

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 4, 2014
2:20 p.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILWOMAN MARIAN B. TASCO

BILLS 130724, 140132, 140146, 140147, 140148,
and 140489

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COUNCIL PRESIDENT CLARKE: Good afternoon. Thank you. Sorry for the delay, but we needed to get some clarity on some of the bills up today to make sure that if any action is taken based on all the information available.

This is a public hearing of the Committee of the Whole regarding Bills No. 130724, 140132 and 140146, 140147, 140148 and 140451 and 140489. Please note that Bill No. 130724 is being held at the request of the sponsor.

Ms. Lewis, please read the titles of the bills.

THE CLERK: Bill No. 140132, an ordinance amending Section 19-1301 of The Philadelphia Code, relating to real estate taxes imposed by the City, and Section 19-1801 of The Philadelphia Code, relating to revised real estate taxes imposed by the School District of Philadelphia, by shifting an additional portion of the real estate tax from the City to the School District of

1 6/4/14 - WHOLE - BILL 140132, etc.
2 Philadelphia, without changing the
3 overall combined rate of the City and
4 School District real estate tax; all
5 under certain terms and conditions.

6 Bill No. 140146, an ordinance
7 adopting the Operating Budget for Fiscal
8 Year 2015.

9 Bill No. 140147, an ordinance
10 amending Section 19-1806 of The
11 Philadelphia Code, entitled
12 "Authorization of Realty Use and
13 Occupancy Tax," to further authorize the
14 Board of Education of the School District
15 of Philadelphia to impose a tax on the
16 use or occupancy of real estate within
17 the School District of Philadelphia,
18 under certain terms and conditions.

19 Bill No. 140148, an ordinance
20 amending Section 19-1801 of The
21 Philadelphia Code, entitled
22 "Authorization of Tax," to further
23 authorize the Board of Education of the
24 School District of Philadelphia to impose
25 a tax on real estate within the City of

1 6/4/14 - WHOLE - BILL 140132, etc.

2 Philadelphia, under certain terms and
3 conditions.

4 Bill No. 140451, an ordinance
5 amending Chapter 19-2700 of The
6 Philadelphia Code, entitled "Sales and
7 Use Tax and Hotel Occupancy Tax," by
8 providing for additional sales and use
9 tax and for the manner in which the tax
10 revenue shall be used, all under certain
11 terms and conditions.

12 Bill No. 140489, an ordinance
13 amending Chapter 19-2700 of The
14 Philadelphia Code, entitled "Sales and
15 Use Tax and Hotel Occupancy Tax," by
16 providing for additional sales and use
17 tax and for the manner in which the tax
18 revenues shall be used, all under certain
19 terms and conditions.

20 COUNCIL PRESIDENT CLARKE:

21 Thank you, Ms. Lewis.

22 Today we continue the public
23 hearing on the Committee of the Whole to
24 consider various bills read by the Clerk
25 that constitute proposed operating and

1 6/4/14 - WHOLE - BILL 140132, etc.
2 capital spending measures for Fiscal
3 2015, a Capital Program, and a
4 forward-looking Capital Plan for Fiscal
5 Years 2015 through 2020.

6 Right now we would like to ask
7 the Department of Aviation. We had a
8 couple of questions, I believe.

9 (Witnesses approached witness
10 table.)

11 COUNCIL PRESIDENT CLARKE: Good
12 afternoon.

13 DEPUTY MAYOR CUTLER: Good
14 afternoon.

15 COUNCIL PRESIDENT CLARKE:
16 First, I would like to congratulate you
17 all on a good process and a good
18 conclusion on the issue with respect to
19 our friends in the township and making
20 sure that we can proceed with the
21 expansion plans at the Airport. Really
22 good work. I want to commend you on
23 that.

24 MR. GALE: Thank you.

25 COUNCIL PRESIDENT CLARKE: I

1 6/4/14 - WHOLE - BILL 140132, etc.
2 just had one question. I don't know if
3 other members have questions. I just
4 want to ask you if you can kind of walk
5 us through the concessions contract
6 process just briefly, kind of talk about
7 where we were, where we are, and I
8 understand that there may have been an
9 extension of some sort. So if you kind
10 of tell us where we are with that,
11 please.

12 DEPUTY MAYOR CUTLER: Good
13 afternoon, Council President. Rina
14 Cutler, Deputy Mayor for Transportation
15 and Utilities.

16 MR. GALE: Mark Gale, Chief
17 Executive Officer for the Airport.

18 DEPUTY MAYOR CUTLER: I believe
19 I will let Mark begin in terms of what
20 the process has been to date and then I
21 will take you from there.

22 MR. GALE: Council President,
23 if the questions were referring to the
24 existing concession management deal, that
25 was a 15-year term that expired a little

1 6/4/14 - WHOLE - BILL 140132, etc.

2 less than one year ago, and we went into
3 a one-year extension for that particular
4 contract. And then with respect to the
5 new concession management vendor that
6 we're looking for to begin at the end of
7 the existing term, that RFP went out on
8 the streets in October of last year, and
9 we've been going through the process of
10 not only having all our pre-proposal
11 meetings and prerequisite
12 information-gathering and then, through
13 the evaluation process, taking a look at
14 those that proposed, including written
15 materials, site visits, financial
16 analysis and whatnot, and we continue in
17 that evaluation process as we speak.

18 COUNCIL PRESIDENT CLARKE: Do
19 you have a sense of when that may be
20 concluded? Are we close?

21 DEPUTY MAYOR CUTLER: We think
22 we are only a couple of weeks away from
23 selecting a vendor.

24 COUNCIL PRESIDENT CLARKE: So
25 let me ask you a question, because this

1 6/4/14 - WHOLE - BILL 140132, etc.
2 has obviously been something,
3 particularly since we've been discussing
4 the airport expansion, we had a number of
5 people showing levels of interest to make
6 sure that the process gives everybody
7 equal opportunity.

8 Prior to the selection process,
9 will there be any presentation to members
10 of Council similar to some of the things
11 you've done with the expansion or will
12 you just simply send over information
13 about the contract? How is this going to
14 work?

15 DEPUTY MAYOR CUTLER: Well,
16 it's my expectation that once we
17 identify, select a vendor, we will then
18 move into negotiations with that vendor
19 on a variety of operational, financial,
20 and other issues that have been raised,
21 including by Council, relative to labor
22 harmony and assorted issues on that.

23 It was my expectation that once
24 we moved into negotiations and had a
25 satisfactory deal, we are more than happy

1 6/4/14 - WHOLE - BILL 140132, etc.
2 to come and brief -- do an executive
3 briefing for Council before that comes
4 over here, which we expect to have happen
5 in the fall.

6 COUNCIL PRESIDENT CLARKE:

7 Okay. So will you -- the reason I'm
8 asking this question, because what I
9 don't want to do is end up where we do --
10 I mean, right now we're kind of going
11 through this with PGW, have you all go
12 through an entire process, without any
13 level of involvement by Council. And
14 trust me, we really don't want to
15 micromanage contracts, but given a sense
16 of what it is, so when it comes over, we
17 want to feel comfortable that the process
18 was such that it was fair, equitable, the
19 whole nine yards, identifying all of the
20 potential issues and when it gets here,
21 we don't have to go through an entire
22 process again, which we're currently
23 doing on PGW because understandably based
24 on confidentiality agreements between the
25 applicants for the purchase of PGW, we

1 6/4/14 - WHOLE - BILL 140132, etc.
2 were not involved in any way, shape or
3 form. So now we're involved, and some
4 people are suggesting that we're dragging
5 our feet or other things relating to our
6 review. The earlier --

7 DEPUTY MAYOR CUTLER: You're
8 asking me to opine on PGW?

9 COUNCIL PRESIDENT CLARKE: No,
10 no. I know you'll say there's no way
11 they're dragging their feet. Council is
12 a great body.

13 We just want to make sure that
14 we can move relatively quickly and
15 smoothly. So the more involvement we
16 have -- the earlier the involvement, I
17 should say, the better as it relates to
18 our process here in Council.

19 DEPUTY MAYOR CUTLER: Well, let
20 me back up a little bit. There was an
21 entire procurement process, including a
22 pre-proposal opportunity for folks to
23 come in and ask questions. Ultimately
24 there were two vendors who proposed.
25 There was a fairly significant

1 6/4/14 - WHOLE - BILL 140132, etc.
2 procurement process. I sat in myself as
3 a voting member of the panel, as did the
4 Chief Integrity Officer and a variety of
5 other folks.

6 So we think it has not only
7 been a level playing field -- we don't
8 have the same level of proprietary
9 information that the PGW deal had. So I
10 think as it relates to the financial
11 terms, it is our expectation that that's
12 where we will start the negotiations.

13 We have had several meetings
14 with labor. We are -- I am in receipt of
15 a letter from Council that lifted some of
16 the issues they wanted us to resolve
17 around both the living wage, which I
18 believe we are there, and around labor
19 harmony. So we have been meeting with
20 the union and will continue to do so. We
21 want to make sure that we bring Council a
22 deal they can support.

23 So if what you are asking of us
24 is before we sign a contract, to come
25 over here and brief Council on it, we

1 6/4/14 - WHOLE - BILL 140132, etc.

2 would be happy to do so.

3 COUNCIL PRESIDENT CLARKE: That
4 would be helpful. I mean, Love Park, as
5 an example, we get sent an ordinance,
6 having not been involved in the process.
7 They say, Here, we concluded a deal --
8 but anyway, so you get my point. Thank
9 you. Thank you for that commitment.

10 DEPUTY MAYOR CUTLER: Yeah.

11 COUNCIL PRESIDENT CLARKE: The
12 Chair recognizes Councilman Goode.

13 COUNCILMAN GOODE: Thank you,
14 Mr. President.

15 Good afternoon.

16 DEPUTY MAYOR CUTLER: Good
17 afternoon.

18 COUNCILMAN GOODE: So you have
19 not made a decision yet?

20 DEPUTY MAYOR CUTLER: No, we
21 have not, but we expect to get there
22 within the next couple weeks.

23 COUNCILMAN GOODE: And so what
24 is the status of Marketplace's agreement?

25 DEPUTY MAYOR CUTLER:

1 6/4/14 - WHOLE - BILL 140132, etc.
2 Marketplace's contract ends June 30th, so
3 a couple of weeks. We knew we would not
4 be able to complete the process. We are
5 moving on a six-month extension. Because
6 it is an extension of a contract, we have
7 put the new terms into the extension
8 agreement. So whatever happens from July
9 1st on will be part of what will be the
10 new contract with the new terms.

11 COUNCILMAN GOODE: So what is
12 the status of subleases with Marketplace?

13 DEPUTY MAYOR CUTLER: Well,
14 they run the gamut. There's about 170,
15 175 vendors at the Airport. They expire
16 at all different times. So as they come
17 up, the new terms are put into the deal.

18 COUNCILMAN GOODE: So I guess
19 my question is, do any expire after June
20 30th?

21 MR. GALE: Yes. The contracts
22 expire at a variety of different times,
23 Councilman, and as they expire, much like
24 we did with the new permanent concession
25 management deal, the terms of the

1 6/4/14 - WHOLE - BILL 140132, etc.
2 legislation, whether it be with living
3 wage or what the Executive Order as it
4 applies to those, would take effect
5 immediately.

6 COUNCILMAN GOODE: What I'm
7 really getting to, can Marketplace enter
8 into new subleases now?

9 MR. GALE: During the six-month
10 period in the extension, yes, they would,
11 but they would have to apply the living
12 wage and/or the Executive Order,
13 whichever is greater.

14 COUNCILMAN GOODE: And would
15 the sublease agreements with Marketplace
16 be able to extend beyond January 1st, the
17 six-month extension?

18 DEPUTY MAYOR CUTLER: They will
19 roll into whoever wins the contract.

20 COUNCILMAN GOODE: Thank you.

21 MR. GALE: The leases are
22 assigned.

23 COUNCILMAN GOODE: Thank you.

24 COUNCIL PRESIDENT CLARKE:

25 Thank you, Councilman.

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2 Are there any other questions
3 of these witnesses by members of the
4 body?

5 (No response.)

6 COUNCIL PRESIDENT CLARKE:

7 There being none, thank you very much for
8 your testimony and your responses.

9 DEPUTY MAYOR CUTLER: Thank
10 you.

11 COUNCIL PRESIDENT CLARKE:

12 Before I call up -- let's call up the
13 Administration and then, Ms. Rhyhart, I
14 did have a question to ask you on another
15 matter, but we can just call the
16 Administration up on the sales tax.

17 DEPUTY MAYOR CUTLER: Do you
18 want me up?

19 COUNCIL PRESIDENT CLARKE: On
20 the sales tax?

21 DEPUTY MAYOR CUTLER: Oh, no.
22 No.

23 (Witnesses approached witness
24 table.)

25 COUNCIL PRESIDENT CLARKE: Good

1 6/4/14 - WHOLE - BILL 140132, etc.
2 afternoon.

3 MR. DUBOW: Good afternoon.

4 COUNCIL PRESIDENT CLARKE:

5 Mr. Dubow, before you move ahead on your
6 testimony on the sales tax, I did have a
7 question of Ms. Rhynhart about the \$6.2
8 million Philadelphia Housing Authority
9 memorandum of understanding.

10 MS. RHYNHART: Okay.

11 COUNCIL PRESIDENT CLARKE: On,
12 I guess, April 4th, we sent a letter that
13 was actually subsequent to questions I
14 think in here about the \$6.2 million.
15 And to kind of get some background, there
16 was an agreement between the Housing
17 Authority and the Administration, an
18 agreement reached on some arrears. \$6.2
19 million would be paid to the
20 Administration for purposes of affordable
21 housing, and I think at the end of it, it
22 said blight removal. We'll get the exact
23 terms, but it was creating affordable
24 housing opportunities, and way at the end
25 it said blight removal.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 So we sent a letter requesting
3 the status of that, and we got back June
4 2nd a response based on, I believe,
5 Ms. Lewis' request on where we were with
6 the status, and basically what you said
7 is that you took 6 million of those
8 dollars and you basically inserted in two
9 fiscal years that money in the General
10 Fund in the City's License and Inspection
11 budget.

12 MS. RHYNHART: Right. Well,
13 the majority of the -- we met the
14 requirements of the MOU through an
15 additional 6 million to L&I for
16 demolition over two fiscal years and then
17 \$500,000 towards the creation of the Land
18 Bank in Fiscal '15.

19 COUNCIL PRESIDENT CLARKE: So
20 is it your position that \$6 million going
21 to basically supplement the City's
22 traditional L&I budget was to the spirit
23 or the intent of the contributions from
24 the Housing Authority to the City of
25 Philadelphia, where none of this money is

1 6/4/14 - WHOLE - BILL 140132, etc.
2 going towards actually building
3 affordable housing?

4 MS. RHYNHART: Well, the money
5 is going towards blight, the blight
6 removal, which is one of the allowable
7 uses under the MOU. So while affordable
8 housing was one of them, anti-blight was
9 another. And so we do feel that we've
10 met the requirements of the MOU through
11 those additional appropriations.

12 COUNCIL PRESIDENT CLARKE: But
13 my question was, do you think that by
14 virtually using all of the money to
15 basically supplement License and
16 Inspections' budget, which is
17 traditionally a General Fund obligation,
18 we fund it every year, you just took that
19 money and inserted it in the budget. And
20 you may have even referenced that in your
21 budget message. I don't have that
22 documentation. That was an increase in
23 funding to L&I for demolition, which we
24 all applauded, but it does not go towards
25 what I believe to be the spirit of the

1 6/4/14 - WHOLE - BILL 140132, etc.
2 contribution to deal with affordable
3 housing.

4 I would suggest that if it was
5 blight removal as a part of an affordable
6 housing development where you targeted
7 that money to facilitate the development
8 of affordable housing, I can understand
9 that, but to simply take all of that
10 money and just put it in the General Fund
11 for L&I's budget and without knowing
12 where you're targeting that money, if at
13 all, the likelihood that it's to support
14 an affordable housing development is
15 probably pretty slim. And I just don't
16 think that that was the spirit of the
17 Housing Authority presentation of that
18 revenue. But you feel that that was
19 sufficient based on the last part of
20 the --

21 MS. RHYNHART: Based on my
22 understanding -- I mean, I have not been
23 privy to all of what led to the \$6.2
24 million settlement, but according to the
25 requirements of the MOU, the additional

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2 money be put towards blight --

3 COUNCIL PRESIDENT CLARKE:

4 Well, I know you selectively chose the
5 last part of the MOU and said we're going
6 to put it all over here and basically
7 ignored the first part of the MOU that
8 talked about affordable housing. And my
9 response to what you're probably going to
10 tell me, that it met the requirements of
11 the MOU and you weren't privy to the
12 earlier conversation, do you think it
13 might have been appropriate, at a
14 minimum, to reach out to the signator to
15 that agreement, which was the Housing
16 Authority, and tell them what you
17 basically were -- where you were going to
18 distribute that funding or maybe to the
19 Board members of the Housing Authority or
20 maybe to members of Council, who actually
21 would have preferred that that money go
22 to actually support affordable housing?
23 I mean, you didn't feel the need to do
24 that?

25 MS. RHYNHART: I feel like this

1 6/4/14 - WHOLE - BILL 140132, etc.
2 is a bit of a trap question.

3 COUNCIL PRESIDENT CLARKE:
4 That's what we do here.

5 MS. RHYNHART: Yeah. Listen,
6 I --

7 COUNCIL PRESIDENT CLARKE: That
8 happens to me every time I go to a
9 community meeting, right? It's usually
10 unfiltered. Actually, every time I meet
11 with members of the press.

12 MS. RHYNHART: I hear your
13 frustration. So obviously if we could
14 move backwards knowing what your
15 expectation of me would have been, I
16 would have communicated more, but I think
17 we met the requirements, so --

18 COUNCIL PRESIDENT CLARKE: I
19 know you're saying that, but you're
20 selectively meeting the requirements. I
21 mean, you're saying like you can take \$6
22 million of that money and just put it in
23 L&I's General Fund budget. I don't think
24 that's close to reaching the spirit of
25 the memorandum. I mean, to just

1 6/4/14 - WHOLE - BILL 140132, etc.
2 essentially support the City's General
3 Fund budget is just clearly not something
4 that was intended, at least on our end.

5 MS. RHYNHART: Okay.

6 COUNCIL PRESIDENT CLARKE:
7 Okay. So since you say that going
8 backwards had you known what the intent
9 was by not only the signator but other
10 people -- this might be another trap
11 question.

12 MS. RHYNHART: Well, what I
13 said was that I would have communicated
14 more, not done something.

15 COUNCIL PRESIDENT CLARKE: In
16 other words, you would have made the same
17 decision?

18 MS. RHYNHART: We made a
19 decision to increase the funding for
20 demolition and to create the Land Bank
21 because we felt that those were imminent
22 priorities. We can have a discussion
23 about affordable housing and funding and
24 how we move forward on that.

25 COUNCIL PRESIDENT CLARKE: Even

1 6/4/14 - WHOLE - BILL 140132, etc.

2 though that's what it said in the
3 memorandum, you didn't have a discussion
4 about affordable housing? I mean, are
5 you kidding me?

6 MS. RHYNHART: Well, I don't
7 want to keep going back and forth.

8 COUNCIL PRESIDENT CLARKE: I'm
9 just saying, that's important to a lot of
10 people.

11 MS. RHYNHART: Yeah, it is
12 important.

13 COUNCIL PRESIDENT CLARKE: All
14 right. So 2015, \$3 million in the 2015
15 budget, correct? Am I correct?

16 MS. RHYNHART: For demo,
17 increased levels of demolition, and
18 500,000 for the Land Bank.

19 COUNCIL PRESIDENT CLARKE:
20 Well, the Land Bank is great. We love
21 that. We all love the Land Bank.

22 So will we be able to entertain
23 a conversation around that \$3 million
24 being targeted to support the potential
25 development of affordable housing?

1 6/4/14 - WHOLE - BILL 140132, etc.

2 Because we have a number of locations
3 that are teed up for new housing and we
4 do need to clear land or demolish
5 buildings. Could that be the kind of
6 conversation we can have?

7 MS. RHYNHART: Yeah. We could
8 have the conversation with L&I and the
9 two of us, yes. Definitely.

10 COUNCIL PRESIDENT CLARKE: With
11 L&I?

12 MS. RHYNHART: Yes.

13 COUNCIL PRESIDENT CLARKE: I
14 mean, it should include the Office of
15 Housing, because they're the ones
16 responsible. I'm just trying to have the
17 money --

18 MS. RHYNHART: Yes.

19 COUNCIL PRESIDENT CLARKE: --
20 maximized, not just going out and
21 knocking down buildings that have no
22 ability to be refurbished or no ability
23 to have a long-term strategy and solution
24 as it relates to affordable housing.

25 MS. RHYNHART: Definitely. We

1 6/4/14 - WHOLE - BILL 140132, etc.

2 can do that.

3 COUNCIL PRESIDENT CLARKE:

4 Thank you.

5 The Chair recognizes -- are you
6 good, Councilman? Okay.

7 Mr. Dubow, sales tax.

8 MR. DUBOW: Good afternoon,
9 President Clarke, members of the
10 Committee. I'm Rob Dubow, the City's
11 Finance Director, and I'm here to testify
12 on Bill Nos. 140451 and 140489, which
13 would both reauthorize the 1 percent
14 sales and use tax extension and amend the
15 allocation of proceeds over a four-year
16 period.

17 Under the proposed bills, the
18 School District would receive the first
19 120 million collected from the additional
20 1 percent sales tax in FY15, 70 percent
21 of proceeds in FY16, 60 percent in '17,
22 and 50 percent thereafter. The remainder
23 of the proceeds would go to debt service
24 on a potential borrowing for up to four
25 years and to the City's municipal pension

1 6/4/14 - WHOLE - BILL 140132, etc.
2 plan. Over the next five years, the bill
3 would generate \$465 million for the
4 School District, \$216 million for the
5 pension fund.

6 Additional funding for both the
7 District and the pension fund is
8 essential. The District must receive 120
9 million from the sales tax and close to
10 an additional 96 million in FY15 just to
11 maintain the same insufficient level of
12 services this year. The District is also
13 seeking additional funding from the
14 Commonwealth and in collective bargaining
15 changes that would allow it to begin to
16 make the investments necessary to improve
17 the quality of the educational options it
18 provides. The municipal pension plan is
19 only 47 percent funded and is among the
20 most significant financial challenges
21 facing the City. The funds provided by
22 this bill would enable the plan to reach
23 80 percent funding in FY28. Addressing
24 these two issues is essential for the
25 long-term health of the City.

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2 While both bills provide the
3 same four-year phase-down, only Bill No.
4 140489 guarantees critical funding for
5 the District and the City pension plan.
6 Because the stakes are so high, so is the
7 need for certainty. Accordingly, the
8 Administration supports Bill No. 140489
9 exclusively.

10 That concludes my testimony.
11 I'd be happy to answer any questions.

12 COUNCIL PRESIDENT CLARKE:

13 Thank you very much.

14 The Chair recognizes Councilman
15 Goode.

16 COUNCILMAN GOODE: Thank you,
17 Mr. President.

18 Good afternoon, Mr. Dubow.

19 MR. DUBOW: Good afternoon.

20 COUNCILMAN GOODE: In your
21 testimony you referred to an additional
22 projected \$96 million that's needed, and
23 you were asked by the School District to
24 identify other potential revenue sources
25 and you submitted something to the School

1 6/4/14 - WHOLE - BILL 140132, etc.

2 District. Are you aware of what their
3 proposals have been since that time?

4 MR. DUBOW: I had read the
5 letter that they sent with that document.
6 I'm not sure that they had proposals, but
7 I read the letter that they sent.

8 COUNCILMAN GOODE: To Council
9 President Clarke?

10 MR. DUBOW: Yes. The June 2nd
11 letter? Yes.

12 COUNCILMAN GOODE: So on Page 3
13 of that letter, Chairman Green presents
14 two options. One he refers to as an
15 expenditure side mechanism, which means
16 reducing the City budget and directing
17 that funding to the District. Do you
18 support that option?

19 MR. DUBOW: No.

20 COUNCILMAN GOODE: The second
21 he refers to as a shared sacrifice
22 revenue side approach and recommends a 2
23 percent increase in all local taxes. Do
24 you support that approach?

25 MR. DUBOW: No. We support

1 6/4/14 - WHOLE - BILL 140132, etc.
2 getting the additional cigarette tax.
3 That's the approach we support.

4 COUNCILMAN GOODE: And is there
5 any Plan B beyond that?

6 MR. DUBOW: There is not.

7 COUNCILMAN GOODE: Thank you,
8 Mr. President.

9 COUNCIL PRESIDENT CLARKE: I'm
10 sorry, Councilman. Are you done?

11 COUNCILMAN GOODE: Yes.

12 COUNCIL PRESIDENT CLARKE:
13 Thank you, Councilman.

14 Mr. Dubow, I have no other
15 questions of you, sir.

16 MR. DUBOW: Wow. Have a good
17 afternoon.

18 COUNCIL PRESIDENT CLARKE:
19 Thank you. Oh, but can you please stay
20 around for a minute for the School
21 District testimony.

22 MR. DUBOW: Yes, I will.

23 COUNCIL PRESIDENT CLARKE:
24 Thank you.

25 Can I ask the School District

1 6/4/14 - WHOLE - BILL 140132, etc.

2 to come up, please.

3 (Witnesses approached witness
4 table.)

5 COUNCIL PRESIDENT CLARKE: Good
6 afternoon.

7 DR. HITE: Council President,
8 how are you, sir?

9 COUNCIL PRESIDENT CLARKE:
10 Good. Where's the Chairman?

11 MS. BRYAN: Council President,
12 Sophie Bryan on behalf of the Chairman.
13 He's not able to be here today. He
14 apologizes.

15 COUNCIL PRESIDENT CLARKE: I'm
16 sorry?

17 MS. BRYAN: The Chairman is not
18 able to be here today. I'm able to
19 answer questions on his behalf.

20 COUNCIL PRESIDENT CLARKE:
21 Okay. I actually just wanted to thank
22 him for keeping his commitment for his
23 letter to the Governor requesting
24 directly additional state funding. I
25 mean, I probably had a couple of other

1 6/4/14 - WHOLE - BILL 140132, etc.
2 questions too, but I just wanted to thank
3 him for that particular -- that was
4 important.

5 MS. BRYAN: I'll definitely
6 pass that along.

7 COUNCIL PRESIDENT CLARKE: That
8 was important to send the signal that the
9 City of Philadelphia can't do it all
10 alone.

11 Dr. Hite, I have a quick
12 question.

13 DR. HITE: Sure.

14 COUNCIL PRESIDENT CLARKE:
15 William Penn School, have you put that on
16 the closed list yet?

17 DR. HITE: It is. It is one of
18 the properties that is listed for sale.
19 It is not on the -- the official action
20 to close it has not occurred yet. We
21 were going to wait to see if in fact it
22 was an offer for the school, and then in
23 the event that there was an offer, then
24 the SRC could take the necessary action
25 at that time to close it.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCIL PRESIDENT CLARKE: So

3 let me understand this. So you're

4 suggesting that having a property -- and

5 this goes back to the earlier process,

6 and I'm only bringing this up because I

7 keep getting asked about this short-term

8 funding issue and Council here recently

9 having not met its obligation provided

10 the \$50 million that it committed and the

11 agreement was between the Administration

12 and the Council that the sale of the

13 buildings were going to be a part of that

14 process, and here we are getting close to

15 the conclusion of the fiscal year and we

16 have a building that arguably is going to

17 be one of the highest sales price out of

18 all of the inventory and the building

19 still hasn't been designated as closed.

20 Now you're telling me that your position

21 is until there's an offer, that you're

22 not going to list it as closed. And in

23 the real estate world, I don't know why

24 anybody would make an offer to a building

25 that's not for sale.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 DR. HITE: The building is
3 listed as one of the properties for sale.

4 COUNCIL PRESIDENT CLARKE: But
5 it's not listed as closed.

6 DR. HITE: It is, because when
7 it was -- apparently when it was put out
8 of use and so it was no longer in use,
9 there is an action associated with the
10 official closure of a building that then
11 declares that building closed and,
12 therefore, surplus property. That action
13 was not taken when William Penn was taken
14 out of use some years ago. And so
15 instead of having two procedures, one to
16 close the facility and then another one
17 to approve the sale of the property, that
18 is something that can occur all at the
19 same time. So once there was an offer
20 and there's an agreement of sale, then
21 the SRC plans to take the action to then
22 designate the building closed.

23 COUNCIL PRESIDENT CLARKE:
24 Well, Dr. Hite, isn't it a reality that
25 Temple University, as an example, has

1 6/4/14 - WHOLE - BILL 140132, etc.

2 sent a number of letters indicating an
3 expression of interest to purchase the
4 William Penn High School?

5 DR. HITE: Correct.

6 COUNCIL PRESIDENT CLARKE: And
7 isn't it a fact that when I met with you
8 maybe a month and a half ago, you
9 indicated to me that you were going to
10 have it placed on the closed list so that
11 that particular transaction can be
12 concluded?

13 DR. HITE: Yeah. No; at --

14 COUNCIL PRESIDENT CLARKE: So
15 I'm just trying to understand.

16 DR. HITE: Right. So at that
17 time, I said exactly what I'm saying
18 today, that when there is an agreement of
19 sale, that that action and the action to
20 officially declare the building closed
21 can occur simultaneously. You don't
22 need -- it's my understanding that you
23 don't need one to happen before the other
24 can happen. So the SRC actually will
25 take the action to designate officially

1 6/4/14 - WHOLE - BILL 140132, etc.
2 the building closed. The building hasn't
3 been in use.

4 COUNCIL PRESIDENT CLARKE: It's
5 my understanding in the real estate
6 world -- and I'm not a realtor, but in
7 the real estate world, the ability to
8 purchase a building usually calls for the
9 building to be for sale. And what you
10 tell me, it's not for sale, so why would
11 somebody offer you \$15 million if it's
12 not for sale?

13 DR. HITE: The building is for
14 sale, Council President. The building is
15 for sale.

16 COUNCIL PRESIDENT CLARKE: If
17 it's not available -- okay. It's not
18 available for sale.

19 DR. HITE: The building is not
20 in use. It hasn't been in use for five
21 years.

22 COUNCIL PRESIDENT CLARKE: I'm
23 keenly aware of that.

24 DR. HITE: There was never an
25 official action to declare the building

1 6/4/14 - WHOLE - BILL 140132, etc.
2 closed.

3 COUNCIL PRESIDENT CLARKE: So
4 why don't we declare the building closed
5 so we conclude this transaction, since
6 you're coming to us again and we're going
7 to get a letter tomorrow, today asking
8 the introduction of a bill to borrow
9 money for the short-term revenue measures
10 needed to deal with the School District
11 this year? It's like a game. What is
12 the issue? Close the building.

13 DR. HITE: It's not a game.
14 It's not a game. The building will be
15 designated closed when there's an
16 agreement of sale. Once there's an
17 agreement of sale, both things can occur
18 simultaneously. It doesn't hold that
19 process up at all.

20 Individuals have expressed an
21 interest. We're going through a due
22 diligence period just as if the building
23 has already been closed. Both parties
24 have to agree to an agreement of sale.
25 Once that happens, the action will be

1 6/4/14 - WHOLE - BILL 140132, etc.

2 taken and then the agreement of sale can
3 be finalized.

4 COUNCIL PRESIDENT CLARKE: Dr.
5 Hite, I've said publicly I like you,
6 right, and I think you're good a guy, but
7 in all due respect, I don't understand
8 why you haven't designated that building
9 as closed, I mean, a long time ago,
10 particularly when you have an interested
11 party. I mean, I've never seen -- like
12 when the City of Philadelphia designates
13 property as surplus and if it's a
14 desirable property, we get an offer and
15 we conclude the process.

16 We had a hearing today in
17 Councilman Henon's committee where we
18 just sold the Family Court -- well, we're
19 in the process of selling the Family
20 Court, and we designate that as surplus
21 property. We're ready to move, and
22 there's still people in it, right?
23 That's the sense of urgency we have, but
24 yet you're sitting here telling me that
25 you may have to close the schools before

1 6/4/14 - WHOLE - BILL 140132, etc.
2 the end of the fiscal year because you
3 don't have any money and you won't take
4 the check from the university who is
5 fully prepared because you have this
6 process that has frustrated not only
7 them, but a number of other people who
8 have expressed interest in buildings.
9 I'm just trying to understand that.

10 DR. HITE: Right. I want to
11 make sure we understand. Those were your
12 words, not mine. We will take a check
13 from anybody, number one, especially for
14 properties. The fact that the building
15 has not been declared closed -- and I
16 don't know why, quite frankly, when it
17 was put out of use several years ago it
18 wasn't at that time declared closed. But
19 it will take an official action by the
20 SRC. That doesn't change at all the
21 timeframe associated with selling that
22 property. That's what I'm trying to
23 communicate, Mr. President.

24 COUNCIL PRESIDENT CLARKE:
25 Excuse me for my frustration, but this

1 6/4/14 - WHOLE - BILL 140132, etc.
2 whole school building sale has been one
3 of the most frustrating processes that
4 I've been involved with as it relates to
5 raising revenue and the sense of urgency
6 for raising revenue for a department, a
7 school district or anything. It just
8 seems like that we'll get to it when we
9 can, but on the other hand, every time we
10 turn around, people are asking Council,
11 when are you going to take action, when
12 are you going to take action, when are
13 you going to give money to the schools.
14 And I don't see a significant effort on
15 behalf of the School District to raise
16 money for itself, other than coming to us
17 and asking us to raise people's taxes. I
18 mean, that's just the consistent theme,
19 raise people's taxes. We get a letter --
20 I think Councilman Goode referenced it --
21 that the Chairman says raise everybody's
22 taxes 2 percent across the board, and
23 you're sitting here with a building that
24 somebody is prepared to give you a check
25 tomorrow and you're kind of like, well,

1 6/4/14 - WHOLE - BILL 140132, etc.
2 we'll get around to it. I don't
3 understand that. That's extremely
4 frustrating.

5 DR. HITE: And it's frustrating
6 to be in the predicament we're in,
7 Council President. It's also frustrating
8 the fact that we had to close a bunch of
9 facilities last year simply because we
10 didn't have the revenue, and it also
11 is -- I do want to acknowledge that the
12 District is also finalizing the sale of
13 seven properties which were listed in
14 November or in October, whenever we
15 listed them, and then -- so there is an
16 urgency around the sale of those
17 properties and we wanted to do the high
18 intensity -- the high interest properties
19 first. We are now at a second group of
20 properties. We're doing those
21 properties. We put all of them up so
22 that individuals, if they chose to, could
23 bid on the whole lot if they wanted to or
24 individual properties.

25 So I do want to also add as a

1 6/4/14 - WHOLE - BILL 140132, etc.
2 part of context the fact that we have
3 agreements of sale on seven properties
4 that will be closed by the end of this
5 fiscal year, and we are -- and we
6 understand that there are a lot more
7 properties that we would like to sell as
8 well, but we do have seven properties.
9 It's not like we've been sitting around
10 trying to delay the process. We've been
11 trying to move these as quickly as
12 possible.

13 COUNCIL PRESIDENT CLARKE: Dr.
14 Hite, I was prepared to stop asking you
15 questions, but you had to go there. So
16 you're telling me that you feel good
17 about the fact that you've listed
18 properties for sale in October, you're
19 saying?

20 DR. HITE: I think it was in
21 October.

22 MR. STANSKI: October,
23 November.

24 DR. HITE: October, November.

25 COUNCIL PRESIDENT CLARKE: And

1 6/4/14 - WHOLE - BILL 140132, etc.
2 you have not concluded any of those
3 deals?

4 DR. HITE: We have seven that
5 are concluding. We have seven that are
6 concluding and will conclude before the
7 end of this month.

8 COUNCIL PRESIDENT CLARKE: I
9 said have concluded, meaning that you got
10 the check.

11 DR. HITE: We had one
12 yesterday. One did yesterday where we
13 have the check.

14 COUNCIL PRESIDENT CLARKE: I'm
15 saying you're suggesting that somehow
16 that you did something in October and
17 we're in June, that that's a process to
18 be proud about?

19 DR. HITE: No. I'm not
20 suggesting that, but I am suggesting that
21 if we look at other entities who also
22 sell public properties, the fact that we
23 were able to get agreements of sale on
24 seven in that amount of time when there
25 have been two or three properties that

1 6/4/14 - WHOLE - BILL 140132, etc.
2 for the last five years they were in
3 negotiations to be sold, West
4 Philadelphia is a good example, and we
5 still haven't closed on those deals, the
6 fact that we are finalizing seven
7 properties I think is pretty significant,
8 because we put those up -- due to the
9 fact we put those up in October, November
10 and we will get to agreement -- we will
11 have a check for those before the end of
12 this month.

13 COUNCIL PRESIDENT CLARKE:
14 Okay. I'm not going to belabor the
15 point. Okay. I'm good.

16 Any other questions of these
17 witnesses?

18 Councilwoman Brown.

19 DR. HITE: Council President,
20 just as a request, I did submit
21 testimony. It is written.

22 COUNCIL PRESIDENT CLARKE: I'm
23 sorry, Doc. I didn't know that.

24 DR. HITE: Not a problem. I
25 didn't know if you wanted me to read it

1 6/4/14 - WHOLE - BILL 140132, etc.

2 or...

3 COUNCIL PRESIDENT CLARKE: I
4 mean, if you want to. I mean, we're
5 ready to vote on a revenue measure for
6 schools.

7 DR. HITE: I'll take the
8 questions. I'll take the questions.

9 COUNCIL PRESIDENT CLARKE:
10 We're ready to vote the revenue measures.

11 COUNCILWOMAN BROWN: Shall I
12 proceed?

13 COUNCIL PRESIDENT CLARKE:
14 Sure.

15 COUNCILWOMAN BROWN: So the SRC
16 and the School District have testified
17 that unless the 1 percent sales tax is
18 extended and that 75 million from the
19 state tax is realized, the repercussions
20 could potentially be a layoff of a
21 thousand employees this year and another
22 1,500 over the next four years. So I was
23 curious to know what that looks like in
24 terms of hard program and operations.
25 Have you all begun to identify those

1 6/4/14 - WHOLE - BILL 140132, etc.
2 individuals who may be laid off if the
3 money is not found?

4 DR. HITE: We have,
5 Councilwoman, and the ramification of
6 that, of such an action, was so
7 significant it's why I made a
8 recommendation that we wait until there's
9 more certainty with revenue before we go
10 down that path. But for the purpose of
11 your question, this would impact all of
12 the other -- all of the remaining
13 operations in the District but, most
14 importantly, it would impact pretty
15 significantly the number of teachers in
16 the building, and that's the majority of
17 the individuals who are left in their
18 building. And so that would
19 unfortunately impact -- that number would
20 be -- would have a heavy representation
21 of teachers.

22 COUNCILWOMAN BROWN: And that
23 was my follow-up question. Would that
24 also include additional nurses, guidance
25 counselors, librarians and/or school

1 6/4/14 - WHOLE - BILL 140132, etc.
2 police?

3 DR. HITE: It would include
4 school police, and I'm not sure on the
5 others.

6 MR. STANSKI: Not on the other
7 ones, no.

8 COUNCILWOMAN BROWN: Okay. So
9 I see on Page 10 of your report that
10 you're looking at -- you've answered the
11 question cutting an additional -- you
12 have here 36 school police positions or
13 about.

14 MR. STANSKI: Those would all
15 be -- none of those would be layoffs, but
16 they would be through attrition like
17 retirements and resignations, but,
18 again --

19 COUNCILWOMAN BROWN: That's
20 clarity.

21 MR. STANSKI: -- it's reduced
22 service levels.

23 DR. HITE: It would be 36 fewer
24 than what's there this year.

25 COUNCILWOMAN BROWN: Okay. So

1 6/4/14 - WHOLE - BILL 140132, etc.
2 the core of my question goes to the issue
3 of school safety, and with that harsh
4 reality of potentially 36 less school
5 police positions, what subsequent
6 preventive or measures of any type might
7 be in place to offset fewer school
8 police, contingencies?

9 DR. HITE: Then other
10 individuals would have to pick up those
11 responsibilities, just as we've had to do
12 this year, and unfortunately many of
13 those responsibilities then fall on
14 teachers and principals. And so
15 principals and teachers -- more
16 principals than anything else -- would
17 also have to pick up that responsibility.

18 COUNCILWOMAN BROWN: And so
19 last question. As you move towards the
20 identification of that 1,000, what type
21 of factors do you consider? How do folks
22 end up potentially on those lists, the
23 1,000 list? What criteria do you
24 consider?

25 MR. STANSKI: So basically

1 6/4/14 - WHOLE - BILL 140132, etc.
2 obviously as we alluded to, the vast
3 majority of those would be teachers. So
4 essentially we would send out revised
5 school budgets, and principals would then
6 determine by school and by certification
7 which positions would be eliminated.

8 COUNCILWOMAN BROWN: So those
9 decisions would not be happening at 440;
10 they would be happening at the
11 school-base level.

12 MR. STANSKI: Correct.

13 COUNCILWOMAN BROWN: That's
14 helpful to know as well.

15 Okay, then. That wraps up the
16 questioning I had around that particular
17 item. Thank you.

18 Thank you, Mr. President.

19 COUNCIL PRESIDENT CLARKE:
20 Thank you, Councilwoman.

21 The Chair recognizes Councilman
22 Squilla.

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

25 One quick question. I know

1 6/4/14 - WHOLE - BILL 140132, etc.
2 we're all in favor of a fair funding
3 formula up in Harrisburg. My question,
4 though, is like federal funding, the
5 Title I monies coming in, how is that
6 depicted going out? Does that go out
7 depending on the basis of economics or
8 are there other factors that play?

9 MR. STANSKI: So the District
10 saw an influx of Title I monies four
11 years ago through stimulus, and then when
12 the stimulus dried up, obviously the
13 funding was reduced, and then subsequent
14 to that, funding was reduced because of
15 sequestration cuts that the federal
16 government instituted about two years
17 ago. But basically it is based on a
18 federal appropriation, and then the
19 appropriation goes to the state and then
20 the state divides it up based on the
21 number of students you have in
22 circumstances of poverty and then overall
23 the number of students you have in the
24 district.

25 So what's happened to our Title

1 6/4/14 - WHOLE - BILL 140132, etc.

2 I funding from that perspective is as
3 students migrate from District schools to
4 charters, our Title I funding has
5 declined because more of the Title I
6 funding is now going to charter schools.

7 COUNCILMAN SQUILLA: So the
8 Title I money goes directly to the
9 charters from the state?

10 MR. STANSKI: Correct.

11 COUNCILMAN SQUILLA: And
12 doesn't go to the District?

13 MR. STANSKI: Correct.

14 COUNCILMAN SQUILLA: Now, when
15 the District gets their Title I dollars,
16 that is then split by the number of
17 pupils in the poverty level?

18 MR. STANSKI: Correct.

19 COUNCILMAN SQUILLA: So then
20 it's just based on their level of
21 economics at this point?

22 MR. STANSKI: Yes. And then
23 the state has put a new mandate on school
24 districts this year for schools
25 designated priority in focused schools,

1 6/4/14 - WHOLE - BILL 140132, etc.
2 and that's based on performance. So
3 those tend to be your --

4 COUNCILMAN SQUILLA: So the
5 schools that do better get more money?

6 MR. STANSKI: No. The schools
7 that do better actually get less Title I
8 money.

9 COUNCILMAN SQUILLA: Oh, good.
10 So we're punishing people who do good.

11 MR. STANSKI: It's a state
12 mandate.

13 COUNCILMAN SQUILLA: So, I
14 mean, it sounds great. We do that in the
15 City all the time. If your department
16 does really well, we give you less money
17 the following year in your budget, and if
18 it doesn't do well, we give you more
19 money.

20 MR. STANSKI: I mean, where
21 that is impacted is better performing
22 high-poverty schools.

23 COUNCILMAN SQUILLA: So better
24 performing high-poverty schools --

25 MR. STANSKI: Have seen a

1 6/4/14 - WHOLE - BILL 140132, etc.
2 reduction in their Title I money
3 because --

4 COUNCILMAN SQUILLA: Is there
5 any plan to help those poverty areas?

6 MR. STANSKI: Not to get into
7 the weeds of federal regulations, but
8 unfortunately there's a thing called
9 comparability for federal funding,
10 meaning that you have to distribute your
11 district resources equitably in order to
12 receive your Title I funding. So you
13 can't -- because a school lost Title I
14 money, you can't supplement their general
15 operating budget to offset it.

16 COUNCILMAN SQUILLA: So then
17 it's encouraging the schools to not have
18 better grades.

19 MR. STANSKI: Well, I mean, I'm
20 not to speak for the Pennsylvania
21 Department of Education, but I think
22 their thinking is, it is -- get
23 additional resources into schools that
24 are lower performing to help them turn
25 around to increase their performance.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCILMAN SQUILLA: I think
3 everybody is for that, but you don't want
4 to cut the schools that still have the
5 same --

6 MR. STANSKI: Right. I mean,
7 the predicament is, it's a fixed pot of
8 money, and then if they require you to
9 spend more of that money on these certain
10 schools, the other schools are going to
11 have to feel the impact. I mean, that's
12 just...

13 COUNCILMAN SQUILLA: I think
14 it's up to us to advocate with the
15 District and the SRC and everybody. I
16 mean, it just sounds really weird that
17 schools that have the same economic
18 background as other schools but find a
19 way to improve, then lose funding so they
20 can't improve anymore, that just doesn't
21 make any sense, and hopefully we find a
22 way around that.

23 Thank you.

24 DR. HITE: Or if you're going
25 to apply that system, Councilman Squilla,

1 6/4/14 - WHOLE - BILL 140132, etc.
2 apply it to all funding and make it needs
3 based based on where children attend
4 school, and then it would be likely then
5 that Philadelphia would then see more
6 from the basic ed funding.

7 COUNCILMAN SQUILLA: That was
8 my first question. That's why we are all
9 in favor of a fair funding formula that
10 would do that, and I think we all are.
11 We need to hopefully push that into the
12 Commonwealth and understanding that -- I
13 agree with that also, but hopefully they
14 don't do the same thing where, all right,
15 we get a fair funding formula, but if
16 your poor kids do good, you're going to
17 get less money, which is really -- it's a
18 sad way to go about distributing funds,
19 but hopefully we can find a way around
20 that.

21 Thank you.

22 COUNCIL PRESIDENT CLARKE:

23 Thank you, Councilman.

24 The Chair recognizes
25 Councilwoman Quinones-Sanchez.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCILWOMAN SANCHEZ: Thank
3 you, Mr. President.

4 I just want to kind of go on
5 the record thanking you, Dr. Hite, and
6 your whole team for doing what you've
7 done in the last couple weeks, which is
8 say "enough." I think it's important.
9 Sometimes it's that simple: Enough is
10 enough. And I know that you know that
11 this Council is as committed as we can be
12 to helping you, and I was very pleased
13 that the discussions in Harrisburg both
14 by our Council President and your team
15 were more productive and I'm hopeful that
16 that would happen.

17 As we work through the next 30
18 days or whenever the state decides to
19 pull these triggers and you're making
20 these decisions around potential
21 additional cuts if we don't meet our
22 numbers -- unfortunately I've been here
23 three years, so I no longer believe that
24 we're going to get what we ask for. In
25 light of what Councilman Squilla was

1 6/4/14 - WHOLE - BILL 140132, etc.
2 talking about, a student-weighted
3 formula, outside of federal dollars, the
4 decisions to make cuts and something as
5 simple as cutting transportation by 0.5
6 miles or adding 0.5 miles, have you guys
7 looked at how many students were impacted
8 when we make those numbers?

9 MR. STANSKI: Right now we're
10 actually doing the school-by-school
11 analysis, but we did know it's about
12 9,000 high school students from charters,
13 District, and non-public.

14 COUNCILWOMAN SANCHEZ: That
15 would be impacted just on that
16 transportation piece?

17 MR. STANSKI: That would be
18 impacted just on that transportation
19 piece.

20 COUNCILWOMAN SANCHEZ: Outside
21 of the federal dollars, what other ways
22 are you ensuring that we provide the most
23 equitable resources based on poverty and
24 need for children in making this decision
25 process?

1 6/4/14 - WHOLE - BILL 140132, etc.

2 DR. HITE: In making the?

3 COUNCILWOMAN SANCHEZ:

4 Decisions around cuts.

5 DR. HITE: We are trying to
6 focus on -- I mean, part of the problem,
7 Councilwoman, is that we have no other
8 places to go, and so it impacts
9 unfortunately everybody. Just as
10 Mr. Stanski said, the transportation
11 impacts charters and District and all.
12 One of the things that we are trying to
13 do is where there are significant --
14 where there's significant poverty and
15 where there has been significant growth
16 due to some sort of program or support
17 that's in that school, what we're trying
18 to do, as best we can, is protect that
19 program so that those games can continue
20 and -- but it's not -- I'm unable to
21 guarantee it, and we can't guarantee this
22 year because it's impacting -- if we have
23 to cut what is included in the budget
24 without the revenue we've requested, then
25 it will begin impacting everybody. I

1 6/4/14 - WHOLE - BILL 140132, etc.
2 mean, it's no way around it. It will
3 impact some less, and we hope that the
4 ones who are impacted less are the
5 schools that are in greatest need,
6 serving some of our more significant
7 at-risk populations.

8 COUNCILWOMAN SANCHEZ: But
9 outside of any funding formula, we
10 couldn't say children in need -- children
11 of more economic means; for instance, in
12 making a transportation decision, could
13 those kinds of decisions be made and say
14 based on -- we have Title I schools and
15 then we have magnet schools whose
16 families are higher income. There's no
17 ability to make decisions that way
18 currently.

19 DR. HITE: Yeah. I mean, it's
20 difficult. We were having the same
21 conversation yesterday about
22 under-credited high school students, and
23 so the -- and really trying to
24 distinguish our resources and support for
25 them versus all of the other students,

1 6/4/14 - WHOLE - BILL 140132, etc.

2 but it is -- if in fact we have to cut 96
3 million out of the budget and anything in
4 addition to, there are groups that we can
5 identify as being impacted less, but it's
6 going to impact everyone. And, yes, we
7 can say that, but it's going to have to
8 then come from somewhere else where other
9 schools will be even more significantly
10 impacted.

11 COUNCILWOMAN SANCHEZ: In terms
12 of making any additional decisions moving
13 forward, whether it's school closures or
14 rightsizing, none of that is on the table
15 this year, right?

16 DR. HITE: Yeah. No. We're
17 looking at decisions for schools, and
18 this whole notion of rightsizing, if we
19 have to go to --

20 COUNCILWOMAN SANCHEZ: As
21 opposed to 41 kids in a classroom.

22 DR. HITE: Right. Well, the
23 rightsizing would be as a result of
24 having to go to 40 children in the
25 classroom, because then it would leave

1 6/4/14 - WHOLE - BILL 140132, etc.
2 more classrooms vacant.

3 The other thing is that this
4 notion -- the rightsizing conversation
5 also is a layoff conversation, because we
6 don't -- the savings in reducing the
7 District is in personnel costs. What we
8 found is that it is -- until buildings
9 are sold, I mean, you still have to
10 maintain them. There's a cost to the
11 transition. So the cost associated with
12 that is still in personnel.

13 And so I would say the
14 rightsizing would be more about moving as
15 a result of if we have to put 40 children
16 in class, it means that we're creating
17 more vacant classrooms, and that would be
18 getting down to a size that's
19 commensurate with that.

20 COUNCILWOMAN SANCHEZ: Thank
21 you, Mr. Chair.

22 COUNCIL PRESIDENT CLARKE:
23 Thank you, Councilwoman.

24 The Chair recognizes Councilman
25 O'Neill.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCILMAN O'NEILL: Yes.

3 Thank you, Mr. President. I ask to be
4 excused from the rest of the Committee
5 hearing. I have an important commitment
6 in my district. I'd like to leave my
7 vote as yes on Bill No. 140146 Operating
8 Budget, 140147 use and occupancy, 140148
9 real estate tax, and 140489, the sales
10 tax authorization with the contingency in
11 it.

12 COUNCIL PRESIDENT CLARKE:

13 Thank you.

14 COUNCILMAN O'NEILL: Thank you.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you, Councilman. The record shall
17 reflect that.

18 The Chair recognizes
19 Councilwoman Blackwell.

20 COUNCILWOMAN BLACKWELL: Thank
21 you, Mr. President.

22 Good afternoon.

23 DR. HITE: Good afternoon.

24 COUNCILWOMAN BLACKWELL: I
25 assume that if a school made AYP, then

1 6/4/14 - WHOLE - BILL 140132, etc.

2 they were okay in terms of their renewal.

3 Isn't that the main criteria?

4 DR. HITE: If a school made
5 AYP?

6 COUNCILWOMAN BLACKWELL: Made
7 AYP. If they meet their standards.

8 DR. HITE: You're talking about
9 charter schools?

10 COUNCILWOMAN BLACKWELL: Yes.

11 DR. HITE: Well, that's one of
12 the criteria that we use. It's also a
13 growth measure, and AYP is still another
14 measure, but it's called PVOS (ph) at the
15 state level and then they do what's
16 called an SPP score, and that score looks
17 at their results over time. And so it's
18 all of those things together that we take
19 into account.

20 COUNCILWOMAN BLACKWELL: Well,
21 we're concerned about Ad Prima Charter
22 School. We've been affiliated with them
23 since they opened, and they have an
24 excellent school, and the students who
25 have attended from the beginning are in

1 6/4/14 - WHOLE - BILL 140132, etc.
2 college and they always do well. They
3 have very high standards and they do
4 well. So we're concerned about -- and
5 they made AYP -- about what the issues
6 are and/or why they would be not
7 recommended for renewal.

8 DR. HITE: Yeah. And I left
9 out two other pieces, Madam Chairwoman.
10 It is the -- I'm sorry; Madam
11 Councilwoman. It was operational and
12 financial, and those are two other
13 criteria that we look at when making a
14 recommendation for charters.

15 COUNCILWOMAN BLACKWELL: Well,
16 I would like some discussion about it,
17 because we know of the quality of the
18 school and certainly we feel that they
19 are meeting their criteria and that they
20 should be renewed.

21 DR. HITE: Is there a
22 particular school?

23 COUNCILWOMAN BLACKWELL: Ad
24 Prima Charter School.

25 DR. HITE: Okay.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCILWOMAN BLACKWELL: We
3 followed them for many years since they
4 opened and we know the excellent job that
5 they do.

6 DR. HITE: And they are in the
7 renewal process. There are the academic
8 things, Councilwoman, and then there are,
9 as I indicated before, the operational
10 and financial considerations, and we'll
11 be glad to talk to you about that offline
12 in terms of the recommendation.

13 COUNCILWOMAN BLACKWELL: Could
14 you also tell me what would be required
15 for them to meet whatever your standards
16 are, because they do operate well.

17 DR. HITE: We could talk about
18 that. And then the renewal is based on a
19 period of time looking backwards, not
20 looking forward. So during the analysis
21 time, we look at all those criteria that
22 I talked about. And so it would be based
23 on -- the recommendation would be based
24 on a period of time that the District was
25 looking at the three academic things,

1 6/4/14 - WHOLE - BILL 140132, etc.
2 plus operational and financial issues.

3 COUNCILWOMAN BLACKWELL: Do
4 they have the opportunity to be
5 considered so that the school does not
6 close down?

7 DR. HITE: Yeah. Yes, ma'am.
8 There is an opportunity for due process
9 for all of the charters once there's a
10 recommendation for non-renewal. First it
11 has to be the recommendation and then it
12 has to be a vote on whether or not we
13 will begin the non-renewal process, and
14 then once that vote happens, it is a
15 period of due process for the school, and
16 that tends to be anywhere between three
17 to -- it could be as long as five years,
18 but it's generally between two to four
19 years.

20 COUNCILWOMAN BLACKWELL: So if
21 they're first rated as not meeting
22 standards, they have over the summer, or
23 whatever a period is, to try to do what
24 you think is required to come into
25 compliance?

1 6/4/14 - WHOLE - BILL 140132, etc.

2 DR. HITE: No. It would be an
3 opportunity to talk to -- respond to
4 anything that staff has submitted as the
5 reason for the non-renewal. So it would
6 be an opportunity for them to respond to
7 that, and then there's the due process
8 that begins at that period, and then that
9 period allows for them to state their
10 case, for the District to state its case
11 in front of a hearing officer, and then
12 that individual will take that
13 recommendation to the SRC. So it becomes
14 a quasi-judicial process.

15 COUNCILWOMAN BLACKWELL: So if
16 they receive notification, then their
17 next step is to respond to anything in
18 the report that they've received or do
19 they have to wait for something else?

20 DR. HITE: Yeah. That would
21 be -- I'm trying to speak to the process,
22 not to a specific school since -- but the
23 process would require once they receive
24 notification and then they have an
25 opportunity to respond, then the SRC

1 6/4/14 - WHOLE - BILL 140132, etc.

2 hears all of the information, determines

3 whether or not to support the

4 recommendation for non-renewal. If the

5 recommendation is supported, then in the

6 process -- then the process begins then

7 for due process. And so it is a series

8 of hearings and the school can come in

9 and say, Here is what we did during this

10 period of time. Here's information

11 that's either accurate or inaccurate.

12 Here's misunderstandings, or whatever the

13 case may be. So it begins that process.

14 COUNCILWOMAN BLACKWELL: All

15 right. Thank you.

16 Thank you, Mr. President.

17 COUNCIL PRESIDENT CLARKE:

18 Thank you, Councilwoman.

19 The Chair recognizes Councilman

20 Oh.

21 COUNCILMAN OH: Thank you very

22 much, Council President.

23 Dr. Hite, right now it looks

24 like the Plan A is to get the 1 percent

25 sales tax in a form and to get the

1 6/4/14 - WHOLE - BILL 140132, etc.
2 cigarette tax from Harrisburg, which
3 would provide approximately 75 million in
4 the first year. Is that right or wrong?
5 I'm reading the --

6 MR. STANSKI: Based on the
7 latest City analysis, Year 1 for
8 cigarettes would only be about 45
9 million, because I think there's at least
10 a three-month implementation phase. Year
11 2 it would bounce up to over 80 million,
12 but I think Year 1 was 40 or 45.

13 COUNCILMAN OH: So Year 1 about
14 45 million, Year 2 about 80 million.
15 Okay.

16 In terms of the rest of the
17 money, realistically the rest of the
18 money -- so I have looked at your plans,
19 and outside of givebacks and things like
20 that, realistically where are you with
21 the rest of the money, first of all, on
22 the number 440 million and then kind of
23 going back to whatever other numbers
24 there are? But where do you stand on
25 that money?

1 6/4/14 - WHOLE - BILL 140132, etc.

2 DR. HITE: You've looked at the
3 plan, so there is an ask of the City,
4 there's an ask of the state, and at the
5 state we have even in the letter that was
6 referenced by the Council President, we
7 have asked officially for the \$150
8 million from the state. We feel like
9 that could come in multiple forms. We
10 think that charter reimbursement is a
11 possibility, that -- and we're looking at
12 other revenue that the Governor already
13 has in the budget that could be
14 appropriated differently, and it's new
15 money from the state.

16 In addition to that, we are
17 also asking for labor and some
18 contributions from labor that we're
19 still -- the labor groups that we're
20 still negotiating with. And I'll use an
21 example. If in fact there's contribution
22 to benefits, that could be a significant
23 amount of money that also is able to go
24 back into classrooms.

25 COUNCILMAN OH: While the

1 6/4/14 - WHOLE - BILL 140132, etc.
2 cigarette tax issue is out there, if the
3 cigarette tax is not approved or if a
4 version of the cigarette tax which is
5 different than the one that you're
6 identifying for Philadelphia is approved,
7 how does that affect where you are in
8 terms of where you're going to get your
9 money from?

10 DR. HITE: So if we don't -- if
11 in fact -- so the only way I can respond
12 is if we don't get anything from the
13 cigarette tax and there's not revenue
14 that comes from other places, then we
15 would have to begin the series of
16 spending reductions in the District. And
17 so the spending reductions are things
18 that we talked about, the significant
19 number of layoffs and program
20 eliminations.

21 COUNCILMAN OH: Have you had a
22 conversation with the Governor about
23 possible funds for the School District of
24 Philadelphia?

25 DR. HITE: I have not

1 6/4/14 - WHOLE - BILL 140132, etc.
2 personally. I think the Chair has, and
3 we've also -- the Chair has also
4 communicated it in a letter, in writing.

5 COUNCILMAN OH: Have you or the
6 Chair had a conversation with the Mayor
7 about possible funds that would be
8 available in addition to the funds that
9 you're seeking?

10 DR. HITE: Yes. I did
11 communicate in writing to Mr. Dubow, and
12 he sent a response that talked about
13 options for revenue and it was -- and it
14 wasn't -- it was to provide a series of
15 scenarios and then if in fact you gave
16 this scenario, what could it provide in
17 revenue. And so I did get a response
18 from Mr. Dubow.

19 COUNCILMAN OH: May I continue,
20 Mr. President?

21 COUNCIL PRESIDENT CLARKE:
22 Sure.

23 COUNCILMAN OH: Thank you very
24 much.

25 Was there any specific numbers

1 6/4/14 - WHOLE - BILL 140132, etc.
2 talked about in that communication as to
3 what monies might be available?

4 DR. HITE: Yes, Councilman Oh.
5 Yes is the answer, and I thought we
6 forwarded this letter to all of the
7 Councilmen.

8 COUNCILMAN OH: I'm sure you
9 did. I didn't see it. To be honest, I
10 didn't see it.

11 DR. HITE: I got you.

12 Yes. In the response back, it
13 was -- it would be generated by increases
14 in tax revenue of 1 percent, 5 percent or
15 10 percent and then provided responses to
16 what that would look like in revenue.

17 COUNCILMAN OH: So the
18 communication is tax increases. Was that
19 the communication between your office and
20 the City? I mean, you're talking about
21 various levels of tax increases.

22 MR. STANSKI: So, yeah. The
23 request was potential additional ways to
24 get the District additional revenue in
25 lieu of the cigarettes not coming

1 6/4/14 - WHOLE - BILL 140132, etc.
2 through. It listed every City tax that
3 existed. As Dr. Hite alluded to, 1
4 percent, 5 percent 10 percent increases.
5 It also alluded to potential just
6 expenditure reductions in the City. If
7 the City were to just grant the District
8 more money, what sort of expenditure
9 reductions would be in play and those
10 impacts on families and children in the
11 City.

12 COUNCILMAN OH: So if the City
13 were to make a contribution, what is your
14 opinion of the School Reform Commission's
15 ability to suspend maintenance of effort
16 under PA School Code 24 Pennsylvania
17 Statute, Section 6-696(i)(3)?

18 MS. BRYAN: Thank you,
19 Councilman Oh. Sophie Bryan on behalf of
20 the SRC.

21 So I think as you are aware,
22 the 696, the enabling legislation for the
23 SRC, does include a power to suspend
24 portions of the School Code, and the SRC
25 has utilized that power relatively

1 6/4/14 - WHOLE - BILL 140132, etc.
2 frequently over the past year. So you
3 have to make a determination as to --
4 that power to suspend is not limited with
5 respect to that particular section you're
6 asking about. There's nothing in 696
7 that says that you could not suspend the
8 section that you're inquiring about.

9 COUNCIL PRESIDENT CLARKE:
10 Excuse me. I'm having difficulty hearing
11 you. Can you repeat that response,
12 please.

13 MS. BRYAN: Sure. So Section
14 696, the enabling legislation for the
15 SRC, does include the power to suspend
16 portions of the School Code. The SRC has
17 utilized --

18 COUNCIL PRESIDENT CLARKE: Like
19 a lot of side -- please, folks, it's kind
20 of hard to hear. Sorry.

21 MS. BRYAN: The SRC --

22 COUNCIL PRESIDENT CLARKE: That
23 was important, because we had that
24 conversation earlier today. Could you
25 tell me -- say that again.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 MS. BRYAN: So Section 696, the
3 enabling legislation for the SRC, does
4 include a power to suspend portions of
5 the School Code. The SRC has suspended
6 various portions of the School Code.

7 COUNCIL PRESIDENT CLARKE: You
8 said a portion?

9 MS. BRYAN: Portions.

10 COUNCIL PRESIDENT CLARKE: But
11 not --

12 MS. BRYAN: Not all. There's
13 particular sections -- and I'm sorry, I
14 don't have it in front of me. There's
15 particular sections that are not subject
16 to suspension.

17 COUNCIL PRESIDENT CLARKE: What
18 about the City's contribution?

19 MS. BRYAN: I don't have the
20 696 in front of me. I do not think
21 that's one of the listed sections but,
22 again, don't have it in front of me.

23 COUNCIL PRESIDENT CLARKE:
24 Okay. Can you get that? Because that
25 was a topic of discussion about the

1 6/4/14 - WHOLE - BILL 140132, etc.
2 City's contributions, and we've had
3 issues with that on numerous occasions,
4 particularly because we were required to
5 not only maintain the level of revenue
6 stream, but the source of revenue stream.
7 So we don't have the flexibility of
8 funding out of a different department if
9 we had a better revenue stream from a
10 different department. We have to lock it
11 in. So that would be very helpful to us
12 sooner than later if you can get your
13 perspective on that to us. Thank you.

14 I'm sorry, Councilman.

15 COUNCILMAN OH: I'll conclude
16 with this statement. Thank you very much
17 for the clarification, Mr. President.

18 So, yeah, I did receive a memo,
19 and it did lay out what I believe are the
20 legal bases by which maintenance of
21 effort can be suspended, which is
22 important to us, because if the City, be
23 it the Mayor or whomever, were to make a
24 grant, we, without the suspension of the
25 maintenance of effort, would have to

1 6/4/14 - WHOLE - BILL 140132, etc.
2 provide that money year after year, which
3 we would not, in my opinion, be able to
4 maintain. The reason I'm asking is
5 because we are in a public forum and you
6 are making a statement on the record, and
7 what I would like, as the President said,
8 is to provide to the body, to the
9 President a detailed explanation of the
10 powers of the SRC to suspend maintenance
11 of effort so that we have confidence in
12 our ability to consider the possibilities
13 of additional funds on a one-time basis.

14 Thank you very much.

15 DR. HITE: Thank you.

16 COUNCIL PRESIDENT CLARKE:

17 Thank you, Councilman.

18 The Chair recognizes Councilman
19 Jones.

20 COUNCILMAN JONES: Thank you,
21 Mr. President. I won't require the
22 Councilman Oh bell. I'll try to be
23 brief.

24 A couple of quick things. What
25 would be -- what is the impact -- there

1 6/4/14 - WHOLE - BILL 140132, etc.
2 are two Pennsylvania Supreme Court
3 rulings, one pending and one decided, and
4 it was dealing with charter school
5 reimbursement. What is the financial
6 impact of that decision?

7 MR. STANSKI: So the decision,
8 the most recent decision that was in
9 favor of the District, would be the
10 school owes the District \$1.3 million.

11 COUNCILMAN JONES: So what
12 impact does that have on all schools that
13 have overenrolled? None or just that
14 individual case?

15 DR. HITE: It was narrow. That
16 was a narrow decision, Councilman Jones,
17 and working specifically with that school
18 and that set of circumstances, and it was
19 because there was agreement between that
20 charter organization and the School
21 District. And that's because of the
22 narrow -- because of how narrow it was,
23 it doesn't apply to many of the others.

24 COUNCILMAN JONES: And the
25 second case, what impacts, financial

1 6/4/14 - WHOLE - BILL 140132, etc.
2 ramifications based on decisions does
3 that second case have?

4 DR. HITE: Is that the case in
5 the Supreme Court that they haven't ruled
6 on yet?

7 COUNCILMAN JONES: Yes.
8 Correct.

9 DR. HITE: The PFT?

10 COUNCILMAN JONES: Correct.

11 DR. HITE: It's the contract.

12 COUNCILMAN JONES: So what
13 ramifications does that have?

14 DR. HITE: Well, it is on work
15 rules that we've asked to -- we've asked
16 the Supreme Court to affirm that the SRC
17 has the ability to begin a staffing
18 process that goes outside of -- that
19 considers things other than seniority.
20 There are some implications. If in fact
21 there is not a ruling in our favor, we
22 begin the school year calling back some
23 staff members outside of seniority;
24 specifically, there were guidance
25 counselors in one case and some other

1 6/4/14 - WHOLE - BILL 140132, etc.
2 employees in other cases, and all of
3 those things have been aggrieved. And so
4 if in fact that ruling is not in the
5 affirmative, it could mean a significant
6 amount of money that the District would
7 then owe to those individuals who were
8 not called back.

9 COUNCILMAN JONES: When you say
10 "significant," give me roundabouts. I
11 went to public school. I don't know what
12 level of "significant" you're talking
13 about. 1.3 is significant to me, but
14 what are you talking about?

15 DR. HITE: Yeah. It's
16 significantly larger than that. I mean,
17 so it's in the double digit millions.

18 COUNCILMAN JONES: Tens of
19 millions?

20 DR. HITE: Yes.

21 COUNCILMAN JONES: Finally, the
22 millage shift bill that was authored by
23 Sanchez, what impact would that have on
24 your budget?

25 DR. HITE: I believe it's 50

1 6/4/14 - WHOLE - BILL 140132, etc.
2 million, Councilman Jones.

3 COUNCILMAN JONES: Okay. So
4 all of these things have -- one other.
5 The Smucker bill, is there a new status
6 on that, Senator Smucker's bill at the
7 state? Have you heard anything about
8 that?

9 MS. BRYAN: The charter reform
10 legislation?

11 COUNCILMAN JONES: Yes.

12 MS. BRYAN: No. We have not
13 heard that there's been recent
14 developments with that or the companion
15 House bill.

16 COUNCILMAN JONES: So it has
17 not moved?

18 MS. BRYAN: It does not appear
19 to be moving right now.

20 COUNCILMAN JONES: Thank you,
21 Mr. President.

22 COUNCIL PRESIDENT CLARKE:
23 Thank you, Councilman.

24 Any other questions of these
25 witnesses?

1 6/4/14 - WHOLE - BILL 140132, etc.

2 (No response.)

3 COUNCIL PRESIDENT CLARKE:

4 There being none, thank you very much.

5 This was not designated as a
6 community/public testimony segment for
7 the public, but we have some individuals
8 here who have indicated an interest in
9 testifying today. So we're going to do
10 that today, because we may not be back on
11 this particular issue.

12 Dr. Hite, can you hang around a
13 little bit, please?

14 DR. HITE: Sure.

15 COUNCIL PRESIDENT CLARKE:

16 Thank you.

17 We're going to give an
18 opportunity for those people, because we
19 may not have another public testimony
20 section. So we have Susan Gobreski,
21 Brian Armstead, and Kathy Fisher.

22 MS. GOBRESKI: Kathy Fisher had
23 to leave. She was here at 1 o'clock.
24 She's asked that her colleague, Devon,
25 take her place.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Okay. And I believe you want, Hillary,
4 you want to -- okay.

5 (Witnesses approached witness
6 table.)

7 COUNCIL PRESIDENT CLARKE: Good
8 afternoon.

9 MS. GOBRESKI: Good afternoon.
10 Thank you for having us here. I wanted
11 to thank Council President Clarke. I saw
12 him in Harrisburg yesterday. It's very
13 important that we're all working together
14 to secure more state funding and secure
15 the authority we need on the cigarette
16 taxes. I'm happy to say as someone who
17 remains concerned and skeptical, I did
18 actually hear more positive feedback
19 about the cigarette tax if the state
20 revenues open up.

21 So the things I wanted --

22 COUNCILWOMAN TASC0: You have
23 to state your name.

24 MS. GOBRESKI: Sorry. Susan
25 Gobreski with Education Voters of

1 6/4/14 - WHOLE - BILL 140132, etc.

2 Pennsylvania. I'm also a parent and a
3 community member.

4 Thank you, Councilwoman.

5 Sorry. I forget. I just jump right in.

6 So I wanted to -- class size;
7 art; nurses; clean, healthy,
8 well-maintained buildings; teachers who
9 are supported and trained; principals
10 with time to lead, not just to manage or
11 time to cope; books, paper; and
12 counselors. These are the reasons I'm
13 here and the things that you have power
14 over. Even though you don't run the
15 School District, you do have a lot of
16 power to affect what happens there.

17 And the main words that I
18 wanted to come here today to say is in
19 addition to the work that we are all
20 doing together to secure the fair and
21 equitable state funding that we need,
22 there is also still a local share to work
23 on, and I know you guys have all been
24 working really hard to identify the
25 resources. We're grateful, and we

1 6/4/14 - WHOLE - BILL 140132, etc.
2 testify today in support of the \$120
3 million in sales tax revenue, and in
4 support of that funding being a recurring
5 source of revenue, we would strongly
6 support the need to have the District
7 have recurring revenue.

8 We get asked a lot as advocates
9 why are you here every year. This is
10 very frustrating. And one of the reasons
11 that we come every year is because
12 sometimes the funding is designated on a
13 year-by-year basis instead of as a
14 recurring. So my words today are, we're
15 120 million down so far, 75 million to go
16 in terms of the local commitment. We do
17 not feel terribly hopeful about the state
18 being able to do the things that we
19 expect of them. We do intend to work
20 very hard to hold them accountable to
21 that and to advocate for that, but we're
22 not asking the City to come up with the
23 state's share. We're asking the City to
24 come up with the City's share.

25 So we share your concern about

1 6/4/14 - WHOLE - BILL 140132, etc.
2 doing this every year, but we are very
3 grateful that Council has taken action.
4 We do believe that as we move forward in
5 revenue, in the pursuit of getting the
6 District what it needs, a key principle
7 that we always have to follow is that the
8 revenue needs to be recurring and
9 sustainable.

10 COUNCIL PRESIDENT CLARKE:

11 Thank you.

12 MR. MINER: Good afternoon,
13 Council President and members of Council.
14 My name is Devon Miner. I am one of the
15 Education Directors at Public Citizens
16 for Children and Youth, also known as
17 PCCY. My colleague Kathy Fisher had
18 testimony prepared, but she had to leave,
19 so I will deliver the testimony on her
20 behalf.

21 So Kathy is a parent of a
22 child -- two children in the Philadelphia
23 School District and she's also the
24 Director of the Family Economic and
25 Security Department at PCCY. So here's

1 6/4/14 - WHOLE - BILL 140132, etc.
2 her testimony.

3 Like hundreds of thousands of
4 parents in every neighborhood of the
5 City, I've agonized over what is best for
6 them. As my daughter approached
7 kindergarten, I considered neighborhood
8 schools, submitted multiple charter
9 school applications, and even briefly
10 entertained the idea of private school
11 before concluding that I can't afford
12 them. It ends up, we were incredibly
13 lucky to receive a coveted lottery slot
14 to a strong charter school. Friends and
15 family living elsewhere in the country
16 cannot believe this is what the process
17 was.

18 I am grateful that my kids are
19 at a good school, but it pains me that
20 not all children in the City are able to
21 attend high-quality schools. I want all
22 children to have art and music, science
23 and computer labs. I want them to have a
24 nurse and counselor and the resources
25 needed for a healthy school environment.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 I want them to have well-trained and
3 supported teachers who can help prepare
4 them for the future.

5 While I worry about how my
6 children's school will manage next year
7 with a shrinking budget, I worry more
8 about -- excuse me. I worry more that
9 the lack of city, state investment in
10 public education is limiting the
11 opportunity for the District's 120,000
12 low-income students. They are the
13 primary casualties of too little funding.
14 Far too many families who want the best
15 for their children remain trapped by
16 their elected officials' lack of
17 political will.

18 It appears House and Senate
19 leaders in Harrisburg do not have an
20 appetite for revising the sales tax
21 legislation. Both as a parent and on
22 behalf of PCCY, I am extremely pleased
23 and want to thank Council President for
24 making the wise decision to revise his
25 bill to make it possible for the School

1 6/4/14 - WHOLE - BILL 140132, etc.

2 District to receive the 120 million from
3 extending the 1 percent increase in the
4 sales tax.

5 But Council's work is not done.
6 I know Harrisburg must come through with
7 more money for our schools. I have
8 asked, and will continue to ask, our
9 state elected officials to do so, and you
10 could trust that PCCY is also doing the
11 same. But today I am here to ask you to
12 do more to ensure stability for the
13 Philadelphia School District, for
14 Philadelphia students.

15 You must find local options for
16 the balance of 195 million that the
17 District needs. You need to be creative
18 and fair, which is why PCCY will support
19 any of the following funds to fund the
20 schools: a millage shift, an increase in
21 the use and occupancy tax, a tax on
22 sweetened beverages, and a revision of
23 the tax abatement program. And there's
24 more to it, but I'll go ahead and pass
25 these out to the members of Council.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you. We'll make sure it's in the
4 record.

5 MR. MINER: Thank you.

6 COUNCILMAN PRESIDENT CLARKE:

7 Thank you.

8 MR. ARMSTEAD: Good afternoon.

9 My name is Brian Armstead, Director of
10 Policy and Partnerships for the
11 Philadelphia Education Fund. First of
12 all, Councilman Clarke, thank you for
13 allowing us to speak today.

14 This will be very brief. I
15 know that you all are considering a
16 number of alternatives today looking at
17 ways to potentially address the school
18 funding crisis, and each of the options
19 have their own merits and their own
20 challenges, and I'll leave it up to your
21 capable hands to really sift through the
22 details of that. What I'm really here to
23 do is to encourage you to actually
24 complete the work of sifting through the
25 details and actually come up with the

1 6/4/14 - WHOLE - BILL 140132, etc.
2 resources that the District is going to
3 need.

4 I think the key for Council and
5 really all of us in the public to
6 remember is that the School District
7 actually is in dire need of funds right
8 now. It's not an illusion. It's not
9 hyperbole. They really need it. Our
10 kids really need it. And we're at risk
11 as many of you asked questions earlier
12 about layoffs and what that might do for
13 our schools and for the kids. You know
14 this is a real issue.

15 So Council and all of us need
16 to pull together to raise an additional
17 75 million on top of the 120 from the
18 pending sales tax extension, and of
19 course, we need to work together to keep
20 pressing the state for more revenue and
21 for a fair and fully funded formula. But
22 that cannot keep City Council and the
23 Mayor from continuing to step up locally.
24 Failing to do this is failing your
25 constituents, our city, and all of our

1 6/4/14 - WHOLE - BILL 140132, etc.
2 children.

3 And let me just add one note.

4 I was in a conversation recently with a
5 principal, who is a really good principal
6 in the District, who is leaving the
7 District and going back home. He's not
8 from the area. He came in to work here.
9 And when we were talking about what was
10 the final thing that got him to make the
11 decision to leave and to go back home,
12 the issue with the state not giving us
13 money, of course that's an issue for him,
14 but I think he kind of expects that.
15 There are dynamics in Pennsylvania. We
16 all know how it is, right? But City
17 Council not having his back. He
18 specifically -- I'm not making this up.
19 He specifically said City Council not
20 having his back was a reason that he
21 didn't feel -- and now some of you are
22 going to say we have his back, but the
23 perception that he had and the feeling
24 that he had around Council. And I just
25 want to share that in terms of the

1 6/4/14 - WHOLE - BILL 140132, etc.
2 dynamics of how people are perceiving the
3 issue of how things are dragging out.

4 I personally think you guys are
5 going to do it. I believe in you. I've
6 talked to enough of you to know that I
7 think it's going to happen, but I just
8 needed to share that story, because that
9 narrative is out there.

10 Thank you.

11 COUNCIL PRESIDENT CLARKE:

12 Thank you so much for your testimony.

13 MS. LINARDOPOULOS: Thank you,
14 Council President Clarke. Good
15 afternoon. My name is Hillary
16 Linardopoulos. I'm a staff
17 representative at the Philadelphia
18 Federation of Teachers. Thank you for
19 this opportunity, Council President
20 Clarke. We just wanted to talk about a
21 couple items on Council's agenda today.

22 At last month's hearings, PFT
23 President Jerry Jordan outlined a number
24 of bills and resolutions supported by the
25 Federation, and a number of those are on

1 6/4/14 - WHOLE - BILL 140132, etc.
2 the agenda for the hearing today. So we
3 thank you for the opportunity to address
4 those measures.

5 First, the Federation would
6 like to reiterate its support of the
7 now-introduced Bill 140489, which amends
8 Chapter 19-2700 of The Philadelphia Code.
9 This bill introduced by Councilman Jones
10 on behalf of President Clarke projects
11 additional revenues for the schools of
12 more than \$120 million in sustainable,
13 annual funding. The PFT recognizes that
14 there are other obligations that Council
15 must address, and we appreciate Council
16 President Clarke's willingness to work
17 diligently to assure that \$120 million is
18 realized.

19 When we talk about the
20 significance of that revenue, it is
21 important to look at what services \$120
22 million can buy and can provide for our
23 students. What it could buy is striking.
24 An additional five full-time teachers,
25 counselors, nurses or librarians at every

1 6/4/14 - WHOLE - BILL 140132, etc.
2 single school in the District. What a
3 tremendous weight off the shoulders of
4 individual school communities that would
5 be.

6 With schools plagued by
7 understaffed classrooms and libraries,
8 our students are at times not able to
9 receive the services that they need and
10 deserve. An additional five staff
11 members at every school would go a long
12 way in restoring some of the devastating
13 cuts over the past few years.

14 The second item that we wanted
15 to testify about is Bill No. 130724, and
16 I understand that's being held, so we'll
17 skip our testimony for that today.

18 Finally, the PFT would like to
19 again outline our support of Bill No.
20 140132 introduced by Councilwoman
21 Quinones-Sanchez, and this bill would, by
22 a simple millage shift, generate an
23 additional \$53 million in annual,
24 sustainable funding for the School
25 District. This bill would enable every

1 6/4/14 - WHOLE - BILL 140132, etc.
2 single school in the District to enlist
3 the full-time services of an additional
4 nurse and an additional counselor.

5 Through various deeply
6 concerning stories this year, from
7 stories of students missing college
8 application deadlines to the lack of
9 counselors to two tragic deaths of two of
10 our youngsters, we have been left with
11 too many "what if" questions that we
12 should not have to answer. What if there
13 had been a nurse? What if there had been
14 counselors to guide the application
15 process?

16 The Federation strongly
17 supports 140132 and urges Council to act
18 swiftly to ensure its passage.

19 And as a final note, it is
20 essential to address that the lion's
21 share of the burden for funding our
22 schools should come from the state.
23 Council has been asked year in and year
24 out to carry the state's water and make
25 challenging decisions. The PFT

1 6/4/14 - WHOLE - BILL 140132, etc.
2 recognizes this issue and is committed to
3 fully advocating at the state level for
4 full and fair funding. We have been
5 encouraging our members to pressure their
6 legislators to pass the cigarette tax,
7 and Jerry recently wrote a letter to
8 every single Pennsylvania legislator
9 encouraging their swift action. We have
10 provided our members with various tools
11 with which to advocate and are committed
12 to continuing those efforts.

13 While we continue to pressure
14 the state, we do urge you to pass the
15 essential bills outlined today.

16 Thank you for your
17 consideration and, as always, we look
18 forward to continuing to partner with
19 Council in ensuring the best for
20 Philadelphia's children.

21 COUNCIL PRESIDENT CLARKE:
22 Thank you so much for your testimony.

23 MS. LINARDOPOULOS: Thank you.
24 I have copies here.

25 COUNCIL PRESIDENT CLARKE:

1 6/4/14 - WHOLE - BILL 140132, etc.

2 Thank you.

3 There being no additional
4 questions of these witnesses, there does
5 not appear to be anyone on the witness
6 list. We will move from our public
7 hearing to our public meeting.

8 And the Chair recognizes
9 Councilman Jones for a motion on the
10 amendment to Bill No. 140146.

11 COUNCILMAN JONES: Thank you,
12 Mr. President. I move that Bill No.
13 140146 be amended.

14 COUNCIL PRESIDENT CLARKE: Do I
15 hear a second?

16 (Duly seconded.)

17 COUNCIL PRESIDENT CLARKE:
18 Thank you. It has been moved and
19 properly seconded that the amendment to
20 Bill No. 140146 be adopted.

21 All those in favor say aye.

22 (Aye.)

23 COUNCIL PRESIDENT CLARKE:

24 Those opposed?

25 (No response.)

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCIL PRESIDENT CLARKE: The
3 ayes have it. The motion carries, and
4 the amendment to Bill No. 140146 has been
5 adopted.

6 The Chair again recognizes
7 Councilman Jones for a motion on Bill No.
8 140146.

9 COUNCILMAN JONES: Thank you,
10 Mr. Chairman. I move that Bill No.
11 140147 be reported from this Committee
12 with a favorable recommendation and --

13 COUNCIL PRESIDENT CLARKE: I
14 think I misspoke. We did the amendment
15 and I'm calling, Councilman Jones, for a
16 motion on the amended version.

17 COUNCILMAN JONES: Thank you,
18 Mr. President. I move that Bill No.
19 140146, as amended, be reported from this
20 Committee with a favorable recommendation
21 and further move that the rules of
22 Council be suspended to permit first
23 reading of this bill at our next session
24 of Council.

25 (Duly seconded.)

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you. It's been moved and properly
4 seconded that Bill No. 140146, as
5 amended, be reported from this Committee
6 with a favorable recommendation and
7 further moved that the rules of Council
8 be suspended to permit first reading of
9 this bill at the next session of Council.

10 All those in favor?

11 (Aye.)

12 COUNCIL PRESIDENT CLARKE:

13 Those opposed?

14 (No response.)

15 COUNCIL PRESIDENT CLARKE: The
16 ayes have it.

17 I do want to make a note that
18 there may be an additional discussion
19 about this particular bill, but we are
20 moving it out of Committee to move the
21 process along. So for the record, there
22 will be some additional conversations
23 with respect to some of the measures in
24 this particular bill. Thank you.

25 The motion carries. Bill No.

1 6/4/14 - WHOLE - BILL 140132, etc.
2 140146, as amended, will be reported from
3 this Committee with a favorable
4 recommendation and a request that the
5 rules of Council be suspended to permit
6 first reading at the next session of
7 Council.

8 The Chair again recognizes
9 Councilman Jones for a motion on Bill No.
10 140147.

11 COUNCILMAN JONES: Thank you,
12 Mr. President. I move that Bill No.
13 140147 be reported from this Committee
14 with a favorable recommendation and
15 further move that the rules of Council be
16 suspended to permit first reading of this
17 bill at our next session of Council.

18 (Duly seconded.)

19 COUNCIL PRESIDENT CLARKE:
20 Thank you. It has been moved and
21 properly seconded that Bill No. 140147 be
22 reported from this Committee with a
23 favorable recommendation and further
24 moved that the rules of Council be
25 suspended so as to permit first reading

1 6/4/14 - WHOLE - BILL 140132, etc.
2 of this bill at the next session of
3 Council.

4 All those in favor say aye.
5 (Aye.)

6 COUNCIL PRESIDENT CLARKE:

7 Those opposed?

8 (No response.)

9 COUNCIL PRESIDENT CLARKE: The
10 ayes have it. The motion carries. Bill
11 No. 140147 will be reported from this
12 Committee with a favorable recommendation
13 with a request that the rules of Council
14 be suspended to permit first reading at
15 the next session of Council.

16 The Chair again recognizes
17 Councilman Jones for a motion on Bill No.
18 140148.

19 COUNCILMAN JONES: Again, thank
20 you, Mr. President. I move that Bill No.
21 140148 be reported from this Committee
22 with a favorable recommendation and
23 further move that the rules of Council be
24 suspended to permit first reading of this
25 bill at our next session of Council.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 (Duly seconded.)

3 COUNCIL PRESIDENT CLARKE:

4 Thank you. It has been moved and
5 properly seconded that Bill No. 140148 be
6 reported from this Committee with a
7 favorable recommendation and further
8 moved that the rules of Council be
9 suspended to permit first reading of this
10 bill at the next session of Council.

11 All those in favor say aye.

12 (Aye.)

13 COUNCIL PRESIDENT CLARKE:

14 Those opposed?

15 (No response.)

16 COUNCIL PRESIDENT CLARKE: The
17 ayes have it. The motion carries. Bill
18 No. 140148 will be reported from this
19 Committee with a favorable recommendation
20 and a request that the rules of Council
21 be suspended to permit first reading at
22 the next session of Council.

23 The Chair again recognizes
24 Councilman Jones for a motion on Bill No.
25 140489.

1 6/4/14 - WHOLE - BILL 140132, etc.

2 COUNCILMAN JONES: Thank you,
3 Mr. President. I move that Bill No.
4 140489 be reported from this Committee
5 with a favorable recommendation and
6 further move that the rules of Council be
7 suspended to permit first reading of this
8 bill at our next session of Council.

9 (Duly seconded.)

10 COUNCIL PRESIDENT CLARKE:
11 Thank you. It has been moved and
12 properly seconded that Bill No. 140489 be
13 reported from this Committee with a
14 favorable recommendation and further
15 moved that the rules of Council be
16 suspended to permit first reading of this
17 bill at the next session of Council.

18 All those in favor say aye.

19 (Aye.)

20 COUNCIL PRESIDENT CLARKE:

21 Those opposed?

22 (No response.)

23 COUNCIL PRESIDENT CLARKE: The
24 ayes have it. The motion carries. Bill
25 No. 140489 will be reported from this

1 6/4/14 - WHOLE - BILL 140132, etc.
2 Committee with a favorable recommendation
3 and with a rules suspension to allow
4 reading at the next session of Council.

5 As there is no additional
6 business before this Committee, there
7 being none, the Committee will stand in
8 recess at the call of the Chair.

9 Thank you all very much.

10 (Committee of the Whole
11 concluded at 4:00 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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