

COUNCIL OF THE CITY OF PHILADELPHIA  
COMMITTEE ON COMMERCE AND  
ECONOMIC DEVELOPMENT

Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, February 15, 2012  
9:15 a.m.

PRESENT:

COUNCILMAN W. WILSON GOODE, JR., CHAIR  
COUNCILWOMAN JANNIE BLACKWELL  
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ  
COUNCILWOMAN BLONDELL REYNOLDS BROWN  
COUNCILMAN MARK SQUILLA

BILL 120012 - An ordinance amending Chapter 19-2600 of The Philadelphia Code, entitled "Business Income and Receipts Taxes," by revising the "Special Tax Credit Opportunity for Job Creation"...

BILL 120013 - An ordinance amending Chapter 17-1600 of The Philadelphia Code, entitled "Economic Opportunity Plans," by enacting a new Section 17-1607, entitled "Economic Opportunity Review Committee"...

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COUNCILMAN GOODE: Good

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morning. This hearing is called to

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order. This is a public hearing of the

5

Commerce and Economic Development

6

Committee on Bills No. 120012 and 120013.

7

My name is W. Wilson Goode, Jr., Chair of

8

this Committee.

9

I note we have Councilman

10

Squilla. Welcome to the Committee. He's

11

the new Vice Chair. Councilwoman

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Blackwell and myself. We will establish

13

a quorum in time of the meeting, but we

14

will take testimony before that.

15

I'll read the title of the

16

bills.

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The title of Bill No. 120012,

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amending Chapter 19-2600 of The

19

Philadelphia Code, entitled "Business

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Income and Receipts Taxes," by revising

21

the "Special Tax Credit Opportunity for

22

Job Creation," under certain terms and

23

conditions.

24

The title of Bill No. 120013,

25

amending Chapter 17-1600 of The

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        Philadelphia Code, entitled "Economic  
3        Opportunity Plans," by enacting a new  
4        Section 17-1607, entitled "Economic  
5        Opportunity Review Committee," all under  
6        certain terms and conditions.

7                    The first bill that we will  
8        consider today is Bill No. 120012, and  
9        our first witness is Mr. Afessa from the  
10       Revenue Department.

11                   Please approach the witness  
12       table.

13                   (Witness approached witness  
14       table.)

15                   COUNCILMAN GOODE: Good  
16       morning, sir. Please identify yourself  
17       and then proceed with your testimony.

18                   MR. AFESSA: My name is Tilahun  
19       Afessa.

20                   COUNCILMAN GOODE: Please  
21       proceed with your testimony.

22                   MR. AFESSA: Good morning,  
23       Councilman Goode and members of the  
24       Committee on Commerce and Economic  
25       Development. My name is Tilahun Afessa

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        and I am the Director of Policy, Planning  
3        and Outreach for the Department of  
4        Revenue. I am here today to testify in  
5        support of Bill No. 120012. This bill  
6        proposes to amend Chapter 19-2600 of The  
7        Philadelphia Code, entitled "Business  
8        Income and Receipts Taxes," by revising  
9        the "Special Tax Credit Opportunity for  
10       Job Creation" in calendar years 2012 and  
11       2013. The proposed amendment provides a  
12       tax credit in the amount of \$5,000 for  
13       each new job created in calendar year  
14       2012 or 2013 in connection with any  
15       application for Job Creation Tax Credit  
16       filed after the effective date that this  
17       bill becomes law by the ordinance of the  
18       City Council. A Special Tax Credit  
19       Opportunity in the amount of \$3,000,  
20       established by Bill No. 100787, is  
21       already available for jobs that would be  
22       created in calendar year 2012 or 2013 in  
23       connection with applications filed after  
24       January 5, 2011.

25                    As we testified before this

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        Committee on December 8 of 2010 in  
3        support of Bill No. 100787, we still  
4        believe that the Job Creation Tax Credit  
5        program established in 2002 encourages  
6        businesses to expand employment within  
7        the City of Philadelphia. The annual  
8        amount of credit available under this  
9        program is limited to 1 percent of the  
10       prior year business privilege tax  
11       collection. So far, the total credits  
12       that have been awarded each year have  
13       been far less than the limit. It is with  
14       this understanding that we support the  
15       increase in the tax credit from \$3,000 to  
16       \$5,000 for each new job created in 2012  
17       or 2013 in connection with new  
18       applications filed after the effective  
19       date of the final approval of this bill.

20                We recommend a change to the  
21       provision of this bill to make it clear  
22       that this bill provides special credit  
23       only for applications filed after the  
24       approval date of this bill. This change  
25       would eliminate the ambiguity by making

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2        its intent clear. It makes it clear that  
3        those who have already applied to take  
4        advantage of the \$3,000 Special Tax  
5        Credit Opportunity for each new job  
6        creation in 2012 and 2013 have to submit  
7        another application expressing their  
8        intent to create additional new jobs in  
9        order to take advantage of the provisions  
10       of this bill. We have prepared and would  
11       like to submit a draft of the clarifying  
12       amendment we would like to see in this  
13       bill for your consideration.

14                    Thank you again for giving me  
15        the opportunity to testify today. I am  
16        ready to answer any questions you may  
17        have regarding this bill and regarding  
18        our recommendation to make a clarifying  
19        amendment to this bill.

20                    COUNCILMAN GOODE: Thank you  
21        for your testimony, Mr. Afessa. I accept  
22        the amendment, but one question regarding  
23        the amendment. If the bill was not  
24        amended, those applicants would still be  
25        limited to the maximum amount in the

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2 commitment letter; is that correct?

3 MR. AFESSA: Can you repeat  
4 your question?

5 COUNCILMAN GOODE: Under the  
6 existing law and under the bill as  
7 originally drafted, it still reads that  
8 the applicants are limited to the maximum  
9 amount that's in the commitment letter.  
10 So whether we amend the bill or not, the  
11 applicants will always be limited to  
12 whatever is in the commitment letter.

13 MR. AFESSA: That may be true,  
14 but we want to eliminate the ambiguity by  
15 making it clear in the ordinance that --

16 COUNCILMAN GOODE: I have no  
17 problem with that. I just wanted to make  
18 it clear that this is not really a legal  
19 amendment but programmatic amendment.

20 MR. AFESSA: Yeah. It is not a  
21 legal amendment. It is just procedural.

22 COUNCILMAN GOODE: Thank you.  
23 Any questions from members of  
24 the Committee?

25 Councilwoman Sanchez.

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2 COUNCILWOMAN SANCHEZ: Thank  
3 you.

4 Question: How many folks have  
5 applied under the 3,000 and how many more  
6 people do you expect if we bump it up to  
7 5,000? How many firms have applied?

8 MR. AFESSA: Let me give you a  
9 general description of how many so far.  
10 And in terms of how many under the 3,000,  
11 it is the last year, 3,000. So we are  
12 preparing a report right now and we don't  
13 know exactly the numbers, but starting --  
14 right now there are about 109 businesses  
15 applying for that. Out of that, 81 were  
16 approved to the end of 2011.

17 COUNCILWOMAN SANCHEZ: How long  
18 does that process take and why were the  
19 other people disapproved?

20 MR. AFESSA: The people  
21 disapproved is when they apply, there are  
22 criterias. For example, it could be the  
23 starting date of employment. So if they  
24 apply and the number they applied for,  
25 they said we're going to create 50 jobs,

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2           but if they have already created the  
3           jobs, those are not considered to be new.

4                   COUNCILWOMAN SANCHEZ: So they  
5           have to apply before they create the  
6           jobs?

7                   MR. AFESSA: They have to apply  
8           before they create the jobs.

9                   COUNCILWOMAN SANCHEZ: Is that  
10          a regulation?

11                  MR. AFESSA: That is by  
12          ordinance, and we clarified that by  
13          regulation. We make it clear in the  
14          application process that the jobs have to  
15          be created before.

16                  COUNCILWOMAN SANCHEZ: Post.

17                  MR. AFESSA: Post. Of course,  
18          there is certain criteria. If they  
19          create the job within the quarter of the  
20          application, that is accepted, but  
21          anything before that won't be accepted.

22                  COUNCILWOMAN SANCHEZ: Okay.  
23          Thank you.

24                  COUNCILMAN GOODE: Any other  
25          questions for this witness?

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2                           (No response.)

3                           COUNCILMAN GOODE: Thank you,  
4           Mr. Afessa.

5                           Our next witness is Denise  
6           Earley from the Greater Philadelphia  
7           Chamber of Commerce.

8                           (Witness approached witness  
9           table.)

10                          COUNCILMAN GOODE: Thank you,  
11           Ms. Earley. Please identify yourself for  
12           the record and proceed with your  
13           testimony.

14                          MS. EARLEY: Good morning,  
15           Chairman Goode and members of the  
16           Committee on Commerce and Economic  
17           Development. For the record, I am Denise  
18           Earley, Director of Public Policy for the  
19           Greater Philadelphia Chamber of Commerce,  
20           and I am here today to testify in favor  
21           of Bill 120012, an ordinance amending  
22           Chapter 19-2600 of The Philadelphia Code,  
23           entitled "Business Income and Receipts  
24           Taxes," by revising the "Special Tax  
25           Credit Opportunity for Job Creation,"

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2        under certain terms and conditions.

3                The tax credit was first  
4        created back in 2002 granting businesses  
5        a tax credit in the amount of \$1,000 for  
6        creating 25 new jobs or 20 percent more  
7        than currently employed over a five-year  
8        period. In 2009, that credit was  
9        increased to \$3,000 per new job created,  
10       and this bill, 120012, would expand the  
11       tax credit to \$5,000 for calendar year  
12       2012 and 2013.

13               We believe that the Job  
14       Creation Tax Credit program established  
15       in 2002 encourages businesses to expand  
16       employment within the City of  
17       Philadelphia. According to a report  
18       prepared by the Revenue Department, from  
19       the inception of the Job Creation Tax  
20       Credit program through the end of  
21       calendar year 2010, 93 businesses have  
22       applied to participate and 66 firms were  
23       approved. To date, 1,032 jobs have been  
24       verified as new job creation, resulting  
25       in the issuance of \$1,636,000 in tax

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2        certificates. It is our hope that these  
3        incentives, along with an improved  
4        economy, will encourage additional  
5        businesses to hire new employees, grow in  
6        the City, and take advantage of this tax  
7        credit program.

8                    I'm also here to testify on the  
9        other bill. Should I do that now or  
10       wait?

11                   COUNCILMAN GOODE: You can do  
12       that now.

13                   MS. EARLEY: Thank you.

14                   I'm also here in support of  
15       Bill 120013, an ordinance amending  
16       Chapter 17-1600 of The Philadelphia Code,  
17       entitled "Economic Opportunity Plans," by  
18       enacting a new Section 17-1607, entitled  
19       "Economic Opportunity Review Committee,"  
20       all under certain terms and conditions.

21                   The purpose of the Economic  
22       Opportunity Review Committee would be to  
23       review contracts from all City  
24       departments to ensure they are complying  
25       with efforts to meet the City's minority

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2        participation goals, which is currently  
3        25 percent. The five-member committee  
4        would draw its members from labor and  
5        business, with the proviso that not more  
6        than two can be businessmen. In  
7        addition, the committee would meet  
8        quarterly in public to hear concerns  
9        about the process, something that is not  
10       now being done.

11                    The Chamber has instituted a  
12        number of activities into our offerings  
13        which are focused on diversity and  
14        inclusion. Our CEO Access Network pairs  
15        CEOs from small, minority-owned  
16        businesses with CEOs of larger, more  
17        established enterprises to share advice  
18        and counsel and to develop business  
19        opportunities. Our Diversity and  
20        Inclusion Network presents an opportunity  
21        for corporate diversity officers to meet  
22        and discuss issues of common interest  
23        with peers from other companies. We are  
24        also proud of the diversity of our  
25        volunteer leadership, including our Board

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2       of Directors and Executive Committee.

3               Upon your request, Councilman,  
4       we would be happy to seek an appropriate  
5       member of the Chamber to serve on the  
6       committee as a representative of the  
7       business community.

8               Thank you for this opportunity.

9               COUNCILMAN GOODE: Thank you  
10       for your testimony.

11              Are there questions of this  
12       witness on either bill?

13              (No response.)

14              COUNCILMAN GOODE: Thank you  
15       very much.

16              MS. EARLEY: Thank you.

17              COUNCILMAN GOODE: Is there  
18       anyone to testify on Bill 12?

19              (No response.)

20              COUNCILMAN GOODE: If not,  
21       we'll move to Bill 13. Our first witness  
22       is Angela Dowd-Burton, the Office of  
23       Economic Opportunity.

24              (Witness approached witness  
25       table.)

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2 COUNCILMAN GOODE: Good

3 morning.

4 MS. DOWD-BURTON: Good morning.

5 COUNCILMAN GOODE: Please state  
6 your name for the record and proceed with  
7 your testimony.

8 MS. DOWD-BURTON: Angela  
9 Dowd-Burton.

10 Good morning, Chairman Goode  
11 and members of the Committee on Commerce  
12 and Economic Development. My name is  
13 Angela Dowd-Burton and I am the Executive  
14 Director of the Office of Economic  
15 Opportunity. I am here today to provide  
16 testimony in support of Bill No. 120013.  
17 This bill amends Chapter 17-1600 of The  
18 Philadelphia Code by enacting a new  
19 Section 17-1607, entitled "Economic  
20 Opportunity Review Committee."

21 This Administration is  
22 dedicated to maximizing the opportunity  
23 for minorities, women, and disabled-owned  
24 businesses to contract with the City of  
25 Philadelphia. This establishment of an

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        Economic Opportunity Review Committee  
3        will be a useful resource for evaluating  
4        the implementation, effectiveness, and  
5        enforcement of economic opportunity  
6        plans.

7                    Through the quarterly public  
8        meetings, this Economic Opportunity  
9        Review Committee will give the public a  
10       direct forum in which to provide Council  
11       and Mayor Nutter's Administration with  
12       feedback concerning the on-the-ground  
13       effectiveness of EOPs. Feedback from the  
14       business community will provide a better  
15       understanding of the marketplace and how  
16       we can best position our limited  
17       resources to have the greatest return on  
18       the City's investments.

19                   The Administration believes  
20        that in order to turn this economy  
21        around, we must facilitate the growth of  
22        businesses designed to put people to  
23        work. This bill will give us an  
24        opportunity to aggressively pursue our  
25        mission to foster the growth and

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2        sustainability of minority, women, and  
3        disabled-owned businesses and to  
4        facilitate an increase in the diversity  
5        of our local workforce.

6                    Thank you for this opportunity  
7        to testify on Bill 120013. I will be  
8        happy to answer any questions you may  
9        have at this time.

10                   COUNCILMAN GOODE: Thank you  
11        for your testimony.

12                   Any questions of this witness?  
13                   (No response.)

14                   COUNCILMAN GOODE: Thank you  
15        very much.

16                   MS. DOWD-BURTON: Thank you.

17                   COUNCILMAN GOODE: Our next  
18        witness is Jihad Ali.

19                   (Witness approached witness  
20        table.)

21                   COUNCILMAN GOODE: Good  
22        morning, Mr. Ali. Please state your name  
23        for the record and proceed with your  
24        testimony.

25                   MR. ALI: My name is Jihad Ali.

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2        I'm the Business Agent for the  
3        Contractors Roundtable, an organization  
4        composed of African American and Latino  
5        contractors, both general and  
6        subcontractors, both union and non-union.

7                    Mr. Chairman, thank you for  
8        giving me the opportunity to appear  
9        before this Committee today, and as  
10       Councilwoman Blackwell's office said,  
11       it's always a pleasure to come to the  
12       people's house, and it's especially a  
13       pleasure to speak to the people's  
14       representatives who are doing their duty.

15                   Councilman, sometimes when I  
16       come in this office, I feel like I should  
17       salute. When I sit in this chair, this  
18       chair that really makes people  
19       accountable, I really feel like I should  
20       salute you. And I don't say that as  
21       sometimes you go and people give flowery  
22       words to people, but it's an honor to  
23       speak to you and this Committee, because  
24       you have done your duty throughout last  
25       year, 2010, 2009, 2011. You have been

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2        consistent on this issue of inclusion,  
3        and I commend you for that, because when  
4        we elect you, you take an oath, you say  
5        that oath that I've heard numerous times  
6        for the fidelity of your office, you'll  
7        carry it out. They never mention the  
8        word "duty," but it's implied that there  
9        is a duty to be performed. And,  
10       Councilman, Councilwoman Blackwell,  
11       Councilwoman Sanchez, Councilwoman  
12       Reynolds Brown, you are proven leaders.  
13       Councilman Squilla, you have to prove  
14       yourself, but you're a member of this  
15       Committee, and because you're the  
16       people's representative, you demand the  
17       same respect.

18                    I'm here today to provide  
19       testimony in support of Bill 120013 by  
20       the establishment of the Economic  
21       Opportunity Review Committee. We are  
22       asked to support an organization -- too  
23       often we are asked to support  
24       organizations who operate behind a veil  
25       of ignorance and secrecy. We are asked

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2        to accept reports and numbers that claim  
3        great achievements in diversity. We are  
4        often given phantom percentages. We're  
5        told that they've achieved this, they've  
6        achieved that. Yet, we are not -- we are  
7        denied access to the documents.

8                    The equal opportunity  
9        providers, the consultants who come in,  
10       we're told to accept them. We're told to  
11       believe in them, even though they operate  
12       in the dark. We're told to accept  
13       everything that they tell us that they  
14       were hired for, and we're being asked to  
15       believe them, yet there's no  
16       accountability. They operate. We often  
17       say in law that no one is above the law,  
18       but these providers, they operate with no  
19       scrutiny at all. Too often -- the term  
20       "city" is used when people talk about  
21       inclusion.

22                   I want to be brief in my  
23       remarks, because there's some  
24       representatives from various trades who  
25       wanted to give their testimony today.

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2                       But too often we use that term,  
3       "the City," and people classify all you  
4       elected representatives, department  
5       heads, they're classified all together.  
6       They don't know that dedicated public  
7       servants like you all are here working on  
8       our behalf, because what they see out on  
9       the streets, they don't see the results.  
10      So somewhere between when you're passing  
11      legislation and the Administration is  
12      carrying out the duties to implement it,  
13      somebody is undercutting those efforts,  
14      and it's our responsibility to find out  
15      and ferret those out who are derelict in  
16      their duty.

17                    So, Mr. Chairman, I just want  
18      to say to you thank you for allowing me  
19      to come here today to talk, because this  
20      is -- the establishment of this committee  
21      is the right thing to do. It's the right  
22      thing to do to pursue justice for the  
23      thousands of African American men and  
24      Latino men and women who have been  
25      excluded from participating in the

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2        construction industry. This Bill 120013  
3        calling for the establishment of an  
4        Economic Opportunity Committee is another  
5        corrective action to right that wrong,  
6        and I commend you.

7                    Thank you, Councilman. Thank  
8        you for allowing me to testify today.

9                    COUNCILMAN GOODE: Thank you,  
10       Mr. Ali.

11                   If there's anyone else to  
12       testify, please approach the witness  
13       table.

14                   (Witness approached witness  
15       table.)

16                   MS. HARRIS: Good morning.

17                   CHAIRMAN GOODE: Good morning.

18                   MS. HARRIS: My name is Joanna  
19       Harris. I sit for the Civil Rights  
20       Committee for Local 542 in regard to this  
21       matter that's very passionate to us as  
22       well. Historically our union hall has  
23       had issues in the past and been found  
24       discriminatory of these acts. So we do  
25       support this bill. We have diligently

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        tried and sat down with numerous general  
3        contractors, contractors that we sign up  
4        with signatory to hire our union workers.  
5        For example, we have many people here to  
6        testify today in regard to the project  
7        that's right on Broad Street, the Temple  
8        University dormitories, where currently  
9        we have 17 operating engineers who are  
10       non-minority. They have not solicited  
11       our union hall for workers, who are  
12       qualified and do their due diligence to  
13       keep our union abreast.

14                    This has happened. We sat down  
15       yesterday with State Representative  
16       Shirley Kitchen. We sat down with LF  
17       Driscoll. We have the key players in the  
18       game, these major GCs who are not in  
19       compliance with what the Mayor has put  
20       forth for inclusion by the fights of this  
21       Committee and others within the City.  
22       This is ongoing, this is real, and we do  
23       need this bill to change, as we need  
24       additional policing units from the City  
25       of Philadelphia to assist in these

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2        efforts to have people working. The  
3        bottom line is that we need work.

4                    What we find is one of the  
5        stumbling blocks in this situation is,  
6        every project is asking for zip code  
7        participation when it's well known that  
8        our union members normally don't live in  
9        that zip code. So once those numbers --  
10       that's just what we call fluff to fluff  
11       over. Those are the diligent efforts by  
12       the general contractors who take both  
13       public and private-sector money in our  
14       city and they receive tax abatements and  
15       all kinds of deals and they are not  
16       hiring our people.

17                   We are union people. When we  
18       look at the license tags, those are  
19       people that are coming from zip codes  
20       that are not within the City. So that  
21       component in itself is discriminatory  
22       against a union worker, because they're  
23       saying we can only hire -- we want to  
24       have the minorities from the  
25       neighborhood, when they very well know

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        when they go into the neighborhood that  
3        the union workers don't typically live in  
4        the neighborhood. But that's not the  
5        same for the non-minority workers that  
6        have come aboard.

7                    The Operating Engineers in  
8        particular, we have petitioned LF  
9        Driscoll, Temple University. Again, they  
10       have sat down at the table with us. We  
11       just have decided that we will no longer  
12       be reactive. We will be proactive in  
13       this movement to have our people working  
14       on projects such as the Youth Study  
15       Center, the El project. When you  
16       typically look at those crane operators,  
17       those heavy equipment operators, they are  
18       not of our color, and we have a problem  
19       with that.

20                   So I come today in support of  
21       that, not only as a minority worker, I am  
22       a union cardholder. I am an operating  
23       engineer by trade, as well as a minority  
24       business that's registered with the City.  
25       We just don't have the fair

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        opportunities. We just don't. And we  
3        thank you for this legislation that could  
4        possibly come forward to help us going  
5        forward.

6                    COUNCILMAN GOODE: Thank you  
7        for your testimony.

8                    Councilwoman Blackwell.

9                    COUNCILWOMAN BLACKWELL: Thank  
10       you.

11                   Good morning. We thank you for  
12       your testimony, and as one who represents  
13       more institutions than anybody else on  
14       Council and obviously a minority, we know  
15       about this battle.

16                   MS. HARRIS: Yes.

17                   COUNCILWOMAN BLACKWELL: But we  
18       thought when we asked for zip codes, that  
19       we were helping. We say if you live in  
20       04, then that means Mantua can work for  
21       Penn or Drexel.

22                   MS. HARRIS: And I understand  
23       that, and the idea is a great idea.  
24       However, when you typically look at the  
25       geographic numbers, when I look as a

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        compliance officer for our union hall,  
3        when we look at the registration of our  
4        minority workers, they typically are  
5        limited to the number in a particular  
6        geographic zip code. So if we say we  
7        have it driven by female or minority in,  
8        say, 101 -- 19102, there may be only  
9        five, but the job may require 50 people  
10       to work. So then their comeback is, We  
11       pulled a couple out of your geographic  
12       area.

13                        So sometimes that does limit us  
14       to be very limited in our fight with  
15       that, because this is a tool that's been  
16       used repetitively over as a boundary.  
17       When they say, Okay, we've looked to your  
18       zip code to get who we can out your zip  
19       code, well, I may have somebody that  
20       lives in Germantown that's an operating  
21       engineer. Our trades are spread out  
22       across this city.

23                        What needs to happen is, it  
24       needs to be for the citywide as opposed  
25       to just in one geographic area. That

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        actually is able to capsuleize exactly who  
3        we have in the multiple trades. What has  
4        happened typically is that in a  
5        particular area, we normally have -- the  
6        labor is union and that's the way they  
7        fluff, saying we have had our minority  
8        inclusion, but it truly does not  
9        capsuleize what's there. What's there is  
10       we have minority members of different  
11       trades that live in different areas. So  
12       what has happened traditionally -- and  
13       I've looked at it historically over  
14       time -- is that the general contractors  
15       and the contractors use just the laborers  
16       to cover. They're not really capturing  
17       the use of the multiple trades such as  
18       the carpenters, the operating engineers  
19       who may live in other geographic areas,  
20       and they're not reaching out to us. So  
21       what we get at the union hall is, they  
22       said they want a geographic area, nobody  
23       was there. Well, nobody is there from --  
24       nobody lives there that are non-white  
25       that work in the job sites as well.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                       So that does limit us at times.

3           It needs to be expanded to the  
4           Philadelphia geographic area for  
5           minorities to work, and I think that  
6           would better serve as a tool for them,  
7           the multiple trades that we do have in  
8           the City that work on these sites.

9                       COUNCILWOMAN BLACKWELL: Well,  
10          I still have questions. We created the  
11          Lucien E. Blackwell Apprenticeship  
12          Program to train people from those zip  
13          codes, people who live in those areas, to  
14          train them so that the unions can hire  
15          them. If we open it citywide or  
16          regionally, that's not -- it seems to me  
17          that's not going to solve the problem.  
18          Maybe we need to work out --  
19          traditionally what has happened, I  
20          understand -- and my colleagues can  
21          correct me if I'm wrong -- is that if we  
22          don't have people in one field, then you  
23          expand it by hiring more minorities and  
24          women and disabled in another field, but  
25          we're supposed to come up with those

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       numbers, and we thought zip code helped.  
3       And I appreciate what you're saying, but  
4       if you just open this citywide, I  
5       think -- I don't see that that's going to  
6       improve it. Then we lose altogether.  
7       It's kind of -- well, I won't say that.  
8       That's on another issue, letting cops  
9       come from out of the City. I didn't  
10      agree with that either, because I think  
11      you lose people here who need to be  
12      trained.

13                   I'm for our folks working and  
14      I'm for Philadelphians working and I'm  
15      for minorities who live in the area  
16      working. So to expand it that way to  
17      citywide is not going to get more  
18      minorities working in my area.

19                   MS. HARRIS: And I understand  
20      it, but even if in that particular  
21      instance or -- you are absolutely right,  
22      if we went to the areas that are highly  
23      minority populated within the  
24      Philadelphia area, it would absolutely  
25      help every minority that works within the

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        City, because we do have particular  
3        neighborhoods who have a higher number of  
4        minorities that live within them. I know  
5        that your district seems to comply, but  
6        outside of your district, I need to say  
7        that there is a problem. And I've worked  
8        in the trades for 12 years and I've been  
9        in every area inside the City and outside  
10       of the City and we are driven to -- at  
11       this point we have many minorities who  
12       are talking about walking away from union  
13       membership, which is not fair, when we  
14       walk by or drive by and see all of the  
15       skilled trades, except for ours in this  
16       particular instance, who are working that  
17       are not minority. So if we needed to sit  
18       down and come up with some sort of game  
19       plan to be able to see the more highly  
20       populated minority areas and draw off of  
21       those numbers, then I think that would be  
22       a start and beginning to actually  
23       capsulize those who are taxpayers and  
24       those who are working and not working.

25                    I am very aware as a trustee of

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        our apprenticeship program of your  
3        apprenticeship program. However, I will  
4        tell you that we have not been contacted,  
5        and we are very willing to hire people  
6        who are ready to work. But because of  
7        the lack of work, we have not taken  
8        anyone into our apprenticeship program  
9        because we do not want to hold them on  
10       with false hopes, when we know that we as  
11       journey people can't get jobs. So I  
12       really can't diligently sit across the  
13       table from a young person and feed them  
14       false hope. And I know it's false hope  
15       because I've been out there and I look at  
16       the numbers. I don't want to tell you  
17       that you've gone through your program or  
18       four years of my program and know you're  
19       going to eventually be unemployed because  
20       people are just not in compliance. So  
21       those type of programs such as yours and  
22       our own, we really have nowhere for them  
23       to work. If we can't get the journey  
24       people, we sure can't get the apprentice  
25       to work. And this is why programs have

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        tended to fail traditionally over time,  
3        is because we -- I just feel as a trustee  
4        I'm not going to bring you in when I know  
5        that you don't have a job. It's not  
6        fair. It's just absolutely not fair.

7                    COUNCILWOMAN BLACKWELL: We  
8        understand all that after all these  
9        years, but it still seems to me if you  
10       live in a neighborhood and you can work  
11       there, that's at least one concrete, easy  
12       way to start. If you live in 04 and you  
13       can work in 04, that gets you a start if  
14       we deal with zip codes. And at least  
15       that's a concrete way to get started.

16                   But I would only ask if maybe  
17       you can meet with our Chairman or meet  
18       with Angela Dowd-Burton. We've been  
19       through this many years, and maybe we can  
20       come up with something that everybody  
21       thinks improves the situation, or Jihad  
22       Ali. He knows his stuff as well.

23                   Thank you very much.

24                   MS. HARRIS: I appreciate you.

25       Thank you.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                   COUNCILWOMAN SANCHEZ: I have a  
3           question.

4                   COUNCILMAN GOODE: Councilwoman  
5           Sanchez.

6                   COUNCILWOMAN SANCHEZ: Thank  
7           you so much. And I have not been doing  
8           this for ten years like our Chairman  
9           Goode. It's quite frustrating, and I  
10          don't know how he stays on it. I really  
11          don't. I tell him this all the time.  
12          It's just ridiculous that we continue to  
13          have this conversation.

14                   In light of the fact that we're  
15          putting together this Review Committee,  
16          give me one, two, three things that you  
17          would say is their first charge for this  
18          committee, the establishment of this  
19          committee? If you were to say to them  
20          focus in one, two, three, what would that  
21          be, based on your experience?

22                   MS. HARRIS: My focus would be  
23          when you have a minority inclusion on the  
24          contract, whether it's private or public  
25          sector, that when you look at an

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        inclusion number in regard to people  
3        working, that you look at it to go along  
4        every skilled trade, not just the  
5        laborers, not just the electricians.  
6        Because what has happened traditionally  
7        over time is they hide behind that  
8        inclusion number by only hiring laborers.  
9        They're not doing the more skilled  
10       trades.

11                    So my first instance would be  
12        to look at that inclusion number being  
13        per trade per contractor on the job, and  
14        that way, you can't say, Well, we have 15  
15        people employed and if we have an  
16        inclusion number of 35, which in this  
17        particular instance at that Temple job it  
18        is, they're saying that we have 27  
19        percent minority inclusion per  
20        contractor. So when we have the  
21        opportunity, which I have done, is to go  
22        out and actually count the heads, and  
23        when I counted the heads, the people that  
24        they are including are the un -- which we  
25        would call, not a pun to anyone, the

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        unskilled laborers, not the skilled  
3        tradespersons. So when I went out there  
4        on Monday and I sat down with  
5        Mr. Driscoll and yesterday, we looked at  
6        those numbers. Those numbers are always  
7        hidden in the labor force. So the  
8        skilled trade laborers do not have, such  
9        as the operating engineers, the  
10       carpenters, and the engineers, the other  
11       types of engineers, is to look at that  
12       and to actually have each trade be in  
13       compliance. And this is where the  
14       apprenticeship programs are able to  
15       really be lucrative, because that kind of  
16       sort of guarantees us work to bring those  
17       people in on to be able to zip code  
18       generate or however you want to pull them  
19       in. So that really captures what is  
20       really happening out there. That  
21       inclusion number needs to be per  
22       contractor, per job site, per trade, and  
23       that actually is one of the places where  
24       I think that it would best start.

25                    COUNCILWOMAN SANCHEZ: Okay.

1        2/15/12 - COMMERCE - BILLS 120012 & 120013

2        Anything else that you would say would be  
3        a top priority for the committee?

4                    MS. HARRIS: The committee I  
5        would say needs to reach out to the  
6        middle schools and the high schools and  
7        begin to mentor the minorities to come  
8        into the job sites and let them know how  
9        important it is to be up on their math,  
10       their math skills, and the importance of  
11       job readiness training, you know, just  
12       the whole -- the grooming you in to go  
13       into the trades, which we have not  
14       traditionally done, is to really reach  
15       out to the zip code neighborhoods and  
16       begin to prepare the young people, let  
17       them know how important it is to be off  
18       of drugs because these jobs require that  
19       you need to be drug free and you need to  
20       be timely. So I think it's important to  
21       reach back to the community to begin to  
22       groom the young people for the jobs.

23                   COUNCILWOMAN SANCHEZ: Thank  
24        you so much for your work.

25                   MS. HARRIS: Thank you.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                       COUNCILMAN GOODE: Councilwoman  
3           Blackwell.

4                       COUNCILWOMAN BLACKWELL: Thank  
5           you.

6                       May I lastly add that you know  
7           that in one area if there are not enough  
8           minority workers, then we make an  
9           agreement with the unions they have to  
10          hire more in another field. So per union  
11          per job doesn't always work, but we have  
12          to get to the minority goal, then they  
13          have to deal with other unions so that  
14          other people get a chance to work.  
15          That's the bottom goal, because our folks  
16          are not trained in all areas. You don't  
17          have a lot of people who do all things,  
18          but they do in order to make the minority  
19          number.

20                      Traditionally then in another  
21          area we add more numbers there. We do  
22          what we have to to meet our goal. That's  
23          what the unions are supposed to do and  
24          the companies or private or institutional  
25          entities make a commitment to.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                       MS. HARRIS: They make the  
3           commitment. However, this committee that  
4           we're talking about to go along with this  
5           bill will police that issue to be sure  
6           that any goals that are set forth, and  
7           that's why it's important that the  
8           committee does come about and that there  
9           is a change in this amendment so that we  
10          can do exactly what's put into play  
11          actually be played. A lot of times we  
12          become reactive instead of proactive, and  
13          this particular piece here would police  
14          the police, so to say.

15                      The general contractors --  
16          everybody says yes at the table, but at  
17          the end of the day, people are not  
18          working, and that's what our total goal  
19          is, is to have our minority members of  
20          our union hall to work and to have a fair  
21          opportunity, especially when there have  
22          been inclusionary things put in place,  
23          agreements have been made, taxes have  
24          been given. And at the end of the day,  
25          you drive by a job site and when you see

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       17 people working in our skilled trade,  
3       in our particular trade, and not one from  
4       the community, nor have they reached out  
5       to the union hall to hire someone,  
6       there's a problem. They need to be  
7       policed.

8                       So we do support this as a  
9       local union hall and that we have the  
10      support of our members and our committees  
11      as well.

12                     COUNCILMAN GOODE: I'm glad you  
13      get it, we're inviting people to snitch  
14      on a quarterly basis.

15                     Councilwoman Sanchez.

16                     COUNCILWOMAN SANCHEZ: I just  
17      wanted to add, I think this is about  
18      growing the pie, you know, and if we can  
19      get to 25 just doing laborers, then we  
20      can get to 50 if we add the other ones.  
21      So this is about --

22                     MS. HARRIS: Absolutely.

23                     COUNCILWOMAN SANCHEZ: --  
24      spotlighting where we have the  
25      discrepancy so we know where we could

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2 grow. So I really, again, appreciate  
3 your work, and as I said before, this is  
4 something that everyone in Council has  
5 been extremely committed to. We want  
6 Philadelphians to work first and then we  
7 definitely want to make sure that  
8 everyone is included in this process.

9 So we appreciate, again, your  
10 work, and know that the bureaucracy of  
11 this sometimes is complicated, but  
12 sometimes it is about spotlighting some  
13 things.

14 MS. HARRIS: Yes. Yes.

15 COUNCILWOMAN SANCHEZ: Thank  
16 you.

17 COUNCILMAN GOODE: Councilwoman  
18 Brown.

19 COUNCILWOMAN BROWN: Good  
20 morning.

21 MS. HARRIS: Good morning.

22 COUNCILWOMAN BROWN: I too want  
23 to go on record to reaffirm how all of us  
24 in Council stand firmly with Councilman  
25 Goode on this issue, who has really been

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        the leader. And the disappointing thing  
3        for me is after 12 years, we are still  
4        discovering loopholes in the process, and  
5        but for your eyes and ears to either  
6        remind us or to guide us where those  
7        loopholes are, we won't see them because  
8        we're not on the front line like you are.

9                    MS. HARRIS: Absolutely.

10                   COUNCILWOMAN BROWN: So we  
11        really do need your intervention and  
12        advocacy from where you sit to be our  
13        eyes and ears so that we continue to --  
14        so that we can continue to find the  
15        loopholes and then deal with them in a  
16        very direct way.

17                   Thank you for your important  
18        work.

19                   MS. HARRIS: Thank you. And  
20        200, may I add, this bill will help us,  
21        what I always speak with Ms. Dowd-Burton  
22        is, I call it the in-the-trench work,  
23        because it's different at the table than  
24        it is in the trenches, and that has  
25        always been traditionally the issue with

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        construction in this city. It saddens  
3        me, it saddens me after 47 years of  
4        living in the City of Philadelphia, born  
5        and raised here, come from a union  
6        family, to still have this issue in my  
7        third generation in unionism fighting for  
8        the same thing, to get a daily job just  
9        to go to work. We are ready, we are  
10       trained, we are willing, and we are able  
11       and experienced to have these jobs, and  
12       we should have a fair take on them.

13                    COUNCILMAN GOODE: Councilman  
14       Squilla.

15                    COUNCILMAN SQUILLA: Yes. I'd  
16       just like to add one thing also, and I  
17       know as a new Councilperson coming in  
18       here, I want to commend Councilman Goode,  
19       because we've actually been told and  
20       reiterated by Council President Clarke of  
21       how the EOP program is going to work and  
22       anything that we do here in Council. My  
23       district, the 1st District, is a very  
24       populated district as far as development,  
25       and all plans that we go and all

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       developers that we talk to, we make sure  
3       that we include the EOP program into  
4       that.

5                   So I think just to say that we  
6       have a great leadership here and people  
7       who really look out for you and the  
8       minority worker here in the City of  
9       Philadelphia, and they're making sure all  
10      the Councilpeople know how much that  
11      means to not only to you, the people, but  
12      also to Council, and I think Council as a  
13      whole is going to work together to make  
14      that happen.

15                   MS. HARRIS: And I appreciate  
16      your efforts.

17                   COUNCILMAN GOODE: Thank you,  
18      Councilman.

19                   Any other questions for this  
20      witness?

21                   (No response.)

22                   COUNCILMAN GOODE: Seeing none,  
23      is there anyone else to testify?

24                   MS. HARRIS: I believe people  
25      are here to testify from other trades.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                   COUNCILMAN GOODE: Please  
3           approach the witness table.

4                   MS. HARRIS: Thank you.

5                   (Witnesses approached witness  
6           table.)

7                   COUNCILMAN GOODE: Good  
8           morning.

9                   MR. WHEELER: Good morning,  
10          Councilman Goode, Councilmembers. My  
11          name is Rob Roy Wheeler. I'm a member of  
12          Ironworkers Local 401. I'm here to speak  
13          to Council about my experiences in the  
14          building trades. I'm a member of  
15          Ironworkers Local 401.

16                   My experience as a minority  
17          ironworker in the City of Philadelphia  
18          has been very troublesome. I hear about  
19          the minority inclusion and diversity  
20          that's supposed to take place on these  
21          sit-on federal projects, but job after  
22          job, minority men and women are not  
23          included on these job sites as written in  
24          the minority inclusion contract with  
25          respect to federal and City construction

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        jobs.

3                    The contractors are aware of  
4        the minority inclusion at the time of the  
5        signing of the contracts. Once the job  
6        is manned, the representation of  
7        minorities with respect to the contract  
8        is not met. To my experience, the  
9        contractors come up with every excuse of  
10      why that goal is not met with respect to  
11      minority contractors, as the majority of  
12      contractors are awarded to white female  
13      companies.

14                   The minority inclusion site  
15      cannot be met by looking at this whole  
16      job site. Each trade has to be forced to  
17      meet the minority inclusion goal for the  
18      prospective trades.

19                   As things stand right now, the  
20      right place -- the right to make a living  
21      has been denied for minority contractors  
22      and workers. It has been a disgrace and  
23      is very hard to continue on like this  
24      without the help of Council.

25                   It also has been my experience

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        with respect to Broad and Oxford, Temple  
3        job site, I have went out there and  
4        lobbied for minorities to be on the job.  
5        Successfully I got six minority on the  
6        J&L Erectors Company job. After doing  
7        that, I myself was laid off for my  
8        efforts, for going outside the local and  
9        making it very public. Something has to  
10       be done today, not tomorrow.

11                COUNCILMAN GOODE: Please state  
12       your name for the record and proceed with  
13       your testimony.

14                MR. GRAVES: My name is John  
15       Graves. I'm a member of Local 542. I'm  
16       a resident of the City of Philadelphia.

17                In Philadelphia I can take my  
18       kids to -- my kids go to public school.  
19       I can go to church in the City of  
20       Philadelphia. I can volunteer in the  
21       City of Philadelphia, but unfortunately  
22       I'm unable to work in the City of  
23       Philadelphia.

24                One of the Councilpeople asked  
25       for three specific goals that they should

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        target with regards to going forth with a  
3        new task force. One of the goals is that  
4        I believe that contractors need to have a  
5        written plan of minority goals for the  
6        entire job, and in that plan there needs  
7        to be punitive damages if the goal is not  
8        reached quarterly. It would be kind of  
9        hard to do it weekly, but I think that we  
10       need -- if the job is a year, we need to  
11       every quarter review the goals, and if  
12       they have not met the goals, then there  
13       needs to be some kind of punitive damage,  
14       because obviously legislation doesn't  
15       work. If you take money out of their  
16       pockets, then they will get the message.

17                Secondly, as Ms. Joanna Harris  
18       has said, I think that the trade unions  
19       need to include an inclusive number of  
20       all trades, not just laborers, not just  
21       cement finishers, but operating  
22       engineers, carpenters, ironworkers and so  
23       forth, electricians, the skilled trades,  
24       the trades where you make more than \$40  
25       an hour. These numbers need to be

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       inclusive of all trades.

3               And then, finally, with regards  
4       to goals, I think there needs to be  
5       monitoring, monitoring, monitoring, and  
6       monitoring. We've got to look at what's  
7       going on. We cannot allow another Temple  
8       University.

9               One of the Councilpeople asked  
10       about minority members in specific zip  
11       codes. I live in 19124. There are -- if  
12       you go down to the job down at Temple  
13       University, you'll see ten-page papers --  
14       ten-page stacked papers of people who  
15       live in the neighborhood who are denied  
16       opportunity on that job.

17              I believe that there's enough  
18       of qualified and competent tradesmen in  
19       the City of Philadelphia in every zip  
20       code, and I think that if we enforce  
21       this, that our tax base ultimately will  
22       grow. But I think we're doing a  
23       disservice by not enforcing these laws  
24       with punitive damages, with inclusion of  
25       everybody, and with monitoring. We're

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        destroying our tax base, and ultimately  
3        that's what the bottom line is, is our  
4        taxes.

5                    When we go -- when I pay my  
6        water bill, my water bill is going up.  
7        When I pay my gas bill, my gas bill is  
8        going up. When I get a license to get  
9        married, that's going up, because our tax  
10       base is not there. And I think that if  
11       we were to include everybody in these  
12       numbers here and the specific areas that  
13       we're working on, especially the area  
14       where Temple is down there, there's more  
15       than enough qualified and competent crane  
16       operators to run, black and Hispanic and  
17       women, that can run the tower crane in  
18       that area. And I think that just as a  
19       sidebar note, I believe that the unions  
20       have done a dissatisfaction by telling  
21       contractors, Well, there's no people in  
22       the area that can run the cranes, when in  
23       actuality there's many people in that  
24       area. All you got to do is just go  
25       through your list and look.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                       And I believe that if City  
3       Council would do what I recommend as the  
4       three-point step, I believe that we would  
5       see a definite turnaround in our tax base  
6       and we wouldn't have the problem that  
7       we're having right now.

8                       COUNCILMAN GOODE: Thank you  
9       for your testimony. That's what this  
10      bill hopes to accomplish.

11                      Are there any questions for  
12      these two witnesses?

13                      (No response.)

14                      COUNCILMAN GOODE: We're going  
15      to take all the testimony of those people  
16      who want to testify, but there are  
17      members of the Committee who have to  
18      leave, so we're going to move from our  
19      public hearing into a public meeting to  
20      vote out the bills first and then we will  
21      take testimony and we'll move back into  
22      the meeting.

23                      So we will move from our public  
24      hearing into a public meeting. The Chair  
25      recognizes Councilwoman Reynolds Brown

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        for a motion on the amendment to Bill No.  
3        120012.

4                    COUNCILWOMAN BROWN: Thank you,  
5        Mr. Chairman. I move that Bill No.  
6        120012 be amended.

7                    (Duly seconded.)

8                    COUNCILMAN GOODE: All in  
9        favor?

10                   (Aye.)

11                   COUNCILMAN GOODE: Those  
12        opposed?

13                   (No response.)

14                   COUNCILMAN GOODE: The bill is  
15        amended.

16                   The Chair recognizes  
17        Councilwoman Reynolds Brown for a motion  
18        on Bill No. 120012 as amended.

19                   COUNCILWOMAN BROWN:  
20        Mr. Chairman, I move that Bill No.  
21        120012, as amended, be reported out of  
22        Committee with a favorable recommendation  
23        and further move that the rules of  
24        Council be suspended so as to permit  
25        first reading at our next scheduled

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       session.

3                   (Duly seconded.)

4                   COUNCILMAN GOODE: All in  
5       favor?

6                   (Aye.)

7                   COUNCILMAN GOODE: Those  
8       opposed?

9                   (No response.)

10                  COUNCILMAN GOODE: Bill No.  
11       120012, as amended, is reported out of  
12       this Committee with a favorable  
13       recommendation and suspension of the  
14       rules to allow first reading at our next  
15       Council session.

16                  The Chair recognizes  
17       Councilwoman Reynolds Brown again for a  
18       motion on Bill No. 120013.

19                  COUNCILWOMAN BROWN:  
20       Mr. Chairman, I move that Bill No. 120013  
21       be reported out of Committee with a  
22       favorable recommendation and further move  
23       that the rules of Council be suspended so  
24       as to permit first reading at our next  
25       scheduled session.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                       (Duly seconded.)

3                       COUNCILMAN GOODE: All in

4           favor?

5                       (Aye.)

6                       COUNCILMAN GOODE: Those

7           opposed?

8                       (No response.)

9                       COUNCILMAN GOODE: Bill No.

10          120013 is reported out of this Committee

11          with a favorable recommendation and

12          suspension of the rules to allow first

13          reading at our next Council session.

14                       We will move back into our  
15          public hearing.

16                       Is there anyone else to

17          testify? If so, please come forward.

18                       (Witnesses approached witness  
19          table.)

20                       COUNCILMAN GOODE: Thank you.

21          Good morning. Please state your name for

22          the record and proceed with your

23          testimony.

24                       MS. PADIN: My name is

25          Margarita Padin and I'm a carpenter out

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        of Local 8. I'm also here to ask Council  
3        to make sure that when you're trying to  
4        enforce the minority goals so that  
5        African Americans, Latinos, and women  
6        aren't excluded from the skilled trades  
7        in the City projects, that you have  
8        enforcement, like bans against the  
9        contractors that violate, because  
10       otherwise none of this is worth anything.  
11       If you don't ban the contractors, they're  
12       not going to comply. They don't care.  
13       And if you come up with a total number  
14       for the whole project, it makes no  
15       difference either. Like Joanna said  
16       already, you can have all laborers,  
17       security guards and then we're not  
18       represented in the skilled trades.

19                So like the federal government  
20       does, the Department of Labor, they count  
21       total number of hours worked per trade  
22       and per demographic, so that some  
23       demographics aren't excluded. So there's  
24       a percentage number for African  
25       Americans, another percentage number for

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        Latinos and another percentage number for  
3        females. We're not taking each other's  
4        spots, because there's supposed to be a  
5        percentage for all of us. And on some of  
6        these projects, they just say we want 35  
7        percent minorities on the whole project.  
8        So you could have one demographic in one  
9        trade and then they say they comply. But  
10       they don't.

11                The only thing that's going to  
12       make them comply -- they don't believe in  
13       any of this or it wouldn't be happening.  
14       They don't believe in inclusion -- is to  
15       ban from future projects. That's the  
16       only thing that would make them comply.  
17       Otherwise all of these efforts are  
18       meaningless.

19                Another thing that's very  
20       important for Council to show us that  
21       you're serious about this effort is, in  
22       this Committee that you're talking about  
23       now and the one that already exists,  
24       Mayor's Commission on Inclusion on  
25       Diversity, that minorities and female

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        skilled trades workers are included on  
3        your committee to represent themselves on  
4        the issues that affect us. Not our  
5        officers and officials, but members of  
6        the African American, Latino, and female  
7        skilled force in the City of  
8        Philadelphia, because if we're  
9        investigating a problem that affects us,  
10       with none of us in the commission, it's  
11       laughable. We know our issues. We want  
12       to represent ourselves. We should have a  
13       few members on that committee that  
14       already exist that's investigating this  
15       issue.

16                    And, third, specifically --  
17                    COUNCILMAN GOODE: Excuse me.  
18       I'm going to stop you right there. I  
19       understand what you said. I actually  
20       don't agree with it. You cannot vote on  
21       a matter where you have your own  
22       self-interest. And in our line of work,  
23       if we are at a Council meeting and an  
24       issue comes up that directly affects us,  
25       we have to recuse ourselves.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                   MS. PADIN:   Okay, sir.   The  
3           reason why I disagree with you is because  
4           if you look through the committee and  
5           there are contractors --

6                   COUNCILMAN GOODE:   There's no  
7           one appointed to the committee.

8                   MS. PADIN:   Okay.   Can I  
9           finish?

10                  COUNCILMAN GOODE:   Sure.

11                  MS. PADIN:   There are  
12           contractors, there are union officials,  
13           there are City officials, and all of  
14           these people have self-interest, all of  
15           them.

16                  COUNCILMAN GOODE:   There's no  
17           one appointed to the committee yet.

18                  MS. PADIN:   You are saying that  
19           a problem that affects us, we can't be on  
20           the committee that affects us?

21                  COUNCILMAN GOODE:   What I'm  
22           saying to you is two things.   One,  
23           there's no one appointed to the committee  
24           yet.   Actually, the only member of the  
25           committee is a certifying agency.   Two

1       2/15/12 - COMMERCE - BILLS 120012 & 120013

2       other members of the committee will be  
3       appointed from the business community,  
4       two other members will be appointed from  
5       the labor community. Those people who  
6       are appointed cannot have any  
7       self-interest.

8                   MS. PADIN: I'm not only  
9       referring to this, I'm talking about the  
10      Mayor's Commission --

11                  COUNCILMAN GOODE: We're not  
12      dealing with that matter.

13                  MS. PADIN: Well, I think that  
14      there should be people included from the  
15      skilled workforce to represent ourselves  
16      on all these committees, because we know  
17      our issues. It's sort of like having a  
18      committee for lawyers where there are no  
19      lawyers or teachers where there are no  
20      teachers. These are our issues. They  
21      affect us. We need to be there. It's  
22      laughable unless you do that.

23                  COUNCILMAN GOODE: The purpose  
24      for the bill is actually for you to do  
25      what you're doing today, which is to

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        present testimony so that the committee  
3        members, which have yet to be appointed,  
4        can then make recommendations to Council  
5        on whether contractors should be  
6        penalized or debarred. The process as  
7        outlined actually works.

8                    MS. PADIN: Okay. I think that  
9        on all of these committees, the business  
10       community is represented, the  
11       contractor --

12                   COUNCILMAN GOODE: We're not  
13       talking about any other committee. We're  
14       only talking about this committee that  
15       has yet to be appointed.

16                   MS. PADIN: Okay.

17                   COUNCILMAN GOODE: I'm not  
18       taking any credit or any blame for any  
19       other committee that someone else  
20       appointed.

21                   MS. PADIN: I just think that  
22       all parties always have self-interest and  
23       we should be able to represent ourselves.

24                   But concretely my third issue  
25       is Temple University and skilled trades

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        members, including people that are  
3        sitting here that live in North Philly,  
4        have union cards and are African  
5        American, Latino, and female. And we go  
6        every single day to sign up, and when we  
7        sit at the table with Driscoll and Temple  
8        yesterday, they in front of us say, Well,  
9        we can't hire people because you don't  
10       exist. And it's a back and forth game  
11       between the union contractors and the  
12       union. Meanwhile we're signing up every  
13       day with union cards, we live in the  
14       neighborhood. I will bring you, if you  
15       want to see them -- I mean, some of us  
16       are here, and what do we have to do?  
17       What else do we have to do? We're there  
18       every day. We live in the zip code. We  
19       have union cards. We're from the  
20       demographics of the neighborhood and  
21       we're being excluded, and they get away  
22       with sitting there and saying, No, you  
23       don't exist. You don't exist. And we're  
24       here. So how can that be addressed?

25                    COUNCILMAN GOODE: That's the

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       purpose for the bill, to create a  
3       quarterly forum where the committee has  
4       to take public testimony to make  
5       recommendations to Council so that we can  
6       go after contractors for penalties or  
7       debarment.

8                   MS. PADIN: Thank you.

9                   COUNCILMAN GOODE: Thank you.

10                  COUNCILWOMAN BROWN: I have a  
11       question, Mr. Chairman.

12                  COUNCILMAN GOODE: Councilwoman  
13       Brown.

14                  COUNCILWOMAN BROWN: Witness?

15                  COUNCILMAN GOODE: Would you  
16       please approach the witness table again.

17                         (Witness re-approached witness  
18       table.)

19                  COUNCILWOMAN BROWN: Good  
20       morning. Can you give us the exact  
21       location of this Temple project, please?

22                  MS. PADIN: Broad and Oxford  
23       Street in North Philadelphia, Temple  
24       University. It's -- Temple University  
25       has \$400 million worth of current

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        projects. This is one of them. It's  
3        huge. It's dormitories. What they keep  
4        coming up with is that they didn't have  
5        any federal money, Temple claims. So  
6        what I'm telling them is that it's  
7        irrelevant, because in this country,  
8        Title VII of the Civil Rights Act of 1964  
9        says that it is illegal to bar people  
10       from the labor force for their gender,  
11       race, national origin, et cetera, as  
12       we're there soliciting work every day.  
13       It doesn't matter where the money comes  
14       from.

15                    And, furthermore, there are  
16       subcontractors on that project that  
17       receive federal money, more than \$10,000  
18       worth, on other projects in the City, and  
19       the federal government doesn't care if on  
20       that project they don't receive a penny,  
21       but if they do somewhere else, they're  
22       not allowed to discriminate anywhere.

23                    COUNCILWOMAN BROWN: Okay.

24                    MS. PADIN: And they're  
25       actively discriminating in the City of

1 2/15/12 - COMMERCE - BILLS 120012 & 120013

2 Philadelphia and nobody is stopping them.

3 COUNCILWOMAN BROWN: Okay.

4 Well, as Chairman Goode indicated, this  
5 is another tooth that we're trying to put  
6 in this entire matter that we've been  
7 debating and trying to handle and tackle  
8 for me for at least the last 12 years.  
9 But that's what I needed to know, the  
10 location. And it's Driscoll?

11 MS. PADIN: It's Driscoll.  
12 They pass the buck to the sub. The sub  
13 says it's not in our contract. It's  
14 irrelevant because contract doesn't  
15 supersede federal law, and federal law  
16 says that it is illegal to bar people  
17 from the labor force because of gender,  
18 race, and national origin. I'm not even  
19 talking about affirmative action where  
20 you have to snatch people out of  
21 somewhere. We're actively soliciting.  
22 We're being excluded. As the workforce  
23 increases from zero to wherever it's  
24 going, our groups aren't there. We don't  
25 transcend our groups. We don't have met

1        2/15/12 - COMMERCE - BILLS 120012 & 120013

2        the physical powers. If our groups are  
3        not there, we're not going to be there.

4                We exist. We're soliciting  
5        work every day. We have union cards, and  
6        we live in the neighborhood.

7                COUNCILWOMAN BROWN: Okay.

8                MS. PADIN: We're here right  
9        now, and we have more people if you need  
10       us, our list.

11               COUNCILWOMAN BROWN: Thank you.

12               MS. PADIN: Thank you.

13               COUNCILWOMAN BROWN: You're  
14       welcome.

15               COUNCILMAN GOODE: Thank you.

16               Good morning.

17               MR. LEE: Good morning.

18               COUNCILMAN GOODE: Please state  
19       your name for the record.

20               MR. LEE: My name is Robert J.  
21       Lee. I've been an ironworker for 24  
22       years.

23               I like the bill and the ideas  
24       that are being put forth here. Some of  
25       my concerns are is, earlier Councilwoman

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        Blackwell, she made the statement about  
3        the -- as far as the apprenticeship  
4        programs that they started in the  
5        neighborhood and things like that and  
6        having the trades included and things  
7        like that. My problem is in the 24 years  
8        that I've been in this business, I've  
9        done every part, every phase of it. I  
10       can run and do all of the requisite  
11       skills that are necessary to be not just  
12       an effective member or person on the job  
13       site, but to actually have control and  
14       run a job site. I've seen that --  
15       because I'm a second-generation  
16       ironworker and my father was actually one  
17       of the individuals who was included into  
18       this business because of affirmative  
19       action in the late '60s, that I have a  
20       slightly different coming up than a lot  
21       of other guys. I was able to learn  
22       things that a lot of other blacks and  
23       Latinos, they were not privy to. I was  
24       able to be taught those things while I  
25       was an apprentice. I wasn't the coffee

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        boy. I wasn't on fire watch or doing  
3        menial tasks. I was actually involved in  
4        it.

5                    So when I get to the state here  
6        and I go to these job sites and my level  
7        of qualification is where it's at and I  
8        see guys, Caucasian men -- and I don't  
9        want to make this sound like a racial  
10       issue -- but five and six years in this  
11       trade and they're my foreman, there's a  
12       problem.

13                   These companies are not looking  
14       for -- they found every way that they can  
15       to circumvent all the rules that have  
16       been put down. They did it at the  
17       Convention Center with Falcon. They came  
18       up with the idea of Hallmark. Any man on  
19       that job would have told you that he was  
20       working for Falcon, but they used the  
21       wife of the owner and circumvented the  
22       rules that were there.

23                   What loopholes now present  
24       themselves? What I want to see is all  
25       loopholes taken out. I like the idea of

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        punitive damages being put forward on  
3        these contractors, because something at  
4        some point in time, the only thing  
5        they're going to respond to is money  
6        being taken out of their pocket. It is  
7        the only effective way to stop them from  
8        doing this. We have to sit down and,  
9        like we said, we have guys that are --  
10       I'm one of them -- who has considered  
11       leaving this trade. And we don't have  
12       the opportunity -- and what makes me  
13       upset about it is, we don't have an  
14       opportunity to build generational wealth.  
15       By putting our people to work, we have an  
16       opportunity to build generational wealth.  
17       I should be able to bring my sons. I  
18       have two sons. If my sons choose not to  
19       go to college, they should be able to  
20       come into this trade that I make over \$70  
21       an hour in if I'm working. They should  
22       be able to come into it and be able to  
23       take care of their families. But we've  
24       been phased out, frozen out in every way  
25       they can.

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                       We have a contractor, Broad  
3       Street, I came to that job when that job  
4       initially started. I was told by my  
5       union hall that that job had a 30 percent  
6       inclusion clause in it. The day that  
7       they were supposed to originally put the  
8       crane together, I was there. I went up  
9       to the foreman on the job, I had a  
10      conversation with him and was basically  
11      blown off. This is a guy that I've been  
12      in longer than, had more experience than.  
13      Was blown off. And come back to the job  
14      and I see nine Caucasian men, several of  
15      them who were not even members of our  
16      particular local, they were from over in  
17      Jersey. They were here on the job site.  
18      They had no intention -- if Jeff Wheeler  
19      had not gone and made the ruckus that  
20      that he did, they had no intention. If  
21      we'd have been quiet about it, they'd  
22      have done what they wanted to do.

23                    We have to find some -- I want  
24      to make sure that there's no loopholes.  
25      I want to take the loopholes out of any

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        potential bills that come up. I mean, I  
3        don't see where -- I don't see it right  
4        there is there a loophole, but they'll  
5        find one, and when they find it, I want  
6        to know how quickly will we take action  
7        to eliminate it.

8                    COUNCILMAN GOODE: Let me tell  
9        you why there's no loopholes. We are  
10       creating an agency of Council. That's  
11       what the committee will be. We are not  
12       bound by the committee's recommendations.  
13       If someone brings public testimony that's  
14       on the record and Council decides to take  
15       action, then Council can take action.

16                   So as long as the committee is  
17       utilized, as long as you snitch on a  
18       quarterly basis and give us the  
19       information, we can take action. Beyond  
20       that, the way the process works now is  
21       Council takes action and that  
22       recommendation goes to the Finance  
23       Director, but under the Home Rule  
24       Charter, as the voters approved a couple  
25       years ago, we can actually eventually

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       establish Council as a debarment agency.

3               So the way it works now,  
4       Council can, through this mechanism, take  
5       testimony, take the committee's  
6       recommendation, not take the committee's  
7       recommendation and take action. And the  
8       Finance Director will have his say. If  
9       we don't like the way the Finance  
10      Director is handling penalties and  
11      debarment, then we will take that  
12      authority ourselves.

13             MR. LEE: Thank you.

14             COUNCILMAN GOODE: Thank you.  
15             Councilwoman Blackwell.

16             COUNCILWOMAN BLACKWELL: Thank  
17      you. I want to thank the Chairman and  
18      say how proud I am to serve on his  
19      committee. I'm not new obviously to  
20      Council, but I'm new to this committee.  
21      I'm proud of his commitment and his  
22      insight in this area.

23             We are here because we know of  
24      the issues you talk about. The President  
25      of this Committee, Councilman Goode, just

1        2/15/12 - COMMERCE - BILLS 120012 & 120013

2        didn't think of this as an exercise. We  
3        understand what you're going through.

4        Lucien Blackwell was a former  
5        Congressman, but he started shoveling  
6        iron on the Philadelphia waterfront. He  
7        was a longshoreman.

8                        So many of us understand and  
9        know whereof you speak. We know that it  
10       starts out one way and although the  
11       numbers say something, that there's a  
12       glitch in there, because the people  
13       aren't working. We understand that. So  
14       we're on your side. That's why we're  
15       here, and that is why this approach to  
16       try to deal with it to have these  
17       quarterly meetings is so important,  
18       because it gives us some specific and  
19       concrete way to try to stop it.

20                       So we're all on the same side.  
21       We just have to find a way to make the  
22       numbers real. We know numbers are real  
23       and they'll say that these people are  
24       working and they're not. We understand  
25       that, but I am hopeful that this new

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        committee will make a big difference in  
3        helping us to make the numbers be true to  
4        what they say they are. And we thank you  
5        for your testimony.

6                    COUNCILMAN GOODE: Thank you.  
7                    Anyone else to testify? Please  
8        approach the witness table.

9                    (Witnesses approached witness  
10       table.)

11                   COUNCILMAN GOODE: Good  
12       morning. Please state your name for the  
13       record and proceed with your testimony.

14                   MR. WILLIAMS: Paul Williams.  
15       I am currently a member of Local 542.  
16       I'm a crane operator. I've been a crane  
17       operator for 12 years. I have solicited  
18       the work at the Temple University site  
19       last year. The job site went to a halt.  
20       When it started back up, I solicited six  
21       months ago. I solicited two months ago.  
22       I also solicited with Driscoll and AmQuip  
23       two weeks ago, and I'm still not working.  
24                   That job site went from zero  
25       operators to 16 non-minority operators.

1        2/15/12 - COMMERCE - BILLS 120012 & 120013

2        I currently live in the zip code. I'm  
3        more specifically a tower crane operator.  
4        I solicited work for the tower crane  
5        that's there. There are two operators  
6        there. Both of those operators don't  
7        live in the zip code and they're also  
8        non-minorities. And I've seen this  
9        happen at job sites all over the City.  
10       Just about every job site you look at for  
11       operating engineers, we're not included.  
12       For crane operators, we're not included.  
13       We're told that the contractor didn't  
14       call the union hall for the work, which  
15       is possibly true, but someone needs to be  
16       held accountable for them not hiring  
17       minorities that live in the zip code,  
18       like myself.

19                    COUNCILMAN GOODE: Thank you  
20       for your testimony. And we're going to  
21       need this type of information  
22       consistently, and that's the purpose for  
23       this bill. But thank you again.

24                    MR. WILLIAMS: You're welcome.

25                    COUNCILMAN GOODE: Please state

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        your name for the record and proceed with  
3        your testimony.

4                    MR. LUMPKIN: My name is  
5        Stephan Lumpkin. I'm the brother of  
6        Kevin Lumpkin. I'm an ironworker. I've  
7        been an ironworker for 31 years, and I  
8        also tried to go down on the Temple  
9        project and get a job. And I just can't  
10       understand -- what I have trouble with  
11       is, after all the construction, if you  
12       look at downtown Center City and you see  
13       the skyscrapers that are down in Center  
14       City, I have worked on most of them,  
15       except for two, and including in the  
16       Philly stadium. So I've been around for  
17       a long time. I worked -- some of the  
18       guys I work with, I worked with their  
19       grandfathers when I was an apprentice.  
20       And what I can't understand is the same  
21       things that my father talked about as far  
22       as employment and opportunities are the  
23       same things that we're still talking  
24       about, and I just don't understand how  
25       can this keep going on year after year,

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        after Administration after  
3        Administration. Somebody has to see that  
4        something is wrong. And the thing that  
5        bothers me is that we're looked at, as  
6        minorities and women, we're looked at as  
7        being something that is beneath like  
8        subhuman or something. We're not  
9        qualified or we're not good enough to  
10       participate in what we call this American  
11       dream. And I just want to emphasize that  
12       we have bills, we have mortgages, we have  
13       children we want to send to college. We  
14       have dreams and aspirations that we want  
15       to achieve too and be a part of this  
16       American dream, but it just seems like  
17       we're not good enough because of our  
18       color or whatever it is, that we're shut  
19       out, and something somewhere along the  
20       line, somebody who has the power to  
21       change it is not doing their job, and  
22       that's the thing that bothers me so much.  
23                    I want my children to know that  
24       when they grow up in this world, that  
25       they have a chance, they have a chance to

1        2/15/12 - COMMERCE - BILLS 120012 & 120013  
2        aspire to whatever they want to do by  
3        looking at my example, by me putting the  
4        example of saying like I had a chance to  
5        do that and pass it on to them. But it  
6        just seems like when you reach a certain  
7        height, you're stopped because of your  
8        color or whatever, and that has to  
9        change.

10                We're supposed to be the light  
11        of the world. We're supposed to show the  
12        world this country and the diversity of  
13        this country, which is supposed to be  
14        good, but it's not. It seems like it's a  
15        handicap. And that mindset has to  
16        change.

17                That's my testimony.

18                COUNCILMAN GOODE: Thank you.

19                COUNCILWOMAN BLACKWELL: Thank  
20        you.

21                COUNCILMAN GOODE: Thank you.

22                Anyone else to testify? Please  
23        approach the witness table.

24                (Witness approached witness  
25        table.)

1           2/15/12 - COMMERCE - BILLS 120012 & 120013

2                       MR. ALEXANDER: Good morning.

3           My name is Steve Alexander. I'm a member  
4           of Local 401, also the ironworkers. I'm  
5           also on the Executive Board of our local.  
6           I was the first African American to get  
7           elected to the Executive Board. And I  
8           find that the young lady that preceded  
9           us, she hit the nail pretty much on the  
10          head really good, because I think also  
11          that all the trades have to be individual  
12          in the inclusion process.

13                     Also, it's like the gentleman  
14          that spoke previous to me, I also -- when  
15          I sit in my meetings in the Executive  
16          Board, I blast them about inclusion. The  
17          Temple job, I blasted them. Now, I'm the  
18          only officer of the local that's not  
19          working because I do that. But I'll eat  
20          that, because right is right and wrong is  
21          wrong. And I tell them to their face  
22          that they're wrong, and I guess my  
23          punishment now is like I haven't worked  
24          in months. But I'm a survivor. I'm  
25          going to be all right, and I'm never

1       2/15/12 - COMMERCE - BILLS 120012 & 120013  
2       going to roll over, I'm never going to  
3       kiss their butts. It's never going to  
4       happen.

5                       So that's my testimony.

6                       COUNCILMAN GOODE: Thank you  
7       for your testimony.

8                       COUNCILWOMAN BLACKWELL: Thank  
9       you.

10                      COUNCILMAN GOODE: Is there  
11       anyone else to testify?

12                      (No response.)

13                      COUNCILMAN GOODE: Seeing none,  
14       this concludes our public hearing and our  
15       public meeting. I thank you again for  
16       coming out, and we're going to do this on  
17       a quarterly basis as we move forward with  
18       this legislation.

19                      Thank you.

20                      (Committee on Commerce and  
21       Economic Development concluded at 10:20  
22       a.m.)

23                      - - -

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proceedings, evidence and objections are  
contained fully and accurately in the  
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that this is a true and correct transcript of  
same.

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MICHELE L. MURPHY  
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|                                      |                                   | <b>2/15/12</b> 3:1 4:1  |                         |                        |