

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 26, 2012
10:40 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 120164, 120165 and 120166
RESOLUTION 120167

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COUNCIL PRESIDENT CLARKE: Good morning. This is a continuation of the public hearing of the Committee of the Whole regarding Bill Nos. 120164, 120165, 120166 and Resolution No. 120167.

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

MS. LEWIS: Bill No. 120164, an ordinance to adopt a Capital Program for the six Fiscal Years 2013 through 2018 inclusive.

Bill No. 120165, an ordinance to adopt a Fiscal 2013 Capital Budget.

Bill No. 120166, an ordinance adopting the Operating Budget for Fiscal Year 2013.

Resolution No. 120167, a resolution providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2013 through 2017, and incorporating proposed changes with

1 4/26/12 - WHOLE - BILL 120164, ETC.
2 respect to Fiscal Year 2012, which is to
3 be submitted by the Mayor to the
4 Pennsylvania Intergovernmental
5 Cooperation Authority (the "Authority")
6 pursuant to the Intergovernmental
7 Cooperation Agreement authorized by an
8 ordinance of this Council approved by the
9 Mayor on January 3rd, 1992 (Bill No.
10 1563-A), by and between the City and the
11 Authority.

12 COUNCIL PRESIDENT CLARKE:
13 Thank you.

14 The Chair will now ask the
15 Controller to please come forward for
16 your testimony.

17 (Witnesses approached witness
18 table.)

19 CONTROLLER BUTKOVITZ: Good
20 morning, President Clarke, members of
21 Council. I appreciate the opportunity to
22 come in and appear before you on our
23 budget. I have with me today First
24 Deputy Controller Harvey Rice, our
25 Post-Audit Deputy Controller Gerry

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2 Micciulla, Pre-Audit Deputy Controller
3 John Thomas, our Administrative Services
4 Director Andrea Rose.

5 Our request this year is
6 \$7,449,931. We're going to be requesting
7 an adjustment to that figure because of
8 our request to transfer five employees
9 who are currently listed on the School
10 District payroll to the City payroll.
11 The specifics of what will be required in
12 that budgetarily are being worked out
13 with the Finance Department -- or with
14 the Budget Director actually and will be
15 forwarded to the Council as soon as those
16 numbers are finalized.

17 We've had a very active year,
18 as always. It seems like there is very
19 fertile territory for comment and review
20 and analysis that we are constantly
21 engaged in. As you recall, in February
22 we were compelled to issue an opinion on
23 the School District's financial
24 condition. That indicated that there was
25 a serious question about their ability to

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2 continue as a going concern. That
3 unfortunately has been validated by
4 ongoing events. There clearly is, as has
5 been acknowledged by the School District,
6 a necessity to do some radical
7 restructuring in order to deal with very
8 serious structural financial problems.

9 We again want to express our
10 appreciation to the Council for their
11 support in doing the forensic audit of
12 the Sheriff's Office, which was completed
13 back in November. It was a very -- it
14 was the only audit of its kind that
15 anybody in our office can recall in the
16 last 50 or 60 years. It has already
17 prompted a number of significant reforms
18 in that office and has fed investigations
19 and litigation, and it's clear that by
20 the admission of the Sheriff's Office,
21 thousands of people were cheated out of
22 money that they should have received out
23 of the sale of their homes. It's an
24 important service to the community that
25 this Council strongly partnered with us

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2 in enabling us to achieve.

3 We're proud of moves that have
4 been made by the Administration in the
5 last few weeks. We have, for the last
6 five years, been pushing the idea of
7 improved EMS response times and,
8 correspondingly with that, the idea that
9 there was more money to be recovered in
10 reimbursements if we would adopt the
11 kinds of procedures that are routine in
12 private industry. And there was a lot of
13 skepticism about our finding five years
14 ago that there was \$35 million a year to
15 be made. The Administration recently
16 awarded a contract to a firm. I believe
17 it's called Intermedics, and that firm
18 has signed the contract guaranteeing a
19 \$35 million increase in recoveries for
20 the City per year.

21 We have -- our Fraud Unit has
22 closed over 75 cases this year,
23 principally residency, misuse of City
24 equipment, time keeping. We have had an
25 ongoing project on identifying

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2 delinquencies in the payment of taxes and
3 other fees. As you will recall, in 2009
4 we instituted deductions from payroll of
5 City employees who were delinquent on
6 City taxes.

7 We have conducted a review of
8 over 220 capital projects, and we have
9 made a major contribution in the
10 correction of reporting on the City's
11 financial statements, identifying \$1.8
12 billion in errors under the original
13 draft of those reports.

14 With that, I am available for
15 any questions by the members of the
16 Council.

17 COUNCIL PRESIDENT CLARKE:
18 Thank you, Mr. Controller.

19 A couple of quick questions.
20 In your testimony you reference \$70
21 million in unpaid City fines that you
22 found during an audit of the Office of
23 Administrative Review. Can you tell me
24 how much of that 70 million has actually
25 been collected, and specify the methods.

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2 CONTROLLER BUTKOVITZ: I don't
3 believe we've had a look back since the
4 issuance of that -- we did. I'm sorry.
5 It looks like we're going to have to get
6 back to you on that. There was an
7 increase, but we don't have that number
8 at our fingertips right here today.

9 COUNCIL PRESIDENT CLARKE: Is
10 that ultimately your responsibility, or
11 maybe I should be asking someone else.

12 CONTROLLER BUTKOVITZ: No. We
13 have that number. Part of the increase
14 was because of the increase in fines, and
15 what we need to do is identify how much
16 of the increase was because the fines
17 went up and how much was because of
18 increased productivity by the office.

19 COUNCIL PRESIDENT CLARKE:
20 Okay. In earlier testimony by the
21 Inspector General -- every year since the
22 scope of the Inspector General's Office
23 has seemed to broaden, this whole
24 question about duplication of services as
25 it relates to your office, the Inspector

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2 General's Office and the District
3 Attorney, and some questions came up
4 about investigations as it related to
5 employees with residency issues and some
6 of the other things that are prohibited
7 as it relates to City employees. And I
8 understood that that was traditionally
9 the role of the Inspector General, and
10 when -- I'm sorry; of the City
11 Controller, and when I asked those
12 questions, it was implied that in some of
13 the larger, more high-profile cases, that
14 the Inspector General's Office was more
15 aggressive -- and I hope I'm using the
16 words properly -- as opposed to the City
17 Controller.

18 If you can kind of tell me if
19 there's anything in your jurisdiction
20 that's not being handled or if the
21 Inspector General's Office is doing some
22 things that you may not be doing or
23 there's some oversight, because I'm still
24 trying to get a handle on why we have --

25 CONTROLLER BUTKOVITZ: When I

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2 came into office, Seth Williams was the
3 Inspector General, and he expressed a
4 strong interest in the residency cases,
5 and virtually the totality of the work
6 that was done by our investigators at
7 that time was residency cases, and I
8 wanted to expand their mandate to get
9 involved in more significant fraud cases.
10 So I welcomed the opportunity to transfer
11 to the Inspector General a bulk of
12 residency investigations.

13 So we have given professional
14 training to our investigators. We had a
15 major report last year, for example,
16 examining the charter schools that was
17 done by those staffers who previously
18 wouldn't have had the time or the
19 resources to invest in interesting
20 projects of that type. So Seth Williams
21 and I had come together on -- there was
22 work he wanted to do and there was work
23 that we thought would take priority over
24 that, so that was fine.

25 Now, Amy Kurland is not

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2 inclined to pick up the phone and talk to
3 me about working out these kinds of
4 issues. I'm sure we are both interested
5 in not having duplication of services and
6 finding a way that we can get the biggest
7 bang to the buck. The issues that we
8 have with her are, we believe that her
9 focus is on developing individual cases
10 in-depth, where as our mandate involves
11 identifying system-wide improvements, and
12 when we've asked for that kind of
13 feedback to come back, we've been
14 basically told that she can't provide us
15 with that information. The explanation
16 for that is I think that she becomes
17 something like a deputized U.S. Attorney
18 in the course of those projects and,
19 therefore, is under some kind of vow of
20 silence or incapacity to share the
21 information. So it doesn't help us in
22 one of our major missions, which is to
23 use what we learn in the individual
24 investigations to design new controls and
25 new systems to make sure that fraud

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2 doesn't occur on a massive basis.

3 You know, you can arrest
4 individuals, but in a budget of \$4
5 billion, it doesn't mean anything if you
6 can't put it together into some kind of
7 pattern in the way that we did in the
8 Sheriff's audit. We identified patterns
9 and gaps in the way things are
10 controlled. This, to some extent, as I
11 indicated, may be beyond her control
12 because of the conditions under which she
13 works with the federal government, but
14 it's a problem that causes this kind of
15 miscommunication, misconnection.

16 COUNCIL PRESIDENT CLARKE: So
17 do you believe that the arrangement or
18 conditions as you stated with the federal
19 government is a formalized arrangement?
20 I mean, traditionally --

21 CONTROLLER BUTKOVITZ: Well,
22 you know, we had that kind of issue in
23 the Sheriff's Office. If we had made
24 that kind of deal with the federal
25 government, then we would be operating in

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2 a condition where we could not have
3 released a report, we couldn't have --
4 and so there is a simple answer to that.
5 We did not become deputized. We just did
6 our job, because it was as important to
7 us to publish to the Council and to the
8 Mayor and to the community at large the
9 findings. Because federal investigations
10 are very important, but they're not the
11 only thing that happens. It's important
12 for them to investigate and arrest and
13 convict people that are committing
14 crimes, but in the meantime, there is
15 money going out the door and there's
16 misconduct occurring, and on an ongoing
17 basis, we have to act with that in a
18 shorter timeframe than the four or five
19 years that it might take the federal
20 government to complete a criminal
21 investigation.

22 COUNCIL PRESIDENT CLARKE:

23 Okay. Thank you.

24 The Chair recognizes Councilman
25 Jones.

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2 COUNCILMAN JONES: Thank you,
3 Mr. President.

4 Good morning.

5 CONTROLLER BUTKOVITZ: Good
6 morning.

7 COUNCILMAN JONES: How are you?
8 For the benefit of some of the
9 freshmen, all of them know, but let's
10 assume they might want to further
11 explore. Your department does both
12 financial and managerial audits --

13 CONTROLLER BUTKOVITZ: Yes.

14 COUNCILMAN JONES: -- and makes
15 recommendations, right?

16 CONTROLLER BUTKOVITZ: Yes.

17 COUNCILMAN JONES: You can
18 elaborate. It doesn't have to be yes or
19 no. But how do you go about --

20 CONTROLLER BUTKOVITZ: Look,
21 Gerry Micciulla, one of his major
22 credentials is, he's a specialist in
23 performance auditing, which became a
24 priority of mine when I came into office,
25 because the financial auditing doesn't

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2 get you very far. As long as the way the
3 numbers are reported on the financial
4 statements are accurate within 95
5 percent, they get a passing grade.
6 They're doing fine. But they may be
7 operating in a way that they're not
8 accomplishing their mission, money is
9 going out the door, and it's not a 21st
10 century way of doing things.

11 So, for example, one of the
12 well-known cases was the rescue squad
13 performance audit. Standard is all over
14 the country, all over the world, the
15 measurement is, you got to get to the
16 person's house within nine minutes,
17 because you can reverse damage in a heart
18 attack. You can prevent a fatality. In
19 Cairo, Egypt, they get to you in nine
20 minutes. In Philadelphia, Pennsylvania,
21 United States of America, 68 percent of
22 the time they get to you within nine
23 minutes and 32 percent of the time they
24 don't.

25 So that is something that would

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2 not be uncovered in a financial audit.
3 That involved bringing in people who were
4 expert in that field, focus groups with
5 paramedics, a review of over a million
6 calls to 9-1-1 for rescue and an analysis
7 of those, and that all had to be done
8 within the limits of the City's position
9 that medical information was protected by
10 the HIPAA regulations, because an
11 important question that we would have
12 loved to answer in that audit is how many
13 people in Philadelphia are dying every
14 year because the rescue squad doesn't get
15 there in time. And we run into this
16 HIPAA requirement. We can't look at the
17 medical records to find out if somebody
18 died. That's a severe limitation on us.
19 We don't really share the same
20 interpretation, I think, that the
21 Administration has on the coverage of
22 HIPAA on that issue, but as an example of
23 what we mean by performance auditing.

24 COUNCILMAN JONES: So you've
25 done 17 department audits according to --

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2 CONTROLLER BUTKOVITZ: Yes.

3 COUNCILMAN JONES: Which
4 departments did you audit?

5 CONTROLLER BUTKOVITZ: Let me
6 give it to Gerry.

7 COUNCILMAN JONES: And in so
8 doing, tell us the difference between the
9 17 audits and five performance audits.
10 Give us the sense of the difference and
11 scope of those audits.

12 MR. MICCIULLA: I can do that.
13 Of course, as you know, we're required by
14 the Charter to do the departmental
15 audits. The focus of those departmental
16 audits in recent years has been basically
17 we review the control procedures that the
18 various departments have over their
19 revenues, their payroll and their
20 operational expenses, because all of the
21 information that feeds up into the --
22 from the departments ultimately gets into
23 the City's comprehensive annual financial
24 report.

25 The difference -- so, again,

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2 the focus there is, we're looking at,
3 generally speaking, we're looking at
4 procedures that impact the way financial
5 information comes out of a department.

6 On the performance side of it,
7 we're focusing on more of the operational
8 issues.

9 COUNCILMAN JONES: Best
10 practices?

11 MR. MICCIULLA: Sometimes best
12 practices, yes. A lot of times we're
13 trying to determine whether a particular
14 program may be effective. For example, a
15 few years back -- well, to get back to
16 the best practices, a few years back
17 there, we looked at the Revenue
18 Department's tax enforcement operations
19 and saw a number of practices that were
20 being performed by other revenue-type
21 shops and compared us against, compared
22 the City of Philadelphia, against those.

23 COUNCILMAN JONES: A couple of
24 questions on that. So you made 145 new
25 recommendations, according to your

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2 testimony.

3 MR. MICCIULLA: Right.

4 COUNCILMAN JONES: How many of
5 them have been followed up on?

6 MR. MICCIULLA: We generally --

7 COUNCILMAN JONES: To be
8 implemented.

9 MR. MICCIULLA: We generally
10 follow up on most of them. What happens
11 is, when we go in to do a departmental
12 audit or a performance audit, we will --
13 one of the things that we cover as part
14 of that audit is to review what's
15 actually been implemented. I don't have
16 a number off the top of my head, but I
17 can get that number. That's easily
18 gotten.

19 COUNCILMAN JONES: I think
20 that's important for us to understand.
21 You identified a considerable amount of
22 money by way of audit savings, financial
23 report errors, deficiencies. As we start
24 to look to this codification of this
25 budget, if we have departments that

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2 aren't complying and doing the best that
3 they can do, then that obviously weighs
4 in on how we should view the performance
5 of that department.

6 So if you've made 145
7 recommendations, we'd like to know how
8 many of them from last year have been
9 followed up on and have resulted in
10 efficiency savings that can be
11 quantified.

12 The other thing that -- can you
13 elaborate on, as we contemplate what in
14 the world we do with the School District,
15 can you elaborate, Mr. Controller, on
16 what you see over there, what things,
17 efficiencies? We've been presented with
18 a possible reorg chart. Are any of those
19 recommendations compatible with some of
20 the things that you talked about in your
21 audit?

22 CONTROLLER BUTKOVITZ: Well,
23 first of all, I will commend the new
24 school administration for being honest
25 about the numbers, which cannot be taken

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2 for granted with the history of this
3 School District. I mean, there has been
4 an ongoing culture or practice of wishful
5 thinking about the numbers, and one
6 easy-to-understand example of that would
7 be the way TransPasses were paid for. A
8 year ago or two years ago, the standard
9 practice is the state gives the money to
10 the School District -- I think it's about
11 \$16 million a year -- to buy TransPasses.
12 The School District does. At the end of
13 the year, they send a bill to the state
14 to get reimbursed.

15 Well, about a year or two years
16 ago, they got to the end of the year and
17 the School District's financial officer,
18 Mr. Masch, said, I got an idea, how about
19 you give us another year's worth of
20 TransPasses and we'll owe it to you. So
21 at the beginning of the year when we were
22 dealing with what was initially reported
23 to be a \$21 million deficit in October
24 and in January it was revised to 61
25 million or 71 million, half of that

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2 deficit was for owing for two years'
3 worth of SEPTA TransPasses.

4 So I would say that the Chief
5 Executive Officer Knudsen and
6 Commissioner Ramos and the Commission
7 have been -- it takes a lot of courage to
8 be forthright and to recognize that three
9 into two won't go and that these numbers
10 are not elastic.

11 Now, in terms of their specific
12 ideas, really they've just given us the
13 headlines of those ideas. They haven't
14 been fleshed out. So there are undefined
15 take-backs from teachers and School
16 District employees. Well, that may sound
17 credible and acceptable, but you don't
18 know what it means. You don't know if
19 they're cutting teacher salaries in half
20 or you don't know whether it's just the
21 question of changing some holidays or
22 work rules. I really don't know what it
23 means, so I can't really assess the
24 viability of those ideas.

25 I think the general direction

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2 of understanding that there's not going
3 to be a rescue party coming from
4 Harrisburg is a step forward. I mean,
5 that's a recognition of reality. The
6 idea that the management of the School
7 District has to match tax revenues with
8 expenditures in the School District is a
9 gigantic step forward.

10 The School District was always
11 very rigid about avoiding performance
12 audits. A few years ago we wanted to
13 look at the issue of no-bid contracts,
14 because you can't figure out what the
15 School District is buying. You go to an
16 SRC meeting and there would be large
17 numbers of \$25,000 contracts approved for
18 God knows what. Well, there's a good
19 chance that when you're making a choice
20 between putting more kids in a class than
21 is ideal or reducing safety officers,
22 that there might be some no-bid contracts
23 that are not as important in
24 accomplishing the mission of the schools
25 as cutting out those basic services. But

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2 how could you know if the only people who
3 have that information are the people who
4 rubber stamp the contracts? The SRC
5 Commissioners could not possibly know the
6 detail about it with the volume of those
7 contracts that they approve on a monthly
8 basis. They got an overwhelming agenda.
9 And so there needs to be a way that that
10 information is presented and can be
11 checked by a third party, either by the
12 City Controller's Office, City Council.
13 If the state Legislature was going to get
14 involved in that -- PICA, one of our
15 recommendations, that PICA could have an
16 oversight role with the School District,
17 because year after year you come in here,
18 you basically get one and a half pages
19 from the School District telling you how
20 much money they want the City to kick in.
21 They give you a general overview of how
22 they think things are going, and then
23 when it turns out there's a bad surprise,
24 they have traditionally said who knew.

25 COUNCILMAN JONES: Here's the

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2 good news: A crisis is a terrible thing
3 to waste. I don't think that's going to
4 wash this year. We want a lot more
5 detail. And that's why we want to look
6 at your recommendations. We want to see
7 what they've complied with. We want to
8 triangulate that to see what we should do
9 by way of funding. We're not going to
10 put good money after bad. We want to see
11 that we're taking monumental steps
12 forward.

13 CONTROLLER BUTKOVITZ: Here's
14 two recommendations. We could have
15 pre-audit authority with the School
16 District, just like we do with the City,
17 which means that instead of a year later
18 finding out there was a problem, we could
19 have a better sense as it goes how
20 they're doing with their current-year
21 budget.

22 And, secondly, they should have
23 the discipline of a five-year plan,
24 because there were gimmicks used in the
25 past. For example, one year the School

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2 District saved 4, 5 percent because they
3 postponed a payroll period by one week,
4 so they moved it into the following year.
5 If any of you remember back when Mayor
6 Tate was the Mayor in 1967, he
7 accomplished the same thing, because he
8 moved the fiscal year from December 31st
9 to June 30th. And you know what that
10 did? It gave him two years of real
11 estate tax collections and only one year
12 worth of expenses, and it happened to be,
13 I think, right before his reelection
14 year.

15 COUNCILMAN JONES: Creative
16 accounting.

17 CONTROLLER BUTKOVITZ: So when
18 you have a five-year plan and you have
19 somebody on the outside holding your feet
20 to the fire on that, you can't do that
21 kind of gimmickry.

22 COUNCILMAN JONES: Those are
23 good suggestions. I want to just --

24 COUNCIL PRESIDENT CLARKE:
25 Councilman.

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2 COUNCILMAN JONES: Because I
3 know you have to move on. I want to also
4 apply that to the Sheriff's Office, in
5 particular by way of safety. They're
6 coming up later this afternoon. As Chair
7 of Public Safety, I'm very concerned
8 about witness intimidation, particularly
9 around recommendations at the courts. So
10 I'll be looking forward to those kinds of
11 follow-up, post-audit, pre-audit
12 recommendations to see if they're being
13 complied with by the various departments.

14 Thank you, Mr. Chairman.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you, Councilman.

17 The Chair recognizes
18 Councilwoman Bass.

19 COUNCILWOMAN BASS: Thank you,
20 Mr. President.

21 Good morning.

22 CONTROLLER BUTKOVITZ: Good
23 morning.

24 COUNCILWOMAN BASS: How are
25 you?

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2 CONTROLLER BUTKOVITZ: Very
3 well.

4 COUNCILWOMAN BASS: Good. I
5 just had a couple of questions, and the
6 first thing is, I wanted to follow up on
7 Councilman Jones' question. And I know
8 you got engrossed in the conversation
9 about the School District, and we can
10 probably talk about that all day, but
11 about the 145 new recommendations and
12 generally have they been embraced? How
13 long has it taken to implement? What's
14 actually been implemented? If you could
15 comment on that.

16 CONTROLLER BUTKOVITZ: I can
17 give you a general overview of that.

18 COUNCILWOMAN BASS: That's
19 fine.

20 CONTROLLER BUTKOVITZ: When I
21 came into office, we did a review of the
22 way audits were handled around the
23 country, and our model was the guy who
24 was the auditor in Kansas City, whose
25 name escapes me right now, but one of his

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2 points of pride was that they got a 95
3 percent compliance rate with their audit
4 recommendations after a year, and the
5 history in Philadelphia was not that kind
6 of audit compliance. There was a feeling
7 that the Controller was kind of
8 contentious or looking for trouble or you
9 wouldn't get credit if you did things the
10 right way. It became a goal of ours, and
11 what I've observed in looking at our
12 audit reports for prior years is that I
13 can't tell you if it's a 95 percent
14 compliance rate, but you see we always do
15 a list of prior findings in the audit
16 report, and increasingly those findings
17 are that this issue was resolved, that
18 this issue was corrected, that the
19 department acted on this. And the other
20 thing that we do is, we do a six-month
21 look back on important audits.

22 COUNCILWOMAN BASS: Okay.

23 CONTROLLER BUTKOVITZ: Because
24 with the number of departments that we
25 have and with the number of performance

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2 audits that were being done, if we did a
3 killer performance audit, at the rate it
4 was going before, it would be 18 years
5 before we went back and looked at that
6 issue again. So the bureaucracy would
7 respond by taking the hit and then they
8 wouldn't worry about it. In our first
9 year, for example, we did that constantly
10 with L&I. So there would be a review
11 that L&I said that certain buildings had
12 to be torn down within 24 hours and there
13 are certain things that have to be acted
14 on in two weeks, and we found that their
15 imminently dangerous -- those issues that
16 they were supposed to deal with in 24
17 hours and within the two weeks were
18 actually taking them six months. So we
19 issued that report. And then we came
20 back six months later and we issued the
21 report again so that they would know we
22 were serious and it turned out there had
23 been no improvement.

24 So we have gotten into the
25 habit of doing that on major issues. I

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2 think the departments have responded
3 in-kind, because as people are pushed
4 into that kind of discipline, they don't
5 like to -- they don't even like to have
6 to have a conversation with the auditor
7 where they say, Well, this issue was
8 discussed six months ago, what's
9 happened, and they have to say, Well,
10 nothing happened.

11 COUNCILWOMAN BASS: Right.

12 CONTROLLER BUTKOVITZ: So it
13 has actually -- and I think there has
14 generally been more trust in the
15 auditors, that it is not really going to
16 be just a question of shooting victims or
17 bureaucrats just for a headline, that in
18 fact if they've got something to say and
19 if they've got an explanation as to why
20 it is and how we can get it better, that
21 they're going to get a sympathetic
22 hearing on that.

23 COUNCILWOMAN BASS: Okay. It
24 holds people -- it holds their feet to
25 the fire, so to speak, and just really

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2 gets action, where in the past there may
3 not have been as much action.

4 CONTROLLER BUTKOVITZ: It holds
5 their feet to the fire, but we also
6 credit them as they're making progress.

7 COUNCILWOMAN BASS: Very good.
8 Very good.

9 One other question too in
10 reference to in the last paragraph on the
11 first page, your office has concentrated
12 on identifying waste and inefficiencies
13 and measures to bring uncollected revenue
14 into the City's treasury and follow-up
15 audit at the Office of Administrative
16 Review, resulting in \$70 million in
17 unpaid City fines, and I'm just wondering
18 how much of that has actually been
19 collected or what's the process for that?
20 Is it in the process of being collected?
21 How much do we have in now?

22 CONTROLLER BUTKOVITZ: Well,
23 that was the question that President
24 Clarke asked, and we've done some
25 inquiries. In our report on the Fiscal

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2 Year '10 on the Office of Administrative
3 Review, \$70 million was owed. In our
4 follow-up look, they wrote off 45
5 million -- they resolved it by writing
6 off \$45 million that they can't collect
7 it and the other \$25 million they're
8 going after. And that is the status of
9 where that stands now. We don't have
10 anything to report in terms of more cash
11 having actually been collected.

12 COUNCILWOMAN BASS: Okay. I
13 know my time is up. Can I just make one
14 other statement?

15 COUNCILMAN JONES: Sure.

16 COUNCILWOMAN BASS: So the
17 other thing I just wanted to make a brief
18 statement on, and I'll come back with my
19 other questions later in the second
20 round, was in reference to your working
21 relationship with the Inspector General's
22 Office. And I just wanted to ask you to
23 comment on that a little bit further. I
24 know you said that the Inspector General
25 didn't necessarily -- she wasn't one to

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2 pick up the phone and sort of initiate
3 dialogue or conversation about some of
4 the issues that you two may share, things
5 that you may be working on, and I just
6 wanted to hear your thoughts a little bit
7 further on that, because I wanted to be
8 completely clear in terms of who is doing
9 what, what the working relationship is,
10 if it can be improved and what we as a
11 body could possibly do about that.

12 CONTROLLER BUTKOVITZ: I think
13 her view of her mission is that she's, in
14 many cases, an adjunct of the U.S.
15 Attorney's Office, that she is like on
16 site and ready to identify problems and
17 work with the FBI and the U.S. Attorney
18 to get on it, and in the process of
19 getting involved in that, that she is
20 subject to all sorts of confidentiality
21 restrictions. She's not like any other
22 City employee. I mean, I hate to have to
23 speak, but that's kind of what I've
24 picked up.

25 COUNCILWOMAN BASS: So she

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2 doesn't share confidential information
3 with your office either?

4 CONTROLLER BUTKOVITZ: Well,
5 she doesn't share any information with
6 us, but generally the letters that we get
7 from her are, there's an ongoing
8 investigation that the federal government
9 is involved in. I can't tell you
10 anything. So that's the kind of letter I
11 would expect to get from the federal
12 government. They don't tell you anything
13 when they're doing an investigation, but
14 if we're trying to figure out whether
15 there is a failure in accounting
16 practices or there's a way to change
17 procedures or how to handle petty cash,
18 it doesn't help us solve that problem.
19 So she's almost like a hybrid between
20 being a City official and a federal
21 official. I don't know how else to
22 characterize it, but it hasn't enabled us
23 to integrate or incorporate what she's
24 doing into what we're doing so that we
25 can shortcut certain things.

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2 COUNCILWOMAN BASS: Okay.

3 And I don't know, Mr. Majority
4 Leader, if that's something that we could
5 as a Council have a role in in terms of
6 helping to identify and figure some of
7 these situations out.

8 COUNCILMAN JONES: I guess we
9 could. I think what is fascinating,
10 particularly on efficiencies of
11 investigations, that might be
12 appropriate. So we'll take a look at it.

13 COUNCILWOMAN BASS: Okay.
14 Thank you.

15 COUNCILMAN JONES: Thank you,
16 Councilwoman.

17 The Chair now recognizes
18 Councilman Oh.

19 COUNCILMAN OH: Thank you,
20 Mr. Chairman.

21 Good morning.

22 CONTROLLER BUTKOVITZ: Good
23 morning, Councilman.

24 COUNCILMAN OH: What is the
25 effectiveness in obtaining compliance or

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2 cooperation after you've done an audit,
3 you've identified an issue that is
4 important for the public interest and
5 under the authority of your office and
6 you seek to have the department and
7 administrators or whomever comply with
8 that recommendation?

9 CONTROLLER BUTKOVITZ: Well,
10 for example, as we talked about on the
11 rescue squad thing, it took four years,
12 but we have constantly been engaged in
13 this project of trying to find a cheaper
14 way to do things, more efficient ways to
15 do things, a way to save the City money.
16 We had a long list of those
17 recommendations, but at the top of the
18 list was, first of all, we should get
19 utilization of rescue squads down.
20 That's part of it, because the Fire
21 Department admits over half of the calls
22 to 9-1-1 where they send out a rescue
23 squad at a cost of over \$1,200 a run,
24 half of those are really taxi rides and
25 are not emergencies. So we've been

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2 hitting that issue with requests for
3 tele-nursing, we should have better
4 Paratransit services. There are other
5 things that you have to do for people
6 that are more efficient than sending out
7 an ambulance at that cost in response to
8 those calls, and that is being done all
9 over the country, and it is encouraging
10 that there have been recent noises from
11 the Fire Department that we're going to
12 start down that path.

13 Secondly, that's really
14 important, because it's not just money,
15 it's people that can die waiting for an
16 ambulance because somebody doesn't need
17 an ambulance is getting it in priority.

18 But the third component of that
19 is, it was also the biggest single
20 savings that we were able to identify in
21 City operations, because even though we
22 have a very poor population, the City has
23 a policy of not hounding people for the
24 cost of the ambulance out of your own
25 pocket. They only go after insurance

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2 proceeds, Medicare, Medicaid. So the \$35
3 million a year that was identified was
4 money that -- and there are stupid
5 mistakes that happen, like the wrong
6 number in the Social Security number.
7 The hospitals that have to get
8 reimbursement for every dollar or they're
9 out of business have a model for how to
10 do it, how to go talk to people when
11 they're released from the hospital, how
12 to do the followup, how to get their
13 cooperation on making sure that all the
14 numbers are right. In Philadelphia, the
15 rescue squads are running from one
16 emergency to the next. They drop them
17 off at the emergency room. They're gone.
18 The information is often not captured.
19 There's a lot of that that we identified,
20 and now the City has, after reviewing
21 this for four years, has agreed with that
22 conclusion, has identified a vendor that
23 has a good track record in the private
24 market, and the vendors had a level of
25 confidence that they've -- it's not just

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2 a goal; they've guaranteed that they're
3 going to make the \$35 million a year or
4 they're going to be penalized on their
5 fee. So that's an example of how it
6 should work.

7 COUNCILMAN OH: Okay. So in
8 terms of the School District, if you're
9 going to do pre-auditing, auditing and
10 you've identified some of these issues,
11 you've made suggestions, you have data
12 and information to save money, to have
13 better performance, and you don't want to
14 wait four years for them to implement or
15 to accept what you're providing for them,
16 what level of compliance is exercised or
17 how do you obtain their cooperation?

18 CONTROLLER BUTKOVITZ: It
19 really is going to depend on the
20 leadership of the School District.
21 Philadelphia had the crisis in the early
22 '90s, and out of it came the whole PICA
23 arrangement, which was initially viewed
24 as a real pain in the neck, because you
25 have an outside entity sitting on the

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2 shoulders of City Council, kind of
3 second-guessing your appropriations, and
4 maybe they don't think that you got a
5 balanced budget, so you got to go back
6 and assume you're not going to make as
7 much money in a tax or it's going to --
8 but in the 20 years that that's been in
9 place, the City government, the
10 Administration, the Council have pretty
11 much accepted that with a smile on their
12 face and they have found that it's
13 actually been useful. It may have been
14 resented initially because it was viewed
15 as an intrusion on the independence of
16 the City, but sometimes it's useful to
17 have somebody that's not elected take the
18 heat for telling you that you got to do
19 some things that are unpopular.

20 COUNCILMAN OH: Right. I'm
21 going to interrupt, because I do
22 understand what you're saying. I guess
23 my question is, you have two elected
24 entities or appointed entities. You've
25 made your recommendation. You've done

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2 your -- is it -- my understanding is, you
3 don't sign a check, for example. There's
4 no payments coming forward? Is that not
5 true? Is that true? Or is that
6 practical, not practical?

7 CONTROLLER BUTKOVITZ: No
8 payments coming through?

9 COUNCILMAN OH: In other words,
10 is there a requirement that you sign off
11 on contracts or that you approve --

12 CONTROLLER BUTKOVITZ: No, no.
13 We don't have -- we don't even have that
14 power with the City. On the pre-audit
15 side, what we do is, when a request for
16 payment comes in, first of all, we make
17 sure that it was appropriated so that
18 nobody gets paid by accident. Then we
19 make sure that the specific compliance
20 criteria in samples -- we can't possibly
21 do it in every transaction, but in
22 samples, we go to check to make sure that
23 they're providing what they're supposed
24 to be providing.

25 Now, we don't have any kind of

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2 role like that over at the School
3 District. So they basically -- here's a
4 problem: Just a few months ago, you
5 wanted to know what kind of deficit were
6 the schools headed for. Well, one of the
7 problems is, they didn't have a
8 comprehensive list of all their accounts
9 payable. They could not tell you, right?

10 MR. MICCIULLA: Right.

11 CONTROLLER BUTKOVITZ: Our
12 post-audit people, that at the end of the
13 year how many outstanding bills were
14 unpaid, so that you couldn't really
15 calculate a true number on the amount of
16 deficit. Now, it's a problem. It's a
17 problem for you policymakers because
18 they're guesstimating how short they're
19 going to be, because one department has a
20 contract outstanding for something that
21 hasn't been coordinated. So all they can
22 tell you is the amount that has been
23 budgeted in those categories, but they
24 can't tell you -- they may tell you that
25 we still have money left over, we haven't

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2 spent it, but that's because there's a
3 pile of bills sitting on somebody's desk
4 that haven't been processed yet.

5 COUNCILMAN OH: All right.

6 Thank you very much.

7 Thank you, Mr. Chairman.

8 COUNCILMAN JONES: Thank you,
9 Councilman.

10 We do eventually get progress
11 on recommendations. We requested
12 electronic transfers. We were losing
13 money years back. We picked that up from
14 a report from your office and were able
15 to convince the Finance Department and
16 others to commit to electronic transfers
17 so that we could acquire and obtain the
18 interest on those dollars.

19 So it does happen, but that's
20 why the report card of compliance is
21 important to us, so that we can question
22 them, and as we start to look at
23 appropriations, then the first step in
24 the leg of this is, are you being as
25 efficient and effective as you can be

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2 before you ask the taxpayers to carry the
3 freight for your inefficiencies.

4 CONTROLLER BUTKOVITZ: Well, we
5 can look at the reports for the last year
6 and give you a tally of how many were A
7 pluses or satisfied prior
8 recommendations.

9 MR. MICCIULLA: Yes.

10 COUNCILMAN JONES: Okay.
11 Appreciate it.

12 The Chair now recognizes
13 Councilman Goode.

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

16 Good morning, Mr. Controller.

17 CONTROLLER BUTKOVITZ: Good
18 morning.

19 COUNCILMAN GOODE: I was
20 wondering if you could comment on the
21 recent STEB ruling, how it affects City
22 and School District finances and how you
23 think the City should respond.

24 CONTROLLER BUTKOVITZ: Well,
25 the ruling was that they were really at

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2 25 percent of value rather than at the 27
3 percent that is theoretical, and,
4 therefore, the expectation is that next
5 year there will be something like a \$200
6 million shortfall by the City and a \$300
7 million shortfall for the School
8 District.

9 My position has been that we
10 should work towards getting the
11 assessments right over time, and I think
12 there has been significant progress
13 over --

14 COUNCILMAN GOODE: I get that.
15 The question was how it affects finances,
16 how we should respond. Are you saying we
17 should move to AVI?

18 CONTROLLER BUTKOVITZ: There's
19 a lot of problems with AVI. I mean, even
20 if you said theoretically we should move
21 to AVI, the problem with AVI is, we don't
22 know what it is.

23 COUNCILMAN GOODE: So how do we
24 respond to the STEB ruling?

25 CONTROLLER BUTKOVITZ: I think

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2 you're going to have to see what the
3 actual impact is on the appeals, because
4 there have been estimates that if all the
5 appeals go through and they get the 25
6 percent discount -- they were getting 44
7 percent discount -- that we would have
8 the kind of deficit that I just cited.
9 But there's been other information coming
10 in that indicates that the City and the
11 School District have been taking the
12 position of counter-appealing on the
13 basis that your assessment was too low in
14 the first place. So now you're saying
15 that you're being charged too high a
16 percentage, but we're going to put in
17 front of the Board that you were
18 under-assessed in the first place, and
19 that those two halves form almost -- it's
20 like two sides of a coin. To the same
21 extent that you think that you were
22 over-percentage taxed, you could take the
23 opposite of that number and find that you
24 were under-assessed by that same value.

25 So I think we're going to have

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2 to see how all these appeals come out at
3 the BRT whether it is a theoretical or
4 whether it is a real problem in the
5 hundreds of millions of dollars.

6 COUNCILMAN GOODE: Well,
7 despite how much money we may lose,
8 you're saying that we should wait to see
9 how much money we lose before we come up
10 with a formal response?

11 CONTROLLER BUTKOVITZ: The only
12 way that you could respond to it would be
13 to have a tax increase to make up for
14 whatever you estimate the shortage is
15 going to be.

16 COUNCILMAN GOODE: That's not
17 the only way. We could actually move to
18 AVI or straighten out the assessment
19 process.

20 CONTROLLER BUTKOVITZ: Well --

21 COUNCILMAN GOODE: And that
22 actually negates the STEB ruling. And I
23 don't know any other way to negate the
24 STEB ruling.

25 CONTROLLER BUTKOVITZ: You've

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2 been engaged in a multi-year process to
3 straighten out the assessment process,
4 but it doesn't sound like it's -- I don't
5 know how long it's been. Ten years?
6 After all that time and after \$7 million
7 in computerization, still no one knows
8 what the total value of all the
9 properties in the City is.

10 So this must be an
11 extraordinary complex -- the problem with
12 AVI is to back into a number without
13 having the ability to total up all the
14 market values and assessments in the
15 City.

16 COUNCILMAN GOODE: The question
17 is, should we actually move to a system
18 that has the actual value of property and
19 does that negate the STEB ruling, and is
20 there any other way to negate the STEB
21 ruling? I don't think you've described
22 another way to negate the STEB ruling.

23 CONTROLLER BUTKOVITZ: There's
24 no question the City has to move -- the
25 City has to move towards fair

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2 assessments, however they get to that
3 point, and that is a question of being
4 within that 15 percent margin.

5 COUNCILMAN GOODE: So why do
6 you not support AVI then?

7 CONTROLLER BUTKOVITZ: Because,
8 first of all, as I said, what, it's been
9 going on since 2003 and still there's no
10 reliable information on the value of the
11 properties and there's no ability to
12 total the properties. So there's a wide
13 variance of what the tax rates could be.
14 The result of that is that policymakers
15 are not presented with a menu of options
16 of things that they could do as shock
17 absorbers. So you're going to have all
18 sorts of horror stories, like people who
19 stayed in the same property for 50 years
20 had it gentrified get a possible doubling
21 or tripling of taxes. And you don't even
22 know how many people there are like that
23 so you can design a rescue plan for them,
24 because the data isn't there. How can
25 you move to that in a vacuum?

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2 I mean, the goal -- clearly,
3 there needs to be fair assessments and --

4 COUNCILMAN GOODE: So you're
5 against AVI because we don't have the
6 assessments done yet? Is that what
7 you're saying?

8 CONTROLLER BUTKOVITZ: I'm
9 saying it doesn't sound to me like it's
10 ready to be implemented, because as this
11 was being sold --

12 COUNCILMAN GOODE: It's not
13 ready to be implemented. We don't have
14 the assessments yet. If the assessments
15 come in and they are correct, do you then
16 support AVI?

17 CONTROLLER BUTKOVITZ: I have
18 to see -- you're asking me to act in the
19 absence of data when the whole point --

20 COUNCILMAN GOODE: No, actually
21 I'm not. Actually the actual question
22 was, how do we address the STEB ruling.

23 CONTROLLER BUTKOVITZ: I need
24 to see the data, because, for example, it
25 may be that the data comes in in a way

1 4/26/12 - WHOLE - BILL 120164, ETC.

2 that indicates that there is going to be
3 a collapse in property values in Center
4 City. I mean, that's an important fact
5 to know.

6 COUNCILMAN GOODE: I'll just
7 state the question one more time. How do
8 we address the STEB ruling without moving
9 to actual value? Forget the initiative
10 as designed. How do we address the STEB
11 ruling without moving to actual property
12 assessments?

13 CONTROLLER BUTKOVITZ: I think
14 you're involved in a tactical war in the
15 meantime. I think the Administration has
16 taken the position as I indicated, of
17 counter-appealing.

18 COUNCILMAN GOODE: So you don't
19 have a specific recommendation?

20 CONTROLLER BUTKOVITZ: No; that
21 is a recommendation. I mean, that sounds
22 like it is -- from the reports that I've
23 heard from the Administration, it sounds
24 like that is working.

25 COUNCILMAN GOODE: Okay. Thank

1 4/26/12 - WHOLE - BILL 120164, ETC.

2 you.

3 Thank you, Mr. Chairman.

4 COUNCILMAN JONES: Thank you,
5 Councilman Goode.

6 The Chair recognizes Councilman
7 Oh.

8 COUNCILMAN OH: Thank you very
9 much, Mr. Chairman.

10 In terms of the most pressing
11 issue that you've come across for the
12 City, could you identify what that is as
13 the Controller?

14 CONTROLLER BUTKOVITZ: Well, I
15 think there's three critical issues for
16 the City. Public safety and crime is
17 number one. I mean, we had a respite for
18 a few years. It's on the upswing again,
19 and it's tied in with the other two
20 issues, which is that you need to have a
21 functional and effective school system to
22 attract investment and so people can have
23 jobs so they have alternatives to crime.

24 And, thirdly, you need to have
25 a strategic economic plan so that the

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2 people who actually live in Philadelphia
3 and have the characteristics of
4 Philadelphians are able to make a living
5 and support their families. And those
6 are really bunched together. It's hard
7 to say which of those three is number
8 one. Those three are the top three.

9 COUNCILMAN OH: From your
10 auditing in terms of from a financial
11 perspective, do you feel that there are
12 shortages in where we should be putting
13 our dollars and our resources in order to
14 effectively address those three issues?

15 CONTROLLER BUTKOVITZ: I think
16 that we become myopic at times. So, for
17 example, we have been advocates for
18 reducing police overtime. It's been
19 important to reduce police overtime. But
20 then you have phenomena such as the flash
21 mobs that occur that requires some
22 flexibility on that so that there can be
23 a quick police response, because if the
24 idea that there could not be an in-time
25 response to a call, then you would have a

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2 whole cascade of economic problems.

3 So I think we are good as a
4 city at chopping these things up and as
5 we're focusing on one problem, we make a
6 lot of -- the Police Department has made
7 tremendous progress in reducing overtime,
8 and that's part of making the whole
9 budget work and not having killing taxes
10 and so on. And the police are trying and
11 they've been criticized and they've been
12 criticized by us on overtime issues, but
13 everything -- there's a pendulum in
14 everything, and what that means is that
15 they may not have all the flexibility for
16 quick response or proactive patrolling
17 that's necessary as crime problems spike
18 up. So it's not like you can do this one
19 time, come to a solution and then check
20 it off and say we're done. It requires a
21 constant reexamination and balancing.

22 COUNCILMAN OH: In terms of
23 police overtime, I'm curious what that
24 issue is in light of what I'm going to
25 say. There's a certain limited number of

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2 police officers. You have those
3 limitations. Crime happens. You need a
4 certain number of people. You don't have
5 enough police officers. You have
6 overtime. If the police officers do
7 their job and actually make arrests, they
8 then have overtime either in doing
9 reports or going to court, because we got
10 to prosecute those offenders. They need
11 to be prepped. They need to go to
12 numerous court appearances. That's all
13 overtime. If that overtime is
14 discouraged, we don't end up effectively
15 resolving the issues of all that manpower
16 in terms of actually apprehending
17 criminals and prosecuting them. So I'm
18 not clear on the overtime issue.

19 CONTROLLER BUTKOVITZ: There's
20 all kinds of overtime. It's like good
21 cholesterol and bad cholesterol. I mean,
22 there's overtime where the police put
23 down seven witnesses for an offense where
24 they might be able to prove the case for
25 two and where cases are continued and

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2 they don't get to testify on time, and it
3 can be viewed as -- and where they get to
4 put in their own overtime without
5 supervisory approval and where there may
6 be spikes in overtime right before people
7 retire so that it goes into their
8 greatest three years compensation. And
9 then there's overtime that's required
10 because there's the need to boost
11 manpower availability by doing it through
12 overtime. Rather than hiring new
13 officers, you avoid extra benefit
14 payments and the extra 50 percent that
15 you got to put on for pensions,
16 healthcare and all of that.

17 COUNCILMAN OH: I'm happy to
18 hear there's identifying of good and bad
19 overtime. I at some other point in time
20 would love to talk to you about that
21 issue, because you have seven witnesses,
22 only two may show up.

23 CONTROLLER BUTKOVITZ: No. I'm
24 talking about police witnesses. I mean,
25 the District Attorney has also made

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2 progress on this. They've tried to find
3 a way to streamline cases, how many
4 witnesses do they actually need at the
5 preliminary hearing, how many do they
6 need at trial.

7 COUNCILMAN OH: I understand.

8 CONTROLLER BUTKOVITZ: There's
9 been a tendency to put everybody down on
10 the sheet so that we can absolutely nail
11 that case, but that neglected the cost
12 aspect. Now they have been sensitized to
13 the cost aspect, and the District
14 Attorney has been doing a good job and
15 the police have been doing a good job at
16 trying to make sure that they don't lose
17 prosecutions because they didn't have the
18 case together, but that they don't spend
19 an arm and a leg on overtime.

20 COUNCILMAN OH: Okay. Well,
21 thank you very much.

22 COUNCILMAN JONES: Thank you,
23 Councilman.

24 Are there any other questions
25 for this panel?

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2 (No response.)

3 COUNCILMAN JONES: Seeing none,
4 thank you very much.

5 CONTROLLER BUTKOVITZ: Thank
6 you.

7 COUNCILMAN JONES: Next we will
8 have the Clerk of Quarter Sessions --
9 Register of Wills. Okay. Clerk of
10 Quarter Sessions is gone. That was
11 reminiscent.

12 (Witnesses approached witness
13 table.)

14 MR. DONATUCCI: Are you trying
15 to say something?

16 COUNCILMAN JONES: No, not at
17 all. No implication there.

18 Good morning.

19 MR. DONATUCCI: Good morning.

20 COUNCILMAN JONES: How are you?

21 MR. DONATUCCI: Fine. Thank
22 you.

23 COUNCILMAN JONES: You can
24 state your name for the record and begin
25 your testimony.

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2 MR. DONATUCCI: Ronald R.

3 Donatucci, the Register of Wills for the
4 City of Philadelphia. To my right, Ralph
5 Wynder, my Chief Deputy.

6 MR. WYNDER: Good morning.

7 COUNCILMAN JONES: Good
8 morning.

9 MR. DONATUCCI: And to his
10 right is Anthony Derosé, my Finance
11 Officer.

12 MR. DEROSE: Good morning.

13 COUNCILMAN JONES: Good
14 morning.

15 MR. DONATUCCI: And my First
16 Deputy would have been here, Alba
17 Collazo, but she was taken out of the
18 office. She got sick this morning.

19 COUNCILMAN JONES: I hope she's
20 okay.

21 MR. DONATUCCI: Yeah. She's at
22 Pennsylvania, but she's fine. I went to
23 see her before I came here.

24 COUNCILMAN JONES: Okay.

25 Please proceed.

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2 MR. DONATUCCI: Thank you. If
3 you will permit me to submit my written
4 into the record.

5 In essence, Mr. Chairman, my
6 office is asking for \$3,487,354. This is
7 to keep us at our funding level that we
8 put in for the last two years. As every
9 department, we've tried to maintain our
10 standards. For the new members in
11 Council, when I first became Register of
12 Wills over 30 years ago, the Register of
13 Wills Office had 78 full-time employees.
14 We weren't required to do inheritance
15 tax. In the last 32 years, I've reduced
16 the staff down to 65. We now do the
17 inheritance tax duties, which we absorbed
18 from the Commonwealth of Pennsylvania,
19 which was six jobs. We've been mandated
20 by the Supreme Court. Almost every six
21 months there's a new procedure and it's
22 been instituted. Especially, Councilman
23 Greenlee, you know in reference to a
24 theft of properties, these are all
25 different safeguards we had implemented

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2 in my office, and they were mandated by
3 the Supreme Court to try and to avoid
4 this potential type of fraud.

5 With all of these different
6 changes, we never increased our staff.
7 We're down to 65. And if you know the
8 history of the office, we're a
9 revenue-producing office. This year we
10 should bring in approximately 3.6
11 million. I believe our obligation is
12 going to be around 3.4 million, so we're
13 going to show -- a little bit less than
14 3.4. We're going to show a profit of
15 approximately a quarter of a million
16 dollars back to the City of Philadelphia.

17 But I want to emphasize why
18 we're asking for this amount, which is in
19 disagreement with the City by 150-some
20 thousand dollars, is, we charge for some
21 of our services and we have a reputation
22 of providing immediate service. The Bar
23 Association, the public when they come to
24 get a marriage license, we immediately
25 perform. We step to the plate. We don't

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2 have any 3-1-1 in our office. Our 3-1-1
3 is 6250. That's my extension. So if you
4 need any services, we give it to you
5 immediately, and I believe we don't have
6 any voicemail in our office.

7 We're a service type oriented
8 office. We're there to serve the public,
9 Council, the Administration, but we do
10 need to maintain a certain funding level.
11 Mostly all of our requests again are in
12 the area of Class 100. Our 2, 3 and 400
13 requests have been stabilized. They are
14 fixed. There's no way we could tweak
15 them, because we have a computer program.
16 Twenty-three thousand dollars of that a
17 year is to maintain the service contract.
18 We have to pay for stamps, folders,
19 photostat machines, microfiche machines.
20 We are lean and mean, and I'm proud of
21 the office, like I said.

22 We don't have any overtime,
23 Councilman Oh. We're proud of that.

24 My employees on Wednesday
25 night, we're the only office -- we're

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2 open Wednesday night, and not only is it
3 utilized by the citizens of Philadelphia
4 but the five counties use our office, but
5 we keep the revenue. My employees do not
6 get any overtime from coming in on
7 Wednesday night. What they do is, they
8 agree to come in later on Wednesdays so
9 we don't have to pay overtime. And I
10 believe we have one of the most effective
11 workforce, they are the best, the
12 Register of Wills and upstairs in the
13 Orphans Court. They work out of their
14 own category. They do -- one time
15 they're doing the marriage licenses, the
16 next week they're doing filing, they're
17 doing registration of Orphan Court
18 filings. So everybody is jack of all
19 trade, but, in my opinion, they're the
20 master of their trade. And we're very
21 proud of the office. And, like I said,
22 with all of the criticism over the
23 different row offices over the years, you
24 remember by some of the different groups
25 out there, all they kept on saying,

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2 There's no mismanagement in the Register
3 of Wills Office, there's no monies
4 missing, every dollar is accounted for,
5 but it's a patronage office; therefore,
6 it should be eliminated. Maybe you need
7 more patronage offices in City
8 government, because we're accountable.

9 If there's any issues, they
10 have to come to sit in front of me. And
11 I'm not saying once in a while you have
12 an employee that may have an issue, but
13 everybody is human, but it won't happen a
14 second time.

15 Thank you.

16 COUNCILMAN JONES: No. Thank
17 you for your service. One of the joys of
18 being a Councilperson is where my office
19 is located, we're right around the corner
20 from the Marriage License Bureau, and one
21 of the things after a while, you start to
22 recognize on the elevator who is a judge,
23 who is an elected official, who is going
24 to court and who is getting married. You
25 can always pick them out of the crowd,

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2 and on a couple of occasions, we've had
3 some issue. I'll never forget, a young
4 lady dressed up in her bridal gown crying
5 her eyes out because there was a -- they
6 had not -- they'd had their quota of
7 people that they could take within a
8 scheduled period of time to perform the
9 service. I had an opportunity to call
10 your office, and that was one of the best
11 parts of my job, being able to get her
12 scheduled in, get her married. And the
13 young man wasn't necessarily as happy as
14 she was that we were able to do it, but I
15 think time will tell whether that was a
16 good decision.

17 MR. DONATUCCI: They already
18 called the office to tear up the license.

19 COUNCILMAN JONES: Oh, okay.

20 All right. You projected
21 revenues this year. Is it consistent
22 over the years, that quarter of a million
23 that you've turned in to the City?

24 MR. DONATUCCI: Yes. This year
25 we'll be bringing in approximately 3.6

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2 million. I believe last year we were
3 around the same number, yes.

4 So we also have a couple of
5 things we're looking at for additional
6 revenue enhancement, but, you know, you
7 have to -- we're very cognizant of the
8 economy and the reluctance of raising
9 some of the fees, but some of them we
10 feel that it's time, and what we try to
11 do is, we look at the four surrounding
12 counties and we do an evaluation of what
13 they charge for similar type. Now,
14 obviously --

15 COUNCILMAN JONES: Are we
16 comparable?

17 MR. DONATUCCI: In some areas.
18 Some we're low. I mean, not many. But
19 let me emphasize, if we do raise them,
20 they are for estates that will have
21 substantial assets. So it's the upscale.

22 But we try to go out of our
23 way. Like a perfect example, you
24 mentioned our marriage license program.
25 We perform those marriage license at no

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2 fee. The couples come in every week. We
3 schedule. My staff is there. We have
4 judges every week volunteer their time to
5 marry these young couples. But that's a
6 service we provide to the public. The
7 only thing you have to do is pay for the
8 marriage license, but we arrange
9 everything else, because it helps. They
10 don't have to pay for a minister. They
11 don't have to go to a church, so --

12 COUNCILMAN JONES: I don't
13 suggest we raise that.

14 MR. DONATUCCI: No. I mean,
15 that was bantered about and saying maybe
16 we should charge a minor fee, and I said,
17 Look, there's things we have to do and
18 give back to the public.

19 COUNCILMAN JONES: Some things
20 are easy to get in, hard to get out of.

21 MR. DONATUCCI: Exactly. So
22 maybe I should raise it; maybe it will
23 make it more difficult. No.

24 COUNCILMAN JONES: Do you
25 project those revenues in FY12 and FY13?

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2 Do you think it's going to follow a
3 course that we will have those kinds of
4 revenues to the City?

5 MR. DONATUCCI: Yes. There's
6 no question. We see -- again, there's an
7 upswing on marriages. More and more
8 couples are getting married. All we need
9 is one big major estate, or every ten
10 years some of these major estates they do
11 filings for an annual audit. It could be
12 a \$2 million or million dollar fee. So
13 it all depends, but we are maintaining
14 our revenues.

15 COUNCILMAN JONES: Have we made
16 any headway on property theft deed
17 registration?

18 MR. DONATUCCI: Unequivocally.

19 COUNCILMAN JONES: Could you
20 elaborate on that, please.

21 MR. DONATUCCI: Our computer
22 system is set up when you come in now --
23 and we had a number of meetings with
24 Councilman Greenlee's office -- where we
25 double-check the database from the City

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2 to see if there's been any transfers. We
3 have identification issues. You have to
4 produce the proper IDs. We have -- we're
5 at the point that I'm afraid I'm going to
6 get a letter from the ACLU, you know,
7 just saying that we're being a little
8 bit -- but you have to today. You have
9 to be of the mindset that there are a lot
10 of -- not a lot, but there are dishonest
11 people out there.

12 COUNCILMAN JONES: I've heard
13 stories and we've heard testimony.

14 Thank you, Councilman Greenlee,
15 for bringing that issue up, where people
16 on their critical death bed found out
17 that their properties were being stolen
18 and transferred illegally.

19 So we appreciate your effort to
20 deal with that.

21 MR. DONATUCCI: I'll give you
22 an example. The way our online computer
23 system is set up, and it's got
24 safeguards, if you came into our
25 office -- and we used to see this a lot

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2 many years ago -- and you would say, Do
3 you have any siblings?

4 And they'll say, Yes, I got two
5 brothers.

6 Well, we need renunciations
7 from your family.

8 They would come back a week
9 later and walk in and our receptionist,
10 Tootie, we now have that all entered into
11 our database. We know if they were in
12 our office a week earlier, because what
13 they would do, they'll come back a second
14 time, get a different probate clerk and
15 the question would say -- we would ask
16 them, Do you have any brothers?

17 No. And they would get the
18 estate raised that day. That can't
19 happen now, because the minute you walk
20 into our office, we immediately in our
21 computer, we generate the name of the
22 estate. So if you came back a week
23 later, that name will come up
24 immediately.

25 COUNCILMAN JONES: We

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2 appreciate that.

3 The Chair now --

4 MR. DONATUCCI: Ralph.

5 MR. WYNDER: I wanted to add
6 something, if I could do that.

7 COUNCILMAN JONES: Okay.

8 MR. WYNDER: There's also a
9 correspondence between our office and
10 Records and Deeds, a sit-down with
11 Commissioner Decker and some of her
12 staff, and when the red flags like
13 Mr. Donatucci brought up just now comes
14 up, we alert one another. We try to make
15 sure that -- oftentimes when they want to
16 do a fraud, they may start with our
17 office and then move to her office. And
18 so we keep a correspondence in terms of
19 that track and alert one another. And I
20 also have alerted the District Attorney's
21 Office on a number of occasions of
22 situations which appear very fraudulent,
23 and there's been progress on apprehension
24 on some people. So we are doing our best
25 to deal with that issue that Councilman

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2 Greenlee has heralded.

3 COUNCILMAN JONES: We do
4 appreciate the effort. Our constituents
5 do as well.

6 The Chair now recognizes
7 Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you,
9 Mr. Chairman.

10 As you know and the District
11 Councilperson and the at-large members
12 also receive complaints on occasion about
13 almost every department in the City. The
14 only department we don't get any
15 complaints about is the Register of Wills
16 Office. And from my perspective in all
17 the years I've been here, one of my
18 biggest joys is meeting someone in an
19 elevator or in the hallway or out on the
20 apron of City Hall, they're looking
21 bewildered and they tell me what they're
22 looking for, and I know I have to take
23 them to the Register of Wills Office.
24 I'll walk them over myself and hand them
25 off, because they'll always come back to

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2 my office or call and say about what a
3 great experience they had. And that's
4 whether they're getting married or
5 whether they're doing the estate for some
6 recently deceased relative, parent,
7 spouse. They're just -- it's the last
8 vestige, except for our own offices, of
9 actual hands-on public service that in
10 many times gets denigrated unfairly. And
11 I just wanted to compliment the Register
12 of Wills and his staff and all the people
13 that work for him. They're just a joy to
14 interact with, and when you leave a
15 constituent at their door, they're going
16 to be taken care of, as their tax dollars
17 deserve that they be taken care of.

18 So I just want to compliment
19 you and thank you all again for all the
20 years that you've been servicing us.

21 Thank you.

22 COUNCILMAN JONES: Thank you,
23 Councilman Kenney.

24 Councilman Squilla.

25 COUNCILMAN SQUILLA: Yes.

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2 Thank you.

3 Good morning, guys. I want to
4 reiterate what Councilman Kenney said.
5 Before I came here, we worked for the
6 Department of Auditor General, and they
7 are out there actually doing audits of
8 organizations, and they always go down
9 and audit the Register of Wills. And the
10 people down there doing the audit would
11 always tell you what they find, and one
12 thing they always said when they came
13 back from the Register of Wills was that
14 they always were in compliance and never
15 found a problem with the organization and
16 the department. So, I mean, that says a
17 lot for the department, and like we said
18 earlier, it's nice to give accolades to
19 the departments that do well instead of
20 beating up some of the departments that
21 we don't think do well.

22 So I just want to say thank you
23 for your work and it's a pleasure working
24 with you guys.

25 MR. WYNDER: Thank you.

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2 COUNCILMAN JONES: Are there
3 any other questions for this panel?

4 (No response.)

5 COUNCILMAN JONES: Seeing none,
6 once again, thank you for being a good
7 public servant.

8 MR. DONATUCCI: Keep us in
9 mind. Thank you. Thank you for your
10 kindness.

11 COUNCILMAN JONES: It looks
12 like we are going to break for an hour.
13 So we will reconvene at 1 o'clock.

14 (Short recess.)

15 COUNCILMAN JONES: We will be
16 reconvening the Committee of the Whole.

17 The first department to come up
18 before us will be the Sheriff's
19 Department. Would you please come to the
20 witness table.

21 (Witness approached witness
22 table.)

23 COUNCILMAN JONES: Good
24 afternoon, Sheriff.

25 SHERIFF WILLIAMS: Good

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2 afternoon.

3 COUNCILMAN JONES: Would you
4 state your name for the record and please
5 submit your testimony.

6 SHERIFF WILLIAMS: I'm Jewell
7 Williams, the Sheriff of the City of
8 Philadelphia and the County of Philly.

9 It's been distributed.

10 COUNCILMAN JONES: Okay.

11 SHERIFF WILLIAMS: Okay. The
12 purpose of this budget is to improve the
13 efficiency and effectiveness of the
14 operations of the Sheriff's Office. When
15 I took this office over, we found that
16 the Sheriff's Office was in crisis -
17 ongoing investigations, class action
18 lawsuits, a collapse of a computer system
19 and a serious shortage of civilian and
20 uniform staff.

21 We have a huge understaffing of
22 uniform deputies. In 2008, there were
23 230 budgeted deputies. There's now 214.
24 We must safeguard the five court
25 facilities with a new court at the

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2 Widener Building that will be opening in
3 June. That's replacing the 34 South 11th
4 Street, the Domestic and Child Support
5 Court.

6 When the criminal justice
7 system opened the CJC at 13th and
8 Filbert, we had 152 deputies. We now --
9 we had 152 deputies to guard 54
10 courtrooms. Today we have 118 deputies.
11 There are 57 deputies that we use to
12 transport to the local prisons and around
13 the state. There are only 40 criminal
14 justice system courtrooms that are
15 staffed.

16 When former Sheriff Deeley
17 terminated the two firms that was
18 controlling the Sheriff sale process, we
19 lost 23 people who supported the
20 revenue-producing operation. We seek
21 seven civilian positions and to replace
22 the 23 to help expedite the settlement
23 matters in order to turn over delinquent
24 taxes -- to turn over delinquent tax,
25 water and gas monies to the City.

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2 Until we build an internal
3 accounting staff, we must have an
4 accounting support system, which will
5 cost us about \$350,000. The computer
6 system that we support -- the computer
7 system that supports the
8 revenue-producing functions of the
9 Office, we are in need of a new computer
10 system.

11 In the past, our office has
12 been criticized for not seeking out
13 people monies that is owed to them. We
14 propose a pilot project that will help
15 find people and give people their monies
16 back.

17 Today we again seek City
18 Council's support for our budget, and
19 we'll be happy to answer any questions.

20 COUNCILMAN JONES: Thank you,
21 Mr. Sheriff, Mr. Williams.

22 So should I understand are you
23 seeking an increase in FY13?

24 SHERIFF WILLIAMS: No, sir.

25 COUNCILMAN JONES: You're not?

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2 SHERIFF WILLIAMS: No, sir.

3 Yes. I'm sorry. Yes.

4 COUNCILMAN JONES: Who is that
5 gentleman back there? Maybe he could
6 come up with you and join you. I kind of
7 remember -- the former Councilperson as
8 well.

9 (Witnesses approached witness
10 table.)

11 COUNCILMAN JONES: I guess I'll
12 repeat the question. Are you seeking an
13 increase?

14 SHERIFF WILLIAMS: Yes, we are.
15 Ben Hayllar, who is our Finance Director,
16 if we can direct the numbers to him.

17 COUNCILMAN JONES: And can you
18 tell us in what categories that you're
19 seeking that increase.

20 MR. HAYLLAR: It's
21 approximately \$3 million for additional
22 deputies, additional civilian personnel,
23 which brings in money to the City,
24 support for the accounting system. We
25 don't have one. We have to use outside

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2 accountants, particularly because of the
3 criminal investigations, and we need to
4 rebuild a computer system, which we're
5 asking for \$500,000.

6 COUNCILMAN JONES: So the FY13
7 increase is what?

8 MR. HAYLLAR: Approximately
9 3,300,000.

10 COUNCILMAN JONES: Total budget
11 is?

12 MR. HAYLLAR: Seventeen. He
13 whispered that in my ear. I hope it's
14 right.

15 COUNCILMAN JONES: Okay. How
16 many outstanding positions are yet to be
17 filled in your department?

18 MR. HAYLLAR: Currently?

19 COUNCILMAN JONES: Yes.

20 MR. HAYLLAR: Thirteen deputies
21 and one civil service position.

22 COUNCILMAN JONES: That's down
23 from 34. I think when you came to
24 office, there were 34 vacant positions,
25 to my recollection?

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2 SHERIFF WILLIAMS: No. When we
3 came into the office, there was...

4 MR. VIGNOLA: Mr. Chairman, my
5 name is Joseph C. Vignola, under Sheriff.

6 When Sheriff Williams came in
7 through attrition of the exempt staff,
8 there were seven vacant positions, in
9 addition to the numbers that Mr. Hayllar
10 mentioned, but the Sheriff filled those
11 exempt positions immediately with his
12 personnel. So basically the numbers that
13 we're down are the numbers that
14 Mr. Hayllar referenced, one civil service
15 civilian employee, the rest all the sworn
16 personnel.

17 COUNCILMAN JONES: Can we talk
18 about some of the facilities that you are
19 protecting, particularly 1801 Vine. Is
20 it my understanding you have 24 deputies
21 there?

22 SHERIFF WILLIAMS: Not now.

23 COUNCILMAN JONES: How many do
24 you have?

25 SHERIFF WILLIAMS: I think we

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2 have 11 deputies there -- 16 in total,
3 counting supervisors.

4 COUNCILMAN JONES: Okay. And
5 the Traffic Court at 8th and Spring
6 Garden, what do you have?

7 SHERIFF WILLIAMS: Twelve at
8 Traffic Court.

9 COUNCILMAN JONES: There's 12
10 at Traffic Court. Family Court and
11 Landlord-Tenant Court, 34 South 11th, how
12 many deputies?

13 SHERIFF WILLIAMS: Twelve.

14 COUNCILMAN JONES: Twelve
15 deputies. And at CJC how many deputies
16 are there?

17 SHERIFF WILLIAMS: One-sixteen.
18 I think I told you 118. One-sixteen.

19 COUNCILMAN JONES: Your primary
20 responsibility in all of these courts is
21 to maintain public safety, both for the
22 personnel such as judges, but also the
23 people that actually have to use your
24 services at the court?

25 SHERIFF WILLIAMS: Yes. The

1 4/26/12 - WHOLE - BILL 120164, ETC.
2 primary job of the Sheriff in the
3 criminal courthouses is to protect the
4 judges, the public, witnesses, as well as
5 the defendants and victims.

6 COUNCILMAN JONES: One of the
7 issues that as Chair of Public Safety I'm
8 concerned about is that courtroom safety,
9 particularly issues such as witness
10 intimidation, witness protection. I
11 happen to know that when we designed CJC,
12 we designed it with 12 elevators in mind
13 and we wound up with six for the public.

14 SHERIFF WILLIAMS: Correct.

15 COUNCILMAN JONES: Which means
16 defendants, those accused, all riding the
17 same elevators.

18 How do you maintain that safety
19 factor for both court personnel but also
20 people that are coming to and from the
21 courtrooms?

22 SHERIFF WILLIAMS: It's very
23 difficult, but we stretch our man and
24 women power as much as possible.
25 Sometimes we have to put plain clothes or

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2 un-uniformed deputies in the elevators to
3 make sure and safeguard the public,
4 particularly witnesses who are on
5 particularly major criminal cases.

6 COUNCILMAN JONES: I don't know
7 if you're aware, Mr. Sheriff, but there
8 were 46 arrests related to witness
9 intimidation within one square block of
10 CJC, and that continues to be a concern
11 of at least the Committee on Public
12 Safety on how we, through the Sheriff's
13 Department, can address some of that.
14 Any suggestions on that would be great.

15 SHERIFF WILLIAMS: Certainly if
16 we can get more deputies, that will give
17 me an opportunity to expand to have our
18 deputies to be mobile or on bike patrol
19 around the Criminal Justice Center, as
20 well as having more deputies we could
21 stagnate our shifts so we'll have more of
22 a presence. Right now because we're down
23 so many deputies, it is a security risk.
24 The men and women of the Sheriff's Office
25 has been doing a Yeoman's job with the

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2 lack of manpower that we have over there.

3 COUNCILMAN JONES: It's just
4 incredible to me that when you think
5 about 46 arrests within one block of CJC
6 from witness intimidation, it just speaks
7 to how many possibly we just don't hear
8 about, see. Those individuals seeking to
9 intimidate witnesses, many of them are
10 probably successful because we don't
11 catch more of that. So your presence
12 there is important.

13 I'm going to shift over to some
14 questions from the other members, but I
15 will come back to my questions.

16 The Chair recognizes
17 Councilwoman Sanchez.

18 COUNCILWOMAN SANCHEZ: Thank
19 you, Mr. Chair.

20 Good afternoon.

21 SHERIFF WILLIAMS: Good
22 afternoon.

23 COUNCILWOMAN SANCHEZ: I want
24 to talk a little bit in this round, I
25 want to talk about our efforts in keeping

1 4/26/12 - WHOLE - BILL 120164, ETC.
2 people in their homes. And I know you
3 know that this Council has been extremely
4 proactive around mortgage foreclosure and
5 trying to keep people from losing their
6 homes, and as much as we talk about
7 wanting to put delinquent properties on
8 the market, the long-term costs of that I
9 think as a government could be extremely
10 shortsighted.

11 Can you speak a little bit
12 about what the Sheriff's Office is doing
13 on a proactive basis to keep people in
14 their homes and streamlining your process
15 so that people know how to navigate it.

16 SHERIFF WILLIAMS: Well, thank
17 you, Councilwoman. We have had several
18 pre-foreclosure programs coming out of
19 our office working with the community in
20 different community organizations. I
21 believe about 30 days ago, we had a forum
22 at Temple University and we had well over
23 400 people who attend.

24 We have several folks who work
25 in our office, such as Ana Sostre, who

1 4/26/12 - WHOLE - BILL 120164, ETC.
2 works in our office, and she's been doing
3 most of our community outreach to
4 communities to let them know that we can
5 provide them with information on how not
6 to lose your property.

7 COUNCILWOMAN SANCHEZ: Can you
8 very briefly tell me what the steps are.
9 And you know our office interfaces a lot.
10 I've worked with Ana Sostre. We'll talk
11 a little bit about -- because I'm working
12 really hard at teaching people how to buy
13 homes on Sheriff sale, but I want to
14 concentrate on the preventive stuff
15 before we talk about the other stuff.

16 So someone gets a notice for a
17 Sheriff's sale. What happens when they
18 call your office?

19 SHERIFF WILLIAMS: Well, we
20 normally would send them or recommend
21 them to go to Community Legal Services or
22 a program called TURN, as well as Project
23 HOME or a certified housing
24 counseling/foreclosure prevention
25 program.

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2 COUNCILWOMAN SANCHEZ: Are
3 those privately managed?

4 SHERIFF WILLIAMS: Yes.

5 COUNCILWOMAN SANCHEZ: Are they
6 fee based?

7 SHERIFF WILLIAMS: No, they're
8 not.

9 COUNCILWOMAN SANCHEZ: Tell me
10 what steps the Sheriff's Office takes
11 when someone comes in and tries to
12 prevent their property going to
13 foreclosure.

14 SHERIFF WILLIAMS: Well, we
15 refer them to our staff who could give
16 them information on how not to lose your
17 property. Now, mind you, that the
18 Sheriff's Office is in the business of
19 executing the court orders, so we are not
20 the person who starts the action. It is
21 because of a writ of execution. It is
22 because there is an order.

23 So we do give information out.
24 They will recommend people to go to
25 organizations to prevent them from losing

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2 their homes.

3 COUNCILWOMAN SANCHEZ: How much
4 discretion do you have at that level?

5 SHERIFF WILLIAMS: We really
6 have none.

7 COUNCILWOMAN SANCHEZ: You
8 cannot go into -- we had this discussion
9 last year. You were not here. And I was
10 trying to get a gauge for at what point
11 does the Sheriff's Office, when they are
12 aware of a client who has tried to go
13 through the system, housing counseling
14 and done stuff, at what point does the
15 Sheriff's Office proactively go into
16 court and say, There's a problem here?
17 Has that ever happened?

18 SHERIFF WILLIAMS: We really
19 don't do that because we don't have the
20 discretion, but if someone has a
21 medical -- if we show up at a house and a
22 person has medical concerns, someone is
23 there with an infant child, we will
24 recommend to that person to make sure
25 that they get legal counsel who can

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2 actually move further.

3 I mean, you should know that we
4 are paid to do a service, and by law we
5 cannot go around that process, because
6 we're court ordered.

7 COUNCILWOMAN SANCHEZ: No; I
8 understand that, but what I'm trying to
9 gauge is, again, we are trying to keep
10 people in their homes. If in fact you're
11 found with those situations where it's
12 clearly a case, at any point has the
13 Sheriff's Office gone into court and say
14 to the judge -- I mean, we're talking
15 about judges' orders -- and say, This is
16 an extreme case, this is happening? So
17 you don't see that as part of your role
18 at any point? Just because, as you know,
19 managing and maneuvering this is very
20 complicated and we've had situations
21 where we've asked for delays and were
22 working through, as you know, very
23 extreme situations. I would just like to
24 see the Sheriff's Office, if we're going
25 to manage this process and we're all

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2 committed to people staying in their
3 homes, what other things proactively
4 could we do?

5 SHERIFF WILLIAMS: If one of
6 our deputies --

7 (Bell rings.)

8 COUNCILMAN JONES: That's not
9 for you.

10 SHERIFF WILLIAMS: Okay.

11 If one of our deputies come
12 across that -- and we have been getting
13 calls in the office from a supervisor
14 saying that there's a person who is 98
15 years old, they have some medical
16 concerns, we would recommend them to
17 Community Legal Services or the
18 Philadelphia Corporation of Aging, and
19 their legal counsel most times would get
20 a stay, and that will stop the action.

21 COUNCILWOMAN SANCHEZ: Okay.
22 So you guys are actively involved in
23 facilitating those stays where you see
24 those extreme cases?

25 SHERIFF WILLIAMS: Well, I'm a

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2 little -- it's a little difficult for me
3 to say that we are actively doing that,
4 because we are ordered by the courts to
5 execute, but when we see a situation
6 where it involves something that is going
7 to help the public or a safety risk of
8 someone, then we will notify agencies to
9 protect that person.

10 COUNCILWOMAN SANCHEZ: Okay.
11 Mr. Chair, I'll come back on
12 the next round.

13 COUNCILMAN JONES: Thank you
14 for your courtesy.

15 I have a couple questions and
16 then -- there you go, you're next.

17 There was a pool of money for
18 rebates to people who had lost their
19 homes through the Sheriff sale. What was
20 that amount, and have we made any headway
21 in refunding those dollars to people who
22 lost their homes?

23 SHERIFF WILLIAMS: Yes. Within
24 four months --

25 COUNCILMAN JONES: How much was

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2 it originally?

3 SHERIFF WILLIAMS: Thirty-eight
4 million. Over two years it was 38
5 million.

6 Mr. Vignola will tell you about
7 prior to me getting there. He has the
8 information.

9 MR. VIGNOLA: Mr. Chairman,
10 from 1999 through to December 31st, 2010,
11 there's approximately \$38 million in
12 balances owed to third parties. Of that
13 \$38 million, some \$23 million should have
14 been escheated to the state. Sheriff
15 Williams has completed that task of
16 escheating that money to the state. The
17 balance of the monies, some of it has
18 already been transferred to the City's
19 unclaimed funds amount and we are in the
20 process of preparing the paperwork to
21 transmit another portion of monies by the
22 end of this fiscal year. That's up until
23 Sheriff Williams taking office, and I
24 think Sheriff Williams was going to tell
25 about the efforts he has done for active

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2 cases. These are cases that were
3 dormant, Mr. Chairman.

4 SHERIFF WILLIAMS: Yes. Again,
5 since our administration has been in
6 office only four months, over \$11 million
7 has been sent to the state, \$7.1 million
8 has been sent to the City of
9 Philadelphia, which goes to the General
10 Fund, and over a million dollars has been
11 distributed back to the public, people
12 who had claims. We are aggressively
13 trying to find people who monies are owed
14 to so they can return that money.

15 Now, mind you, of the things
16 that have happened in the past, over the
17 last 24 years, within four months of our
18 administration, we have given the state
19 money, we have given the City money to
20 the General Fund, as well as given money
21 back to the public.

22 COUNCILMAN JONES: Okay.
23 That's progress.

24 I'm glad to see my colleague,
25 Councilwoman Tasco, here for this next

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2 question.

3 Last session we introduced
4 Resolution No. 080095 and we held
5 hearings on the high number of
6 foreclosures. I think Councilwoman
7 Sanchez alluded to that fact.

8 As a result of that, we had a
9 moratorium on Sheriff sales in the last
10 session. Because of the good works of
11 Councilwoman Tasco and others, we were
12 able to come up with the diversion
13 program.

14 A part of that budgeting, we
15 put \$70,000 aside to try to find a way
16 that when spikes in the number of writs
17 to proceed on Sheriff sales kicked up
18 above a certain number, automatically it
19 would cause a pause so that we could see
20 what those spikes were attributed to, and
21 we noticed in the budget that that money
22 was not spent. Is there any indication,
23 collaboration that they would try to come
24 up with a matrix, if you would, that said
25 the economy, unemployment have kicked in

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2 and we need to take a look at? And I
3 think that would address some of the
4 issues and concerns that Councilwoman
5 Sanchez mentioned.

6 SHERIFF WILLIAMS:
7 Mr. Councilman, I'm going to refer that
8 to Mr. Vignola, because he was there
9 under the last administration.

10 MR. VIGNOLA: Mr. Chairman,
11 that money was not allocated to the
12 Sheriff's Office. So we react to the
13 writ of -- we react to the writ of
14 execution. That was an intervention
15 program where the money went elsewhere.
16 As the Sheriff previously testified to,
17 when the writ of execution hits our shop,
18 we have very little discretion but to
19 follow the court order.

20 COUNCILMAN JONES: Okay. We're
21 going to take a look at what happened to
22 that, and you should have been contacted
23 on working on a matrix for that.

24 House Bill No. 1782 has been
25 introduced by Representative Chris Ross,

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2 which would mean that foreclosures -- and
3 the idea there is to take long-term
4 distressed properties and turn them over
5 to CDCs and cause a transfer in property
6 through the Sheriff sale process.

7 Have you looked at that to see
8 how it would impact your numbers at all?

9 SHERIFF WILLIAMS: No, we
10 haven't, but as a former member of the
11 House of Representatives, I spoke with
12 Representative Ross and I tried to
13 explain to him that Philadelphia is a
14 different kind of housing era that we
15 have here dealing with the vacant
16 properties as well as tax sale
17 properties, and because of the mortgage
18 foreclosures and the people who have been
19 treated unfair from these lenders as well
20 as banks, that that should be -- that he
21 should have some hearings here in
22 Philadelphia so they can hear the public
23 and hear their concerns.

24 COUNCILMAN JONES: Again, I
25 agree with you. We have to take a look.

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2 What seems to be a good thing when block
3 captains and committee people and others,
4 civic associations, tell me, well, this
5 property has been vacant on our block for
6 a hundred years and we can't seem to get
7 control of it, otherwise it's a good
8 block but for that vacancy, for
9 Representative Ross, that seems like a
10 good thing, but what we don't want is for
11 there to be massive wholesale triggers
12 that kick in that devastate
13 neighborhoods.

14 So the unintended consequences
15 might be total kind of havoc on your
16 department, so we want to make sure that
17 you have a heads-up on what the impacts
18 would be to you and other members of the
19 Philadelphia community.

20 I'm going to recognize
21 Councilwoman Sanchez again at this point.

22 COUNCILWOMAN SANCHEZ: Sure.
23 Let's go to the issue. I know many of
24 the advocates are here today, and I think
25 you have some -- you've had some

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2 meetings. There was some discussion
3 about the increasing of fees. Can you
4 explain for the record if in fact the
5 Sheriff's Department is looking to
6 increase any fees and if you have the
7 authority to do that without Council.

8 SHERIFF WILLIAMS: Actually,
9 we're not looking to increase any fees.
10 There's been several meetings and several
11 ideas that has been -- that we've been
12 into meetings with steering groups and
13 the MOU Steering Committee, which was a
14 part of the old administration's
15 agreement under Sheriff Deeley.

16 COUNCILWOMAN SANCHEZ: So can
17 you for the record then state that there
18 are no increases in fees that are
19 happening in the City?

20 SHERIFF WILLIAMS: No, there
21 isn't.

22 COUNCILWOMAN SANCHEZ: None
23 proposed?

24 I know one of the issues that's
25 come up in the discussions with these

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2 steering committees has been how do we
3 move some of the fees from the beginning
4 to lessen the burden on homeowners and
5 move it to the end of sale.

6 As you look at your fee
7 structure, have you vetted some of those
8 ideas that some of the advocates have
9 given your office?

10 SHERIFF WILLIAMS: Well, I
11 didn't hear the first part of your
12 question because we were talking, but I
13 would say that we are now looking into
14 how we can reduce some of the advertising
15 fees. We're looking how we can cut some
16 of the costs which will not affect people
17 who are going through mortgage
18 foreclosure as well as people who are
19 going through issues with tax sales.

20 As you know, this office has
21 been under a cloud. So there is a lot of
22 work that we have to do. Again, the past
23 administration had an agency over top of
24 the Sheriff's Office running the
25 Sheriff's Office and bringing in a lot of

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2 dollars, and we don't have that staff
3 right now. That's why we're here,
4 because we need additional staff so that
5 we can run the Sheriff's Office in an
6 efficient way and make sure those dollars
7 are being allocated and put in the proper
8 place. I mean, my housing background and
9 background from the community is, I don't
10 want to see people out of their homes.
11 So we're going to be doing more community
12 prevention foreclosure programs to advise
13 the community as much as we can in the
14 upcoming months and years of the
15 Sheriff's Office.

16 COUNCILWOMAN SANCHEZ: You
17 talked a little bit about the seven new
18 positions, or Mr. Vignola mentioned. Can
19 you forward to the Chair what those seven
20 new positions are, who, the what, the
21 where, what are their functions and how
22 they're going to add to the efficiency of
23 your office, the seven exempt positions.

24 SHERIFF WILLIAMS: The seven
25 exempt who took place of -- in the

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2 beginning, I think there was 12, was it?

3 You can go ahead.

4 MR. VIGNOLA: If I may,

5 Mr. Chairman, there were seven existing

6 positions that at the end of Sheriff

7 Deeley's term became vacant, and they

8 were exempt positions appointed by

9 whoever the Sheriff was, and the Sheriff

10 replaced those seven people.

11 In the proposed Sheriff's

12 budget that he handed out earlier at the

13 beginning of his testimony, there are

14 seven additional positions that support

15 both the real estate function and the

16 main desk function, and they are a

17 mixture of exempt and civil service.

18 The Sheriff previously

19 testified to the two firms that were

20 terminated during Calendar Year 2011 when

21 Sheriff Deeley was here. These two firms

22 supported the main desk and real estate

23 operations. The combined number of

24 people that we could estimate they had in

25 their employ that were paid indirectly

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2 through Sheriff's fees was approximately
3 23.

4 COUNCILWOMAN SANCHEZ: So --

5 COUNCILMAN JONES: It was -- go
6 ahead.

7 COUNCILWOMAN SANCHEZ: Go
8 ahead.

9 COUNCILMAN JONES: It was
10 interesting, but does that mean -- so
11 there was a private company that did some
12 of the services and now that's being
13 brought back into the fold of the
14 Sheriff's Office? Do I understand that?

15 MR. VIGNOLA: Yes, sir. There
16 were two private companies, and we need
17 the additional seven City-paid employees,
18 not contract employees, to take up that
19 slack, because what is occurring is,
20 while we're able to function and process
21 the claims, we have a backlog, and
22 Sheriff Williams believes that with the
23 addition of these seven positions, we can
24 eliminate that backlog so properties can
25 be settled in the ordinary course of

1 4/26/12 - WHOLE - BILL 120164, ETC.

2 business.

3 COUNCILMAN JONES: So if you
4 get those filled -- and I'm sorry,
5 Councilwoman. That won't reflect on your
6 time.

7 COUNCILWOMAN SANCHEZ: Thank
8 you very much.

9 COUNCILMAN JONES: --
10 (continued) you won't need the 250,000 in
11 overtime that you've requested if you get
12 the seven?

13 MR. VIGNOLA: No. Ironically,
14 because the people who work in real
15 estate for the most part are exempt,
16 there's no overtime associated with that
17 function. Overtime, while we do have
18 civilian -- excuse me; non-sworn
19 overtime, the overwhelming percentage of
20 our increase in overtime is a result of
21 the understaffing of our sworn side.
22 That is the courtroom protection.

23 COUNCILMAN JONES: Okay.
24 Councilwoman.

25 COUNCILWOMAN SANCHEZ: So,

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2 again, I ask this is -- we have a lot of
3 competing interests and we're doing a lot
4 of heavy lifting in Council this year as
5 it relates to this budget, and I have a
6 serious concern about a \$3 million
7 request that comes into us for staffing.
8 I'd like for you to forward to the Chair
9 what are those positions and how this is
10 going to make this more efficient and
11 replace the work of the two firms so that
12 if in fact we're going to take that into
13 consideration, we can at least -- because
14 of what the Sheriff outlined, the cloud
15 that's been over this office, and the
16 fact that in the years that I've been
17 here, this office has come to us and has
18 been over their budget continuously year
19 in and year out, and we want to be
20 responsible, we want to be proactive and
21 preventive, but we need some
22 justification for this type of request.
23 It's a big request, given all of the
24 things that, if you haven't been
25 listening to the public testimony,

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2 balancing our parks and balancing our
3 cuts in our community development money,
4 this is not a small number.

5 SHERIFF WILLIAMS: Well, I can
6 tell you that because of the lack of
7 deputies we have in the Criminal Justice
8 Center and an arbitrary award by the City
9 of Philadelphia for over a million
10 dollars, that has consumed most of that
11 \$3 million. There was an arbitrary award
12 that was approved in this year's, 2011's,
13 budget, which means we had to pay that
14 out.

15 COUNCILWOMAN SANCHEZ: Can you
16 explain which arbitrary -- is that a
17 legal?

18 SHERIFF WILLIAMS: Yes. It was
19 the FOP award to the Sheriff deputies.
20 It was a million and a half dollars.

21 Because of the lack of
22 deputies, we have overtime. And let me
23 just walk you through a day of a Sheriff
24 deputy. Seven o'clock in the morning to
25 the northeast parking lot, they get the

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2 buses, they go to the prison. They go to
3 the prisons. They get the inmates out.
4 They frisk. They search them. They get
5 them on the bus. They bring them back to
6 the Criminal Justice Center, and we take
7 them through the same security process,
8 and then they have to go into a JCC or a
9 holding cell, and then we have to wait
10 for deputies to come in from work or use
11 the deputies that are transporting to --
12 and then wait for judges to get on the
13 bench, and then we supply the inmates to
14 the court. That is a process that's a --
15 it's an all-day process. If there's a
16 jury trial, if there's a multi
17 co-defendant trial, we have to now assign
18 deputies to those courtrooms.

19 There's not -- it's not a 9:00
20 to 5:00 courthouse. If a jury is on
21 trial and there's a jury trial and
22 they're waiting for the deliberations, we
23 got to have people to watch those
24 inmates.

25 COUNCILWOMAN SANCHEZ: No. We

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2 completely understand. It's a
3 discussion, and I know Councilman Jones
4 and others have been -- as we work with
5 our courts about efficiency and video
6 testifying and all of that.

7 One of the questions that I
8 asked you earlier and you didn't answer
9 related to the fee. You said there will
10 be no new fees, but you didn't answer the
11 question in terms of does the Sheriff's
12 Office think that it can mandate fees
13 without coming to Council?

14 SHERIFF WILLIAMS: No.

15 COUNCILWOMAN SANCHEZ: Okay.

16 SHERIFF WILLIAMS: No. There's
17 a provision that says that City Council
18 approves fees.

19 COUNCILWOMAN SANCHEZ: I just
20 want to be sure, because that's some of
21 the concerns, as you look for revenues,
22 that we're clear on that and on the
23 record.

24 And then I'll end with this.

25 And, again, I've appreciated the work

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2 with Ana on trying to do as much
3 preventive and reaching out to different
4 communities, hard-to-reach communities,
5 around language.

6 Could you submit to the Chair
7 kind of the demographics of your staff
8 and the languages that they can speak.
9 I've been harping on that department by
10 department, particularly departments that
11 have to interface with the public. So I
12 know you have some additional new hires.
13 I don't know if you want to put that on
14 the record now. But what is your number
15 now in terms of demographics of your
16 staff?

17 SHERIFF WILLIAMS: We can
18 supply you the number. I will tell you
19 since my administration, I have -- if
20 you're speaking to Latino officers that
21 we brought down, we have seven additional
22 Latino officers who were brought down in
23 my administration.

24 COUNCILWOMAN SANCHEZ: They
25 transferred from the Prisons?

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2 SHERIFF WILLIAMS: From the
3 Prisons to the Sheriff's Office. I have
4 one Latino sergeant. We have one Latino
5 staff inspector, and our special
6 assistant, Ana, is also included in that.

7 COUNCILWOMAN SANCHEZ: I'd like
8 to see how that compares with the rest of
9 the staff.

10 One of the things I've been
11 asking departments is for folks to
12 identify goals. We want to make sure
13 that every single department reflects the
14 community. I think it's in everybody's
15 best interest that we can speak the
16 language, and I'm not talking about just
17 Spanish but other languages. We have a
18 growing Asian community and so forth. So
19 if you send a chart in terms of where you
20 are to date percentage-wise and then
21 where you think your department should be
22 given the demographics of the City, we'd
23 really appreciate it. We want goals.

24 I've started to sound like a
25 broken record here, so I want to get

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2 departments to give me a goal, and then
3 every year we're just looking at the
4 goal. If we got to move the goalpost,
5 we'll move the goalpost.

6 SHERIFF WILLIAMS: Well, we're
7 certainly committed to diversity and
8 making sure everyone gets a fair chance.
9 We are under the civil service rules and
10 regulations. So that is one of the
11 reasons why when people get hired,
12 they're sent through that system.

13 COUNCILWOMAN SANCHEZ: So let
14 me inform you that one of the discussions
15 with the Civil Service Commission is
16 departments' requests around creating
17 bilingual positions, and the very few
18 requests that are done and your ability
19 to create those jobs, the Personnel
20 Department willing to provide those
21 bilingual lists so that you can hire
22 based on civil service. So those options
23 are there, and it's one of the things
24 that we've been asking departments to do.
25 Where appropriate, create those bilingual

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2 positions. Of the 237 that were created
3 this year, only four requested bilingual
4 designation, and that's a great concern
5 to me. So it's something that we'll be
6 looking forward. You're new. You can
7 start where you are now and establish a
8 goal as the years progress.

9 SHERIFF WILLIAMS: Thank you.

10 COUNCILWOMAN SANCHEZ: Thank
11 you.

12 COUNCILMAN JONES:
13 Councilwoman, you're not a broken record.
14 You're a consistent voice for people.

15 One other question. And this
16 is not a question but more of a heads-up.
17 According to our research, 2,956
18 properties in the City of Philadelphia
19 are being held by 2,300 non-Philadelphia
20 owners, with a total of \$28.5 million
21 worth of delinquencies on these
22 properties. Seventy-eight percent of
23 those delinquencies are over four years
24 old, with 22 percent greater than 12
25 years old, totalling \$28.5 million in

1 4/26/12 - WHOLE - BILL 120164, ETC.
2 revenues that we could get.

3 This is not just directed at
4 you. We've directed it at the Finance
5 Department. We've directed it at the
6 Mayor's Office. But we want you to focus
7 on them. And what was interesting in our
8 research when we looked up these
9 properties was that many of these
10 property owners in their hometowns, their
11 taxes are paid. And that's an insult to
12 the City of Philadelphia, insult to all
13 of us who have to struggle paying our
14 taxes. So we want to alert you to those
15 individuals and have you go after them,
16 if you would.

17 SHERIFF WILLIAMS: We will be
18 happy to execute any order that the
19 courts sends us.

20 COUNCILMAN JONES: Appreciate
21 it.

22 Are there any other questions
23 for --

24 COUNCILWOMAN TASC0: I have one
25 question.

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2 COUNCILMAN JONES: Recognizing
3 Councilwoman Tasco.

4 COUNCILWOMAN TASC0: Along with
5 that question, who initiates the request
6 for a Sheriff sale? Is it the Sheriff or
7 the City?

8 SHERIFF WILLIAMS: No. It is
9 the City or the plaintiffs.

10 COUNCILWOMAN TASC0: So the
11 City sends you a list of properties that
12 are delinquent?

13 SHERIFF WILLIAMS: No.

14 COUNCILWOMAN TASC0: What
15 happens?

16 SHERIFF WILLIAMS: No. The
17 City --

18 COUNCILWOMAN TASC0: What's the
19 process?

20 SHERIFF WILLIAMS: What the
21 City of Philadelphia does, they file the
22 writ for the Sheriff sale. They go to
23 court. They file the action and --

24 COUNCILWOMAN TASC0: But the
25 action is initiated with the Philadelphia

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2 City Law Department?

3 SHERIFF WILLIAMS: City and
4 Revenue Department, Law Department, yes.

5 COUNCILWOMAN TASC0: So you
6 can't initiate a Sheriff sale unless the
7 City asks you to do that?

8 SHERIFF WILLIAMS: Yes.

9 COUNCILWOMAN TASC0: Thank you.

10 SHERIFF WILLIAMS: Only by
11 court order.

12 COUNCILWOMAN TASC0: Thank you.

13 COUNCILMAN JONES: Thank you,
14 Councilwoman Tasco.

15 Are there any other questions
16 for these witnesses?

17 (No response.)

18 COUNCILMAN JONES: Hearing
19 none, thank you.

20 SHERIFF WILLIAMS: Thank you.

21 COUNCILMAN JONES: The next
22 department will be the Human Relations
23 Commission.

24 (Witness approached witness
25 table.)

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2 COUNCILMAN GREENLEE: If I
3 could ask everyone as they leave to
4 please do it quietly. Our hearing is
5 still going on, please. Thank you very
6 much.

7 If we could continue.
8 Ms. Landau, would you like to identify
9 yourself and proceed.

10 MS. LANDAU: Absolutely. Good
11 afternoon, Councilman Greenlee,
12 Councilpeople, both seasoned and new.
13 I'm Rue Landau. I'm the Executive
14 Director of the Philadelphia Commission
15 on Human Relations and the Fair Housing
16 Commission. We're here today to request
17 our total operating budget of \$1,998 --
18 I'm sorry; \$1,998,475. Ninety-eight
19 percent of our budget is Class 100.
20 There's no change in our request of this
21 year from last fiscal year.

22 And just to give a basic
23 report, we've had a lot of staff turnover
24 in the past year. In this past fiscal
25 year we've had five retirements, one

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2 departmental transfer, sadly one death.
3 Still we are filling positions as quickly
4 as possible. We've been able to maintain
5 our basic service levels and even managed
6 to keep promoting our projects and
7 continue on with new projects.

8 For three vacancies we
9 currently have, one is an internal
10 promotional hire, another one is a
11 bilingual Spanish position and another is
12 a bilingual Khymer position to do
13 outreach to the Cambodian community.

14 We are aware of some of the
15 questions that you've been asking. So we
16 don't have our own contracts. We utilize
17 the citywide requirement contracts. And
18 also I wanted to give you some statistics
19 for our staff, which is, we currently
20 have 29 staff with the three vacancies --
21 28 staff, 15 African American females,
22 four white females, one African American
23 male, four white males, three
24 Hispanic/Latina females and one Asian
25 female.

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2 And as far as some of the
3 projects, again, we've maintained basic
4 service levels. If anything, we've had
5 an increase in certain areas.
6 Unfortunately, the economy has created a
7 very large increase in the
8 landlord-tenant cases that's coming to
9 our Fair Housing Commission, and we've
10 also had a slight increase in the
11 discrimination cases that are being filed
12 with us.

13 As far as just a few major
14 projects, as you all know, that we issued
15 a report after doing a series of public
16 hearings around the City. We issued a
17 report on intergroup conflicts in the
18 schools, and we've continued on with our
19 work with our report that we issued.

20 Our report had findings and
21 recommendations to the School District.
22 And we're still in great communication
23 with both the SRC members and the current
24 top brass of the School District. We
25 have launched a joint initiative to train

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2 all adults in every school on the School
3 District's Policies 248 and 249, which
4 are their anti-harassment, anti-bullying
5 policies. We continue to work directly
6 with them for intervention strategies on
7 crisis situations in schools when there
8 is conflict or tension between students
9 of different races. And, finally, we sit
10 on the -- I sit on the SRC Safety and
11 Engagement Steering Committee to look for
12 long-term solutions to some of the
13 problems of the School District.

14 We had a pretty seamless start
15 to our new fair practices ordinance. We
16 had to change a lot of internal
17 procedures for it, but thank you,
18 Councilman Greenlee and everybody who
19 voted on this ordinance. The EEOC told
20 us just a couple of weeks ago that we
21 have become kind of their frontrunners of
22 state and local agencies in the country
23 and that they are looking at us. They
24 said that we're their poster children for
25 people who have really strong civil

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2 rights laws who are really working very,
3 very hard to make sure that we're dealing
4 with all issues of discrimination in the
5 City, both proactively and reactively
6 when people file with us.

7 We've had some new case
8 filings. We've had an increase in our
9 housing cases, which is great, again,
10 with the increase of fines and penalties.
11 There's more people who are filing with
12 our agency versus some of the other
13 commissions, the Pennsylvania Commission
14 and otherwise, and all of that is great.
15 For employment cases, we get \$650 a case
16 from the EEOC for every case that we
17 investigate and close. And also I'm in
18 continuing talks with HUD, including this
19 morning, about trying to hook into some
20 of their funding streams for some of the
21 housing cases that we do. We've had a
22 strong increase in the housing cases.

23 And, finally, also Council did
24 a wonderful job of passing the
25 ban-the-box law to make sure that people

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2 with criminal records get a fair chance
3 at applying for a job and getting a first
4 interview. The Mayor appointed us to be
5 the enforcement authority. So we created
6 an entire enforcement procedure and have
7 been out in communities all over the
8 City, talking with RISE and the Commerce
9 Department, to communities of people with
10 criminal records, employers, lawyers,
11 anybody who will listen about the new law
12 to get the questions taken off of the
13 applications to make sure employers
14 aren't asking them at the first
15 interview, and also to make sure that if
16 people are violating the law, that in
17 fact that people are coming to file with
18 us.

19 We've seen some -- it's been a
20 slow start to the cases coming in, but
21 it's been good while we work out our
22 process. And we have employers who are
23 writing to us and showing us that they've
24 taken the questions off of their
25 applications and stopped asking them at

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2 the interview. So that's fantastic news,
3 because in the end, that's what we all
4 want. We want to make sure that it's a
5 level playing field for all
6 Philadelphians.

7 COUNCILMAN GREENLEE:

8 Absolutely. Okay. Thank you very much.
9 And I just -- as you said, we've worked
10 together on a few things, and I just want
11 to commend you. I know a lot of what you
12 do maybe doesn't get to headlines, but it
13 is extremely important to make this a
14 first-class city in enforcing the laws
15 against discrimination, and that kind of
16 thing is extremely important. And most
17 of the time when somebody says they're a
18 poster child for something, it's not
19 good. It sounds like that one was a good
20 one, you're a poster child for increasing
21 fight against discrimination.

22 You talked about the -- I think
23 you said that the complaints and the
24 investigations have slightly increased.
25 The new fair practice law, is that one of

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2 the reasons, because there's more things
3 you can deal with?

4 MS. LANDAU: Absolutely. I
5 think particularly with the new fines and
6 penalties, if there's a lawyer who is
7 representing a complainant, we now
8 offer -- we can get attorneys' fees and
9 actual and compensatory damages. It's a
10 long process and it's very difficult for
11 people to go through. We just didn't
12 have the fines and penalties available
13 before, and now the new fair practices
14 ordinance is making it so that people
15 want to file in Philadelphia. And as
16 we've always talked about, what we want
17 to know in Philadelphia is what's
18 happening in Philadelphia. We need to
19 know the good and the bad, and we want to
20 make sure that we know what's happening
21 and not have them filing with other
22 agencies. So it's good.

23 COUNCILMAN GREENLEE: You don't
24 know what's bad until you know it.

25 MS. LANDAU: Yeah.

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2 COUNCILMAN GREENLEE: Thank
3 you.

4 Councilwoman Sanchez.

5 COUNCILWOMAN SANCHEZ: Thank
6 you, Mr. Chair. I just want to also echo
7 your remarks with Rue Landau and her
8 staff. She's been one of the key
9 departments that our office works with on
10 so many different issues and her staff's
11 willingness to be always on the front
12 line, and I want to thank her for
13 creating some of these bilingual
14 positions in her department. She was one
15 of four requests, and really acknowledge
16 the importance of that because of the
17 type of work that you do. And I'm sure
18 Councilwoman Reynolds Brown would be
19 extremely pleased with the number of
20 women that are working in your
21 department.

22 But thank you. I think the
23 work that you do sometimes is not
24 understood by folks, partly because
25 you're doing so much prevention, that we

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2 usually only hear about things when it
3 blows up. And I can tell you from being
4 on the ground, your folks are always on
5 the ground with us, and we appreciate it.
6 So thank you.

7 MS. LANDAU: Thank you,
8 Councilwoman. Oddly, a lot of the people
9 who have retired in our office are not
10 only the men but also our other
11 languages. We lost Russian and various
12 other Eastern European languages and
13 Mandarin and Cantonese recently, and we'd
14 love to fill those again.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Councilwoman Tasco.

18 COUNCILWOMAN TASCO: Yeah. I
19 just want to say thank you for the work
20 that you do, and I certainly appreciate
21 your immediate response to my e-mails to
22 you requesting support for constituents
23 in my district, which really is quite
24 diverse, and you've been most helpful.
25 I've added to your task by recommending

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2 to Philly Rising that they work with you,
3 particularly in the Lawncrest/Lawndale
4 area, in dealing with some of the
5 community issues that may arise because
6 of lack of understanding of various
7 cultures. So I suggested that they give
8 you another job.

9 MS. LANDAU: That's great. I
10 love it.

11 COUNCILWOMAN TASC0: To be a
12 part of them, because they're addressing
13 issues in the neighborhood. But
14 certainly in the areas where you have a
15 diverse community, you certainly need the
16 support of your office in terms of
17 language. And I hear you're losing
18 people, but you certainly need them and
19 then to help people kind of understand
20 what being neighborly is all about and
21 understanding of the cultures and things
22 of that nature. It's very important, and
23 you've been very helpful, so thank you
24 very much.

25 MS. LANDAU: Thank you.

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2 COUNCILMAN GREENLEE: Thank
3 you.

4 See, you better like this,
5 because most of the time there's all
6 these questions. Everybody is just
7 praising you, Rue, so you must be doing
8 something right here.

9 MS. LANDAU: Some day.

10 COUNCILMAN GREENLEE: I know.

11 I just had one question as far
12 as your mediation that you do, and I know
13 sometimes trying to say what was
14 successful might be kind of a tough call,
15 but what kind of records do you keep in
16 what you will call a successful
17 mediation, or do you classify it that
18 way?

19 MS. LANDAU: By the time folks
20 are getting to the table for a mediation,
21 it's almost a success already. Some
22 parties in disputes -- it's very hard for
23 us to quantify the work we do in the
24 Community Relations Division. I saw a
25 case a few months ago that had to do with

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2 dogs. As we all know from the press,
3 that ended up being a fatal case. We
4 deal with neighbors fighting over dogs,
5 and one of the reasons why we do those
6 cases as well as the racial conflict
7 cases is because we're getting into
8 communities, we're solving small problems
9 that might get us to know a block, get to
10 know a community, and it's all for us
11 piecemeal.

12 Not every case gets to the
13 table for a mediation. So that's already
14 a great step. Both parties have to agree
15 to do it. At the end of the day, most of
16 our mediations are successful because
17 both parties -- each party got something
18 at the end. Often they are memorialized
19 in writing, but not always. And even the
20 times when it's not memorialized in
21 writing, it can still be a success. It
22 was actually people sitting down
23 together, opening their minds up for a
24 minute, hearing each other, and we have
25 been -- I think our mediations have

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2 actually been increasing. We do them in
3 schools and libraries and neighborhood
4 centers, sometimes at the Police
5 Department, all throughout the City, and
6 it's a great tool, and it keeps people
7 out of the courts too.

8 COUNCILMAN GREENLEE: That's
9 always good.

10 MS. LANDAU: Right.

11 COUNCILMAN GREENLEE: A little
12 less cost there.

13 Anybody have any other
14 questions for Ms. Landau, the Human
15 Relations Commission?

16 (No response.)

17 COUNCILMAN GREENLEE: Seeing
18 none, thank you. As I said, keep up the
19 good work.

20 MS. LANDAU: Thank you.

21 COUNCILMAN GREENLEE: You're
22 doing that. Thank you.

23 What we're scheduled now for is
24 callbacks. Now, the first one that was
25 scheduled was the Commerce Department.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN GREENLEE: Now, I'm
5 not sure who called back whom. I'm going
6 to bet, though, that Councilman Green is
7 one that called departments back. I'm
8 just going to go out on a limb and say
9 that.

10 MR. GREENBERGER: Don't take
11 too many chances there.

12 COUNCILMAN GREENLEE: So the
13 first department is Commerce. So I guess
14 rather than being -- unless you had
15 something particular to say,
16 Mr. Greenberger, we can just go into
17 questions, because I assume that's what
18 we're doing.

19 MR. GREENBERGER: I think so.

20 COUNCILMAN GREENLEE: See that,
21 Carnac (ph) was right.

22 The Chair recognizes Councilman
23 Green.

24 COUNCILMAN GREEN: Thank you,
25 Mr. Chair.

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2 COUNCILMAN GREENLEE: You're
3 welcome.

4 COUNCILMAN GREEN: I just want
5 to follow up on some of the questions
6 that we've sent you a spreadsheet on that
7 we have no response on and ask you when
8 we can expect them or if you have an
9 answer with you today. I'll start with
10 the detailed explanation of the 6.7
11 million reduction in prior resources
12 program income in the upcoming
13 Consolidated Plan.

14 MR. GREENBERGER: I haven't
15 seen this list yet. When did we get this
16 list? You said these are follow-up
17 questions?

18 COUNCILMAN GREEN: Sorry.
19 These are questions we asked during the
20 hearings that --

21 MR. GREENBERGER: Okay. I
22 apologize, because you and I had a
23 conversation about that. I thought that
24 had been answered, but I'll be happy to
25 get you an answer on that one. It's

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2 going to come up in the Consolidated Plan
3 hearings as well.

4 COUNCILMAN GREEN: We were just
5 asking for a detailed explanation of that
6 provided to the Chair.

7 MR. GREENBERGER: That's not
8 what we heard, but that's all right.
9 We'll be happy to get one, but I do want
10 to make it part of the Consolidated
11 presentation, because it is part of a
12 bigger presentation. But we can get it
13 for you.

14 COUNCILMAN GREEN: Okay. I
15 asked for specifics about the details of
16 the entire budget for the Delaware River
17 Waterfront Corporation and also how the
18 500K from the City falls into it and how
19 those City funds will be spent. Your
20 response gave me information about the
21 \$500,000 but not the entire budget. I'd
22 like information about the entire budget.

23 MR. GREENBERGER: Okay. We can
24 get you an operational budget.

25 COUNCILMAN GREEN: There is an

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2 operational budget you can just forward
3 to us?

4 MR. GREENBERGER: I believe so,
5 yeah.

6 COUNCILMAN GREEN: Okay.

7 MR. GREENBERGER: In fact, we
8 have a Board meeting tomorrow. I'll just
9 make sure to bring that up.

10 COUNCILMAN GREEN: I believe in
11 your responses to some of my questions
12 you said that there was a written
13 business attraction/economic development
14 plan for the hotel sector and --

15 MR. GREENBERGER: Actually --
16 go ahead, keep going.

17 COUNCILMAN GREEN: The response
18 we received was just a list of goals, and
19 the goal was to keep occupancy at 72
20 percent. I was asking for a copy of
21 whatever written -- the written plan that
22 you referred to.

23 MR. GREENBERGER: I think what
24 I said is that there wasn't a written
25 plan, but I'll be happy to put something

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2 down for you. The thing that we are most
3 concerned about at the moment is trying
4 to get a very specific number and type of
5 hotels developed. In fact, Duane and I
6 just came from a meeting going over that.
7 We're really targeting very specific
8 things, not wanting to sort of have
9 shotgunned proposals come at us, and it's
10 very much in sync with where the
11 Convention and Visitors Bureau is going,
12 what they think they need, where they
13 think they need it and kind of a
14 timeframe associated with it.

15 Needless to say -- you won't be
16 surprised by this -- all these projects
17 need some significant public support, so
18 we want to be very precise about which
19 ones we're interested in, why and under
20 what terms.

21 COUNCILMAN GREEN: And you're
22 making that determination based on
23 conversations or you've put that in
24 writing?

25 MR. GREENBERGER: It's not in

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2 writing. It's based on conversations
3 with the key people who are involved in
4 this, Convention and Visitors Bureau --

5 COUNCILMAN GREEN: So how do
6 you keep track of the specific thing that
7 you're looking for and deciding where to
8 spend funds and money?

9 MR. GREENBERGER: There's only
10 a handful of ones that we're interested
11 in at the moment, because that will fill
12 the need and be the most -- give the most
13 economic benefit, particularly to the
14 Convention Center and its ability to book
15 additional conventions. So it's just a
16 very short list, and there's also a very
17 short list of people who are out there
18 proposing those very things.

19 COUNCILMAN GREEN: Okay. I'm
20 also looking for data, RE: the amount of
21 Commerce, PIDC staff time used last year
22 and projected to be used next year on
23 business attraction and where they exist,
24 the specific goals for such attraction
25 efforts using PIDC staff.

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2 MR. GREENBERGER: Okay. So you
3 want more than what we gave you?

4 COUNCILMAN GREEN: You did not
5 respond to that question, I don't
6 believe.

7 MR. GREENBERGER: There's a
8 list in here. You asked for the listing
9 of the personnel involved, both from
10 Commerce and PIDC with business
11 attraction, and there's a list in here
12 that lists all those people and the
13 percent of their time that's committed to
14 that, and it sort of gives a general
15 description of what they do, a very
16 general description. It's the
17 next-to-last page on the bottom.

18 COUNCILMAN GREEN: So you
19 answered -- so the other question, the
20 follow-up question to that is, for the
21 eight or nine staffers at Commerce and
22 PIDC combined who you testified work on
23 business attraction -- I'm sorry. That's
24 the question you did answer.

25 Are there specific goals for

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2 these business attraction efforts?

3 MR. GREENBERGER: In some cases
4 I said no, but I said that there were
5 things that we were writing down and
6 we'll provide that to you as we get them
7 written down.

8 COUNCILMAN GREEN: Okay. I
9 think we also asked about detail in Class
10 200 contracts that are not yet encumbered
11 and how much of the budget amount will be
12 encumbered by the end of the fiscal year.

13 MR. GREENBERGER: I'm sorry.
14 It was related to what? I didn't hear
15 what you said.

16 COUNCILMAN GREEN: Detail, RE:
17 Class 200 contracts that are not yet
18 encumbered and whether and how much of
19 the budget amount will be encumbered by
20 the end of the fiscal year.

21 MR. DOW: The Class 200
22 contracts is all but one. That's the
23 counsel contract that's encumbered. It's
24 in renewal phase at this point in time.

25 MR. GREENBERGER: This is the

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2 disparity?

3 MR. DOW: Yes. This is for the
4 disparity study.

5 MR. GREENBERGER: Is that what
6 you mean?

7 COUNCILMAN GREEN: All Class
8 200 spend.

9 MR. DOW: Class 2 outside
10 contracts?

11 COUNCILMAN GREEN: All Class
12 200.

13 MR. DOW: There's one.

14 COUNCILMAN GREEN: There's only
15 one contract encumbered for Class 200?

16 MR. GREENBERGER: Yeah. That's
17 on the disparity study.

18 MR. DOW: And that's the
19 disparity study.

20 COUNCILMAN GREEN: And it's
21 been encumbered for this fiscal year?

22 MR. DOW: Yes.

23 COUNCILMAN GREEN: Okay. Well,
24 I'll take a look at the detail that you
25 sent about the \$6.7 million and the other

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2 hopefully more specific information, and
3 hopefully we won't need to have another
4 callback on May 10th.

5 MR. GREENBERGER: Okay.

6 COUNCILMAN GREEN: Thank you.

7 COUNCILMAN GREENLEE: Thank
8 you, Councilman.

9 Any other questions for the
10 Commerce Department?

11 (No response.)

12 COUNCILMAN GREENLEE: Seeing
13 none, thank you all for coming back.

14 The next department on my list
15 that was asked to come back is the
16 Finance Department.

17 MS. RHYNHART: I think we need
18 another minute for Rob.

19 COUNCILMAN GREENLEE: Okay. We
20 could move on. I have the Office of
21 Property Assessment. I know they're
22 here.

23 Ms. Rhynhart, when Finance
24 comes in, we'll just move them in.

25 MS. RHYNHART: Thank you.

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2 (Witnesses approached witness
3 table.)

4 COUNCILMAN GREENLEE: Good
5 afternoon again. Thank you for coming
6 back.

7 MR. McKEITHEN: Good afternoon.

8 COUNCILMAN GREENLEE: Good
9 afternoon. How are you? I think it
10 might be Councilman Green's question
11 again.

12 Councilman Green, do you have
13 questions here, OPA?

14 COUNCILMAN GREEN: Yes.

15 COUNCILMAN GREENLEE: Okay.
16 Please proceed.

17 COUNCILMAN GREEN: So there are
18 just a number of questions that we asked
19 during the hearing that have not been
20 answered that I feel that we need the
21 answers to in order to review the
22 requested move to AVI this year to
23 determine how much information we can get
24 about that, whether or not it's feasible,
25 et cetera. And I guess one of the

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2 questions was a number, I would think,
3 would be fairly easy to provide us with,
4 the number of bona fide arm's length
5 sales per year over the past five years.

6 MR. McKEITHEN: I'm sorry. We
7 didn't get a request for a question like
8 that, but we can certainly look that up
9 for you.

10 COUNCILMAN GREEN: These are
11 all questions we asked during the
12 hearing, everything I'm going to talk to
13 you about right now.

14 MR. McKEITHEN: I did not get a
15 request for number of bona fide sales.

16 COUNCILMAN GREEN: You got a
17 request during the hearing, which I'm
18 reiterating today.

19 MR. McKEITHEN: We'll get that
20 information for you.

21 COURT STENOGRAPHER: I'm sorry.
22 Could you give me your name.

23 MR. McKEITHEN: Richard
24 McKeithen, Chief Assessment Officer,
25 Office of Property Assessment.

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2 COUNCILMAN GREEN: Sorry. A
3 description of the codes on the money
4 sheet. You went on to describe that
5 there are codes on the money sheet that
6 determine whether or not things are going
7 to be done, and I asked for a description
8 of what are the codes on the money sheet.

9 MR. McKEITHEN: What we
10 received were, we received a series of
11 five questions, specifically a copy of
12 the door hangers, a copy of the letter
13 that was sent out to taxpayers,
14 approximately how many GMAs had been
15 field-inspected and approximately how
16 many GMAs have been entered into the
17 system.

18 COUNCILMAN GREEN: Well, I'm
19 going to -- these are all questions that
20 were asked during the hearing. These are
21 all questions that needed to be responded
22 to. There were additional questions that
23 were sent after the hearing. These are
24 all questions that were asked during the
25 hearing that during the hearing you

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2 promised to get back to me on.

3 MR. McKEITHEN: We'll get that
4 information for you, but that was not in
5 what I had received.

6 COUNCILMAN GREEN: I'm sorry.
7 They were questions asked during the
8 hearing that you said during the hearing
9 you would get back to us.

10 MR. McKEITHEN: We'll get that
11 for you.

12 COUNCILMAN GREEN: Okay. The
13 other is a run of the money sheet by code
14 and by value, change in value in \$10,000
15 increments. The other was the number of
16 commercial/industrial properties as a
17 percentage of the whole for which OPA has
18 received information. The other was --
19 and so we're also trying to figure out
20 the percentage of commercial/industrial
21 as a percentage of the whole today
22 separately as compared to what they'll be
23 as a percentage of the whole under the
24 new system.

25 Let's see. There are questions

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2 that were asked post writing, which I
3 don't think we've received. Another
4 question was copies of all materials,
5 including department of Deputy Mayor
6 Greenberger's PowerPoint provided to the
7 rating agencies.

8 That's the Treasurer's Office.
9 I'm sorry. I think that is all the
10 questions we had outstanding for OPA.

11 COUNCILMAN GREENLEE: Mr.
12 McKeithen, you said you had a list
13 including the door hanger. Did you
14 provide that yet?

15 MR. McKEITHEN: Right. We
16 provided the questions for what we had
17 received, but these were questions
18 that --

19 COUNCILMAN GREENLEE: Well, the
20 questions Councilman Green has now, can
21 that be forwarded to him?

22 MR. McKEITHEN: We'll get that
23 to him as soon as possible.

24 COUNCILMAN GREENLEE: All
25 right. Thank you.

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2 MR. DUBOW: And on the
3 commercial -- the
4 commercial/residential --

5 COUNCILMAN GREENLEE: Identify
6 yourself for the record.

7 MR. DUBOW: Rob Dubow, the
8 Finance Director.

9 The commercial/residential
10 split we talked about at one of the
11 hearings, I think it was 58 percent
12 commercial now. We won't know the number
13 after until the reassessment is done.

14 COUNCILMAN GREEN: So if you
15 won't know the number after until the
16 reassessment is done, how are we
17 providing examples to people about the
18 impact of the homestead exemption in
19 terms of the millage rate or percentage
20 of property value that has to be applied
21 to it? Because you'd have to know the
22 whole --

23 MR. DUBOW: Right. Any -- I'm
24 sorry.

25 COUNCILMAN GREEN: That's all

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2 right. You'd have to know the whole in
3 order to provide that estimate.

4 MR. DUBOW: Right. So any
5 example we give we're making clear is
6 just a sample millage rate and might not
7 be exactly where you wind up.

8 COUNCILMAN GREEN: I guess the
9 important thing for Council to know is
10 how close you think that is to the actual
11 aggregate overall value, because without
12 knowing that, you can't determine a
13 percentage. And my follow-up question to
14 that would be, what did you use as the
15 aggregate overall value for residential
16 versus commercial and industrial real
17 estate in the samples that you are
18 providing?

19 MR. DUBOW: So in the samples
20 we're providing, we had, I think, about
21 somewhere between 35 and 40
22 neighborhoods. We took the average
23 current tax for that sample and assumed
24 it would increase by 9 percent, which is
25 what the overall yield would increase by,

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2 and then determined what tax rate we
3 would need for that sample to generate
4 that 9 percent. And we know that that's
5 not scientific, and that's why we're
6 saying it's not -- we're not predicting
7 that's where the number comes in. We're
8 just giving examples.

9 COUNCILMAN GREEN: So the
10 samples don't adjust for the fact that
11 there will be a shift based on previous
12 information that's been testified to, a
13 shift of a greater proportion of real
14 estate coming from residential versus
15 commercial and industrial?

16 MR. DUBOW: That's right. So
17 the samples probably overstate the amount
18 people will have to pay.

19 COUNCILMAN GREEN: Understate.

20 MR. DUBOW: No; overstate,
21 because there will be some shifting over
22 to commercial. So residential will
23 probably increase by less than 9 percent
24 and commercial probably by more if you
25 have a homestead. So this probably

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2 overstates what people would pay,
3 assuming you have a homestead exemption.

4 COUNCILMAN GREEN: Well, you
5 can't know that unless you know how much
6 commercial and industrial makeup of the
7 whole. There's been previous testimony
8 that residential versus commercial and
9 industrial, forget the homestead
10 exemption, will increase as a
11 percentage -- residential will increase
12 as a percentage of the whole in terms of
13 what's collected as compared to the
14 current system under the new system,
15 because they will make up -- the bills
16 will go out to residential as a greater
17 percentage than they do today of the
18 whole that's collected. Am I saying that
19 correctly?

20 MR. DUBOW: I don't know, but
21 if you are including a homestead, you
22 have to make that part of the
23 calculation, and it will change the
24 distribution between commercial and
25 residential, increasing the amount that's

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2 paid by commercial.

3 COUNCILMAN GREEN: It
4 absolutely will, and the question I'm
5 trying to get to is, how -- you can't
6 really answer the question without
7 knowing the whole, without knowing what
8 commercial and industrial are and
9 residential are before the homestead.

10 MR. DUBOW: What's the
11 question? I'm sorry. What question
12 can't you answer?

13 COUNCILMAN GREEN: Whether or
14 not it should be greater than or less
15 than 9 percent, unless you've made an
16 assumption about the overall aggregate
17 value of real estate in the City.

18 MR. DUBOW: Right. So like a
19 \$15,000 homestead -- I think it's one of
20 the questions you wanted to know -- it's
21 like -- depending on your millage rate,
22 it's going to be at least about a \$70
23 million shift. So you would have to
24 assume that commercial -- the difference
25 between commercial and residential now

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2 outweighs that 70 million, and we don't
3 think that it would.

4 COUNCILMAN GREEN: Even at
5 three to four times market value
6 difference versus current market value?

7 MR. DUBOW: We don't think it
8 will be that big a difference, three to
9 four times, but...

10 COUNCILMAN GREEN: Okay. I
11 think that's all I had for OPA. Let me
12 try to confirm that.

13 COUNCILMAN GREENLEE: That's
14 it?

15 COUNCILMAN GREEN: No. So all
16 of the questions we asked during the
17 hearing, including this hearing, are
18 questions that we want to get back.
19 That's why we keep track of them and we
20 know the Administration also keeps track
21 of them, and so hopefully we can get them
22 and not have to come back on May 10th.

23 MR. DUBOW: We understand.

24 COUNCILMAN GREEN: Thank you.

25 COUNCILMAN GREENLEE: Thank you

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2 for coming back.

3 Rob, don't go anywhere.

4 Finance is next again.

5 MR. DUBOW: Okay.

6 COUNCILMAN GREENLEE:

7 Councilman, you had questions for Finance
8 directly too?

9 COUNCILMAN GREEN: Yes.

10 COUNCILMAN GREENLEE: Okay. I
11 see the other departments. I saw Revenue
12 come in. I see BRT is here. Is Mayor's
13 Office of Community Services here at all?

14 (No response.)

15 COUNCILMAN GREENLEE: Maybe
16 they'll come in. They were also
17 requested.

18 Good afternoon again.

19 Councilman Green.

20 MR. DUBOW: Good afternoon.

21 How are you?

22 COUNCILMAN GREENLEE: It's
23 always good to see you, sir.

24 MR. DUBOW: Always good to see
25 you too.

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2 COUNCILMAN GREENLEE: After
3 Finance will be Revenue.

4 Councilman Green.

5 COUNCILMAN GREEN: Thank you.

6 We're just going to share our
7 chart with Mr. Dubow to try to see if we
8 can --

9 MR. DUBOW: It looks like the
10 chart is going the other way.

11 COUNCILMAN GREENLEE: It's
12 running away from him.

13 MR. DUBOW: It came close to me
14 and then --

15 COUNCILMAN GREEN: You're well
16 protected. That's good work.

17 COUNCILMAN GREENLEE:
18 Interception.

19 COUNCILMAN GREEN: So there's
20 some questions that we're still looking
21 for from the 3/26 hearing. That is,
22 the -- and this is from the Five Year
23 Plan hearing -- upper limit that we could
24 collect by accident or negligence by
25 moving to AVI.

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2 MR. DUBOW: Right. And I think
3 what I said at the time was, one, I
4 didn't think it would be negligence and,
5 two, we couldn't really estimate that
6 now.

7 COUNCILMAN GREEN: We've
8 received a response from the Department.
9 As we went through the formula, it was
10 testified to that the number -- so on the
11 City side, it was 512 million minus 13
12 percent, because we collect 87 percent,
13 but the way that 87 percent --

14 MR. DUBOW: There's an appeals
15 factor in there too.

16 COUNCILMAN GREEN: That's
17 another minus, but this one minus had 87
18 percent, and then when we got --

19 MR. DUBOW: Eighty-seven and a
20 half.

21 COUNCILMAN GREEN: Eighty-seven
22 and a half. When we got the information
23 back in writing, the specific details
24 about that, the actual full year
25 difference -- and we asked for it for

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2 five years; I think we got it for one
3 year -- the actual full year difference
4 was 91 and a half percent roughly.

5 MR. DUBOW: Right. We're
6 looking at there's an eight-month period
7 that's in this year. That's the 87 and a
8 half. For that eight-month period, the
9 average is 87 and a half. That's kind of
10 what we based it on.

11 COUNCILMAN GREEN: But it's 92
12 percent over the course of a year and
13 you've already had this portion of the
14 beginning of the year where it would
15 have -- where those trends would have
16 continued, and so what's relevant is
17 what's a full year, not what eight months
18 of a year are, because we're collecting
19 for a full year under an old system or a
20 new system.

21 MR. DUBOW: Right. But there
22 are four months under the old and eight
23 months under the new, and that's what the
24 87 and a half is applied to, the new
25 portion.

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2 COUNCILMAN GREEN: And it's
3 applied to the new portion because it's
4 87 and a half under the old portion. So
5 it's the same numbers that you're working
6 with. And so it's really 4 percent
7 higher than you've told us on a yearly
8 basis. Just on a \$512 million tax,
9 that's a \$20 million tax increase that
10 you haven't shared. I mean, isn't that
11 part of the true hidden tax?

12 MR. DUBOW: No, it's not.

13 COUNCILMAN GREEN: It's not the
14 School District that's disclosed. It's
15 what's underneath in the formula you've
16 told us that it was 87 percent and it's
17 actually 91 and a half percent. That's
18 \$20 million.

19 MR. DUBOW: We told you it's 87
20 and a half percent, and that's based on
21 those eight months it will be under the
22 new tax. That's what we're applying it
23 to. So, no, it's not another 20 million.

24 COUNCILMAN GREEN: Well, but
25 then there will be four months after that

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2 where you'll collect the balance of the
3 money, just like you have collected the
4 balance of that money for the four months
5 this year at the end of this year. So a
6 full year is 91 and a half percent. The
7 formula should be 91 and a half percent
8 or you're going to collect at least 20
9 million more on the City side, and that
10 means 30 million more on the School
11 District side, and together that's --
12 which we can --

13 MR. DUBOW: It's not actually
14 the way the formula works and we can show
15 you that. We'll give you a document that
16 shows you how it works out.

17 COUNCILMAN GREEN: I've tried
18 to ask in Council other things. If you
19 can provide a document that describes how
20 you're calculating the formula and how it
21 works that we can then work with, I think
22 that would be tremendous.

23 MR. DUBOW: Okay.

24 COUNCILMAN GREEN: So I won't
25 push you on that today.

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2 Excuse me for one second.

3 Another question that -- it's
4 been suggested that we sit down and go
5 through this off line, and I'm happy
6 that --

7 MR. DUBOW: "This" being the
8 calculation?

9 COUNCILMAN GREEN: The
10 calculation, and then that you would get
11 us a response to all of these other
12 questions.

13 MR. DUBOW: Okay.

14 COUNCILMAN GREEN: But there is
15 one question we wanted to ask, and it's
16 really about how the interplay of all
17 these different pieces are going to work
18 together. And I am lost on -- I'm
19 basically asking -- so the question is
20 what the cost of the homestead exemption
21 is at the different levels of exemption.
22 Is it fair to say if it's at 15,000, 70
23 million, and then if it's 30,000, it
24 would be 140 million?

25 MR. DUBOW: So I have 15 and

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2 30 -- I have a sheet. I can just give
3 you the sheet. It gives various levels
4 from 15,000 to 85,000.

5 COUNCILMAN GREEN: Yes.

6 MR. DUBOW: There are three
7 different millage rates, 1, 1 and a half
8 percent and 2 and a half percent, and
9 then various participation rates ranging
10 from 70 percent to 100 percent.

11 COUNCILMAN GREEN: How are you
12 calculating participation rates?

13 MR. DUBOW: What do you mean?
14 I'm not sure I understand the question.

15 COUNCILMAN GREEN: Did you look
16 at rental licenses in the City and say if
17 they have a rental license, it's not
18 available; if they don't, are we assuming
19 it's available?

20 MR. DUBOW: We took census
21 information on owner-occupied properties
22 in the City, which is like 311,000. So
23 that was our base. That's 100 percent.
24 And then for the others, we just gave
25 scenarios. There's no science behind

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2 them. We just want to give you examples.

3 COUNCILMAN GREEN: Okay. When
4 you say there's no science behind it,
5 what do you mean by that?

6 MR. DUBOW: We made up percents
7 so you could see what different ones will
8 look like.

9 COUNCILMAN GREEN: Okay.

10 COUNCILMAN GREENLEE: That's an
11 honest answer. You can't argue that.

12 MR. DUBOW: Any questions about
13 that?

14 COUNCILMAN GREEN: When you say
15 made up -- no.

16 So just for clarity -- and I
17 know we're going to talk about the
18 formula off line -- the homestead
19 exemption is not part of the formula.
20 That is a number that will be known in
21 advance of the setting of the millage
22 rate because people will have applied and
23 have to have been accepted and that will
24 drive everything else or is it
25 speculative within the formula also as to

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2 the take-up or disposition?

3 MR. DUBOW: I actually think we
4 will know by the time we have to set the
5 rate, so we can do it outside the
6 formula.

7 COUNCILMAN GREEN: Okay. And I
8 had a specific question that's sort of a
9 legal -- it's partly a legal question.

10 MR. DUBOW: And I'll stay away
11 from it.

12 COUNCILMAN GREEN: Which you
13 can add to the -- and, that is, on the
14 smoothing, it's not clear to me that that
15 wouldn't violate the uniformity clause,
16 because on the downside piece, you'd have
17 people overpaying relative to what they
18 actually should owe, and I'm just
19 wondering if you can specifically address
20 that in the opinion that the City
21 Solicitor is working on.

22 MR. DUBOW: We'll ask the City
23 Solicitor about that.

24 COUNCILMAN GREEN: Okay.

25 COUNCILMAN GREENLEE: Thank

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2 you.

3 COUNCILMAN GREEN: Thank you,
4 Mr. Chairman.

5 COUNCILMAN GREENLEE: Thank
6 you, Councilman.

7 Thank you, Mr. Dubow.

8 MR. DUBOW: Thank you.

9 COUNCILMAN GREENLEE: You can
10 go back to work now.

11 MR. DUBOW: I'm going to see
12 how Keith does.

13 COUNCILMAN GREENLEE: Okay.
14 Revenue Department, please.

15 Councilman Green, I assume,
16 since you're the only other one here,
17 Revenue, BRT, MOCS, you have questions
18 for all three?

19 COUNCILMAN GREEN: No MOCS.

20 COUNCILMAN GREENLEE: No MOCS.
21 Revenue and BRT.

22 So BRT will be our next one
23 after this.

24 (Witnesses approached witness
25 table.)

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2 COUNCILMAN GREENLEE: Good
3 afternoon, everyone.

4 COMMISSIONER RICHARDSON: Good
5 afternoon, sir.

6 COUNCILMAN GREENLEE: Thank you
7 for coming back in.

8 COMMISSIONER RICHARDSON: Not a
9 problem.

10 COUNCILMAN GREENLEE:
11 Councilman.

12 COUNCILMAN GREEN: Thank you,
13 Mr. Chairman.

14 Good afternoon.

15 COMMISSIONER RICHARDSON: Good
16 afternoon, sir.

17 COUNCILMAN GREENLEE: Thank you
18 for coming over. I'll try to be very
19 brief.

20 So we've made some written
21 requests to the Budget Office, and I
22 asked the Revenue Department to provide a
23 breakdown of all real estate tax debt
24 broken down by residential versus
25 commercial/industrial, and then within

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2 those categories, by amount owed in
3 \$5,000 increments and age of debt. Is
4 that information available?

5 COMMISSIONER RICHARDSON: No,
6 sir.

7 COUNCILMAN GREENLEE:
8 Commissioner, just identify yourself for
9 the record.

10 COMMISSIONER RICHARDSON: Sure.
11 Good afternoon, everyone. Keith J.
12 Richardson, Revenue Commissioner.

13 COUNCILMAN GREEN: When will
14 that be provided?

15 COMMISSIONER RICHARDSON: We
16 will get that to you by next week
17 sometime, sir.

18 COUNCILMAN GREEN: Okay. Could
19 you please add to the analysis how many
20 of the residential properties at each
21 level of delinquency are owner-occupied?

22 COMMISSIONER RICHARDSON: That
23 may take some time, because we may not
24 know if every property is owner-occupied
25 or not, sir. We don't break that down in

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2 our system.

3 COUNCILMAN GREEN: Okay. All
4 right. That's sort of the answer I would
5 have thought, that there's really no idea
6 who is an owner-occupied property.

7 COMMISSIONER RICHARDSON: If we
8 go to homestead in the City, then we
9 would know that, because everyone who
10 owns a property has to complete the
11 application for that, but we don't have
12 that kind of information in the system
13 right now.

14 COUNCILMAN GREEN: Okay. Do
15 you know how many have rental licenses?

16 COMMISSIONER RICHARDSON: I can
17 get that information from License and
18 Inspections for you, sir.

19 COUNCILMAN GREEN: Could you
20 break that down by rental licensed
21 properties also?

22 COMMISSIONER RICHARDSON: We
23 can attempt to do that.

24 COUNCILMAN GREEN: So don't
25 hold up the first piece of information

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2 for the second two questions.

3 Okay. We did work closely and
4 cooperatively with your staff on business
5 privilege tax reform, and your staff was
6 tremendous in that effort, and I'm moving
7 ahead to look at additional tax reform
8 efforts, including the closing of tax
9 loopholes, including the regulation of
10 taxable activities in non-profits.

11 Do you have an estimate of how
12 much revenue you think the City could
13 collect from enforcement efforts related
14 to this taxable activity; that is,
15 not-for-profits using a property for some
16 kind of commercial purpose or conducting
17 an activity as part of their operations
18 that is actual commerce and not
19 not-for-profit activity?

20 COMMISSIONER RICHARDSON: I
21 couldn't quantify for you how much
22 revenue we are, in effect, generating
23 currently or what the future may be.

24 COUNCILMAN GREEN: You couldn't
25 quantify what we're generating currently

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2 for that?

3 COMMISSIONER RICHARDSON: We
4 can generate currently what some
5 non-profits that have for-profit venture
6 pieces. We could do that now, but I
7 couldn't generate the future for that.
8 We can get that information now.

9 COUNCILMAN GREEN: Do you have
10 any Revenue Department, I guess they
11 would be audit people, focused on
12 auditing of not-for-profits, non-profits
13 in terms of trying to define the
14 difference between what could be
15 commercial activity versus not-for-profit
16 activity?

17 COMMISSIONER RICHARDSON: We
18 have done audits on those type of
19 businesses before. Again, we do audits
20 again by industry and various sectors.
21 So we have looked at that a couple years
22 ago. So we have done that already.

23 COUNCILMAN GREEN: And do you
24 have a task force dealing with just
25 not-for-profits or people sort of trained

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2 in looking at that area or that industry?

3 COMMISSIONER RICHARDSON: There
4 are some of our auditors that are trained
5 in that kind of arena right now, yes.

6 COUNCILMAN GREEN: Are there
7 different ways of defining commercial
8 activity or changes that we could make in
9 the Code that might have something that
10 looks like not-for-profit activity at a
11 hospital or at a university or something?
12 Is there a way for us to change
13 definitions in the Code to classify more
14 as commercial activity? Have you done an
15 analysis of that in terms of the
16 potential revenue we could collect?

17 COMMISSIONER RICHARDSON: No,
18 sir.

19 COUNCILMAN GREEN: Okay.
20 During the -- I think we discussed the 87
21 and a half percent versus 91.7 percent
22 with Mr. Dubow, so I won't go over that
23 with you again, and I thank you for
24 coming in today.

25 COMMISSIONER RICHARDSON:

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2 You're very welcome, sir.

3 COUNCILMAN GREENLEE: Thank
4 you, Councilman.

5 Thank you all for coming in.
6 Thank you.

7 COMMISSIONER RICHARDSON: Thank
8 you, sir.

9 COUNCILMAN GREENLEE: I believe
10 our last callback is the Board of
11 Revision of Taxes. Judge.

12 (Witnesses approached witness
13 table.)

14 COUNCILMAN GREENLEE: How are
15 you both?

16 JUDGE SILBERSTEIN: Good
17 afternoon.

18 COUNCILMAN GREENLEE: Thank you
19 for coming back.

20 JUDGE SILBERSTEIN: Thank you
21 for calling us back.

22 COUNCILMAN GREENLEE: With all
23 these people here, I still believe
24 Councilman Green has a question.

25 Councilman Green.

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2 JUDGE SILBERSTEIN: Everyone
3 else is watching, watching Councilman
4 Green.

5 COUNCILMAN GREEN: Good
6 afternoon. Thank you for coming in. I
7 have some sort of basic questions as to
8 how the process will work as we move to
9 AVI in the City at the BRT and just
10 wonder if there's been any look at the
11 experience in Allegheny County or other
12 places in terms of the resources and
13 needs that you will have if we move to
14 full value.

15 JUDGE SILBERSTEIN: Well, we do
16 look at --

17 COUNCILMAN GREENLEE: Just
18 identify yourself for the record.

19 JUDGE SILBERSTEIN: I'm sorry.
20 I'm Alan Silberstein. I'm Chairman of
21 the Board of Revision of Taxes, and with
22 me is Carla Pagan. She our Executive
23 Director.

24 We looked at Allegheny County,
25 and after they did a countywide

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2 assessment, they had 80,000 appeals,
3 Councilman. We anticipate if you do a
4 countywide assessment, we would probably
5 have 45 to 50 thousand appeals, depending
6 on how deep the increase is. If it's
7 \$200 or less, history has showed us that
8 there are a lot less appeals than if it's
9 over 200.

10 The staffing level, quite
11 frankly, we put in our plan, in our
12 budget, a contingency plan, but, quite
13 frankly, we don't know what we would
14 need. I mean, we're already anticipating
15 having hearings every day, morning and
16 afternoon, and still wouldn't be able to
17 hear the appeals. So I'm not sure.

18 COUNCILMAN GREEN: Is there a
19 way for you to be involved in the process
20 legally earlier that would -- I mean, in
21 theory, your job should be a lot easier
22 because everything will be at its actual
23 value or very close.

24 JUDGE SILBERSTEIN: If
25 everything is at its actual value, the

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2 appeals, most of them, would be denied
3 probably because someone comes in and
4 says that our value is 120,000, all the
5 houses on that block are selling for 130,
6 140, you know, there's no argument.
7 That's the best way to do it, to have the
8 actual value.

9 Your job is going to be the
10 hard job. How are you going to set the
11 millage rate until you know what the
12 numbers are and how much you need and how
13 much additional you need over the 90
14 million in order to adjust for possible
15 appeals?

16 So I don't see how you're going
17 to set a millage rate without knowing the
18 total market value of all the properties
19 in the City. I just don't see it. I
20 think you can only set the amount of the
21 taxes that you'll need and back into it
22 after you know the numbers. That's what
23 makes sense to me.

24 COUNCILMAN GREEN: We're
25 certainly struggling with that.

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2 JUDGE SILBERSTEIN: I'm sure
3 you are. I'm sure you are.

4 COUNCILMAN GREEN: And the
5 proposal is to start with a number
6 certain and take a formulaic approach.
7 So the millage would be set after the
8 fact.

9 So what would be the process
10 for appeals? When someone comes in and
11 complains about their assessed value and
12 we've got sort of this Actual Value
13 Initiative done, we've hired
14 professionals from across the City, is
15 there going to be a burden of proof
16 placed on the applicant such that it
17 won't necessarily overtax your staff in
18 terms of what they have to demonstrate
19 other than, I guess, their testimony?

20 JUDGE SILBERSTEIN: I think
21 legally there's a lot more to it than
22 that. First of all, generally, any
23 increase in value has to go out in
24 August, and then that gives the people
25 until the first Monday in October to

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2 appeal. I don't think that's going to
3 happen. I don't think the people are
4 going to know what their numbers are in
5 August.

6 COUNCILMAN GREENLEE: Just a
7 point of information. I think they've
8 already stated they won't be until at
9 least September.

10 JUDGE SILBERSTEIN: In
11 September --

12 COUNCILMAN GREENLEE: At least
13 September.

14 JUDGE SILBERSTEIN: And the
15 statute says they have until the first
16 Monday in October to take an appeal,
17 unless they file nunc pro tunc, which is
18 a possibility. I mean, quite frankly,
19 we're expecting nunc pro tunc appeals now
20 when people read that the new common
21 level ratio has been reduced and they
22 just found out about it. That's a change
23 in their taxes. We're getting calls.
24 They want -- people want to appeal and
25 want the new common level ratio to be

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2 applied.

3 So there are a lot of legal
4 issues involved. But to answer your
5 question about whether we should be
6 involved at the Office of Property
7 Assessment situation, I don't think we
8 should be. I think we're an independent
9 board, Supreme Court --

10 COUNCILMAN GREEN: No, no; I
11 completely understand that. I'm just
12 wondering if there's -- there has been a
13 three-year effort which built really on
14 the effort that the BRT concluded in
15 2008, I guess, or '9 that reassessed a
16 lot of the residential properties in the
17 City, and given all the work that's been
18 done, I just wonder how difficult it
19 really will be if people don't have some
20 kind of evidence. I mean, the burden of
21 proof will be on the applicant, not on
22 the City.

23 MS. PAGAN: Correct.

24 JUDGE SILBERSTEIN: Once the
25 Office of Property Assessment testifies

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2 as to their evaluators' market value and
3 assessed value, the burden of proof
4 shifts to the taxpayer. And they'll come
5 in with pictures and their house is
6 falling apart and leaks and why it isn't
7 worth what we said -- what they said it's
8 worth, and we'll just have to hear those
9 cases as they come.

10 COUNCILMAN GREEN: Is there a
11 way to create an online process to
12 streamline that instead of actual
13 physical hearings, allow the OPA to
14 testify online, allow the other people to
15 testify online, let a hearing examiner
16 look at it and --

17 JUDGE SILBERSTEIN: I don't
18 know. It's pretty hard to go online with
19 photographs and all and appraisals. I
20 think that would be pretty difficult.

21 COUNCILMAN GREEN: You could
22 set up a website that allowed people to
23 attach whatever evidence they want,
24 photographs, an appraisal, the testimony
25 of the OPA.

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2 JUDGE SILBERSTEIN: Well, if
3 the City wants to get involved with us
4 and the cost involved and do something
5 like that, we'll certainly take a look at
6 it.

7 COUNCILMAN GREEN: Okay. You'd
8 be open to that if you had a way to pay
9 for it?

10 JUDGE SILBERSTEIN: We'd be
11 open to anything to expedite the process.

12 COUNCILMAN GREEN: Okay.

13 MS. PAGAN: I'll add one thing
14 too, Councilman Green.

15 COUNCILMAN GREENLEE: If you
16 could just state your name for the
17 record.

18 MS. PAGAN: Carla Pagan.

19 One of the things that the
20 Assessment Office is trying to do with us
21 is create an informal appeal process
22 where if you're a taxpayer and you get
23 revised taxes and maybe a characteristic
24 is incorrect or it's something very
25 minor, hopefully the Assessment Office

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2 can contact that taxpayer over the
3 telephone and work out the
4 characteristics or what's wrong on just
5 their value to avoid coming into the
6 hearing before the Board. So they're
7 working on that, and their goal is that
8 they can maybe address at least a
9 thousand of those type of cases a day.
10 So hopefully that will reduce the number
11 of appellants coming into a hearing room
12 for minor issues.

13 COUNCILMAN GREEN: With respect
14 to -- could you describe what nunc pro
15 tunc is?

16 JUDGE SILBERSTEIN: Nunc pro
17 tunc legally means as if filed on time.
18 So the requirements are that the City or
19 the government did something negligently
20 or wrong to lull the person into not
21 filing timely. Sometimes the tax bill
22 doesn't go out. They have until October
23 1st, but suppose the bill wasn't mailed
24 until November 1st. So they would file
25 nunc pro tunc saying I didn't get my bill

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2 until November 1st, I couldn't file on
3 October 1st, and then we give them 30
4 days from November 1st to file.

5 COUNCILMAN GREEN: But people
6 wouldn't be able to file -- I mean,
7 anybody can file anything they want and
8 sue anybody they want, but unless there's
9 that kind of proof, and you would have to
10 prove that you got the bill November 1st,
11 right?

12 JUDGE SILBERSTEIN: Right.

13 COUNCILMAN GREEN: So unless
14 there's that kind of proof, we're not
15 likely to have -- and that's highly
16 unlikely given the record the City has of
17 sending out the tax bills in August of
18 last year, as applied to the STEB issue.
19 So I'm not sure I understand what --

20 JUDGE SILBERSTEIN: How would I
21 refer -- I refer to somebody who reads in
22 the paper now that STEB has reduced the
23 common level ratio to 25.2 percent, and
24 they didn't know about that before. The
25 question is, is that a change in their

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2 value? It's a change in their
3 assessment, because they should have had
4 25.2 and not 32 percent, should be the
5 assessed value. If they filed that --
6 we're getting calls now people who want
7 to file nunc pro tunc based on that
8 issue, that they just learned about this
9 and they want to come in now and have an
10 opportunity to reduce their assessed
11 value.

12 COUNCILMAN GREEN: I hope that
13 you're advising them that the OPA can
14 then apply the actual market value to
15 their property as part of that process.

16 JUDGE SILBERSTEIN: Well, I
17 don't know that they can. I don't
18 know -- not when they sent out the
19 certified value already.

20 COUNCILMAN GREEN: That's the
21 state law. When people appeal, you get
22 to apply the actual market value in
23 response.

24 JUDGE SILBERSTEIN: Well, that
25 sounds like the City's position. I'm not

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2 so sure that's the law.

3 COUNCILMAN GREEN: Okay.

4 JUDGE SILBERSTEIN: Because
5 they've already certified their values.

6 COUNCILMAN GREEN: Well, I had
7 to give it a shot. Thank you, Judge.

8 JUDGE SILBERSTEIN: Okay.

9 COUNCILMAN GREENLEE: No more
10 questions? Okay.

11 Thank you all very much.

12 JUDGE SILBERSTEIN: Thank you.

13 COUNCILMAN GREENLEE: We also
14 had the Mayor's Office of Community
15 Service on, but apparently there's nobody
16 either here from there or anybody that
17 has any questions for them, so I think
18 we're okay there.

19 MR. DUBOW: It all worked out.

20 COUNCILMAN GREENLEE: Yeah, it
21 all worked out.

22 Okay. That will conclude the
23 business of the hearing today. This
24 Committee will stand in recess until
25 Monday, April 30th, 2012 at 10:00 a.m.

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2 Thank you.

3 (Committee of the Whole

4 recessed at 3:05 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on April 26, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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