

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, May 8, 2013
10:28 a.m.

PRESENT:

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

BILL NOS. 120338, 120339, 120651, 130141, 130142,
130150, 130163, 130178, 130179, 130180, 130181,
130182, 130182, 130183, 130254

RESOLUTION NO. 130190,

1 COUNCIL PRESIDENT CLARKE:

2 Good morning.

3 First, for the record, the
4 Commerce Department will not be here
5 today. They may be called back at a
6 later date to discuss some of those
7 issues that were requested earlier. So
8 today we'll hear Public Property and
9 Fire, and Tax Measures this afternoon.

10 This is a continuation of
11 the Public Hearing of the Committee of
12 the Whole regarding Bills No. 120338,
13 120339, 120651, 130141, 130142, 130150,
14 130163, 130178, 130179, 130180, 130181,
15 130182, 130183, 130254, and Resolution
16 No. 130190.

17 Ms. Lewis, would you please
18 read the titles of the bills and the
19 resolution.

20 MS. LEWIS: Bill No.
21 120338, amending Section 19-1307 of The
22 Philadelphia Code, entitled "Deferrals
23 of Real Estate Tax," by further
24 providing for certain deferrals of the

1 payments of a certain portion of Real
2 Estate Taxes due to the City of
3 Philadelphia or the Philadelphia School
4 District; all under certain terms of
5 conditions.

6 Bill 120339, amending Title
7 19 of The Philadelphia Code by adding a
8 new Chapter 19-2900A, entitled "Special
9 Real Estate Taxes Provisions For Low
10 Income Taxpayers" providing for credits
11 against Real Estate Taxes for certain
12 low income taxpayers; under certain
13 terms and conditions.

14 Bill No. 120651, amending
15 Chapter 19-1300 of The Philadelphia
16 Code, entitled "Real Estate Taxes," by
17 reducing the amount of Real Estate
18 Taxes to be exempted for certain
19 improvements to, or construction of,
20 certain residential, commercial,
21 industrial, or other business
22 properties; and by reducing the
23 duration of such exemptions; all under
24 certain terms and conditions.

1 Bill No. 130141, amending
2 Chapter 19-2900 of The Philadelphia
3 Code, entitled "Senior Citizen Special
4 Tax Provisions," by providing for those
5 circumstances where a participant in
6 the tax freeze program authorized by
7 that Chapter would owe less taxes as a
8 result of a reduction in the tax rate
9 or the assessed value of the taxpayer's
10 property but for his or her prior
11 enrollment in the program; all under
12 certain terms and conditions.

13 Bill No. 130142, phasing
14 over a period of years the effects of
15 the actual value initiative and
16 authorizing Real Estate Taxes for the
17 City of Philadelphia and the School
18 District of Philadelphia for the Fiscal
19 Year 2014 and thereafter by amending
20 Chapter 19-1300 of The Philadelphia
21 Code, entitled "Real Estate Taxes,";
22 providing for a tax and tax rate on
23 real property; and by amending Chapter
24 19-1800 of The Philadelphia Code,

1 entitled "School Tax Authorization," to
2 further authorize the Board of
3 Education of the School District of
4 Philadelphia to expose a tax on real
5 estate within the City of Philadelphia,
6 and providing for a tax rate; all under
7 certain terms and conditions.

8 Bill No. 130150,
9 authorizing Real Estate Taxes for the
10 City of Philadelphia and the School
11 District of Philadelphia at a combined
12 rate of 1 percent for Fiscal Year 2014
13 and thereafter, by amending Chapter
14 19-1300 of The Philadelphia Code,
15 entitled "Real Estate Taxes," to
16 provide for a tax and tax rate on real
17 property, and by amending Chapter
18 19-1800 of The Philadelphia Code,
19 entitled "School Tax Authorization" to
20 further authorize the Board of
21 education of the School District of
22 Philadelphia to impose a tax and tax
23 rate on real estate within the City of
24 Philadelphia; all under certain terms

1 and conditions.

2 Bill No. 130163, amending
3 Title 19 of The Philadelphia Code,
4 entitled "Finance, Taxes, and
5 Collections," by amending Chapter
6 19-1300 of The Philadelphia Code,
7 entitled "Real Estate Taxes" by
8 providing for certain deferrals of
9 payments of a certain portion of Real
10 Estate Taxes due the City of
11 Philadelphia or the Philadelphia School
12 District for owner-occupied properties
13 that are the owner's primary residence,
14 with a limitation of five years.

15 Bill No. 130178, an
16 ordinance to adopt a Capital Program
17 for the six fiscal years 2014 to 2019,
18 inclusive.

19 Bill No. 130179, an
20 ordinance to adopt a Fiscal 2014
21 Capital Budget.

22 Bill No. 130180, an
23 ordinance to adopt the Operating Budget
24 for Fiscal Year 2014.

1 Bill No. 130181, amending
2 Chapter 19-1300 and 19-1800 of The
3 Philadelphia Code, entitled
4 respectively, "Real Estate Taxes" and
5 "School Tax Authorization" by
6 establishing a tax rate for City real
7 estate tax and authorizing and
8 establishing a tax rate for School
9 District real estate tax; and by
10 revising the homestead exclusion; all
11 under certain terms and conditions.

12 Bill No. 130182, amending
13 Chapter 19-1800 of The Philadelphia
14 Code, entitled "School Tax
15 Authorization" by amending Section
16 19-1806, entitled "Authorization of
17 Realty Use and Occupancy Tax," to
18 further authorize the tax and to set
19 the rate for such tax; all under
20 certain terms and conditions.

21 130183, amending Chapter
22 19-1500 of the Philadelphia Code,
23 entitled "Wage and Net Profits Tax," by
24 revising certain tax rates; under

1 certain terms and conditions.

2 Bill No. 130254, phasing
3 over a period of years the effects of
4 the changes in real property
5 assessments determined by the actual
6 value initiative and authorizing Real
7 Estate Taxes for the City of
8 Philadelphia and the School District of
9 Philadelphia for Fiscal Year 2014 and
10 thereafter by amending Chapter 19-1300
11 of The Philadelphia Code, entitled
12 "Real Estate Taxes,"; providing for a
13 tax and tax rate on real property; and
14 by amending Chapter 19-1800 of The
15 Philadelphia Code, entitled "School Tax
16 Authorization" to further authorize the
17 Board of Education of the School
18 District of Philadelphia to impose a
19 tax on real estate within the City of
20 Philadelphia and providing for a tax
21 rate; all under certain terms and
22 conditions.

23 And Resolution No. 130190,
24 providing for the approval by the City

1 of Philadelphia of a revised five-year
2 financial plan for the City of
3 Philadelphia covering Fiscal Years 2014
4 through 2018, and incorporating
5 proposed changes with respect to Fiscal
6 Year 2013, which is to be submitted by
7 the Mayor to the Pennsylvania
8 Intergovernmental Cooperation
9 Authority, (the "Authority") pursuant
10 to the Intergovernmental Cooperation
11 Agreement, authorized by an ordinance
12 of this Council, approved by the Mayor
13 on January 3rd, 1992,
14 (Bill No. 1563-A), by and between the
15 City and the Authority.

16 COUNCIL PRESIDENT CLARKE:

17 Thank you, Ms. Lewis.

18 At this time I would like
19 to ask the Administration of Public
20 Property. And I believe that -- let's
21 see. Did we ask for Aviation? There
22 may be a question for you. You can
23 just come up.

24 Good morning. Just state

1 your name for the record.

2 MS. GREENWALD: Sure. Good
3 morning, Council President and Council
4 members. I'm
5 Bridget Collins-Greenwald, Public
6 Property Commissioner.

7 COUNCIL PRESIDENT CLARKE:
8 Thank you.

9 MR. TYRELL: Good morning,
10 Council President. Jim Tyrell and I'm
11 the Deputy Director of Aviation For
12 Property Management.

13 COUNCIL PRESIDENT CLARKE:
14 Thank you. Okay. Let me cut to the
15 chase. This should be relatively
16 brief.

17 Commissioner, I just want
18 to go down -- and I just gave you a
19 list. I want to run down some
20 background information to make sure
21 that we're on the same page based on
22 the testimony and a brief analysis done
23 by members of our staff. So if we can
24 agree on the facts, then we're in a

1 much better position to move ahead.

2 MS. GREENWALD: Okay.

3 COUNCIL PRESIDENT CLARKE:

4 One of the issues with respect to the
5 IRS, according to both the testimony
6 and some of the information that we
7 subsequently reviewed, the IRS places
8 certain restrictions on private
9 businesses' use of public property that
10 is being financed through tax exempt
11 bonds.

12 We agree.

13 The rules are meant to
14 guard against municipality using taxes
15 and bonds to fund a for-profit
16 business -- private business. If you
17 violate these rules, you have to pay
18 taxes.

19 We concur?

20 MS. GREENWALD: Yes. We
21 concur there's a threshold that if you
22 violate the rules, yes, after a certain
23 point you pay back the bond -- the
24 taxes, I mean.

1 COUNCIL PRESIDENT CLARKE:

2 So my question is: If a company were
3 to -- say, for instance, the City hired
4 a company, the City being a nonprofit,
5 and that company simply managed the
6 advertisement process so, therefore,
7 they weren't actually making money --
8 and that's just my interpretation.
9 They weren't a private business making
10 money on the properties; they were
11 being paid a fee for services.

12 MS. GREENWALD: I got you.
13 Okay. I don't actually know. If you
14 give me a second, I can confer with the
15 treasurer's office and their expert
16 from the municipal bond issue.

17 MR. DUTCHIE: Good morning,
18 Councilmen. Francois Dutchie,
19 Divisional Deputy City Solicitor with
20 the Law Department.

21 Basically, the program
22 that's been proposed would be in the
23 nature of a concession where there
24 would be someone coming in to manage an

1 advertising program for the City, but
2 they would, essentially, be earning a
3 percentage of the revenues that the
4 advertising program generates and,
5 therefore, they would be --

6 COUNCIL PRESIDENT CLARKE:
7 You mean, prior to proposals, because
8 we don't have -- are you talking about
9 the earlier -- we don't have --

10 MR. DUTCHIE: Yes, I
11 believe, the prior.

12 COUNCIL PRESIDENT CLARKE:
13 No. I asked the question: If we hired
14 a company and paid that company a fee
15 and that company managed an
16 advertisement process for us, would
17 that fall within the IRS guidelines as
18 a prohibited use -- a prohibited
19 process rather?

20 MR. DUTCHIE: I believe
21 that it would, but I would have to
22 verify that with our tax counsel.

23 COUNCIL PRESIDENT CLARKE:
24 So you believe that if the company did

1 the aforementioned process where they
2 got a percentage of the revenues
3 generated, that they would,
4 essentially, be viewed as a private
5 entity making money off of a publicly
6 owned property?

7 MR. DUTCHIE: That's
8 correct.

9 COUNCIL PRESIDENT CLARKE:
10 Okay.

11 Second one. We have a
12 question here. Some exceptions are
13 allowed by the IRS, for example,
14 incidental uses of finance facility
15 that do not exceed 2.5 of the proceeds
16 of the bonds are acceptable.

17 Do you agree with that?

18 MR. DUTCHIE: That's
19 correct, yes.

20 COUNCIL PRESIDENT CLARKE:
21 So, if the amount was 2.5 -- okay.
22 Then that is acceptable. Okay.

23 It clearly states here,
24 municipalities and school districts

1 have overcome this problem and found
2 ways to lawfully place advertisement on
3 properties funded with taxes and bonds.

4 Do you have a sense of any
5 of those -- and this is, obviously, a
6 question posed from a potential vendor.
7 Are you familiar with any such
8 municipalities or other school
9 districts that do that?

10 MR. DUTCHIE: I'm not
11 specifically familiar with any. I
12 believe the Treasurer's office was
13 looking into that, and as far as I
14 know, had not gotten a lot of responses
15 from the inquiries that she made.

16 COUNCIL PRESIDENT CLARKE:
17 Okay. And, obviously, if the building
18 and the land was not financed with
19 taxes and bonds or the bonds had been
20 paid off, there's no problem.

21 MR. DUTCHIE: No
22 restriction whatsoever, no.

23 COUNCIL PRESIDENT CLARKE:
24 This is an interesting one here. The

1 Administration claims that they have to
2 scrutinize every City-owned property to
3 determine the status before issuing an
4 RFP. So the question is, why wouldn't
5 we issue the RFP to then select a
6 vendor or consultant or manager, and
7 they would, obviously, determine what
8 was the most desirable advertisement
9 location? Because I anticipate that it
10 would be a relatively small percentage
11 of City properties that they would be
12 interested in and then determine the
13 exempt nature of -- the tax exempt
14 nature of that particular building or
15 location.

16 Wouldn't that make more
17 sense?

18 MS. GREENWALD: I believe
19 that's how we originally approached
20 this, with the original RFP. And then
21 when some of these issues came up, what
22 the advice of Law was that it wasn't
23 fair to the proposers that we wouldn't
24 give a complete list at first attached

1 to our original RFP. But, actually,
2 what we've proposed now is to do an RFP
3 actually asking for the consultant to
4 do some of the work, but we would
5 attach the list.

6 But we're actually going
7 back to that original school of thought
8 to get the consultant that would do the
9 management piece that you're talking
10 about.

11 COUNCIL PRESIDENT CLARKE:
12 Okay. So the \$64,000 question: Where
13 are we?

14 MS. GREENWALD: Okay. So
15 being that there were all these
16 different issues that kind of crept up
17 on us on the bond issue and some of the
18 First Amendment issues with the policy
19 and whatnot, what we did was we got at
20 the lead of the Law Department, the
21 City solicitor, and the managing
22 director, convened in group -- we just
23 met on Monday. And what we determined
24 is how we're going to move forward.

1 To issue the RFP for the
2 vehicles seems very easy. There's one
3 group of vehicles that was paid for
4 with tax exempt bonds. We can pull
5 them out, do our analysis on that, and
6 move forward. So that seemed like,
7 okay, let's make some progress on this
8 and move forward. So the vehicles seem
9 to be the easiest part.

10 Actually, the reason the
11 Managing Director's Office is involved
12 is to actually handle the coordination
13 of all these different issues. I've
14 been trying to do it, but it's a little
15 bit above the Public Property
16 Commissioner role. So it was thought,
17 the managing director also has that
18 title of Deputy Mayor Coordination. So
19 he's been handling that. So what he's
20 been able to do is to get us all on the
21 same page with, here are the lists of
22 properties, get them to the Treasurer,
23 let's get the timeline for when we'll
24 get everything analyzed and whatnot for

1 the building piece.

2 He's also taking the lead
3 on the policy piece with the
4 Administration, okay, what are we
5 allowing and not allowing -- tobacco,
6 alcohol -- decisions like that to move
7 forward.

8 So I think we're in a much
9 better spot, especially with the RFP
10 for the vehicles. I can imagine that
11 that could be released as soon as the
12 Treasurer does his analysis, and it
13 doesn't seem like it's going to take
14 long because they don't have private
15 use on them and we already know that
16 group that was issued with bonds. So
17 we can pull them out and do a later
18 analysis. So it seems like it's moving
19 forward on a much quicker pace than it
20 was probably when I was here two weeks
21 ago.

22 COUNCIL PRESIDENT CLARKE:
23 Okay. I had heard that informally a
24 week and a half ago and had

1 conversations with potential vendors, a
2 member of my staff did, and there is a
3 concern as it relates to the ability to
4 maximize advertisement revenue that
5 when you limit the scope of -- the
6 opportunities limits your ability to
7 market advertisement. So I'm concerned
8 about, basically, rolling this out in a
9 format that gives bits and pieces at a
10 time.

11 The most successful
12 advertisements are, essentially, given
13 the opportunities across the board with
14 every opportunity. So this notion
15 about allowing vehicles to be -- which
16 I think could very well be a lucrative
17 opportunity. And with all due respect,
18 the fact that it took us a year and a
19 half to get there to think that we'll
20 move from vehicles to other
21 opportunities throughout this process,
22 I'm just very -- I'm just not
23 comfortable with it.

24 So if we're going to do it,

1 let's do it. And this is based on
2 industry and it's based on the history
3 of our ability to get this moving. So
4 I would prefer -- and at the end of the
5 day, you don't work for me, you know,
6 you work for the Mayor, and that's
7 clear because if that were the case,
8 this would have been done a year ago.

9 I would really like to have
10 an approach where we get our ducks in
11 line as evidence in prior proposals and
12 other municipalities. It, actually,
13 was the responsibility of the vendor or
14 the manager to determine the tax exempt
15 nature of those facilities or
16 locations. I had heard you reference
17 that that is possibly a strategy as you
18 move ahead.

19 So rather than just simply
20 doing vehicles, why don't we look at
21 the possibility of putting the onus on
22 the respondent to do that? Because
23 this is -- I mean, they have a little
24 more incentive than us.

1 Government -- people like
2 to say in government you get paid the
3 same in the 40 hour workweek regardless
4 of your output. I, obviously, don't
5 agree with that. But the reality is
6 there is a set salary associated with
7 everything we do -- compensation,
8 private entities -- they have to
9 produce.

10 So I think the sense of
11 urgency would be a little more on their
12 behalf. So I would probably feel a
13 little more comfortable if we took that
14 approach.

15 MS. GREENWALD: I'll
16 certainly take that back to the group,
17 to Rich and Shelly, and get a consensus
18 on that.

19 COUNCIL PRESIDENT CLARKE:
20 I want to mention that. An invitation
21 was offered by the Law Department for a
22 staff member of Council to participate
23 in that group, and I want to thank you
24 all for that.

1 MS. GREENWALD: Absolutely.

2 Yes. That would just make sense for us
3 all to be on the same page going
4 forward. Absolutely.

5 COUNCIL PRESIDENT CLARKE:

6 So the last thing I would like to ask:
7 Can we have something in writing to
8 indicate the process and the proposed
9 timeline? Because I know you all are
10 tired of me asking these questions
11 about municipal marketing. I'm
12 starting to get tired of asking the
13 questions. So if we can get this thing
14 up and running --

15 MS. GREENWALD: We can
16 certainly get you something.
17 Absolutely.

18 COUNCIL PRESIDENT CLARKE:

19 Thank you. Thank you very much.

20 I feel like I need to ask
21 the Airport a question simply because
22 you came all the way down here. But,
23 unfortunately, I can't think of any
24 right now.

1 Anybody have an Airport
2 question?

3 (No response.)

4 COUNCIL PRESIDENT CLARKE:
5 Thank you all very much. Thank you so
6 much.

7 Next up we'll have the Fire
8 Department.

9 Good morning, gentlemen.

10 COMMISSIONER AYERS: Good
11 morning, sir.

12 COUNCIL PRESIDENT CLARKE:
13 Just state your name for the record.

14 COMMISSIONER AYERS: Fire
15 Commissioner Lloyd Ayers.

16 MR. BEATRICE: Dave
17 Beatrice, Deputy Fire Commissioner.

18 COUNCIL PRESIDENT CLARKE:
19 Thank you.

20 I want to go straight to
21 the membership. The Chair recognizes
22 Councilman O'Brien.

23 Good morning, sir.

24 COUNCILMAN O'BRIEN: Thank

1 you, Mr. President. I wasn't quite
2 ready. I just hit the button. I did a
3 Wilson Goode, Jr.

4 COUNCIL PRESIDENT CLARKE:
5 I understand.

6 COUNCILMAN O'BRIEN: I just
7 have certain questions that relate to
8 the line of questioning that took place
9 the last time we were here,
10 Commissioner, and specific to the
11 vacancies.

12 My question is: Is there a
13 liability for the City where there are
14 firefighter vacancies and there are
15 certified promotional examinational
16 lists?

17 COMMISSIONER AYERS: I
18 don't see a liability.

19 COUNCILMAN O'BRIEN:
20 Pardon?

21 COMMISSIONER AYERS: I
22 don't see a liability.

23 COUNCILMAN O'BRIEN: You
24 don't see liability?

1 (No response.)

2 COUNCILMAN O'BRIEN: Can
3 I -- let me just then read something
4 from the Philadelphia Inquirer.

5 Jurors agreed that two
6 Hispanic firefighters were passed over
7 for promotions because of their
8 heritage. A Camden County jury awarded
9 \$596,000 to two Hispanic firefighters
10 who said they were passed over for
11 promotions because of discrimination
12 and their persistent and public
13 complaints about discrimination against
14 minorities within the Camden Fire
15 Department.

16 Andres Nieves, 48, of
17 Medford Lakes and Samuel Munoz, 34, of
18 Camden said they were unfairly turned
19 aside for promotion to captain in 2009.

20 On Thursday, the jury found
21 the men also faced a hostile work
22 environment and retaliation.

23 In September of 2009 the
24 two were next in line to be promoted

1 and there were vacancies to be filled.
2 We don't agree with the outcome, said
3 City spokesman Robert Corrales. The
4 City believes we followed all Civil
5 Service rules and regulations. He said
6 the City was considering its options,
7 including whether to appeal. The City
8 was represented by an outside lawyer,
9 blah, blah, blah.

10 The question is: If there
11 is a certified promotional list of
12 vacancies that exists, vacancies should
13 be filled according to Civil Service
14 regulations.

15 Do you agree with that or
16 not?

17 COMMISSIONER AYERS: I
18 would have to familiarize myself a
19 little bit more with the case. But
20 that sounds like discrimination to me,
21 sir.

22 COUNCILMAN O'BRIEN: Well,
23 then, what I'm trying to drill down on
24 is, then, if there's a process, you

1 have a list and there are vacancies,
2 what is the process and policy? If I
3 were to ask Central Personnel -- you
4 can't just not fill vacancies. I
5 believe that's the policy. You can't
6 just not fill vacancies where you have
7 vacancies and you have a list.

8 It's my understanding that
9 you have to promote. Otherwise, I
10 will, again -- I can give you more
11 facts to this pattern. It's right
12 across the river.

13 Do we face liability, given
14 that short set of facts? If we have
15 vacancies and we're not filling those,
16 and we have a list, and I know that
17 it -- you used the word stale and
18 fresh, I'm not going to get into that.
19 But from Central Personnel if we have
20 vacancies and you have a certified
21 list, does the City face this same kind
22 of liability if we don't fill those
23 vacancies?

24 COMMISSIONER AYERS: I will

1 get back to you with that answer.

2 COUNCILMAN O'BRIEN: Well,
3 let me ask you this: Another
4 concern -- and this is just a
5 historical observation -- you have a
6 budget, and over the years you have a
7 number of deputies and battalion
8 chiefs. And one year it's 16, the next
9 year it might be 14, and the number
10 goes up and down, does that have
11 anything to do with who is on the list
12 for hiring practices? Shouldn't that
13 number always be constant? Why would
14 it change?

15 COMMISSIONER AYERS: I'll
16 get back to you on that.

17 COUNCILMAN O'BRIEN: All
18 right. I can see where we're going
19 with this.

20 If you have vacancies, then
21 you have guys acting out of rank -- let
22 me just go to another. You have tests
23 for deputy chiefs and battalion chiefs.
24 The last time you were here you talked

1 about creating a process -- my
2 understanding is right now a new
3 process, I read it in the Northeast
4 Times. I had to read it over again
5 because I didn't quite remember. So
6 I'll ask you to clarify it.

7 But my understanding is
8 that the test for chiefs and battalion
9 chiefs are 90 percent oral and 10
10 percent on seniority.

11 COMMISSIONER AYERS: I
12 believe so, yes.

13 COUNCILMAN O'BRIEN: Are
14 you going to -- you said you are going
15 to change that process. What would you
16 change the process to? If there are
17 allegations that written tests are
18 biased, what would you change the
19 process to? What are we getting here?

20 COMMISSIONER AYERS: I
21 don't recall that on saying that I was
22 changing that BC, DC process. I don't
23 remember.

24 COUNCILMAN O'BRIEN: Then

1 you're happy with the 90 percent and 10
2 percent as it is right now, no written
3 tests?

4 COMMISSIONER AYERS: It's
5 been producing for us very well over
6 the years.

7 COUNCILMAN O'BRIEN: Can
8 you give me -- and I know we're going
9 to run out of time. Can you give me an
10 example? You said there's problems
11 with the list. You used the words
12 stale and fresh. What problems have
13 you found with this list? What type of
14 candidates would you be inclined not to
15 promote?

16 COMMISSIONER AYERS: I did
17 not say I had problems with the list.
18 If I did, I did not mean that we have
19 problems with the list.

20 What I stated was -- I did
21 mention the stale word, and I
22 apologized for that. And looking at
23 the list and the process from a
24 systematic view, what I said was that

1 we would wait and promote from the top
2 of the next list where people are
3 studying right now and preparing to
4 take the test. And the list will be
5 prepared and ready for us on September
6 2nd.

7 COUNCILMAN O'BRIEN: Isn't
8 that the same problem that Camden
9 employed and they had record
10 settlements? They had \$596,000. They
11 had another case that was settled
12 because there was a second -- as part
13 of a settlement involving
14 African-American chiefs, there was a
15 second settlement of \$1.5 million --
16 \$1.15 million. That's a lot of money.
17 But you're saying that -- that was
18 simply because you had a certified test
19 and you had vacancies.

20 My question recurs: Does
21 the City face liability? I'm looking
22 right in the face of what just
23 happened. This article is May 7th.
24 It's timely. May 7th of this year in

1 yesterday's Inquirer.

2 Why is it that I can
3 believe that we are not going to use a
4 certified list? There are vacancies
5 and we're not going to face similar
6 liability. What am I missing?

7 You'll get back to me?

8 COMMISSIONER AYERS: Yes,
9 sir.

10 COUNCILMAN O'BRIEN: I'm
11 done.

12 COUNCIL PRESIDENT CLARKE:
13 Chair recognizes Councilman Henon.

14 COUNCILMAN HENON: Thank
15 you, Mr. Chairman.

16 Good morning, Commissioner.

17 COMMISSIONER AYERS: Good
18 morning, sir.

19 COUNCILMAN HENON: I may be
20 a little scattered here, so I
21 apologize. But I wanted to follow up
22 from Friday's promotion testimony that
23 Budget Safety Director Resnick stated
24 that the Fire Commissioner has not

1 asked -- or the Fire Commissioner has
2 to ask for promotions.

3 Is that the correct
4 procedure?

5 COMMISSIONER AYERS: Yes,
6 sir.

7 COUNCILMAN HENON: So my
8 question is: With the vacancies that
9 we have now and will have for
10 promotions running to the end of this
11 list in May and then other lists, will
12 you be asking for vacancies to be
13 filled?

14 COMMISSIONER AYERS: From
15 this current list?

16 COUNCILMAN HENON: From
17 this current list.

18 COMMISSIONER AYERS: No,
19 sir.

20 COUNCILMAN HENON: So the
21 current list has, I think, you know, if
22 I recall, there's several different
23 numbers. You have two vacancies now,
24 then by the end of the list there will

1 be 14. And then shortly after it will
2 be 28. And then we'll be up to 38 or
3 50 at a certain time this year. In
4 other departments or, you know, in
5 other cities, municipalities, they fill
6 their vacancies as they occur.

7 How come that's not our
8 practice here in the City of
9 Philadelphia? So we have vacancies
10 now. Why don't we fill them as they
11 occur when there's a need?

12 COMMISSIONER AYERS: We do
13 fill them when there's a need. And
14 it's a management right, and that's
15 when they are filled, myself or prior
16 commissioners or commissioners in the
17 future.

18 COUNCILMAN HENON: I
19 understand it's a management right.
20 But you're saying that there's not a
21 need to fill the vacancies as they
22 occur? Or do you -- in those standard
23 practices, is waiting to get several
24 other discretionary candidates that you

1 choose, or the Administration chooses,
2 to fill at one time? So if there's a
3 need for vacancies, why aren't we
4 filling them?

5 COMMISSIONER AYERS:

6 Because we will fill the vacancies from
7 the new list that's going to be
8 prepared and ready on September 2nd,
9 and we'll fill the list -- fill the
10 vacancies from the top of the list of
11 the next candidates' test, lieutenants
12 and captains. We will fill those on
13 September 2nd.

14 COUNCILMAN HENON: So with
15 the upcoming vacancies created by
16 retirement, so the fire deputy chiefs
17 and fire battalion chiefs in June, have
18 you requested promotions to be filled
19 in those positions of fire deputy
20 chiefs or fire battalion chiefs?

21 COMMISSIONER AYERS: We
22 will request those to be filled as they
23 come current.

24 COUNCILMAN HENON: As they

1 come current?

2 COMMISSIONER AYERS: Yes,
3 sir.

4 COUNCILMAN HENON: As
5 opposed to not filling the vacancies
6 that are current now? I'm not saying
7 in ranks, but I'm just, you know,
8 clarifying that you just stated that
9 you will fill vacancies as they become
10 current, you know, regarding fire
11 battalion chiefs and --

12 COMMISSIONER AYERS: The
13 BCs and the DCs.

14 COUNCILMAN HENON: But not
15 as the current list that you have?

16 COMMISSIONER AYERS: It
17 will be off the current list that we
18 have for BCs and DCs.

19 COUNCILMAN HENON: So BCs
20 and DCs --

21 COMMISSIONER AYERS: It's a
22 fresh list.

23 COUNCILMAN HENON: Would
24 that be a new list?

1 COMMISSIONER AYERS: It is
2 a new list.

3 COUNCILMAN HENON: It is a
4 new list?

5 COMMISSIONER AYERS: Yes.

6 COUNCILMAN HENON: So
7 you're going to put that request in to
8 fill those vacancies as they occur?

9 COMMISSIONER AYERS: I
10 will.

11 COUNCILMAN HENON: Choose
12 off of the list that we have now for
13 the current vacancies on the captains
14 and lieutenants? Is that --

15 COMMISSIONER AYERS: That's
16 correct.

17 COUNCILMAN HENON: Will the
18 Fire Department promote fire
19 lieutenants from the existing promotion
20 eligibility list prior to the
21 expiration? Again, I think you just
22 answered the question. But prior to
23 the expiration of the eligibility list
24 on May 24th, according to the Civil

1 Service regulations --

2 COMMISSIONER AYERS: No.

3 COUNCILMAN HENON: Okay.

4 Two remaining things for me. We have
5 new cadets, right? We have two --
6 double class last year; is that
7 correct?

8 COMMISSIONER AYERS:

9 They're firefighters now.

10 COUNCILMAN HENON: They're
11 firefighters now.

12 COMMISSIONER AYERS: Yes,
13 sir.

14 COUNCILMAN HENON: That's
15 great. And there was a program that
16 was, I guess, created by the Department
17 which was great: Community Risk
18 Reduction.

19 COMMISSIONER AYERS:

20 Community risk reduction, yes, sir.

21 COUNCILMAN HENON:

22 Community risk reduction, which I think
23 is a great -- would there be a need
24 because of the amount of either new

1 cadets or new firefighters for an
2 additional supervision vacancy for
3 filling that role? Or is somebody
4 currently filling that responsibility
5 as far as a supervisor or a ranking
6 officer?

7 COMMISSIONER AYERS: Yes.
8 They're all stationed right now.

9 COUNCILMAN HENON: They're
10 all stationed?

11 COMMISSIONER AYERS: Yes,
12 sir.

13 COUNCILMAN HENON: Okay.
14 That's great.

15 A little bit of a
16 procedural question which you're going
17 to have to school me on: Is there an
18 operational procedure on ladder
19 companies arriving at fires before the
20 engine companies?

21 COMMISSIONER AYERS: No,
22 sir.

23 COUNCILMAN HENON: Is there
24 a need, you know, with the brownouts,

1 you know, that are taking place, as I
2 have liked to call them over the last
3 two years -- not brownouts, but fire
4 closings, firehouse closings, company
5 closings for a period of time, is there
6 a -- do you feel that there's a need
7 for a procedure, a policy, to be put in
8 place to help the other firefighters
9 that will be coming short, coming next,
10 when they're ventilating and waiting
11 for the water? I mean, do you think
12 there should be a written policy in
13 place?

14 COMMISSIONER AYERS: The
15 firefighters, the officers know exactly
16 what to do when they arrive on a fire
17 ground. They make decisions based on
18 the situational analysis that they go
19 through. And we looked at the data of
20 all of the companies that had been
21 closed where there's a single ladder,
22 and there has been a very small
23 variation in the time where they arrive
24 and the time where the next engine

1 company arrives.

2 We have data for each and
3 every time that that happened, and it's
4 very, very minor. As a matter of fact,
5 the incidents are very minor over the
6 years that they've been closed.

7 COUNCILMAN HENON: And
8 you're looking at data. Have your
9 officers and supervisors, you know,
10 spoken with the rank and file to see if
11 there are needs to be some
12 on-the-ground clarity with our fire
13 department who will be arriving, you
14 know, shortly after? And I'm glad to
15 hear that the response time is -- meets
16 --

17 COMMISSIONER AYERS:
18 National standards.

19 COUNCILMAN HENON: --
20 national standards. I don't know how
21 that phrases out, but have you spoken
22 with the rank and file and the
23 officers, the lieutenants, and
24 captains?

1 COMMISSIONER AYERS: They
2 have the same concerns that we have
3 with that issue. And some of the
4 things that we are looking forward to
5 doing around that issue are capital
6 intents. It's about apparatus. It's
7 about being able to put other apparatus
8 in those locations. We're looking at
9 several solutions.

10 But right now, as far as
11 the officers, they're well trained.
12 They know exactly what to do in those
13 situations, and they've managed the
14 situations over these years that
15 they've been closed.

16 COUNCILMAN HENON: I'm sure
17 they're well trained.

18 COMMISSIONER AYERS: Yes,
19 sir.

20 COUNCILMAN HENON: So my
21 question is: You, as the Commissioner
22 and the Commissioner's office and the
23 Administration, are having ongoing
24 conversations over policy and realtime

1 and, you know, public safety issues
2 regarding the procedure on the
3 operational -- when it comes to
4 operational procedures on the ladder
5 companies and the engine companies.
6 Are you guys actively speaking so you
7 have spoken -- your Administration has
8 been speaking with the officers and the
9 ranking officers and supervisors over
10 this issue, not just looking at data?
11 So I'm just trying to separate --

12 COMMISSIONER AYERS: Yes,
13 with the officers as well as with our
14 training academy, and we're looking at
15 the issues very closely.

16 COUNCILMAN HENON: Okay.
17 If you have any updates or status on
18 how those conversations are going with
19 the rank and file, with the
20 supervisors, and with the
21 Administration, I'd appreciate, you
22 know, a status update at the
23 appropriate time.

24 COMMISSIONER AYERS:

1 Councilman, I'll make sure that you get
2 the information, sir.

3 COUNCILMAN HENON: Thank
4 you very much.

5 COUNCIL PRESIDENT CLARKE:
6 Thank you, Councilman.

7 The Chair recognizes
8 Councilman O'Brien.

9 COUNCILMAN O'BRIEN: Thank
10 you, Mr. President.

11 COUNCIL PRESIDENT CLARKE:
12 You're welcome, sir.

13 COUNCILMAN O'BRIEN: I
14 believe I asked these questions at the
15 last hearing, and respectfully, I
16 believe I was told that you would get
17 back to me.

18 On the Officer Development
19 Program that was suspended in year
20 2007, you said there would be training
21 if you were successful in getting a
22 grant.

23 So my question, again, is:
24 Shouldn't there always be training,

1 especially with the number of transfers
2 and the number of people taking
3 advantage of DROP?

4 COMMISSIONER AYERS: I
5 agree that there should always be
6 training for the officers.

7 COUNCILMAN O'BRIEN:
8 Shouldn't that be a line item in the
9 budget request that you have every
10 year, and training should not be
11 dependent on whether we get a grant or
12 we don't get a grant?

13 COMMISSIONER AYERS: I
14 appreciate that, yes.

15 COUNCILMAN O'BRIEN: And it
16 is true -- it's a fact that we have not
17 had training since 2007.

18 Is there a request in your
19 budget for training if we don't have a
20 grant, if we're not successful in
21 getting the grant?

22 COMMISSIONER AYERS: There
23 was not a line item in this budget for
24 training if we did not get a grant.

1 COUNCILMAN HENON: Is it
2 your intention to renew the Officer
3 Development Program?

4 COMMISSIONER AYERS: It is
5 our intention to renew the Officer
6 Development Program.

7 COUNCILMAN O'BRIEN: But
8 there's no request for budget.

9 COMMISSIONER AYERS: Right
10 now we're putting a program together
11 where we will have some in-station
12 training as well as some other
13 training.

14 COUNCILMAN O'BRIEN: That's
15 the online training that we talked
16 about the last time?

17 COMMISSIONER AYERS: Yes,
18 sir.

19 COUNCILMAN O'BRIEN: Do you
20 think that is comparable or adequate
21 compared to the Officer Development
22 Program that was in place prior to
23 2007?

24 I understand that you have

1 to backfill positions. You have to
2 backfill slots when individuals go for
3 training. That means that it could be
4 three weeks.

5 Could you be specific? Do
6 you think three weeks was too long?
7 One week is enough? Two weeks might be
8 the appropriate time?

9 Would there be, I know that
10 you're talking about newly promoted
11 people. Would there be a dual track
12 for, let's say, lieutenants and
13 captains?

14 What I'm really trying to
15 get at is, what is the process for
16 training? What is the process? If
17 there's no budget request, the Officer
18 Development Program has been suspended
19 since 2007, training is contingent on
20 the success of the grant. And what I'm
21 hearing is we are looking in the future
22 that we are going to grade something
23 for training. How do we know that?
24 It's been 2007.

1 COMMISSIONER AYERS: That's
2 one particular training. I would like
3 to have that training. There's other
4 training that these officers receive,
5 some on a daily basis. So they are
6 being trained.

7 COUNCILMAN O'BRIEN: But
8 it's all online.

9 COMMISSIONER AYERS: It's
10 not all online.

11 COUNCILMAN O'BRIEN: That's
12 what I was told in the last testimony,
13 that that was the extent of the
14 training that was available.

15 COMMISSIONER AYERS: It's
16 not all online.

17 COUNCILMAN O'BRIEN: Well,
18 what other training, Commissioner, is
19 there in addition to that?

20 COMMISSIONER AYERS: I will
21 make a list and get it back to you so
22 you'll have that.

23 COUNCILMAN O'BRIEN: Well,
24 I asked for that list, and it's called

1 a training log, and I can't get that
2 either.

3 COMMISSIONER AYERS: Okay.
4 There's another issue around the Grand
5 Jury, I believe it was.

6 COUNCILMAN O'BRIEN: But
7 you never got back to me as to who told
8 you you couldn't give me the list and
9 when that list was requested by the
10 Grand Jury, and whether my request
11 preceded that request, which would have
12 allowed me to get that request.

13 COMMISSIONER AYERS: The
14 response to that is that --

15 COUNCILMAN O'BRIEN: You'll
16 get back to me?

17 COMMISSIONER AYERS: No,
18 sir. The Philadelphia Fire Department
19 gave to the Grand Jury all the
20 requested information so as not to
21 jeopardize the investigation. We
22 declined to provide details about the
23 present information supplied.

24 COUNCILMAN O'BRIEN: But

1 when did you submit that information?

2 What was the date?

3 COMMISSIONER AYERS: To the
4 Grand Jury?

5 COUNCILMAN O'BRIEN: Yes.

6 COMMISSIONER AYERS: I have
7 to get back to you on the date.

8 COUNCILMAN O'BRIEN: Okay.
9 Thank you again.

10 COUNCILMAN GREENLEE:
11 Councilman Henon.

12 COUNCILMAN HENON: I do
13 have one last question on the favorite
14 topic and subject of furloughs.

15 So the question is: If we
16 continue -- so the question is: I've
17 heard in testimonies and hearings that
18 the City will not furlough our
19 firefighters or our first responders,
20 and I don't know how or why it's even a
21 subject of conversation if they have no
22 financial impact whatsoever on the
23 budget.

24 It's been stated for the

1 record many, many times, and it's not
2 -- it's more of the Administration's
3 way to say, hey, we have a hammer, and
4 we have the authority to implement them
5 if they head in that direction for
6 whatever reason. Whether it's a
7 discretionary management tool or it is
8 retribution or disciplinary actions,
9 I'm not sure. But it certainly doesn't
10 have a financial impact on the budget
11 moving forward.

12 My concern with the
13 furloughs are, we're taking in
14 new classes over the next several years
15 which is fantastic and much needed. I
16 think that's great. But I think it was
17 brought up at the last hearing that the
18 lack of training for HAZMAT is
19 concerning. So I hope we address that
20 moving forward since we haven't had
21 training classes for that in five
22 years.

23 But continued firehouse
24 closings with brownouts I think is --

1 or with furloughs is something that --
2 it's very concerning with me. So if
3 furloughs are enacted, which right now
4 they're not. If furloughs -- and we
5 have DROP. We have folks that are
6 getting hurt because it's a dangerous
7 first respondent business, the
8 profession that they chose.

9 There may be a wash now,
10 but with the ongoing firehouse, the
11 closings, how would it be possible,
12 especially with no financial impact,
13 how would it be possible or why would
14 somebody make a decision to furlough a
15 first responder when we have firehouse
16 closings?

17 MS. RHYNHART: Rebecca
18 Rhynhart, Budget Director.

19 I would like to address one
20 or two of the statements you just made
21 before your question, and then we'll
22 address your question.

23 The reason the
24 Administration wants furloughs is in

1 case of a financial crisis like the one
2 that we faced in 2009 and '10. It
3 would not -- you had mentioned using
4 furloughs for retribution. That is in
5 no way something that would be done.
6 This is a tool to be used for a
7 financial crisis instead of laying
8 people off. So I just want to be clear
9 on that.

10 And you're right, we don't
11 intend to use them. There is no
12 budgetary impact in our five-year plan.
13 But it's because we don't anticipate a
14 severe financial crisis. We wouldn't
15 have anticipated what happened in '09
16 and '10 before then either. So it
17 would have financial impact if we were
18 to utilize them in the case of a
19 significant financial crisis.

20 So I just wanted to respond
21 to that.

22 COUNCILMAN HENON: And
23 appropriately so, and I understood.
24 And I didn't say that was the main

1 reason that furloughs are -- it's been
2 a main topic of a contract -- a binding
3 arbitration contract that has been
4 appealed twice. It's not my point.

5 My point is: I don't see
6 -- in a financial crisis -- so when --
7 let's just say 2009 to current, we had
8 a financial crisis, you know, but there
9 have been no talks, would you have
10 furloughed when we were down
11 firefighters and we were down police
12 officers or first responders on a
13 regular basis losing, you know, through
14 attrition, through DROP, through, you
15 know, hardened loan or whatever reason,
16 we were down significant?

17 So there would have been no
18 scenario even under financial stress
19 that I could see a department or a
20 chief, commissioner, or executive of
21 the City saying, I'm going to furlough
22 when we're already down.

23 So I'm just trying to
24 mentally on a pragmatic approach here,

1 when would you use it? There is no
2 financial crisis I think that you would
3 actually use furloughs for our first
4 responders when we're always trying to
5 catch up to a staffing level that makes
6 sense, you know, for public safety and
7 our core services of our City.

8 That's all I'm trying to
9 get. It does not make sense.

10 And if we don't see a
11 financial crisis in the near future,
12 you know, why don't we revisit that
13 when, you know, the financial crisis is
14 upon us, you know, in five or plus
15 years? Because the reality is, we went
16 through a financial crisis, we didn't
17 have a contract, so we didn't spend any
18 extra money. We spent money on
19 overtime. We're going to continue,
20 even when staffing levels get up to
21 zero, still going to spend money on
22 overtime.

23 So I don't see from a
24 logical standpoint where furloughs come

1 into play whatsoever, whatsoever, in
2 our first responders.

3 That's my opinion. I'm one
4 of 17 here. I think that a lot of my
5 colleagues actually feel the same way.
6 I'm just trying to understand.

7 MS. RHYNHART: And I would
8 say to you that you're right, that in a
9 situation when we haven't been able to
10 hire -- with firefighters we haven't
11 hired until these two double classes --
12 the one that just graduated and became
13 firefighters and the upcoming one. We
14 haven't hired in many years which put
15 the firefighters in a position of being
16 too low in the ranks.

17 So I would agree with what
18 you're saying in this particular
19 instance. But, overall, looking at
20 going forward, it's an additional
21 financial management drawn in the face
22 of a financial crisis. And we could be
23 in a different situation in terms of
24 staffing at some point. But I hear

1 what you're saying.

2 COUNCILMAN HENON: Right.

3 In different financial situations, we
4 had a councilman and this body take a
5 look at SWAPS and, you know, with our
6 treasury and our investments. So we
7 take and we adjust as we learn and we
8 move on.

9 I just don't see how we're
10 learning here and we're making any
11 better financial decisions with
12 furloughs with our first responders.

13 Now, you know, Councilman
14 Kenney is not here, but addressing some
15 of those financial issues, you know,
16 during crisis is absolutely necessary.
17 And I think you did the right thing.
18 But here I still question it.

19 MS. RHYNHART: Okay.

20 COUNCILMAN HENON: That's
21 what I have.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 COUNCILMAN HENON: Thank

1 you.

2 COUNCILMAN GREENLEE:

3 Councilman Squilla.

4 COUNCILMAN SQUILLA: Thank

5 you.

6 Ms. Rhyndhart, before you
7 go, would honoring the arbitration
8 award cause a financial crisis?

9 MS. RHYNHART: The
10 arbitration award that we have
11 appealed?

12 COUNCILMAN SQUILLA: Yes.

13 MS. RHYNHART: That would
14 result in over \$200 million. So it
15 would result in significant financial
16 action and cuts too.

17 COUNCILMAN SQUILLA: And
18 the \$200 million, can you explain \$200
19 million next year that you would be --

20 MS. RHYNHART: The \$200
21 million is over five years. It's
22 front-loaded. At this point, it would
23 be over \$80 million in the first year
24 alone. I've provided the breakdown of

1 that analysis, but I'm happy to go
2 through that.

3 COUNCILMAN SQUILLA: Yes,
4 because we had some disagreement to
5 that number. I think it was more, we
6 believe, to be closer to \$60 million.
7 But that award that we have since
8 challenged and came back to the
9 arbitrator who awarded it again and now
10 appealed, if you don't win, what is the
11 City's position?

12 MS. RHYNHART: The City's
13 position is that we have appealed
14 because we don't have the ability to
15 pay that \$200 million that that award
16 costs. And when you mentioned the
17 \$60-some million, that is a number that
18 has been stated, but there has been no
19 backup provided for that number.

20 We have gone through this
21 in a lot of detail, the Administration,
22 and costing out what the award would
23 cost us before we decided to appeal.

24 COUNCILMAN SQUILLA: And

1 the award -- we just decided not to
2 appeal the award for our police
3 officers, and we're happy to see that
4 went through. What was the cost of
5 that award?

6 MS. RHYNHART: Well, the
7 police officer's award several years
8 ago included wage increases, but also
9 included the right to furlough and
10 significantly lower health insurance
11 costs on the FOP side than on the IFF
12 side.

13 COUNCILMAN SQUILLA: How
14 many people have you furloughed?

15 MS. RHYNHART: We have not
16 furloughed. It is the right to
17 furlough that --

18 COUNCILMAN SQUILLA: The
19 right to furlough a first responder
20 when we don't have enough responders.

21 Like Councilman Henon said,
22 and other council members, you have a
23 sticking point. The Administration has
24 a sticking point of the furlough

1 language that they need in there for
2 whatever reason. When the Union and
3 the firefighters have agreed to sit
4 down and talk about, you know, pension
5 options and healthcare options, yet the
6 furlough seems the one to be the
7 sticking point.

8 If the furlough was not
9 part of the argument, would you be able
10 to settle this agreement?

11 MS. RHYNHART: I don't want
12 to negotiate in public.

13 COUNCILMAN SQUILLA: We're
14 not negotiating. If the furlough
15 wasn't there --

16 MS. RHYNHART: I mean, the
17 furlough does not go into the \$200
18 million cost. The \$200 million cost is
19 based on the wage increases and the
20 cost of health insurance. And the
21 health insurance cost, the award also
22 included retroactive payment into the
23 health fund. So there's significantly
24 higher costs on the firefighter side

1 than on the police side.

2 COUNCILMAN SQUILLA: So
3 there's no financial benefits to the
4 furloughs?

5 MS. RHYNHART: The
6 financial benefit is a forward-looking
7 benefit in terms of a tool, but in
8 terms of the actual costing out, no,
9 it's not -- there's not --

10 COUNCILMAN SQUILLA: So
11 then what's the big deal? If it's not
12 a financial benefit to the City, it
13 doesn't lower the cost of the contract,
14 what is the --

15 MS. RHYNHART: It is a
16 management tool that can --

17 COUNCILMAN SQUILLA: So is
18 DROP. We don't even use DROP. We have
19 DROP as a management tool.

20 MS. RHYNHART: Well, DROP
21 wasn't a financially beneficial
22 management tool, right? This has been
23 discussed.

24 COUNCILMAN SQUILLA: Was it

1 a tool that they could use to know --
2 was it something that management could
3 use to know when people were leaving in
4 order to know when to have more
5 classes, when you knew --

6 MS. RHYNHART: Right.

7 COUNCILMAN SQUILLA: --
8 openings would happen in supervisory
9 positions? This was something that was
10 put in place to help management,
11 correct?

12 MS. RHYNHART: Yes, I
13 believe that to be true, yes.

14 COUNCILMAN SQUILLA: Okay.
15 So we see how well we used that. And
16 so furloughs would basically be the
17 same thing. When you know you're
18 probably never going to use them at
19 this point, in this contract, whether
20 it's a two-year contract, three-year
21 contract, we don't see any time in the
22 near future that we would use
23 furloughs, but yet it seems to be the
24 sticking point of these negotiations.

1 MS. RHYNHART: I don't
2 think that it's the one sticking point
3 in the negotiations. I don't think
4 it's the only one. I don't want to go
5 too far down this road of discussing
6 this in public, but I'd be happy --
7 we'd be happy to talk -- if the
8 firefighters would agree to everything
9 we wanted except for furloughs, that's
10 a continued discussion.

11 But I think there are many
12 issues on the table, including the high
13 cost of healthcare and health insurance
14 for our firefighters compared to our
15 police officers.

16 COUNCILMAN SQUILLA: I
17 think that's something that will be
18 discussed, but I mean every argument
19 that we hear coming from the
20 Administration has been the need to
21 have the ability to furlough. So, I
22 mean, that bothers a lot of us on
23 Council, and it definitely bothers me,
24 knowing -- especially since we hear all

1 the time that we most likely would
2 never use it, we haven't used it with
3 our police officers, and we haven't
4 used it -- we don't plan to use it with
5 our firefighters.

6 So I just hope that, you
7 know, moving forward, if we're thinking
8 forward, you don't have the money to
9 pay this arbitration. But if we lose
10 the arbitration, you got to do
11 something. If you lose the court case,
12 you have to do something, and we're not
13 planning for it. So it looks like bad
14 fiscal management. It looks like bad
15 planning because we're not prepared.

16 And us as Council, we want
17 to be prepared because, in the end,
18 we're going to have to do something,
19 and it's going to come back on us, and
20 we're going to say, we don't have
21 enough money, we have to raise taxes,
22 we have to do this.

23 And we could have been
24 planning for this for the last four

1 years, and we're not doing it.

2 MS. RHYNHART: Last year we
3 did submit to the PICA Board a list of
4 actions that would need to be taken if
5 we had to pay for that award, which is
6 some pretty severe cuts across City
7 services. But that was made public.

8 COUNCILMAN SQUILLA: I saw
9 that. And, honestly, I thought it was
10 a joke. And I can't believe PICA
11 really approved that knowing what would
12 happen to all the City services.

13 And, again, because of our
14 lack of planning, we'd have to cut
15 every service that is needed by the
16 public, and that's going to make the
17 public scream. And then it will come
18 back to us again on Council to do
19 something different.

20 MS. RHYNHART: It's not a
21 lack of planning. We are appealing
22 because we don't have the funds to
23 support the arbitration where that was
24 awarded. So I just want to be clear on

1 that.

2 COUNCILMAN SQUILLA: What
3 was our budget? We had a budget last
4 year. And have we -- in our
5 collections this year, have we seen
6 that we're meeting our budget, we're
7 under budget, or are we over budget on
8 what we perceive coming into the City?

9 MS. RHYNHART: In terms of
10 tax collections?

11 COUNCILMAN SQUILLA: Yes.

12 MS. RHYNHART: Right now we
13 look pretty close. Chance For Tax is
14 looking strong. Sales tax is looking a
15 little bit weaker starting in January
16 maybe because of the -- we're thinking
17 maybe because of the federal payroll
18 tax going up.

19 But I would say overall
20 we're close to what we projected in the
21 five-year plan.

22 COUNCILMAN SQUILLA: We're
23 close to what we projected?

24 MS. RHYNHART: Uh-huh.

1 COUNCILMAN SQUILLA: So we
2 don't see it in any additional
3 collections that -- compared to what
4 our budget was last year.

5 MS. RHYNHART: When you say
6 budget the last year, do you mean the
7 fiscal -- we're in Fiscal '13 right
8 now. So you're talking about where
9 we're seeing Fiscal '13 collection?

10 COUNCILMAN SQUILLA: Yes.

11 MS. RHYNHART: The business
12 increment receives tax. It's too early
13 to tell because those revenues are
14 posted in both April and May. So
15 that's hard to predict that tax.

16 But other than the BIRT
17 tax, which we're still looking at and
18 monitoring through the month of May --
19 we'll know better at the beginning of
20 June -- the other taxes look pretty
21 close.

22 COUNCILMAN SQUILLA: And
23 what's our percentage of collections?
24 I know we talk about real estate all

1 the time. So we'll leave that aside.

2 But our business taxes, our
3 liquor tax and other taxes, what is our
4 percentage of collection on those?

5 MS. RHYNHART: On the other
6 taxes?

7 COUNCILMAN SQUILLA: Yes.

8 MS. RHYNHART: I would have
9 to get that for you. We could get
10 that.

11 COUNCILMAN SQUILLA:
12 Because that's also a problem that if
13 we can't collect it -- and we're
14 hearing the liquor taxes collected --
15 less than 50 percent of the liquor tax
16 is collected, which is terrible if
17 we're looking to raise money and have
18 other money for different parts --
19 liquor tax goes directly to the
20 schools. If we only collect half of
21 it, it's a big loss to our schools.

22 So this is going to be a
23 major issue moving forward with the
24 budget also, I believe. And then if we

1 just collected the taxes from the
2 people who have owed it, or at least a
3 higher percentage of it, we wouldn't be
4 in the position we're in also.

5 So thank you. I'll
6 continue next round.

7 MS. RHYNHART: And I would
8 say just to the delinquent tax
9 collections that we agree. I agree
10 with you that we need to improve that,
11 and we're working on that.

12 COUNCIL PRESIDENT CLARKE:
13 Thank you, Councilman.

14 The Chair recognizes
15 Councilman Johnson.

16 COUNCILMAN JOHNSON: Wow.
17 I just came. Cool.

18 How you doing, Council
19 President?

20 COUNCIL PRESIDENT CLARKE:
21 All right. You have it like that, sir.

22 COUNCILMAN JOHNSON: Thank
23 you, sir.

24 COUNCIL PRESIDENT CLARKE:

1 Today.

2 COUNCILMAN JOHNSON: Today.
3 Must've done something right.

4 First and foremost, I just
5 want to acknowledge Commissioner Ayers
6 as a good friend and for the work that
7 he has been doing as the fire
8 commissioner since he has been
9 appointed.

10 So I just wanted to
11 acknowledge.

12 COMMISSIONER AYERS: Thank
13 you.

14 COUNCILMAN JOHNSON: This
15 question is more along the lines of
16 separate from being a fire
17 commissioner. I really have the same
18 sort of budgetary concerns, and I was
19 actually not even coming to
20 participate. I was actually coming to
21 observe and listen.

22 But it is disturbing that
23 there was an arbitration award to the
24 firefighters and then that award was

1 appealed. And so, you know, in the
2 spirit of public service as far as our
3 City workers, our firefighters who put
4 their lives on the lines on a daily
5 basis, you know, I have grave concerns
6 that somehow we need to come to some
7 type of resolve.

8 Can you come back up,
9 Rebecca, please?

10 Now, I know the police
11 officers, they got their deal. So I'm
12 trying to figure out if you can break
13 down the analysis and the difference
14 between -- I know the FOP, I understand
15 how they operate. I know how they go
16 about doing their business and so
17 forth.

18 But there was an agreement
19 with the police officers, and they kind
20 of went off into the sunset to protect
21 and serve.

22 Now you have a group of
23 gentlemen who are just as equally
24 important who are still doing the same

1 type of work.

2 So how much of the
3 arbitration award -- number one, I want
4 to get that amount because you just
5 said we don't have the money to pay for
6 it. So how much is the arbitration
7 amount? That's the first question.

8 Two, do you have a number,
9 the amount of the legal fees thus far,
10 and taking this issue to court and then
11 going back and appealing this issue?

12 So the first question is
13 the arbitration amount.

14 MS. RHYNHART: The cost of
15 the award that has been appealed, which
16 I think is your question, is a little
17 bit over \$200 million.

18 COUNCILMAN JOHNSON: \$200
19 million?

20 MS. RHYNHART: Uh-huh.

21 COUNCILMAN JOHNSON: When
22 you say a little bit over,
23 \$200,000,500?

24 MS. RHYNHART: Yeah. I

1 forget the exact number. Maybe it's
2 201, 203.

3 COUNCILMAN JOHNSON: Legal
4 fees thus far?

5 MS. RHYNHART: I provided
6 that to Council before, but I'm happy
7 to provide it again. I don't know it
8 offhand.

9 COUNCILMAN JOHNSON:
10 Ballpark figure?

11 MS. RHYNHART: I don't have
12 a ballpark figure.

13 COUNCILMAN JOHNSON: And
14 currently, at this current stage right
15 now, the appeal process is in what
16 stage?

17 MS. RHYNHART: It's
18 currently in the courts and --

19 COUNCILMAN JOHNSON: City?
20 State? State court?

21 MS. RHYNHART: State Court,
22 yes. Commonwealth Court. And we're
23 waiting for it to be heard.

24 COUNCILMAN JOHNSON: Okay.

1 And in the event that the State Court
2 rules in favor of the firefighters,
3 what is the Administration's presumed
4 plan of recourse beyond that? The
5 State rules the Fire Department is
6 correct, give them their \$200 million.
7 You're saying we don't have it.

8 Then what happens?

9 MS. RHYNHART: I think
10 there are various different things that
11 could occur. It could be sent back to
12 a new arbitration panel to look at it
13 again. There could be various
14 different scenarios --

15 COUNCILMAN JOHNSON: Can
16 you entertain my scenario that, let's
17 say, in the hypothetical world they get
18 the award?

19 MS. RHYNHART: Right. If
20 the scenario plays out -- and that's
21 what Councilman Squilla was asking
22 about. If the scenario plays out
23 where we have no option, the City has
24 no further legal option and it is

1 stated to us that we must pay, then we
2 will take actions necessary to pay.
3 But that would be pretty Draconian.
4 That's the reason we're appealing.

5 So in terms of the
6 question -- where you started your
7 question, which is the police versus
8 the fire, the health insurance costs
9 are much greater on the firefighters
10 than on the police. And that is one of
11 the biggest cost drivers.

12 COUNCILMAN JOHNSON: So the
13 key sticking point is the health
14 insurance cost?

15 MS. RHYNHART: Well, from
16 the financial perspective, that's a big
17 cost driver, yes.

18 COUNCILMAN JOHNSON: Okay.
19 Has there been any -- okay.

20 I just want -- because I'm
21 still trying to wrap my head around
22 this. This issue has been going on
23 over a period of time, and I'm trying
24 to find -- you know, I have a concern

1 like everyone else what will be the
2 point of resolve to try and -- and
3 primarily right now you said health
4 insurance is taking up too much of the
5 budget, and we don't have the money to
6 pay for it.

7 What's the Administration's
8 proposal, or you can't speak about that
9 publicly? What was put on the table?

10 MS. RHYNHART: We put our
11 proposals on the table during the
12 arbitration process, and the
13 firefighters' union --

14 COUNCILMAN JOHNSON: High
15 rate health insurance plan? What?

16 MS. RHYNHART: Our health
17 insurance -- I don't want to misspeak
18 about what was proposed on the table.
19 But for comparison, like, the police
20 health insurance costs about \$1,200 per
21 member per month. And the arbitration
22 award for Fire came out at about \$1,670
23 per member per month.

24 It's all in the documents

1 on the arbitration award. I can get
2 all of that information.

3 COUNCILMAN JOHNSON: Can
4 you, please?

5 MS. RHYNHART: Yes, we can
6 provide that.

7 COUNCILMAN JOHNSON: I'm
8 going to wrap up, Mr. Chair.

9 I just want to make it
10 noted for my record and for the
11 Administration that I think it's
12 important that we come to some type of
13 resolve. I think the mere fact that
14 it's being appealed, I think that the
15 type of individuals that we're actually
16 working with -- public safety-wise --
17 you know, it's a little saddening and
18 disheartening somewhat because we're
19 putting a dollar -- I understand our
20 economy, money. But we're also dealing
21 with -- and it's not a political
22 statement, it's just the reality from a
23 public service standpoint of a group of
24 individuals who, on a day-to-day basis,

1 put themselves out there.

2 And that's why I kind of
3 got up as opposed to just sitting back
4 and kind of listening, because some of
5 the comments that were made -- if the
6 State says you have to pay it, then at
7 the end of the day, you want to find
8 the money anyway. But then if that's
9 \$200 million, and we spend, you know,
10 close to a million dollars or more in
11 legal fees, and we don't have that
12 amount, that's just added cost to an
13 issue where we can actually sit down
14 and come to some type of meeting of the
15 minds. And I just find that hard to
16 believe that we can't do it, separate
17 from trying to collect the additional
18 taxes and the additional revenue.

19 I just wanted to state that
20 for the record.

21 Thank you, Rebecca.

22 MS. RHYNHART: Sure.

23 COUNCIL PRESIDENT CLARKE:

24 Thank you, Councilman.

1 The Chair recognizes
2 Councilman O'Brien.

3 COUNCILMAN O'BRIEN: Thank
4 you, Mr. President.

5 Ms. Rhynhart, could you sit
6 there for one second?

7 I feel like I'm the last
8 person selected in the NFL draft:
9 Mr. Irrelevant.

10 I am somewhat challenged
11 that I asked all of these questions,
12 and every time I asked a question I'm
13 told, we're going to get back to you.
14 But you run right up as soon as my
15 colleague, the Chairman of the Serious
16 Six, comes up and asks a question on
17 furloughs, you run right up and say,
18 let me help you, Bobby Henon.

19 MS. RHYNHART: No.

20 COUNCILMAN O'BRIEN: I take
21 no personal offense.

22 MS. RHYNHART: That is not
23 true.

24 COUNCILMAN O'BRIEN: I take

1 no personal offense to that.

2 MS. RHYNHART: I have
3 nobody to answer that question.

4 COUNCILMAN O'BRIEN: But
5 perhaps you can look at the record and
6 help me as a member of the Serious Six
7 get some serious answers to the list of
8 questions that I keep asking.

9 MS. RHYNHART: Okay.

10 COUNCILMAN O'BRIEN: Now,
11 let me just follow through. I wasn't
12 going to say anything else. I thought
13 I had asked all of my questions, but I
14 am very concerned about my colleagues
15 in the Serious Six, Bobby Henon and my
16 former colleague in the legislature,
17 Kenyatta Johnson, and the line of
18 questioning is probing, and I think
19 appropriate.

20 And that is, the right to
21 furlough, we just went through the
22 worst economic downturn in the nation's
23 history since 1927. I don't think
24 that's in dispute. You have not

1 furloughed one police officer, even
2 though you had that right.

3 I would guess that there is
4 no justification that you would have
5 furloughed any firefighter for the same
6 reason. But that is a bone of
7 contention that you want for some
8 reason from the firefighters union,
9 even though the economy is growing and
10 you just stated that the tax
11 anticipations are up and going in a
12 positive direction.

13 I don't know what
14 catastrophic issue could happen over
15 the next several years that's going to
16 put us in those dire straits again.

17 But you also say -- so I
18 don't see the issue. I think it's a
19 phantom issue on furloughs, and I'd
20 really like a serious answer on that.

21 The second issue is: You
22 keep going back to the substantial
23 difference between healthcare costs in
24 the firefighters award and that of the

1 police award. Give me the numbers.
2 Give us the numbers. You had four
3 years, May 28th. The arbitration stops
4 again, stops again four years. You
5 have had these hearings over the
6 summer.

7 What are the real numbers
8 you've had over the last four years?
9 Let's stop talking about furloughs.
10 Let's stop talking about what we could
11 have saved and what we're going to
12 save. The numbers are the numbers.
13 You had four years. You haven't
14 implemented this.

15 What are the numbers?
16 Let's stop this. Let's stop it. We
17 don't have training in the budget. We
18 don't have an appropriate plan
19 for filling vacancies. We don't have
20 an award because we have -- we're
21 worried about furloughs which have
22 never happened are not going to happen.
23 And we've looking at healthcare costs
24 that we don't have real numbers on.

1 When can we get to the real
2 answer here?

3 You have three weeks. My
4 suggestion would be, and this is a
5 statement because I don't really care
6 anymore. I've gone through all the
7 questioning and I don't really care.
8 The bottom line is: You have a binding
9 arbitration award that is three weeks
10 from four years being awarded. We
11 should pay that award. Look at the
12 cost of the actual healthcare costs
13 over that last four years and forget
14 the furlough and move on. Move on.

15 My bell hasn't rung.

16 MS. RHYNHART: I'd like to
17 respond.

18 COUNCILMAN O'BRIEN: Let me
19 just say one more since you do respond
20 to Bobby Henon.

21 Stations are located -- and
22 he asked this question about brownouts.
23 Stations are located geographically to
24 provide adequate fire protection

1 throughout the City. When a brownout
2 occurs, this means that a specific
3 company is closed for the shift, how
4 can the administration justify not
5 providing fire protection for a
6 specific neighborhood or a community?

7 If a resident lives in a
8 brownout company, it would seem the
9 resident would have to have good luck,
10 and that just the luck of the draw
11 would be the deciding factor as to
12 whether they're safe from a fire.

13 You can ask Councilman
14 Henon. And I'm just frustrated because
15 I've been asking all kinds of
16 questions. We've been talking about
17 furloughs and medical costs and all
18 this crap. Give me the numbers. You
19 can say whatever you want.

20 MS. RHYNHART: Thank you,
21 Councilman. I hear your frustration.

22 COUNCILMAN O'BRIEN: No,
23 you don't.

24 MS. RHYNHART: Let me

1 respond.

2 The numbers I have provided
3 to City Council on the \$200 million,
4 the breakdown we provided. I have
5 provided that.

6 COUNCILMAN O'BRIEN: The
7 actual cost for the health insurance.

8 MS. RHYNHART: The actual
9 costs for the health insurance?

10 COUNCILMAN O'BRIEN: Yes.

11 MS. RHYNHART: For the
12 police we have actual costs, and I
13 can -- we provided this. The fire --
14 the police on average is about \$1,200
15 per member per month.

16 COUNCILMAN O'BRIEN: What
17 are the actual costs for the fire --

18 MS. RHYNHART: You're
19 saying the actual costs. The
20 arbitration award was not implemented.
21 So the costs aren't actual. They're
22 projected. I just want to make sure
23 that we're clear. And I'm happy to go
24 through that with you.

1 In terms of the questions
2 you were asking before in terms -- that
3 you had mentioned that I didn't step to
4 the table, I didn't realize that you
5 wanted me to step to the table.

6 COUNCILMAN O'BRIEN: I
7 wanted somebody to step to the table
8 with the answer.

9 MS. RHYNHART: Okay.

10 COUNCILMAN O'BRIEN: It
11 doesn't have to be you. It could be
12 anybody. The guy with the umbrella on
13 the corner selling the hotdogs can give
14 me an answer.

15 MS. RHYNHART: Do you want
16 me to answer some questions seriously?

17 COUNCILMAN O'BRIEN: I
18 don't want sarcasm.

19 MS. RHYNHART: I don't want
20 sarcasm from you.

21 COUNCILMAN O'BRIEN: I've
22 asked specific requests, six times six
23 months. I've looked for all kinds of
24 information and the answer to six

1 questions. Look in the record if you
2 want to respond. That's fine. I've
3 asked several times. I'm done.

4 MS. RHYNHART: Okay.

5 You're done. Then we're done.

6 COUNCIL PRESIDENT CLARKE:

7 Thank you.

8 The Chair recognizes
9 Councilman O'Neill.

10 COUNCILMAN O'NEILL: On
11 Friday, at the Labor and Civil Service
12 hearing, which was a very extended
13 callback session, as it turned out to
14 be, about promotions, but we got in
15 other areas, one of the areas was the
16 question of the \$7.2 million budget
17 deficit in the Fire Department. We had
18 a long, you and I and others,
19 discussion on this.

20 And I believe, to
21 paraphrase your testimony that -- and
22 others on behalf of the Administration,
23 that it was in large part -- this was
24 not labor and civil service. This is

1 our budget hearing that you were
2 attending. That it was in large part
3 due to the class not starting on time
4 and all the overtime that's caused by
5 that.

6 Do you agree with that,
7 that was the bulk of it?

8 MS. RHYNHART: Yeah.
9 There's a \$6 million projected overtime
10 cost overrun and \$1.2 million overrun
11 for bunker gear for the new
12 firefighters.

13 COUNCILMAN O'NEILL: Right.
14 Okay.

15 MS. RHYNHART: So out of
16 the \$6 million, yes, the largest amount
17 of that is the delay.

18 COUNCILMAN O'NEILL: So
19 that's letter A. We kind of agree on
20 that.

21 On Friday when the finance
22 department was not here and we were
23 just talking to Fire and Public Safety,
24 we had Deputy Mayor Resnick here, the

1 portion of the \$7.2 million that was
2 attributed to the class delay was
3 minimized. It was in the testimony.
4 We were all sitting up there at the
5 committee table kind of wondering, it
6 wasn't such a big deal according to the
7 testimony. There was plenty of other
8 things, and yeah, overtime was caused
9 by the fire class. But there was a lot
10 more to it.

11 And I'll ask my colleagues
12 if I'm paraphrasing that wrong, but I
13 believe since it was just Friday I
14 still may remember it.

15 And it occurred to me that
16 you may have both been talking about
17 the same thing and not -- neither of
18 you not stating the facts as you know
19 them because I believe we still don't
20 charge benefits to the department. We
21 still lump them all in under finance,
22 correct?

23 So your 7.2 or your 6 that
24 was the part dealing with this could be

1 40 percent lower for the Fire
2 Department when they're talking about
3 their numbers.

4 MS. RHYNHART: Well, we
5 should both be talking about the same
6 numbers which is the Fire Department's
7 budget.

8 COUNCILMAN O'NEILL: Just
9 tell me this: The Fire Department is
10 like everyone else, their benefits are
11 38 to 40 percent above their salaries,
12 wages?

13 MS. RHYNHART: It's about
14 40 percent. You're right. And it's
15 budgeted for in finance. You're right.

16 COUNCILMAN O'NEILL: And
17 City Council, if our budget is X, we
18 talk about it as X, but it's actually X
19 plus Y because the Y is the benefits
20 that are housed in finance. We don't
21 separate each department's benefit cost
22 and put them in their budget.

23 MS. RHYNHART: That's
24 right.

1 COUNCILMAN O'NEILL: And it
2 says not 4 percent, it's 40 percent.
3 So it's a fairly large number. It's
4 almost half. Now, when we're talking
5 about this \$7.2 million or just the 6
6 million that was in budget and
7 finance's testimony, attributed to the
8 overtime caused by the classes not
9 starting on time, is that \$6 million
10 that you testified to include the 40
11 percent that's housed in finance?

12 MS. RHYNHART: No. The \$6
13 million cost overrun would be in Fire's
14 budget cost overrun. So as Fire is
15 using more overtime, instead there's
16 actually -- there is some fringe --
17 there's some savings numbers in the
18 finance, fringe that we're not talking
19 about here in Fire's budget. But we
20 should be talking about the same
21 numbers.

22 COUNCILMAN O'NEILL: But if
23 Fire says that using overtime really
24 saves us money, then there's wide

1 disagreement on this, because we don't
2 have to spend the fringe benefits, they
3 don't get charged with the fringe
4 benefits anyway, right?

5 MS. RHYNHART: No, they
6 don't, and I think --

7 COUNCILMAN O'NEILL: It's
8 40 percent.

9 MS. RHYNHART: Right, and I
10 just conferred with them. I think what
11 the Fire Department was saying on
12 Friday was that -- the delay in the
13 classes isn't the only reason that
14 there's cost overruns, but it is the
15 largest reason.

16 COUNCILMAN O'NEILL: Well,
17 6 out of \$7.2 million is a pretty large
18 number.

19 MS. RHYNHART: No, the 6
20 million is the total overtime cost
21 overrun. But there could be other
22 reasons besides the class, but the
23 class delays are the largest reasons.

24 COUNCILMAN O'NEILL: Well,

1 since Fire is here and you're here, how
2 much of the \$6 million was caused by
3 the two-month delay in the class?

4 MS. RHYNHART: I think we
5 need to break that up for you. It's
6 the largest portion of it.

7 COUNCILMAN O'NEILL: But
8 when we talk about overtime and we talk
9 about salaries, from the Fire
10 Department standpoint, it's the same
11 thing because the benefits are not in
12 their budget.

13 MS. RHYNHART: Right, we're
14 talking about --

15 COUNCILMAN O'NEILL: Okay.
16 The only place that benefits are
17 located. So it is apples and apples
18 when we talk about salaries for new
19 hires and overtime for existing. It's
20 actually higher because overtime is
21 more than --

22 MS. RHYNHART: Overtime is
23 higher.

24 COUNCILMAN O'NEILL: So

1 overtime costs us more than having the
2 extra personnel on the ground in
3 uniform working?

4 MS. RHYNHART: Yes.

5 COUNCILMAN O'NEILL: Okay.
6 There seemed to be a lot of testimony
7 on Friday that we actually do save
8 money with the overtime. It seems to
9 me that --

10 MS. RHYNHART: There are
11 initial bunker gear costs.

12 COUNCILMAN O'NEILL: But
13 I'm talking about on the salaries.

14 MS. RHYNHART: Yes.
15 Because overtime is 50 percent over,
16 and the fringes are about 40 percent
17 over. So right there it's one and a
18 half -- 1.5 versus 1.4. So it's more
19 expensive to do overtime.

20 COUNCILMAN O'NEILL: Now,
21 when we get to promotions, and I don't
22 know if -- I wasn't here for the
23 beginning, but we had a long
24 discussion, the hearing was actually on

1 promotions the other day. So we had
2 long discussions on promotion about a
3 week ago, and then Friday we had much
4 longer discussion in committee. It
5 seemed to be the Administration's
6 testimony that we made up our mind,
7 we're not doing any more promotions off
8 the captain's list. We understand all
9 the implications. That's what it is.
10 Live with it. I mean, basically, even
11 though we won't have any bodies on the
12 street based on the new test until
13 September at the earliest.

14 So we have sort of a four-
15 or five-month gap in between the list
16 running out and new people coming off
17 the new list. There was a long
18 discussion about the -- how far you go
19 down the list and the new list. And
20 one thing, at least I think the
21 Administration agreed on through Deputy
22 Mayor Resnick, was that there should
23 have been a test ready when May 23rd or
24 24th comes up, we should already know

1 who's on the next list. We shouldn't
2 be having the test in June when we knew
3 the list was running out in May.

4 So there's a huge problem
5 here from the management standpoint
6 because we could have had -- when we're
7 looking at number 35 on the list, we'd
8 already know where number 35 was on the
9 new list ready to go the next day, and
10 could make those decisions not in the
11 abstract, but wondering, well, we don't
12 know about 35, whether that is somebody
13 who is part of a stale list, or this is
14 a star who is number two or three or
15 five on the new list and has just
16 jumped up. Because now we're going to
17 have to wait until September for that
18 kind of information.

19 So I think we agreed on
20 that, and, you know, we're talking
21 about why is the class delayed two
22 months and all that. But really the
23 delay of the list is even from the
24 Administration's standpoint where

1 there's complete disagreement on how to
2 look at a list and whether the list --
3 but at least there's an argument that
4 could be made for the Administration's
5 side and for the other side as to how
6 far you go down. But there's no
7 argument that could be made that there
8 should be another list ready to pop the
9 day after.

10 And we should all know who
11 it is during this last month or so
12 before that list runs out, the first
13 list, the one we've been talking about.

14 MS. RHYNHART: Right.

15 COUNCILMAN O'NEILL: Has
16 there been any decision to do anything
17 more, or are we still where we were
18 last week and the week before and that
19 this is it, no more captains, whatever
20 happens after September with the list,
21 that will be generated with the test in
22 June? Is that approximately --

23 COMMISSIONER AYERS: Yes.

24 COUNCILMAN O'NEILL: It's

1 going to stay the way it is?

2 COMMISSIONER AYERS: Yes,
3 sir.

4 COUNCILMAN O'NEILL: That's
5 the answer we got on Friday. We could
6 talk here all day, but that decision
7 has been made and that's it.

8 There's just -- there's
9 budget implications, there's safety
10 implications, and the Administration
11 has weighed all of them, and we do know
12 that's within the prerogative of the
13 Administration.

14 It's kind of scary when you
15 look at not just the captains, but all
16 the others that are involved that have
17 to wait until after September.

18 But the -- if you can get
19 back to me on the question of the
20 overtime, because we really had a big
21 shift in testimony on Friday about the
22 overtime is a small factor. So let's
23 get that straight at least.

24 Thank you.

1 COUNCIL PRESIDENT CLARKE:

2 Thank you, Councilman.

3 The Chair recognizes

4 Councilman Goode.

5 COUNCILMAN GOODE: Thank
6 you, Mr. President. I have questions
7 for Ms. Rhynhart on Fire Department
8 issues.

9 Mr. President?

10 COUNCIL PRESIDENT CLARKE:
11 Yes, sir.

12 COUNCILMAN GOODE: I have
13 questions for Ms. Rhynhart on fire
14 department issues, and I have questions
15 on commerce-related issues at the
16 appropriate time.

17 COUNCIL PRESIDENT CLARKE:
18 You got it, sir.

19 COUNCILMAN GOODE: Thank
20 you.

21 Ms. Rhynhart, my colleague,
22 Councilman O'Brien, said you don't
23 understand his frustration. His
24 frustration is not just his

1 frustration. We share that
2 frustration.

3 To illustrate that point,
4 on Thursday afternoon, the
5 Appropriations Committee asked a direct
6 question, and I'll see if you have an
7 answer now.

8 I asked for an undisputed
9 amount that the Administration would be
10 willing to pay to settle the
11 arbitration. If the number is not \$200
12 million, if the number is not \$66
13 million as proposed in the ordinance
14 that was before Appropriations on
15 Thursday, what is the number?

16 MS. RHYNHART: And I think
17 on -- if the answer is -- I mean, if
18 you're looking to what would the
19 Administration be willing to pay in a
20 total package --

21 COUNCILMAN GOODE: The
22 question by Councilman Squilla, the
23 question by Councilman Johnson, the
24 question by Councilman Henon, the

1 question by Councilman O'Brien and
2 several others is related to the fact
3 that we're going to have to pay
4 something. The reason for Councilman
5 Oh's bill is to set aside money.

6 The reason why you are
7 appealing the arbitration award is
8 because you say the number can't be
9 \$200 million.

10 MS. RHYNHART: Right.

11 COUNCILMAN GOODE: You're
12 saying the number is not necessarily
13 \$66 million as an undisputed amount.
14 My question on Thursday, and my
15 question again is: What is the
16 undisputed amount? What is the
17 Administration willing to pay? And
18 implicit in that question is: What is
19 the Administration willing to put aside
20 to pay?

21 MS. RHYNHART: Okay. I
22 think there is no amount that will be
23 undisputed because the reason we went
24 -- no. But there's two different

1 questions, I think, in your --

2 COUNCILMAN GOODE: We're
3 not going to dispute the amount that
4 you give that you're willing to pay.

5 MS. RHYNHART: I see.

6 COUNCILMAN GOODE: So it's
7 undisputed in that regard.

8 MS. RHYNHART: Okay. But
9 probably the Firefighters Union would
10 dispute that they would accept that
11 award that would cost --

12 COUNCILMAN GOODE: We're
13 not going to dispute what you say
14 you're willing to pay and put aside.

15 MS. RHYNHART: I see. So
16 if you're asking what would we be
17 willing to put aside, that's something
18 that we need to give some thought to.
19 I can't answer that on the spot.

20 COUNCILMAN GOODE: You've
21 never given any thought to that
22 question? Do you understand our
23 frustration now?

24 MS. RHYNHART: I understand

1 your frustration, yes. I understand
2 your frustration. I think that it
3 is --

4 COUNCILMAN GOODE: You've
5 never given any thought to putting one
6 dollar aside for an arbitration award?

7 MS. RHYNHART: Our position
8 has been that it's under appeal. So,
9 therefore, we do not --

10 COUNCILMAN GOODE: I
11 understand that. You don't want to pay
12 \$200 million. You don't agree that the
13 number is \$66 million. But you're not
14 willing to state for the record to a
15 legislative branch of government where
16 member after member raises questions on
17 Wednesday morning turned to Wednesday
18 afternoon, on Friday, on Thursday,
19 weeks going back.

20 What we're saying is, if
21 you say you can't afford \$200 million,
22 we get that you're appealing, whether
23 we agree with it or not.

24 You say the number is not

1 \$66 million. We're simply asking a
2 direct question: What is the number
3 that you're willing to pay, and are you
4 going to put it aside?

5 MS. RHYNHART: I think in
6 terms of the number that we're willing
7 to pay, I don't want to start to
8 negotiate this in a public forum.

9 COUNCILMAN GOODE: This is
10 not a negotiation.

11 MS. RHYNHART: It is
12 bordering on something of a
13 negotiation.

14 COUNCILMAN GOODE: It's a
15 matter of financial planning, is what
16 we're saying to you. It's a matter of
17 you're at a budget hearing. You
18 presented a five-year plan, and it's
19 irresponsible. That's our point.

20 So you don't understand our
21 frustration. When you come back and
22 say, I'm not going to negotiate in
23 public, you don't understand our
24 frustration.

1 We're not asking you to
2 negotiate a contract.

3 MS. RHYNHART: You're
4 asking to put some money aside.

5 COUNCILMAN GOODE: We're
6 not at an arbitration hearing right
7 now. We're at a budget hearing right
8 now. We're asking you, what are you
9 willing to do in terms of putting money
10 aside, and because it's not negotiating
11 an arbitration, the number may come in
12 higher, the number may come in lower.

13 The Courts may decide what
14 the Courts decide. But our question is
15 simply a budget question: What are you
16 willing to put aside?

17 MS. RHYNHART: I hear what
18 you're saying.

19 COUNCILMAN GOODE: And you
20 don't have an answer for the question?

21 MS. RHYNHART: Not on the
22 spot, no.

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

1 COUNCIL PRESIDENT CLARKE:

2 The Chair recognizes Councilman
3 Squilla.

4 COUNCILMAN SQUILLA: Thank
5 you, Mr. President.

6 You say that the four-year
7 cost of the binding arbitration is \$200
8 million. That includes the packages
9 that were agreed on by arbitration.

10 If we would have went back
11 and had a contract for four years, we
12 could have possibly saved some of that
13 money along the way on agreements of if
14 we somehow threw out furloughs.

15 But what was the cost of
16 the police arbitration over the
17 four-year contract?

18 MS. RHYNHART: The total
19 cost from what -- the award that -- the
20 police award? I would have to look at
21 the total cost and then just adjust it
22 -- because there's more police officers
23 than firefighters.

24 COUNCILMAN SQUILLA: It

1 doesn't matter. The total cost of the
2 whole matter, how many per member,
3 what's the total cost?

4 MS. RHYNHART: I would have
5 to get that to you. It's been a few
6 years.

7 COUNCILMAN SQUILLA:
8 Because we agreed to that, and we're
9 happy that we agreed to that. But
10 we're trying to see what the difference
11 is here. So if we agree to something
12 that we were able to do that costs so
13 much, why were we not able to agree on
14 something that may have cost a little
15 bit more, a little bit less, we don't
16 know.

17 MS. RHYNHART: Well,
18 actually I think I've gone through the
19 reasons why we appealed the
20 firefighters' award --

21 COUNCILMAN SQUILLA: I'm
22 not talking the reasons. I'm talking
23 about the costs.

24 MS. RHYNHART: Right.

1 COUNCILMAN SQUILLA: The
2 number.

3 MS. RHYNHART: Okay. I can
4 get you the number from a few years ago
5 the award that we did not appeal.

6 COUNCILMAN SQUILLA: We
7 just recently agreed not to appeal it.

8 MS. RHYNHART: Oh, the
9 reopener? The salary reopener we did
10 not appeal and the wage increase
11 component of that cost about \$15
12 million in the first year, and then
13 about \$30 million thereafter. But that
14 was part of a bigger package where we
15 got health insurance, safety,
16 significant --

17 COUNCILMAN SQUILLA: There
18 is a two-part cost to that. There was
19 the original agreement that we didn't
20 appeal.

21 MS. RHYNHART: That's
22 right.

23 COUNCILMAN SQUILLA: So we
24 need the cost to that plus the

1 reopener. What was the cost of that
2 over the whole term?

3 MS. RHYNHART: I see what
4 you're saying. I have the cost of the
5 reopener right now. But I need to go
6 back and get that cost from the
7 original award that we didn't appeal,
8 and then I could get that all to you.

9 COUNCILMAN SQUILLA: No.
10 Because I mean, when you're --

11 MS. RHYNHART: I hear what
12 you're saying.

13 COUNCILMAN SQUILLA: --
14 looking at apples and say that we were
15 able to do this -- and I'm glad we are,
16 and so we should be able to do this the
17 same for the Fire Department. So we
18 need to see those numbers.

19 On the hiring prospective
20 as far as officers -- and we have --
21 and we know the officers, there's
22 probably a lot more openings than we're
23 even projecting because some of the
24 hierarchy, as you move up, you keep

1 opening up new spots in the levels
2 below.

3 Do we open ourselves up to
4 any type of litigation by the people
5 who felt that they were maybe stale on
6 the list or not looked at properly
7 moving forward?

8 MS. RHYNHART: And this I
9 think is what Councilman O'Brien was
10 asking about earlier in terms of the
11 litigation. So I will direct the
12 answer to both of you so that he feels
13 that I am answering his question as
14 well.

15 I would defer that question
16 to the Law Department. However, we are
17 following Civil Service regulations.
18 So my nonlawyer perspective on that is
19 that we're following the Civil Service
20 regulations. Management has the right
21 in any given department to not do
22 promotions off of the list whether
23 anyone is happy about it or not.
24 Management does have that right under

1 Civil Service regulations.

2 So my read of that would be
3 that it is allowable, and that it's
4 done not just in the Fire Department,
5 but it's managements' prerogative
6 across City departments.

7 So if you want a legal
8 answer, I would suggest that Law
9 provide the response. And I'm going to
10 ask Law to provide the response to your
11 question, Councilman O'Brien, if you
12 would like.

13 But I would say from my
14 nonlawyer perspective that we're
15 following Civil Service regs and,
16 therefore, it's a legitimate way to
17 conduct operations if that is
18 management's prerogative.

19 COUNCILMAN SQUILLA: Do you
20 want to ask something, Councilman
21 O'Brien?

22 COUNCILMAN O'BRIEN: I'll
23 just submit this article for the record
24 from the Inquirer. There's a \$1.15

1 million settlement for two
2 African-Americans who were
3 discriminated in New Jersey, in Camden.
4 Another \$596,000 from two Hispanic
5 individuals that were discriminated in
6 Camden. It is the same issue.

7 And the Commissioner has
8 said that we're going to wait for a new
9 list. I'm not a lawyer either, but I
10 think there's obvious liability.

11 COUNCILMAN GREENLEE: If I
12 could just interject, maybe if
13 Councilman O'Brien could submit that,
14 and we also submit it to the Law
15 Department, and they can say what they
16 feel is the difference or the
17 similarities or whatever, at least get
18 an answer on this.

19 MS. RHYNHART: Thank you.

20 COUNCILMAN SQUILLA: Thank
21 you. I'll continue.

22 COUNCILMAN GREENLEE:
23 Councilman Henon.

24 COUNCILMAN HENON: I'm

1 almost afraid to speak. I want to
2 thank my colleague and friend, who
3 shows his true colors why he was a
4 Speaker of the House for the
5 Commonwealth of Pennsylvania, State
6 Representative.

7 And also, his frustration
8 is felt, you know, with every other
9 member here.

10 A couple things -- and a
11 lot of it is just repeat questions
12 here. It's just maybe questions that
13 are posed a little different and asked
14 in a different way, but I think some of
15 the answers have a different impact on
16 how we understand where we are in the
17 process and what's going on.

18 And I think you can't get
19 more succinct than Councilman O'Neill's
20 questions about the overtime and, you
21 know, some of the overtime concerns on
22 a budgetary -- with the budgetary
23 concern is with the summer coming and
24 the need -- obviously, there will be

1 more overtime in summer and there'll be
2 more vacancies as vacancies occur
3 because the list is going to expire.
4 And then we're going to choose not to
5 fill it, and the gap between the list
6 that's going to expire at the end of
7 May, that may take four months, is
8 going to accrue much more of a cost on
9 overtime due to that gap, just as,
10 again, just a reality of the business,
11 you know, that in fighting fires and
12 management.

13 Are we taking into
14 consideration of future overtime costs
15 with vacancies not being filled in the
16 summer, in the hotter months for the
17 use of overtime?

18 MS. RHYNHART: I think
19 there are two issues. One is the issue
20 of the additional overtime from not
21 hiring off of the current list which
22 expires at the end of May. So the
23 additional overtime accrued because of
24 that, which we have calculated to be

1 minimal.

2 The second issue though is
3 the fact that the new list isn't
4 available until September. So we have
5 the summer months that will run with
6 more overtime.

7 COUNCILMAN HENON: So the
8 weight of overtime I would imagine
9 would be at a higher rate. It would be
10 much more due to the fact that there's
11 a gap in the list.

12 MS. RHYNHART: Due to the
13 fact that there's a gap from May to
14 September in the list. This does not
15 have to do with whether the Fire
16 Department promotes off the current
17 list for those current vacancies right
18 now, just to be clear, but to your
19 point.

20 COUNCILMAN HENON: Just
21 strictly to concise and specific
22 questions and follow-up that Councilman
23 O'Neill is asking, I just wanted to add
24 to that, if frequent calls are

1 anticipated.

2 MS. RHYNHART: Right.

3 There is -- yes, in a perfect or more
4 efficient world and one which we strive
5 towards, the list would be ready in the
6 way in which Councilman O'Neill stated
7 in that they would be seamless; one
8 would go right after the other.

9 So that is something that
10 we're striving to be better at in the
11 City. We're hiring eight more people
12 into the managing director's office to
13 work in the Human Resources Department
14 to try to speed up the list. So it is
15 something that we are aware of.

16 COUNCILMAN HENON: Centers
17 For Excellence Department in Our Human
18 Resources; is that correct?

19 MS. RHYNHART: They are in
20 the budget under Centers For
21 Excellence, but they were reported
22 directly to the Human Resources
23 director.

24 COUNCILMAN HENON: Okay.

1 In regards to healthcare, and I
2 understand healthcare costs is a major
3 factor in any negotiation, and this is
4 coming from somebody who has negotiated
5 contracts, you know, for a living. And
6 I understand the rise in healthcare
7 costs can be quite significant.

8 Now, my question is two
9 things: One, the statement was made
10 earlier that the appeal was made due to
11 financial reasons, not furlough, you
12 know, financial decisions why the
13 contract award or --

14 MS. RHYNHART: Furlough. I
15 am speaking as the budget director from
16 the financial perspective --

17 COUNCILMAN HENON: I'm
18 separating them both. So if healthcare
19 is a major factor in the financial
20 stability of our budget, coming from
21 the budget, from the budget department,
22 if it was awarded back and remanded
23 back and the question was raised, well,
24 would we accept it, you would have to

1 accept it, would that still be a
2 financial strain -- in grounds for
3 future appeal?

4 MS. RHYNHART: I'm sorry.
5 If it was remanded back?

6 COUNCILMAN HENON: If it
7 were remanded back and -- if it was
8 awarded -- the courts award it and said
9 you have to accept the arbitration
10 award, and again you're left with,
11 well, it's the healthcare, is the major
12 sticking point here because it's
13 expensive, I understand, all right, but
14 there's a reason why it's expensive,
15 which I want to talk about, you would
16 still -- would you still have the same
17 mindset that financially that the City
18 cannot afford it, and would it be --
19 would the City then make a move to
20 appeal again?

21 MS. RHYNHART: I can't
22 comment on what our rights are on any
23 given time. What I would comment on is
24 that our fund balance is projected to

1 get down to \$45 million, and that
2 doesn't support the cost of the \$200
3 million award, so that's why we appeal.

4 COUNCILMAN HENON: You know
5 what I like about this for this whole
6 budget process -- and it's not
7 interfering with any collective
8 bargaining negotiations, because I
9 don't think anybody has that intent.
10 It's about, you know, the members of
11 our city government, our first
12 responders, and the and the citizens
13 who are watching us right now, I'm
14 receiving calls from firefighters as we
15 speak who have questions about their
16 rising -- you know, their healthcare
17 costs because of the increase --
18 because of the danger that they expose
19 themselves to, to the environment that
20 they run into on a daily basis where,
21 you know, are there increased cancer
22 rates? Are there increased injuries
23 due to, you know, either the burns or
24 the hazardous materials that they're

1 subject to on a daily rate?

2 And I'm sure that quality
3 healthcare to provide for the
4 environments and hazards that they deal
5 with on a daily day of protecting lives
6 and, you know, property and equipment
7 and things like that, and their own
8 lives, comes into play on their
9 healthcare insurance.

10 Is that maybe why there's a
11 little difference in healthcare costs
12 in -- when it was referred to the
13 Police Department as opposed to the
14 fire department or any other healthcare
15 that's provided by the City?

16 MS. RHYNHART: Well, it's
17 more than a little difference between
18 the two. But in terms of the reasons
19 for the differences, I think there are
20 reasons beyond that that the healthcare
21 costs are higher.

22 But, you know, I'm not
23 disagreeing with the value of the
24 firefighters' work to the City. I'm in

1 100 percent --

2 COUNCILMAN HENON: And I'm
3 not making that statement.

4 I'm just asking, is the
5 increased costs for the healthcare
6 package is certainly, I'm sure, you
7 know, rationally tied and reasonably
8 packaged to the hazards of the business
9 and the occupation that they're in?

10 MS. RHYNHART: My
11 understanding is that there are
12 additional reasons in terms of the way
13 that the FOP controls their spending.

14 COUNCILMAN HENON: Mr.
15 Chairman, I'll just end with --
16 Councilman Squilla asked again earlier
17 about the delinquencies, I'm going to
18 say, with the City, and whether it's
19 collectibles. You talked about BIRT,
20 and you know, you have the
21 liquor-by-the-drink taxes over \$40
22 million, and we could go on and on.

23 So we had increased costs.
24 We had dealing with the fire

1 arbitration award and other costs in
2 the City. And we still, you know, all
3 agree that our delinquencies can be
4 better and needs to be better and will
5 be. And I'm confident it will be.

6 But to continue to ask
7 Council to make tough decisions on
8 specialty taxes and button down on
9 certain areas, you know, with the Fire
10 Department and the Police Department
11 and our municipal workers, 25,000 to
12 30,000 of them, you know, there's
13 certainly a lot of money out there on
14 the table that I hope we can keep on
15 prioritizing.

16 There's over a billion and
17 a half dollars in taxes from parking to
18 hotel to BIRT and liquor-by-the-drink,
19 including the real estate taxes.

20 So I hope as we plan for
21 financial crisis and as we plan for,
22 you know, our five-year budget, that we
23 also plan a little harder to actually
24 use -- come up with some sort of

1 dedicated funding from our -- if it's
2 possible. I mean, it doesn't sound
3 like it, but some sort of dedicated
4 funding from our collectables and then
5 our tax delinquencies program so we can
6 use some of that to help move forward
7 in progress and keep our core services
8 moving.

9 MS. RHYNHART: I hear what
10 you're saying.

11 COUNCILMAN HENON: I have
12 no further questions.

13 COUNCILMAN GREENLEE: Okay.
14 Thank you, Councilman.

15 Councilman O'Neill.

16 COUNCILMAN O'NEILL: Yes.
17 Thank you, Mr. Chair.

18 At the Appropriations
19 Committee Hearing, we heard your
20 testimony about the increase -- we were
21 talking about the Police contract, we
22 can afford that and why can't we
23 afford -- you were giving us the
24 answers that you had, Ms. Rhynhart,

1 about the differences that we've
2 already discussed today in the health
3 insurance.

4 You focused on, quite a
5 bit, the fact that this was
6 front-loaded.

7 MS. RHYNHART: Yes.

8 COUNCILMAN O'NEILL: Okay.
9 And I think everybody understands what
10 front-loading is -- something is more
11 expensive if part of a spread-out
12 request is front-loaded as opposed to
13 evenly spread. I think that's pretty
14 clear to most people.

15 But it would seem to me
16 that the front-loading argument, which
17 can be a valid one, disappears at some
18 point because when you've been able to
19 delay the request by three years, then
20 this major argument is off the table
21 because you then have three years to
22 save up for it.

23 Because if you get ordered
24 to pay it tomorrow, or if you had been

1 ordered six months ago, and there were
2 no appeals, and you had to pay it, the
3 front-loading issue is off the table at
4 some point. You can't argue
5 front-loading when you're no longer
6 dealing with front-loading because
7 three years have passed before you have
8 to pay it.

9 Am I missing something?

10 MS. RHYNHART: I hear what
11 you're saying.

12 No. There's a portion of
13 what you're saying is correct, and then
14 a portion of the award, I just -- it's
15 front-loaded by having a significant
16 contribution to the firefighters'
17 health fund. I believe it was \$30
18 million.

19 So there were elements of
20 the award that were front-loaded. And
21 then there were elements in terms of
22 backpay that -- I can hear what you're
23 saying in terms of if we delayed paying
24 that, that that front-load is sort of

1 organically --

2 COUNCILMAN O'NEILL: It's
3 gone. We're no longer in the
4 front-loading time frame. The
5 front-loading time frame was three
6 years ago.

7 But now we've delayed it by
8 three years, so we've had a chance to
9 save. I mean, I don't understand how.
10 Front-loading, to me, is where somebody
11 says to me -- my brother says, I need a
12 loan. I need X number of dollars over
13 the next three or four years.

14 I say, yeah, I might be
15 able to swing that.

16 He says, but I need a large
17 part of it up front.

18 I say, whoa, I can't do
19 that.

20 And I keep haggling with
21 him back and forth. And a year goes
22 by, two years go by, and I haven't made
23 the loan yet.

24 Well, the one thing I can't

1 argue at this point was that he was
2 asking for too much in that first year
3 because now we're in the second and
4 third year, and I haven't given him any
5 money yet.

6 So I've been able to
7 accumulate the money that I didn't
8 think I could accumulate up front over
9 a period of time.

10 And I'm just trying to get
11 this on a common sense level that I can
12 understand, because I understand
13 front-loading. And I understand it was
14 a big issue, because you testified to
15 that. But at some point, doesn't
16 front-loading become irrelevant?

17 MS. RHYNHART: I wouldn't
18 say that front-loading becomes
19 irrelevant because the assumption is --
20 you're making the assumption that we
21 had the money during the financial
22 crisis to be able to save up money.

23 COUNCILMAN O'NEILL: No.
24 No. No. You said front-loading was a

1 problem.

2 MS. RHYNHART: Right.

3 COUNCILMAN O'NEILL: So
4 front-loading would indicate you didn't
5 have the money to have so much at once.

6 MS. RHYNHART: So you're
7 saying two years from now if I said --
8 if this was still ongoing --

9 COUNCILMAN O'NEILL: Well,
10 it is ongoing three years from then.
11 So if the front-loading was an issue,
12 doesn't it not become an issue if you
13 hadn't paid it yet?

14 MS. RHYNHART: Well, we got
15 -- the award came -- the new award came
16 down last -- in 2012, and then we
17 appealed that award. So that award is
18 the one I'm speaking of where the costs
19 were front-loaded. So it hasn't
20 been --

21 COUNCILMAN O'NEILL: So the
22 original award wasn't front-loaded?

23 MS. RHYNHART: I believe
24 the original one was as well. But

1 there are elements to that that are
2 just because of the costs accruing.
3 There are elements because of the way
4 the arbitrator laid out the financial
5 terms. And it might become clear if
6 the financial breakdown of that, which
7 I submitted to Council last year and I
8 can go through it --

9 COUNCILMAN O'NEILL: But I
10 don't understand. If front-loading is
11 a problem, and you can delay it,
12 front-loading gets removed.

13 MS. RHYNHART: It doesn't
14 get removed. It just gets bigger. The
15 problem gets bigger.

16 COUNCILMAN O'NEILL: For
17 me, with my brother it gets smaller for
18 me. If I can put him off, I can start
19 accumulating some funds that I know
20 that I promised --

21 MS. RHYNHART: But we
22 didn't promise. The award is under
23 appeal.

24 COUNCILMAN O'NEILL: No.

1 No. You were ordered, but you were
2 able to appeal. I didn't get to appeal
3 my brother's request because I had a
4 different way of delaying. I just put
5 him off. You can't do that in your
6 situation, but the result is the same.

7 I'm able to afford this
8 like the original complaint was too
9 much too soon. Now we're in the latter
10 part of his request. I've had a chance
11 to budget this.

12 There's something wrong
13 with the front-loading argument. And I
14 haven't heard anything that changes the
15 fact that you delay it that removes
16 that. So I don't know.

17 And the other is, in a
18 perfect world, you know, one list would
19 follow the other. It's not just a
20 perfect world. It's good financial
21 management. We're going to get hit.

22 Next year we're going to be
23 talking about the four months, not just
24 that there might have been public

1 safety issues, but that there were
2 overtime issues because of almost 50
3 promotions or more, we may learn, that
4 weren't filled, and we had to run
5 people on overtime.

6 So not doing the list is a
7 management problem that needs
8 correcting. And I believe in most
9 places that's the orderly way of doing
10 things. But there's a financial cost
11 to doing them. Just like not starting
12 a class for two months --

13 MS. RHYNHART: I agree.

14 COUNCILMAN O'NEILL: People
15 say that was unavoidable. Who knows if
16 it was unavoidable now? But we know
17 that this is something that was
18 avoidable.

19 All we had to do is have a
20 list in place, test it when we saw the
21 end of this. And it is beyond
22 comprehension to wait until after a
23 list expires to test for the new list
24 when something such as an important as,

1 one, the Fire Department, and two,
2 promotions and all that they impact on
3 in the Fire Department, both from a
4 public safety standpoint, a morale
5 standpoint, a financial standpoint.

6 I'll just address the
7 financial standpoint with you. Finance
8 has to be on top of this to say, we're
9 going to have all of this overtime
10 costs. Overtime costs us more than
11 salaries. We've had that discussion
12 again today, and it gets pretty heavy.

13 So me, we don't have to
14 have a perfect world. We just have to
15 have a world where we're doing things
16 normally, the way they're normally
17 done. That's all.

18 MS. RHYNHART: And I would
19 just -- to respond to you, I'd say that
20 I would use the word more efficient;
21 and that we have in the '14 budget
22 request put eight more people into H.R.
23 to try to speed this stuff up.

24 So I hear what you're

1 saying --

2 COUNCILMAN O'NEILL: I
3 mean, did we just decide that we were
4 eight people short in H.R.?

5 To me, there's too much at
6 stake here to be deciding now that we
7 were eight people short when we
8 couldn't do this -- how long ago?

9 The other thing is, and I'm
10 just going leave this last one, because
11 I think I know the answer to it.

12 Haven't the Fire Department health
13 costs always been higher than Police
14 Department health costs per capita?

15 And I know you started to
16 say at the end of your last answering
17 session before me -- I think it was
18 with Councilman Squilla. You just at
19 the tail end said that there were some
20 other differences in the programs that
21 you said one could save more money.

22 Take that off the table for
23 the moment, because that is an
24 arbitration management thing that we're

1 never going to understand here.

2 But hasn't Fire always been
3 higher than Police in terms of payments
4 for health? And at least if this one
5 is so much greater, you'll be able to
6 tell us that. But the questions that
7 have been asked -- and this isn't the
8 first time because it was asked last
9 week at two different hearings --
10 wouldn't, just from a common sense
11 standpoint, the firefighters' health
12 costs be higher than any other City
13 employee, including a police officer?
14 Hasn't that been historically the case?

15 MS. RHYNHART: I would have
16 to look back at it. What we're paying
17 for Fire health per member per month
18 right now is about either \$1,210 or
19 \$1,270, something in that range. And
20 the arbitration award moved it up to
21 \$1,670 per member per month, which is a
22 big financial change.

23 In terms of going back, I
24 can get the historical rates. I mean,

1 if Fire was more -- if it was a little
2 bit more -- I can get the numbers.

3 COUNCILMAN O'NEILL: I'd be
4 shocked if it weren't.

5 Thank you.

6 COUNCILMAN GREENLEE: Thank
7 you, Councilman.

8 Councilman Squilla.

9 COUNCILMAN SQUILLA: Thank
10 you, Chairman.

11 Since we're here talking
12 about the costs, honestly, a lot of the
13 decisions that the Administration makes
14 is that it relieves the burden of the
15 cost or increases the cost to the
16 Departments.

17 So we're going back and
18 we're looking at the lack of having
19 classes as relates to close to \$6
20 million, or somewhere around that
21 number of overtime cost, additional
22 cost. So it seems like we messed up
23 somewhere along the lines in trying to
24 get these classes in order.

1 The lack of having a test
2 in place is going to cost us -- we
3 don't know yet. Next year we'll figure
4 out how much more in overtime because
5 of lack of having people in these
6 officer positions.

7 So we're two points where
8 it's either administrative decisions
9 that are costing these overrides, and
10 some way we have to come up with this
11 money; or is it a communication process
12 between the Administration and the
13 department itself to have these things.
14 Why are we so behind?

15 And then now we have an
16 issue with the list that may cause some
17 legal -- if somebody decides to say
18 they weren't fairly treated because of
19 the list like other people in Camden
20 and other areas have done, we have to
21 pay outside legal people to come in and
22 work so that -- it seems like our
23 administrative decisions are costing us
24 a lot more money than the actual

1 department itself.

2 So how would you answer
3 that?

4 MS. RHYNHART: There were a
5 few questions in there.

6 I think you just made a few
7 jumps that there was a legal issue with
8 what the Fire Department was doing.
9 And the Fire Department is doing -- is
10 following Civil Service regulations.

11 COUNCILMAN SQUILLA: I said
12 it may open us up to legal -- if
13 somebody decides to sue because they
14 didn't feel it was right, sort of like
15 we read in the paper with other
16 jurisdictions.

17 MS. RHYNHART: Well, the
18 other jurisdictions -- we're talking
19 about racial discrimination. I mean,
20 anyone can always sue. Anyone always
21 has the right to sue. As an
22 administration, we have to --

23 COUNCILMAN SQUILLA: Well,
24 you want to --

1 MS. RHYNHART: -- make
2 decisions that are the best for the
3 department.

4 So as the fire
5 commissioner, if he decides that he
6 wants to wait for a new list to come,
7 that is management's right under the
8 Civil Service rights. They can do
9 that.

10 COUNCILMAN SQUILLA: Okay.
11 So if we have losses because of that,
12 that's something that we'll have to
13 deal with.

14 MS. RHYNHART: Well, you're
15 making an assumption that there's a
16 legal issue with that.

17 COUNCILMAN SQUILLA: I just
18 read about it. So, I mean, there must
19 be -- somebody thought there was a
20 legal decision.

21 MS. RHYNHART: Well,
22 there's also a legal issue with
23 discrimination.

24 COUNCILMAN SQUILLA: Well,

1 I don't know who's on the list, whether
2 they felt like they were discriminated
3 or not. That's up to the courts to
4 decide.

5 MS. RHYNHART: Okay.

6 COUNCILMAN SQUILLA: I'm
7 not an attorney either. I don't know.

8 But the other issue about
9 the administrative decisions of either
10 not having tests in place to cause so
11 much in overtime, or not having a test
12 in for promotions in place that would
13 even cause more overtime.

14 Who's responsible for that?

15 MS. RHYNHART: If you're
16 talking in terms of the lack of hiring
17 several years ago, you know that there
18 was a consent decree, and that we
19 couldn't higher for several years. And
20 the firefighters -- I mean, that's all
21 knowledge -- okay.

22 COUNCILMAN SQUILLA: Right.

23 MS. RHYNHART: We had to
24 actually legally several years ago

1 throw out all of our lists according to
2 a Supreme Court ruling that we make our
3 test more racially sensitive. We went
4 through that process.

5 COUNCILMAN SQUILLA: And
6 then we took, like, an extra year to do
7 it for some reason.

8 MS. RHYNHART: Well, I
9 think the Fire Department would be able
10 to speak more about the timing issues
11 related to the two double classes, the
12 320 firefighters that are coming
13 onboard at this point, 160 which are
14 onboard and 160 which I think are
15 scheduled for --

16 COMMISSIONER AYERS:
17 Scheduled to start in June.

18 MS. RHYNHART: It's a big
19 undertaking to hire 320 firefighters in
20 one year.

21 COUNCILMAN SQUILLA: Now,
22 that was the commissioner's idea to
23 wait longer to have the classes? Is
24 that what you're saying?

1 COMMISSIONER AYERS: No.

2 It was legal processes that were taking
3 place.

4 COUNCILMAN SQUILLA: Well,
5 after the legal processes were
6 determined, we still took a year to
7 have another test.

8 MS. RHYNHART: You're
9 talking about the fact that the classes
10 have been delayed by several months
11 leading to the cost overruns?

12 COUNCILMAN SQUILLA: Well,
13 more than that. That's part of it. We
14 should have had our classes starting
15 about a year ago.

16 MS. RHYNHART: No. The
17 classes were originally scheduled for
18 several months earlier, but not more
19 than several months.

20 COUNCILMAN SQUILLA: They
21 weren't scheduled, but according to
22 when the lawsuit was settled, we
23 could've had classes right after that.

24 MS. RHYNHART: Well, we had

1 to hire -- H.R. had to hire a
2 consultant to come in to do -- to make
3 sure that the test was done that we
4 made in a certain way that abided --

5 COUNCILMAN SQUILLA: But
6 we're using a test that's already done
7 and we're using another company who
8 comes up with the tests.

9 MS. RHYNHART: There are
10 other factors. I mean, H.R. could --

11 COUNCILMAN SQUILLA: Is it
12 H.R.'s fault? Is that whose fault it
13 is?

14 MS. RHYNHART: No. No.
15 No. It's no one's fault. What we
16 should be discussing here, if anything,
17 if there's any delay, the question
18 would be: Why has there been a
19 several-month delay. This is me being
20 very up front about it. Why has there
21 been a several-month delay this year.

22 All the delays that have
23 occurred up to then were because of the
24 processes that needed to happen in

1 order to be in compliance. There
2 wasn't an extraordinary delay. There
3 has been a delay though of several
4 months, and that's the one that would
5 be a fair question as to what caused
6 that delay.

7 COUNCILMAN SQUILLA: And
8 what was the cause for the couple-month
9 delay?

10 MS. RHYNHART: And I would
11 defer to the Fire Department, the
12 processing.

13 Can you talk about --

14 COMMISSIONER AYERS: There
15 is a certain level of processing that
16 takes place to clear a list. When you
17 stop and look back when the list was
18 first asked for until it actually was
19 cleared and we actually got a class
20 done or certified list.

21 I can go back and check and
22 see exactly what all the delay points
23 were. I don't have a problem with
24 that.

1 COUNCILMAN SQUILLA: But
2 you don't know right now why it was
3 delayed?

4 COMMISSIONER AYERS: I'm
5 not certain of all of the reasons that
6 it was delayed.

7 COUNCILMAN SQUILLA: All
8 right. Do you have one reason that it
9 was delayed?

10 COMMISSIONER AYERS: Just
11 certification process. It's a process.
12 It's not something that's done
13 immediately. It's all types of things
14 that happen with that list. And H.R.
15 does a good job with that.

16 So I can go back and check
17 and find out exactly what it was, and
18 you'll see what the process was.

19 COUNCILMAN SQUILLA: Was
20 there any other departments throughout
21 the country that were able to have
22 tests sooner than us? Do we know?

23 COMMISSIONER AYERS: What?
24 I beg your pardon?

1 COUNCILMAN SQUILLA: Were
2 there any other departments throughout
3 the country, fire departments, that
4 were able to have classes up and
5 running before we were?

6 COMMISSIONER AYERS: Okay.
7 If what you're asking --

8 COUNCILMAN SQUILLA: Based
9 on the settlement of the Supreme Court
10 ruling.

11 COMMISSIONER AYERS: No.
12 This is Philadelphia we're talking
13 about. We're not talking about other
14 cities. If you're talking about the
15 tactile or the actual time it took to
16 put the test in place, that would be
17 something that we can look at and see
18 if there's other processes that takes a
19 shorter period, if that's your
20 question.

21 COUNCILMAN SQUILLA: My
22 question was, was there anybody else
23 able to get a test in before we were
24 after the ruling came down?

1 MS. RHYNHART: What you're
2 asking now is the process by which the
3 City dealt with the Court ruling, hired
4 the consultant, made a new test, and
5 got that test administered to the
6 biggest and widest number of people
7 possible?

8 COUNCILMAN SQUILLA:
9 Correct.

10 MS. RHYNHART: And that is
11 something that the Human Resources
12 Department could answer. I would like
13 to provide that information. I mean,
14 they did follow a process to get that
15 done. If you're asking how does that
16 compare to other places, that's
17 something we could follow up with you
18 on.

19 COUNCILMAN SQUILLA: Yes.
20 When we look at other areas -- we
21 compare ourselves to other
22 municipalities throughout the country.
23 And if we knew how much it was going to
24 cost us -- this had to be a major

1 overhaul for us to try to get this up
2 and running, because if it was going to
3 cost us that much in overtime not to
4 have the class ready, we would probably
5 want to be one of the first cities
6 available.

7 MS. RHYNHART: And this was
8 a top priority to get that whole
9 process done. So I'll provide and get
10 an answer for you.

11 COUNCILMAN SQUILLA: Great.
12 If you could, provide that to the
13 Chair.

14 And then for the same thing
15 with -- I know Councilman O'Neill had
16 mentioned about not having the other
17 for promotions available. Is that also
18 a decision by the H.R. for testing for
19 promotions?

20 MS. RHYNHART: I just want
21 to be clear, when you say the decision
22 by H.R., the consent decree related to
23 the bigger issue of hiring. H.R. dealt
24 with that and handled that very well.

1 That was a set of circumstances that
2 the City was confronted with. I just
3 want to make sure I'm clear.

4 In terms of the promotional
5 list, I would have the Department speak
6 to the process as to how that is done.

7 MR. BEATRICE: The process
8 of when a test would be available, we'd
9 really have to have a discussion with
10 H.R. and go over all the steps,
11 especially this particular one, and get
12 back to you.

13 COUNCILMAN GREENLEE:
14 Councilman, you're time is up. I mean,
15 if you have a quick follow-up -- but
16 there's two other Council people that
17 want to ask some questions.

18 COUNCILMAN SQUILLA: I
19 didn't hear the bell.

20 I'll come back.

21 COUNCILMAN GREENLEE:
22 Selective hearing.

23 Councilman O'Neill.

24 COUNCILMAN O'NEILL: Yes.

1 This can be answered by either the
2 Department or Ms. Rhynhart.

3 We've been talking about
4 the delay in promotions. And I have to
5 interject because it hasn't come up
6 today. While it's far from a perfect
7 world, and it's terribly inefficient,
8 it's much more inexcusable because we
9 have a DROP analysis that tells us
10 everything we need to know.

11 We have a roadmap for this.
12 We weren't guessing based on different
13 things and guessed wrong. We actually
14 had all the information management
15 could ever want, or finance could ever
16 want, in terms of knowing what was
17 going to happen within the Department.

18 But I want to know what the
19 overtime is being -- how much overtime
20 is being budgeted for the fact that
21 we're going to not be promoting any
22 more off the list, the current list,
23 and hoping to have the June test ready
24 for promotion for a list in September,

1 as a best case scenario, and which, you
2 know, could also be delayed.

3 How much is being budgeted
4 so next year when we come back here, we
5 won't just know what it cost us, but
6 we'll know what we've already estimated
7 ahead of time and how much it was going
8 to cost us, and how close we came to
9 that target?

10 So if I can get that
11 answer, I can get it either from the
12 Department or finance.

13 MR. BEATRICE: Let me take
14 a stab at that, Councilman.

15 The cost for not promoting
16 the six captains and the eleven
17 lieutenants as of the end of May
18 through August would be approximately
19 \$20,000. It would be slightly less if
20 we did more acting out of rank from
21 firefighters. But to give the highest
22 number is the approximately \$20,000 for
23 that time period, June through August.

24 COUNCILMAN O'NEILL: We

1 were also told at several hearings that
2 the number of promotions that would
3 have to be made by the end of September
4 are in the 40 to 50 range that we could
5 foresee coming through DROP analysis.

6 So is that being budgeted
7 as well that we won't be able to fill
8 those until September, sometime after
9 September?

10 MR. BEATRICE: We can get
11 back to you and project that. This was
12 done -- the question that came up at
13 the time, as of May 24th, if you don't
14 do this, vacancies...

15 So we can find those
16 numbers too.

17 COUNCILMAN O'NEILL: Okay.
18 I would like to know everything we know
19 about it right now.

20 Thank you.

21 COUNCILMAN GREENLEE: And
22 if I can just ask, because I know this
23 is a big question to a lot of people,
24 the reason or the analysis of that

1 delay, if you could get to us as soon
2 as possible because it all fits into
3 what we're doing.

4 Thank you.

5 Councilman O'Brien.

6 COUNCILMAN O'BRIEN: I just
7 have one question. I'm going to pull a
8 number out of the air, and I'm going to
9 do my due diligence to try to justify
10 it.

11 By the time, Commissioner,
12 that your new list is in place, and the
13 promotions are all made for chiefs and
14 battalion chiefs, my number is that
15 there would be as many as 45 captain
16 vacancies by the time you have your
17 list.

18 That, I would like to have
19 a response to immediately. Not to me,
20 but to the President of City Council so
21 that we can understand what the
22 consequences are that Councilman
23 O'Neill and all the other Council
24 people are looking at. Not just

1 overtime, but the safety and
2 effectiveness of the Fire Department.

3 That number is 45. I'm
4 going to justify that to you. I would
5 like you to come back to me with
6 another number.

7 MR. BEATRICE: We will do
8 that.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 And Ms. RHYNHART, if I can
12 just say on the legal question, if you
13 could relay to the Law Department we'd
14 like that as quickly as possible, we'd
15 appreciate it. Thank you very much.

16 Councilman Goode.

17 COUNCILMAN GOODE: I have a
18 question for Ms. Rhynhart unrelated to
19 the Fire Department.

20 COUNCILMAN GREENLEE:
21 Unrelated? Do we do that now? I mean,
22 if they're related to the revenue
23 measures should they be done this
24 afternoon?

1 COUNCILMAN GOODE: They're
2 related to the Commerce Department
3 which was supposed to testify.

4 COUNCILMAN GREENLEE: Okay.

5 COUNCILMAN GOODE: If the
6 Commerce Department was here, I was
7 going to bring her up anyway.

8 MS. RHYNHART: And I think
9 the Commerce Department was requested
10 by the President's office to be
11 rescheduled to a later date in their
12 callback.

13 COUNCILMAN GOODE: Ms.
14 Rhynhart, just a few questions.

15 One, do you review all the
16 budget responses?

17 MS. RHYNHART: Do I review
18 all the budget responses? The letters
19 -- yes, uh-huh.

20 COUNCILMAN GOODE: Do you
21 have to approve all the budget
22 responses?

23 MS. RHYNHART: Do I have to
24 approve them? Yes. They're supposed

1 to go through my office, yes.

2 COUNCILMAN GOODE: The
3 Commerce Department responded to a
4 question regarding job commission
5 recommendations. I'm particularly
6 interested in recommendation Number 10.
7 And I actually would like them to be a
8 bit more explicit about what their
9 response is.

10 But more specifically, I
11 want to know whether their response is
12 also the Administration's official
13 position.

14 And the second question or
15 area that's related to your own
16 response, on March 27th, I asked a
17 question regarding the Capital Program
18 as to how many Philadelphians will be
19 employed through the Capital Program.

20 Can you explain your
21 response to that question?

22 MS. RHYNHART: We can't say
23 how many Philadelphians will be
24 employed by the Capital Program because

1 we don't monitor -- we don't have
2 requirements related to where workers
3 reside. So we can tell you how many
4 construction jobs are estimated to be
5 created from the Capital Budget, but we
6 can't --

7 COUNCILMAN GOODE: The City
8 certainly does have requirements
9 regarding where people reside. That's
10 why at the March 27th hearing, you
11 brought the Commerce Department and
12 also Economic Opportunity up to the
13 witness table. And I'm assuming they
14 did no work on it since then.

15 MS. RHYNHART: Well, they
16 have told me that they are -- they have
17 now a tracking system that tracks --

18 COUNCILMAN GOODE: That's
19 not the question.

20 There are goals set for
21 hiring of local residents within the
22 City Law and Regulations, are there
23 not?

24 MS. RHYNHART: I would have

1 to -- I would like to talk to the
2 Commerce Department and get more
3 information on that. And given the
4 clarity of this conversation, I would
5 like to get back to you.

6 COUNCILMAN GOODE: Well, I
7 asked this question on March 27th. The
8 first response was non-responsive
9 because it didn't even deal with the
10 right question. The response was
11 related to the Dilworth Plaza Project,
12 and some other project when I asked a
13 broad question about the Capital
14 Program.

15 And so, let me ask the
16 question again: How much will we spend
17 over five years on the Capital Program?

18 MS. RHYNHART: The Capital
19 Program will cost, all funds including
20 Aviation, is \$9 billion or so. I don't
21 have the numbers right in front of me
22 on the Capital Budget.

23 COUNCILMAN GOODE: I didn't
24 hear you. Say it again.

1 MS. RHYNHART: About \$9
2 billion.

3 COUNCILMAN GOODE: About \$9
4 billion?

5 MS. RHYNHART: About.

6 COUNCILMAN GOODE: And how
7 many jobs?

8 MS. RHYNHART: What I
9 calculated was the number of jobs from
10 the Capital GO portion of the City's
11 Capital Budget for Fiscal '14, which
12 was about 730 jobs just from the Fiscal
13 '14.

14 COUNCILMAN GOODE: So it is
15 probably more than 730 jobs, but for
16 any of these jobs, there's no local
17 hiring plan?

18 MS. RHYNHART: I -- the
19 response that was given when Commerce
20 OEO was up here with me on the stand
21 was that there were no requirements of
22 where workers resided. And if you're
23 saying -- and I believe you --

24 COUNCILMAN GOODE: My

1 question is: We're going to spend \$9
2 billion over five years, is there going
3 to be a local hiring plan to hire
4 Philadelphians and employ
5 Philadelphians first? Are there going
6 to be goals set?

7 It's a question I asked on
8 March 27th, and I'm still waiting for
9 an answer. And without an answer, I'm
10 still voting no on the Capital Budget
11 Capital program because that's not
12 acceptable.

13 MS. RHYNHART: Okay.

14 COUNCILMAN GOODE: Thank
15 you, Mr. Chair.

16 COUNCILMAN GREENLEE: Okay.
17 Councilwoman Brown.

18 COUNCILWOMAN BROWN: Then I
19 need to have clarity given the
20 laser-beam focus that Councilman Goode
21 has and does continue to have on this
22 department.

23 So does that mean that he's
24 going to get the information that he

1 wants? Because other council members
2 who were also paying attention and
3 caring about the same issue may be so
4 inclined to vote the same way.

5 MS. RHYNHART: Okay. If
6 the Councilman's question is, is there
7 a local preference -- are there goals
8 in the Capital Program for local
9 hiring, in my understanding -- I will
10 get back in a written response
11 absolutely, yes.

12 But my understanding is
13 that there's a local preference in
14 competitive --

15 COUNCILMAN GOODE: That's
16 not my question.

17 COUNCILMAN GREENLEE:
18 Councilman Goode.

19 COUNCILMAN GOODE: The
20 question is -- you asked us to approve
21 \$9 billion over five years. How many
22 Philadelphians are going to be employed
23 by that? Do you have a plan for that?
24 Are you setting goals for that? What

1 is it?

2 I'm not asking you what the
3 laws and regulations are. I'm asking
4 what you are going to do to make sure
5 that Philadelphians are employed based
6 upon that expenditure of \$9 billion
7 over five years.

8 It's not a difficult
9 question. If you send me another
10 answer that's not responsive, then not
11 only are other council members
12 listening, I will begin to lobby them
13 to vote against it.

14 Thank you, Mr. Chair.

15 MS. RHYNHART: I will talk
16 to OEO and get a response.

17 COUNCILMAN GREENLEE: And
18 if you can, get that quick. Again, I
19 know we're asking a lot quicker, but
20 we're up against the time frame here.

21 Councilwoman Brown.

22 COUNCILWOMAN BROWN: Yes,
23 I'm going to beat a dead horse.

24 These are not new

1 questions. It's not the new year.
2 It's not the first time we've been down
3 this road. But it is sad commentary
4 that after this long with an
5 administration that -- I live in a
6 world where you listen to what people
7 say, but then you watch what they do.
8 And there remains inconsistency on this
9 issue across the board with department
10 heads.

11 And it's regrettable that
12 you have to sit here and defend what
13 some department heads should know to do
14 anyway.

15 So Councilman Goode does
16 not have to lobby me because I'm
17 already there.

18 It is unacceptable that at
19 this juncture of the budget process we
20 have to become parrots and repeat what
21 we know prior to going into the budget
22 season is going to be a for sure
23 question. It's really unfortunate.

24 Thank you, Mr. Chairman.

1 COUNCILMAN GREENLEE: Thank
2 you.

3 Being no further questions,
4 this hearing will be recessed until
5 this afternoon at 2:00 p.m.

6 Thank you very much.

7 * * * * *

8 (Committee of the Whole was
9 recessed at 12:46 p.m.)

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A	57:20 69:2	32:14	amount 3:17	110:10,20 111:7
abided 144:4	80:17,18 116:20	African-Ameri...	14:21 39:24	119:10 120:3,20
ability 20:3,6 21:3	116:23 123:12	114:2	74:4,7,9,13	121:3 131:23
60:14 65:21	137:21	afternoon 2:9	80:12 90:16	132:2,2
able 18:20 43:7	address 52:19	102:4 105:18	102:9 103:13,16	appealed 55:4
57:9 62:9	53:19,22 134:6	155:24 165:5	103:22 104:3	59:11 60:10,13
109:12,13	addressing 58:14	ago 19:21,24 21:8	analysis 10:22	73:1 74:15
111:15,16	adequate 47:20	61:8 97:3 110:4	18:5 19:12,18	79:14 109:19
126:18 128:15	85:24	127:1 128:6	41:18 60:1	130:17
129:6,22 132:2	adjust 58:7	135:8 141:17,24	73:13 151:9	appealing 67:21
132:7 136:5	108:21	143:15	153:5,24	74:11 77:4
142:9 146:21	administered	agree 10:24 11:12	analyzed 18:24	103:7 105:22
147:4,23 153:7	148:5	14:17 22:5 27:2	Andres 26:16	appeals 127:2
absolutely 23:1,4	administration	27:15 46:5	answer 29:1 82:3	apples 95:17,17
23:17 58:16	9:19 16:1 19:4	57:17 65:8 71:9	83:20 85:2 88:8	111:14
162:11	36:1 43:23 44:7	71:9 90:6,19	88:14,16,24	appointed 72:9
abstract 98:11	44:21 53:24	105:12,23	100:5 102:7,17	appreciate 44:21
academy 44:14	60:21 61:23	109:11,13 124:3	104:19 107:20	46:14 155:15
accept 104:10	65:20 79:11	133:13	112:12 113:8	approach 21:10
119:24 120:1,9	86:4 89:22	agreed 26:5 62:3	114:18 135:11	22:14 55:24
acceptable 14:16	97:21 100:10,13	97:21 98:19	139:2 148:12	approached
14:22 161:12	102:9,19 103:17	108:9 109:8,9	149:10 152:11	16:19
accrue 116:8	103:19 137:13	110:7	161:9,9 163:10	appropriate
accrued 116:23	138:12 139:22	agreement 9:11	answered 38:22	44:23 48:8
accruing 131:2	164:5	62:10 73:18	151:1	82:19 84:18
accumulate 129:7	Administration's	110:19	answering 112:13	101:16
129:8	52:2 76:3 78:7	agreements	135:16	appropriately
accumulating	97:5 98:24 99:4	108:13	answers 82:7	54:23
131:19	157:12	ahead 11:1 21:18	115:15 125:24	Appropriations
acknowledge 72:5	administrative	152:7	anticipate 16:9	102:5,14 125:18
72:11	138:8,23 141:9	air 154:8	54:13	approval 8:24
acting 29:21	adopt 6:16,20,23	Airport 23:21	anticipated 54:15	approve 156:21
152:20	advantage 46:3	24:1	118:1	156:24 162:20
action 59:16	advertisement	alcohol 19:6	anticipations	approved 9:12
actions 52:8 67:4	12:6 13:16 15:2	allegations 30:17	83:11	67:11
77:2	16:8 20:4,7	allowable 113:3	anybody 24:1	approximately
actively 44:6	advertisements	allowed 14:13	88:12 121:9	99:22 152:18,22
actual 4:15 8:5	20:12	50:12	147:22	April 69:14
63:8 85:12 87:7	advertising 13:1,4	allowing 19:5,5	anymore 85:6	arbitration 55:3
87:8,12,17,19	advice 16:22	20:15	anyway 80:8 94:4	59:7,10 66:9,10
87:21 138:24	afford 105:21	amending 2:21	156:7 164:14	67:23 72:23
147:15	120:18 125:22	3:6,14 4:1,19,23	apologize 33:21	74:3,6,13 76:12
add 117:23	125:23 132:7	5:13,17 6:2,5	apologized 31:22	78:12,21 79:1
added 80:12	aforementioned	7:1,12,15,21	apparatus 43:6,7	84:3 85:9 87:20
adding 3:7	14:1	8:10,14	appeal 27:7 60:23	102:11 103:7
addition 49:19	afraid 115:1	Amendment	61:2 75:15	105:6 107:6,11
additional 40:2	African-Ameri...	17:18	105:8 110:5,7	108:7,9,16

120:9 124:1 135:24 136:20 arbitrator 60:9 131:4 area 157:15 areas 89:15,15 124:9 138:20 148:20 argue 127:4 129:1 argument 62:9 65:18 99:3,7 126:16,20 132:13 arrive 41:16,23 arrives 42:1 arriving 40:19 42:13 article 32:23 113:23 aside 26:19 70:1 103:5,19 104:14 104:17 105:6 106:4 107:4,10 107:16 asked 13:13 34:1 45:14 49:24 81:11,12 82:13 85:22 88:22 89:3 102:5,8 115:13 123:16 136:7,8 145:18 157:16 159:7,12 161:7 162:20 asking 17:3 23:10 23:12 34:12 76:21 82:8 86:15 88:2 104:16 106:1 107:1,4,8 112:10 117:23 123:4 129:2 147:7 148:2,15 163:2,3,19 asks 81:16 assessed 4:9 assessments 8:5 associated 22:6	assuming 158:13 assumption 129:19,20 140:15 attach 17:5 attached 16:24 attending 90:2 attention 162:2 attorney 141:7 attributed 91:2 93:7 attrition 55:14 August 152:18,23 authority 9:9,9,15 52:4 Authorization 5:1 5:19 7:5,15,16 8:16 authorize 5:2,20 7:18 8:16 authorized 4:6 9:11 authorizing 4:16 5:9 7:7 8:6 available 49:14 117:4 149:6,17 150:8 average 87:14 Aviation 9:21 10:11 159:20 avoidable 133:18 award 59:8,10 60:7,15,22 61:1 61:2,5,7 62:21 67:5 72:23,24 74:3,15 76:18 78:22 79:1 83:24 84:1,20 85:9,11 87:20 103:7 104:11 105:6 108:19,20 109:20 110:5 111:7 119:13 120:8,10 121:3 124:1 127:14,20 130:15,15,17,17 130:22 131:22	136:20 awarded 26:8 60:9 67:24 85:10 119:22 120:8 aware 118:15 Ayers 24:10,14,15 25:17,21 27:17 28:24 29:15 30:11,20 31:4 31:16 33:8,17 34:5,14,18 35:12 36:5,21 37:2,12,16,21 38:1,5,9,15 39:2 39:8,12,19 40:7 40:11,21 41:14 42:17 43:1,18 44:12,24 46:4 46:13,22 47:4,9 47:17 49:1,9,15 49:20 50:3,13 50:17 51:3,6 72:5,12 99:23 100:2 142:16 143:1 145:14 146:4,10,23 147:6,11 a.m 1:6 B back 2:5 11:23 17:7 22:16 29:1 29:16 33:7 45:17 49:21 50:7,16 51:7 60:8 66:19 67:18 73:8 74:11 76:11 80:3 81:13 83:22 100:19 105:19 106:21 108:10 111:6 119:22,23 120:5 120:7 128:21 136:16,23 137:17 145:17	145:21 146:16 150:12,20 152:4 153:11 155:5 159:5 162:10 backfill 48:1,2 background 10:20 backpay 127:22 backup 60:19 bad 66:13,14 balance 120:24 ballpark 75:10,12 bargaining 121:8 based 10:21 21:1 21:2 41:17 62:19 97:12 147:8 151:12 163:5 basically 12:21 20:8 64:16 97:10 basis 49:5 55:13 73:5 79:24 121:20 battalion 29:7,23 30:8 36:17,20 37:11 154:14 BC 30:22 BCs 37:13,18,19 beat 163:23 Beatrice 24:16,17 150:7 152:13 153:10 155:7 beg 146:24 beginning 69:19 96:23 behalf 22:12 89:22 believe 9:20 13:11 13:20,24 15:12 16:18 28:5 30:12 33:3 45:14,16 50:5 60:6 64:13 67:10 70:24 80:16 89:20 91:13,19 127:17	130:23 133:8 160:23 believes 27:4 bell 85:15 150:19 beneficial 63:21 benefit 63:6,7,12 92:21 benefits 63:3 91:20 92:10,19 94:2,4 95:11,16 best 140:2 152:1 better 11:1 19:9 58:11 69:19 118:10 124:4,4 beyond 76:4 122:20 133:21 biased 30:18 big 63:11 70:21 77:16 91:6 100:20 129:14 136:22 142:18 153:23 bigger 110:14 131:14,15 149:23 biggest 77:11 148:6 bill 1:20 2:20 3:6 3:14 4:1,13 5:8 6:2,15,19,22 7:1 7:12 8:2 9:14 103:5 billion 124:16 159:20 160:2,4 161:2 162:21 163:6 bills 2:12,18 binding 55:2 85:8 108:7 BIRT 69:16 123:19 124:18 bit 18:15 27:19 40:15 68:15 74:17,22 109:15 109:15 126:5 137:2 157:8 bits 20:9
---	---	---	---	--

BLACKWELL 1:11 blah 27:9,9,9 BLONDELL 1:12 board 5:2,20 8:17 20:13 67:3 164:9 Bobby 1:13 81:18 82:15 85:20 bodies 97:11 body 58:4 bond 11:23 12:16 17:17 bonds 11:11,15 14:16 15:3,19 15:19 18:4 19:16 bone 83:6 bordering 106:12 bothers 65:22,23 bottom 85:8 branch 105:15 break 73:12 95:5 breakdown 59:24 87:4 131:6 BRIAN 1:15 Bridget 10:5 brief 10:16,22 bring 156:7 broad 159:13 brother 128:11 131:17 brother's 132:3 brought 52:17 158:11 Brown 1:12 161:17,18 163:21,22 brownout 86:1,8 brownouts 40:24 41:3 52:24 85:22 budget 6:21,23 29:6 33:23 46:9 46:19,23 47:8 48:17 51:23	52:10 53:18 68:3,3,6,7,7 69:4,6 70:24 78:5 84:17 89:16 90:1 92:7 92:17,22 93:6 93:14,19 95:12 100:9 106:17 107:7,15 118:20 119:15,20,21,21 121:6 124:22 132:11 134:21 156:16,18,21 158:5 159:22 160:11 161:10 164:19,21 budgetary 54:12 72:18 115:22,22 budgeted 92:15 151:20 152:3 153:6 building 15:17 16:14 19:1 bulk 90:7 bunker 90:11 96:11 burden 137:14 burns 121:23 business 3:21 11:16,16 12:9 53:7 69:11 70:2 73:16 116:10 123:8 businesses 11:9 button 25:2 124:8 C cadets 39:5 40:1 calculated 116:24 160:9 call 41:2 callback 89:13 156:12 called 2:5 49:24 calls 117:24 121:14 Camden 26:8,14	26:18 32:8 114:3,6 138:19 cancer 121:21 candidates 31:14 35:24 36:11 capita 135:14 capital 6:16,21 43:5 157:17,19 157:24 158:5 159:13,17,18,22 160:10,11 161:10,11 162:8 captain 26:19 154:15 captains 36:12 38:13 42:24 48:13 99:19 100:15 152:16 captain's 97:8 care 85:5,7 caring 162:3 case 21:7 27:19 32:11 54:1,18 66:11 136:14 152:1 catastrophic 83:14 catch 56:5 cause 59:8 138:16 141:10,13 145:8 caused 90:4 91:8 93:8 95:2 145:5 Centers 118:16 118:20 Central 28:3,19 certain 2:24 3:1,4 3:11,12,18,20 3:24 4:12 5:7,24 6:8,9 7:11,20,24 8:1,21 11:8,22 25:7 35:3 124:9 144:4 145:15 146:5 certainly 22:16 23:16 52:9 123:6 124:13 158:8	certification 146:11 certified 25:15 27:11 28:20 32:18 33:4 145:20 Chair 24:21 33:13 45:7 71:14 79:8 81:1 89:8 101:3 108:2 125:17 149:13 161:15 163:14 Chairman 33:15 81:15 123:15 137:10 164:24 challenged 60:8 81:10 chance 68:13 128:8 132:10 change 29:14 30:15,16,18 136:22 changes 8:4 9:5 132:14 changing 30:22 Chapter 3:8,15 4:2,7,20,23 5:13 5:17 6:5 7:2,13 7:21 8:10,14 charge 91:20 charged 94:3 chase 10:15 check 145:21 146:16 chief 55:20 chiefs 29:8,23,23 30:8,9 32:14 36:16,17,20,20 37:11 154:13,14 choose 36:1 38:11 116:4 chooses 36:1 chose 53:8 circumstances 4:5 150:1 cities 35:5 147:14 149:5	Citizen 4:3 citizens 121:12 city 1:1,5 3:2 4:17 5:5,10,23 6:10 7:6 8:7,19,24 9:2,15 12:3,4,19 13:1 16:11 17:21 25:13 27:3,4,6,7 28:21 32:21 35:8 51:18 55:21 56:7 63:12 67:6 67:12 68:8 73:3 75:19 76:23 86:1 87:3 92:17 113:6 118:11 120:17,19 121:11 122:15 122:24 123:18 124:2 136:12 148:3 150:2 154:20 158:7,22 City's 60:11,12 160:10 City-owned 16:2 civil 27:4,13 38:24 89:11,24 112:17,19 113:1 113:15 139:10 140:8 claims 16:1 clarify 30:6 clarifying 37:8 clarity 42:12 159:4 161:19 CLARKE 1:11 2:1 9:16 10:7,13 11:3 12:1 13:6 13:12,23 14:9 14:20 15:16,23 17:11 19:22 22:19 23:5,18 24:4,12,18 25:4 33:12 45:5,11 71:12,20,24 80:23 89:6 101:1,10,17
--	---	---	---	---

108:1 class 39:6 90:3 91:2,9 94:22,23 95:3 98:21 133:12 145:19 149:4 classes 52:14,21 57:11 64:5 93:8 94:13 137:19,24 142:11,23 143:9 143:14,17,23 147:4 clear 21:7 54:8 67:24 87:23 117:18 126:14 131:5 145:16 149:21 150:3 cleared 145:19 clearly 14:23 close 68:13,20,23 69:21 80:10 137:19 152:8 closed 41:21 42:6 43:15 86:3 closely 44:15 closer 60:6 closings 41:4,4,5 52:24 53:11,16 Code 2:22 3:7,16 4:3,21,24 5:14 5:18 6:3,6 7:3 7:14,22 8:11,15 colleague 81:15 82:16 101:21 115:2 colleagues 57:5 82:14 91:11 collect 70:13,20 80:17 collectables 125:4 collected 70:14,16 71:1 collectibles 123:19 collection 69:9 70:4 collections 6:5	68:5,10 69:3,23 71:9 collective 121:7 Collins-Greenw... 10:5 colors 115:3 combined 5:11 come 9:23 35:7 36:23 37:1 56:24 66:19 67:17 73:6,8 79:12 80:14 106:21 107:11 107:12 124:24 138:10,21 140:6 144:2 150:20 151:5 152:4 155:5 comes 44:3 81:16 97:24 122:8 144:8 comfortable 20:23 22:13 coming 12:24 41:9,9 65:19 68:8 72:19,20 97:16 115:23 119:4,20 142:12 153:5 comment 120:22 120:23 commentary 164:3 comments 80:5 Commerce 2:4 156:2,6,9 157:3 158:11 159:2 160:19 commerce-relat... 101:15 commercial 3:20 commission 157:4 commissioner 10:6,17 18:16 24:10,14,15,17 25:10,17,21 27:17 28:24	29:15 30:11,20 31:4,16 33:8,16 33:17,24 34:1,5 34:14,18 35:12 36:5,21 37:2,12 37:16,21 38:1,5 38:9,15 39:2,8 39:12,19 40:7 40:11,21 41:14 42:17 43:1,18 43:21 44:12,24 46:4,13,22 47:4 47:9,17 49:1,9 49:15,18,20 50:3,13,17 51:3 51:6 55:20 72:5 72:8,12,17 99:23 100:2 114:7 140:5 142:16 143:1 145:14 146:4,10 146:23 147:6,11 154:11 commissioners 35:16,16 commissioner's 43:22 142:22 committee 1:2 2:11 91:5 97:4 102:5 125:19 165:8 common 129:11 136:10 Commonwealth 75:22 115:5 communication 138:11 community 39:17 39:20,22 86:6 companies 40:19 40:20 41:20 44:5,5 company 12:2,4,5 13:14,14,15,24 41:4 42:1 86:3,8 144:7 comparable	47:20 compare 148:16 148:21 compared 47:21 65:14 69:3 comparison 78:19 compensation 22:7 competitive 162:14 complaint 132:8 complaints 26:13 complete 16:24 99:1 compliance 145:1 component 110:11 comprehension 133:22 concern 20:3 29:4 52:12 77:24 115:23 concerned 20:7 82:14 concerning 52:19 53:2 concerns 43:2 72:18 73:5 115:21 concession 12:23 concise 117:21 concur 11:19,21 conditions 3:5,13 3:24 4:12 5:7 6:1 7:11,20 8:1 8:22 conduct 113:17 confer 12:14 conferred 94:10 confident 124:5 confronted 150:2 consensus 22:17 consent 141:18 149:22 consequences 154:22 consideration	116:14 considering 27:6 constant 29:13 construction 3:19 158:4 consultant 16:6 17:3,8 144:2 148:4 contention 83:7 contingent 48:19 continuation 2:10 continue 51:16 56:19 71:6 114:21 124:6 161:21 continued 52:23 65:10 contract 55:2,3 56:17 63:13 64:19,20,21 107:2 108:11,17 119:13 125:21 contracts 119:5 contribution 127:16 controls 123:13 convened 17:22 conversation 51:21 159:4 conversations 20:1 43:24 44:18 Cool 71:17 Cooperation 9:8 9:10 coordination 18:12,18 core 56:7 125:7 corner 88:13 Corrales 27:3 correct 14:8,19 34:3 38:16 39:7 64:11 76:6 91:22 118:18 127:13 148:9 correcting 133:8 cost 60:23 61:4
--	---	---	---	---

62:18,18,20,21 63:13 65:13 74:14 77:11,14 77:17 80:12 85:12 87:7 90:10 92:21 93:13,14 94:14 94:20 104:11 108:7,15,19,21 109:1,3,14 110:11,18,24 111:1,4,6 116:8 121:2 133:10 137:15,15,21,22 138:2 143:11 148:24 149:3 152:5,8,15 159:19 costing 60:22 63:8 138:9,23 costs 60:16 61:11 62:24 77:8 78:20 83:23 84:23 85:12 86:17 87:9,12 87:17,19,21 96:1,11 109:12 109:23 116:14 119:2,7 121:17 122:11,21 123:5 123:23 124:1 130:18 131:2 134:10,10 135:13,14 136:12 137:12 could've 143:23 council 1:1,11 2:1 9:12,16 10:3,3,7 10:10,13 11:3 12:1 13:6,12,23 14:9,20 15:16 15:23 17:11 19:22 22:19,22 23:5,18 24:4,12 24:18 25:4 33:12 45:5,11 61:22 65:23	66:16 67:18 71:12,18,20,24 75:6 80:23 87:3 89:6 92:17 101:1,10,17 108:1 124:7 131:7 150:16 154:20,23 162:1 163:11 councilman 1:12 1:13,13,14,14 1:15,15,16,16 24:22,24 25:6 25:19,23 26:2 27:22 29:2,17 30:13,24 31:7 32:7 33:10,13 33:14,19 34:7 34:16,20 35:18 36:14,24 37:4 37:14,19,23 38:3,6,11,17 39:3,10,14,21 40:9,13,23 42:7 42:19 43:16,20 44:16 45:1,3,6,8 45:9,13 46:7,15 47:1,7,14,19 49:7,11,17,23 50:6,15,24 51:5 51:8,10,11,12 54:22 58:2,4,13 58:20,22,24 59:2,3,4,12,17 60:3,24 61:13 61:18,21 62:13 63:2,10,17,24 64:7,14 65:16 67:8 68:2,11,22 69:1,10,22 70:7 70:11 71:13,15 71:16,22 72:2 72:14 74:18,21 75:3,9,13,19,24 76:15,21 77:12 77:18 78:14 79:3,7 80:24	81:2,3,20,24 82:4,10 85:18 86:13,21,22 87:6,10,16 88:6 88:10,17,21 89:9,10 90:13 90:18 92:8,16 93:1,22 94:7,16 94:24 95:7,15 95:24 96:5,12 96:20 99:15,24 100:4 101:2,4,5 101:12,19,22 102:21,22,23,24 103:1,4,11 104:2,6,12,20 105:4,10 106:9 106:14 107:5,19 107:23 108:2,4 108:24 109:7,21 110:1,6,17,23 111:9,13 112:9 113:11,19,20,22 114:11,13,20,22 114:23,24 115:19 117:7,20 117:22 118:6,16 118:24 119:17 120:6 121:4 123:2,14,16 125:11,13,14,15 125:16 126:8 128:2 129:23 130:3,9,21 131:9,16,24 133:14 135:2,18 137:3,6,7,8,9 139:11,23 140:10,17,24 141:6,22 142:5 142:21 143:4,12 143:20 144:5,11 145:7 146:1,7 146:19 147:1,8 147:21 148:8,19 149:11,15 150:13,14,18,21	150:23,24 152:14,24 153:17,21 154:5 154:6,22 155:9 155:16,17,20 156:1,4,5,13,20 157:2 158:7,18 159:6,23 160:3 160:6,14,24 161:14,16,20 162:15,17,18,19 163:17 164:15 165:1 Councilman's 162:6 Councilmen 12:18 Councilwoman 1:11,12 161:17 161:18 163:21 163:22 counsel 13:22 country 146:21 147:3 148:22 County 26:8 couple 115:10 couple-month 145:8 court 66:11 74:10 75:20,21,22 76:1 142:2 147:9 148:3 courts 75:18 107:13,14 120:8 141:3 covering 9:3 crap 86:18 created 36:15 39:16 158:5 creating 30:1 credits 3:10 crept 17:16 crisis 54:1,7,14,19 55:6,8 56:2,11 56:13,16 57:22 58:16 59:8 124:21 129:22	current 34:15,17 34:21 36:23 37:1,6,10,15,17 38:13 55:7 75:14 116:21 117:16,17 151:22 currently 40:4 75:14,18 CURTIS 1:14 cut 10:14 67:14 cuts 59:16 67:6 D daily 49:5 73:4 121:20 122:1,5 danger 121:18 dangerous 53:6 DARRELL 1:11 data 41:19 42:2,8 44:10 date 2:6 51:2,7 156:11 Dave 24:16 DAVID 1:16 day 21:5 80:7 97:1 98:9 99:9 100:6 122:5 day-to-day 79:24 DC 30:22 DCs 37:13,18,20 dead 163:23 deal 63:11 73:11 91:6 122:4 140:13 159:9 dealing 79:20 91:24 123:24 127:6 dealt 148:3 149:23 decide 107:13,14 135:3 141:4 decided 60:23 61:1 decides 138:17 139:13 140:5 deciding 86:11
---	---	--	---	--

135:6 decision 53:14 99:16 100:6 140:20 149:18 149:21 decisions 19:6 41:17 58:11 98:10 119:12 124:7 137:13 138:8,23 140:2 141:9 declined 50:22 decree 141:18 149:22 dedicated 125:1,3 defend 164:12 defer 112:15 145:11 deferrals 2:22,24 6:8 deficit 89:17 definitely 65:23 delay 90:17 91:2 94:12 95:3 98:23 126:19 131:11 132:15 144:17,19,21 145:2,3,6,9,22 151:4 154:1 delayed 98:21 127:23 128:7 143:10 146:3,6 146:9 152:2 delaying 132:4 delays 94:23 144:22 delinquencies 123:17 124:3 125:5 delinquent 71:8 DENNIS 1:15 department 2:4 12:20 17:20 22:21 24:8 26:15 38:18 39:16 42:13 50:18 55:19	76:5 89:17 90:22 91:20 92:2,9 94:11 95:10 101:7,14 111:17 112:16 112:21 113:4 114:15 117:16 118:13,17 119:21 122:13 122:14 124:10 124:10 134:1,3 135:12,14 138:13 139:1,8 139:9 140:3 142:9 145:11 148:12 150:5 151:2,17 152:12 155:2,13,19 156:2,6,9 157:3 158:11 159:2 161:22 164:9,13 departments 35:4 113:6 137:16 146:20 147:2,3 department's 92:6,21 dependent 46:11 deputies 29:7 deputy 10:11 12:19 18:18 24:17 29:23 36:16,19 90:24 97:21 desirable 16:8 detail 60:21 details 50:22 determine 16:3,7 16:12 21:14 determined 8:5 17:23 143:6 Development 45:18 47:3,6,21 48:18 difference 73:13 83:23 109:10 114:16 122:11 122:17	differences 122:19 126:1 135:20 different 17:16 18:13 34:22 57:23 58:3 67:19 70:18 76:10,14 103:24 115:13,14,15 132:4 136:9 151:12 difficult 163:8 diligence 154:9 Dilworth 159:11 dire 83:16 direct 102:5 106:2 112:11 direction 52:5 83:12 directly 70:19 118:22 director 10:11 17:22 18:17 33:23 53:18 118:23 119:15 director's 18:11 118:12 disagreeing 122:23 disagreement 60:4 94:1 99:1 disappears 126:17 disciplinary 52:8 discretionary 35:24 52:7 discriminated 114:3,5 141:2 discrimination 26:11,13 27:20 139:19 140:23 discuss 2:6 discussed 63:23 65:18 126:2 discussing 65:5 144:16 discussion 65:10	89:19 96:24 97:4,18 134:11 150:9 discussions 97:2 disheartening 79:18 dispute 82:24 104:3,10,13 District 3:4 4:18 5:3,11,21 6:12 7:9 8:8,18 districts 14:24 15:9 disturbing 72:22 Divisional 12:19 documents 78:24 doing 21:20 43:5 67:1 71:18 72:7 73:16,24 97:7 133:6,9,11 134:15 139:8,9 154:3 dollar 79:19 105:6 dollars 80:10 124:17 128:12 double 39:6 57:11 142:11 downturn 82:22 Draconian 77:3 draft 81:8 draw 86:10 drawn 57:21 drill 27:23 driver 77:17 drivers 77:11 DROP 46:3 53:5 55:14 63:18,18 63:19,20 151:9 153:5 dual 48:11 ducks 21:10 due 3:2 6:10 20:17 90:3 116:9 117:10,12 119:10 121:23 154:9	duration 3:23 Dutchie 12:17,18 13:10,20 14:7 14:18 15:10,21 E earlier 2:7 13:9 112:10 119:10 123:16 143:18 earliest 97:13 early 69:12 earning 13:2 easiest 18:9 easy 18:2 economic 82:22 158:12 economy 79:20 83:9 education 5:3,21 8:17 effectiveness 155:2 effects 4:14 8:3 efficient 118:4 134:20 eight 118:11 134:22 135:4,7 either 39:24 50:2 54:16 114:9 121:23 136:18 138:8 141:7,9 151:1 152:11 elements 127:19 127:21 131:1,3 eleven 152:16 eligibility 38:20 38:23 employ 161:4 employed 32:9 157:19,24 162:22 163:5 employee 136:13 enacted 53:3 engine 40:20 41:24 44:5 enrollment 4:11 entertain 76:16
---	---	---	--	--

entities 22:8	21:14	fairly 93:3 138:18	finance's 93:7	40:1 41:8,15
entitled 2:22 3:8	exempted 3:18	fall 13:17	financial 9:2	51:19 55:11
3:16 4:3,21 5:1	exemptions 3:23	familiar 15:7,11	51:22 52:10	57:10,13,15
5:15,19 6:4,7	existing 38:19	familiarize 27:18	53:12 54:1,7,14	62:3 65:8,14
7:3,14,16,23	95:19	fantastic 52:15	54:17,19 55:6,8	66:5 72:24 73:3
8:11,15	exists 27:12	far 15:13 40:5	55:18 56:2,11	76:2 77:9 78:13
entity 14:5	expenditure	43:10 65:5 73:2	56:13,16 57:21	83:8,24 90:12
environment	163:6	74:9 75:4 97:18	57:22 58:3,11	104:9 108:23
26:22 121:19	expensive 96:19	99:6 111:20	58:15 59:8,15	109:20 121:14
environments	120:13,14	151:6	63:3,6,12 77:16	122:24 127:16
122:4	126:11	fault 144:12,12,15	106:15 119:11	136:11 141:20
equally 73:23	expert 12:15	favor 76:2	119:12,16,19	142:12,19
equipment 122:6	expiration 38:21	favorite 51:13	120:2 124:21	152:21
especially 19:9	38:23	federal 68:17	129:21 131:4,6	firehouse 41:4
46:1 53:12	expire 116:3,6	fee 12:11 13:14	132:20 133:10	52:23 53:10,15
65:24 150:11	expires 116:22	feel 22:12 23:20	134:5,7 136:22	fires 40:19 116:11
essentially 13:2	133:23	41:6 57:5 81:7	financially 63:21	Fire's 93:13,19
14:4 20:12	explain 59:18	114:16 139:14	120:17	first 2:3 16:24
establishing 7:6,8	157:20	feels 112:12	find 77:24 80:7,15	17:18 51:19
estate 2:23 3:2,9	explicit 157:8	fees 74:9 75:4	146:17 153:15	53:7,15 55:12
3:11,16,17 4:16	expose 5:4 121:18	80:11	fine 89:2	56:3 57:2 58:12
4:21 5:5,9,15,23	extended 89:12	felt 112:5 115:8	fire 2:9 24:7,14,17	59:23 61:19
6:7,10 7:4,7,9	extent 49:13	141:2	26:14 33:24	72:4 74:7,12
8:7,12,19 69:24	extra 56:18 96:2	fighting 116:11	34:1 36:16,17	99:12 110:12
124:19	142:6	figure 73:12	36:19,20 37:10	121:11 129:2
estimated 152:6	extraordinary	75:10,12 138:3	38:18,18 41:3	136:8 145:18
158:4	145:2	file 42:10,22	41:16 42:12	149:5 159:8
evenly 126:13		44:19	50:18 72:7,16	161:5 164:2
event 76:1	F	fill 28:4,6,22 35:5	76:5 77:8 78:22	fiscal 4:18 5:12
everybody 126:9	face 28:13,21	35:10,13,21	85:24 86:5,12	6:17,20,24 8:9
evidence 21:11	32:21,22 33:5	36:2,6,9,9,12	87:13,17 89:17	9:3,5 66:14 69:7
exact 75:1	57:21	37:9 38:8 116:5	90:23 91:9 92:1	69:7,9 160:11
exactly 41:15	faced 26:21 54:2	153:7	92:6,9 93:14,23	160:12
43:12 145:22	facilities 21:15	filled 27:1,13	94:11 95:1,9	fits 154:2
146:17	facility 14:14	34:13 35:15	101:7,13 111:17	five 6:14 52:21
examination	fact 20:18 42:4	36:18,22 116:15	113:4 117:15	56:14 59:21
25:15	46:16 79:13	133:4	122:14 123:24	98:15 159:17
example 14:13	103:2 117:3,10	filling 28:15 36:4	124:9 134:1,3	161:2 162:21
31:10	117:13 126:5	37:5 40:3,4	135:12 136:2,17	163:7
exceed 14:15	132:15 143:9	84:19	137:1 139:8,9	five-month 97:15
Excellence 118:17	151:20	finance 6:4 14:14	140:4 142:9	five-year 9:1
118:21	factor 86:11	90:21 91:21	145:11 147:3	54:12 68:21
exceptions 14:12	100:22 119:3,19	92:15,20 93:11	155:2,19	106:18 124:22
exclusion 7:10	factors 144:10	93:18 134:7	firefighter 25:14	focus 161:20
executive 55:20	facts 10:24 28:11	151:15 152:12	62:24 83:5	focused 126:4
exempt 11:10	28:14 91:18	financed 11:10	firefighters 26:6	folks 53:5
16:13,13 18:4	fair 16:23 145:5	15:18	26:9 39:9,11	follow 33:21

82:11 132:19 148:14,17 followed 27:4 following 112:17 112:19 113:15 139:10 follow-up 117:22 150:15 FOP 61:11 73:14 123:13 foremost 72:4 foresee 153:5 forget 75:1 85:13 format 20:9 former 82:16 forth 73:17 128:21 forum 106:8 forward 17:24 18:6,8 19:7,19 23:4 43:4 52:11 52:20 57:20 66:7,8 70:23 112:7 125:6 forward-looking 63:6 for-profit 11:15 found 15:1 26:20 31:13 four 66:24 84:2,4 84:8,13 85:10 85:13 97:14 108:11 116:7 128:13 132:23 four-year 108:6 108:17 frame 128:4,5 163:20 Francois 12:18 freeze 4:6 frequent 117:24 fresh 28:18 31:12 37:22 Friday 89:11 90:21 91:13 94:12 96:7 97:3 100:5,21 105:18	Friday's 33:22 friend 72:6 115:2 fringe 93:16,18 94:2,3 fringes 96:16 front 128:17 129:8 144:20 159:21 front-load 127:24 front-loaded 59:22 126:6,12 127:15,20 130:19,22 front-loading 126:10,16 127:3 127:5,6 128:4,5 128:10 129:13 129:16,18,24 130:4,11 131:10 131:12 132:13 frustrated 86:14 frustration 86:21 101:23,24 102:1 102:2 104:23 105:1,2 106:21 106:24 115:7 fund 11:15 62:23 120:24 127:17 funded 15:3 funding 125:1,4 funds 67:22 131:19 159:19 furlough 51:18 53:14 55:21 61:9,17,19,24 62:6,8,14,17 65:21 82:21 85:14 119:11,14 furloughed 55:10 61:14,16 83:1,5 furloughs 51:14 52:13 53:1,3,4 53:24 54:4 55:1 56:3,24 58:12 63:4 64:16,23 65:9 81:17 83:19 84:9,21	86:17 108:14 further 2:23 5:2 5:20 7:18 8:16 76:24 125:12 165:3 future 35:17 48:21 56:11 64:22 116:14 120:3 G gap 97:15 116:5,9 117:11,13 gear 90:11 96:11 generated 14:3 99:21 generates 13:4 gentlemen 24:9 73:23 geographically 85:23 getting 30:19 45:21 46:21 53:6 give 12:14 16:24 28:10 31:8,9 50:8 76:6 84:1,2 86:18 88:13 104:4,18 152:21 given 20:12 28:13 104:21 105:5 112:21 120:23 129:4 159:3 160:19 161:19 gives 20:9 giving 125:23 glad 42:14 111:15 go 10:18 24:20 29:22 41:18 48:2 59:7 60:1 62:17 65:4 73:15 87:23 97:18 98:9 99:6 111:5 118:8 123:22 128:22 131:8 145:21 146:16 150:10	157:1 160:10 goals 158:20 161:6 162:7,24 goes 29:10 70:19 128:21 going 17:6,24 19:13 20:24 23:3 28:18 29:18 30:14,14 31:8 33:3,5 36:7 38:7 40:16 44:18 48:22 55:21 56:19,21 57:20 64:18 66:18,19,20 67:16 68:18 70:22 74:11 77:22 79:8 81:13 82:12 83:11,15,22 84:11,22 98:16 100:1 103:3 104:3,13 105:19 106:4,22 113:9 114:8 115:17 116:3,4,6,8 123:17 132:21 132:22 134:9 135:10 136:1,23 137:17 138:2 148:23 149:2 151:17,21 152:7 154:7,8 155:4 156:7 161:1,2,5 161:24 162:22 163:4,23 164:21 164:22 good 2:2 9:24 10:2,9 12:17 24:9,10,23 33:16,17 72:6 86:9 132:20 146:15 Goode 1:12 25:3 101:4,5,12,19 102:21 103:11 104:2,6,12,20	105:4,10 106:9 106:14 107:5,19 107:23 155:16 155:17 156:1,5 156:13,20 157:2 158:7,18 159:6 159:23 160:3,6 160:14,24 161:14,20 162:15,18,19 164:15 gotten 15:14 government 22:1 22:2 105:15 121:11 grade 48:22 graduated 57:12 Grand 50:4,10,19 51:4 grant 45:22 46:11 46:12,20,21,24 48:20 grave 73:5 great 39:15,17,23 40:14 52:16 149:11 greater 77:9 136:5 GREENLEE 1:13 51:10 58:22 59:2 114:11,22 125:13 137:6 150:13,21 153:21 155:9,20 156:4 161:16 162:17 163:17 165:1 GREENWALD 10:2 11:2,20 12:12 16:18 17:14 22:15 23:1,15 ground 41:17 96:2 grounds 120:2 group 17:22 18:3
---	--	--	---	--

19:16 22:16,23 73:22 79:23 growing 83:9 guard 11:14 guess 39:16 83:3 guessed 151:13 guessing 151:12 guidelines 13:17 guy 88:12 guys 29:21 44:6	87:7,9 110:15 126:2 127:17 135:12,14 136:4 136:11,17 healthcare 62:5 65:13 83:23 84:23 85:12 119:1,2,6,18 120:11 121:16 122:3,9,11,14 122:20 123:5 hear 2:8 42:15 57:24 65:19,24 86:21 107:17 111:11 125:9 127:10,22 134:24 150:19 159:24 heard 19:23 21:16 51:17 75:23 125:19 132:14 hearing 2:11 45:15 48:21 52:17 70:14 89:12 90:1 96:24 106:17 107:6,7 125:19 150:22 158:10 165:4 hearings 51:17 84:5 136:9 153:1 heavy 134:12 help 41:8 64:10 81:18 82:6 125:6 Henon 1:13 33:13 33:14,19 34:7 34:16,20 35:18 36:14,24 37:4 37:14,19,23 38:3,6,11,17 39:3,10,14,21 40:9,13,23 42:7 42:19 43:16,20 44:16 45:3 47:1 51:11,12 54:22	58:2,20,24 61:21 81:18 82:15 85:20 86:14 102:24 114:23,24 117:7 117:20 118:16 118:24 119:17 120:6 121:4 123:2,14 125:11 heritage 26:8 hey 52:3 hierarchy 111:24 high 65:12 78:14 higher 62:24 71:3 95:20,23 107:12 117:9 122:21 135:13 136:3,12 141:19 highest 152:21 hire 57:10 142:19 144:1,1 161:3 hired 12:3 13:13 57:11,14 148:3 hires 95:19 hiring 29:12 111:19 116:21 118:11 141:16 149:23 158:21 160:17 161:3 162:9 Hispanic 26:6,9 114:4 historical 29:5 136:24 historically 136:14 history 21:2 82:23 hit 25:2 132:21 homestead 7:10 honestly 67:9 137:12 honoring 59:7 hope 52:19 66:6 124:14,20 hoping 151:23 horse 163:23 hostile 26:21	hotdogs 88:13 hotel 124:18 hotter 116:16 hour 22:3 House 115:4 housed 92:20 93:11 huge 98:4 Human 118:13,17 118:22 148:11 hurt 53:6 hypothetical 76:17 H.R 134:22 135:4 144:1,10,12 146:14 149:18 149:22,23 150:10	162:4 include 93:10 included 61:8,9 62:22 includes 108:8 including 27:7 65:12 124:19 136:13 159:19 inclusive 6:18 income 3:10,12 inconsistency 164:8 incorporating 9:4 increase 110:10 121:17 125:20 increased 121:21 121:22 123:5,23 increases 61:8 62:19 137:15 increment 69:12 indicate 23:8 130:4 individuals 48:2 79:15,24 114:5 industrial 3:21 industry 21:2 inefficient 151:7 inexcusable 151:8 informally 19:23 information 10:20 11:6 45:2 50:20,23 51:1 79:2 88:24 98:18 148:13 151:14 159:3 161:24 initial 96:11 initiative 4:15 8:6 injuries 121:22 Inquirer 26:4 33:1 113:24 inquiries 15:15 instance 12:3 57:19 insurance 61:10 62:20,21 65:13 77:8,14 78:4,15
---	--	--	--	--

78:17,20 87:7,9 110:15 122:9 126:3 intend 54:11 intent 121:9 intention 47:2,5 intents 43:6 interested 16:12 157:6 interesting 15:24 interfering 121:7 Intergovernme... 9:8,10 interject 114:12 151:5 interpretation 12:8 investigation 50:21 investments 58:6 invitation 22:20 involved 18:11 100:16 involving 32:13 in-station 47:11 irrelevant 81:9 129:16,19 irresponsible 106:19 IRS 11:5,7 13:17 14:13 issue 12:16 16:5 17:17 18:1 43:3 43:5 44:10 50:4 70:23 74:10,11 77:22 80:13 83:14,18,19,21 114:6 116:19 117:2 127:3 129:14 130:11 130:12 138:16 139:7 140:16,22 141:8 149:23 162:3 164:9 issued 19:16 issues 2:7 11:4 16:21 17:16,18	18:13 44:1,15 58:15 65:12 101:8,14,15 116:19 133:1,2 142:10 issuing 16:3 item 46:8,23 J JANNIE 1:11 January 9:13 68:15 jeopardize 50:21 Jersey 114:3 Jim 10:10 job 146:15 157:4 jobs 158:4 160:7 160:9,12,15,16 Johnson 1:14 71:15,16,22 72:2,14 74:18 74:21 75:3,9,13 75:19,24 76:15 77:12,18 78:14 79:3,7 82:17 102:23 joke 67:10 JONES 1:14 Jr 1:12,14 25:3 jumped 98:16 jumps 139:7 juncture 164:19 June 36:17 69:20 98:2 99:22 142:17 151:23 152:23 jurisdictions 139:16,18 Jurors 26:5 jury 26:8,20 50:5 50:10,19 51:4 justification 83:4 justify 86:4 154:9 155:4 K K 1:13 keep 82:8 83:22	111:24 124:14 125:7 128:20 Kenney 58:14 Kenyatta 1:14 82:17 key 77:13 kind 17:16 28:21 73:19 80:2,4 90:19 91:5 98:18 100:14 kinds 86:15 88:23 knew 64:5 98:2 148:23 know 12:13 15:14 19:15 21:5 23:9 28:16 31:8 34:21 35:4 37:7 37:10 40:24 41:1,15 42:9,14 42:20 43:12 44:1,22 48:9,23 51:20 55:8,13 55:15 56:6,12 56:13,14 58:5 58:13,15 62:4 64:1,3,4,17 66:7 69:19,24 73:1,5 73:10,14,15 75:7 77:24 79:17 80:9 83:13 91:18 96:22 97:24 98:8,12,20 99:10 100:11 109:16 111:21 115:8,21 116:11 119:5,12 121:4 121:10,16,21,23 122:6,22 123:7 123:20 124:2,9 124:12,22 131:19 132:16 132:18 133:16 135:11,15 138:3 141:1,7,17 146:2,22 149:15 151:10,18 152:2	152:5,6 153:18 153:18,22 157:11 163:19 164:13,21 knowing 65:24 67:11 151:16 knowledge 141:21 knows 133:15 L L 1:11 labor 89:11,24 lack 52:18 67:14 67:21 137:18 138:1,5 141:16 ladder 40:18 41:21 44:4 laid 131:4 Lakes 26:17 land 15:18 language 62:1 large 89:23 90:2 93:3 94:17 128:16 largest 90:16 94:15,23 95:6 laser-beam 161:20 Law 12:20 16:22 17:20 22:21 112:16 113:8,10 114:14 155:13 158:22 lawfully 15:2 laws 163:3 lawsuit 143:22 lawyer 27:8 114:9 laying 54:7 lead 17:20 19:2 leading 143:11 learn 58:7 133:3 learning 58:10 leave 70:1 135:10 leaving 64:3 left 120:10 legal 74:9 75:3	76:24 80:11 113:7 138:17,21 139:7,12 140:16 140:20,22 143:2 143:5 155:12 legally 141:24 legislative 105:15 legislature 82:16 legitimate 113:16 letter 90:19 letters 156:18 let's 9:20 18:7,23 21:1 48:12 55:7 76:16 84:9,10 84:16,16 100:22 level 56:5 129:11 145:15 levels 56:20 112:1 Lewis 2:17,20 9:17 liability 25:13,18 25:22,24 28:13 28:22 32:21 33:6 114:10 lieutenants 36:11 38:14,19 42:23 48:12 152:17 liked 41:2 limit 20:5 limitation 6:14 limits 20:6 line 21:11 25:8 26:24 46:8,23 82:17 85:8 lines 72:15 73:4 137:23 liquor 70:3,14,15 70:19 liquor-by-the-d... 123:21 124:18 list 10:19 16:24 17:5 27:11 28:1 28:7,16,21 29:11 31:11,13 31:17,19,23 32:2,4 33:4 34:11,15,17,21
--	--	---	--	---

34:24 36:7,9,10 37:15,17,22,24 38:2,4,12,20,23 49:21,24 50:8,9 67:3 82:7 97:8 97:15,17,19,19 98:1,3,7,9,13,15 98:23 99:2,2,8 99:12,13,20 112:6,22 114:9 116:3,5,21 117:3,11,14,17 118:5,14 132:18 133:6,20,23,23 138:16,19 140:6 141:1 145:16,17 145:20 146:14 150:5 151:22,22 151:24 154:12 154:17 listen 72:21 164:6 listening 80:4 163:12 lists 18:21 25:16 34:11 142:1 litigation 112:4 112:11 little 18:14 21:23 22:11,13 27:19 33:20 40:15 68:15 74:16,22 79:17 109:14,15 115:13 122:11 122:17 124:23 137:1 live 97:10 164:5 lives 73:4 86:7 122:5,8 living 119:5 Lloyd 24:15 loan 55:15 128:12 128:23 lobby 163:12 164:16 local 158:21 160:16 161:3 162:7,8,13	located 85:21,23 95:17 location 16:9,15 locations 21:16 43:8 log 50:1 logical 56:24 long 19:14 48:6 89:18 96:23 97:2,17 135:8 164:4 longer 97:4 127:5 128:3 142:23 look 21:20 58:5 68:13 69:20 76:12 82:5 85:11 89:1 99:2 100:15 108:20 136:16 145:17 147:17 148:20 looked 41:19 88:23 112:6 looking 15:13 31:22 32:21 42:8 43:4,8 44:10,14 48:21 57:19 68:14,14 69:17 70:17 84:23 98:7 102:18 111:14 137:18 154:24 looks 66:13,14 lose 66:9,11 losing 55:13 loss 70:21 losses 140:11 lot 15:14 32:16 57:4 60:21 65:22 91:9 96:6 111:22 115:11 124:13 137:12 138:24 153:23 163:19 low 3:9,12 57:16 lower 61:10 63:13 92:1 107:12 luck 86:9,10	lucrative 20:16 lump 91:21 M main 54:24 55:2 major 70:23 119:2,19 120:11 126:20 148:24 making 12:7,9 14:5 58:10 123:3 129:20 140:15 manage 12:24 managed 12:5 13:15 43:13 management 10:12 17:9 35:14,19 52:7 57:21 63:16,19 63:22 64:2,10 66:14 98:5 112:20,24 116:12 132:21 133:7 135:24 151:14 managements 113:5 management's 113:18 140:7 manager 16:6 21:14 managing 17:21 18:11,17 118:12 March 157:16 158:10 159:7 161:8 MARK 1:16 market 20:7 marketing 23:11 materials 121:24 matter 42:4 106:15,16 109:1 109:2 maximize 20:4 Mayor 9:7,12 18:18 21:6 90:24 97:22	mean 11:24 13:7 21:23 31:18 41:11 62:16 65:18,22 69:6 97:10 102:17 111:10 125:2 128:9 135:3 136:24 139:19 140:18 141:20 144:10 148:13 150:14 155:21 161:23 means 48:3 86:2 meant 11:13 measures 2:9 155:23 Medford 26:17 medical 86:17 meeting 68:6 80:14 meets 42:15 member 20:2 22:22 78:21,23 82:6 87:15 105:16,16 109:2 115:9 136:17,21 members 10:4,23 61:22 121:10 162:1 163:11 membership 24:21 men 26:21 mentally 55:24 mention 22:20 31:21 mentioned 54:3 60:16 88:3 149:16 mere 79:13 messed 137:22 met 17:23 million 32:15,16 59:14,18,19,21 59:23 60:6,15 60:17 62:18,18 74:17,19 76:6 80:9,10 87:3	89:16 90:9,10 90:16 91:1 93:5 93:6,9,13 94:17 94:20 95:2 102:12,13 103:9 103:13 105:12 105:13,21 106:1 108:8 110:12,13 114:1 121:1,3 123:22 127:18 137:20 mind 97:6 minds 80:15 mindset 120:17 minimal 117:1 minimized 91:3 minor 42:4,5 minorities 26:14 missing 33:6 127:9 misspeak 78:17 moment 135:23 Monday 17:23 money 12:7,10 14:5 32:16 56:18,18,21 66:8,21 70:17 70:18 74:5 78:5 79:20 80:8 93:24 96:8 103:5 107:4,9 108:13 124:13 129:5,7,21,22 130:5 135:21 138:11,24 monitor 158:1 monitoring 69:18 month 69:18 78:21,23 87:15 99:11 136:17,21 months 88:23 98:22 116:7,16 117:5 127:1 132:23 133:12 143:10,18,19 145:4 morale 134:4
---	--	---	--	---

morning 2:2 9:24 10:3,9 12:17 24:9,11,23 33:16,18 105:17 move 11:1 17:24 18:6,8 19:6 20:20 21:18 58:8 85:14,14 111:24 120:19 125:6 moved 136:20 moving 19:18 21:3 52:11,20 66:7 70:23 112:7 125:8 municipal 12:16 23:11 124:11 municipalities 14:24 15:8 21:12 35:5 148:22 municipality 11:14 Munoz 26:17 Must've 72:3	needed 52:15 67:15 144:24 needs 42:11 124:4 133:7 negotiate 62:12 106:8,22 107:2 negotiated 119:4 negotiating 62:14 107:10 negotiation 106:10,13 119:3 negotiations 64:24 65:3 121:8 neighborhood 86:6 neither 91:17 Net 7:23 never 50:7 64:18 66:2 84:22 104:21 105:5 136:1 new 3:8 30:2 36:7 37:24 38:2,4 39:5,24 40:1 52:14 76:12 90:11 95:18 97:12,16,17,19 98:9,15 112:1 114:3,8 117:3 130:15 133:23 140:6 148:4 154:12 163:24 164:1 newly 48:10 NFL 81:8 Nieves 26:16 nonlawyer 112:18 113:14 nonprofit 12:4 non-responsive 159:8 normally 134:16 134:16 Northeast 30:3 NOS 1:20 noted 79:10	notion 20:14 number 29:7,9,13 46:1,2 60:5,17 60:19 74:3,8 75:1 93:3 94:18 98:7,8,14 102:11,12,15 103:8,12 105:13 105:24 106:2,6 107:11,12 110:2 110:4 128:12 137:21 148:6 152:22 153:2 154:8,14 155:3 155:6 157:6 160:9 numbers 34:23 84:1,2,7,12,12 84:15,24 86:18 87:2 92:3,6 93:17,21 111:18 137:2 153:16 159:21	157:1 officer 40:6 45:18 47:2,5,21 48:17 83:1 136:13 138:6 officers 41:15 42:9,23 43:11 44:8,9,13 46:6 49:4 55:12 61:3 65:15 66:3 73:11,19 108:22 111:20,21 officer's 61:7 official 157:12 Oh 1:16 110:8 Oh's 103:5 okay 10:14 11:2 12:13 14:10,21 14:22 15:17 17:12,14 18:7 19:4,23 39:3 40:13 44:16 50:3 51:8 58:19 64:14 75:24 77:18,19 82:9 88:9 89:4 90:14 95:15 96:5 103:21 104:8 110:3 118:24 125:13 126:8 140:10 141:5,21 147:6 153:17 156:4 161:13,16 162:5 onboard 142:13 142:14 once 130:5 one's 144:15 ongoing 43:23 53:10 130:8,10 online 47:15 49:8 49:10,16 onus 21:21 on-the-ground 42:12 open 112:3 139:12	opening 112:1 openings 64:8 111:22 operate 73:15 Operating 6:23 operational 40:18 44:3,4 operations 113:17 opinion 57:3 opportunities 20:6,13,21 opportunity 20:14,17 158:12 opposed 37:5 80:3 122:13 126:12 option 76:23,24 options 27:6 62:5 62:5 oral 30:9 order 64:4 137:24 145:1 ordered 126:23 127:1 132:1 orderly 133:9 ordinance 6:16,20 6:23 9:11 102:13 organically 128:1 original 16:20 17:1,7 110:19 111:7 130:22,24 132:8 originally 16:19 143:17 outcome 27:2 output 22:4 outside 27:8 138:21 overall 57:19 68:19 overcome 15:1 overhaul 149:1 overrides 138:9 overrun 90:10,10 93:13,14 94:21 overruns 94:14 143:11
---	--	--	--	---

overtime 56:19,22 90:4,9 91:8 93:8 93:15,23 94:20 95:8,19,20,22 96:1,8,15,19 100:20,22 115:20,21 116:1 116:9,14,17,20 116:23 117:6,8 133:2,5 134:9 134:10 137:21 138:4 141:11,13 149:3 151:19,19 155:1 owe 4:7 owed 71:2 owned 14:6 owner's 6:13 owner-occupied 6:12 O'Brien 1:15 24:22,24 25:6 25:19,23 26:2 27:22 29:2,17 30:13,24 31:7 32:7 33:10 45:8 45:9,13 46:7,15 47:7,14,19 49:7 49:11,17,23 50:6,15,24 51:5 51:8 81:2,3,20 81:24 82:4,10 85:18 86:22 87:6,10,16 88:6 88:10,17,21 101:22 103:1 112:9 113:11,21 113:22 114:13 154:5,6 O'Neill 1:15 89:9 89:10 90:13,18 92:8,16 93:1,22 94:7,16,24 95:7 95:15,24 96:5 96:12,20 99:15 99:24 100:4 117:23 118:6	125:15,16 126:8 128:2 129:23 130:3,9,21 131:9,16,24 133:14 135:2 137:3 149:15 150:23,24 152:24 153:17 154:23 O'Neill's 115:19 P pace 19:19 package 102:20 110:14 123:6 packaged 123:8 packages 108:8 page 10:21 18:21 23:3 paid 12:11 13:14 15:20 18:3 22:2 130:13 panel 76:12 paper 139:15 paraphrase 89:21 paraphrasing 91:12 pardon 25:20 146:24 parking 124:17 parrots 164:20 part 18:9 32:12 62:9 89:23 90:2 91:24 98:13 110:14 126:11 128:17 132:10 143:13 participant 4:5 participate 22:22 72:20 particular 16:14 49:2 57:18 150:11 particularly 157:5 parts 70:18 passed 26:6,10	127:7 pattern 28:11 pay 11:17,23 60:15 66:9 67:5 74:5 77:1,2 78:6 80:6 85:11 102:10,19 103:3 103:17,20 104:4 104:14 105:11 106:3,7 126:24 127:2,8 138:21 paying 127:23 136:16 162:2 payment 62:22 payments 3:1 6:9 136:3 payroll 68:17 Pennsylvania 1:5 9:7 115:5 pension 62:4 people 22:1 32:2 46:2 48:11 54:8 61:14 64:3 71:2 97:16 112:4 118:11 126:14 133:5,14 134:22 135:4,7 138:5 138:19,21 148:6 150:16 153:23 154:24 158:9 164:6 perceive 68:8 percent 5:12 30:9 30:10 31:1,2 70:15 92:1,11 92:14 93:2,2,11 94:8 96:15,16 123:1 percentage 13:3 14:2 16:10 69:23 70:4 71:3 perfect 118:3 132:18,20 134:14 151:6 period 4:14 8:3 41:5 77:23 129:9 147:19	152:23 persistent 26:12 person 81:8 personal 81:21 82:1 personnel 28:3,19 96:2 perspective 77:16 112:18 113:14 119:16 phantom 83:19 phasing 4:13 8:2 Philadelphia 1:1 1:5 2:22 3:3,3,7 3:15 4:2,17,18 4:20,24 5:4,5,10 5:11,14,18,22 5:24 6:3,6,11,11 7:3,13,22 8:8,9 8:11,15,18,20 9:1,3 26:4 35:9 50:18 147:12 Philadelphians 157:18,23 161:4 161:5 162:22 163:5 phrases 42:21 PICA 67:3,10 piece 17:9 19:1,3 pieces 20:9 place 15:2 25:8 41:1,8,13 47:22 64:10 95:16 133:20 138:2 141:10,12 143:3 145:16 147:16 154:12 places 11:7 133:9 148:16 plan 9:2 54:12 66:4 68:21 76:4 78:15 84:18 106:18 124:20 124:21,23 160:17 161:3 162:23 planning 66:13,15	66:24 67:14,21 106:15 play 57:1 122:8 plays 76:20,22 Plaza 159:11 please 2:17 73:9 79:4 plenty 91:7 plus 56:14 92:19 110:24 point 11:23 55:4,5 57:24 59:22 61:23,24 62:7 64:19,24 65:2 77:13 78:2 102:3 106:19 117:19 120:12 126:18 127:4 129:1,15 142:13 points 138:7 145:22 police 55:11 61:2 61:7 63:1 65:15 66:3 73:10,19 77:7,10 78:19 83:1 84:1 87:12 87:14 108:16,20 108:22 122:13 124:10 125:21 135:13 136:3,13 policy 17:18 19:3 28:2,5 41:7,12 43:24 political 79:21 pop 99:8 portion 3:1 6:9 91:1 95:6 127:12,14 160:10 posed 15:6 115:13 position 11:1 57:15 60:11,13 71:4 105:7 157:13 positions 36:19 48:1 64:9 138:6 positive 83:12
--	--	---	--	---

possibility 21:21 possible 53:11,13 125:2 148:7 154:2 155:14 possibly 21:17 108:12 posted 69:14 potential 15:6 20:1 practice 35:8 practices 29:12 35:23 pragmatic 55:24 preceded 50:11 predict 69:15 prefer 21:4 preference 162:7 162:13 prepared 32:5 36:8 66:15,17 preparing 32:3 prerogative 100:12 113:5,18 present 1:10 50:23 presented 106:18 President 1:11 2:1 9:16 10:3,7 10:10,13 11:3 12:1 13:6,12,23 14:9,20 15:16 15:23 17:11 19:22 22:19 23:5,18 24:4,12 24:18 25:1,4 33:12 45:5,10 45:11 71:12,19 71:20,24 80:23 81:4 89:6 101:1 101:6,9,10,17 107:24 108:1,5 154:20 President's 156:10 presumed 76:3 pretty 67:6 68:13 69:20 77:3	94:17 126:13 134:12 primarily 78:3 primary 6:13 prior 4:10 13:7,11 21:11 35:15 38:20,22 47:22 164:21 prioritizing 124:15 priority 149:8 private 11:8,16 12:9 14:4 19:14 22:8 probably 19:20 22:12 64:18 104:9 111:22 149:4 160:15 probing 82:18 problem 15:1,20 32:8 70:12 98:4 130:1 131:11,15 133:7 145:23 problems 31:10 31:12,17,19 procedural 40:16 procedure 34:4 40:18 41:7 44:2 procedures 44:4 proceeds 14:15 process 12:6 13:16,19 14:1 20:21 23:8 27:24 28:2 30:1 30:3,15,16,19 30:22 31:23 48:15,16 75:15 78:12 115:17 121:6 138:11 142:4 146:11,11 146:18 148:2,14 149:9 150:6,7 164:19 processes 143:2,5 144:24 147:18 processing 145:12 145:15	produce 22:9 producing 31:5 profession 53:8 Profits 7:23 program 4:6,11 6:16 12:21 13:1 13:4 39:15 45:19 47:3,6,10 47:22 48:18 125:5 157:17,19 157:24 159:14 159:17,19 161:11 162:8 programs 135:20 progress 18:7 125:7 prohibited 13:18 13:18 project 153:11 159:11,12 projected 68:20 68:23 87:22 90:9 120:24 projecting 111:23 promise 131:22 promised 131:20 promote 28:9 31:15 32:1 38:18 promoted 26:24 48:10 promotes 117:16 promoting 151:21 152:15 promotion 26:19 33:22 38:19 97:2 151:24 promotional 25:15 27:11 150:4 promotions 26:7 26:11 34:2,10 36:18 89:14 96:21 97:1,7 112:22 133:3 134:2 141:12 149:17,19 151:4	153:2 154:13 properly 112:6 properties 3:22 6:12 12:10 15:3 16:11 18:22 property 2:8 4:10 4:23 5:17 8:4,13 9:20 10:6,12 11:9 14:6 16:2 18:15 122:6 proposal 78:8 proposals 13:7 21:11 78:11 proposed 9:5 12:22 17:2 23:8 78:18 102:13 proposers 16:23 prospective 111:19 protect 73:20 protecting 122:5 protection 85:24 86:5 provide 5:16 50:22 75:7 79:6 85:24 113:9,10 122:3 148:13 149:9,12 provided 59:24 60:19 75:5 87:2 87:4,5,13 122:15 providing 2:24 3:10 4:4,22 5:6 6:8 8:12,20,24 86:5 Provisions 3:9 4:4 public 2:8,11 9:19 10:5 11:9 18:15 26:12 44:1 56:6 62:12 65:6 67:7 67:16,17 73:2 79:16,23 90:23 106:8,23 132:24 134:4 publicly 14:5 78:9 pull 18:4 19:17	154:7 pursuant 9:9 put 38:7 41:7 43:7 57:14 64:10 73:3 78:9,10 80:1 83:16 92:22 103:19 104:14,17 106:4 107:4,16 131:18 132:4 134:22 147:16 putting 21:21 47:10 79:19 105:5 107:9 p.m 165:5,9
Q				
quality 122:2 question 9:22 12:2 13:13 14:12 15:6 16:4 17:12 23:21 24:2 25:12 27:10 32:20 34:8 38:22 40:16 43:21 45:23 51:13,15 51:16 53:21,22 58:18 72:15 74:7,12,16 77:6 77:7 81:12,16 82:3 85:22 89:16 100:19 102:6,22,23,24 103:1,14,15,18 104:22 106:2 107:14,15,20 112:13,15 113:11 119:8,23 144:17 145:5 147:20,22 153:12,23 154:7 155:12,18 157:4 157:14,17,21 158:19 159:7,10 159:13,16 161:1 161:7 162:6,16				

162:20 163:9 164:23 questioning 25:8 82:18 85:7 questions 23:10 23:13 25:7 45:14 81:11 82:8,13 86:16 88:1,16 89:1 101:6,13,14 104:1 105:16 115:11,12,20 117:22 121:15 125:12 136:6 139:5 150:17 156:14 164:1 165:3 quick 150:15 163:18 quicker 19:19 163:19 quickly 155:14 quite 25:1 30:5 119:7 126:4	139:15 140:18 ready 25:2 32:5 36:8 97:23 98:9 99:8 118:5 149:4 151:23 real 2:23 3:1,9,11 3:16,17 4:16,21 4:23 5:4,9,15,16 5:23 6:7,9 7:4,6 7:9 8:4,6,12,13 8:19 69:24 84:7 84:24 85:1 124:19 reality 22:5 56:15 79:22 116:10 realize 88:4 really 21:9 48:14 67:11 72:17 83:20 85:5,7 93:23 98:22 100:20 150:9 164:23 realtime 43:24 Realty 7:17 reason 18:10 52:6 53:23 55:1,15 62:2 77:4 83:6,8 94:13,15 103:4 103:6,23 120:14 142:7 146:8 153:24 reasonably 123:7 reasons 94:22,23 109:19,22 119:11 122:18 122:20 123:12 146:5 Rebecca 53:17 73:9 80:21 recall 30:21 34:22 receive 49:4 receives 69:12 receiving 121:14 recessed 165:4,9 recognizes 24:21 33:13 45:7 71:14 81:1 89:8	101:3 108:2 recommendation 157:6 recommendatio... 157:5 record 2:3 10:1 24:13 32:9 52:1 79:10 80:20 82:5 89:1 105:14 113:23 recourse 76:4 recurs 32:20 reducing 3:17,22 reduction 4:8 39:18,20,22 reference 21:16 referred 122:12 regard 104:7 regarding 2:12 37:10 44:2 157:4,17 158:9 regardless 22:3 regards 119:1 regrettable 164:11 regs 113:15 regular 55:13 regulations 27:5 27:14 39:1 112:17,20 113:1 139:10 158:22 163:3 relate 25:7 related 103:2 142:11 149:22 155:22 156:2 157:15 158:2 159:11 relates 20:3 137:19 relatively 10:15 16:10 relay 155:13 released 19:11 relieves 137:14 remaining 39:4 remains 164:8	remanded 119:22 120:5,7 remember 30:5 30:23 91:14 removed 131:12 131:14 removes 132:15 renew 47:2,5 reopener 110:9,9 111:1,5 repeat 115:11 164:20 reported 118:21 Representative 115:6 represented 27:8 request 36:22 38:7 46:9,18 47:8 48:17 50:10,11,12 126:12,19 132:3 132:10 134:22 requested 2:7 36:18 50:9,20 156:9 requests 88:22 requirements 158:2,8 160:21 rescheduled 156:11 reside 158:3,9 resided 160:22 residence 6:13 resident 86:7,9 residential 3:20 residents 158:21 Resnick 33:23 90:24 97:22 resolution 1:22 2:15,19 8:23 resolve 73:7 78:2 79:13 Resources 118:13 118:18,22 148:11 respect 9:5 11:4 20:17	respectfully 45:15 respectively 7:4 respond 54:20 85:17,19 87:1 89:2 134:19 responded 157:3 respondent 21:22 53:7 responder 53:15 61:19 responders 51:19 55:12 56:4 57:2 58:12 61:20 121:12 response 24:3 26:1 42:15 50:14 113:9,10 154:19 157:9,11 157:16,21 159:8 159:10 160:19 162:10 163:16 responses 15:14 156:16,18,22 responsibility 21:13 40:4 responsible 141:14 responsive 163:10 restriction 15:22 restrictions 11:8 result 4:8 59:14 59:15 132:6 retaliation 26:22 retirement 36:16 retribution 52:8 54:4 retroactive 62:22 revenue 20:4 80:18 155:22 revenues 13:3 14:2 69:13 review 156:15,17 reviewed 11:7 revised 9:1 revising 7:10,24 revisit 56:12 REYNOLDS
---	---	---	--	--

1:12	136:15 139:4,17	risk 39:17,20,22	savings 93:17	102:6 104:5,15
RFP 16:4,5,20	140:1,14,21	river 28:12	saw 67:8 133:20	109:10 111:3,18
17:1,2 18:1 19:9	141:5,15,23	road 65:5 164:3	saying 30:21	145:22 146:18
Rhynhart 53:17	142:8,18 143:8	roadmap 151:11	32:17 35:20	147:17
53:18 57:7	143:16,24 144:9	Robert 27:3	37:6 55:21	seeing 69:9
58:19 59:6,9,13	144:14 145:10	role 18:16 40:3	57:18 58:1 76:7	seen 68:5
59:20 60:12	148:1,10 149:7	rolling 20:8	87:19 94:11	select 16:5
61:6,15 62:11	149:20 151:2	Room 1:5	103:12 105:20	selected 81:8
62:16 63:5,15	155:11,18 156:8	round 71:6	106:16 107:18	Selective 150:22
63:20 64:6,12	156:14,17,23	rules 11:13,17,22	111:4,12 125:10	selling 88:13
65:1 67:2,20	157:22 158:15	27:5 76:2,5	127:11,13,23	send 163:9
68:9,12,24 69:5	158:24 159:18	ruling 142:2	130:7 135:1	Senior 4:3
69:11 70:5,8	160:1,5,8,18	147:10,24 148:3	142:24 160:23	seniority 30:10
71:7 74:14,20	161:13 162:5	run 10:19 31:9	says 80:6 93:2,23	sense 15:4 16:17
74:24 75:5,11	163:15	81:14,17 117:5	128:11,11,16	22:10 23:2 56:6
75:17,21 76:9	Rich 22:17	121:20 133:4	scary 100:14	56:9 129:11
76:19 77:15	right 23:24 28:11	rung 85:15	scattered 33:20	136:10
78:10,16 79:5	29:18 30:2 31:2	running 23:14	scenario 55:18	sensitive 142:3
80:22 81:5,19	32:3,22 35:14	34:10 97:16	76:16,20,22	sent 76:11
81:22 82:2,9	35:19 39:5 40:8	98:3 147:5	152:1	separate 44:11
85:16 86:20,24	43:10 47:9 53:3	149:2	scenarios 76:14	72:16 80:16
87:8,11,18 88:9	54:10 57:8 58:2	runs 99:12	scheduled 142:15	92:21
88:15,19 89:4	58:17 61:9,16		142:17 143:17	separating 119:18
90:8,15 92:4,13	61:19 63:22		143:21	September 26:23
92:23 93:12	64:6 68:12 69:7	S	school 3:3 4:17	32:5 36:8,13
94:5,9,19 95:4	71:21 72:3	s 144:12	5:1,3,10,19,21	97:13 98:17
95:13,22 96:4	75:14 76:19	sad 164:3	6:11 7:5,8,14	99:20 100:17
96:10,14 99:14	78:3 81:14,17	saddening 79:17	8:8,15,17 14:24	117:4,14 151:24
101:7,13,21	82:20 83:2	safe 86:12	15:8 17:7 40:17	153:3,8,9
102:16 103:10	90:13 92:14,15	safety 33:23 44:1	schools 70:20,21	serious 81:15 82:6
103:21 104:5,8	92:24 94:4,9	56:6 90:23	scope 20:5	82:7,15 83:20
104:15,24 105:7	95:13 96:17	100:9 110:15	scream 67:17	seriously 88:16
106:5,11 107:3	99:14 103:10	133:1 134:4	scrutinize 16:2	serve 73:21
107:17,21	107:6,7 109:24	155:1	seamless 118:7	service 27:5,13
108:18 109:4,17	110:22 111:5	safety-wise 79:16	season 164:22	39:1 67:15 73:2
109:24 110:3,8	112:20,24	salaries 92:11	second 12:14	79:23 89:11,24
110:21 111:3,11	117:17 118:2,8	95:9,18 96:13	14:11 32:12,15	112:17,19 113:1
112:8 114:19	120:13 121:13	134:11	81:6 83:21	113:15 139:10
116:18 117:12	130:2 136:18	salary 22:6 110:9	117:2 129:3	140:8
118:2,19 119:14	139:14,21 140:7	Sales 68:14	157:14	services 12:11
120:4,21 122:16	141:22 143:23	Samuel 26:17	Section 2:21 7:15	56:7 67:7,12
123:10 125:9,24	146:2,8 153:19	sarcasm 88:18,20	see 9:21 25:18,22	125:7
126:7 127:10	159:10,21	save 84:12 96:7	25:24 29:18	session 89:13
129:17 130:2,6	rights 120:22	126:22 128:9	42:10 55:5,19	135:17
130:14,23	140:8	129:22 135:21	56:10,23 58:9	set 7:18 22:6
131:13,21	rise 119:6	saved 84:11	61:3 64:15,21	28:14 103:5
133:13 134:18	rising 121:16	108:12	69:2 83:18	150:1 158:20
		saves 93:24		

161:6 setting 162:24 settle 62:10 102:10 settled 32:11 143:22 settlement 32:13 32:15 114:1 147:9 settlements 32:10 several-month 144:19,21 severe 54:14 67:6 share 102:1 Shelly 22:17 shift 86:3 100:21 shocked 137:4 short 28:14 41:9 135:4,7 shorter 147:19 shortly 35:1 42:14 shows 115:3 side 61:11,12 62:24 63:1 99:5 99:5 significant 54:19 55:16 59:15 110:16 119:7 127:15 significantly 61:10 62:23 similar 33:5 similarities 114:17 simply 12:5 21:19 23:21 32:18 106:1 107:15 single 41:21 sir 24:11,23 27:21 33:9,18 34:6,19 37:3 39:13,20 40:12,22 43:19 45:2,12 47:18 50:18 71:21,23 100:3 101:11,18 sit 62:3 80:13 81:5 164:12	sitting 80:3 91:4 situation 57:9,23 132:6 situational 41:18 situations 43:13 43:14 58:3 six 6:17 81:16 82:6,15 88:22 88:22,24 127:1 152:16 slightly 152:19 slots 48:2 small 16:10 41:22 100:22 smaller 131:17 solicitor 12:19 17:21 solutions 43:9 somebody 40:3 53:14 88:7 98:12 119:4 128:10 138:17 139:13 140:19 somewhat 79:18 81:10 soon 19:11 81:14 132:9 154:1 sooner 146:22 sorry 120:4 sort 72:18 97:14 124:24 125:3 127:24 139:14 sound 125:2 sounds 27:20 speak 78:8 115:1 121:15 142:10 150:5 Speaker 115:4 speaking 44:6,8 119:15 130:18 Special 3:8 4:3 specialty 124:8 specific 25:10 48:5 86:2,6 88:22 117:21 specifically 15:11 157:10	speed 118:14 134:23 spend 56:17,21 80:9 94:2 159:16 161:1 spending 123:13 spent 56:18 spirit 73:2 spoken 42:10,21 44:7 spokesman 27:3 spot 19:9 104:19 107:22 spots 112:1 spread 126:13 spread-out 126:11 Squilla 1:16 59:3 59:4,12,17 60:3 60:24 61:13,18 62:13 63:2,10 63:17,24 64:7 64:14 65:16 67:8 68:2,11,22 69:1,10,22 70:7 70:11 76:21 102:22 108:3,4 108:24 109:7,21 110:1,6,17,23 111:9,13 113:19 114:20 123:16 135:18 137:8,9 139:11,23 140:10,17,24 141:6,22 142:5 142:21 143:4,12 143:20 144:5,11 145:7 146:1,7 146:19 147:1,8 147:21 148:8,19 149:11 150:18 stab 152:14 stability 119:20 staff 10:23 20:2 22:22 staffing 56:5,20 57:24	stage 75:14,16 stake 135:6 stale 28:17 31:12 31:21 98:13 112:5 stand 160:20 standard 35:22 standards 42:18 42:20 standpoint 56:24 79:23 95:10 98:5,24 134:4,5 134:5,7 136:11 star 98:14 start 106:7 131:18 142:17 started 77:6 135:15 starting 23:12 68:15 90:3 93:9 133:11 143:14 state 9:24 24:13 75:20,20,21 76:1,5 80:6,19 105:14 115:5 stated 31:20 33:23 37:8 51:24 60:18 77:1 83:10 118:6 statement 79:22 85:5 119:9 123:3 statements 53:20 states 14:23 stating 91:18 stationed 40:8,10 Stations 85:21,23 status 16:3 44:17 44:22 stay 100:1 step 88:3,5,7 steps 150:10 sticking 61:23,24 62:7 64:24 65:2 77:13 120:12 stop 84:9,10,16,16	145:17 stops 84:3,4 straight 24:20 100:23 strain 120:2 straits 83:16 strategy 21:17 street 97:12 stress 55:18 strictly 117:21 strive 118:4 striving 118:10 strong 68:14 studying 32:3 stuff 134:23 subject 51:14,21 122:1 submit 51:1 67:3 113:23 114:13 114:14 submitted 9:6 131:7 subsequently 11:7 substantial 83:22 success 48:20 successful 20:11 45:21 46:20 succinct 115:19 sue 139:13,20,21 suggest 113:8 suggestion 85:4 summer 84:6 115:23 116:1,16 117:5 sunset 73:20 supervision 40:2 supervisor 40:5 supervisors 42:9 44:9,20 supervisory 64:8 supplied 50:23 support 67:23 121:2 supposed 156:3 156:24 Supreme 142:2
--	---	--	--	--

147:9 sure 10:2,20 43:16 45:1 52:9 80:22 87:22 122:2 123:6 144:3 150:3 163:4 164:22 suspended 45:19 48:18 SWAPS 58:5 swing 128:15 system 158:17 systematic 31:24	141:16 143:9 147:12,13,14 151:3 talks 55:9 target 152:9 tax 2:9,23 4:4,6,8 4:22,22 5:1,4,6 5:16,16,19,22 5:22 7:5,6,7,8,9 7:14,17,18,19 7:23,24 8:13,13 8:15,19,20 11:10 13:22 16:13 18:4 21:14 68:10,13 68:14,18 69:12 69:15,17 70:3 70:15,19 71:8 83:10 125:5 taxes 3:2,9,11,16 3:18 4:7,16,21 5:9,15 6:4,7,10 7:4 8:7,12 11:14 11:18,24 15:3 15:19 66:21 69:20 70:2,3,6 70:14 71:1 80:18 123:21 124:8,17,19 taxpayers 3:10,12 taxpayer's 4:9 tell 69:13 92:9 136:6 158:3 tells 151:9 term 111:2 terms 3:4,13,24 4:12 5:7,24 7:11 7:20 8:1,21 57:23 63:7,8 68:9 77:5 88:1,2 106:6 107:9 112:10 122:18 123:12 127:21 127:23 131:5 136:3,23 141:16 150:4 151:16 terrible 70:16	terribly 151:7 test 30:8 32:4,18 36:11 97:12,23 98:2 99:21 133:20,23 138:1 141:11 142:3 143:7 144:3,6 147:16,23 148:4 148:5 150:8 151:23 testified 93:10 129:14 testify 156:3 testimonies 51:17 testimony 10:22 11:5 33:22 49:12 89:21 91:3,7 93:7 96:6 97:6 100:21 125:20 testing 149:18 tests 29:22 30:17 31:3 141:10 144:8 146:22 thank 9:17 10:8 10:14 22:23 23:19,19 24:5,5 24:19,24 33:14 45:3,6,9 51:9 58:22,24 59:4 71:5,13,22 72:12 80:21,24 81:3 86:20 89:7 100:24 101:2,5 101:19 107:23 108:4 114:19,20 115:2 125:14,17 137:5,6,9 153:20 154:4 155:9,15 161:14 163:14 164:24 165:1,6 thing 23:6,13 58:17 64:17 91:17 95:11 97:20 128:24 135:9,24 149:14	things 39:4 43:4 76:10 91:8 115:10 119:9 122:7 133:10 134:15 138:13 146:13 151:13 think 19:8 20:16 20:19 22:10 23:23 34:21 38:21 39:22 41:11 47:20 48:6 52:16,16 52:24 56:2 57:4 58:17 60:5 65:2 65:3,11,17 74:16 76:9 79:11,13,14 82:18,23 83:18 94:6,10 95:4 97:20 98:19 102:16 103:22 104:1 105:2 106:5 109:18 112:9 114:10 115:14,18 116:18 121:9 122:19 126:9,13 129:8 135:11,17 139:6 142:9,14 156:8 thinking 66:7 68:16 third 129:4 thought 17:7 18:16 67:9 82:12 104:18,21 105:5 140:19 three 48:4,6 85:3 85:9 98:14 126:19,21 127:7 128:5,8,13 130:10 three-year 64:20 threshold 11:21 threw 108:14 throw 142:1 Thursday 26:20	102:4,15 103:14 105:18 tied 123:7 time 9:18 20:10 25:9 29:24 31:9 35:3 36:2 41:5 41:23,24 42:3 42:15 44:23 47:16 48:8 64:21 66:1 70:1 77:23 81:12 90:3 93:9 101:16 120:23 128:4,5 129:9 136:8 147:15 150:14 152:7,23 153:13 154:11 154:16 163:20 164:2 timeline 18:23 23:9 timely 32:24 times 30:4 52:1 88:22 89:3 timing 142:10 tired 23:10,12 title 3:6 6:3 18:18 titles 2:18 tobacco 19:5 today 2:5,8 72:1,2 126:2 134:12 151:6 told 45:16 49:12 50:7 81:13 153:1 158:16 tomorrow 126:24 tool 52:7 54:6 63:7,16,19,22 64:1 top 32:1 36:10 134:8 149:8 topic 51:14 55:2 total 94:20 102:20 108:18,21 109:1 109:3 tough 124:7 track 48:11
--	---	--	--	---

tracking 158:17 tracks 158:17 trained 43:11,17 49:6 training 44:14 45:20,24 46:6 46:10,17,19,24 47:12,13,15 48:3,16,19,23 49:2,3,4,14,18 50:1 52:18,21 84:17 transfers 46:1 Treasurer 18:22 19:12 treasurer's 12:15 15:12 treasury 58:6 treated 138:18 true 46:16 64:13 81:23 115:3 try 78:2 118:14 134:23 149:1 154:9 trying 18:14 27:23 44:11 48:14 55:23 56:4,8 57:6 73:12 77:21,23 80:17 109:10 129:10 137:23 turned 26:18 89:13 105:17 twice 55:4 two 19:20 26:5,9 26:24 34:23 39:4,5 41:3 48:7 53:20 57:11 74:8 98:14,21 103:24 114:1,4 116:19 119:8 122:18 128:22 130:7 133:12 134:1 136:9 138:7 142:11 150:16 two-month 95:3	two-part 110:18 two-year 64:20 type 31:13 73:7 74:1 79:12,15 80:14 112:4 types 146:13 Tyrell 10:9,10 U uh-huh 68:24 74:20 156:19 umbrella 88:12 unacceptable 164:18 unavoidable 133:15,16 understand 25:5 35:19 47:24 57:6 73:14 79:19 97:8 101:23 104:22 104:24 105:1,11 106:20,23 115:16 119:2,6 120:13 128:9 129:12,12,13 131:10 136:1 154:21 understanding 28:8 30:2,7 123:11 162:9,12 understands 126:9 understood 54:23 undertaking 142:19 undisputed 102:8 103:13,16,23 104:7 unfairly 26:18 unfortunate 164:23 unfortunately 23:23 uniform 96:3 union 62:2 78:13 83:8 104:9	unrelated 155:18 155:21 upcoming 36:15 57:13 update 44:22 updates 44:17 urgency 22:11 use 7:17 11:9 13:18 19:15 33:3 54:11 56:1 56:3 63:18 64:1 64:3,18,22 66:2 66:4 116:17 124:24 125:6 134:20 uses 14:14 utilize 54:18 V vacancies 25:11 25:14 27:1,12 27:12 28:1,4,6,7 28:15,20,23 29:20 32:19 33:4 34:8,12,23 35:6,9,21 36:3,6 36:10,15 37:5,9 38:8,13 84:19 116:2,2,15 117:17 153:14 154:16 vacancy 40:2 valid 126:17 value 4:9,15 8:6 122:23 variation 41:23 various 76:10,13 vehicles 18:2,3,8 19:10 20:15,20 21:20 vendor 15:6 16:6 21:13 vendors 20:1 ventilating 41:10 verify 13:22 versus 77:7 96:18 view 31:24	viewed 14:4 violate 11:17,22 vote 162:4 163:13 voting 161:10 W wage 7:23 61:8 62:19 110:10 wages 92:12 wait 32:1 98:17 100:17 114:8 133:22 140:6 142:23 waiting 35:23 41:10 75:23 161:8 want 10:17,19 22:20,23 24:20 54:8 62:11 65:4 66:16 67:24 72:5 74:3 77:20 78:17 79:9 80:7 83:7 86:19 87:22 88:15,18 88:19 89:2 105:11 106:7 113:7,20 115:1 120:15 139:24 149:5,20 150:3 150:17 151:15 151:16,18 157:11 wanted 33:21 54:20 65:9 72:10 80:19 88:5,7 117:23 wants 53:24 140:6 162:1 wash 53:9 wasn't 16:22 25:1 62:15 63:21 82:11 91:6 96:22 130:22 145:2 watch 164:7 watching 121:13 water 41:11	way 23:22 52:3 54:5 57:5 100:1 108:13 113:16 115:14 118:6 123:12 131:3 132:4 133:9 134:16 138:10 144:4 162:4 ways 15:2 weaker 68:15 Wednesday 1:6 105:17,17 week 19:24 48:7 97:3 99:18,18 136:9 weeks 19:20 48:4 48:6,7 85:3,9 105:19 weighed 100:11 weight 117:8 welcome 45:12 went 56:15 61:4 73:20 82:21 103:23 108:10 142:3 weren't 12:7,9 133:4 137:4 138:18 143:21 151:12 we'll 2:8 18:23 20:19 24:7 35:2 36:9 53:21 69:19 70:1 138:3 140:12 152:6 we're 10:21,24 17:6,24 19:8 20:24 28:15 29:18 31:8 33:5 43:8 44:14 46:20 47:10 52:13 55:22 56:4,19 58:9,10 61:3 62:13 66:7 66:12,15,18,20 67:1 68:6,6,16 68:20,22 69:7,9
--	---	---	---	--

69:17 70:13,17 71:4,11 75:22 77:4 79:15,18 79:20 81:13 84:11,20 87:23 89:5 93:4,18 95:13 97:7 98:6 98:16,20 103:3 104:2,12 105:20 106:1,6,16 107:1,5,7,8 109:8,10 111:22 112:19 113:14 114:8 116:4 118:10,11 128:3 129:3 132:9,21 132:22 134:8,15 135:24 136:16 137:11,17,18 138:7 139:18 144:6,7 147:12 147:13 151:21 154:3 161:1 163:19,20 we've 17:2 84:23 86:16 99:13 126:1 128:7,8 134:11 151:3 152:6 164:2 whatnot 17:19 18:24 whatsoever 15:22 51:22 57:1,1 whoa 128:18 wide 93:24 widest 148:6 WILLIAM 1:13 willing 102:10,19 103:17,19 104:4 104:14,17 105:14 106:3,6 107:9,16 Wilson 1:12 25:3 win 60:10 witness 158:13 wondering 91:5 98:11	word 28:17 31:21 134:20 words 31:11 work 17:4 21:5,6 26:21 72:6 74:1 118:13 122:24 138:22 158:14 workers 73:3 124:11 158:2 160:22 working 71:11 79:16 96:3 workweek 22:3 world 76:17 118:4 132:18,20 134:14,15 151:7 164:6 worried 84:21 worst 82:22 wouldn't 16:4,16 16:23 54:14 71:3 129:17 136:10 Wow 71:16 wrap 77:21 79:8 writing 23:7 written 30:17 31:2 41:12 162:10 wrong 91:12 132:12 151:13	128:21 129:2,4 131:7 132:22 138:3 142:6,20 143:6,15 144:21 152:4 164:1 years 4:14 6:14 6:17 8:3 9:3 29:6 31:6 41:3 42:6 43:14 52:14,22 56:15 57:14 59:21 61:7 67:1 83:15 84:3,4,8,13 85:10,13 108:11 109:6 110:4 126:19,21 127:7 128:6,8,13,22 130:7,10 141:17 141:19,24 159:17 161:2 162:21 163:7 yesterday's 33:1	\$30 110:13 127:17 \$40 123:21 \$45 121:1 \$596,000 26:9 32:10 114:4 \$6 90:9,16 93:9,12 95:2 137:19 \$60 60:6 \$60-some 60:17 \$64,000 17:12 \$66 102:12 103:13 105:13 106:1 \$7.2 89:16 91:1 93:5 94:17 \$80 59:23 \$9 159:20 160:1,3 161:1 162:21 163:6	130179 1:20 2:14 6:19 130180 1:20 2:14 6:22 130181 1:20 2:14 7:1 130182 1:21,21 2:15 7:12 130183 1:21 2:15 7:21 130190 1:22 2:16 8:23 130254 1:21 2:15 8:2 14 29:9 35:1 134:21 160:11 160:13 1563-A 9:14 16 29:8 160 142:13,14 17 57:4 19 3:7 6:3 19-1300 3:15 4:20 5:14 6:6 7:2 8:10 19-1307 2:21 19-1500 7:22 19-1800 4:24 5:18 7:2,13 8:14 19-1806 7:16 19-2900 4:2 19-2900A 3:8 1927 82:23 1992 9:13
	X	Z	0	
	X 92:17,18,18 128:12	zero 56:21	09 54:15	
	Y	\$	1	
Y 92:19,19 yeah 74:24 90:8 91:8 128:14 year 4:19 5:12 6:24 8:9 9:6 20:18 21:8 29:8 29:9 32:24 35:3 39:6 45:19 46:10 59:19,23 67:2 68:4,5 69:4 69:6 110:12		\$1,200 78:20 87:14 \$1,210 136:18 \$1,270 136:19 \$1,670 78:22 136:21 \$1.15 32:16 113:24 \$1.2 90:10 \$1.5 32:15 \$15 110:11 \$20,000 152:19,22 \$200 59:14,18,18 59:20 60:15 62:17,18 74:17 74:18 76:6 80:9 87:3 102:11 103:9 105:12,21 108:7 121:2 \$200,000,500 74:23	1 5:12 1.4 96:18 1.5 96:18 10 30:9 31:1 54:2 54:16 157:6 10:28 1:6 100 123:1 12:46 165:9 120338 1:20 2:12 2:21 120339 1:20 2:13 3:6 120651 1:20 2:13 3:14 13 69:7,9 130141 1:20 2:13 4:1 130142 1:20 2:13 4:13 130150 1:20 2:13 5:8 130163 1:20 2:14 6:2 130178 1:20 2:14 6:15	2 2nd 32:6 36:8,13 2.5 14:15,21 2:00 165:5 2007 45:20 46:17 47:23 48:19,24 2009 26:19,23 54:2 55:7 201 75:2 2012 130:16 2013 1:6 9:6 2014 4:19 5:12

6:17,20,24 8:9 9:3 2018 9:4 2019 6:17 203 75:2 23rd 97:23 24th 38:24 97:24 153:13 25,000 124:11 27th 157:16 158:10 159:7 161:8 28 35:2 28th 84:3	9 90 30:9 31:1			
3 3rd 9:13 30,000 124:12 320 142:12,19 34 26:17 35 98:7,8,12 38 35:2 92:11				
4 4 93:2 40 22:3 92:1,11,14 93:2,10 94:8 96:16 153:4 400 1:5 45 154:15 155:3 48 26:16				
5 50 35:3 70:15 96:15 133:2 153:4				
6 6 91:23 93:5 94:17,19				
7 7th 32:23,24 7.2 91:23 730 160:12,15				
8 8 1:6				