrained system
23 that we have is through a constitutional
24 amendment.

25 Now, as the Councilman

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2 mentioned earlier, there are
3 organizations working on an Article V
4 convention, but the thing is as a city
5 and as the City Council, we don't have
6 the option of designating which. So this
7 referendum will be a great way to show
8 the state that we really need to move
9 forward on this. We need to do this for
10 democracy.

11 This local pressure from local
12 city councils and also the state
13 legislatures is needed on Congress. They
14 couldn't even pass the DISCLOSE Act to
15 tell us what their other contributions
16 are actually coming from. They basically
17 totally turned us on our backs on some of
18 these issues.

19 I come today for Move to Amend
20 in support of 821 Philadelphians who
21 signed the Move to Amend Petition for a
22 constitutional amendment. And when I
23 submit my public testimony, hopefully I
24 should be able to get those names for
25 you. And then also 5,776 Pennsylvanians

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.
2 and 213,000 individuals nationwide who
3 have called for a constitutional
4 amendment. I believe this referendum
5 will be a very important method to show
6 awareness of how concerned Philadelphians
7 are about this issue and then help us
8 with educational efforts on this going
9 forward.

10 Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Any questions?

14 (No response.)

15 COUNCILMAN GREENLEE: Seeing
16 none, thank you all very much.

17 Who else would like to testify?
18 Anyone else?

19 MS. O'CONNOR: John just asked
20 me to introduce myself. My name is
21 Maureen O'Connor and I'm a Philadelphia
22 resident, and I'm simply here with Move
23 to Amend and I'm here supporting the
24 bill.

25 COUNCILMAN GREENLEE: You

1 6/11/13 - LAW & GOVERNMENT - BILL 130059, etc.

2 support his position? Okay.

3 MS. O'CONNOR: Yes.

4 COUNCILMAN GREENLEE: Okay.

5 Thank you.

6 Anyone else here to testify?

7 (No response.)

8 COUNCILMAN GREENLEE: Seeing

9 none, the hearing on Bill No. 130059 and

10 Resolution 130073 will stand in recess to

11 the call of the Chair.

12 Thank you.

13 (Committee on Law and

14 Government concluded at 2:35 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
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