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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

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- - -
Room 400, City Hall

4

Philadelphia, Pennsylvania

Tuesday, June 10, 2008, 10:07 a.m.

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Bill 080468 - Enacting a new Chapter 9-3200,
entitled "Entitlement to Leave Due to
Domestic or Sexual Violence," to the
Philadelphia Code to provide that certain
employees may take unpaid leave from work to
address domestic or sexual violence.

9

Bill 080169 - Relating to transfer of powers
and duties of Fairmount Park Commission to
the Department of Recreation (to be renamed
"Department of Parks and Recreation") and
reconstituting Fairmount Park Commission as
the Commission on Parks and Recreation.

Resolution 080181 - Proposing amendment to
the Home Rule Charter relating to transfer
of powers and duties of the Fairmount Park
Commission to the Department of Recreation.

15

COMMITTEE MEMBERS PRESENT:

16

William K. Greenlee, Chair

17

James F. Kenney, Vice Chair

18

Blondell Reynolds Brown

19

Frank DiCicco

20

W. Wilson Goode, Jr.

21

Jack Kelly

22

Maria Quinones-Sanchez

23

OTHER COUNCILMEMBERS PRESENT:

24

Darrell L. Clarke

25

Curtis Jones, Jr.

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1	6/10/08 LAW AND GOVERNMENT	
2	I N D E X	
3	WITNESS	PAGE
3	Bill 080468	
4	Jennifer Serrano, Domestic Abuse Victim	6
5	Duane Bumb, Dept. Director of Commerce	13
6	Denise Earley, Chamber of Commerce.....	17
7	Joe Mahoney, Chamber of Commerce.....	31
8	Cynthia Figueroa, Women Against Abuse...	57
9	Terry Fromson, Women's Law Project.....	67
10	Ana Yoder, Lutheran Settlement House....	76
11	Janet Ginsburg Community Legal Services	85
12	J. Otero-Cruz Congreso de Latinos Unidos	88
13	A. Crawford, Women Organized Against Rape	91
14	Tamela Luce, Women's Way.....	93
15	Bill 080169, Resolution 080181	
16	Dr. Donald Schwarz.....	108
17	Deputy Mayor for Health and Opportunity	
18	Pete Hoskins, Phila. Parks Alliance.....	137
19	L. Bournefriend, Phila. Parks Alliance	141
20	Doris Gwaltney, Carol Park Neighbors....	144
21	Graham Finney, Phila. Park Alliance.....	146
22	Judge Alex Bonavitacola.....	151
23	Fairmount Park Commissioner	
24	Senator Philip Price.....	154
25	Resident, 800 block of Navajo	
	Mike McCrea, Recreation Advisory Board	195
	* * *	

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: Good
3 morning, everybody. Can I have your
4 attention? We're not too late, only
5 about seven minutes late, so that's not
6 too bad, 'cause we want to started
7 'cause we have a busy schedule; we have
8 a couple of very important bills here.

9 The Committee on Law and
10 Government. For the record, we have a
11 quorum with myself; Councilman Kenney,
12 who is the vice chair of the
13 committee; Councilman Goode; and
14 Councilman Green.

15 Would the clerk please read
16 Bill No. 080468, please.

17 THE CLERK: Bill No. 080468, an
18 ordinance amending Section 9-1103 of
19 the Philadelphia Code, entitled
20 "Unlawful Employment Practices," and
21 enacting a new Chapter 9-3200, entitled
22 "Entitlement to Leave Due to Domestic
23 or Sexual Violence," to provide that
24 certain employees may take unpaid leave
25 from work to address domestic or sexual

1 6/10/08 LAW and GOV'T - BILL 080468
2 violence, all under certain terms and
3 conditions.

4 COUNCILMAN GREENLEE: Thank
5 you.

6 As the clerk just read, we're
7 going to deal with the bill dealing
8 with domestic-abuse leave first, and
9 then after that, we'll deal with the
10 bills on the consolidation of
11 Recreation and Fairmount Park. And I
12 think a lot of people knew that; I
13 tried to get that word out so folks
14 weren't sitting here too long.

15 Before we call our first
16 witness -- in fact, our first witness,
17 maybe she can come to the table
18 first -- is Jennifer Serrano.
19 Jennifer, could you come to the table.

20 (Witness comes forward.)

21 COUNCILMAN GREENLEE: And as
22 she's coming up, I just want to make a
23 short statement on this bill.

24 As we know, domestic violence
25 affects people from all backgrounds.

1 6/10/08 LAW and GOV'T - BILL 080468

2 The bill before us today gives some
3 protection to people; it allows them
4 some time to get their lives together
5 to get medical help, psychological
6 help, legal help, et cetera, and will
7 still know that they will have a job
8 after a reasonable time of unpaid
9 leave.

10 I believe this bill will not
11 be the burden to businesses that some
12 seem to fear. This proposed law,
13 which was also cosponsored by
14 Councilman Green and Councilman
15 Clarke, asks one basic question:
16 Should government try to help make
17 sure that an individual gets the
18 assistance she or he needs in a
19 domestic-abuse situation and will not
20 have to fear losing their job.

21 Some might argue let's wait,
22 let's study the situation more maybe
23 there's other entities that should
24 deal with this. But in summary, I'll
25 argue the problem exists now; let's

1 6/10/08 LAW and GOV'T - BILL 080468
2 try to help now.

3 And with that, Miss Serrano,
4 if you could just identify yourself
5 for the record, speak as close to the
6 microphone as you can, and proceed
7 with your testimony. Good morning.

8 MS. SERRANO: Good morning,
9 Councilman Greenlee. My name is
10 Jennifer Serrano.

11 Thank you for allowing me to
12 testify on this important piece of
13 legislation that will positively
14 impact the lives of so many
15 Philadelphia women like myself. I
16 also would like to thank you and your
17 staff, particularly Kevin Boyle, for
18 your interest in improving the lives
19 of domestic-abuse victims.

20 I would like now to discuss
21 the impact domestic violence has had
22 on my life, particularly on my ability
23 to hold a job and pursue my
24 educational goal.

25 My name is Jennifer Serrano,

1 6/10/08 LAW and GOV'T - BILL 080468
2 and I have been a victim of domestic
3 violence since I was 16 years ago old.
4 I have lost several jobs and had to
5 drop out of school due to being a
6 victim of domestic violence. I have
7 spent countless days in numerous
8 hospitals all over the City due to
9 domestic violence, and I have suffered
10 over the past five years.

11 Although I am very nervous
12 right now, I feel it was very
13 important to be here today to be a
14 voice for victims of domestic violence
15 throughout the City.

16 There are two important issues
17 I want to discuss today concerning
18 domestic violence: The difficulties I
19 have had maintaining employment due to
20 my situation and challenges in
21 completing my education.

22 Over the past five years, I
23 have lost several jobs due to the
24 abusive relationship I was in. Even
25 after I had the encourage to leave my

1 6/10/08 LAW and GOV'T - BILL 080468
2 abuser, he continued to hinder my
3 ability to keep a job. On several
4 occasions, my former abuser had both
5 verbally and physically attacked
6 friends and relatives of mine. I would
7 continually be late, and even not show
8 up, for work due to the fact that my
9 abuser would be waiting for me at the
10 bus stop. I would have extensive
11 stays in the hospital due to the abuse
12 and missed days due to my injuries.

13 My inability to maintain
14 employment had other effects. Due to
15 this, I have spent extended periods
16 living in the streets, bouncing from
17 home to home and shelter to shelter.
18 I have also lost custody of my two
19 little girls, being able to keep my
20 job and have gone along in helping me
21 to avoid these devastating
22 consequences.

23 My struggles have also
24 extended to my ability to complete my
25 education. When I was a high school

1 6/10/08 LAW and GOV'T - BILL 080468
2 senior, I became pregnant with my twin
3 girls at the age of 17 years old.
4 After their birth, I attempted to go
5 back and finish my degree. My simple,
6 everyday decisions were controlled by
7 him, with the ever-present threat of
8 violence. I eventually was able to
9 complete my degree on line.

10 When I finally left my abuser,
11 I attempted to go to school for
12 nursing. I attended a school an hour
13 away to be far away from him, but he
14 continued to find me. I missed
15 several days due to his harassment and
16 had two emergency room stays due to
17 his violence. These acts of violence
18 all occurred well after I had ended my
19 relationship with him.

20 I ended up being dismissed
21 from school due to missing too many
22 days and now owe several thousand
23 dollars for a degree I was unable to
24 complete.

25 The legislation Councilman

1 6/10/08 LAW and GOV'T - BILL 080468
2 Greenlee is introducing today will
3 remind those of us who look over our
4 shoulders constantly that there is
5 someone standing with us as we take
6 back control of our lives.

7 Over the past year, I have
8 finally begun to regain control of my
9 life. I am currently a full-time
10 student at Community College. I began
11 to volunteer at the State
12 representative's office who helped me
13 start an internship, which then later
14 became a position in legislative
15 staff.

16 (Witness weeps.)

17 COUNCILMAN GREEN: Take your
18 time.

19 MS. SERRANO: I own my own
20 apartment and I'm working with Legal
21 Aid to get my girls back.

22 This legislation is really
23 important to not only myself but to
24 hundreds of women across the City of
25 Philadelphia. And for women like me

1 6/10/08 LAW and GOV'T - BILL 080468
2 who have experienced losing a job and
3 not being able to explain it to your
4 employers is a undertaking experience.
5 I speak on behalf of the women across
6 the City of Philadelphia and I speak
7 on everyone's behalf that this is a
8 really great idea. And this
9 legislation, I really hope it gets
10 passed.

11 Thank you, Councilman
12 Greenlee.

13 COUNCILMAN GREENLEE: Thank
14 you, Miss Serrano. Thank you for
15 coming down.

16 I'm familiar with some of your
17 situation, and you're to be
18 congratulated on the courage you have
19 shown through this whole process.

20 And in my personal opinion, if
21 we can pass what I think is a
22 sensible, reasonable thing that can
23 help people like you -- it doesn't
24 solve all of your problems, but I
25 think it will go far to at least make

1 6/10/08 LAW and GOV'T - BILL 080468
2 you take away one of those fears that
3 you have, which is losing your job.
4 So, again, I appreciate you coming
5 down here.

6 Are there any questions or
7 comments from members of the
8 committee?

9 (No questions or comments from
10 committee members.)

11 COUNCILMAN GREENLEE: Thank you
12 very much.

13 MS. SERRANO: Thank you.

14 COUNCILMAN GREENLEE: I think
15 you were a poignant start to this
16 hearing. Thank you.

17 MS. SERRANO: Thank you.

18 COUNCILMAN GREENLEE: Our next
19 two witnesses are: Duane Bumb, Deputy
20 Director of Commerce; and Denise Earley
21 from the Chamber of Commerce. Denise,
22 are you -- I thought I saw you come in.
23 There you are.

24 MS. EARLEY: (Inaudible,
25 off-mic.)

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: Okay. Do
3 you have the testimony or --

4 MS. EARLEY: I have it here.

5 COUNCILMAN GREENLEE: Maybe you
6 can read it in if Joe comes in while
7 you're here.

8 MS. EARLEY: Okay.

9 (Witnesses come forward.)

10 COUNCILMAN GREENLEE: Mr. Bumb,
11 maybe you can start off, okay?

12 MR. BUMB: Okay.

13 COUNCILMAN GREENLEE: Good
14 morning.

15 MR. BUMB: Good morning,
16 Chairman Greenlee and members of City
17 Council. My name is Duane Bumb. I'm
18 the Senior Deputy Director of Commerce
19 and I'm appearing here today to testify
20 on the proposed amendment to the
21 Unlawful Employment Practices section
22 of the Philadelphia Code, entitled
23 "Entitlement to Leave Due to Domestic
24 or Sexual Violence."

25 I would first like to commend

1 6/10/08 LAW and GOV'T - BILL 080468
2 Councilmembers Greenlee, Clarke, and
3 Green for raising this important
4 issue. Every year, tens of thousands
5 of cases of domestic abuse are
6 reported in Philadelphia, threatening
7 the fabric of our communities and the
8 sanctity of our families. It is
9 incumbent upon all of us to come to
10 the aid of victims of those acts in
11 order to alleviate the psychological
12 and social toll inflicted upon them.

13 While the merits of the bill
14 before us are unmistakable, the
15 Commerce Department would recommend
16 that its passage be put on hold to
17 permit more time to address concerns
18 raised by the City's business
19 community. Local employers fear that
20 mandating unpaid leave for employees
21 affected by domestic and sexual abuse
22 would impose an undue burden upon
23 doing business within the City. Among
24 the anticipated costs cited by the
25 employers are a decline in

1 6/10/08 LAW and GOV'T - BILL 080468
2 productivity and an added strain to
3 human resource departments.

4 To ensure the bill does not
5 create any unforeseen obstacles to our
6 city's economic growth, it is our
7 recommendation that a cost analysis be
8 performed to provide a more complete
9 understanding of the bill's
10 implications.

11 Additionally, since the
12 proposed measure would only affect
13 local businesses, there is a
14 reasonable fear that the bill's
15 implementation would defer investment
16 away from the City. As demonstrated
17 throughout the country, with the
18 exception of New York City,
19 legislation comparable to this measure
20 has been enacted only at the state
21 level, thereby ensuring municipalities
22 parity in the application of this
23 benefit.

24 Furthermore, legislation
25 pending in the U.S. Congress seeks to

1 6/10/08 LAW and GOV'T - BILL 080468
2 provide a similar benefit to victims
3 of domestic and sexual abuse. Given
4 the presence of pending federal
5 legislation and the prospect of
6 disincentivizing local investment, it
7 is necessary to question whether local
8 government is indeed the appropriate
9 setting for this legislation.

10 The legislation before us
11 today is well intentioned but warrants
12 further evaluation. While it is
13 important to protect our residents
14 from the devastating social effects of
15 domestic abuse, we must first evaluate
16 the potential detriment this measure
17 poses to our overall economy as well
18 as the pragmatism of implementing this
19 benefit at the local level.

20 Thank you for your
21 consideration of this testimony. I'd
22 be happy to respond to questions you
23 may have.

24 COUNCILMAN GREENLEE: Thank
25 you, Mr. Bumb, for your testimony.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Just for the record, members
3 of the committee have come since I
4 first announced this: Councilman
5 DiCicco; and I saw Councilman Kelly,
6 and I'm sure he'll be back; also not a
7 member but one who has interest in
8 this issue is Councilman Jones; and
9 Councilman Clarke, who is a cosponsor
10 of this bill is here also.

11 I think it might be better,
12 Miss Earley, if we hear from you, and
13 then maybe we'll have questions, if
14 that's okay with the committee.

15 MS. EARLEY: Thank you. Good
16 morning.

17 For the record, my name is
18 Denise Earley. I am the Executive
19 Director of the Greater Philadelphia
20 Chamber of Commerce.

21 I come before you today to ask
22 questions about and to offer comments
23 on City Council Bill 080468, an
24 ordinance amending Section 9-1103 of
25 the Philadelphia Code, entitled

1 6/10/08 LAW and GOV'T - BILL 080468
2 "Unlawful Employment Practices," and
3 enacting a new Chapter 9-3200,
4 entitled "Entitlement to Leave Due to
5 Domestic or Sexual Violence," to
6 provide that certain employees may
7 take unpaid leave from work to address
8 domestic or sexual violence, all under
9 certain terms and conditions.

10 Let me preface my prepared
11 remarks on Bill No. 080468 by
12 outlining the Greater Philadelphia
13 Chamber of Commerce membership for
14 you. We have a approximately 5,000
15 member companies stretching across 11
16 counties in 3 states of the Greater
17 Philadelphia region. Fifty-four
18 percent of our membership is in
19 Philadelphia and eighty-five percent
20 of our membership represents small
21 businesses, with less than 100
22 employees. The Greater Philadelphia
23 Chamber of Commerce membership with
24 less than 50 employees is 3200.

25 When Bill 080468 was

1 6/10/08 LAW and GOV'T - BILL 080468
2 introduced on May 8th, sponsored by
3 Councilmembers Greenlee, Clarke, and
4 Green, the Greater Philadelphia
5 Chamber of Commerce immediately sent
6 out a notice to our Philadelphia
7 businesses to obtain their comments
8 and feedback on this bill and to
9 ascertain the impact Bill 080468 would
10 likely have on their businesses.

11 While most were sympathetic to
12 the issues of domestic violence -- and
13 certainly the Greater Philadelphia
14 Chamber of Commerce understand the
15 intent of the bill to help these
16 victims -- the overwhelming majority
17 of businesses replied that this would
18 be devastating to their business and
19 it would be particularly onerous on
20 small businesses, which, as I just
21 mentioned, represents 85 percent of
22 our membership.

23 With Bill 080468, employees
24 would be entitled to eight work weeks
25 of leave during any twelve-month

1 6/10/08 LAW and GOV'T - BILL 080468
2 period from an employer who employees
3 fifty or more employees, or four work
4 weeks of leave during any twelve-month
5 period from an employer who employs
6 less than fifty employees.

7 This bill would broaden the
8 circumstances covered by the federal
9 Family and Medical Leave Act of 1993.
10 For instance, threats of violence or
11 stalking would not be eligible under
12 FMLA. The bill also broadens the
13 scope to cover employees with less
14 than fifty employees. FMLA covers
15 employers with fifty employees or
16 more. This expansion could certainly
17 be particularly onerous to the many
18 small employers based in Philadelphia.

19 In addition to the negative
20 economic implications on employers,
21 Bill 080468 raises an array of other
22 issues and questions for businesses
23 like:

24 The certification and
25 documentation process and the

1 6/10/08 LAW and GOV'T - BILL 080468
2 administrative and recordkeeping
3 processes that would be burdensome on
4 businesses to implement and maintain,
5 particularly since the proposed leave
6 may be taken intermittently or on a
7 reduced work schedule.

8 What is meant by "the employee
9 shall provide such certification to
10 the employer within a reasonable
11 period of time?

12 Other questions and concerns
13 that we've received include: the
14 opportunities for abuse to the
15 proposed benefit requiring only 48
16 hours' notice to the employers, if at
17 all; and how does one prove household
18 member.

19 The leave should not be a
20 recurring benefit. There must be
21 responsibility on the part of the
22 victim to get out of an abusive
23 situation. Employers should not
24 expect to grant leave every year.

25 As many businesses have moved

1 6/10/08 LAW and GOV'T - BILL 080468
2 to the PTO, or paid time off, which
3 includes sick, vacation, personal, et
4 cetera, under this bill, would
5 employers be permitted to require
6 employees to first exhaust their PTO
7 time before accessing this annual
8 leave time?

9 Finally, we've been asked how
10 Bill 080468 would apply to temporary
11 staffing agencies. Who would be
12 required to cover the proposed leave,
13 the staffing agency or the temporary
14 employer?

15 Under the category of
16 "unintended consequences," it is
17 conceivable that it could raise the
18 question in a prospective hiring
19 manager's mind as to the likelihood
20 that the candidate might become a
21 victim of domestic or sexual abuse.
22 Does this then contribute to gender
23 discrimination?

24 Another unintended consequence
25 of Bill No. 080468 would be for

1 6/10/08 LAW and GOV'T - BILL 080468
2 employers to reduce hourly rates of
3 pay and/or to discontinue other
4 benefits like paid vacation time,
5 retirement programs, reduced staff, et
6 cetera, in order to pay for this
7 additional leave time.

8 Mandating time off for victims
9 of domestic or sexual violence may
10 make it difficult for employers to
11 offer time off for other reasons, such
12 as to observe religious holidays or to
13 spend with family members going to or
14 returning from military service. Many
15 employers are already providing
16 military leave, and this added tier of
17 regulation could be the final decision
18 for an employer to stay in
19 Philadelphia or to leave.

20 Employers need flexibility to
21 deal with myriad reasons employees may
22 need time off. These policies are
23 best determined by individual
24 businesses, not mandated by the City.

25 The City has made great

1 6/10/08 LAW and GOV'T - BILL 080468
2 strides, and the current
3 administration is working hard to
4 improve the attractiveness of
5 Philadelphia as a destination to live,
6 work, and play. Mayor Nutter has
7 proposed tax reductions to both the
8 wage and business-privilege taxes, and
9 this Council just passed them on May
10 22nd and the Mayor signed them into
11 law, essential to the continued
12 success of the City as a vibrant
13 downtown with thousands of workers
14 present every day.

15 This bill, if passed, will
16 place Philadelphia at a competitive
17 disadvantage with our surrounding
18 neighbors. It is particularly onerous
19 for multi-state employers who may
20 choose to move their employees out of
21 the City.

22 Again, the Greater
23 Philadelphia Chamber of Commerce is
24 not insensitive to the needs of abuse
25 victims, but as a business

1 6/10/08 LAW and GOV'T - BILL 080468
2 organization, we cannot stand by and
3 watch businesses leave the City due to
4 excessive regulation. Private
5 employers simply cannot be asked to
6 bear additional costs of this nature
7 without significant consequences.

8 Thank you for this
9 opportunity.

10 COUNCILMAN GREENLEE: You also
11 have testimony? It's the same?

12 MR. MAHONEY: It's the same.

13 COUNCILMAN GREENLEE: Okay. Do
14 we have copies of your testimony?

15 MS. EARLEY: I put several
16 copies on the table.

17 COUNCILMAN GREENLEE: All
18 right. Thank you.

19 I have some questions, but,
20 Councilman Goode, why don't you start.
21 Go ahead, Councilman Goode.

22 COUNCILMAN GOODE: Good
23 morning. Thank you for your testimony,
24 Mr. Bumb.

25 Is it fair to say that if

1 6/10/08 LAW and GOV'T - BILL 080468
2 there was a cost analysis done that
3 showed minimal impact, the Commerce
4 Department would not be opposed to the
5 bill?

6 MR. BUMB: Our basis for having
7 concern is that we don't understand the
8 cost. And so I think I would agree
9 with you that if we could demonstrate
10 that this bill did not provide a
11 negative economic impact to the City,
12 we would have no opposition to this,
13 that's right.

14 COUNCILMAN GOODE: Okay. Can
15 you explain to me what that cost
16 analysis would look like?

17 MR. BUMB: We would like to
18 better understand from a local
19 employer's perspective both for small
20 companies and for --

21 COUNCILMAN GOODE: My question
22 is not why you want a cost analysis; my
23 question is what that cost analysis
24 would look like.

25 MR. BUMB: It would document

1 6/10/08 LAW and GOV'T - BILL 080468
2 the -- it would identify the
3 incremental costs associated with the
4 implementation of this bill.

5 COUNCILMAN GOODE: How would it
6 do that?

7 MR. BUMB: It would project the
8 cost that an employer would --

9 COUNCILMAN GOODE: How could
10 you possibly project that number?

11 MR. BUMB: I -- well, I think
12 that's difficult, and that's part of or
13 reason for not being able to support
14 that.

15 COUNCILMAN GOODE: Did you
16 actually survey the business
17 communities and ask how many of their
18 employees have faced abuse and would
19 take advantage of the bill?

20 MR. BUMB: That could be one
21 methodology, yes. I think that that
22 could be a part of a survey. Again,
23 I...

24 COUNCILMAN GOODE: And do you
25 think that would be -- I mean, I just

1 6/10/08 LAW and GOV'T - BILL 080468
2 threw out one example, I mean, but I
3 don't think that would be an effective
4 model. I mean, could you tell me what
5 an effective cost analysis model would
6 be? because I can't think of one that
7 exists that makes sense.

8 And in theory, the only way to
9 do a cost analysis would be to have
10 the bill become law and examine it
11 over a year or two to see what impact
12 it's having, but without the law
13 actually put in place, you would never
14 know what the cost analysis is.

15 Does that make sense?

16 MR. BUMB: It does. I -- and I
17 -- I would sort of say --

18 COUNCILMAN GOODE: So the
19 Commerce Department is not really
20 waiting for a cost analysis.

21 MR. BUMB: The analysis --
22 well, we're sort of saying that we
23 don't have any sense of what the cost
24 to the business community is right now,
25 and we should have one.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GOODE: So you
3 actually don't know whether it's a
4 minimal impact or a major impact.

5 MR. BUMB: I do not know that,
6 that is correct. I --

7 COUNCILMAN GOODE: And there's
8 no way to actually know whether there's
9 a minimal impact or a major impact
10 unless the bill becomes law.

11 MR. BUMB: I think that one way
12 that one could assess that is to look
13 at those jurisdictions that have in
14 fact passed comparable legislation to
15 determine what the impact has been. We
16 did that sort of thing when we had the
17 discussion about a smoking ban, when
18 there was some concern.

19 COUNCILMAN GOODE: So are you
20 aware of any jurisdictions that have
21 passed this type of legislation?

22 MR. BUMB: There are at least
23 ten states that have it and two local
24 jurisdictions.

25 (Indiscernible; parties

1 6/10/08 LAW and GOV'T - BILL 080468

2 talking over each other.)

3 COUNCILMAN GOODE: ... that

4 have cited negative impact?

5 MR. BUMB: I don't know the
6 impact from any of those jurisdictions,
7 no. No, I don't have any documentation
8 that they have negative impact.

9 COUNCILMAN GOODE: So this is
10 just fear of the unknown; it's not so
11 much that we can document one way or
12 the other whether there is actually
13 going to be negative impact.

14 MR. BUMB: It's not documented,
15 but --

16 COUNCILMAN GOODE: And you
17 would agree that there's no way we can
18 know whether there's going to be major
19 impact in Philadelphia without the bill
20 becoming law.

21 MR. BUMB: There's no way for
22 us to know that right now.

23 COUNCILMAN GOODE: Without the
24 bill becoming law, there's no way to
25 know.

1 6/10/08 LAW and GOV'T - BILL 080468

2 MR. BUMB: Again, I think one
3 can -- there -- I'm not saying there's
4 -- there haven't been assessments of
5 other jurisdictions that have imposed
6 similar legislation.

7 COUNCILMAN GOODE: But you
8 don't know of any --

9 MR. BUMB: That --

10 COUNCILMAN GOODE: You don't
11 know of any analysis that's been done
12 to that effect in other jurisdictions.

13 MR. BUMB: That's right.

14 COUNCILMAN GOODE: Okay. Thank
15 you for your testimony.

16 And, Mr. Mahoney or
17 Miss Earley, what would you suggest as
18 an alternative to this particular
19 piece of legislation?

20 MR. MAHONEY: Joe Mahoney, and
21 I'm Executive Vice President at the
22 Greater Philadelphia Chamber of
23 Commerce.

24 One of the areas of concern,
25 Councilman, to our members and

1 6/10/08 LAW and GOV'T - BILL 080468
2 particularly to the small members is
3 that, you know, right now, if you have
4 under fifty employees, you know,
5 you're not subject to the Family
6 Medical Leave Act. So there is a fear
7 factor to them, particularly the small
8 members as to, you know, what this
9 would cost if they were faced with a
10 situation of, you know, losing an
11 employee for, you know, the four-week
12 period.

13 I think that, you know, one
14 way to address some of those concerns
15 is looking at a threshold, you know,
16 of where you make, you know, the law
17 effective, you know, as the federal
18 government did when they passed the
19 Family Medical Leave Act so that those
20 very small businesses --

21 COUNCILMAN GOODE: So small-
22 business exemption.

23 MR. MAHONEY: Yeah, could --
24 you know, would have an exemption.

25 COUNCILMAN GOODE: What else?

1 6/10/08 LAW and GOV'T - BILL 080468

2 MR. MAHONEY: You know, that's
3 probably, you know, one of the biggest.

4 I know that Denise cited some
5 questions in there of clarification on
6 things like, you know, temporary
7 employers. And, you know, most of
8 this testimony, the questions that
9 were in there were questions that came
10 directly from our members, you know,
11 when we surveyed them as to what their
12 thoughts were on the bill.

13 So if we could get some
14 additional clarification around, you
15 know, some of those concerns and maybe
16 look for a small-business exemption, I
17 think that the bill would be, you
18 know, would be easier, particularly
19 for the small business community to
20 take a look at.

21 COUNCILMAN GOODE: So with
22 certain amendments, the Chamber of
23 Commerce could actually be in favor of
24 the bill?

25 MR. MAHONEY: We'd want to look

1 6/10/08 LAW and GOV'T - BILL 080468
2 at those amendments. I don't want to
3 give you a blanket statement; I think
4 that would be irresponsible to do that.
5 But I think it would be more palatable
6 if --

7 COUNCILMAN GOODE: The question
8 is simply whether the Chamber of
9 Commerce is against the bill, period;
10 or whether the Chamber of Commerce
11 could ever be for the bill with
12 amendments.

13 MR. MAHONEY: It was -- we have
14 questions. You know, if there are
15 amendments that made the bill, you
16 know, more palatable to our members,
17 you know, perhaps, you know, we could
18 support the bill. We didn't go into
19 this with, you know, with being dead
20 set against the bill. We reached out
21 to the members.

22 We do have a concern,
23 Councilman, that, you know, with the
24 City, you know, only doing it and it
25 not being, you know, broader and

1 6/10/08 LAW and GOV'T - BILL 080468
2 including more jurisdictions, that
3 there could be some lost opportunity
4 costs.

5 COUNCILMAN GOODE: We cannot
6 amend it in that way.

7 MR. MAHONEY: And I know that,
8 but, you know, but there could be some
9 lost opportunity cost of some who may
10 not -- who may say, "Gee, I'm afraid of
11 this. This could have a negative
12 impact on my business."

13 COUNCILMAN GOODE: But my
14 simple question is: Is it possible
15 that the Chamber of Commerce could be
16 for the bill --

17 MR. MAHONEY: Anything's
18 possible.

19 COUNCILMAN GOODE: -- under
20 some scenario where there are
21 amendments offered.

22 MR. MAHONEY: Yes, Councilman
23 that's possible.

24 COUNCILMAN GOODE: Thank you.
25 Thank you, Mr. Chairman.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: Thank
3 you, Councilman.

4 I know Councilman Kenney had
5 some questions, but if I could just
6 ask a couple real quick here.

7 Both Mr. Mahoney and Mr. Bumb,
8 I think, mentioned the -- maybe better
9 doing it statewide. Are you aware of
10 any state legislation pending right
11 now?

12 MR. BUMB: I'm not aware of any
13 legislation in Pennsylvania that's
14 pending, that's right.

15 COUNCILMAN GREENLEE: And we
16 live in Pennsylvania so --

17 MR. BUMB: And in fact,
18 surprisingly, there's no legislation,
19 to my knowledge, pending in New Jersey,
20 which generally is a few years ahead of
21 us on issues like that.

22 COUNCILMAN GREENLEE: Okay. It
23 would nice to get ahead of them once in
24 a while, wouldn't it? Okay.

25 And I guess -- is it fair to

1 6/10/08 LAW and GOV'T - BILL 080468
2 say that, particularly getting back to
3 Pennsylvania, that they oftentimes
4 aren't the leaders in progressive
5 legislation? Would that be a fair
6 statement that I could make?

7 (No immediate verbal
8 response.)

9 COUNCILMAN GREENLEE: I'm not
10 getting an answer.

11 MR. BUMB: I don't think
12 anybody's disagreeing --

13 (Laughter.)

14 MR. BUMB: No one is
15 disagreeing with you.

16 COUNCILMAN GREENLEE: Okay. If
17 I could ask the Chamber, when this bill
18 was sent out to the members, was the
19 whole bill sent out or was it the title
20 of the bill?

21 MR. MAHONEY: We sent out a
22 title of the bill, we sent out a
23 summary of the bill, and if people
24 called us, you know, and asked for a
25 full copy of the bill, we did send it

1 6/10/08 LAW and GOV'T - BILL 080468

2 out to them, Councilman.

3 COUNCILMAN GREENLEE: Okay.

4 But did some of the people who

5 expressed concerns, to use Miss Early's

6 statement, that it would be

7 devastating, did all of those people,

8 to your knowledge, actually get the

9 whole bill, or did they just see the

10 title of the bill or --

11 MS. EARLEY: Most of them did,

12 Councilman. When I originally sent it

13 out, I did not send the attachment, and

14 then I got so many e-mails back asking

15 for the bill that I resent the notice

16 with the attached bill.

17 So I would say that almost a

18 hundred percent of them saw the actual

19 bill. I don't know if they took the

20 actual time to read it, but they were

21 sent the bill.

22 COUNCILMAN GREENLEE: Okay. So

23 you did say, in answer to Councilman

24 Goode, that the Chamber would be open

25 to something that may limit this a

1 6/10/08 LAW and GOV'T - BILL 080468
2 little bit more; is that what you're
3 saying?

4 MR. MAHONEY: Yeah, I think
5 it's, you know, the -- for the most
6 part, you know, and I hate to say it
7 was universal because we did have
8 comments back on the bill from large
9 businesses, you know, medium-sized
10 businesses, but a majority of the
11 responses, you know, I believe I can
12 say came from small businesses, and
13 those small businesses that have never
14 had to deal with a situation like, you
15 know, family and medical leave which
16 larger companies already deal with, you
17 know, I think were the most vocal in
18 their opposition.

19 So if there were ways to
20 exempt those small businesses and
21 maybe put the bill in line, you know,
22 with a federal law, I think it would
23 be much more palatable for small
24 businesses, and we'd be happy to take
25 a look.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: I
3 understand that, but just a comment. I
4 guess my concern about that and the
5 concern that was raised -- and there
6 will be other testifiers to talk about
7 that -- but oftentimes, it's those
8 small companies that don't have other
9 benefits -- sick leave, vacation,
10 whatever --

11 MR. MAHONEY: Mm-hmm.

12 COUNCILMAN GREENLEE: And those
13 people, their employees are oftentimes
14 the biggest victim of this. You know,
15 if you're in a bigger company,
16 oftentimes, there's vacation, there's
17 sick time you can take, but some of
18 these small companies you can't.

19 So while I understand what
20 you're saying, to be honest with you,
21 I -- I think that it might leave out a
22 lot of people also. So that's my
23 concern about your concern, if you
24 understand what I'm saying.

25 MR. MAHONEY: Yeah, I

1 6/10/08 LAW and GOV'T - BILL 080468
2 understand where you're coming from,
3 you know, and thank you for
4 understanding the situation that in a
5 mom-and-pop business, you know, with
6 only a few employees, you know, should
7 one of their employees be in the
8 unfortunate situation to, you know, to
9 have to claim, you know, leave under
10 the bill as it's written right now, you
11 know, the impact on that small employer
12 that only has a couple of employees is,
13 you know, much greater than on the
14 larger employer so -- and I know that
15 you recognize that.

16 COUNCILMAN GREENLEE: And one
17 last question, Councilman.

18 Was there a lot of -- and I
19 may have missed this in your
20 testimony, I'm sorry. Was there a lot
21 of concern that this would be used for
22 the wrong purposes by employees? Was
23 that raised by many employers?

24 MS. EARLEY: I don't know that
25 it was many, but several wrote back

1 6/10/08 LAW and GOV'T - BILL 080468
2 that they were worried about the chance
3 for abuse of the sick leave -- of the
4 annual leave.

5 COUNCILMAN GREENLEE: Mm-hmm.
6 I guess the only --

7 MS. EARLEY: And that they
8 didn't feel it should be recurring year
9 after year, that it should be a
10 one-time -- if at all, it's just one
11 time.

12 COUNCILMAN GREENLEE: Mm-mm. I
13 guess the concern I would raise about
14 that concern is with what a person has
15 to go through to show that they were
16 victims, somehow I don't see them going
17 through that just to get Tuesday off.
18 You know, it doesn't seem to make sense
19 to me, you know.

20 So to use Councilman Goode's
21 phrase, it sounds more the fear of the
22 unknown than a realistic fear on that,
23 but I guess that's to be debated. I
24 won't go on that.

25 MR. MAHONEY: I think that, you

1 6/10/08 LAW and GOV'T - BILL 080468
2 know, what was raised by, you know, a
3 couple of people particularly in regard
4 to that, Councilman is, you know, we've
5 all heard of stories about individuals
6 who, you know, for whatever reason, you
7 know, fail to get out of an abusive
8 situation. And the feeling was that if
9 the person is in the unfortunate
10 situation, that they are in an abusive
11 situation, there was a concern about
12 how do you get them out of that so that
13 this is not a recurring thing to either
14 the employee or to the business.

15 COUNCILMAN GREENLEE: Mm-hmm.

16 Okay. I understand.

17 Thank you.

18 Councilman Kenney.

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

21 I don't think there's any
22 doubt that what this legislation's
23 asking for is for business to
24 subsidize an ill of society, which we
25 have to make a determination whether

1 6/10/08 LAW and GOV'T - BILL 080468
2 or not that subsidy is worth --
3 something that we should do, but
4 there's certainly a cost associated
5 with it; I don't think there's any way
6 you can avoid it.

7 And probably the concerns I'm
8 hearing by the witnesses is that
9 probably a larger company could absorb
10 the cost of this accommodation more so
11 than a small company.

12 MR. MAHONEY: Mm-hmm.

13 COUNCILMAN KENNEY: I mean, I'm
14 thinking of scenarios in my mind where,
15 you know, you have a one-person law
16 firm with one secretary who's going
17 through this terribly situation, and
18 for four weeks, in addition to whatever
19 she may get in vacation time, she's
20 out. And if you have a specialty kind
21 of business where people -- you're
22 investing in people to train, it could
23 have an impact, and it will have a
24 financial impact on the continuation of
25 benefits, medical benefits, and other

1 6/10/08 LAW and GOV'T - BILL 080468

2 benefits that you may provide.

3 So the question we have to
4 determine is whether or not we want to
5 force that situation, force that
6 subsidy or not.

7 And Councilman Goode's
8 correct: I don't know how you
9 quantify the cost. I don't think the
10 abuse is that much of an issue; I
11 think you'll probably -- the vast
12 majority of people that take advantage
13 of this are legitimately going through
14 this terrible situation, and you may
15 have, you know, a few here or there,
16 two or three that are going to take
17 advantage of it.

18 People take advantage of
19 everything. I mean, I could probably
20 go to my doctor today and get a note
21 saying that I'm disabled and have
22 handicap poles in front of my house
23 within the next couple of weeks; I'm
24 not. But, I mean, people abuse
25 accommodations that we make for them,

1 6/10/08 LAW and GOV'T - BILL 080468
2 and I don't think in this case, that's
3 as big an issue.

4 And because we can't quantify
5 beforehand what the costs are, one of
6 the suggestions I would make, after
7 whatever amendments come out of this
8 discussion, is that perhaps we sunset
9 it for a year and reauthorize it a
10 year from the day it goes into effect
11 to really see whether or not there's a
12 quantifiable complaint, abuse, cost,
13 you know, and see whether that makes
14 any sense, as opposed to doing it in
15 perpetuity.

16 I'm not -- certainly, the
17 sponsor of the bill can make that
18 decision, but you will certainly, at
19 the end of that period of a year, have
20 something to quantify. I would
21 suggest you probably won't have much
22 complaint, but at least you'll have a
23 year's worth of data to figure
24 something out about whether to
25 reauthorize it or no.

1 6/10/08 LAW and GOV'T - BILL 080468

2 T so that's just my
3 suggestion.

4 Thanks.

5 COUNCILMAN GREENLEE: Thank
6 you, Councilman.

7 Do you have any comments on
8 that, on that sunset idea?

9 MR. MAHONEY: No. We haven't
10 really thought about a sunset. I mean,
11 it's something for us to think about,
12 Mr. Chairman. I think, you know, the
13 Councilman raises a legitimate point.

14 And, you know, and his example
15 of the one-person law firm with the --
16 you know, with the support staff, you
17 know, is really the issue that I think
18 a lot of our small businesses are
19 hoping that they don't find themselves
20 in that situation.

21 COUNCILMAN GREENLEE: Okay. By
22 the way, I think just -- and then I'm
23 going to recognize Councilman Jones. I
24 think Mr. Bumb's testimony, I think --
25 and it will be brought out in other

1 6/10/08 LAW and GOV'T - BILL 080468
2 people after you, but I don't think New
3 York City is the only city, the only
4 municipality that has some kind of law,
5 and I don't want to get into a
6 back-and-forth on that, but --

7 MR. BUMB: I'm sorry. The --
8 there is one other that I'm aware of.
9 The one other example that I know of is
10 Miami, and I guess the reason I would
11 have distinguished the two is because
12 Miami's is actually a piggyback on top
13 of a Florida statute; whereas, we've
14 got nothing to piggyback on here.

15 And, again, so much of the
16 concerns that I would -- this is an
17 important issue and we don't want to
18 undercut any of that.

19 The important issue that I was
20 trying to express here is that we
21 don't want to sort of do things that
22 sort of separate -- that change the
23 cost of Philadelphia -- the
24 differential for Philadelphia relative
25 to suburban and regional efforts, and

1 6/10/08 LAW and GOV'T - BILL 080468

2 so --

3 COUNCILMAN GREENLEE: But,
4 Mr. Bumb, don't we make that argument
5 every time we're going to do something?
6 I mean, we always say, Well, you know,
7 the concern is they're doing something
8 in the suburbs. Well, if they're not
9 doing something -- if they're something
10 in the suburbs that's wrong or they're
11 not addressing an issue, then maybe we
12 should do it. You know, I guess --

13 MR. BUMB: No, I --

14 COUNCILMAN GREENLEE: I mean, I
15 understand that to a point, but I think
16 we use that as a crutch sometimes, you
17 know, Oh, well, geez, let the State
18 take care of it. Well, they're sure as
19 heck not taking care of guns, for
20 crying out loud, just to use one
21 example. And there's a lot of other
22 things they're not taking care of.

23 MR. BUMB: Right.

24 COUNCILMAN GREENLEE: So, I --

25 I --

1 6/10/08 LAW and GOV'T - BILL 080468

2 MR. BUMB: I agree with that.

3 COUNCILMAN GREENLEE: Like I
4 said, I don't want to hang by my thumbs
5 waiting for the State to do some good
6 things 'cause, I -- you know, with all
7 due respect to the folks up there, and
8 it's mostly not the Philadelphians.

9 MR. BUMB: Right.

10 COUNCILMAN GREENLEE: You know,
11 I think if we waited for them, we'd be
12 behind Utah or something, you know?

13 (Laughter.)

14 COUNCILMAN GREENLEE: So --
15 sorry for the speech, guys. Maybe I'm
16 apologizing to Utah; I don't know.

17 (Laughter.)

18 COUNCILMAN GREENLEE:
19 Councilman Jones.

20 COUNCILMAN JONES: Thank you,
21 Mr. Chairman and members of the
22 committee. I have a couple of quick
23 questions and thank you for letting me
24 getting them in.

25 Mr. Bumb, what is the largest

1 6/10/08 LAW and GOV'T - BILL 080468
2 number of new small businesses
3 demographically in the nation, new
4 start-ups? What demographic
5 represents the largest growth group
6 among small businesses?

7 MR. BUMB: Uh...

8 COUNCILMAN JONES: I'll help
9 you out.

10 MR. BUMB: All right.

11 COUNCILMAN JONES: It would be
12 women-owned businesses, right?

13 MR. BUMB: Okay.

14 COUNCILMAN JONES: And I would
15 probably argue that that statistic is
16 true for the City of Philadelphia;
17 would you agree?

18 MR. BUMB: Well, I think it's
19 reasonable that we track the national
20 trend.

21 COUNCILMAN JONES: Have we
22 sought out the opinion of the women's
23 Chamber of Commerce on this issue?

24 MR. BUMB: We have not sought
25 -- my department has not sort of sought

1 6/10/08 LAW and GOV'T - BILL 080468
2 out other sort of chambers' opinions,
3 including the women's. No, we have not
4 done that yet.

5 COUNCILMAN JONES: Okay. And I
6 would also ask you then that the --
7 it's my understanding from previous
8 testimony and from members who deal
9 with this on a daily basis is that the
10 two places that domestic violence
11 occurs most is at the home and at the
12 workplace, at the home and at the
13 workplace.

14 And if that is true, has there
15 been an analysis of lost wages, lost
16 productivity to small businesses due
17 to actual domestic violence that has
18 occurred in people staying out of work
19 anyway, in spite of a law on the
20 books? Has there been any analysis,
21 cost analysis, of the loss of
22 productivity to existing businesses
23 today?

24 MR. BUMB: No. That's a good
25 question. I'm not aware of any

1 6/10/08 LAW and GOV'T - BILL 080468

2 analysis of that.

3 COUNCILMAN JONES: Okay. And
4 then finally, I would ask that we take
5 a hard look at whether or not those
6 costs really are already in progress,
7 this situation of domestic violence, is
8 costing productivity now, because if
9 someone's in fear of their life,
10 they're leaving work now. So there is
11 a cost already associated with this.

12 The only thing that I would
13 say that might be of good news to that
14 cost analysis is that there is
15 probably a period where domestic
16 violence occurs more rapidly in the
17 beginning of a heated situation, and
18 that with a cooling-off period, when
19 people kind of collect themselves from
20 the emotion, may well find that they
21 don't engage in violence. And if that
22 is true, this bill may, in the long
23 run, save businesses lost wages, lost
24 productivity, and lost profits, if we
25 look at it from a different spectrum

1 6/10/08 LAW and GOV'T - BILL 080468
2 of analysis.

3 And I'd like you to consider
4 that.

5 MR. BUMB: We will.

6 COUNCILMAN JONES: Thank you,
7 Mr. Chairman.

8 COUNCILMAN GREENLEE: Thank
9 you, Councilman, and I'm glad you
10 mentioned that 'cause that was
11 something I think is very important.

12 I think some other witnesses
13 will bring that out, that the
14 anticipated cost concerned may be
15 addressed in this bill; there may be
16 more costs involved in not giving
17 people leave than there is in giving
18 people leave.

19 And just one last question,
20 and I know we got a lot of witnesses
21 and we got a whole different subject
22 coming up. There have been bills,
23 laws around the country, both state
24 and city. Has anybody, any of you,
25 your organizations, done a study to

1 6/10/08 LAW and GOV'T - BILL 080468
2 see if these concerns that seem to be
3 raised have happened?

4 Like New York has a law; it's
5 not the same thing, but New York has a
6 law -- New York City has a law since,
7 I think, 2001. So it seems like
8 there's enough time to study some. I
9 mean, have these concerns come out
10 anywhere of any note?

11 MR. MAHONEY: We have not
12 looked at other jurisdictions. On
13 behalf the Chamber, Councilman, you
14 know, our outreach at this point was
15 strictly to our own membership, you
16 know, asking the feelings of, you know,
17 how they felt the impact was on them.

18 That's something we can
19 certainly, you know, try to take a
20 look at, but we have not done it at
21 this point.

22 COUNCILMAN GREENLEE: Okay. I
23 understand that, but I guess if you're
24 going to give a full picture, it seems
25 like studying it a little bit, it

1 6/10/08 LAW and GOV'T - BILL 080468
2 wouldn't have been bad -- I mean, it
3 wasn't like we moved the bill in one
4 week; it was introduced a few weeks
5 ago.

6 I mean, if you're going to
7 make accusations, maybe that's too
8 strong a word, but it would seem to be
9 you could say, Well, this city had it
10 or that city had it. If cities aren't
11 having it, maybe it's not there, maybe
12 it's not there. And I'll just leave
13 it at that.

14 Any other questions or
15 comments from the committee?

16 (No further questions or
17 comments.)

18 COUNCILMAN GREENLEE: Thank you
19 all for testifying.

20 MR. BUMB: Thank you.

21 MR. MAHONEY: Thank you.

22 COUNCILMAN GREENLEE: We have a
23 group coming up -- we have two more
24 panels. And I ask all of the witnesses
25 to -- and I know I've said this to you

1 6/10/08 LAW and GOV'T - BILL 080468

2 before: We have a long day here.

3 If you have written testimony,
4 your testimony will be put into the
5 record, and if you could just
6 abbreviate your testimony, I'd
7 appreciate it.

8 And for all of those who have
9 come in lately and want to -- that are
10 here for the Fairmount Park recreation
11 consolidation, you didn't miss
12 anything yet, okay, that's going to be
13 the next bill coming up.

14 (Witnesses come forward.)

15 COUNCILMAN GREENLEE: Okay. I
16 see Cynthia Figueroa there. Why
17 don't -- I know you asked to go first.
18 So, you know, ask and you shall
19 receive. Go ahead. Could you identify
20 yourself for the record and proceed,
21 please.

22 MS. FIGUEROA: Thank you,
23 Councilman.

24 Good afternoon. I'm Cynthia
25 Figueroa. I'm the Executive Director

1 6/10/08 LAW and GOV'T - BILL 080468
2 of Women Against Abuse, and it's an
3 honor and privilege to provide
4 testimony on behalf of Women Against
5 Abuse in support of the bill
6 introduced by Councilmembers Greenlee,
7 Clarke, and Green, amending the
8 Philadelphia Code entitled "Unlawful
9 Employment Practices, Entitlement to
10 Leave Due to Domestic Violence or
11 Sexual Assault."

12 WAA particularly appreciates
13 the support of the co-chairs,
14 Councilman Kenney and Greenlee, who
15 have continued to show leadership
16 around our issue. It's our hope that
17 our testimony will provide an overview
18 of the many challenges that victims of
19 domestic violence face in gaining and
20 retaining employment while facing
21 issues of domestic violence.

22 I have to depart from my
23 written testimony to say that sitting
24 here today, I feel like, as a
25 movement, we've come a long way.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Given what I heard from some of the
3 recent testimony that we're following,
4 I feel like we're about to take some
5 major steps backwards in the movement
6 that we've made as women in a working
7 environment.

8 It's estimated that 73 percent
9 of domestic violence goes unreported.
10 And in Philadelphia, the prevalence of
11 domestic violence is partially
12 demonstrated by the following
13 statistics:

14 There are over 13,000
15 protection-from-abuse orders filed
16 annually.

17 115,000 9-1-1 calls were made
18 to 9-1-1 in 2003.

19 And in 2007, the Philadelphia
20 Domestic Violence Hotline answered and
21 responded to 8,011 domestic violence
22 hotline calls.

23 I want to clarify a few points
24 that have been brought up in the
25 previous testimony. I want to clarify

1 6/10/08 LAW and GOV'T - BILL 080468
2 that there is not just one or two
3 cities, but there's actually a number
4 of cities that have enacted similar
5 legislation: New York City; Miami,
6 Dade County has already been
7 mentioned; San Francisco; as well as
8 Washington, DC. And, in fact,
9 Washington, DC provides paid leave for
10 domestic violence issues.

11 Domestic violence has long
12 been considered a private matter that
13 occurs in the home. And experience,
14 however, demonstrates that the
15 instances of domestic violence
16 (indiscernible) throughout the larger
17 community, including workplaces.
18 Workplace violence is a reality that
19 businesses and corporations need to be
20 prepared to manage and -- clearly,
21 given the testimony today -- have
22 better understanding about the
23 financial implications.

24 Consider the cost. The annual
25 cost of loss of productivity due to

1 6/10/08 LAW and GOV'T - BILL 080468
2 domestic violence is estimated at
3 \$727.8 million. This was a report, as
4 asked by Councilman Jones, the Center
5 for Disease Control actually performed
6 a prevention survey that was conducted
7 by the National Center for the Injury
8 and Prevention Control. In one case,
9 a wrongful death action against an
10 employer who failed to respond to an
11 employee's risk resulted in \$850,000
12 to the employer.

13 In context, when an employee
14 is vulnerable -- in any context, when
15 an employee is vulnerable, the
16 employers are also vulnerable. This
17 is no different in instances of
18 domestic violence.

19 This bill is a great first
20 step in preparing the workplace
21 environment to appropriately respond
22 to employees who may be dealing with
23 issues of domestic violence.

24 Leave can provide a victim
25 with the ability to ensure that she

1 6/10/08 LAW and GOV'T - BILL 080468
2 will maintain her employment while
3 seeking the support, medical
4 attention, and safety measures needed.
5 Replacement of employees can be a
6 costly burden to employers, and loss
7 of employment for victims can mean
8 that they cannot escape violence due
9 to the lack of financial stability.

10 In addition to this leave, I
11 would actually ask the business
12 community to consider ensuring
13 incorporating domestic violence
14 initiatives into your workplace
15 policy, train management, and train
16 human resources staff.

17 We have actually worked with
18 employers who have, unfortunately,
19 lost colleagues to domestic violence,
20 and the impact that remains on the
21 workforce and productivity is
22 significant.

23 As will be mentioned in
24 testimony today, the majority of
25 support mechanisms, including filing

1 6/10/08 LAW and GOV'T - BILL 080468

2 for protection-from-abuse orders,
3 occur during business hours.

4 WAA's experience providing
5 housing and legal representation
6 represent that an individual's ability
7 to flee a violent relationship is
8 directly linked to her personal safety
9 and financial stability. In addition,
10 our experience has illustrated that
11 violence can escalate for victims when
12 they begin to establish financial
13 independence.

14 To illustrate this, I'm going
15 to share with you a recent case that
16 we had. I've changed the name to
17 protect the identity.

18 Mary reached out to Women
19 Against Abuse after being brutally
20 beaten by her boyfriend. She was
21 beaten until she was unconscious and
22 left for dead. After she awoke on the
23 kitchen floor, she was brought to the
24 emergency room by her abuser, who
25 feared she was dying. The abuser, who

1 6/10/08 LAW and GOV'T - BILL 080468
2 mentioned that she had fallen down the
3 stairs, was quickly apprehended and
4 detained.

5 After spending three nights in
6 the emergency room with a broken jaw,
7 Mary decided to file a protection-
8 from-abuse order and agreed to move
9 ahead with testifying in criminal
10 court.

11 When we began working with
12 Mary, one of the very first concerns
13 she had is that she had recently begun
14 a new job and that she was afraid she
15 was going to lose it. She was
16 devastated to think that her only link
17 to being able to get away from the
18 abuse with her kids was the job that
19 she had. She shared that she was far
20 too embarrassed and too concerned
21 about what to do and did not have
22 accrued time off.

23 Mary had a long history of
24 being gainfully employed when she
25 started dating her boyfriend. Her

1 6/10/08 LAW and GOV'T - BILL 080468
2 partner started becoming abusive as
3 time went on and he forced her to quit
4 her job. Months before this brutal
5 incident occurred, Mary decided that
6 she needed to leave but needed to have
7 financial income to do so.

8 Mary began to bring home some
9 money after the abuser agreed to
10 reluctantly allow her to work, and she
11 started to show independence. While I
12 am pleased -- that escalated until,
13 unfortunately, resulting in her recent
14 hospitalization.

15 While I am pleased to report
16 that we were successful in Mary's
17 ability to get a protection-from-abuse
18 order, provide her with shelter, and
19 support her criminal case, we were not
20 successful in helping her maintain her
21 employment. The leave that Councilman
22 Greenlee has introduced can save
23 victims like Mary their job.

24 Domestic violence does not fit
25 nicely into a little box, and it

1 6/10/08 LAW and GOV'T - BILL 080468
2 happens to everyone. We cannot force
3 individuals to leave solely because
4 they're experiencing domestic
5 violence. And just to be clear that
6 the leave that's introduced is not a
7 mandate but that it's something that
8 could be an option, a readily
9 available option to victims.

10 For Mary and the thousands of
11 women that we serve, I encourage you
12 to pass this bill, and I also urge the
13 business community to become better
14 aware of the issues that are facing
15 victims of domestic violence.
16 Enacting this leave, as stated before,
17 is a wonderful first step in
18 addressing the complexity of this
19 issue.

20 COUNCILMAN GREENLEE: Thank
21 you, Miss Figueroa.

22 Maybe we could have the
23 testimony of the other two witnesses
24 first before any questions or
25 comments. And, again, we respectfully

1 6/10/08 LAW and GOV'T - BILL 080468
2 ask you to try to be as brief as
3 possible so we can keep moving 'cause
4 we -- you know, as like said, we have
5 a long list here.

6 MS. FROMSON: Good morning. My
7 name is Terry Fromson. I'm managing
8 attorney for the Women's Law Project
9 and I applaud Council for taking up
10 this important legislation that will
11 provide domestic violence victims the
12 opportunity to take steps to protect
13 themselves from further violence
14 without risk loss of employment.

15 The Women's Law Project knows
16 firsthand how important the adoption
17 of this bill is. Through both our
18 telephone counseling service and
19 policy initiatives, we hear from women
20 who are unable to obtain protection
21 orders or seek the assistance of other
22 social services to help them address
23 the abuse to which they are subjected
24 because their jobs do not give them
25 time off for such activities.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Unable to risk losing their
3 ability to support their families,
4 these individuals continue to live in
5 fear and suffer abuse without legal
6 protection or other support. Those
7 who take time off from work to address
8 the domestic violence, even though
9 they lack the time, risk loss of
10 employment, destitution, and
11 homelessness.

12 Except for the Domestic
13 Violence Hotline and emergency
14 services in Philadelphia, the courts
15 and most social services operate on a
16 9-to-5, Monday-through-Friday
17 schedule. While someone faced with
18 imminent danger may call 9-1-1 or file
19 an emergency protection-from-abuse
20 petition, at any time, anyone seeking
21 a final order or relief from the
22 criminal justice system must
23 ultimately appear in court during the
24 work week typically for many hours and
25 often on a repeated basis.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Women seeking such orders have
3 told us they simply could not take
4 more time off from work to return to
5 court again. If you don't show up in
6 court, your petition is dismissed, and
7 you do not get any relief.

8 In 1998, I served on the
9 Employers Working Group of the
10 attorney general's Family Violence
11 Task Force. As part of that working
12 group, we researched the impact of
13 domestic violence on the workplace.
14 We found that lost days from work and
15 loss of employment are major costs of
16 domestic violence.

17 We undertook a statewide
18 survey of Pennsylvania employees.
19 Approximately twenty percent of those
20 responding reported that family
21 violence had affected their workplace
22 in the previous two years.

23 Despite being aware of this
24 effect, few employers had developed
25 policies to address family violence.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Less than 27 percent of employers who
3 responded reported having developed
4 workplace violence policies. Only
5 about 10 percent of those addressed
6 domestic violence.

7 With respect to leave and
8 attendance policies, only 21 percent
9 reported a leave policy that
10 accommodated domestic violence
11 victims, while only 10 percent
12 reported having an attendance policy
13 that accommodated them.

14 Needless to say, the attorney
15 general's report recommended
16 recognizing that an employee who is a
17 victim of family violence may need to
18 be absent from work to address a
19 number of number of matters, including
20 court appearances, health care, family
21 issues and applying attendance and
22 leave policies to accommodate the
23 reasonable needs of employees.

24 It was certainly our hope --
25 it is certainly our hope that in the

1 6/10/08 LAW and GOV'T - BILL 080468
2 ten years that have passed since that
3 survey, that more Pennsylvania
4 employers have come to understand that
5 victims of domestic violence need this
6 time off to protect themselves.
7 However, recent research reflects that
8 domestic violence continues to impact
9 the ability of victims to work.

10 A 2003 report from the Centers
11 for Disease Control and Prevention
12 found that victims of rape, physical
13 assault, and stalking lose an
14 estimated 8 million days of paid work
15 due to intimate partner violence.

16 A 2005 report from the Maine
17 Department of Labor and Family Crisis
18 Services documented the impact of
19 domestic violence on survivors'
20 employment. They reported significant
21 amounts of lost work time due to
22 obtaining medical care, going to the
23 court for legal relief, receiving
24 counseling, and addressing children's
25 needs. Many of the 120 survivors

1 6/10/08 LAW and GOV'T - BILL 080468
2 interviewed noted that they had
3 exhausted all of their paid time
4 options, and ten reported loss of job
5 due to attendance problems.

6 The business community has
7 asserted concerns about misuse or
8 overuse of the leave provided by this
9 legislation. This concern has been
10 raised in other venues in which the
11 Women's Law Project has worked to
12 discrimination against and achieve
13 accommodation for battered women:
14 insurance discrimination and waivers
15 of welfare work requirements. We have
16 seen no abuse in those arenas.

17 In conversations with state
18 insurance departments around the
19 country, 42 states have
20 antidiscrimination laws. I have been
21 assured that the number of individuals
22 seeking relief under these statutes
23 have been extremely low.

24 In our work in Pennsylvania on
25 the implementation of the family

1 6/10/08 LAW and GOV'T - BILL 080468
2 violence option, which allows domestic
3 violence victims to be excused from
4 work requirements if it impedes their
5 ability to comply, we have also seen
6 no abuse.

7 Despite estimates that 40 to
8 60 percent of the TANF population
9 is -- consists of people who have
10 experienced domestic violence, the
11 number of TANF recipients in
12 Pennsylvania seeking to be excused
13 from work requirements is very small:
14 only approximately 2 percent or less
15 of the TANF adult population
16 statewide.

17 Philadelphia's numbers are
18 even lower, with the percentage of the
19 City's welfare population seeking work
20 waivers consistently below 1 percent.

21 Just as fears of false
22 allegations of domestic violence have
23 not been realized in these situations,
24 we do not anticipate false claims in
25 this one. The reasons are the same:

1 6/10/08 LAW and GOV'T - BILL 080468

2 Battered women want to work
3 and they need to work to support
4 themselves and their family. They are
5 not likely to take unpaid time off for
6 reasons other than those provided for
7 by the legislation or for longer than
8 necessary.

9 They do not disclose domestic
10 violence easily. Shame and fear of
11 loss of benefits and employment are a
12 strong deterrent.

13 Because they must disclose to
14 domestic violence to avail themselves
15 of the unpaid leave provided by this
16 legislation, it is our expectation
17 that they will not request leave
18 unless it is absolutely necessary.

19 My last point is that there
20 has been research on the impact of
21 this sort of -- of sick-leave
22 regulations on employers. Surveys in
23 1995 and 2000 on the effect of the
24 federal Family Leave Medical Act on
25 employers demonstrated that the

1 6/10/08 LAW and GOV'T - BILL 080468

2 percentage of employees who take
3 unpaid leave is low, the leave is
4 infrequently taken and for a short
5 period. Employers have generally
6 reported that such leave has been easy
7 to administer and has not negatively
8 affected their businesses or their
9 employees.

10 The Women's Law Project stands
11 firmly in support of this legislation.
12 We are working closely with the Nutter
13 Administration to improve the response
14 of law enforcement to domestic
15 violence as well as to expand social
16 services. This bill is a significant
17 component of what needs to be a
18 multifaceted response to a complex
19 problem. With the enactment of this
20 bill, Philadelphia will take the lead
21 in helping Pennsylvania victims of
22 abuse achieve economic and personal
23 independence.

24 Thank you.

25 COUNCILMAN GREENLEE: Thank you

1 6/10/08 LAW and GOV'T - BILL 080468
2 for your testimony.

3 Please identify yourself for
4 the record and proceed.

5 MS. YODER: Good morning. My
6 name is Ana Lisa Yoder, and I'm the
7 director for the Lutheran Settlement
8 House Bilingual Domestic Violence
9 Program. We are a community-based
10 organization which has served victims
11 of domestic violence in the City of
12 Philadelphia for more than 30 years.
13 Incidentally, we're also a longtime
14 member of the Chamber of Commerce.

15 Lutheran Settlement House's
16 30-year history of working with
17 victims of domestic violence in
18 Philadelphia has taught us about the
19 tremendous impact that domestic
20 violence has on the workplace. Last
21 year, our organization served close to
22 3,000 victims of domestic violence,
23 the large majority of whom were
24 employed.

25 One of the most commonly cited

1 6/10/08 LAW and GOV'T - BILL 080468
2 reasons why victims of domestic
3 violence say they are unable to leave
4 abusive relationships is a lack of
5 financial stability. How employers
6 respond to domestic violence has a
7 great impact on this, and we see this
8 in the lives of our clients every day.

9 In response to this in 2006,
10 Lutheran Settlement House designed and
11 began providing specialized training
12 to Philadelphia's employers on
13 addressing the effects of domestic
14 violence on the workplace. Since that
15 time, we have trained close to 400
16 supervisors, managers, and employees
17 about the impact of domestic violence
18 on the workplace and best practices
19 for addressing this issue.

20 Among others, we have trained
21 all of the supervisors and managers of
22 Philadelphia's Community Behavioral
23 Health System and staff from the
24 Department of Public Health, the
25 Department of Human Services, and

1 6/10/08 LAW and GOV'T - BILL 080468
2 Philadelphia's Coalition of Mental
3 Health/Mental Retardation centers.

4 In our trainings, it is common
5 for multiple participants to disclose
6 that they have either dealt with an
7 employee struggling with domestic
8 violence or have experienced domestic
9 violence themselves. It is clear that
10 domestic violence is affecting
11 businesses in Philadelphia both
12 financially and otherwise, whether or
13 not they're aware of it.

14 And while we understand that
15 there may be a concern about the
16 financial burden of this bill on
17 businesses, the fact is that many
18 businesses are already paying for
19 domestic violence. The Bureau of
20 National Affairs estimates that
21 domestic violence costs businesses
22 across the country between 3 and
23 \$5 billion annually. Terry already
24 mentioned some of the reasons for
25 that. But hiring and training new

1 6/10/08 LAW and GOV'T - BILL 080468
2 workers when domestic violence victims
3 leave their jobs is a large part of
4 these costs.

5 The University of
6 Pennsylvania's Annenberg School for
7 Communication found in a public
8 opinion survey that 76 percent of
9 Philadelphians believe employers
10 should play a role in helping to stop
11 domestic violence. Anecdotal evidence
12 shows us that when employers support
13 employees who are experiencing
14 domestic violence, this increases
15 morale and loyalty in the workplace.

16 It is has also been shown
17 firing victims due to domestic
18 violence situations prevents
19 disclosure from other employees and
20 coworkers, which increases the danger
21 of violence spilling into the
22 workplace.

23 Our trainings are meant to
24 help employers understand how to
25 manage domestic violence cases before

1 6/10/08 LAW and GOV'T - BILL 080468

2 they explode. This ordinance will
3 allow victim employees to take
4 measures to protect both themselves
5 and, by extension, the workplace.

6 Many large employers now
7 understand the importance of
8 developing and implementing policies
9 which provide support for employees
10 who may be victims of domestic
11 violence. American Express; Verizon
12 Wireless; Altria Group, which includes
13 Kraft Foods and Phillip Morris; Liz
14 Claiborne; Blue Cross Blue Shield; and
15 State Farm Insurance have all taken
16 strong stances in addressing domestic
17 violence in the workplace through
18 companywide policies and procedures,
19 including paid and unpaid leave for
20 victims and education about domestic
21 violence for their employees.

22 Local governments have also
23 taken a stand on this issue, and I
24 believe Cynthia Figueroa already
25 mentioned a number of those.

1 6/10/08 LAW and GOV'T - BILL 080468

2 As we recently testified to
3 the Public Safety Committee, victims
4 of domestic violence who wish to
5 pursue legal remedies in Philadelphia
6 are asked to navigate an extremely
7 complicated system requiring an
8 extraordinary amount of time that can
9 very directly affect their ability to
10 maintain employment.

11 The Law Enforcement
12 Subcommittee of the Mayor's Task Force
13 on Domestic Violence was formed to
14 coordinate efforts to improve the law
15 enforcement system's response to
16 domestic violence. In an effort to
17 gain a clear and complete
18 understanding of what it was like for
19 an individual victim to go through the
20 law enforcement system from start to
21 finish, the subcommittee together
22 created a case law based on the
23 fictitious case of Jane Doe. The Jane
24 Doe case law takes the victim through
25 the various systems, from the 9-1-1

1 6/10/08 LAW and GOV'T - BILL 080468
2 call through the end of prosecution.
3 The last page of this testimony
4 includes a flowchart representing this
5 process. For Jane, unlike for many
6 victims, each system provides an ideal
7 response based on existing police
8 directives, court processes, and
9 departmental policies.

10 Jane's saga begins when she
11 dials 9-1-1 to report that her partner
12 is beating her in her home. It ends a
13 little more than a month later, when
14 Jane decides not to prosecute -- but
15 only after five visits to court, six
16 calls or visits with the police, and
17 contact with twenty-six different
18 people in ten different systems or
19 organizations. For each visit to the
20 police to serve her protection order,
21 for each visit to court, for each
22 appointment with a lawyer, she has to
23 take time off work.

24 Imagine the burden of
25 navigating this system in addition to

1 6/10/08 LAW and GOV'T - BILL 080468
2 the burden of worrying about whether
3 or not she's going to lose her job
4 because of missed time at work. Our
5 clients regularly have to balance
6 those two needs. They should not have
7 to choose between safety and
8 employment, yet all too often, they
9 are forced to do exactly that.

10 By passing this ordinance,
11 Philadelphia will be making a strong
12 statement about our commitment to the
13 safety and rights of employees working
14 in our city.

15 I want to urge this committee
16 to move forward on this bill. And
17 thank you once again for your time and
18 attention.

19 COUNCILMAN GREENLEE: Thank
20 you.

21 Any comments or questions?

22 (No questions or comments.)

23 COUNCILMAN GREENLEE: Could I
24 just -- by show of hands, how many
25 other people want to testify on this

1 6/10/08 LAW and GOV'T - BILL 080468

2 bill? One, two, three, four. Okay.

3 COUNCILMAN KENNEY: Can I --

4 COUNCILMAN GREENLEE: Yes,
5 Councilman Kenney?

6 COUNCILMAN KENNEY: I just --
7 and I again don't want to shorten
8 anyone's testimony, but from a poll of
9 the committee up here, I don't think
10 there's anyone against it, so you don't
11 have to convince us, you know, to a
12 large degree; we're kind of there, I
13 think.

14 So with that being said and
15 hearing--

16 COUNCILMAN GREENLEE: Thank
17 you, Councilman.

18 COUNCILMAN KENNEY: And we have
19 Fairmount Park coming up.

20 COUNCILMAN GREENLEE: Yeah,
21 right. I was going to say -- so,
22 again, as I said before, if you have
23 written testimony, it will be made a
24 part of the record. If you can just
25 come up and maybe state, you know, your

1 6/10/08 LAW and GOV'T - BILL 080468
2 support or whatever, if there's one
3 particular thing you want to add, but I
4 really respectfully ask, because we
5 really do have to move on. It's a
6 little warm in here, and we have a lot
7 of people waiting and I promised they
8 would try to get started by 11:00 and
9 we're already behind.

10 So if there's anybody that
11 wants to testify or you just want to
12 put your name on the record or submit
13 your testimony. Your testimony's all
14 been submitted.

15 You'd like to testify?
16 Please.

17 (Witness comes forward.)

18 MS. GINSBERG: I'll be brief.

19 COUNCILMAN GREENLEE: Thank
20 you. Just identify yourself for the
21 record and proceed with your testimony.

22 MS. GINSBERG: My name is Janet
23 Ginsberg. I'm a senior staff attorney
24 at Community Legal Services. I work in
25 the Employment Unit, and we represent

1 6/10/08 LAW and GOV'T - BILL 080468
2 low-wage workers in Philadelphia on a
3 broad range of employment matters.

4 Among the employment problems
5 we see is women who are -- mainly
6 women, almost all women, losing their
7 jobs. Their jobs are threatened as a
8 direct or indirect result of domestic
9 abuse.

10 Now, the people before me have
11 very eloquently posed the problem, and
12 I do have written testimony. What I
13 do want to emphasize, though, for this
14 committee is just how particularly
15 important the protection of this
16 ordinance would be for low-income
17 citizens of Philadelphia, for low-wage
18 workers.

19 A lot of our clients do not
20 have any leave: they do not have sick
21 leave, they do not have vacation time,
22 they do not have paid time off at all.
23 And they also have fewer resources
24 than a lot of workers in Philadelphia
25 to deal with the consequence of crises

1 6/10/08 LAW and GOV'T - BILL 080468
2 that arise unexpectedly in their
3 lives. A lot of them are single
4 parents, they have no one to turn to.

5 So I do want to add on top
6 of -- the part of my written testimony
7 that I think I just wanted to say was
8 just how important this legislation
9 is, particularly for low-wage workers
10 in Philadelphia.

11 And just as a final thing, the
12 threat to jobs can take several forms,
13 not just missing time off the way it's
14 been described, but also people who
15 lose their jobs because their
16 employers think they're going to be
17 threatened or harassed at work; they
18 don't like the phone calls that are
19 received.

20 So we completely support this
21 ordinance. I would, in the future,
22 love to see some further protections
23 given to victims of domestic violence
24 so that they can't be fired really
25 just because of their status of being

1 6/10/08 LAW and GOV'T - BILL 080468
2 victims of domestic violence, so that
3 there are workplace safety plans put
4 in place rather than firing
5 individuals who are showing up at work
6 but they're concerned that they're
7 going to be a threat to the workplace
8 in some way or lose productivity for
9 the workplace.

10 So my written testimony is in.
11 Thank you for caring about this
12 ordinance for this population.

13 COUNCILMAN GREENLEE: Thank you
14 very much. And, as you say, there are
15 other things to be done; this isn't the
16 only thing. But we hope we're moving
17 forward with this.

18 Anybody? Come on up. Why
19 don't you all come up together,
20 please.

21 (Witnesses come forward.)

22 COUNCILMAN GREENLEE: And
23 whoever then would like to go first,
24 just state your name and --

25 MS. CRUZ: Hi. My name is

1 6/10/08 LAW and GOV'T - BILL 080468
2 Joanna Otero-Cruz, and I'm with
3 Philadelphia Congreso de Latinos
4 Unidos.

5 I have submitted my written
6 testimony. I just want to emphasize
7 this amendment would lift the added
8 burden of unemployment worrying on
9 whether or not a survivor's job is
10 still there by the time that they're
11 able to return to work.

12 And, again, I just want to say
13 that Congreso de Latinos Unidos, we
14 (indiscernible) domestic violence
15 program, and we definitely support
16 this bill.

17 Thank you.

18 COUNCILMAN GREENLEE: Thank
19 you.

20 Who would like to go next?

21 MS. CRAWFORD: Hi. My name is
22 Amber Crawford, and I'm a
23 representative of Women Organized
24 Against Rape, and I'm testifying today
25 as a survivor of sexual violence and

1 6/10/08 LAW and GOV'T - BILL 080468

2 also as a counselor at WOAR.

3 I wanted to ask that

4 Councilmembers just imagine this for a

5 second: You're at home, you're

6 enjoying a nice, quiet evening, and

7 you hear glass break downstairs. In

8 the next instant, someone's holding a

9 gun to your head, ripping off your

10 clothes, and raping you.

11 Or imagine this: You're

12 putting laundry away, and in your

13 spouse's drawer, you find pictures of

14 your five-year-old naked.

15 Or you spend an evening in the

16 emergency room with your ten-year-old

17 son while he's getting stitched up due

18 to a gang rape that occurred in a

19 playground.

20 Could you go to work the next

21 day?

22 These are the stories that we

23 hear constantly at Women Organized

24 Against Rape. And for most survivors,

25 this is only the beginning, because

1 6/10/08 LAW and GOV'T - BILL 080468
2 what follows is hours and days of time
3 at hospitals, police stations,
4 courtrooms. From the time someone is
5 sexually assaulted and the court
6 process begins, it can be two years
7 later before the trial actually goes.

8 A majority of survivors, after
9 a sexual assault, experience
10 post-traumatic stress disorder, which
11 is characterized by three kind of
12 clusters of system: reexperiencing
13 symptoms, where they are constantly
14 getting thoughts and images of what
15 happened to them pop into their head;
16 avoidance symptoms, where sounds,
17 tastes, smells, people, places are
18 constantly reminding them of that; and
19 hyperarousal symptoms, where a person
20 hears a car backfire or they can't
21 sleep, and that's sending them into a
22 constant state of anxiety.

23 These symptoms are not only
24 for the survivors themselves but for
25 the family members of the survivors.

1 6/10/08 LAW and GOV'T - BILL 080468

2 So, again, I say: Could you
3 go to work with all of those things
4 and be as productive as people would
5 like you to be with constant images
6 floating into your head?

7 As a survivor who was
8 assaulted at 16 years old, this bill
9 would have extremely helped my mother,
10 who, you know, would burst into tears
11 in the second she thought about what
12 happened to me and would have to run
13 out of her job, who had to take time
14 off to take me to hospitals, to take
15 me to different appointments. And
16 luckily, she had an employer who gave
17 her these leniencies anyway. But for
18 so many people who don't have that,
19 this bill would be greatly
20 appreciated, and Women Organized
21 Against Rape hopes that you support
22 it.

23 Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Can you identify yourself for
3 the record, please.

4 MS. LUCE: Yes. Hi. My name
5 is Tamela Luce. I'm a representative
6 of Women's Way. We're one of the
7 funders of many of these organizations
8 in the room today and very pleased to
9 be present here.

10 You have my written testimony,
11 but just a couple of points that I
12 want to make.

13 It's estimated that 24 to 30
14 percent of abused working women have
15 lost their jobs. These women are
16 doubly victimized. You know, and one
17 of the comments made earlier about
18 women abusing the system, you know, if
19 you lose your job, you may have no
20 other opportunity but to return to
21 your abuser due to the financial
22 circumstances you find yourself in.
23 Many abusers cut off, you know, the
24 ability to access your financial
25 resources, and you really may have no

1 6/10/08 LAW and GOV'T - BILL 080468

2 other opportunity but to return to
3 your abuser and the cycle of abuse.

4 So you have my written
5 testimony. We really support this
6 legislation and appreciate the
7 opportunity to be here today.

8 Thank you.

9 COUNCILMAN GREENLEE: Okay.
10 Thank you very much. Thank you all for
11 your testimony.

12 Anybody else that wishes to
13 testify?

14 (No response.)

15 COUNCILMAN GREENLEE: Seeing
16 none, I appreciate -- and I appreciate
17 particularly the last few people's
18 brevity. I know we've been at this a
19 little while.

20 I'm going to do something just
21 slightly unusual so the folks that
22 were here for this bill don't have to
23 wait around for the next bill. We're
24 going to recess the Committee on Law
25 and Government on this bill and go

1 6/10/08 LAW and GOV'T - BILL 080468
2 into the public meeting on Bill No.
3 080468, and the Chair recognizes
4 Councilman Kenney for an amendment to
5 this bill.

6 COUNCILMAN KENNEY: Thank you,
7 Mr. Chairman.

8 I move that Bill No. 080468 be
9 amended accordingly to the -- with the
10 amendments that were circulated prior
11 to the hearing.

12 (Motion duly seconded.)

13 COUNCILMAN GREENLEE: It's been
14 moved and seconded that the amendments
15 be approved.

16 All in favor, please say aye.

17 Opposed?

18 Seeing none, the amendments
19 are adopted.

20 The Chair again recognizes
21 Councilman Kenney regarding Bill
22 080468, as amended.

23 COUNCILMAN KENNEY: Thank you,
24 Mr. Chairman.

25 I move that Bill No. 080468,

1 6/10/08 LAW and GOV'T - BILL 080468
2 as amended, be reported out of this
3 committee with a favorable
4 recommendation and a request made for
5 a rules suspension to allow for first
6 reading at our next Council session.

7 (Motion duly seconded.)

8 COUNCILMAN GREENLEE: It's been
9 moved and seconded.

10 All in favor, please say aye.

11 Opposed?

12 It's been approved that Bill
13 No. 080468 is reported out of this
14 committee with favorable
15 recommendation. The rules of Council
16 have been suspended to allow for first
17 reading at our next session of
18 Council.

19 (Applause.)

20 COUNCILMAN GREENLEE: Thank
21 you. Thank you very much.

22 We will now recess the public
23 meeting and go to the public hearing
24 on the Fairmount Park bills and we'll
25 give folks a chance to leave quietly

1 6/10/08 LAW and GOV'T - BILL 080468

2 for a minute.

3 Thank you all very much for

4 coming. Thank you.

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1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: Okay.

3 After many threats, the Committee on
4 Law and Government is now back in
5 session. We have reestablished a
6 quorum.

7 Could I have everybody's
8 attention. I appreciate everybody
9 hanging in there I know today's little
10 warm in this room today.

11 The -- would Mr. Boyle please
12 read Bill No. 080169 and Resolution
13 080181, please.

14 THE CLERK: Ordinance 080169,
15 an ordinance providing for the
16 submission to the qualified electors of
17 the City of Philadelphia of the
18 proposal set forth in a resolution
19 approved by Council proposing an
20 amendment of the Philadelphia Home Rule
21 Charter relating to the transfer of the
22 powers and duties of the Fairmount Park
23 Commission to the Department of
24 Recreation (to be renamed "The
25 Department of Parks and Recreation")

1 6/10/08 LAW and GOV'T - BILL 080468
2 and reconstituting the Fairmount Park
3 Commission as the Commission on Parks
4 and Recreation with new powers and
5 duties, and authorizing the appropriate
6 officers to publish notice and to make
7 arrangements for the special election.

8 Resolution No. 080181, a
9 resolution proposing an amendment to
10 the Philadelphia Home Rule Charter
11 relating to the transfer of the powers
12 and duties of the Fairmount Park
13 Commission to the Department of
14 Recreation (to be renamed "Department
15 of Parks and Recreation") and
16 reconstituting the Fairmount Park
17 Commission as the Commission on Parks
18 and Recreation with new powers and
19 duties, and providing for the
20 submission of the amendment to the
21 electors of Philadelphia.

22 COUNCILMAN GREENLEE: I believe
23 the sponsors of this resolution, who
24 have been involved in this for a long
25 time, would like to make an open

1 6/10/08 LAW and GOV'T - BILL 080468

2 statement.

3 Councilwoman Blondell

4 Reynolds-Brown.

5 COUNCILWOMAN BROWN: I thank
6 you, Mr. Chairman. Yes, thank you very
7 much for allowing me, followed by my
8 colleague, the prime sponsor of the
9 bill, to provide a perspective and to
10 put this six-year journey into a
11 context. My remarks are as follows:

12 The 63 parks of the Fairmount
13 Park system, totalling 9200 acres, or
14 11 percent of the City, provide
15 Philadelphia citizens and visitors
16 with opportunities for all of what we
17 know passive and active recreation
18 that comprises one of the largest
19 municipally operated landscape park
20 systems in the country.

21 Since 2001, following the very
22 stunning, I always believed, quite
23 analytical and very objective "Acres
24 of Neglect" series, which raised our
25 antenna about the many issues,

1 6/10/08 LAW and GOV'T - BILL 080468
2 problems, and opportunities facing
3 Fairmount Park, Councilman Clarke and
4 I have been intimately involved with
5 this issue.

6 The record should reflect that
7 it was June 14, 2001, that former
8 colleague Councilman Nutter, Clarke,
9 and I introduced a resolution
10 authorizing hearings regarding the
11 status of our park.

12 Fast-forward to May 15, 2002,
13 one year later, the recommendation to
14 the administration was that we seek
15 the funding for a strategic plan. Our
16 city put up 50 percent of the cost of
17 that strategic plan, and we thank the
18 William Penn Foundation for serving as
19 a partner with the matching funds.

20 Fast-forward to June 2004, two years
21 later, or twenty-four months later,
22 and the strategic plan for the parks
23 was released.

24 That was followed by several
25 public forums, hearings, and Council

1 6/10/08 LAW and GOV'T - BILL 080468
2 briefings over the next two years
3 around the number of recommendations
4 cited in the strategic plan. December
5 2005 hearings were actually held on
6 charter-change legislation. That too
7 was followed by public forums posted
8 by the Philadelphia Free Library,
9 hearings, and Council briefings.

10 We met with all of the
11 stakeholders around this legislation,
12 and in June 2006, Councilman Clarke
13 and I, along with Councilman Nutter,
14 actually introduced a resolution
15 addressing one of the critical
16 unresolved matters, which was funding
17 for Philadelphia Fairmount Park,
18 calling for a task force.

19 September 14, 2006, Clarke and
20 I held hearings on that resolution,
21 seeking additional input. And all of
22 the work continued until fall of 2007,
23 where Clarke and I were ultimately
24 successful in getting what we call
25 "getting all the stars aligned" to act

1 6/10/08 LAW and GOV'T - BILL 080468
2 on the legislation.

3 We then received an important
4 call from the then-presumptive,
5 now-Mayor Nutter thanking us for the
6 work done but asking that he have an
7 opportunity to weigh in on the work
8 done up to that point. Councilman
9 Clarke and I then decided not to take
10 the affirmative action on that bill
11 last winter and allow our new mayor to
12 have a say.

13 Clarke and I then introduced
14 new legislation in January of this
15 year, and six months later, after
16 meetings with the Mayor, his staff,
17 with Pete Hoskins, leadership at both
18 Philadelphia Fairmount Park,
19 leadership with the Recreation
20 Department, we're now at an important
21 juncture around this legislation.

22 And we both want to just give
23 a huge applause to Mayor Nutter and to
24 Pete Hoskins because we would not be
25 at this point but for their intimate

1 6/10/08 LAW and GOV'T - BILL 080468
2 involvement.

3 We also want to thank the
4 leadership of Council for working
5 very, very closely with Councilman
6 Clarke and I up to as recently as
7 yesterday, where we met and, in many
8 ways, combed over every single word in
9 what we'll be acting upon today.

10 And so with that, we are now
11 ready, we believe, to take another
12 small step to some, giant step to
13 others, in bringing Philadelphia
14 Fairmount Park into the 21st century.

15 So I thank you for allowing me
16 to provide that context, Mr. Chairman.

17 COUNCILMAN GREENLEE: Thank
18 you, Councilwoman.

19 Councilman Clarke, would you
20 --

21 COUNCILMAN CLARKE: Thank you
22 Mr. Chair.

23 I just want to say that first,
24 I concur with my colleague and friend
25 Councilwoman Blondell Reynolds-Brown,

1 6/10/08 LAW and GOV'T - BILL 080468
2 and I would like to both thank and
3 apologize to members of Council for
4 having given them this headache for
5 the last three years as it relates to
6 this particular process, but thank
7 them for their diligence in working
8 with us to establish what we hope
9 today will be legislation that will
10 give us the best and, I think,
11 probably the most efficient and,
12 hopefully one day, most well-funded
13 recreation and park system in the
14 country.

15 So I look forward to the
16 testimony. It has been a very good
17 process relating to some of the
18 give-and-take and the interaction
19 between the advocates, commission
20 members, and all of the interested
21 parties.

22 I'm -- given the history of
23 this process, I'm going to hold -- I'm
24 going to hold congratulations as it
25 relates to the passage until we

1 6/10/08 LAW and GOV'T - BILL 080468
2 actually vote. Those that have been
3 involved for a while will understand
4 that little inside joke, but I think
5 that this makes some sense.

6 I'm glad that the advocates
7 and the commission members were as
8 aggressive in their raising their
9 voices of concern about that 'cause I
10 think at the end of the day, it will
11 allow us to establish a much better
12 bill and a much better process.

13 So I hopefully ask for the
14 committee's support here today in
15 moving out so we can move this, I'd
16 like to say, earth-shattering
17 legislation to ultimate fruition.

18 Thank you, sir.

19 COUNCILMAN GREENLEE: Thank
20 you, Councilman. And I think we all
21 need to thank both you and Councilwoman
22 Blondell Reynolds-Brown for all of the
23 work you've done on this very important
24 issue, and I know you've had many
25 discussions on this.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN CLARKE: Sorry,
3 Councilman, and I'd just like to say
4 one thing. I just would like to -- I
5 know this is not tradition, but I would
6 like to thank Sandy Shea, who is a
7 member of the Daily News, and I'm not
8 saying this just to get her support --

9 (Laughter.)

10 COUNCILMAN CLARKE: -- in the
11 paper tomorrow, but she has actually
12 exhibited a significant interest in the
13 parks for a number years in her prior
14 position and currently, and I think it
15 had no relationship to her position in
16 the paper; she has truly been an
17 interested citizen who likes the parks,
18 and she has been very good in making
19 sure that this issue stays alive, so I
20 would just like to thank her publicly
21 today here today.

22 COUNCILMAN GREENLEE: And if
23 you don't get a good editorial out of
24 that, I'll be shocked.

25 (Laughter.)

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILWOMAN BROWN: Ditto,
3 Mr. Chairman.

4 COUNCILMAN GREENLEE: Okay.
5 Thank you all very much.

6 Our first witnesses are
7 Dr. Schwarz and whoever else may be
8 testifying for the Administration.

9 (Witnesses come forward.)

10 COUNCILMAN GREENLEE: Oh,
11 you're just going to hang out behind
12 him. Okay, I understand.

13 Dr. Schwarz, please identify
14 yourself for the record and proceed.

15 DR. SCHWARZ: Good afternoon,
16 Councilman Greenlee, members of the
17 Committee on Law and Government. I'm
18 Donald Schwarz, Deputy Mayor for Health
19 and Opportunity.

20 Thank you for this opportunity
21 to present testimony today on this
22 legislation that represents a critical
23 step toward the formulation of one
24 modern system of parks and recreation
25 in Philadelphia. I especially want to

1 6/10/08 LAW and GOV'T - BILL 080468
2 take a moment to thank Councilman
3 Clarke and Councilwoman Reynolds-Brown
4 for their passionate efforts on behalf
5 of our parks and recreation systems.

6 The Administration greatly
7 appreciates the opportunity to discuss
8 many aspects of the proposed Charter
9 change with the sponsors and to
10 recommend revisions and refinements.
11 My testimony will discuss key elements
12 of the proposed amendments.

13 This administration has a
14 strong commitment to our parkland and
15 recreation facilities and programs,
16 and we understand the important role
17 they play in the City's quality of
18 life, environmental sustainability,
19 public safety, citizen engagement, and
20 economic development. Our park and
21 recreation systems are critical
22 components of a safe, vital city, and
23 we will do all that we can to support
24 them.

25 Much of the rationale for the

1 6/10/08 LAW and GOV'T - BILL 080468
2 proposed legislation comes from the
3 strategic plan developed for Fairmount
4 Park in 2004, as mentioned by
5 Councilwoman Reynolds-Brown. This
6 plan strongly recommended a merger of
7 the Department of Recreation to
8 improve services, increase
9 accountability, eliminate
10 fragmentation and confusion, and
11 reduce duplication of services such as
12 the maintenance, (indiscernible), and
13 optimal use of athletic facilities

14 I also want to note that of
15 the ten largest municipalities in the
16 nation, only Philadelphia has separate
17 departments for parks and recreation
18 under the municipal administration.
19 In Chicago, one agency, the Chicago
20 Parks District, handles both park and
21 recreation facilities, although not
22 under the municipal government.

23 Resolution 080181 proposes an
24 amendment to the Home Rule Charter to
25 merge the functions and duties of the

1 6/10/08 LAW and GOV'T - BILL 080468
2 Fairmount Park Commission and the
3 Department of Recreation into a new
4 department to be named "The Department
5 of Parks and Recreation" to establish
6 the Commission on Parks and Recreation
7 and to provide for its powers and
8 duties.

9 The department would be
10 directed by a Commissioner of Parks
11 and Recreation, with two Deputy
12 Commissioners, one for parks and one
13 for recreation.

14 Bill 080196 authorizes the
15 corresponding question for the Charter
16 change to be placed on the November
17 2008 ballot. If approved by the
18 voters, the legislation, as amended,
19 requires that the Commissioner of
20 Parks and Recreation and the new
21 Commission on Parks and Recreation
22 both be in place by July 1, 2009, and
23 that the mergers of the two
24 departmental operations be completed
25 no later than July 1, 2010.

1 6/10/08 LAW and GOV'T - BILL 080468

2 The Administration feels
3 strongly that this legislation
4 provides us with a great opportunity
5 to respect the history and mission of
6 both departments, while strengthening
7 the services we provide by making the
8 best use of each organization's
9 inherent strengths and capabilities.

10 The Parks Division would focus
11 on environmental resource management,
12 passive, self-directed recreation, and
13 environmental and stewardship. The
14 Recreation Division would focus on
15 providing services that are responsive
16 and sensitive to the diverse needs of
17 our citizens through safe, active
18 recreation, with an emphasis on sound
19 programmed activities and facilities.

20 The newly formed Commission on
21 Parks and Recreation will meet at
22 least quarterly. The public will be
23 given an opportunity to comment at
24 each meeting of the commission. There
25 will be a public call for applications

1 6/10/08 LAW and GOV'T - BILL 080468

2 to serve on the commission, and
3 commission members will reflect the
4 diversity of our population.

5 The commission will be
6 responsible for adopting standards and
7 procedures on land use, watershed
8 management, green space,
9 sustainability, and the sale,
10 transfer, and lease or acquisition of
11 park and recreation land and
12 facilities.

13 The new standards for the
14 conveyance of land and facilities will
15 include criteria for evaluating
16 proposed sales, long-term leases,
17 conveyances, and acquisitions so that
18 there are clear standards to use in
19 considering every transaction.

20 Additionally, the legislation
21 proposes that the commission will make
22 a recommendation to the Mayor and
23 Council on any proposed sale,
24 long-term lease, conveyance, or
25 acquisition of any park or recreation

1 6/10/08 LAW and GOV'T - BILL 080468
2 land or facilities, and the Mayor and
3 City Council shall give substantial
4 weight to that recommendation.

5 All of us know how important
6 parks and recreation are to our
7 citizens. The establishment of a
8 Department of Parks and Recreation
9 will put accountability for this vital
10 exactly where we think it should be:
11 With the Mayor.

12 Our vision of a city of
13 healthy and sustainable neighborhoods
14 is dependent on a vibrant park and
15 recreation organization; our citizens
16 deserve no less.

17 Thank you for allowing me to
18 present testimony on this crucial
19 issue. I'll be happy to answer
20 questions.

21 COUNCILMAN GREENLEE: Thank
22 you, Deputy Mayor.

23 Are either of you testifying?

24 I should for the record,
25 though, just welcome our new

1 6/10/08 LAW and GOV'T - BILL 080468
2 Recreation Commissioner, Commissioner
3 Salsa. Thank you. I think this is
4 the first time you're officially here.

5 (Applause.)

6 COUNCILMAN GREENLEE: And as
7 Mr. Foulke next to you knows, whether
8 you like it or not, you'll be here a
9 few more times. So welcome.

10 Just a question, if I could,
11 Dr. Schwarz. Given that all of the
12 other cities are doing what we're
13 basically doing, what generally -- and
14 I know this is a very general
15 question. What have you learned by
16 looking at some of those other cities
17 and maybe make changes on what we're
18 doing here or -- if you understand my
19 question.

20 DR. SCHWARZ: I think so. I
21 think one of the chief issues that
22 becomes clear as we look at other
23 cities is efficiency, so that we
24 currently -- although the strategic
25 planning effort that ended in 2002

1 6/10/08 LAW and GOV'T - BILL 080468
2 clearly stated that we should think
3 about merging functions, we've done
4 some of that, but there remains
5 duplication in a number of areas.

6 So, for instance, we have two
7 permitting offices. So if a citizen
8 wishes to figure out how to get a
9 permit for an activity, it's unclear
10 in many cases to which entity, Parks
11 or Recreation, they should go.

12 We have duplication in --
13 although coordination in contracts,
14 for instance, for mowing came up in
15 Council when budget hearings occurred
16 both for Parks and Recreation, that
17 the contracts are separate between the
18 two departments, although for the
19 first time, recommendations were made
20 by Parks to Recreation for selection
21 of vendors for mowing.

22 That sort of inefficiency, I
23 think, is one thing that in other
24 cities they've recognized as important
25 in terms of coordination between the

1 6/10/08 LAW and GOV'T - BILL 080468

2 two.

3 The other issue that arises is
4 transparency for the public in
5 general. So we have wonderful
6 facilities, we have athletic
7 facilities, and it's often unclear for
8 people in the neighborhood to which
9 entity they need to go in order to
10 obtain the right to use that area --
11 not just a permit but simple what are
12 the hours and so forth.

13 So I believe that for the
14 citizenry, for those who live in
15 Philadelphia, we will have a more
16 efficient and transparent system.

17 COUNCILMAN GREENLEE: Okay.
18 Thank you.

19 Just one other question and
20 then anybody else that might have one.

21 I know when this process
22 began -- I know the sponsors know this
23 better than I do -- there was concern
24 particularly raised by Fairmount Park
25 advocates that the park system would

1 6/10/08 LAW and GOV'T - BILL 080468
2 be shortchanged by this combination,
3 and I know you weren't involved in
4 this way back when, if you will, but
5 could you just address that concern?

6 I don't know if it still
7 exists at all, but I know there's been
8 trough a lot of conversation about
9 this, but could you address that issue
10 generally.

11 DR. SCHWARZ: I can. At least
12 I can try.

13 COUNCILMAN GREENLEE: Okay.

14 DR. SCHWARZ: I believe that if
15 we look, Recreation is the bigger of
16 the two departments, and the concern
17 has been that the unique issues for
18 Fairmount Park would be lost in a
19 merger.

20 I think what we've seen
21 certainly as we've begun bringing
22 parts of those two departments
23 together is that each has a unique
24 voice. And one of the issues for both
25 departments is that neither one is

1 6/10/08 LAW and GOV'T - BILL 080468
2 tremendously large, so that by
3 bringing the two together, in fact, I
4 think we'll probably get more
5 attention both in the budget process
6 and as we go through working with
7 other agencies in government, because
8 the overall size of the entity will be
9 larger.

10 There are safeguards built in
11 in terms of rules and standards, and I
12 believe that those will be
13 particularly sensitive to the needs
14 and the concerns of those who have
15 been wonderfully strong advocates for
16 our parks.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 Any questions from members of
20 the committee?

21 Councilman Green.

22 COUNCILMAN GREEN: Thank you.

23 I just note that under -- good
24 afternoon, Dr. Schwarz.

25 DR. SCHWARZ: Good afternoon.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREEN: I just note
3 that under current governance, you
4 know, each of the three branches of our
5 local government play a role in the
6 park. The judiciary appoints the
7 Fairmount Park Commission, the Mayor
8 proposes a budget, and City Council
9 approves the budget the Mayor proposes.

10 And I'm just wondering what
11 the benefits are of moving away from
12 that sort of governance and just
13 consolidating the operations under the
14 Recreation Department; in other words,
15 keeping the power to sell the land,
16 lease the land, et cetera, within the
17 Fairmount Park Commission, which is
18 whether we nominate it by judges or
19 other methods of different -- you
20 know, a different approach.

21 Can you just talk briefly
22 about the concerns that are raised by
23 taking the judiciary or some other
24 nominating panel out of the process.

25 DR. SCHWARZ: I believe that

1 6/10/08 LAW and GOV'T - BILL 080468
2 the intent here has been to align
3 authority and responsibility, so both
4 in terms of budget and in terms of all
5 of the other municipal functions which
6 are required to have strongly running
7 parks and recreation centers, the
8 Mayor's Office is responsible.

9 And what this does is align
10 that authority with responsibility,
11 and it says that the Mayor, with City
12 Council, who are responsible for the
13 budget for these entities and are
14 responsible for the oversight in terms
15 of all of the other supports, will now
16 officially have authority over the two
17 entities, Parks and Recreation, and
18 the citizenry can then very clearly
19 and transparently look to the Mayor
20 and City Council for that
21 responsibility and authority, which is
22 what other cities have done and which
23 seems to be a more representative way
24 for the citizens of Philadelphia to
25 both expect and to demand people who

1 6/10/08 LAW and GOV'T - BILL 080468
2 will maintain our parks and our
3 recreation system.

4 COUNCILMAN GREEN: Wouldn't it
5 have been possible to move all of the
6 operations into one department but
7 leave the lands in essentially a trust
8 with a commission or other people? I
9 mean these of lands that were -- many
10 of which were donated to the City of
11 Philadelphia. They're different from
12 other public lands. In my view,
13 they've been put in a public trust.

14 And the intention of the
15 legislature when they put it with the
16 judges at the time was that it somehow
17 removed it from the political process
18 then so that lands would maintain or
19 stay in a public trust. And I just
20 wondered if you could explain the
21 Administration's position on taking it
22 out of that sort of public trust --
23 you can think of the commissioners as
24 trustees of the land -- and putting it
25 into the normal political process in

1 6/10/08 LAW and GOV'T - BILL 080468
2 Philadelphia.

3 DR. SCHWARZ: Both in terms of
4 acquisition and sale, there are
5 standards which we would hope the
6 current commission would uphold. I
7 think we could agree that these are
8 public lands entrusted to a commission.

9 What the legislation asks is
10 that a new commission be named jointly
11 by an open process between City
12 Council and the Mayor's Office and
13 that that commission promulgate rules
14 and standards and that the Mayor and
15 Council be particularly attentive to
16 those rules and standards. It
17 provides public input into what those
18 rules and standards are for sale and
19 acquisition.

20 And I believe it's a more open
21 and representative process, and it's
22 certainly one that is more transparent
23 than the current process. I would say
24 --

25 COUNCILMAN GREEN: And how

1 6/10/08 LAW and GOV'T - BILL 080468
2 would you see that working? What do
3 you mean by "rules and standards"? If
4 rules were not followed, Council
5 couldn't act to sell land or...

6 DR. SCHWARZ: The current piece
7 of legislation does not restrict the
8 ability of the Mayor and Council to do
9 that. It strongly directs. And there
10 are certainly rules that Council has
11 for itself, which could include such
12 structures as to the abeyance of those
13 rules and standards. This piece of
14 legislation sets out the structure and
15 the operating principles in general.

16 And we have both the public
17 and the duality between the Mayor's
18 Office and Council over the next eight
19 years, hopefully, to assure that any
20 rules that are developed maintain the
21 integrity of the park and recreation
22 system.

23 COUNCILMAN GREEN: What is the
24 Administration's objection, if there is
25 one, to having a super majority of

1 6/10/08 LAW and GOV'T - BILL 080468

2 Council approve the sale of lands
3 rather than a simple majority of
4 Council approve the sale of these
5 parklands?

6 DR. SCHWARZ: The
7 Administration at the moment believes
8 that Council can look at its own rules
9 regulations on those issues but that as
10 with any other decision -- with most
11 other decisions for acquisition and
12 sale, simple majority is used.

13 But as you mention, these may
14 be unique lands donated to the City,
15 and Council rules could reflect that.

16 COUNCILMAN GREEN: Once again,
17 they'd be governed by a simple majority
18 of Council rules, I mean. Council
19 rules are governed by a simple
20 majority.

21 DR. SCHWARZ: But Council can
22 determine, as I understand it, the
23 rules for that.

24 COUNCILMAN GREEN: By simple
25 majority, though.

1 6/10/08 LAW and GOV'T - BILL 080468

2 DR. SCHWARZ: By simple
3 majority, they determine it, the rules.

4 COUNCILMAN GREEN: Sure, but if
5 it's a simple -- you can always change
6 the rules.

7 DR. SCHWARZ: Yes.

8 COUNCILMAN GREEN: We suspend
9 the rules every single Council session.

10 DR. SCHWARZ: Mm-hmm.

11 COUNCILMAN GREEN: And all you
12 would have to do is suspend the rules
13 and a simple majority could do that.
14 So I just wanted to see what the
15 Administration's position was on the
16 record. That is my concern about this,
17 and I will -- that's all I have for
18 now.

19 COUNCILMAN GREENLEE: Okay,
20 thank you, Councilman.

21 Any other questions by members
22 of the committee?

23 First let me just recognize
24 that Councilwoman Sanchez is present
25 at the hearing.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Councilman Clarke?

3 COUNCILMAN CLARKE: Thank you,
4 thank you, Mr. Chair.

5 I'm obviously not a member of
6 the Administration, so I'm not giving
7 a response to Councilman Green, but I
8 just wanted to weigh in on that whole
9 issue with respects to, one, the
10 Council rules, and this will actually
11 come up in testimony later on by
12 another witness that's here.

13 During the course of the
14 discussion, there had been significant
15 concerns raised about the disposition
16 of parkland more so than the
17 acquisition issue, and we understood
18 that that was a concern.

19 But I just want to say for the
20 record, in meeting with the advocates
21 and some of the interested parties,
22 that disposition of parkland, to my
23 knowledge, I can't ever remember when
24 that was initiated from the Council of
25 Philadelphia.

1 6/10/08 LAW and GOV'T - BILL 080468

2 The process traditionally is
3 that it is forwarded to the
4 department, the department and the
5 staff reviews the proposals -- and
6 this is the current process -- and it
7 is reviewed by the commission. It
8 then comes to Council.

9 So this whole notion that
10 somehow City Council initiates all of
11 these park sales is just not reality.
12 So we have never been involved in that
13 process, with the exception at the
14 tail-end. Just so we can clear that
15 up. That's not what we do. We don't
16 initiate land sales.

17 With respects to this issue of
18 the two-thirds majority, understanding
19 that it is a concern, we have had
20 discussion with respects to that
21 process. And as Dr. Schwarz has said,
22 Council has the ability to alter its
23 rulings as it relates to park
24 disposition, acquisition, and any
25 other issue.

1 6/10/08 LAW and GOV'T - BILL 080468

2 While I have personally -- and
3 I only say that because I'm only one
4 voted -- committed to the concerned
5 parties that I will try to initiate a
6 process that looks at establishing a
7 policy within the rules of Council
8 that establishes a higher threshold as
9 it relates to park disposition, I have
10 made that commitment personally, and
11 then it's my responsibility to find
12 out where to get eight additional
13 votes.

14 So I couldn't commit that that
15 definitely would happen, but that's
16 something that I think is of
17 significant interest to park
18 advocates, so I think that that's
19 something that we should probably
20 entertain and ultimately implement as
21 it relates to our internal process.

22 One of the other things that
23 came up as a result of park
24 disposition is that it was made clear
25 that there should be significant

1 6/10/08 LAW and GOV'T - BILL 080468
2 standards and guidelines for everyone
3 to operate from 'cause currently,
4 under the current process, there are
5 no guidelines, there are no standards,
6 and we have had significant levels of
7 controversy as it relates to
8 disposition of parkland because there
9 are no guidelines or standards,
10 'cause, you know, a proposal comes in,
11 and then, at the end of the day, it's
12 operating based on who happens to be
13 the staff person of the day or who
14 happens to be the commissioners on
15 that particular committee. So we have
16 also agreed to establish aggressive
17 guidelines and standards.

18 We also believe that under
19 this proposal that the commission
20 should weigh in on all issues as it
21 relates to disposition and acquisition
22 in addition to being at a public
23 hearing and testifying either for or
24 support.

25 So we understand that that is

1 6/10/08 LAW and GOV'T - BILL 080468
2 a significant concern, and we've tried
3 to establish in the amendments that
4 you will see at a later time in the
5 hearing to put people at a comfort
6 level as it related to those issues.

7 COUNCILMAN GREENLEE:
8 Councilman Green?

9 COUNCILMAN GREEN: Thank you.
10 Dr. Schwarz, are you aware of
11 any other municipal park system of the
12 scope or magnitude of our park that
13 has it all combined like this as
14 opposed to, you know, a separate -- in
15 a separate trust or...

16 DR. SCHWARZ: Just one second.
17 New York City has a department
18 of parks and recreation with more than
19 1700 parks and playgrounds and
20 recreation facilities. It constitutes
21 28,000 acres. There are 614 ball
22 fields, 991 playgrounds, and they
23 manage 550 tennis courts.

24 And I can go on.

25 COUNCILMAN GREEN: Okay.

1 6/10/08 LAW and GOV'T - BILL 080468

2 DR. SCHWARZ: The City of Los
3 Angeles' department of recreation and
4 parks maintains over 15,600 acres of
5 parkland, 387 neighborhood and regional
6 parks, 7 lakes, and 176 recreation
7 centers.

8 COUNCILMAN GREEN: Okay. And
9 do they -- what stand -- do they have
10 different standards or differing
11 standards for the disposition of those
12 kinds of lands, or is that something
13 you looked at?

14 DR. SCHWARZ: It was one of the
15 models for the current proposal.

16 COUNCILMAN GREEN: Which one
17 was?

18 DR. SCHWARZ: The cities
19 actually are quite similar --

20 COUNCILMAN GREEN: Okay.

21 DR. SCHWARZ: -- in terms of
22 governance. And they, unlike Chicago,
23 but they -- Houston, Phoenix, San
24 Diego, San Antonio, Dallas and so
25 forth -- all report to the mayor and

1 6/10/08 LAW and GOV'T - BILL 080468
2 have a similar arrangement with the
3 city municipal representative body.

4 COUNCILMAN GREEN: And are the
5 rules -- I mean, do they have an FP --
6 similar to what's the new FPC with
7 rules and regulations.

8 DR. SCHWARZ: They have an
9 appointed commission with expertise.

10 COUNCILMAN GREEN: Are those
11 rules and regulations binding in those
12 cities, or they non-binding like here
13 in Philadelphia?

14 DR. SCHWARZ: I don't know that
15 answer. Let me see.

16 We can find out for you. I
17 don't know the answer to that
18 question.

19 COUNCILMAN GREEN: If you could
20 provide that answer to the Chair, I
21 think that fact is an important fact.

22 Thank you.

23 COUNCILMAN GREENLEE: Thank
24 you, Councilman.

25 Any other questions of the

1 6/10/08 LAW and GOV'T - BILL 080468
2 committee?

3 Councilman Jones.

4 COUNCILMAN JONES: Thank you,
5 Mr. Chairman.

6 Good afternoon.

7 DR. SCHWARZ: Good afternoon.

8 COUNCILMAN JONES: I would be
9 interested in knowing, and since we're
10 talking about a merger, are there
11 similar policies for recreation-owned
12 and controlled properties specifically
13 on disposition but also when it comes
14 to a lease? Because in effect, a lease
15 becomes -- if it's 25 years, in effect
16 is a form of ownership; you just can't
17 sell it. It's a definite control
18 factor.

19 And I guess what I would want
20 to know is how this policy going
21 forward would be on leases to private
22 concerns and/or nonprofits.

23 DR. SCHWARZ: It would be the
24 expectation that the commission, which
25 would now cover both Parks and

1 6/10/08 LAW and GOV'T - BILL 080468
2 Recreation, would set out rules for
3 lease, acquisition, disposal of
4 property that is included in the whole
5 system, so all Park and Recreation
6 properties. So we'd have a uniform
7 system.

8 COUNCILMAN JONES: It would be
9 uniform, and the terms and conditions
10 would be reviewed by the commission?

11 DR. SCHWARZ: They would be
12 reviewed by the commission. And if
13 there were a significant transaction,
14 as defined in the legislation, it would
15 come before Council.

16 COUNCILMAN JONES: Thank you.

17 COUNCILMAN GREENLEE: Thank
18 you, Councilman.

19 Any other questions from any
20 -- oh, Councilman Green. Sorry.

21 COUNCILMAN GREEN: I did want
22 to put one thing on the record.

23 In 1995, this Council did
24 attempt to take Burholme Park out of
25 the jurisdiction of the Fairmount Park

1 6/10/08 LAW and GOV'T - BILL 080468
2 Commission and put it into the
3 jurisdiction of the Rec Department or
4 somewhere else; I'm not sure where.

5 So, you know, this body has in
6 the past initiated attempts to take
7 parklands and do something that is not
8 under the jurisdiction of the
9 Fairmount Park Commission. I'm not
10 sure it would have changed the use of
11 Burholme Park at all, but that has, in
12 fact, happened in the City of
13 Philadelphia, so I just wanted that on
14 the record.

15 DR. SCHWARZ: It would be
16 useful to know what the intent had
17 been, whether it had to do with
18 maintenance, for instance. I don't
19 know, but I hear the point.

20 COUNCILMAN GREEN: Thank you.

21 COUNCILMAN GREENLEE: Thank
22 you, Councilman.

23 Any other questions?

24 (No further questions.)

25 COUNCILMAN GREENLEE: Thank

1 6/10/08 LAW and GOV'T - BILL 080468
2 you, Dr. Schwarz. And I don't know
3 what your schedule is, but if you could
4 stay around in case questions come up,
5 I'd appreciate it.

6 The next group that I have
7 listed to testify are representatives
8 of the Philadelphia Parks Alliance.

9 (Witnesses come forward.)

10 COUNCILMAN GREENLEE: Good
11 afternoon, everyone. From the written
12 testimony, it looks you each have a
13 part here.

14 Mr. Hoskins, I think you're to
15 start. Okay, identify yourself for
16 the record and proceed, please.

17 MR. HOSKINS: Yes. I'm Pete
18 Hoskins, and I am the Chair or
19 President of the Board of the
20 Philadelphia Parks Alliance. And I
21 want to thank you and members of
22 Council for allowing us to appear
23 today.

24 Twenty-one years ago, I
25 appeared before City Council as

1 6/10/08 LAW and GOV'T - BILL 080468
2 Fairmount Park Director recommending a
3 53 percent increase of \$6.3 million
4 operating budget dollars to restore
5 the landscape and historic assets of
6 Fairmount Park. Nineteen days ago,
7 over two decades later, you became the
8 first city council and Mayor Nutter
9 the first mayor to significantly
10 increase park funding. You approved a
11 46 percent increase for parks over the
12 next five years. That's historic, and
13 we thank you.

14 Today, we have another new
15 opportunity. The Philadelphia Parks
16 Alliance believes that the proposed
17 legislation, with the proposed
18 amendments, will reform the governance
19 and management of Fairmount Park in a
20 way that will make future investments
21 much more possible.

22 The bill, led by
23 Councilmembers Clarke and
24 Reynolds-Brown, will amend the City
25 Charter and fundamentally change the

1 6/10/08 LAW and GOV'T - BILL 080468
2 accountability for success of the
3 parks now under the Fairmount Park
4 Commission and the Recreation
5 Department.

6 I want to give deep thanks for
7 the leadership in City Council,
8 particularly Councilmember Clarke and
9 Councilwoman Reynolds-Brown and the
10 Mayor that have combined to make
11 possible this historic moment to our
12 park legacy.

13 History has clearly
14 demonstrated that a separate parks
15 commission and a parks director
16 disconnected to the Mayor's chain of
17 command is a recipe for neglect of
18 parks. No matter how dedicated the
19 individual commissioners of Fairmount
20 Park Commission have been -- and many
21 have -- no matter how hard the
22 long-diminishing park staff have
23 worked -- and many have -- the fatal
24 flaw of disconnected governance has
25 been cruel to our parks and people who

1 6/10/08 LAW and GOV'T - BILL 080468

2 rely on them, most especially as
3 taxpayer funding has had to compete
4 strongly against many other vital
5 public needs.

6 On behalf of the Philadelphia
7 Parks Alliance and all who benefit
8 from the reforms of this legislation
9 and subsequent increases in parks
10 investment, I urge full City Council
11 support to amend the City Charter to
12 bring the governance and management of
13 City parks under direct accountability
14 to the Mayor, with appropriate checks
15 and balances of City Council and a new
16 Commission of Parks and Recreation.

17 I want to now turn to Lauren
18 Bournefriend, who will speak more
19 directly to the legislation and the
20 amendments.

21 Again, I thank you.

22 MS. BOURNEFRIEND: Good
23 afternoon, Councilman Greenlee and
24 members of City Council.

25 COUNCILMAN GREENLEE: Good

1 6/10/08 LAW and GOV'T - BILL 080468
2 afternoon.

3 MS. BOURNEFRIEND: I am Lauren
4 Bournefriend, the Executive Director of
5 the Philadelphia Parks Alliance.

6 For years, the Parks Alliance
7 has been at the forefront of an effort
8 to revitalize our parks, to fully fund
9 them and to reform the governance of
10 Fairmount Park and improve the
11 management of all parks. We are
12 indeed making process on all fronts.

13 Many thanks to Councilmembers
14 Clarke and Reynolds-Brown and to Mayor
15 Nutter and senior administration staff
16 for engaging in a thoughtful and open
17 dialogue with the Philadelphia Parks
18 Alliance and our stakeholders. We
19 have come a long way together.

20 The Philadelphia Parks
21 Alliance supports the proposed bill
22 and amendments being submitted today
23 and believes that this is another
24 major step forward. Why?

25 First, it reforms the

1 6/10/08 LAW and GOV'T - BILL 080468
2 governance of Fairmount Park. We all
3 agree that the parks need strong,
4 diverse expert and entrepreneurial
5 leadership selected in a process that
6 is open, that is based on
7 qualifications, and that is empowered
8 with adequate funding. The commission
9 should be a policy board clearly
10 charged with its roles and
11 responsibilities.

12 Second, parkland and assets
13 must be protected. We agree that the
14 Commission on Parks and Recreation has
15 the power and the responsibility to
16 set forth guidelines and policies for
17 the lease, sale, acquisition, and
18 development of parkland and recreation
19 land and assets. These guidelines are
20 the standards by which the Mayor and
21 City Council will make decisions about
22 parkland and assets.

23 In addition, the new
24 Commission on Parks and Recreation
25 will interpret the policies they

1 6/10/08 LAW and GOV'T - BILL 080468
2 create and make recommendations to
3 City Council concerning specific
4 projects. Philadelphia has a long
5 history of protecting its watersheds,
6 open spaces, and parks. That history
7 should be honored and expanded upon
8 and made more efficient inclusive, and
9 transparent.

10 Third, the Mayor will be more
11 directly accountable for the
12 stewardship of the City's parks. This
13 direct accountability is essential to
14 improving and revitalizing our park
15 and recreation system. They need to
16 be led and managed with an
17 understanding of their significance
18 for health and recreation as well as
19 for economic development for the City
20 and region.

21 I'd like to turn our testimony
22 over to Doris Gwaltney.

23 Thank you.

24 COUNCILMAN GREENLEE: Thank
25 you.

1 6/10/08 LAW and GOV'T - BILL 080468

2 MS. GWALTNEY: Thank you. I am
3 Doris Gwaltney, President of the Carol
4 Park Neighbors and a board member of
5 the Philadelphia Parks Alliance.

6 I know from my own experience
7 at Carol Park the positive impact a
8 park can have on a neighborhood. Our
9 volunteers have invested their sweat
10 and time and thousands of dollars, and
11 public and private funds have been
12 spent to make Carol Park what it is
13 today.

14 Parks do matter. A
15 revitalized park can heal a
16 neighborhood and lift a community.

17 Carol Park is one of the 76
18 parks currently managed by the
19 Department of Recreation. So a few
20 years ago, when I heard about the
21 proposal to consolidate the Fairmount
22 Park Commission and the Department of
23 Recreation, I opposed it. Other park
24 volunteers from the Fairmount Park
25 parks also opposed it. So did the

1 6/10/08 LAW and GOV'T - BILL 080468

2 Parks Alliance. At the time, we
3 perceived the proposed change as a
4 cost-cutting strategy.

5 Today, I am pleased to say
6 that the Philadelphia Parks Alliance
7 is ready to support the merging of the
8 Fairmount Park Commission and the
9 Department of Recreation into one
10 unified department.

11 A lot has changed. Your
12 recent approval of 3.5 million new
13 dollars for parks and recreation
14 indicates to me that the proposed
15 merger is not about cost-cutting. In
16 our meetings with Mayor Nutter, he has
17 assured us that the implementation of
18 the merger would be done thoughtfully
19 and strategically so that the merger
20 will result in a more effective and
21 efficient delivery of services and
22 programs to parks and recreation
23 centers.

24 Rest assured the Park Alliance
25 has every intention of seeing that the

1 6/10/08 LAW and GOV'T - BILL 080468

2 Mayor keeps his word. We are now
3 confident that consolidation will mean
4 more for all and not less for both.

5 Thank you.

6 Now let me ask Graham Finney
7 to make our final comments.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 MR. FINNEY: Thank you,
11 Mr. Chairman. My name is Graham Finney
12 and I am a board member of the Parks
13 Alliance.

14 Yesterday, the alliance issued
15 a groundbreaking report that for the
16 first time estimated the benefits --
17 financial, economic -- received by
18 both the City government and by
19 residents of the City as a result of
20 its fine parks and recreation
21 facilities: \$23 million in added City
22 revenue because of housing located
23 with proximity to a park; 16 million
24 in cost savings as a result of the
25 parks' ability to handle storm water

1 6/10/08 LAW and GOV'T - BILL 080468
2 runoff, to plant trees that help air
3 quality; and not to be forgotten, the
4 volunteer effort that citizens put
5 into park maintenance and programming
6 at the present time. In addition
7 property values are enhanced by being
8 adjacent to parks.

9 And then there is the
10 one-and-a-half billion dollars
11 estimated in this report that citizens
12 save by having access to parks and
13 recreation facilities that are
14 publicly provided and by health
15 benefits that derive therefrom.
16 That's a lot of value. For the first
17 time ever, we can now begin to
18 quantify the importance of this
19 precious set of assets.

20 The report also points out, of
21 course, that if we invest more and
22 keep the process that's just been
23 started going, that those benefits
24 could easily double or triple.

25 Now today, we're considering

1 6/10/08 LAW and GOV'T - BILL 080468
2 changes in the governance and
3 management of our park and recreation
4 facilities. A hundred-and-fifty years
5 or so ago, visionary leaders of
6 Fairmount Park created Fairmount Park
7 and set in motion the system that now
8 is in use and in which we take great
9 pride. But after long years of
10 neglect and deterioration of those
11 facilities, we now have an
12 unparalleled opportunity to be strong
13 stewards of that acreage and to get
14 things going again.

15 To tackle that job, it makes
16 no sense to have a park commission
17 entangled in the minutiae of daily
18 operations. Therefore, if we urge to
19 fully fund and wisely invest in our
20 parks and the future, it makes sense
21 to have and empower a diverse,
22 talented body of committed citizens
23 and charge them with formulating
24 policies and standards that will
25 guide, protect, and enhance all these

1 6/10/08 LAW and GOV'T - BILL 080468
2 areas and facilities. The members of
3 this body would be selected in an open
4 process and carry out its
5 responsibilities in the same
6 transparent manner.

7 Once implemented, this
8 legislation will need the support not
9 only of this Council and future city
10 councils, this mayor and future mayors
11 to uphold these policies to see that
12 those steps of progress are retained
13 and sustained over time. We will also
14 need committed civic organizations to
15 continue to watch over and stimulate
16 that these developments keep going.

17 With the legislation being
18 presented to you today, this Council
19 has an enormous opportunity to enable
20 Philadelphia's loved unmatched park
21 recreation system to reach its true
22 potential in the years ahead, and we
23 urge you to seize that opportunity.

24 And we thank you very much for
25 hearing us out this afternoon.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: Thank you
3 all for your testimony. Thank you all
4 for the many years you've put into
5 advocating and improving Fairmount Park
6 and thus, obviously, improving the City
7 of Philadelphia.

8 Are there any questions from
9 members of the committee?

10 (No questions or comments.)

11 COUNCILMAN GREENLEE: Any at
12 all?

13 (No questions or comments.)

14 COUNCILMAN GREENLEE: Okay.
15 Thank you all very much for coming.

16 On my list, the last page I
17 have is Judge BonavitaCola, Senator
18 Price, and Mike McCrea of the
19 Recreation Advisory Board.

20 (Witnesses come forward.)

21 COUNCILMAN GREENLEE: Good
22 afternoon. And thank you for all your
23 patience. You've been here a long
24 time. I know Mike was here before I
25 got here this morning, so I know he's

1 6/10/08 LAW and GOV'T - BILL 080468

2 been here a long time.

3 JUDGE BONAVIDACOLA:

4 Mr. Chairman, I have a couple of

5 printed statements.

6 COUNCILMAN GREENLEE: Sure.

7 Thank you.

8 JUDGE BONAVIDACOLA: Well,

9 there are only three of you left, so

10 there are three copies.

11 COUNCILMAN GREENLEE: Okay.

12 Your Honor, if you could just identify

13 yourself for the record and proceed.

14 JUDGE BONAVIDACOLA: Well, good

15 afternoon. I'm Alex BonavitaCola,

16 retired judge and presently a Fairmount

17 Park commissioner.

18 I have set forth in the

19 written statements some points that I

20 think Council and this committee need

21 to address and be concerned about.

22 And I do not intend to read this off

23 to you because you're perfectly

24 capable of going through it yourself.

25 Except to say that, number

1 6/10/08 LAW and GOV'T - BILL 080468
2 one, we must remember the history of
3 the Fairmount Park Commission, which
4 was created in 1867, right after the
5 conclusion of the Civil War. And the
6 purpose was to keep Fairmount Park
7 away from popular political whims
8 because it was necessary for the
9 conservation of water, because even
10 today, we draw a great deal of our
11 drinking water from the Schuylkill, to
12 preserve the purity of that water by
13 having grass and open land to filter
14 through rain or storm runoff, and to
15 provide the citizens of our city with
16 open greenery.

17 Now, there seems to be a
18 discontent with governance, and I
19 think that my feeling is that if it
20 isn't broke, don't fix it.

21 The process for electing the
22 ten commissioners in May of '07 was
23 the most open, well-publicized process
24 that I have ever seen concerning the
25 election of commissioners.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Most of the complaints that we
3 hear are lack of maintenance,
4 deterioration and, as it was said,
5 twenty years of ever-diminishing
6 budgets, or at least static budgets,
7 with no increase for inflation. We
8 know what the problems are; we did not
9 have the money to fix it.

10 And the last two points I want
11 to make are:

12 Number one, the commission has
13 nurtured and fostered the friends
14 groups, and there are a lot of people
15 out there who volunteer their time,
16 their efforts, their money to help the
17 park system along.

18 Secondly, the conservancy
19 raises from the private citizenry a
20 great deal of money which is used to
21 help restore, maintain, or improve
22 certain historic properties in the
23 park such as the Water Works and
24 places of that nature.

25 So I don't think that it's

1 6/10/08 LAW and GOV'T - BILL 080468
2 wise to tamper with something that's
3 been in effect for 140 years unless
4 there is a compelling, urgent need.
5 And, frankly, maybe I'm too close to
6 it; I don't see a compelling urgent
7 need.

8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Senator?

12 SENATOR PRICE: Thank you,
13 Mr. Chairman and members of Council for
14 the opportunity. I'm appearing here,
15 as is Judge BonavitaCola, as an
16 individual park commissioner and I
17 don't pretend to speak for the Park
18 Commission as a whole.

19 But before going further, let
20 me just mention that there are other
21 park commissioners here today showing
22 their interest obviously in commitment
23 to this system we've enjoyed for 141
24 years: Commissioner Farrah Jimenez
25 and Harris Baum. And Debra

1 6/10/08 LAW and GOV'T - BILL 080468
2 (indiscernible), of course is the
3 Mayor's representative on the Park
4 Commission.

5 And the staff, I'd like to pay
6 tribute to the staff and ask them to
7 rise just so you can see how many
8 talented people there are on the
9 senior staff of the Park Commission
10 who -- who have helped maintain the
11 system so well for so long.

12 COUNCILMAN GREENLEE: Very
13 good.

14 SENATOR PRICE: What I'd like
15 to confine my remarks to is not the
16 administrative consolidation which is
17 being proposed, because that's not only
18 a matter outside my competence, but if
19 it does produce savings in terms of
20 cost savings to the City taxpayer, and
21 secondly, more importantly perhaps,
22 better services to the citizens, it
23 should be done.

24 And if all of you on Council
25 and the Administration and others who

1 6/10/08 LAW and GOV'T - BILL 080468
2 are knowledgeable about city
3 government think that's appropriate,
4 then it should be done. But I raise
5 two questions about it, though.

6 One, I think those savings and
7 improvements in services might be
8 quantified before you pass this bill
9 and submit it to the voters so that
10 the general electorate can see how
11 significant this change would be in
12 their benefit.

13 And secondly, when it does go
14 through, I would suggest, in order to
15 understand what monies are allocated
16 to recreation and parks that there be
17 some way of explaining a financial
18 system that shows that difference, so
19 that going forward, we all know how
20 much money is being spent on parks.

21 One of the questions
22 earlier -- or one of the statements
23 earlier raised was that the park
24 system has been woefully underfunded.
25 Of course, that was not always the

1 6/10/08 LAW and GOV'T - BILL 080468
2 case. When the City Charter was
3 passed in 1951, the first year after
4 that Charter amendment, two-and-a-half
5 percent of the City budget was spent
6 to maintain Fairmount Park. Before
7 the recent increase, which you should
8 be applauded for approving, difficult
9 with the tax proposal that you had to
10 approve to fund it, before that, four-
11 tenths of one percent of the City's
12 annual operating budget was spent for
13 Fairmount Park. So I don't think --
14 it's a recent phenomenon, not a
15 historical phenomenon.

16 But what I would like to
17 confine my remarks to is the
18 importance of maintaining a separate
19 body that looks after parkland. And
20 the Fairmount Park Commission, if you
21 want to change how they're selected --
22 and I suggest that in my testimony,
23 one option for that. To make it more,
24 quote, accountable to city government,
25 my proposal would outline one way of

1 6/10/08 LAW and GOV'T - BILL 080468

2 doing that and also a selection
3 process that would be a little bit
4 different.

5 But the importance of
6 maintaining a citizen body can't be
7 overstated. It is what has really
8 created this park system. There's
9 been a partnership for all these years
10 between a citizen group called the
11 Fairmount Park Commission and all the
12 nonprofit organizations that have been
13 connected to that system and City
14 government, both the Administration
15 and City Council.

16 Otherwise, the Parkway would
17 never had been developed. The
18 acquisition of lands to complete the
19 protection of the waterways, for
20 example, of Pennypack and Cobbs Creek,
21 those acquisitions took over twenty
22 years each to acquire, and you
23 wouldn't have had that continuity,
24 with all due respect, in government.
25 You had it because there was a body

1 6/10/08 LAW and GOV'T - BILL 080468
2 with long-term stability. The members
3 change from time to time, but
4 long-term stability with a single
5 purpose, a commission, a single
6 purpose, of first creating and then
7 preserving and protecting the park and
8 making it as useful as possible to the
9 citizens.

10 And I think in this
11 consolidation, if you eliminate that
12 enormously beneficial system, which
13 is -- which can be as creative in the
14 future as it has been in the past,
15 then I think we will all have lost a
16 great, great deal.

17 I'd like to suggest just from
18 my written testimony a couple of
19 paragraphs that I'd like to just
20 mention orally as well.

21 A new role for the Fairmount
22 Park Commission. Act as the planning
23 and policy board for all of Fairmount
24 Park's land and buildings, including
25 having the power both to accept

1 6/10/08 LAW and GOV'T - BILL 080468
2 additions to parkland, as Councilman
3 Clarke mentioned, and approve the
4 lease or sale of a limited number of
5 acres for non-park uses under a public
6 process that includes a long-range
7 plan long-range plan and public
8 hearings. Again, the importance of
9 land as opposed to recreation is what
10 makes me suggest that.

11 Also, have the responsibility
12 for continuing to administer the trust
13 and custodial funds, which are now
14 under the jurisdiction of the Park
15 Commission. I think this independent
16 body would serve the City well in
17 doing that, and I can't see any reason
18 to change that.

19 Work collaboratively and
20 closely, obviously, with the
21 conservancy, which may be of a merger
22 with the Fairmount Park Historic
23 Preservation Trust, and act as a
24 single entity, if you will.

25 Have direct connections, as

1 6/10/08 LAW and GOV'T - BILL 080468

2 Judge Bonavitacola mentioned, with all
3 of the friends groups going forward,
4 which has historically been a very
5 important aspect of the commission.

6 Recommend improvements to
7 Fairmount Park. Again, if you have a
8 body outside city government, in my
9 experience, you have the ability to
10 look at it long-term as opposed to
11 short-term, and recommend improvements
12 that could be made to everyone's
13 benefit.

14 And continue to enforce the
15 policies that have been established
16 over the years by the commission such
17 as signing and naming.

18 Those kind of things. I won't
19 continue in my testimony, but I think
20 those kinds of responsibilities would
21 be extremely important to continue
22 going forward, and I think there's a
23 way to accomplish the administrative
24 consolidation of the two departments
25 without losing that special interest

1 6/10/08 LAW and GOV'T - BILL 080468
2 of having citizens who are not
3 beholden to any special interests,
4 thinking about these subjects
5 long-term and giving their best advice
6 to it.

7 And, finally, let me just
8 comment on some of the questions that,
9 Chairman Greenlee, you asked and
10 others asked. You suggested, I think,
11 Chairman Greenlee, that there's a
12 question of whether the park system
13 would be shortchanged going forward.
14 I think perhaps by separating, at
15 least for the public's purpose, the
16 expenses and revenues that are
17 supporting recreation and parks going
18 forward would be a way to do that.

19 You also asked, What is the
20 experience of other cities? Well,
21 some other cities are beginning to
22 engage the private sector more in the
23 management of the parks. We all know
24 what happens in Central Park in New
25 York. There's a Central Park

1 6/10/08 LAW and GOV'T - BILL 080468
2 conservancy that now has full
3 responsibility for the management of
4 that 890-acre park, which 25 million
5 people visit a year. And that wasn't
6 done overnight, but the point is that
7 New York recognized the importance of
8 having private citizens involved in
9 the park system. That's all I'm
10 suggesting here by saying that the
11 Park Commission should be continued in
12 that framework.

13 The question of disposition of
14 land, obviously, is enormously
15 important, but if you had a policy
16 group like I'm recommending be
17 continued, making that suggestion
18 after a long-range plan and public
19 hearings and the like, it would be a
20 lot easier for all of you in City
21 Council to make the ultimate decision.

22 So those are the kinds of
23 things that lead me to suggest that it
24 would be enormously beneficial to
25 continue the Fairmount Park Commission

1 6/10/08 LAW and GOV'T - BILL 080468
2 with these limited responsibilities
3 over policy and the other matters I
4 suggested as opposed to
5 administration.

6 Thank you for your attention.

7 COUNCILMAN GREENLEE: Thank you
8 both for your testimony.

9 Before Mr. McCrea testifies,
10 maybe -- and, Senator, you kind of
11 started to answer the question I was
12 going to ask anyway, but to kind of
13 reverse it from what I asked
14 Dr. Schwarz. In his testimony, he
15 pointed out that the ten largest
16 cities in the country have a system
17 like is being proposed here.

18 Why -- and I know you both
19 touched on it, but why do you think
20 Philadelphia should be different from
21 that in your opinion?

22 SENATOR PRICE: I'm sorry.
23 What was that?

24 COUNCILMAN GREENLEE: Why
25 should Philadelphia be different than

1 6/10/08 LAW and GOV'T - BILL 080468
2 the other large cities in the country,
3 either --

4 SENATOR PRICE: Well, how it
5 developed historically, there wasn't
6 any recreation system in Philadelphia
7 when this park commission was
8 established, obviously.

9 COUNCILMAN GREENLEE: Mm-hmm.

10 SENATOR PRICE: Recreation, as
11 a formal matter, really didn't begin
12 until the 1920s or the 1930s, so this
13 park system being created first in
14 about 1855 predated that.

15 But there was always an
16 enormous cooperation between the two.
17 There was a park commission president
18 who was the recreation commissioner
19 president named Robert Crawford back
20 in the early '60s and early '70s, who
21 did a lot for both systems. In fact,
22 the first president of the park
23 commission was a mayor, Mayor Morton
24 McMichael in 1867.

25 So that having them combined

1 6/10/08 LAW and GOV'T - BILL 080468
2 isn't necessarily the only way you can
3 gain cooperation. You gain it, as has
4 been the case here, in other very,
5 very significant ways.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 Judge, were you going to say
9 something?

10 JUDGE BONAVIDACOLA: No, I was
11 just going to say that one of the
12 dangers of consolidating the authority
13 and the power on the political side is
14 reminiscent of what occurred to the
15 area known as League Island Park that's
16 at the southern terminus of Broad
17 Street.

18 It originally went from the
19 railroad tracks to 11th Street. The
20 City Council, in 1924, cut off
21 everything east of Broad Street, and
22 that's because they wanted to build
23 the then-municipal stadium and other
24 amenities associated with the
25 sesquicentennial, so that the park was

1 6/10/08 LAW and GOV'T - BILL 080468
2 twice as large -- well, I don't want
3 to say twice as large. A third again
4 as large as it was originally
5 intended, and a third of it was cut
6 off and used for other municipal
7 purposes because you have these
8 popular ideas that arise, and
9 everybody has a knee jerk reaction to
10 a popular new idea, but maybe it's
11 time to stand back a little bit and
12 say, Wait a minute, maybe this too
13 will pass.

14 So that's all I wanted to add
15 to that.

16 COUNCILMAN GREENLEE: Okay.

17 Thank you.

18 Any questions?

19 Councilman Goode?

20 COUNCILMAN GOODE: Thank you,
21 Mr. Chairman.

22 Good afternoon, Senator Price.
23 Senator, you are a former legislator;
24 is that correct?

25 SENATOR PRICE: I haven't been

1 6/10/08 LAW and GOV'T - BILL 080468
2 called that for a long time, so I have
3 to think.

4 COUNCILMAN GOODE: But you're
5 familiar with legislation. Is there
6 anything in the current form, or as
7 amended, that would suggest that this
8 legislation does not allow for the
9 involvement of private citizens?

10 SENATOR PRICE: I'm sorry. I
11 missed that. Excuse me. I --

12 COUNCILMAN GOODE: Is there
13 anything within this current
14 legislation or proposed amendments that
15 suggests that there would not be an
16 allowance for the involvement of
17 private citizens?

18 SENATOR PRICE: No, not in the
19 legislation. But what I'm saying is, I
20 think it would be, from my perspective
21 my thought about this, and the
22 historical record, if you will, of the
23 Park Commission to have an independent
24 body selected in the way that I
25 suggested in my testimony.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GOODE: But --

3 SENATOR PRICE: That would
4 think about it long-term and have
5 responsibility for it.

6 COUNCILMAN GOODE: But there's
7 nothing within the legislation that
8 precludes --

9 SENATOR PRICE: Well, I haven't
10 seen the amendment. With all due
11 respect, I haven't seen that, so I
12 don't know what it says.

13 And I thought the original
14 bill made the commission advisory only
15 and not -- not with any powers. If
16 it's advisory, it will have virtually
17 no effect whatsoever, in my opinion,
18 and probably within six months would
19 disappear as a function. That's been
20 the traditional result of advisory
21 commissions.

22 COUNCILMAN GOODE: And within
23 your testimony, you used the term
24 "private citizens with no connection to
25 special interests"; is that correct?

1 6/10/08 LAW and GOV'T - BILL 080468

2 SENATOR PRICE: Well, I'm
3 saying that everyone has a connection
4 or an interest.

5 COUNCILMAN GOODE: Exactly.

6 SENATOR PRICE: I'm saying if
7 you have citizens who are outside the
8 political, the direct political
9 process, involved --

10 COUNCILMAN GOODE: But there's
11 no such thing as private citizens with
12 no connection to special interests.

13 SENATOR PRICE: Well, we all --
14 I don't think any of us has a purity in
15 that respect.

16 But what I'm saying is that
17 the involvement of those outside
18 government -- I'm not trying to say
19 that government is the problem.
20 That's not the problem.

21 COUNCILMAN GOODE: But,
22 Senator, Senator --

23 SENATOR PRICE: But you gain a
24 lot of --

25 COUNCILMAN GOODE: Senator,

1 6/10/08 LAW and GOV'T - BILL 080468

2 let's just --

3 SENATOR PRICE: -- additional
4 thinking if you have outsiders as well.

5 COUNCILMAN GOODE: Which this
6 process will allow for and does allow
7 for. And sticking with the
8 legislation, this does allow for
9 private citizens to be involved.

10 Let's just get down to the
11 real issue: Politics.

12 SENATOR PRICE: Well, I would
13 -- I would --

14 COUNCILMAN GOODE: Ultimately,
15 who should make the decision about the
16 Fairmount Park Commission?

17 SENATOR PRICE: Well, I'm
18 saying that this commission, as I
19 propose it continuing --

20 COUNCILMAN GOODE: The question
21 was --

22 SENATOR PRICE: -- was to
23 develop policies --

24 COUNCILMAN GOODE: The question
25 is: Ultimately, who should make the

1 6/10/08 LAW and GOV'T - BILL 080468
2 decision about the Fairmount Park
3 Commission?

4 SENATOR PRICE: Well, the
5 government, as it does today. In other
6 words, City Council has the power to
7 accept and dispose of land, and it has
8 done so obviously on the recommendation
9 in previous years, on the
10 recommendation of the Fairmount Park
11 Commission.

12 For example, in thinking about
13 this testimony, I --

14 COUNCILMAN GOODE: Let me
15 change the question a bit.

16 SENATOR PRICE: Yeah.

17 COUNCILMAN GOODE: Ultimately,
18 who should make the decision about
19 whether Fairmount Park should be merged
20 with Recreation or whether Parks should
21 be merged with Recreation? Ultimately,
22 who should make that decision?

23 SENATOR PRICE: You -- the
24 Administration and City Council, no
25 question about it. I'm not arguing

1 6/10/08 LAW and GOV'T - BILL 080468

2 about it --

3 COUNCILMAN GOODE: Actually --

4 SENATOR PRICE: -- or even

5 suggesting an alternative.

6 COUNCILMAN GOODE: Well,

7 actually, I disagree with you.

8 SENATOR PRICE: Pardon me?

9 COUNCILMAN GOODE: Actually, I

10 disagree with you. Ultimately, I

11 believe that the citizens and the

12 voters should make a decision.

13 SENATOR PRICE: The elected

14 representatives make that decision.

15 What I'm saying is, you've got

16 a benefit from a private group, which

17 is what the Park Commission has been

18 all these years. You got a benefit of

19 a private group that thinks about

20 these public issues about acquisition

21 and disposition of land, the uses of

22 buildings in the park and the like,

23 that help you all in Council and the

24 Administration make those decisions.

25 COUNCILMAN GOODE: Ultimately,

1 6/10/08 LAW and GOV'T - BILL 080468
2 if the electorate should make the
3 decision and those people who have put
4 in years of volunteering have years of
5 expertise, want to offer their advice
6 not only to the legislators, the
7 legislative branch of government, the
8 executive branch of government, but to
9 that electorate, at the end of the day
10 do you really believe that the
11 electorate would not want more control
12 of the parks in the hands of their duly
13 elected representatives?

14 SENATOR PRICE: Well, you --
15 you have -- you have that power today
16 really.

17 COUNCILMAN GOODE: My question
18 is: At the end of the day, if it's the
19 electorate that should make the
20 ultimate decision, do you actually
21 believe that the electorate would not
22 want the power in the hands of their
23 duly elected representatives?

24 SENATOR PRICE: I think that's
25 true because they have it today. What

1 6/10/08 LAW and GOV'T - BILL 080468

2 I'm suggesting is that --

3 COUNCILMAN GOODE: Thank you,
4 Senator.

5 SENATOR PRICE: -- if the
6 process is a little more open, the
7 decision-making might be better.

8 COUNCILMAN GOODE: Thank you,
9 Senator.

10 SENATOR PRICE: Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Any other comments or
14 questions?

15 COUNCILWOMAN BROWN: Yes.

16 COUNCILMAN GREENLEE:
17 Councilwoman Reynolds-Brown.

18 COUNCILWOMAN BROWN: That
19 exchange has triggered a question for
20 me.

21 Senator, do you believe that,
22 given the last six years of what
23 Councilman Clarke and I would like to
24 think has been a very open,
25 transparent process wherein all

1 6/10/08 LAW and GOV'T - BILL 080468
2 stakeholders up and down, depth and
3 wide, has had a chance to weigh in, do
4 you believe that that has been fair
5 and open?

6 SENATOR PRICE: Yes, I do
7 indeed. I commend you on doing that.

8 COUNCILWOMAN BROWN: Okay. And
9 it's understood that you have not yet
10 had a chance to review the amendments
11 that are coming before you. Do you
12 believe that the intent of what we've
13 tried to do with regards to opening up
14 the process of the selection of
15 commission members has been -- do you
16 think we've achieved a goal there with
17 regards to making the process more
18 transparent and open?

19 SENATOR PRICE: Well, I think
20 that has been a very useful exchange,
21 and all I'm suggesting is an opinion
22 that you might take into consideration
23 when you consider a final bill for
24 passage to present to the electorate.

25 I'm one opinion, along with

1 6/10/08 LAW and GOV'T - BILL 080468
2 Judge BonavitaCola and others, and all
3 I'm asking today is that, as you've
4 given me the opportunity to present a
5 viewpoint to be considered when you
6 finally craft the final bill for
7 presentation to the electorate.

8 COUNCILWOMAN BROWN: Okay.

9 SENATOR PRICE: But I think
10 your process has been very fair, open,
11 and inclusive, yes, indeed.

12 COUNCILWOMAN BROWN: Thank you
13 for your testimony.

14 SENATOR PRICE: I appreciate
15 it.

16 COUNCILWOMAN BROWN: Thank you,
17 Mr. Chairman.

18 COUNCILMAN GREENLEE: Thank you
19 Councilwoman.

20 Councilman Green.

21 COUNCILMAN GREEN: Thank you.

22 It's a pleasure to see you
23 again Judge BonavitaCola and Senator
24 Price. And I apologize if this
25 question has been asked, but I was

1 6/10/08 LAW and GOV'T - BILL 080468
2 just wondering if we could have
3 insight from Judge BonavitaCola into
4 what the traditional practice was of
5 selecting Fairmount Park commissioners
6 by the judiciary, if that question
7 hasn't been asked.

8 COUNCILMAN GREENLEE: Well, he
9 kind of addressed it before,
10 particularly the latest selection
11 process, but --

12 COUNCILMAN GREEN: Okay.

13 COUNCILMAN GREENLEE: I don't
14 know if there's anything you quickly
15 can add, yeah, but he did --

16 COUNCILMAN GREEN: Okay, I'll
17 look at the record. Thank you.

18 JUDGE BONAVIDACOLA: Actually,
19 the selection process has changed
20 tremendously.

21 COUNCILMAN GREENLEE: Mm-hmm.

22 JUDGE BONAVIDACOLA: Judge Leon
23 Tucker, who was formerly a member of
24 the Fairmount Park Commission, chaired
25 the board of judges panel and opened it

1 6/10/08 LAW and GOV'T - BILL 080468
2 up with publicity, aided, of course, by
3 the Daily News and the Inquirer, who
4 made it clear to the citizenry at-large
5 that the process was ongoing.

6 He received, I think, 60 or 65
7 applications, interviewed over 50 --
8 he and his committee interviewed over
9 50 of the applicants and then made
10 their recommendations to the full
11 board of judges. That, indeed, is
12 different than the way it was done
13 before.

14 COUNCILMAN GREEN: Thank you.

15 COUNCILMAN GREENLEE: Okay,
16 thank you.

17 Councilman Clarke.

18 COUNCILMAN CLARKE: Thank you.
19 Thank you, Mr. Chairman. Real quickly,
20 'cause I know we have a number of other
21 witnesses.

22 First, I would just like to
23 say -- and I know, Mike, you still
24 have to testify, and please be as
25 aggressive for the Recreation

1 6/10/08 LAW and GOV'T - BILL 080468

2 Department component of this bill.

3 MR. McCREA: (Inaudible.)

4 COUNCILMAN CLARKE: 'Cause I do
5 believe that recreation in a lot of
6 neighborhoods is as important as the
7 park system because that's the only
8 thing that a lot of people in these
9 neighborhoods have.

10 SENATOR PRICE: I didn't mean
11 to suggest by my comments that it
12 wasn't.

13 COUNCILMAN CLARKE: I just
14 wanted to make it clear that, you know,
15 we feel equally as passionate. And as
16 a person that grew up in Strawberry
17 Mansion and lived for tens years
18 directly across from the park but also
19 lived a block from the recreation
20 center at 33rd and Diamond, I
21 understand the nature of both of those
22 systems, so I view them as equal as it
23 relates to the citizens. And I want to
24 thank you all for your testimony today
25 and your continued support of the

1 6/10/08 LAW and GOV'T - BILL 080468

2 parks.

3 But I just want to say that we
4 hear you. We understand that change
5 is difficult, particularly in the City
6 of Philadelphia, 'cause we have
7 traditionally not accepted change very
8 well. At one point, this building was
9 the tallest building in the City of
10 Philadelphia, and it was believed that
11 nothing could ever be taller than it,
12 and had we continued along that
13 mindset, then we wouldn't have what we
14 have on West Market Street, employing
15 thousands and thousands of people.

16 I had the occasion to go to
17 the Comcast Building. A couple of
18 members, we went to that, and it was
19 impressive in terms of the type of
20 building. It's LEED-certified; that's
21 that new green term. The employment
22 opportunities that have provided 3,000
23 new people working in the City of
24 Philadelphia.

25 So sometimes things change.

1 6/10/08 LAW and GOV'T - BILL 080468
2 While I respect historical perspective
3 of this, the City has changed, the
4 diversity of the City has changed.
5 The economics of the City has changed.
6 So sometimes we have to be nimble
7 enough to change as it relates to the
8 process.

9 This issue about the park
10 systems not being broken, I, frankly
11 speaking, respectfully I have to
12 disagree. One, it's broken because
13 there are not a enough resources in
14 the park. Having been a member of the
15 Fairmount Park Commission for five
16 years and, prior to that, president of
17 the Fairmount Park Commission Advisory
18 Council, I saw some of the
19 shortcomings as it related to that
20 process and those entities and tried
21 to aggressively, when I was a member
22 of the -- president of the
23 commission -- council, I'm sorry, had
24 to resign because I didn't feel that
25 the citizens' input was adequate.

1 6/10/08 LAW and GOV'T - BILL 080468

2 We immediately started a
3 process where we actually had meetings
4 out in communities, something that was
5 never done by the Fairmount Park
6 Commission. And the members of the
7 council went out and we had staff to
8 come along with us, and people really
9 were happy about that process, but I
10 was quickly told that I wasn't a
11 commissioner and I needed to stop
12 having such meetings out in the
13 neighborhood, all right?

14 You know what I did? See you
15 later, right? I resigned, right? And
16 then I came back as a commissioner,
17 thanks to an appointment by the
18 Council President.

19 SENATOR PRICE: Sorry you were
20 treated that way.

21 COUNCILMAN CLARKE: And I agree
22 that the process and the commission has
23 improved. The process as it relates to
24 the board of judges selection was more
25 open as it related to the solicitation

1 6/10/08 LAW and GOV'T - BILL 080468
2 phase, but it did not have a public
3 process as it relates to any of the
4 selection phase, which was something
5 that we think we should have. It
6 should be extremely transparent, which
7 we're attempting to do.

8 I had conversations with some
9 of the board of judges and the past
10 president of that particular committee
11 that received the initial nominations,
12 and I suggested that there be some
13 public process, but there was a lot of
14 push-back.

15 And the belief is, and as a
16 24-year ward leader, there are
17 politics and were politics involved in
18 that process. There may not be now,
19 right? But everybody knows in the
20 City of Philadelphia, you know, that
21 politics plays a large role in the
22 judges getting elected, to the point
23 where they're now talking about merit
24 selection 'cause they don't think the
25 judges should be elected because they

1 6/10/08 LAW and GOV'T - BILL 080468

2 think that we are -- politicians are
3 too deeply engrossed, so there are
4 politics in that process, and there
5 have been, right?

6 And I'm okay with that 'cause
7 I'm definitely a politician, right?
8 And I think, hopefully, you know, some
9 people think actually a good one.

10 But I think that if it's going
11 to be politics involved and political
12 people involved, it should be a open
13 process, and we're going to do that in
14 any way imaginable, to the point where
15 we actually have problems deciding
16 who's going to chair the committee
17 that has a list of every applicant who
18 has applied and expressed an interest
19 'cause we plan on having a full-blown
20 public hearing where every person that
21 fills out application wants to come in
22 in a very public way and say why they
23 should be a member of the commission;
24 we plan on doing that. I think it's
25 important. Or they want to support

1 6/10/08 LAW and GOV'T - BILL 080468

2 somebody to be on this commission.

3 So we're trying to have as
4 transparent a process as a imaginable.

5 I think that the operations --
6 and I think you probably both agree
7 that the operations should be
8 within -- under the jurisdiction of
9 the City, the Mayor, 'cause operations
10 have to be in a position to work
11 efficiently and be cost-effective.

12 And in all honesty, I think
13 having Recreation as a part of this
14 newly-formed commission is going to
15 increase the chances of more funding,
16 and I can say this, first time
17 publicly, that during the
18 deliberations as it relates to
19 Councilmembers, there tends to be a
20 more aggressive approach in making
21 sure that the Department of Recreation
22 is funded, right? more so than its
23 parks.

24 And I'm just being very
25 candid, right? 'cause recreation

1 6/10/08 LAW and GOV'T - BILL 080468
2 centers are things that people are in
3 every neighborhood of the City of
4 Philadelphia. And everybody loves a
5 park, but nobody thinks that it's a
6 part of the City as it relates to
7 their Councilperson getting money for
8 it. They want the grass cut, they
9 want to be able to picnic, you know
10 what I mean? They want to be able to
11 have the baseball field cut, the
12 diamonds, but they don't view it like
13 a rec center 'cause I rarely get calls
14 to me about making sure that there's
15 money in the parks, but I always get
16 calls about making sure there's money
17 in the recreation system.

18 So I think having the
19 Recreation Department a part of this
20 process is going to enhance funding
21 opportunities.

22 I also think that the
23 commission should diligently be
24 involved in external fundraising
25 because I think there are limited

1 6/10/08 LAW and GOV'T - BILL 080468
2 opportunities. I like to bring this
3 up and I'll be bringing it up one last
4 time hopefully, because hopefully, we
5 won't have to have another public
6 hearing on this issue.

7 When you ask somebody anywhere
8 in the United States where Central
9 Park is -- new York. If you ask
10 somebody outside of Bucks County where
11 Fairmount Park is, they don't have a
12 clue, which means that we have not
13 done the appropriate marketing job as
14 it relates to our parks.

15 And we need to enhance that,
16 and I think it's an important role for
17 the commission to play, along with the
18 conservancy and the trust, to make
19 sure that this park stays on the radar
20 screen in a meaningful way, a national
21 and an international way so we can get
22 the appropriate external funding,
23 'cause government will never have
24 enough money to fund our parks and our
25 recreation systems the way they need

1 6/10/08 LAW and GOV'T - BILL 080468

2 to be.

3 So I hear you and I commend
4 you for being as diligent on this
5 issue 'cause it's important. As I
6 said earlier, without the level of
7 input from all of the interested
8 parties, we would not have ended up
9 with the bill that we have before you.

10 So, you know, you have my
11 commitment, and I can only speak for
12 myself that this process will be as
13 open as possible, it will be as
14 inclusive as possible.

15 I would like to see the
16 Fairmount Park Commission Advisory
17 Council and the Recreation Commission
18 Advisory Council also be merged in a
19 formal way, 'cause right now, these
20 are things that were done particularly
21 in the Fairmount Park Commission --

22 (Inaudible due to committee
23 member coughing into microphone.)

24 COUNCILMAN CLARKE: -- I think
25 was more policy as opposed to

1 6/10/08 LAW and GOV'T - BILL 080468
2 legislatively.

3 I would like to see some
4 formal entity be put in place which
5 codifies that this must be in place to
6 help supplement the commission's work
7 and all of the other departments'
8 work.

9 So we hear you. We're going
10 to hopefully make this the best
11 process. It's going to take some time
12 to implement it 'cause we want to do
13 it in an appropriate way and give the
14 Administration the appropriate time to
15 make sure that we get this right,
16 'cause I think we get one shot at
17 this.

18 So we hear you, we understand,
19 and we're going to do what we think is
20 the best thing for the citizens.

21 And one of the things that
22 Councilman Goode -- he was talking
23 about earlier about who ultimately
24 decides whether or not this is a
25 meaningful proposal. The citizens

1 6/10/08 LAW and GOV'T - BILL 080468
2 will, 'cause this is a Charter
3 initiative. You know, we hopefully
4 will pass this bill, but at the end of
5 the day, the people will speak about
6 whether or not this is a good
7 proposal, and I think that's the way
8 it should be.

9 SENATOR PRICE: I'm all in
10 favor of that. If it's useful, my
11 testimony includes some suggestions on
12 how to keep the process open.

13 COUNCILMAN CLARKE: Thank you,
14 Senator.

15 SENATOR PRICE: Thank you for
16 those comments.

17 COUNCILMAN CLARKE: Thank you,
18 Senator.

19 SENATOR PRICE: You're welcome
20 to everybody.

21 COUNCILMAN CLARKE: Thank you,
22 Mr. Chair.

23 COUNCILMAN GREENLEE: Thank
24 you, Councilman.

25 I think, Councilwoman

1 6/10/08 LAW and GOV'T - BILL 080468
2 Reynolds-Brown, you have your light
3 on.

4 COUNCILWOMAN BROWN: I will be
5 brief, but I'm compelled to speak
6 because we're hopeful that this may be
7 the last public opportunity in this
8 forum to have this kind of exchange.

9 So in the spirit of Councilman
10 Clarke's comment around issues of
11 marketing, fundraising, and branding,
12 be reminded that the strategic plan,
13 which we were determined not to let
14 sit on a shelf, Councilman Clarke
15 brought his own experience, and I
16 brought the experience of working with
17 Leon Younger, who were consultants,
18 who have done this very same thing in
19 other cities.

20 So together, we were able to
21 make sure that the strategic plan does
22 what it was intended to do, and that
23 is to be instructive in how we go
24 forward.

25 So change is uncomfortable,

1 6/10/08 LAW and GOV'T - BILL 080468
2 but know that given the input at all
3 levels as well as a document that was
4 extremely academic in how it gathered
5 the information, that should give us
6 some level of comfort that we're
7 moving forward in a good way because
8 we need to.

9 SENATOR PRICE: Sure. No, I
10 agree with that. I think that the
11 document is very well stated.

12 I understand that about half
13 the recommendations for, quote,
14 realignment of the functions between
15 the Recreation Department and the Park
16 Commission have already been
17 completed, so --

18 COUNCILWOMAN BROWN:
19 (Indiscernible.)

20 SENATOR PRICE: -- this process
21 is going on and everyone accepts it --

22 COUNCILWOMAN BROWN: Yes.

23 SENATOR PRICE: -- and is
24 supportive of it.

25 As far as change is concerned,

1 6/10/08 LAW and GOV'T - BILL 080468
2 that doesn't bother me. If you have
3 children, you know that life changes,
4 and so I'm not afraid of that.

5 All I'm suggesting is that the
6 points of view expressed today and
7 previously about the value of having
8 outside citizens involved in a
9 meaningful way --

10 COUNCILWOMAN BROWN: Yes.

11 SENATOR PRICE: -- will create
12 not only what we had before, but will,
13 I think, solve some of the funding
14 problems that Councilman Clarke
15 mentioned in the future. The private
16 sector will be very important for
17 funding going forward, and we want to
18 encourage that.

19 That's all I'm suggesting.

20 COUNCILWOMAN BROWN: Okay.

21 SENATOR PRICE: Thank you very
22 much.

23 COUNCILWOMAN BROWN: Thank you,
24 Senator.

25 Thank you, Mr. Chairman.

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: Thank
3 you, Senator.

4 Mr. McCrea, it's finally your
5 turn.

6 (Witness comes forward.)

7 MR. MCCREA: Last but certainly
8 not least.

9 COUNCILMAN GREENLEE: Maybe
10 last, yeah, but certainly not least, I
11 agree.

12 MR. MCCREA: Thank you.

13 COUNCILMAN GREENLEE: If you
14 could identify yourself for the record.
15 Do you have testimony?

16 MR. MCCREA: Here's copies,
17 guys, if you want 'em.

18 COUNCILMAN GREENLEE: Okay.

19 MR. MCCREA: Thank you. I'm
20 Michael McCrea, President of the
21 Philadelphia Recreation Advisory
22 Council.

23 First of all, I want to thank
24 you for having the opportunity to
25 testify.

1 6/10/08 LAW and GOV'T - BILL 080468

2 On its face, Bill No. 080181
3 eliminates Fairmount Park as an
4 individual entity, merging it with the
5 Recreation Department and creating a
6 new department of Parks and
7 Recreation. In addition, it
8 eliminates Fairmount Park Commission,
9 replacing it with a new Commission on
10 Parks and Recreation.

11 While this sounds fairly
12 simple and straightforward, the devil,
13 as they say, is absolutely in the
14 details, details that are not
15 currently available, some of which
16 will not be worked out for another 12
17 months or more.

18 Seeing as the bill needs to be
19 voted on and passed by June 19th to
20 get it on the November ballot, it will
21 clearly require an enormous leap of
22 faith. Having met with Mayor Nutter
23 within the last week, the Philadelphia
24 Recreation Advisory Council
25 understands his vision and what his

1 6/10/08 LAW and GOV'T - BILL 080468
2 ultimate goals are concerning both
3 recreation and parks.

4 While we see the positives,
5 it's also clearly a two-edged sword.
6 The final product of the merger could
7 work either to our benefit or our
8 detriment, depending largely on the
9 details that will not be worked out
10 until long after the future of this
11 bill has been determined. While our
12 concerns are many, we will try and
13 narrow 'em down to a manageable list.

14 First, the existing program
15 services need to at least retain their
16 present level of funding, staffing,
17 and resources. These services are
18 vital and important to the survival of
19 most communities across the City, and
20 we cannot return to the dark ages of
21 the previous eight years. After
22 enduring a mayor who was willing to
23 close 48 facilities, 40 summer camps,
24 20 swimming pools and all 5 ice rinks
25 to save a total of less than

1 6/10/08 LAW and GOV'T - BILL 080468
2 \$1.4 million, the current situation,
3 while certainly not perfect, gives our
4 communities a real boost. Our
5 children have gained much momentum in
6 the past six months, and we do not
7 intend to let them give up without a
8 serious fighting.

9 Next, the existing bare-
10 minimum level of custodial services
11 must at least be retained with an eye
12 towards a much needed increase in both
13 full and part-time positions. After
14 many years of below-minimum staffing
15 levels, we currently have full-time
16 custodial staff at all Class A and
17 Class B facilities. Again, while not
18 where it needs to be, it's a step
19 ahead of where we've come from, and we
20 cannot forward to again give up any
21 momentum.

22 One of the more important
23 pieces for the success of the
24 Recreation Department is its
25 partnership with the Advisory

1 6/10/08 LAW and GOV'T - BILL 080468
2 Council's and volunteer organizations.
3 They need to remain intact for several
4 reasons. It allows each facility to
5 raise funds at the local level to be
6 utilized at each individual facility,
7 and this would include maintaining the
8 current financial accountability and
9 controls, as outlined in our policies
10 and procedures manual.

11 Currently citywide, over 50
12 percent of the direct program dollars
13 come from sources outside the
14 Recreation Department and the City
15 budget. The importance of this
16 partnership cannot be understated.

17 Next, the community
18 programming at all facilities need to
19 remain in charge of the Recreation
20 Division. It's been responsible for
21 the Recreation Department for almost
22 60 years. They know how to do it,
23 they have the pulse of every community
24 across the City, and they do it very
25 well. It does not make sense to

1 6/10/08 LAW and GOV'T - BILL 080468

2 change something that already works.

3 They should also apply to
4 permitting of all facilities in the
5 attached fields. Currently, the
6 Recreation Department operates several
7 facilities within Fairmount Park, and
8 the attached fields are permitted
9 through Fairmount Park with little or
10 nor consideration for the children who
11 need to utilize the fields of various
12 activities.

13 There are often conflicts
14 between adult's and children's
15 programs, and while we currently
16 recognize and respect the importance
17 of all programs, in our line of work,
18 the children are all of first and
19 ultimate utmost priority.

20 It is clear that better
21 communication would certainly help the
22 situation, so it makes perfect sense for
23 the facilities to be in control of the
24 permitting responsibility and ensure
25 that everyone gets an equal opportunity

1 6/10/08 LAW and GOV'T - BILL 080468
2 and scheduling will be controlled by one
3 entity.

4 When it comes to eliminating
5 duplication of services, it certainly
6 makes a lot of sense to combine the
7 skilled trades to facilitate better
8 overall level of service and
9 preventative maintenance. While not
10 unsalvageable, the current work-order
11 system leaves much to be desired, and
12 developing a more comprehensive work-
13 order system with more individual
14 accountability would be an area that
15 desperately needs to be addressed

16 On that same note, combining
17 special events also all under one roof
18 would also help eliminate the
19 duplication of some services.

20 Now, in speaking with the
21 Mayor last week, he stated that this
22 would be an ongoing process and that
23 we would be a part of the conversation
24 in developing the details over the
25 next year or more.

1 6/10/08 LAW and GOV'T - BILL 080468

2 Now, his words carry a lot of
3 weight. However, the leap of faith
4 will require some action to go along
5 with those words, and we hope to see
6 that action sooner rather than later.

7 Thank you.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 Any questions or comments from
11 members of the committee?

12 MR. MCCREA: Just a couple of
13 points here just on some of the things
14 that were said earlier.

15 COUNCILMAN GREENLEE: Okay.

16 MR. MCCREA: Just being in the
17 interest of opency [sic] and some
18 transparency, I do have to kind of
19 disagree with a couple of the comments
20 the -- all of the stakeholders were not
21 necessarily involved with this process,
22 'cause, to be honest with you, until
23 the Mayor called me two weeks ago, and
24 Councilwoman Sanchez was the only other
25 one that actually even stepped up to

1 6/10/08 LAW and GOV'T - BILL 080468
2 the plate and asked us to even comment
3 on any of this and put us in the
4 process at all. So throughout that
5 whole process, we were not consulted
6 one bit, so not all of the stakeholders
7 were at the table on that.

8 And since I represent probably
9 close to 200 organizations -- and each
10 of those organizations has many
11 stakeholders -- there were a lot of
12 stakeholders that were not necessarily
13 at the process in this.

14 Thank you.

15 COUNCILMAN GREENLEE: Thank
16 you.

17 Any other questions?

18 (No further questions.)

19 COUNCILMAN GREENLEE: Okay,
20 thank you very much, Mr. McCrea.

21 That is all I have on my list
22 of testifiers. Does anybody in the
23 audience wish to testify on this bill
24 or resolution?

25 (No response.)

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: Seeing
3 none, the Committee on Law and
4 Government is in recess.

5 We will now go into the public
6 meeting of the committee. Just hold
7 one second.

8 All right. This is meeting of
9 the Committee on Law and Government.

10 * * *

11 COUNCILMAN GREENLEE: Just for
12 the record the hearing of the Committee
13 on Law and Government is concluded.
14 We're now moving into the public
15 meeting of the Committee on Law and
16 Government. It's been a long day; I'm
17 using the wrong words here.

18 The Chair recognizes
19 Councilman DiCicco regarding amendment
20 to Bill No. 080169.

21 COUNCILMAN DICICCO: Thank you,
22 Mr. Chairman.

23 I move that the amendment to
24 Bill No. 080169 be approved.

25 (Motion duly seconded.)

1 6/10/08 LAW and GOV'T - BILL 080468

2 COUNCILMAN GREENLEE: All in
3 favor, please say aye.

4 Opposed?

5 The motion passes and the
6 amendment is adopted.

7 The Chair now recognizes
8 Councilman DiCicco regarding Bill No.
9 089169, as amended.

10 COUNCILMAN DICICCO: Thank you,
11 Mr. Chairman.

12 I move that Bill No. 080169 as
13 amended, be approved. And we're
14 asking for a suspension, I assume?

15 COUNCILMAN GREENLEE: Yes.

16 COUNCILMAN DICICCO: And a
17 further recommendation that the rules
18 of Council be suspended.

19 (Motion duly seconded.)

20 COUNCILMAN GREENLEE: All in
21 favor please say aye.

22 Opposed?

23 Motion carries, and Bill No.
24 080169, as amended, is reported out of
25 this Committee with a favorable

1 6/10/08 LAW and GOV'T - BILL 080468
2 recommendation and that the rules of
3 Council be suspended to allow for
4 first reading at our next session of
5 Council.

6 The Chair recognizes
7 Councilman Goode regarding Resolution
8 080181, the amendment of same.

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

11 I move that the amendment to
12 Resolution 080181 be approved.

13 (Motion duly seconded.)

14 COUNCILMAN GREENLEE: It's been
15 moved and seconded.

16 All in favor say aye

17 Opposed?

18 The amendment is adopted.

19 The Chair now recognizes
20 Councilman Goode regarding Resolution
21 080181, as amended

22 COUNCILMAN GOODE: Thank you,
23 Mr. Chairman.

24 I move that Resolution 080181,
25 as amended, be reported out of

1 6/10/08 LAW and GOV'T - BILL 080468
2 committee with a favorable
3 recommendation.

4 (Motion duly seconded.)

5 COUNCILMAN GREENLEE: It has
6 been moved and seconded.

7 All in favor, please say aye.

8 Opposed?

9 Hearing none, Resolution
10 080181 is reported out of this
11 committee with a favorable
12 recommendation.

13 Having no other business, the
14 meeting of the Committee on Law and
15 Government is concluded.

16 Thank you all very much.

17 (Proceedings end at 1:45 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Law and Government
are contained fully and accurately in the
stenographic notes taken by me on Tuesday,
June 10, 2008, and that this is a true and
correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(The foregoing certification
of this transcript does not apply to any
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