

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC SAFETY

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, November 13, 2015
10:20 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

BILL 150659 - An ordinance amending Subsection
10-308 of The Philadelphia Code, entitled
"Solicitations of Contributions in the Roadway
by Minors," by enhancing enforcement
procedures and penalty requirements...

BILL 150815 - An ordinance amending Chapter
9-3500 of The Philadelphia Code, entitled
"Fair Criminal Records Screening Standards,"
by amending certain definitions...

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COUNCILMAN JONES: Good morning. This is the committee of the Public Safety Committee for City Council, and with me are Councilwoman Blackwell, Councilman Squilla, and to my left Councilwoman Brown, who is the author of the bill we will be hearing.

Will the Clerk please read the title of the bill.

THE CLERK: Bill No. 150659, an ordinance amending Subsection 10-308 of The Philadelphia Code, entitled "Solicitations of Contributions in the Roadway by Minors," by enhancing enforcement procedures and penalty requirements, all under certain terms and conditions; and

Bill No. 150815, an ordinance amending Chapter 9-3500 of The Philadelphia Code, entitled "Fair Criminal Records Screening Standards," by amending certain definitions and adding certain additional requirements with respect to screening job applicants and

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2 license applicants for criminal history;
3 all under certain terms and conditions.

4 This Bill No. 150815 is not
5 being heard today.

6 COUNCILMAN JONES: Thank you.

7 And we will now hear from the
8 author of the bill, Councilwoman Reynolds
9 Brown.

10 COUNCILWOMAN BROWN: Thank you,
11 Mr. Chairman.

12 Good morning to my colleagues,
13 to Chairman Jones, members of the City
14 Council Committee on Public Safety,
15 members of the Administration, and
16 guests. In September of 2015, I was
17 proud to introduce Bill No. 150659. This
18 bill aims to reduce street peddling by
19 minors by increasing fines for adults
20 that allow a child under his or her care
21 to peddle goods or solicit monies in
22 Philadelphia's streets and major
23 intersections.

24 Street peddling most often
25 occurs in busy intersections and on

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2 highways with high traffic, and as a
3 result, this activity poses a serious
4 threat to the safety of both minors and
5 drivers. Peddlers distract drivers,
6 interfere with traffic, and can cause
7 accidents between vehicles or between
8 minors and vehicles.

9 Children peddlers are
10 particularly dangerous because they are
11 typically smaller, less visible, and
12 typically less educated on the guidelines
13 of road safety. This direction is
14 designed to move us in a different and
15 better direction.

16 In the weeks to come, we look
17 forward to working with the Philadelphia
18 Police Department, the Mayor's Office of
19 Public Safety, as well as community
20 non-profit and faith-based organizations
21 to raise the awareness about these
22 dangers and the consequences associated
23 with them.

24 The last thing anyone wants is
25 for an accident to happen for a child,

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2 for a child to be injured or killed, and
3 then we're in a wish I should have, could
4 have made. It's too late then. For
5 these reasons and more, I'm asking for
6 the support of my colleagues today.

7 I want to thank my staff and
8 the Administration for working together
9 on this legislation.

10 Thank you, Chairman Jones.

11 COUNCILMAN JONES: Thank you,
12 Councilwoman.

13 The Chair now recognizes
14 Councilwoman Blackwell.

15 COUNCILWOMAN BLACKWELL: Thank
16 you.

17 I'm sorry I didn't talk to my
18 colleague earlier about this. Just busy
19 times, I guess, we're all enduring. But
20 I'm just concerned about us -- we're
21 fining kids. I mean, why not go after
22 adults in the first place as opposed to
23 children? And we get a lot of children
24 who try to raise money for their drill
25 teams and for uniforms, for their

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2 churches, and certainly these are kids
3 who have been told by adults and leaders
4 and are trying to do the right thing.
5 I'm just worried about fining these
6 children or stopping these children,
7 making them think that they've done
8 something wrong when they're really
9 trying to get uniforms and such.

10 COUNCILWOMAN BROWN: Mr.
11 Chairman, may I?

12 COUNCILMAN JONES: Yes, but I'd
13 like to recognize Councilman Henon, and
14 we now officially have a quorum.

15 Thank you, Councilman.

16 COUNCILWOMAN BROWN: Good
17 morning.

18 So, yes, I come to this piece
19 of legislation with mixed feelings for
20 that very reason. Most often it's
21 children that are trying to raise the
22 money for very worthy and notable causes.
23 The legislation, however, is intended to
24 do just that, Council Lady, fine the
25 adults who are supervising young people

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2 who are putting themselves in danger.
3 And that's the intent of the legislation,
4 to look to the adults, quite frankly, who
5 should be the ones on the street doing
6 the solicitation and raising dollars for
7 worthy causes.

8 COUNCILWOMAN BLACKWELL: Well,
9 let me say I'm sure you may have support
10 required, but this one I don't support.

11 COUNCILWOMAN BROWN: Okay.

12 COUNCILWOMAN BLACKWELL: I do
13 not want to make children, innocent
14 children, think we're after them, that
15 they've done something wrong when they're
16 sacrificing their time and energy. So I
17 can not be here. You have the support,
18 or be here and vote no. It's okay either
19 way.

20 COUNCILMAN JONES: We always
21 welcome you here.

22 COUNCILWOMAN BLACKWELL: Thank
23 you.

24 COUNCILMAN JONES: So that
25 we're real clear, we don't put people out

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2 because they have a different --

3 COUNCILWOMAN BLACKWELL: These
4 are busy times. I got my staff working
5 on me clearing out my phone. That's
6 major.

7 COUNCILMAN JONES: We don't do
8 that.

9 COUNCILWOMAN BROWN: So the
10 record should also reflect, Council Lady,
11 that currently there is a law on the
12 books that actually does fine children.
13 This one has nothing to do with children
14 at all and everything to do with the
15 adults, supervising adults, who are --

16 COUNCILWOMAN BLACKWELL: Well,
17 I disagree with that one. Thank you.

18 COUNCILMAN JONES: So we're
19 going to hear from some other opinions.

20 COUNCILWOMAN BLACKWELL: Thank
21 you.

22 COUNCILMAN JONES: Does anybody
23 on the Committee want to speak to this at
24 this point?

25 (No response.)

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2 COUNCILMAN JONES: Seeing none,
3 can we have the witnesses that are here
4 to testify come to the table. Will the
5 Clerk please read them. And we will not
6 put you out if you disagree with us.

7 (Witness approached witness
8 table.)

9 MR. RESNICK: Good morning,
10 Councilman Jones and members of the
11 Committee on Public Safety. My name is
12 Michael Resnick and I am the Director of
13 Public Safety for the City of
14 Philadelphia. I am here today to testify
15 regarding Bill 150659, introduced by
16 Councilwoman Reynolds Brown, which
17 increases the fines from \$100 to \$300 for
18 adults who allow a minor under his or her
19 care to solicit for contributions in the
20 roadway.

21 As we all know, children often
22 solicit funds for a wide range of
23 activities and causes, ranging from
24 soccer camp to fighting cancer, all great
25 causes. While soliciting for these

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activities and causes is admirable and worthwhile, many children unwittingly place themselves in danger by standing in busy streets while asking for contributions from passing motorists.

The purpose of this legislation is clearly to protect children who engage in these activities. Children are smaller, less visible to drivers, and are completely unaware of the dangers and do not appreciate the extent of injury that even a slow-moving car can inflict.

In 2007, this Council passed Bill 070949, which regulated minors who solicit contributions in the roadway by fining minors 25 and their supervising adults 100. This bill increases the fine for adults only to \$300.

There is no intent to restrict the right of children to solicit contributions, but rather to require them to do so safely. In this piece of legislation, children are still free to solicit, but not in the roadway, for

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2 their safety. The roadway is best known
3 as the blacktop, the portion where
4 vehicles travel.

5 Equally important in this
6 legislation is a duty placed upon an
7 adult to ensure that they do not allow
8 minors under their care, custody or
9 control to solicit in the roadway.
10 Hopefully adults are more cognizant of
11 the dangers and will not allow their
12 children to potentially sustain injury or
13 death. Placing such an affirmative duty
14 on the supervising adult is necessary.

15 In closing, let me be clear
16 that enforcement of this ordinance is not
17 mandatory. Officers are left with the
18 discretion as to whether or not to fine
19 adults and/or children. We must keep the
20 focus on protecting children and not so
21 much on fining them or the supervising
22 adults. A warning may be all that is
23 required, but should that warning go
24 unheeded and there be multiple
25 violations, officers are given an

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2 effective tool to immediately remove
3 children from danger, which is our
4 primary concern.

5 This concludes my testimony,
6 and I'm happy to answer any questions you
7 may have.

8 COUNCILMAN JONES: Thank you so
9 much.

10 Are there any questions from
11 the panel?

12 (No response.)

13 COUNCILMAN JONES: Well, then I
14 will ask a few.

15 Do we keep records of traffic
16 incidents when minors may have been hit
17 in the process of -- and for those who
18 are listening or in the audience, there
19 is a common term called "tagging." They
20 call it tagging. And for transparency
21 purposes, I have tagged. I have tagged
22 for the Wynnefield Hawks Track Team. I
23 have tagged for the Mallery Challengers
24 Track Team. I have my own as a coach
25 track team, the Majestics, Lamberton

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2 School and Central. So I am very guilty
3 of the things that we are looking to
4 legislate today. And I counted it up. I
5 would be probably \$1,500 in the hole at
6 least.

7 MR. RESNICK: Each of those
8 citations are --

9 COUNCILMAN JONES: Yeah. And
10 many times, as I was explaining to the
11 Council Lady before the hearing -- we
12 might as well put it on the record -- a
13 lot of times urban teams find themselves
14 in a situation where the kids are better
15 than their pocketbooks allow. Meaning
16 that they have qualified to travel
17 outside of the region, and those travels
18 sometimes require hotel stays, food,
19 lodging, things like that,
20 transportation, and find themselves not
21 in a position to ask the parents for that
22 money, and this sometimes is an option
23 that they see before them.

24 Having said that, having said
25 that I often do it, I because of this

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2 legislation started observing, and some
3 of it needs to be a little more regulated
4 and is dangerous.

5 To have that cute kid in that
6 nice uniform -- and drill teams do it all
7 the time -- in the middle of that
8 highway, some people don't respect the
9 little cute kid and it kind of puts them
10 in peril. So I've seen both ways.

11 Do we keep track of any
12 instances resulting from tagging?

13 MR. RESNICK: We keep
14 instances, Councilman, of injuries
15 sustained by motor vehicle accident. I
16 am not sure whether we code them what was
17 the intent of the person in the roadway.
18 We would probably have to go back and do
19 hand searches to see if that was a
20 narrative that was written in, but I
21 don't believe that there's a coding that
22 says injured while soliciting. It's just
23 an automobile-pedestrian accident.

24 COUNCILMAN JONES: So the
25 second thing that comes to mind in my

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2 history of tagging, some folk take
3 advantage, the legitimate reasons that I
4 mentioned why people would tag, and then
5 there are some hustlers out there that
6 take the cute kids with the drum and they
7 bang the drum and people stop and give
8 them money, that we don't know where that
9 money is going, whether it is
10 accountable, whether the kids that it is
11 supposed to benefit actually receive a
12 benefit, and we need to kind of know that
13 and whether or not some of the taggers
14 and solicitors even have a non-profit
15 501(c)(3).

16 So those are concerns that are
17 legitimate concerns about where these
18 proceeds may be going, and their intended
19 purposes may not be accomplished.

20 So with that, I'm going to
21 recognize Councilman Squilla.

22 COUNCILMAN SQUILLA: Thank you,
23 Mr. Chairman.

24 Do we have the number of fines
25 that were issued under the previous bill?

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MR. RESNICK: Yes, Councilman.

COUNCILMAN SQUILLA: How many?

MR. RESNICK: None.

COUNCILMAN SQUILLA: None?

MR. RESNICK: None. Sometimes

I think it's most effective -- and this legislation does not change that -- that an officer coming upon a scene seeing this just moves children away and they comply. It's not necessary to then issue the fines. I think this would come into play and it's a tool that the officers can use if those warnings are unheeded and the violations continue after they've been repetitively warned. Then whoever is the adult that's allowing this to occur can be fined under this section. But under the previous code section, there haven't been any, and I am told it's because officers move the children along and they comply.

COUNCILMAN SQUILLA: Well, I mean, it's like anything else, we as legislators like to write laws in there,

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but if we don't have any enforcement on them or we have a reason not to enforce them or people comply right after you have the law, then the law is effective. But if we continually see the children out there like we do and people out there that maybe are violating them, usually if they move after that day, they were to go to another location, then the law is really not effective.

So I think it's depending on our enforcement and what we need to do with enforcement whether this will actually enhance it or do the same as it's doing now and just move them along. So if that's the case, we'll just let it move forward and go from there.

MR. RESNICK: Like the Councilwoman said at her opening comments, we'll be working with her office to do some community engagement and information.

COUNCILWOMAN BROWN: Yes.

COUNCILMAN SQUILLA: Okay.

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2 Thank you.

3 COUNCILMAN JONES: The Chair
4 recognizes Councilman Henon.

5 COUNCILMAN HENON: Thank you,
6 Chair.

7 Mr. Resnick, good morning.

8 MR. RESNICK: Councilman, good
9 morning.

10 COUNCILMAN HENON: I just want
11 to point out over the last four years --
12 so I had a few questions on the
13 enforcement. We had doubled fines on
14 several things in the City, and I'm not
15 quite sure -- I think that's our -- maybe
16 we're so engulfed in trying to do a lot
17 of things here in the City, we get
18 wrapped up in the budget, so we never do
19 a lot of follow-up on the effectiveness
20 of doubling fines.

21 We have been involved with
22 bandit signs. Bandit signs are a
23 disgrace to this city, and it clutters up
24 our neighborhoods. They prey on the
25 disadvantaged and low-income

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2 neighborhoods and people who are in a bad
3 way, and we doubled the fines and we hold
4 not only the companies responsible, if
5 you can find them, if you can find them,
6 if you can find that throw-away phone
7 that's in a trash can somewhere, we hold
8 the person that is actually putting up
9 the sign responsible. So I need to do
10 some follow-up on that. We double fines
11 and double license fees for a lot of
12 things to hold people more accountable.
13 I just don't -- I'm having a hard time
14 thinking that doubling fines will scare
15 people into being responsible without the
16 cooperation of the Philadelphia Police
17 Department and the community groups and
18 things like that.

19 One of my questions to you was
20 curfew. How many curfew citations does
21 the Police Department give out, and have
22 the fines been doubled and have they been
23 related back to the parents and do we
24 have any kind of algorithms or data to
25 support that it's effective?

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2 MR. RESNICK: We do keep track
3 of curfew statistics and the number of
4 citations issued for that. Not being the
5 subject matter of the bill before us
6 today, however, I was not prepared to get
7 that information, but I can provide it to
8 your office.

9 COUNCILMAN HENON: I should
10 have stated the question is, I'm not sure
11 doubling fines works on most things. We
12 do that a lot around here because we want
13 to try to make a point. I think that
14 doubling fines work if you have a
15 recipient Administration or department
16 that's willing to do so.

17 So I'm going to move forward
18 with this with hesitation, and I say that
19 because I'm not sure how effective it is,
20 because I want to make sure the
21 commitment is here first from the
22 department and Public Safety, that
23 there's a true partner with trying to
24 address the kids. And these are kids.
25 All citizens are citizens, but these are

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2 kids who are just trying to get a few
3 extra dollars so they can go play in that
4 Yellow Jacket league or go to Florida or
5 go in the championship or their uniforms
6 get stolen. Good citizens step up in
7 times of crisis and they help out like
8 that.

9 So if we can -- if there's a
10 commitment from the department, I will
11 move forward with speculation, but move
12 forward, because I think it will address
13 some of the safety issues at these busy
14 intersections.

15 MR. RESNICK: And I think our
16 commitment is twofold, Councilman. Not
17 only will we engage with the Councilwoman
18 and her efforts to do community outreach
19 and public service messages, but also I
20 think the practice as it's been up to
21 this point where we're just giving
22 warnings and people are moving along,
23 that's accomplishing the goal. When we
24 get those situations where people are
25 being obstinate, they're not listening to

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2 the direction of the officers, perhaps
3 you do this once or twice, people will
4 get the message and we won't have to keep
5 doing that. But I understand your point.

6 COUNCILMAN HENON: Do you
7 find -- I guess the busy intersections
8 are the most common, so you kind of know
9 where people if they're going to look to
10 help youth organizations or having kids
11 get engaged and sensitive to issues and
12 really engaging in missionary type of
13 work and keeping it real. I mean, I
14 guess you understood corners where people
15 are going to be at; is that correct?

16 MR. RESNICK: Yes.

17 COUNCILMAN HENON: So I guess
18 we start with those high-volume
19 identified locations first and test those
20 out and see if the larger plan that the
21 Councilwoman has in mind to keep our kids
22 safe is effective. I mean, because it's
23 not just we live in a hustle-bustle world
24 where people blow through these
25 intersections, people aren't paying

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2 attention. I mean, they're on their
3 phones and they're texting, and it's
4 extremely dangerous.

5 So I think the fines should go
6 triple on the person in the vehicle, but
7 that's besides the point.

8 Thank you.

9 COUNCILMAN JONES: Thank you,
10 Councilman. And you're absolutely right.
11 As I'm sitting here thinking about it, we
12 knew the exact corners that produced the
13 highest yield, and when I think about it,
14 they were the most dangerous, because
15 there's a five points up by Pathmark.
16 That's the highest yield corner ever,
17 because four or so streets converge and
18 you can catch a light and you can work
19 it. I mean, really. But you're playing
20 Frogger with kids actually, and that's
21 very dangerous.

22 So I like the idea also,
23 Councilwoman, about engaging some of the
24 groups to talk about safety issues,
25 because we have a responsibility to those

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2 same athletes to keep them safe. God
3 forbid something bad really happens. And
4 I've even seen situations where kids are
5 aggressively tagging and move down the
6 street far enough because they want to
7 get a jump on the other kid where they're
8 out of eyeshot of the supervising coach
9 or parent, and that brings a whole other
10 set of dangers that come up.

11 And so I don't know if there
12 are rules of engagement of tagging, and
13 maybe some public service announcements
14 might go out and talk about it and, yes,
15 we recognize the need for the actual
16 resources, but we need to think about
17 safety.

18 Councilwoman Brown.

19 COUNCILWOMAN BROWN: So, yes.
20 This discussion for colleagues
21 underscores the extreme importance it
22 will be for us to do the next step, and,
23 that is, figuring out a community
24 engagement strategy, operating from the
25 premise that we should -- lawyers feel

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2 differently. My opinion is, we should
3 not hold people responsible for that
4 which they don't know. So then it's
5 incumbent upon us to raise the level of
6 awareness that this is the law and here
7 is the penalty and now you can make
8 choices. So the subsequent conversation
9 with our office will be welcomed.

10 Can you reference or speak to
11 any other piece of legislation that's
12 been passed wherein following that, your
13 department and that particular office
14 actually engaged in public awareness and
15 resulted with good outcomes?

16 MR. RESNICK: Well, just the
17 other piece of legislation that shared
18 the agenda with this one, the ban the
19 box, I think there was quite extensive
20 public outreach, communication dealing
21 with the advocates, education of the
22 employers, education of prospective
23 employees, the ex-offenders to know their
24 rights. So I think we did a lot of
25 public outreach and education on that

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2 which was pretty successful.

3 COUNCILWOMAN BROWN: Okay.
4 That's an excellent example. Well, thank
5 you for your testimony.

6 MR. RESNICK: You're welcome.

7 COUNCILWOMAN BROWN: And thank
8 you for going right to the core of why we
9 believe this is important.

10 MR. RESNICK: Sure. And if the
11 Chairman can indulge me a second on just
12 a personal note, I just wanted to say
13 that given the uncertainty of transition,
14 I just wanted to let everyone here know
15 that it was really a privilege and an
16 honor for me to work with all of you on
17 these important issues over the years.
18 And while I came here on behalf of the
19 Administration, we may not have always
20 seen eye to eye on everything. I think
21 on the policies we agree. It was maybe
22 the details that we disagreed on.

23 So I just, again, want to say I
24 enjoyed working with all of you and just
25 good luck.

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2 COUNCILMAN JONES: And for the
3 record, we enjoyed working with you, and
4 we don't put people out of these Chambers
5 that we disagree with. We have a
6 precedent of empowerment for these
7 things, public discourse.

8 MR. RESNICK: Thank you.

9 COUNCILMAN JONES: Thank you.

10 Are there any other individuals
11 here to testify on this bill?

12 (No response.)

13 COUNCILMAN JONES: Seeing none,
14 this ends our public hearing. We will
15 now have our public meeting, and the
16 Chair recognizes Councilwoman Reynolds
17 Brown for a motion to amend Bill No.
18 150659.

19 COUNCILWOMAN BROWN: Thank you,
20 Mr. Chairman. I move that the amendment
21 to Bill No. 150659 be adopted.

22 (Duly seconded.)

23 COUNCILMAN JONES: It has been
24 moved and properly seconded that the
25 amendment to Bill No. 150659 be adopted.

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2 All those in favor of this
3 motion will signify by saying aye.

4 (Aye.)

5 COUNCIL PRESIDENT CLARKE: All
6 those opposed?

7 COUNCILWOMAN BLACKWELL: Nay.

8 COUNCILMAN JONES: The ayes
9 have it and the motion carries and the
10 amendment to Bill No. 150659 has been
11 adopted.

12 I will again recognize
13 Councilwoman Reynolds Brown for a motion
14 on Bill No. 150659, as amended.

15 COUNCILWOMAN BROWN: Thank you,
16 Mr. Chairman. I move that Bill No.
17 150659, as amended, be reported from this
18 Committee with a favorable recommendation
19 and further move that the rules of
20 Council be suspended so as to permit
21 first reading at our next scheduled
22 session.

23 (Duly seconded.)

24 COUNCILMAN JONES: It has been
25 moved and properly seconded that Bill No.

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2 150659, as amended, be reported from this
3 Committee with a favorable recommendation
4 and further moved that the rules of
5 Council be suspended to permit reading of
6 this bill at our next session of Council.

7 All those in favor say aye.

8 (Aye.)

9 COUNCILMAN JONES: All those
10 opposed?

11 COUNCILWOMAN BLACKWELL: Nay.

12 COUNCILMAN JONES: The motion
13 carries, and Bill No. 150659, as amended,
14 will be reported from this Committee with
15 a favorable recommendation and with a
16 request that the rules of Council be
17 suspended to permit first reading of this
18 bill at our next session of Council.

19 This concludes our hearing.

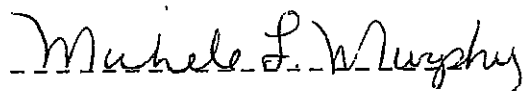
20 Thank you very much.

21 (Committee on Public Safety
22 concluded at 10:45 a.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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