

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON TECHNOLOGY AND
INFORMATION SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, November 13, 2014
12:40 a.m.

PRESENT:

COUNCILMAN BRIAN J. O'NEILL, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN ED NEILSON
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

BILL 140830 - An ordinance authorizing the City Solicitor, on behalf of the City, to enter into a multi-year contract with a provider of codification, editing, and marketing services to produce printed and electronic versions of the 11th edition of The Philadelphia Code, a Zoning and Planning Supplement and the 2015 Reprint of The Philadelphia Home Rule Charter, with periodic supplements to each...

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COUNCILMAN O'NEILL: Good afternoon. This hearing before the Technology and Information Services Committee is called to order. I recognize the presence of a quorum of Committee members. Members of the Committee in attendance are Councilwoman Bass, Councilman Neilson, Councilman Oh, Councilman Johnson, Councilman Squilla. We have just about the whole Committee.

And I would like to call our first witness, Lewis Rosman. Could you please approach the witness table, state your name for the record, and proceed with your testimony.

(Witness approached witness table.)

MR. ROSMAN: Good afternoon, Chairman O'Neill and members of the Committee. My name is Lewis Rosman. I'm a Senior Attorney in the Appeals and Legislation Unit of the Law Department. It's my real pleasure to appear before you back in my old role as a legislative

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2 attorney for the City of Philadelphia
3 after having had the honor of working
4 closely with all of you as the Mayor's
5 Director of Legislative Affairs.

6 Since 1998, one of our
7 responsibilities in the Appeals and
8 Legislation Unit has been to manage
9 editing and publication of The
10 Philadelphia Code and the City's Home
11 Rule Charter.

12 COUNCILMAN O'NEILL: Excuse me,
13 Mr. Rosman. I omitted the Clerk reading
14 the bill.

15 Clerk, read the title of the
16 bill, please. Sorry.

17 THE CLERK: The title of Bill
18 140830, an ordinance authorizing the City
19 Solicitor, on behalf of the City, to
20 enter into a multi-year contract with a
21 provider of codification, editing, and
22 marketing services to produce printed and
23 electronic versions of the 11th edition
24 of The Philadelphia Code, a Zoning and
25 Planning Supplement and the 2015 Reprint

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2 of The Philadelphia Home Rule Charter,
3 with periodic supplements to each, all
4 under certain terms and conditions.

5 COUNCILMAN O'NEILL: Proceed.

6 MR. ROSMAN: Thank you. Since
7 1998, one of our responsibilities in the
8 Appeals and Legislation Unit has been to
9 manage editing and publication of The
10 Philadelphia Code and the City's Home
11 Rule Charter. I'm here to testify in
12 support of Bill No. 140830, which would
13 authorize the Law Department to enter
14 into a multi-year contract for such
15 editing and publication services.

16 This body frequently makes
17 changes to The Philadelphia Code and
18 occasionally, with the approval of the
19 voters, the Home Rule Charter. We
20 contract with a code publishing company
21 to make sure these changes get put in the
22 Code in the right place, with appropriate
23 footnoting, and that the current Code and
24 Charter is available online for the
25 public and in electronic updates that are

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2 sent to us. The contract also provides
3 for a publication of a complete new
4 hard-copy edition of the Code -- next
5 year's will be the 11th edition -- and a
6 current reprint of the Charter, as well
7 as annual or regular hard-copy
8 supplements to both.

9 Our current contract with
10 American Legal Publishing will expire at
11 the end of the year. On November 3rd, we
12 issued an RFP for a contract for the next
13 four years. This contract will cover
14 ongoing electronic and online updates of
15 the Code, the next full hard-copy
16 editions of the Code and Charter, and
17 periodic supplements to the books. We
18 hope that the cost to the City for these
19 services will remain minimal. The basic
20 approach we've used and which we hope to
21 continue is that the vendor will provide
22 editing and codification services as well
23 as electronic and web-based versions of
24 the Code, largely in exchange for the
25 right to publish and market the official

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2 electronic and hard-copy editions of the
3 Code to the public.

4 We have found that a four-year
5 contract is the most efficient approach
6 because it guarantees the publisher and
7 the City continuity of service for a
8 reasonable period of time, while
9 requiring us to revisit the contract at
10 the time of planned publication of the
11 new hard-copy editions of the Code and
12 Charter. This is our third time coming
13 before you asking for approval of a bill
14 approving a multi-year contract for
15 publication services.

16 Courts, attorneys, personnel
17 throughout the City, Council itself and,
18 most importantly, the public all rely on
19 access to up-to-date and accurate
20 versions of the City's Home Rule Charter
21 and Code. Since 1998, this city has
22 established a strong record of publishing
23 and updating these documents on a
24 consistent and predictable schedule. We
25 plan to continue this practice, and the

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2 bill before Council will allow us to
3 procure services so that we can continue
4 to do so in an efficient and
5 cost-effective manner.

6 The Law Department, therefore,
7 respectfully requests the Committee's
8 favorable consideration of Bill 140830
9 and, further, a suspension of the rules
10 in order to allow first reading at the
11 next session of Council.

12 Thank you for your time, and
13 I'm, of course, available to answer any
14 questions the Committee may have.

15 COUNCILMAN O'NEILL: Are there
16 any questions or comments from members of
17 the Committee for this witness?

18 (No response.)

19 COUNCILMAN O'NEILL: There
20 being none, I'd like to ask you,
21 Mr. Rosman, have you had a chance to talk
22 to our next witness, Mr. Schelter, about
23 his issue?

24 MR. ROSMAN: I did.

25 COUNCILMAN O'NEILL: And can

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2 you stay at the table. I'll let him make
3 his presentation and then we'll get your
4 comments.

5 MR. ROSMAN: Sure.

6 COUNCILMAN O'NEILL:

7 Mr. Schelter.

8 (Witness approached witness
9 table.)

10 COUNCILMAN O'NEILL: State your
11 name for the record and proceed with your
12 testimony.

13 MR. SCHELTER: My name for the
14 record is Craig Schelter. I'm the
15 Executive Director of the Development
16 Workshop.

17 Good afternoon, Chairman
18 O'Neill and members of the Committee.
19 I'm appearing to you today as the
20 Executive Director of the Development
21 Workshop, a 501(c)(6) organization
22 created to promote development in
23 Philadelphia, increase the City's tax
24 base, and increase housing and community
25 development opportunities.

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2 COUNCILMAN O'NEILL: Craig,
3 could you move that a little closer.

4 MR. SCHELTER: Sure. Is that
5 better?

6 We have been a consistent voice
7 over the past seven years before the City
8 Planning Commission and the Rules
9 Committee of City Council advocating a
10 workable Zoning Code.

11 On previous occasions, we have
12 brought to Council's attention the need
13 for easy public accessibility to the
14 Code, especially regarding all the
15 updates legislated by City Council since
16 the new Code went into effect in August
17 of 2012. In just the past 16 months
18 alone, 47 ordinances have been passed to
19 amend the Code by City Council.

20 Our issue before you today is
21 how to make the updated Code available in
22 an easy desk reference for regular Code
23 users. Today, the updates are available
24 online from American Legal Publishing.
25 However, this requires an extensive

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2 search of the massive 300-plus page Code
3 online and the purchase each year of a
4 new hard-run desk copy, which is
5 cumbersome to use and makes difficult the
6 annotated notes that explain previous
7 Code references.

8 We are specifically
9 recommending that the Law Department
10 include more user-friendly specifications
11 in the contract this Council is moving to
12 authorize today. This could be a
13 looseleaf binder in addition to the
14 hard-bound copy, with page inserts on a
15 semi-annual or an annual basis. Such a
16 service was previously provided by Local
17 Law Publications for a modest yearly user
18 fee. And let me demonstrate what I mean.

19 Two volumes here. This first
20 volume, this is the old Zoning Code. You
21 can see how thick it is. Now imagine
22 this is the new Zoning Code. So you can
23 see it's slightly smaller, but in a
24 little over 16 months, there have been 47
25 pieces of legislation to change various

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2 aspects of the Code, some where a
3 chart -- just a couple numbers on a chart
4 are changed, some a definition of what is
5 an allowable use in a certain zoning
6 category.

7 And the way the Code used to be
8 updated is that you would have this book,
9 you would subscribe to the service, and
10 twice a year they would send you a page
11 of inserts, and it would simply say open
12 to page such-and-such in the Code, take
13 this page out, throw it away, insert the
14 new Code. And, therefore, you could keep
15 track of the continuity and follow it.
16 And this is something that for
17 practitioners, planners, architects,
18 engineers, lawyers, they use as a desk
19 version. They also use the online
20 version. I'm not questioning the value
21 of the online version. That's the way
22 the world is today. But to track in that
23 Code if there's going to be a change that
24 affects multiple chapters within the
25 Zoning Code, it makes it very difficult

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2 to follow. And I've also had RCOs,
3 registered community organizations, that
4 say we can't follow all the changes in
5 the Code.

6 So what we're recommending is
7 that there be some such provision like
8 this in the specifications so that
9 somebody who just wants to find out one
10 piece of information can go online and
11 get it, but for a community group, their
12 zoning committee or for practitioners
13 that this would be available. And it
14 would be a service that we would expect
15 to have to pay for. In my experience
16 over the past 12 years using the Code, it
17 has generally been in the vicinity of \$25
18 to \$30 a year in terms of service fee to
19 keep this thing updated, but it's a very
20 effective way to keep up with the Code.

21 So, as I said, just to
22 conclude, in addition to the large volume
23 of changes that are being made, it would
24 be enormously useful both for the
25 development community and for registered

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2 community organizations that are forced
3 to confront and weigh in on the
4 ever-changing Zoning Code. I understand
5 that's a fact of life, but I think
6 everybody wants to be open and
7 transparent and as much up to date as
8 possible.

9 So I thank you for the
10 opportunity to speak today, and sorry I
11 dropped this off at the last minute.

12 COUNCILMAN O'NEILL: That's
13 okay. Before I ask if there are any
14 questions of the Committee for you, I had
15 a chance to introduce you to Mr. Rosman
16 before the hearing, and this seems like
17 almost a friendly amendment. I'm just
18 wondering what the Law Department's
19 position would be on this.

20 MR. ROSMAN: First, let me tell
21 you what we do with respect to the Zoning
22 Code. I didn't mention this in my
23 testimony, but part of what we will
24 contract for with the publisher is to
25 make available a single volume of Title

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2 14, a hard-copy volume, that's not in --
3 what we've typically done has not been in
4 looseleaf form, just been in a book form,
5 and then each year produce a supplement
6 to that that can be stuck in the back of
7 that book that contains all the changes
8 that have been made in the year or -- in
9 year 2 we would have all the changes that
10 had been made in that two-year period up
11 until the next four-year period when we
12 do the books over again.

13 Our experience is, most people
14 are turning to electronic use of these
15 kind of things. Our contract with our
16 current provider is pretty low cost,
17 largely because we're essentially trading
18 the right for them to sell copies of the
19 books and CD-ROMs or other electronic
20 forms that they want to try and sell it
21 in for their services and doing the
22 updating, the editing of the Code and
23 producing the books and providing us,
24 most importantly, an online version of
25 the Code, which is really what I think

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2 most people are turning to.

3 We've talked about doing
4 looseleaf books like this. The problem
5 with doing looseleaf books is that unless
6 you have someone who is doing a careful
7 job of inserting the inserts -- I'm sure
8 Mr. Schelter, this is his lifeblood, this
9 is what he does all the time, is this
10 kind of zoning practice, but if just for
11 ordinary users, unless you are very
12 careful about taking those pages and
13 inserting them in the right place and
14 then replacing them at the right time,
15 you don't get a fully complete copy of
16 the book. You wind up with a book that
17 might be partly updated and partly not.

18 We certainly can talk to the
19 people that submit proposals. It's
20 not --

21 COUNCILMAN O'NEILL: Excuse me.
22 Does it have to be an either-or? I
23 thought I heard Mr. Schelter say that
24 there could be a looseleaf option with
25 this. You'd still have what you were

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2 just talking about with the insert coming
3 in every two years or every year,
4 whatever, and for a fee, they would
5 pay -- I think all he's asking is for the
6 Law Department to provide that option of
7 the looseleaf.

8 Is that correct, Mr. Schelter?

9 MR. SCHELTER: Yes, that's
10 correct. And the difference here is that
11 the supplement that would come out now,
12 as I understand it, it would supplement
13 and you would get a supplement that lists
14 all the pages in the Code together in one
15 place. So that's your supplement, which
16 you've got to go through. This
17 alternative would simply take --

18 COUNCILMAN O'NEILL: I
19 understand. It's very clear. It
20 replaces a page.

21 MR. SCHELTER: It replaces the
22 page. So for those of us who -- I mean,
23 we use this thing -- this is like a Bible
24 and, you know, you want to be able to
25 open and leaf through it. It's

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2 annotated. You follow other cases. You
3 follow how various Councilpeople have
4 different responses to various elements
5 in the Code, and it's an extremely useful
6 thing. And, as I said, I think that the
7 fee -- the largest fee I think I ever
8 paid for this update was something like
9 \$44 a year, and normally it's, I would
10 say, on average maybe \$25 a year, and for
11 me, that's peace of mind, and it in no
12 way takes away from the fact that if the
13 City's recognizing the official version
14 published by the contractor today, that
15 we don't have -- anybody has an
16 obligation to realize that that's the
17 official version when they're preparing
18 any work or when they're looking and
19 talking to a developer who is coming
20 before them. But I think the people who
21 work with this all the time, it's
22 something that we're going to make sure
23 we do the update right, because as you
24 say, it's our bread and butter, but also
25 it's the kind of thing where we can

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2 better track how City Council is acting,
3 explain it to clients, and explain it to
4 community groups, because sometimes they
5 will say, Well, we understood that a side
6 yard requirement used to be 15 feet and
7 now here you're coming back with less,
8 and you can walk them through it. In a
9 supplement, I don't think you're going to
10 find that level of understanding that you
11 can easily follow. And if it's more than
12 once a year, you can get very far behind
13 in your interpretation of the Code. I
14 think that's something that's just much
15 more useful.

16 COUNCILMAN NEILSON: Thank you
17 for your testimony. I agree with you.
18 I've used codes my whole career, and for
19 you not to be able to make this available
20 for them to purchase through your
21 publisher agreement, I think it's an easy
22 call, because, as you stated in your
23 testimony, that you contract with a
24 publisher. For them to be able to sell
25 and for you to ask them to make that

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2 available to the attorneys, to the
3 contractors, to the zoning czars of the
4 City, I think that's an easy call, and
5 I'm going to ask you on the
6 record that --

7 COUNCILMAN O'NEILL: Would we
8 need an amendment for that?

9 MR. ROSMAN: No. I can say
10 that we will certainly talk to the
11 vendors. It's not like we get 20 people,
12 20 companies proposing for this. We're
13 lucky if we get two or three.

14 COUNCILMAN NEILSON:
15 Understood. I understand that, but when
16 you ask a vendor, I'd like a copy of what
17 you're asking that vendor for prior to
18 you soliciting this bid. I want to make
19 certain that you're asking for the right
20 thing and that language is in there,
21 because we both know if you ask
22 correctly, it will be in there. You can
23 ask for the online version as well as the
24 binder and the hard copy if they would
25 make it available. It's a simple put it

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2 in your RFP.

3 MR. ROSMAN: I want to make a
4 couple things clear. First of all, we
5 issued the RFP. We can certainly ask
6 them in connection with proposals that
7 are made and as we discussed the
8 proposals with the vendors if this is
9 something that they're currently doing,
10 if it's something that they think they
11 could do for us, what additional costs
12 there might be in connection with that.
13 We do -- I just want to also make
14 clear --

15 COUNCILMAN NEILSON: I heard
16 you. You issued the RFP already.

17 MR. ROSMAN: That's right.

18 COUNCILMAN NEILSON: So then
19 you would have to amend that RFP?

20 MR. ROSMAN: I don't think it's
21 such a significant difference. It's
22 not -- the main thing that they're
23 contracting for is doing electronic,
24 web-based, and CD-ROMs. They also put
25 out books for us of the entire Code. The

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2 Zoning Code is an important part of it,
3 but it's not, by any means, the most
4 significant aspect of all the publication
5 work that we're asking them to do for us.
6 We can add that in in the discussion, I
7 think, with anyone that we're negotiating
8 with about how much work would be
9 involved, how many users do they think
10 will do it. There is --

11 COUNCILMAN NEILSON: I know. I
12 can see. You print a page, bind it or
13 you don't bind it. I mean, you put three
14 holes in it. Like I said, I just think
15 it's something you need to look at.

16 And, Mr. Chairman, with all due
17 respect, I'd like to hold this until next
18 week, because until you come back with a
19 solid answer for us, because you maybe
20 can, maybe can, and I'd like a more
21 definite answer out of you. Yes, I will
22 go look at this. Yes, Council, I will
23 bring you those answers and --

24 MR. ROSMAN: I'm certainly
25 committing to looking at it, discussing

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2 it with my boss in the Law Department,
3 discussing it with the vendors that make
4 proposals.

5 If you're asking a guarantee
6 that we will in fact -- this book is
7 produced by a gentleman named Bob Stern,
8 who has been doing it for years. He does
9 it privately, and he may continue doing
10 that. I don't know why we need to
11 duplicate what Mr. Stern is doing to
12 create this format of the Code. I don't
13 know why --

14 COUNCILMAN O'NEILL: Let's find
15 out, but in the meantime because of
16 Council's Calendar being so short, I'm
17 thinking if we had more time on the
18 Calendar and you didn't have a time
19 commitment, how about if we report it out
20 today. By December 4th, which would be
21 final passage, there's only one week
22 after that. We'll have the discussion
23 and share it with the Committee and other
24 members as to whether this was able to be
25 done by either a private person again or

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2 as part of our contract. That's the
3 first time we've heard that in this
4 hearing, is that that wasn't part of our
5 City contract that has been reauthorized
6 twice now.

7 MR. ROSMAN: We've never done
8 the books this way.

9 COUNCILMAN O'NEILL: That is
10 the first time this Committee has heard
11 this testimony today. We've been having
12 this discussion, but I assumed that that
13 was past practice of the City and we were
14 changing our practice.

15 MR. ROSMAN: No. We've never
16 done it this way. This has been done by
17 a private practitioner. For all I know,
18 he may continue to do that and --

19 COUNCILMAN O'NEILL: Well,
20 let's find all that out.

21 Any other questions from
22 members of the Committee?

23 I think, Councilman Neilson, I
24 think we've covered it.

25 Any other questions from the

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2 Committee?

3 (No response.)

4 COUNCILMAN O'NEILL: We're
5 going to report it out today with a rules
6 suspension. Since this is after the
7 session, it won't be able to be passed
8 until December 4th.

9 So I'll look for a motion from
10 Mr. Neilson to move the bill with a rules
11 suspension.

12 COUNCILMAN NEILSON:
13 Mr. Chairman, I move that Bill No. 140830
14 be reported from this Committee with a
15 favorable recommendation and further move
16 that the rules of Council be suspended to
17 permit the first reading of this bill at
18 the next session of Council.

19 (Duly seconded.)

20 COUNCILMAN O'NEILL: It has
21 been moved and properly seconded Bill No.
22 140830 be reported from this Committee
23 with a favorable recommendation and
24 further moved that the rules of Council
25 be suspended to permit first reading of

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2 this bill at the next session of Council.

3 All those in favor of the

4 motion will signify by saying aye.

5 (Aye.)

6 COUNCILMAN O'NEILL: Those

7 opposed?

8 (No response.)

9 COUNCILMAN O'NEILL: The ayes

10 have it and the motion carries. Bill No.

11 140830 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 the first reading

15 at the next session of Council.

16 This concludes the business of

17 this Committee for today.

18 Thank you all very much.

19 (Committee on Technology and

20 Information Services concluded at 1:00

21 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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direct control and/or supervision of the
certifying reporter.)

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