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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE OF THE WHOLE

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Room 400, City Hall
Philadelphia, Pennsylvania
Monday, February 4, 2008
10:30 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

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COUNCILWOMAN JANNIE BLACKWELL

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN FRANK DiCICCO

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN BILL GREEN

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COUNCILMAN WILLIAM GREENLEE

17

COUNCILMAN CURTIS JONES, JR.

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COUNCILMAN JACK KELLY

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COUNCILMAN JAMES F. KENNEY

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COUNCILWOMAN JOAN L. KRAJEWSKI

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COUNCILMAN BRIAN J. O'NEILL

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COUNCILWOMAN MARIA QUINONES-SANCHEZ

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COUNCILWOMAN DONNA REED MILLER

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN FRANK RIZZO

COUNCILWOMAN MARIAN B. TASCO

RESOLUTIONS 080043, 080045 and 080074

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V A R A L L O Incorporated

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Litigation Support Services

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Eleven Penn Center

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1835 Market Street, Suite 600

Philadelphia, Pennsylvania 19103

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COUNCIL PRESIDENT VERNA: Good

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morning, everyone. This is a public

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hearing of the Committee of the Whole,

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and before we start our hearings, I am

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pleased to announce that the Mayor is

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here and would like to be recognized.

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Mr. Mayor.

9

Good morning and welcome.

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MAYOR NUTTER: Good morning,

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Madam President.

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COUNCIL PRESIDENT VERNA: Good

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morning.

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MAYOR NUTTER: Madam President

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and members of this esteemed City

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Council, thank you for the opportunity to

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be here this morning.

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There are three individuals

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that I've proposed or nominated for a

20

variety of positions. These three

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individuals I believe represent some of

22

the best public servants in a variety of

23

ways that we've had an opportunity to

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have in the government: Shelley Smith,

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Kenya Mann and Lori Shorr for City

1 2/4/08 - WHOLE - RES. 080043, ETC.
2 Solicitor, a member of the Board of
3 Ethics and the Chief Education Officer
4 respectively.

5 I just wanted to come and
6 personally state for the record that I am
7 pleased and proud to have put those names
8 forward. I look forward to the hearings
9 with regard to them, and ask this
10 Council, if at all possible during the
11 course of this Committee of the Whole
12 hearing, to move their resolutions
13 forward, and on behalf of the rest of the
14 government, I would certainly ask, in
15 your consideration and good kindness, to
16 confirm them as quickly as possible so
17 that they can get back to the business of
18 serving the great citizens of this city.

19 Thank you very much.

20 COUNCIL PRESIDENT Verna: Thank
21 you. Thank you very much, Mr. Mayor.

22 MAYOR Nutter: Thank you.

23 COUNCIL PRESIDENT Verna: At
24 this time, I would ask Mr. McPherson to
25 please read the title of Resolution No.

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 080043.

3 MR. McPHERSON: Resolution
4 confirming the appointment of Shelley R.
5 Smith, Esquire, as City Solicitor.

6 COUNCIL PRESIDENT VERNA: Good
7 morning. Welcome.

8 MS. SMITH: Good morning, Madam
9 President. Thank you very much.

10 COUNCIL PRESIDENT VERNA:
11 You're welcome.

12 Would you please tell us
13 something about yourself.

14 MS. SMITH: Certainly.

15 Madam President, good morning
16 to you and to the other distinguished
17 members of Council who are present here
18 today. I am Shelley Smith, Acting City
19 Solicitor, and it's an extraordinary
20 honor for me to appear before you here
21 today seeking confirmation as the City
22 Solicitor of the City of Philadelphia. I
23 am very pleased to re-enter public
24 service on behalf of the City, as my
25 greatest joy has been to work on issues

1 2/4/08 - WHOLE - RES. 080043, ETC.
2 concerning the citizens of this great
3 city. As I return to public service, I
4 commit to provide each of you with the
5 highest level of service and diligence.

6 Prior to rejoining the Law
7 Department, as some of you may know, I
8 worked in private practice. Most
9 recently, I served as Associate General
10 Counsel for Regulatory Affairs at Exelon
11 Corporation, and before joining Exelon, I
12 was of counsel to the firm Ballard,
13 Spahr, Andrews & Ingersoll in the Labor
14 and Employment group. I was there from
15 2005 until 2007, and my clients while I
16 was there included the City of
17 Philadelphia, the Commonwealth of
18 Pennsylvania and the Philadelphia
19 Orchestra, among some other private
20 corporations. My responsibilities to
21 these clients included the litigation of
22 employment matters and the oversight of
23 labor contract negotiations.

24 Before going into private
25 practice, however, I spent 13 years in

1 2/4/08 - WHOLE - RES. 080043, ETC.
2 the City's Law Department, and during my
3 tenure there, I spent more than a decade
4 in the Litigation group, where I was a
5 trial attorney and supervisor in the
6 Civil Rights Unit, Chief of the
7 Affirmative Litigation Unit, Chief of the
8 Labor and Employment Unit, and prior to
9 leaving, I was promoted to the position
10 of Chair of the Law Department's
11 Corporate and Tax group.

12 While with the City, I had the
13 opportunity to try or litigate hundreds
14 of cases. I also coordinated the
15 negotiation of collective bargaining
16 agreements for the Philadelphia Orchestra
17 musicians and served as in-house legal
18 counsel to the former Police Commissioner
19 Richard Neal.

20 I am a native Philadelphian. I
21 am a product from 5th through 12th grade
22 of the Philadelphia public school system
23 and a proud graduate of the Philadelphia
24 High School for Girls.

25 I began my legal career in

1 2/4/08 - WHOLE - RES. 080043, ETC.
2 Philadelphia after serving as Senior Law
3 Clerk to the Honorable Robert N.C. Nix,
4 Jr., Chief Justice of Pennsylvania. I
5 currently serve as a member of the
6 Southeastern Pennsylvania Advisory Board
7 of Pennsylvanians for Modern Courts and I
8 am Vice-Chair of the Philadelphia Bar
9 Association's Commission on Judicial
10 Selection and Retention, which I chaired
11 last year.

12 My goal for the Law Department
13 is to provide you and the rest of our
14 clients with the highest possible quality
15 legal representation and timely service.
16 I hope to develop a close working
17 relationship with each member of City
18 Council in carrying out the
19 responsibilities of the City Solicitor as
20 contemplated by the Home Rule Charter.

21 For Council and its members,
22 this includes assuring the loyalty and
23 complete confidentiality owed to you by
24 the Law Department. I understand that if
25 you ask for legal advice from the Law

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 Department or if you ask an attorney in
3 the Law Department to draft legislation,
4 that request, as well as our advice to
5 you, is to be kept confidential. You
6 have my firm commitment on this issue.

7 There may be instances when we
8 believe that formal opinions we provide
9 may warrant public disclosure, but we
10 will not make such opinions public
11 without your agreement. And, of course,
12 you are always free to make those
13 opinions public if you choose to do so.

14 I'd like to briefly outline for
15 you other goals to which I am committed.
16 First, given our fiscal challenges, I
17 will work to substantially increase the
18 collection of delinquent payments due to
19 the City and to contain legal costs.

20 Second, I commit to develop
21 with the Administration additional
22 policies and procedures concerning the
23 ethics laws applicable to City government
24 and to further strengthen the level of
25 support of and coordination and

1 2/4/08 - WHOLE - RES. 080043, ETC.
2 collaboration with the Inspector General.

3 Finally, I fully support
4 Everett Gillison, Deputy Mayor for Public
5 Safety, and the efforts of the Police
6 Department under Police Commissioner
7 Charles Ramsey to reduce crime in the
8 City. In this regard, I have already
9 assigned an attorney to work closely with
10 the Police Department and Prisons, and I
11 am optimistic that this assignment will
12 bring efficiency, synergy and creativity
13 to the team responsible for ensuring the
14 safety of the citizens of Philadelphia.

15 As I said before, I am
16 extraordinarily honored to be before you
17 today and I commit to work diligently to
18 do my very best for you and for the City
19 of Philadelphia. I look forward to a
20 good relationship and the many
21 opportunities we will have to work on
22 issues together.

23 I am happy to answer any
24 questions or supply you with any
25 additional information in connection with

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 my candidacy for confirmation.

3 COUNCIL PRESIDENT VERNA: Thank
4 you very much.

5 MS. SMITH: Thank you.

6 COUNCIL PRESIDENT VERNA:
7 Ms. Smith, under the Charter, the City
8 Solicitor represents both the
9 Administration and City Council. How do
10 you intend to resolve any conflicts that
11 might arise in representing both branches
12 of City government?

13 MS. SMITH: When there is a
14 real conflict of interest, the structure
15 that the Charter sets up establishes the
16 potential, the inherent potential, for a
17 conflict, but when there is a real
18 conflict that manifests itself in a
19 dispute, I am empowered under the Home
20 Rule Charter to authorize City Council to
21 hire outside counsel for that matter if
22 it's necessary, and I promise that in all
23 appropriate situations, I will provide
24 such authorization.

25 COUNCIL PRESIDENT VERNA: Do

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2 you believe that the Home Rule Charter
3 should be amended to provide separate
4 legal representation to City Council?

5 MS. SMITH: No. I don't think
6 that's necessary. Philadelphia is not
7 the only city where the structure exists
8 that the city's attorney represents both
9 the executive and legislative branches of
10 government, and I believe that we, the
11 Law Department, should be able to work
12 with all of its respective clients to
13 resolve whatever conflicts exist or
14 provide appropriate counsel in those
15 circumstances where the conflicts cannot
16 be resolved.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 In general, what will be your
20 strategy for attracting and retaining a
21 highly qualified staff that reflect the
22 diversity of the City?

23 MS. SMITH: Well, first I'd
24 like to say that some of the best lawyers
25 in the City are already our employees.

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2 We cast a very wide net to recruit
3 attorneys to our office. We recruit at
4 all the neighboring law schools. We take
5 out advertisements in the Legal
6 Intelligencer and in the Inquirer and
7 through job search engines.

8 I also think that when the work
9 of Law Department attorneys is seen by
10 members of the legal community, that in
11 and of itself is the best advertisement
12 we can have to attract more qualified
13 attorneys.

14 We also regularly participate
15 in minority job fairs held in
16 Philadelphia. And it's worth noting that
17 currently 48 percent of our staff is
18 minority, 33 percent of our managing
19 attorneys and 40 percent of the Law
20 Department's executive committee are
21 minorities. So we're doing a fairly good
22 job on diversity in our office. And the
23 office is also majority female.

24 COUNCIL PRESIDENT VERNA: Thank
25 you very much.

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2 Councilman Rizzo, your light is
3 on. Did you want to be recognized?

4 COUNCILMAN RIZZO: Thank you,
5 Madam President.

6 Good morning.

7 MS. SMITH: Good morning,
8 Councilman Rizzo.

9 COUNCILMAN RIZZO: Good luck.
10 Could you discuss briefly an
11 issue that has really caught national
12 attention. It's the debate with the Boy
13 Scouts of America. Could you tell us how
14 you're going to deal with that issue?

15 MS. SMITH: Well, the prior
16 Administration took the position that --
17 has taken the position that the Boy
18 Scouts of America ought to respect the
19 commitment of the City to diversify and
20 ought to tailor its policies accordingly
21 if it's going to benefit from favorable
22 lease provisions that the City provides
23 to it, and this Administration is
24 committed to continuing that policy.

25 COUNCILMAN RIZZO: Could you

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2 say that one more time? I think I missed
3 your point. Could you say that again,
4 please?

5 MS. SMITH: Sure. The prior
6 Administration took the position that the
7 Boy Scouts of America should change its
8 policy with respect to homosexuality and
9 the Boy Scouts in order to take advantage
10 of the favorable lease provisions that
11 the Boy Scouts avail themselves of from
12 the City, and the current Administration
13 will continue that position.

14 COUNCILMAN RIZZ0: So do you
15 have a plan that you can tell us about?
16 Are they going to leave? Are they going
17 to pay? What exactly are they going to
18 do?

19 MS. SMITH: Well, I have not as
20 of yet had an opportunity to have a
21 direct conversation with representatives
22 of the Boy Scouts of America, but at an
23 appropriate time, I will do so. But the
24 position of the Administration remains
25 the same, and so we'll have to engage in

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2 some discussions to see whether or not
3 the position of the Boy Scouts remains
4 the same going forward.

5 COUNCILMAN RIZZO: So in other
6 words, the same position the
7 Administration is taking -- this
8 Administration is taking, as we all know,
9 is the position of the previous
10 Administration?

11 MS. SMITH: Yes.

12 COUNCILMAN RIZZO: Thank you.
13 Thank you, Madam Chair.

14 COUNCIL PRESIDENT VERNA:
15 You're welcome.

16 The Chair recognizes Councilman
17 Green.

18 COUNCILMAN GREEN: Thanks for
19 being with us today. I just have a
20 couple of quick questions. The first is,
21 you talked about the sort of inherent
22 conflict in representing the
23 Administration and City Council. One of
24 the things about the process that I've
25 learned is that it's the same person who

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2 may draft legislation for us that may be
3 asked by you or the Administration to
4 determine whether or not the legislation
5 is legal and provide advice to the
6 Administration about that.

7 Is there any way to create a
8 Chinese wall between the person who
9 provides the advice or anybody involved
10 in providing advice to City Council and
11 the person who will advise the
12 Administration on the legality or the
13 Solicitor's opinion about a particular
14 piece of legislation?

15 MS. SMITH: I'm sorry,
16 Councilman Green. I had a bit of trouble
17 following the beginning of that question.
18 You said the same person...

19 COUNCILMAN GREEN: Who drafts
20 legislation will often be the person who
21 provides advice to the Administration
22 about a piece of legislation's legality
23 under the Charter.

24 MS. SMITH: You mean the same
25 person in our office?

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2 COUNCILMAN GREEN: The same
3 person in your office, as opposed to
4 having that be required to be two
5 different people. It seems that there's
6 an inherent conflict in that practice.

7 MS. SMITH: Well, I think that
8 maybe the issue is whether or not the
9 person in our office has been asked to
10 provide confidential advice to Council
11 about a particular legislative matter as
12 opposed to having been asked generally to
13 assess the legality of potential
14 legislation. In the latter situation,
15 I'm not sure that a Chinese wall, which
16 is the thing you're describing, is what
17 it's called or what we call it as
18 lawyers, is necessary.

19 If our office is asked to
20 provide a general legal analysis, our
21 legal view of legislation, that is not
22 necessarily a confidential matter. If
23 we're asked by any Councilperson or the
24 Mayor's Office to provide legal advice
25 about a particular legislative matter,

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2 then that's confidential advice. And if
3 confidential advice is provided by one
4 lawyer, then certainly the possibility
5 exists to construct a wall so that that
6 lawyer who has provided the confidential
7 advice to one client is not necessarily
8 influenced by the person who is providing
9 confidential advice to another client.
10 But what has been asked for may not
11 necessarily be that kind of confidential
12 advice. It may just be a general
13 analysis of potential legislation.

14 COUNCILMAN GREEN: Well, let me
15 give you that scenario. For example, say
16 I ask somebody to draft a piece of
17 legislation. I'm an attorney. I reach
18 my own conclusion or one of my staff
19 attorneys reaches their own conclusion
20 about whether or not that's legal under
21 the City Charter, and the person from the
22 City Solicitor's Office who helped us
23 draft the legislation has advised us that
24 he thinks it's an argument that it's not
25 legal.

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2 It seems to me that through the
3 interplay of our discussions between my
4 office and that person, we're disclosing
5 a lot of our legal theories to that
6 person, and then to have that person be
7 the person that tells the Administration
8 whether or not it complies with the
9 Charter, for example, seems to me to
10 raise the conflict, because they now know
11 all the legal theories that we're going
12 to espouse to say it is legal in the
13 future.

14 So I'm not asking for a
15 decision on that today. It's just
16 something that I hope that we could maybe
17 work out in the future.

18 MS. SMITH: Certainly. And I
19 think what I described at the beginning
20 was an inherent potential conflict, and
21 certainly based on the facts and
22 circumstances as they develop in any
23 particular case, we can determine what
24 the best course of action is.

25 COUNCILMAN GREEN: Thank you.

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2 Can you talk a little bit about
3 how important precedent is to the City
4 Solicitor in terms of the role of
5 precedent of legal opinions and also
6 previous City Solicitor opinions?

7 MS. SMITH: Well, in general,
8 to any lawyer, precedent is what -- the
9 rule of precedent is a rule that dictates
10 that when facts and circumstances have
11 been decided under the applicable
12 principles of law and fully fleshed out,
13 the decision on those facts and
14 circumstances gives some certainty to
15 future litigants or parties or people in
16 the midst of a similar conflict as to how
17 similar facts and circumstances should be
18 decided under the same law.

19 With respect to Solicitors'
20 opinions, certainly that's also the case.
21 As in the law generally, occasions arise
22 when circumstances change or the
23 circumstances of an analysis change such
24 that a revisitation of those previous
25 decisions might be required. Separate

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2 but equal is a good example of that.

3 COUNCILMAN GREEN: Okay. And
4 just under the City Charter, who makes
5 public policy?

6 MS. SMITH: The executive and
7 legislative branches of government.

8 COUNCILMAN GREEN: Thank you.

9 MS. SMITH: Thank you.

10 COUNCIL PRESIDENT VERNA:
11 You're welcome.

12 The Chair recognizes Councilman
13 O'Neill.

14 COUNCILMAN O'NEILL: Thank you,
15 Madam President.

16 Ms. Smith, I had the benefit of
17 a meeting with you on Thursday --

18 MS. SMITH: Yes. Good morning.

19 COUNCILMAN O'NEILL: -- along
20 with several other members of Council,
21 and it shortens my questions
22 considerably, because I was --

23 MS. SMITH: That's comforting.
24 Thank you.

25 COUNCILMAN O'NEILL: -- very

22 Having just heard about
23 something I hadn't thought about in a
24 while and, that is, the precedent value
25 of City Solicitor's opinion, I will just

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2 tell you that history has often in this
3 City placed very little future value on a
4 City Solicitor's opinion, because often
5 times it is the Mayor telling the
6 Solicitor what kind of opinion they want
7 and then getting it. So just as in a law
8 firm if there was an opinion to a client
9 from a lawyer five years ago, ten years
10 ago, 15 years ago, it's just one lawyer's
11 opinion. It's not a Court. It's not a
12 Court basing it on precedence
13 necessarily.

14 And so I would just ask you to
15 keep an open mind and look at every
16 request for a Solicitor's opinion as
17 something new, fresh and with a new set
18 of lenses.

19 MS. SMITH: Thank you,
20 Councilman O'Neill.

21 COUNCILMAN O'NEILL: Thank you
22 very much. I look forward to working
23 with you.

24 MS. SMITH: Thank you, and I
25 with you.

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2 COUNCIL PRESIDENT VERNA: The
3 Chair recognizes Councilman Kenney.

4 COUNCILMAN KENNEY: Thank you,
5 Madam President.

6 I just want to quickly say
7 congratulations, good luck. And in my
8 experience here, the only time that we
9 bat heads with you or with the
10 Administration is when the Administration
11 and Council doesn't talk beforehand, and
12 I believe that if we talk beforehand --
13 my goal in this next four years is to not
14 sue the Mayor once.

15 MS. SMITH: Thank you,
16 Councilman Kenney.

17 COUNCILMAN KENNEY: Because
18 we've been suing --

19 MAYOR NUTTER: Thank you.

20 COUNCILMAN KENNEY: We've been
21 suing a lot in the last eight years, and
22 the only people making out is the
23 lawyers, trust me.

24 So congratulations. We look
25 forward to working with you. I commit my

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2 cooperation and help, and I think if we
3 talk together, we won't need to fight
4 with you.

5 MS. SMITH: Thank you,
6 Councilman Kenney. I agree.

7 COUNCIL PRESIDENT Verna: Thank
8 you.

9 Councilman Green, your light is
10 on. Did you want to be recognized?

11 COUNCILMAN GREEN: No.

12 COUNCIL PRESIDENT Verna: The
13 Chair recognizes Councilwoman Tasco.

14 COUNCILWOMAN TASCO: Thank you.

15 I'd just like to make a comment
16 about my relationship with Ms. Smith.

17 She served on the Philadelphia Gas
18 Commission for about a year.

19 MS. SMITH: About a year.

20 COUNCILWOMAN TASCO: And
21 sometimes the appointees are sent to the
22 Gas Commission with certain notions about
23 the Commission and the relationship with
24 PGW. I will tell you that she weighed in
25 very carefully, listened, and I found her

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2 to be very fair in her assessment of the
3 issues before us, and I appreciated that
4 very much, because sometimes that could
5 be clouded, but she was very honest and
6 open and fair.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 Are there any other questions
10 or comments from members of the
11 Committee?

12 The Chair recognizes Councilman
13 Clarke.

14 COUNCILMAN CLARKE: Thank you,
15 Madam President.

16 Good morning, Ms. Smith.

17 MS. SMITH: Good morning,
18 Councilman Clarke.

19 COUNCILMAN CLARKE: Real
20 quickly, we talked about this earlier. I
21 just wanted to get it on the record. But
22 you did bring up one issue with respect
23 to a member requesting a formal opinion.
24 Your policy, is that any different than
25 the current policy?

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2 MS. SMITH: I'm not sure what
3 you're referring to.

4 COUNCILMAN CLARKE: Well, I've
5 had on occasion to ask the Solicitor to
6 issue an opinion on a subject matter and
7 there were two different processes, one
8 that immediately could be public for the
9 public purview and the other it was based
10 on the client's ability or willingness to
11 allow that to be public.

12 Is your process going to be any
13 different than the prior process?

14 MS. SMITH: Our current policy
15 is that Solicitors' opinions rendered at
16 the request of clients are private unless
17 the client requesting the opinion agrees
18 or requests that those opinions be made
19 public. We are considering -- and I
20 would certainly seek to work with all of
21 you on this -- revising that policy so
22 that the presumption is that they're
23 public unless they're requested to be
24 private, because there is some value in,
25 especially for the sake of transparency

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2 in government, there is some value to
3 having opinions made public or presumed
4 to be public. So I would want to work
5 with you on that, but the current policy
6 is --

7 COUNCILMAN CLARKE: Why is
8 that?

9 MS. SMITH: Because the -- just
10 one second. I'm sorry.

11 Because the Solicitor is often
12 the only person who opines on some issues
13 relating to government policy and it's
14 helpful for the public to understand how
15 those policies are interpreted, and often
16 that interpretation comes only when
17 clients request an analysis of it.

18 COUNCILMAN CLARKE: Well, are
19 you of the opinion that the Solicitor
20 should make policy?

21 MS. SMITH: I am not of the
22 opinion that the Solicitor should make
23 policy and I did not say that the
24 Solicitor should make policy. I said the
25 Solicitor interprets some -- interprets

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2 issues and sometimes the only
3 interpretation of those issues comes from
4 the Solicitor.

5 COUNCILMAN CLARKE: But if
6 you're making a decision for a policy
7 change that says that an opinion should
8 be subject to the public purview, then
9 that's a change in policy, and I'm
10 assuming that it's an internal policy
11 from the Solicitor's Office, and you're
12 saying it should be based on the need to
13 be transparent.

14 MS. SMITH: I am --

15 COUNCILMAN CLARKE: I mean, I'm
16 trying to understand why there's a
17 change.

18 MS. SMITH: There has not been
19 a change. I said that I am considering
20 it, and I would hope to work with all of
21 you as I flesh out whether or not that
22 change will occur.

23 I mean, the Law Department --
24 the City Solicitor's Office has been
25 publishing City Solicitors' opinions for

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2 more than a hundred years, and as I said,
3 those opinions provide helpful guidance
4 to City officials and to the public, and
5 how some of these issues that only the
6 City Solicitor has the opportunity to
7 analyze are analyzed and resolved. That
8 guidance can be very helpful to the
9 public. Also, sometimes two different
10 City officials are asking the Solicitor
11 to issue an opinion on the same subject
12 and it's helpful in those instances for
13 one opinion to be issued, because ideally
14 the City Solicitor's opinion about the
15 legality of something, for example,
16 shouldn't be different depending on who
17 is asking the question. It should be an
18 objective legal analysis based on
19 whatever the facts and circumstances of
20 that particular question are.

21 If the opinions are presumed to
22 be public unless they're requested to be
23 confidential as opposed to the reverse,
24 which exists now, then the opportunity
25 exists for the question to be answered

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2 for everyone who is concerned about it.
3 But, again, this is something I'm
4 thinking about. It is not something that
5 I've changed, and I would absolutely
6 expect to work with all of you in
7 figuring that out.

8 COUNCILMAN CLARKE: And who
9 will make the ultimate determination on
10 that matter?

11 MS. SMITH: Well, if a client
12 asks for confidential advice, then that
13 client's request for confidentiality has
14 to be respected. So the client
15 ultimately makes the decision whether or
16 not the advice that I render --

17 COUNCILMAN CLARKE: I'm talking
18 about the change in policy.

19 MS. SMITH: If what you've
20 requested is -- if what you've requested
21 is a Solicitor's opinion and you've
22 requested that in the context of advice
23 to you as a client and you've requested
24 that that be confidential, then your
25 request for confidentiality is honored

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2 and you make the ultimate determination.

3 COUNCILMAN CLARKE: I want to
4 be clear. I'm not talking about a
5 specific opinion. I'm talking about the
6 change in policy that at this moment or
7 under the prior Administrations if we
8 made a request for an opinion, it's
9 presumed that that opinion is within the
10 confidentiality of the client and the
11 opinion -- I'm sorry; and the Solicitor.
12 You're talking about changing that policy
13 whereas the client must request that that
14 be confidential in nature. My question
15 is, if that policy, not an individual
16 opinion, if that policy changes, who
17 makes the ultimate decision as to whether
18 or not that policy changes after you've
19 acknowledged that you will have
20 conversations with Councilmembers and the
21 Mayor about that?

22 MS. SMITH: I believe that
23 ultimately the decision would be mine
24 whether or not to shift the presumption
25 in the opposite direction.

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2 COUNCILMAN CLARKE: It will
3 ultimately be yours?

4 MS. SMITH: Yes. Whether to
5 shift the presumption, yes. But, again,
6 if a request from a client is for advice
7 that's confidential, then that request
8 would be honored.

9 COUNCILMAN CLARKE: I
10 understand that. I'm just trying to find
11 out who will make the ultimate decision
12 on the change in policy. Okay.

13 One other question, and I asked
14 you this earlier. I just want to confirm
15 it.

16 In the event that there's an
17 issue that there may be some difference
18 in opinion about whether or not the
19 Council or a Councilmember and the
20 Administration has a different opinion
21 about a matter -- and I'll bring up one
22 in particular, the gun issue, and I spoke
23 to you before about a number of members
24 of Council felt that it was important for
25 us to tackle the gun issue; i.e.,

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2 litigation, and there was some question
3 in the last Administration about whether
4 or not we would be successful and,
5 therefore, had not authorized the last
6 Solicitor to represent the City Council
7 in this challenge to the General Assembly
8 and the State Senate on the lawsuit as it
9 relates to regulating guns. So we,
10 Council, were forced to hire outside
11 counsel to represent us in this matter.

12 In the event that an issue like
13 that comes forth where there's varying
14 views on whether or not the Solicitor's
15 Office should be the representative in
16 court on a particular issue, what's your
17 position on that?

18 MS. SMITH: Well, I think what
19 our office does in such an instance is
20 determine whether or not any course of
21 litigation that any client wants to
22 pursue is -- and I don't want to put it
23 this way as if this is the way we frame
24 the question, but is frivolous, which is
25 not -- and, again, I don't want to frame

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2 it that way, in the sense that we look at
3 it and say is this frivolous, but we look
4 at the potential for --

5 COUNCILMAN CLARKE: I've heard
6 that a lot.

7 MS. SMITH: Well, we look at an
8 issue that a client wants to pursue in
9 litigation to determine whether or not it
10 has merit, it might be frivolous, et
11 cetera, and make a determination, and if
12 we determine that a lawsuit is likely to
13 be frivolous, what the Charter directs is
14 that Council is permitted to hire outside
15 counsel when such an issue arises. And
16 so in that instance, if the Law
17 Department determines that a lawsuit is
18 likely to be frivolous, then it's within
19 the Law Department's purview under the
20 Charter to suggest that City Council hire
21 outside counsel to represent itself.

22 COUNCILMAN CLARKE: So that has
23 no relationship to the Administration's
24 viewpoint on that? It's just solely the
25 relationship between the Law Department

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2 and the Councilmember, and if the Law
3 Department determines that, in spite of
4 what the Administration's viewpoint is,
5 if the Law Department determines that
6 that particular issue comes up to the
7 level or reaches a threshold where --

8 MS. SMITH: Where it would not
9 be frivolous.

10 COUNCILMAN CLARKE: -- it's a
11 challengeable offense, then you will make
12 the -- regardless of the viewpoint of the
13 other side of government?

14 MS. SMITH: That's right. It's
15 not a determination that's made on the
16 basis of how the Administration feels
17 about it. It's a determination that's
18 made based on the quality of the legal
19 issue itself.

20 COUNCILMAN CLARKE: Okay.
21 Thank you.

22 Thank you, Madam President.

23 COUNCIL PRESIDENT VERNA:
24 You're welcome.

25 The Chair recognizes Councilman

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2 Jones.

3 COUNCILMAN JONES: Ms. Smith,
4 welcome to the City of Philadelphia
5 again.

6 MS. SMITH: Thank you,
7 Councilman Jones.

8 COUNCILMAN JONES: City of
9 brotherly love and now sisterly
10 affection.

11 MS. SMITH: Thank you.

12 COUNCILMAN JONES: I just want
13 to say that I look forward to working
14 with you. You do have a dedicated group
15 of staff people there that I've had the
16 opportunity to work with in my capacity
17 at PCDC or my capacity at the Minority
18 Business Enterprise Council. In
19 particular, Michelle Flamer brings a lot
20 to the table, institutional memory and a
21 continuity from Administration to
22 Administration.

23 But welcome on board, if you
24 get by today.

25 The second thing is, in your 30

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2 days on board, have you looked at any
3 pending lawsuits or things that the City
4 of Philadelphia and this Council in
5 particular need to kind of be cognizant
6 of that you feel could be shared today?

7 MS. SMITH: In the past 30
8 days, Councilman Jones, I have looked at
9 so many matters that I'm not sure that I
10 could --

11 COUNCILMAN JONES: Well, give
12 me your top three.

13 MS. SMITH: -- call to mind
14 even -- the top three that I've looked
15 at?

16 COUNCILMAN JONES: That you've
17 looked at, that maybe we as a Council or
18 a body or City of Philadelphia, hot
19 issues that we might need to be prepared
20 for, without doing anything that would
21 jeopardize that case and/or pending
22 lawsuit, but things that in general that
23 caught your eye.

24 MS. SMITH: I'm really not sure
25 I can answer that question sitting here

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2 today, Councilman Jones. Literally there
3 are so many matters that come across my
4 desk every day and I'm not sure that I
5 could elevate any one of them. Some of
6 them are more important because of time
7 sensitivity. Some of them are more
8 important because of any one of a number
9 of different reasons. I'm not sure I
10 could come up with any one particular
11 case. But as I'm sure you're aware,
12 there are a lot of matters going on,
13 legal matters going on, in the City that
14 are of importance to the citizens and to
15 the government.

16 COUNCILMAN JONES: Well, maybe
17 in another conversation as you settle in,
18 I'd like to know particularly matters
19 that have a potential to impact our bond
20 rating, that impact us budgetarily and
21 that as a society we need to be kind of
22 braced for as a big city of the first
23 class in the Commonwealth of
24 Pennsylvania. I'll ask you that again.
25 I'll get another chance to talk with you

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2 during the budget process.

3 MS. SMITH: Certainly.

4 COUNCILMAN JONES: But, again,
5 welcome on board.

6 MS. SMITH: Thank you very
7 much, and I'll be happy to look into that
8 for you.

9 COUNCIL PRESIDENT VERNA: The
10 Chair recognizes Councilman Green.

11 COUNCILMAN GREEN: Yes. I just
12 wanted to follow up on Darrell Clarke's
13 question.

14 Whenever I talk to an attorney;
15 that is, my attorney as a City Solicitor
16 or any member of the City Solicitor's
17 staff, I view that conversation as
18 confidential under the Rules of
19 Professional Conduct, and so I don't see
20 how the policy could change. I just want
21 to throw that out there. I'm not asking
22 you to comment, unless you'd like to.

23 MS. SMITH: No. I appreciate
24 their viewpoint. We take the position
25 that attorney-client communications are

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2 confidential as well. That's a separate
3 question.

4 COUNCIL PRESIDENT VERNA: Are
5 there any other questions or comments
6 from members of the Committee?

7 The Chair recognizes
8 Councilwoman Sanchez.

9 COUNCILWOMAN SANCHEZ: Welcome.

10 MS. SMITH: Thank you.

11 COUNCILWOMAN SANCHEZ: I have a
12 question as it relates -- and you made a
13 point to include it in your testimony --
14 to collections. And the reason in
15 particular, when you look at your
16 inventory of tax delinquency, there will
17 be a large inventory from the 7th
18 Councilmanic District, and I know the
19 practice in the last, I don't know, ten
20 years, we've had some private companies
21 doing some of those collections.

22 As you review that, for me the
23 goal is how do we get some of this
24 delinquency early when people can afford
25 it versus later when we outsource it and

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2 there's less of a human spirit in it and
3 it's more of a cash revenue stream.

4 When you look at that, keep in
5 mind that, one -- and you acknowledge
6 that we need to do a better job, but that
7 our goal with these properties is to
8 bring them on line and bring them on line
9 when people can afford to bring them on
10 line versus when they're no longer
11 affordable. And at a time when we
12 potentially are going to full property, I
13 am particularly concerned in how that is
14 addressed in some of the more distressed
15 communities.

16 So I just wanted to put that
17 out there, that as we review that, that
18 our goal should be how do we keep people
19 in their homes and how do we streamline
20 that so that that could happen.

21 MS. SMITH: Yes, Councilwoman
22 Sanchez. Part of our initiative over the
23 past few years has been to establish
24 hardship guidelines and a hardship
25 collection process so that people who

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2 want to comply but have difficulty doing
3 so will have a process for doing so and a
4 process for establishing affordable
5 payment arrangements so that they can
6 remain in their homes.

7 We've also agreed with the
8 Volunteers for the Indigent Program,
9 Philadelphia Legal Assistance and
10 Community Legal Services to provide some
11 legal services in connection with some of
12 the related issues such as tangled title
13 that can complicate those matters in the
14 hope that that will help taxpayers who
15 want to pay put themselves in a situation
16 where they can do so.

17 COUNCILWOMAN SANCHEZ: Thank
18 you.

19 COUNCIL PRESIDENT VERNA: Thank
20 you.

21 Any other questions or comments
22 from members of the Committee?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: Thank
25 you very much.

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2 MS. SMITH: Thank you, Council
3 President.

4 COUNCIL PRESIDENT VERNA: I
5 would ask Mr. McPherson to please read
6 the title of Resolution No. 080045.

7 MR. MCPHERSON: Resolution
8 confirming the appointment of Kenya Mann,
9 Esquire, as a member of the Board of
10 Ethics to serve in the term ending
11 November 16, 2008.

12 COUNCIL PRESIDENT VERNA: Good
13 morning. Welcome. Please identify
14 yourself for the record.

15 MS. MANN: Good morning,
16 Council President. My name is Kenya
17 Mann. Good morning, and I'm honored to
18 be here.

19 COUNCIL PRESIDENT VERNA: Thank
20 you. Would you tell us something about
21 yourself, please.

22 MS. MANN: Yes. Good morning,
23 Madam President and distinguished members
24 of City Council. My name is Kenya Mann
25 and I'm currently a partner at the law

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2 firm of Ballard, Spahr, Andrews &
3 Ingersoll. I am a nominee for the Board
4 of Ethics, and I thank you for the
5 opportunity to testify before City
6 Council in consideration of Mayor
7 Nutter's nomination.

8 I believe for City Council to
9 properly consider my nomination it is
10 important that I share some information
11 about my background and my motivation for
12 wanting to serve on the Philadelphia
13 Board of Ethics.

14 Although I currently work in
15 private practice at Ballard, I have spent
16 the majority of my career in public
17 service. Immediately after graduating
18 from law school in 1989, I relocated from
19 my hometown of New York City to work at
20 the Defender Association of Philadelphia.
21 After six years as a public defender, I
22 then worked as a Senior Deputy Attorney
23 General for the Pennsylvania Attorney
24 General's Office, where I was assigned to
25 the Drug Strike Force Section in

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2 Philadelphia and I prosecuted drug
3 traffickers and physicians who illegally
4 dispensed controlled substances.

5 In 2002, I accepted a position
6 as an Assistant United States Attorney
7 here in Philadelphia. As a federal
8 prosecutor, I handled a variety of
9 federal investigations and prosecutions,
10 including public corruption cases. While
11 working on public corruption cases, I
12 learned that there were some people in
13 City government who were unaware of the
14 City's ethical rules and what was
15 permitted activity. For these reasons, I
16 fully support the Ethics Board's new
17 education and training mandate.

18 Based on my experience with
19 jurors in public corruption cases, I
20 believe that most citizens were hopeful
21 and optimistic that the vast majority of
22 officials and employees in City
23 government remain committed to serve the
24 public's interest. If confirmed to the
25 Ethics Board, I will be able to join the

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2 effort to further promote and restore
3 confidence in City government.

4 I have been a part of the
5 Philadelphia legal community for almost
6 20 years. I have a vested interest in
7 the City and want it to be a model of
8 ethics for all other cities.

9 Since the announcement of my
10 nomination by the Mayor, I've had the
11 opportunity to meet the truly diverse and
12 impeccable members of the Ethics Board.
13 I also have observed the tremendous
14 amount of work they've done in such a
15 short period of time. As I have attended
16 two Ethics Board meetings, it is obvious
17 to me that the Board has quickly moved
18 forward in furthering transparency and
19 integrity in City government.

20 My experiences have led me to
21 believe that there is a gap between the
22 citizens and the government. The
23 citizens of Philadelphia deserve an
24 honest and efficient government, and the
25 City officials and City employees deserve

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2 to know the rules and regulations under
3 which they must operate.

4 In closing, I would like to
5 thank Mayor Nutter and City Council for
6 considering me to fill the vacancy on the
7 Ethics Board. If confirmed, I pledge to
8 work hard to bridge the gap between City
9 government and its citizens. I will also
10 work with City officials and employees to
11 ensure that they are educated on the
12 rules that have been set forth by the
13 Ethics Board and that they comply with
14 said rules. Given the opportunity, I
15 will work with the Board to continue to
16 promote trust in Philadelphia government.

17 Thank you.

18 COUNCIL PRESIDENT VERNA: Thank
19 you very much.

20 The Chair recognizes
21 Councilwoman Brown.

22 COUNCILWOMAN BROWN: Thank you,
23 Madam President.

24 Good morning and
25 congratulations.

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2 MS. MANN: Good morning. Thank
3 you.

4 COUNCILWOMAN BROWN: Your last
5 paragraph actually spoke to -- and this
6 question may be a bit premature -- the
7 importance of educating and informing all
8 of us and staff so that we know clearly
9 where the lines are and where blurry
10 circumstances can get one at a place we
11 don't care to be. So have you had a
12 chance to think through already what
13 steps you will take on a regular basis as
14 it relates to educating us?

15 MS. MANN: Yes. One of the
16 things that I've thought about, and
17 having not been on the Board yet, I think
18 training needs to be given specifically
19 to the City employee that's related to
20 them. So there shouldn't be sort of
21 broad training, maybe focusing on whether
22 it's a City official, whether it's
23 someone else in another agency. That's
24 sort of a vision I have.

25 I'm not on the Board yet, so I

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2 haven't had an opportunity, but I think
3 it should be often and that if there is
4 issues that City officials or City
5 employees have, they should be able to
6 come. But I think the training should be
7 clear so people know where the lines are.

8 COUNCILWOMAN BROWN: Indeed.

9 MS. MANN: And if the line is
10 up here, they should know that so that
11 they can be fully informed.

12 COUNCILWOMAN BROWN: A
13 follow-up to a question raised by
14 Councilman Clarke on the issue of privacy
15 and confidentiality between a
16 Councilmember and a member of the Ethics
17 Board. Is there policy or what would the
18 policy be if a Councilmember has a
19 question specific to he or she -- I don't
20 know if that's good English. What's the
21 policy?

22 MS. MANN: Because I'm not on
23 the Ethics Board, there are things that
24 are already confidential that I'm not
25 aware of. I know there are things that

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2 are confidential going on. What they
3 are, I don't know. I don't know the
4 policy specifically if someone calls and
5 says, I have an issue.

6 I know that going to the
7 website, you can report things, but I
8 don't know the issue of confidentiality
9 and I don't want to guess not knowing.
10 But if I'm confirmed, I certainly will
11 look into that issue, and if it's
12 something that Council is concerned with,
13 I certainly will look into that.

14 COUNCILWOMAN BROWN: Follow up.
15 At the appropriate time, then, I'll
16 certainly do the follow-up.

17 MS. MANN: Okay.

18 COUNCILWOMAN BROWN: But I
19 thank you and I wish you well. I'm
20 always thrilled to see women that move
21 into positions of leadership and
22 responsibility everywhere in government.

23 MS. MANN: Thank you.

24 COUNCILWOMAN BROWN: So
25 welcome.

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2 MS. MANN: Thank you.

3 COUNCIL PRESIDENT VERNA: The
4 Chair recognizes Councilman Green.

5 COUNCILMAN GREEN: Hi. It's
6 nice to see you again.

7 MS. MANN: Thank you. Good
8 morning.

9 COUNCILMAN GREEN: I appreciate
10 your willingness to serve Philadelphia in
11 this capacity after your years of service
12 in the U.S. Attorney's Office.

13 I have a couple of questions
14 for you. A couple we've discussed in
15 advance. One I just want to follow up on
16 Councilwoman Blondell Reynolds Brown's
17 point.

18 Just so you know, I'm not
19 asking you necessarily to answer this.

20 The City Code requires the
21 Board of Ethics to provide informal
22 advice to people who come to it. And I
23 can speak as a public official I am not
24 going to come to the Board of Ethics, ask
25 for informal advice and have that advice

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2 be public subject to disclosure. In
3 other words, I need to be able to come to
4 the Ethics Board, say This is what I'm
5 thinking about, can I or can I not do
6 this, and have the Ethics Board say,
7 Well, if you were to give us that request
8 in writing, we would advise you you
9 cannot do it. My reaction to that may
10 be, Well, then I just won't do it. I'm
11 not going to make a formal request in
12 writing.

13 That is my view of what
14 informal advice to people who request it
15 means. Do you have any comment on that?

16 MS. MANN: No. I understand.
17 You're saying you're seeking some
18 confidentiality with respect to your
19 informal request, and that's what I hear
20 you saying. I don't have a comment on
21 it. I'm not on the Board yet, so if I'm
22 confirmed, then maybe I can address that
23 issue to you a little better.

24 COUNCILMAN GREEN: Okay. I
25 guess just generally, how do you view the

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2 role of the Ethics Board?

3 MS. MANN: As I said in my
4 statement, I view the Ethics Board as
5 providing education and training to City
6 officials, City employees. They evaluate
7 complaints of potential ethical
8 violations, not just against City
9 employees but City officials as well.
10 They work with the Mayor to ensure and
11 promote public trust. They also work in
12 reviewing financial disclosures and
13 ethical violations and things of that
14 nature. So generally that's what the
15 Ethics Board, my understanding, does.

16 COUNCILMAN GREEN: Right. Its
17 role under the City Charter is to
18 administer and enforce the ethics
19 provisions of the Charter and the City
20 Code.

21 MS. MANN: That's my
22 understanding, yes.

23 COUNCILMAN GREEN: That is its
24 only role under the Charter. There are
25 specific roles about education and

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2 inquiry and investigation, et cetera. I
3 just -- and in so doing, it certainly can
4 help restore the public trust. I'm not
5 sure that's an enumerated goal of the
6 Board of Ethics.

7 MS. MANN: You're right. It
8 may not be an enumerated goal. I think
9 that's one of the things under sort of
10 the guise of having this Board in place.
11 You're absolutely right, yes.

12 COUNCILMAN GREEN: Right.
13 Who in City government makes
14 public policy.

15 MS. MANN: Well, the executive
16 and the legislative branch.

17 COUNCILMAN GREEN: And what is
18 the role of precedent in the work of the
19 Ethics Board?

20 MS. MANN: Well, it's hard for
21 me to speak for the Ethics Board. My
22 understanding being a lawyer, that the
23 issue of precedence is one of the
24 cornerstones of jurisprudence. It's law
25 that's sort of embedded that we often as

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2 lawyers look to in some guidance of some
3 form. It's very important and it's
4 always looked to.

5 COUNCILMAN GREEN: Okay.

6 That's all I have. Thank you very much.

7 MS. MANN: Thank you.

8 COUNCILMAN GREEN: I look
9 forward to working with you.

10 MS. MANN: I look forward to
11 working with you, too. Thank you.

12 COUNCIL PRESIDENT VERNA: The
13 Chair recognizes Councilman Kenney.

14 COUNCILMAN KENNEY: Thank you,
15 Madam President.

16 Welcome and congratulations.

17 MS. MANN: Thank you.

18 COUNCILMAN KENNEY: Good
19 morning.

20 MS. MANN: Good morning.

21 COUNCILMAN KENNEY: For the
22 last year and a half or so, my staff has
23 been researching some of the possible
24 software applications for your education
25 piece that you talk about, and we'd be

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2 happy to share them with you once you're
3 elected and once you're confirmed by the
4 Council. One of the things that we found
5 is that there is software available that
6 you can put on each individual employee's
7 desktop computer which actually tailors
8 the software to the federal, state and
9 local laws and allows a person to go in
10 and ask a question online based on all of
11 that software.

12 So one of the things I think
13 that the Ethics Board is responsible for
14 overall is not only finding where there's
15 problems but keeping people out of
16 trouble in the first place. Because if
17 there's information available --
18 obviously if someone wants to give you
19 money to do something, that is clearly
20 obviously wrong to do, but there are
21 other areas of inquiries and questions
22 and potential conflicts that a person
23 working in the Streets Department or
24 License and Inspection may have
25 difficulty understanding, and if they're

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2 perhaps resistant going directly to the
3 Ethics Board, perhaps there's a way we
4 can get them the tools they need at their
5 workplace to answer those questions or to
6 put them in the right direction.

7 So we have a wealth of research
8 we've been doing we'll send you guys, and
9 hopefully you'll be able to implement
10 those tools.

11 MS. MANN: That's a great idea.
12 One of the things that I've learned in
13 being nominated is that the Board had
14 been given a finite time of doing the
15 training. So the training was done
16 within the first year and it had to be
17 done, and they met that deadline.
18 There's certainly, at least from my
19 conversations with the Ethics Board
20 members, they're open to suggestions,
21 they're open to trying to make the
22 training as best and easy, because with
23 ease comes no problems.

24 So I think we certainly would,
25 if I'm confirmed, take a look at that

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2 software, because it gives the person
3 somewhere to go to.

4 COUNCILMAN KENNEY: But I also
5 think there was a shaking out period in
6 the last election, or at least the
7 primary election. I mean, it was very
8 difficult for campaign staff and others
9 and the staff at the Ethics Board to
10 understand what was requested and
11 expected of each other, and I think it
12 was difficult, but it wasn't impossible,
13 and I think with each subsequent
14 election, things seem like they get a
15 little better and we kind of understand
16 each other. Now, there will be times
17 when there will be differences of
18 opinion, but I do think we got through
19 it, and hopefully we can continue to
20 refine and tune things and work together.

21 MS. MANN: Well, I certainly
22 will say that if confirmed, I look
23 forward to your suggestions and look
24 forward to working with you.

25 COUNCILMAN KENNEY: We'll send

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2 it over to you. Thank you.

3 MS. MANN: Thank you.

4 COUNCIL PRESIDENT VERNA: Are
5 there any other questions or comments?

6 The Chair recognizes
7 Councilwoman Sanchez.

8 COUNCILWOMAN SANCHEZ: Yes.
9 Hi.

10 MS. MANN: Good morning.

11 COUNCILWOMAN SANCHEZ: Thank
12 you, Kenya. It was a pleasure meeting
13 with you.

14 Just to put on the record what
15 we had briefly talked about, there is an
16 expectation in the City around us raising
17 the standards in our ethics across the
18 public domain, and I think an important
19 role in addition to educating Council,
20 elected officials and employees is that
21 the Board of Ethics also engage the
22 community in its role in oversight. So
23 as I mentioned to you at the meeting, I
24 think it's important at some point for
25 you guys to take the show on the road and

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2 really get community input in terms of
3 the different roles, because we're still
4 trying to navigate all this check and
5 balances in the system, but it would be
6 important for you to hear from the
7 community concerns and the practicality
8 of some of the opinions that will be
9 issued through the Ethics Board.

10 MS. MANN: Right. And we
11 talked about that, and I certainly saw
12 some value in understanding, although the
13 Ethics Board meetings are open to the
14 public. To go out into the community and
15 allow the community to perhaps understand
16 what we do and understand what our role
17 is and what our restrictions are
18 certainly gives value to the citizens of
19 Philadelphia and it also helps the City
20 officials as well as the City employees.

21 So, yeah, we did talk about
22 that, and I will pass those along to the
23 Board. And thank you.

24 COUNCILWOMAN SANCHEZ: Thank
25 you.

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2 COUNCIL PRESIDENT VERNA: Are
3 there any other questions or comments
4 from members of the Committee?

5 (No response.)

6 COUNCIL PRESIDENT VERNA:
7 Seeing none, I thank you very much.

8 MS. MANN: Thank you very much.
9 Thank you.

10 COUNCIL PRESIDENT VERNA:
11 Mr. McPherson?

12 While we're waiting for
13 Mr. McPherson, may I ask that Ms. Smith
14 please approach the table, the witness
15 table.

16 The Chair recognizes Councilman
17 Clarke.

18 COUNCILMAN CLARKE: Thank you,
19 Madam President.

20 Good morning. I just need to
21 get some clarity on this question about
22 confidentiality as it relates to
23 opinions, because I heard one thing and I
24 think a couple other Councilmembers heard
25 that and a couple other Councilmembers

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2 heard something different.

3 What is the current policy as
4 it relates to opinions requested by
5 members of Council?

6 MS. SMITH: The current policy
7 is that opinions that are requested are
8 confidential. They are presumed
9 confidential unless the person who
10 requests the opinion asks or agrees that
11 it be made public.

12 COUNCILMAN CLARKE: And the
13 discussion is the possibility after
14 significant discussion with members and
15 the Administration as to whether or not
16 the reverse, that the presumption is that
17 it will be public unless the requestee
18 would request that it be private?

19 MS. SMITH: That's correct.

20 COUNCILMAN CLARKE: Okay.

21 MS. SMITH: And that discussion
22 would always occur. I mean, that
23 discussion would always occur.

24 COUNCILMAN CLARKE: Okay. I
25 just wanted to clarify that position.

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2 Thank you.

3 COUNCIL PRESIDENT VERNA:

4 You're welcome.

5 Thank you very much.

6 MS. SMITH: You're welcome.

7 COUNCIL PRESIDENT VERNA: I
8 would ask Mr. McPherson to please read
9 the title of Resolution No. 080074.

10 MR. MCPHERSON: Resolution
11 confirming the appointment of Lori Shorr
12 as the Public School Family and Child
13 Advocate.

14 COUNCIL PRESIDENT VERNA:

15 Ms. Shorr.

16 Good morning. Welcome.

17 MS. SHORR: Good morning.

18 Thank you. Thank you, Madam President
19 and distinguished Councilmembers. I'm
20 honored to be here this morning. My name
21 is Lori Shorr. Thank you for giving me
22 the opportunity to speak with you
23 regarding my appointment as the City's
24 first Public School Family and Child
25 Advocate.

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2 I would like to start by giving
3 you some personal and professional
4 background on myself and then some
5 preliminary thoughts on the work that
6 lies ahead on education in this
7 Administration.

8 I want to begin by
9 acknowledging those who have advocated
10 and supported my own educational journey
11 and have enabled me to sit in front of
12 you today.

13 I grew up in Pittsburgh in a
14 hard-working family who afforded me the
15 luxury of pursuing my dreams of going to
16 college. It was my family's hard work
17 that enabled me to become one of the
18 first members of my family to attend
19 college, Penn State, and the first to
20 earn a Ph.D. at the University of
21 Pittsburgh.

22 After finishing my Ph.D., I
23 worked at Temple University in the Office
24 of the Provost where I worked on aligning
25 curriculum and assessment between the

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2 School District of Philadelphia and the
3 University. It was here that I began to
4 understand the need for the whole City to
5 pull together and to make sure every
6 child had the same opportunities I and
7 many others take for granted. After
8 that, I moved to the President's Office
9 to help Temple manage its five
10 partnership schools.

11 I then served as Special
12 Assistant to the Secretary of Education
13 in Harrisburg. There I worked on
14 developing the state's first dual
15 enrollment program, which provides an
16 opportunity for students to earn college
17 credits while still in high school. Most
18 recently, I directed the Governor's
19 Commission on College and Career Success.
20 Mayor Nutter sat on that Commission.
21 Many of the Commission's 12
22 recommendations are currently being
23 implemented in Harrisburg.

24 As the Chief Education Officer
25 for the City of Philadelphia and the

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2 Public School Family and Child Advocate,
3 I feel our work is clear: To make sure
4 that the City of Philadelphia creates and
5 maintains an educational system in which
6 all children flourish. Our dropout rate
7 is one of the first things we must
8 tackle.

9 The dropout rate in
10 Philadelphia will be a major focus of our
11 work in the next five years. To put this
12 in perspective, in a freshmen class of
13 100 students in Philadelphia, about half
14 of those students, around 50, will leave
15 the system without a diploma. The
16 implications of that for students are far
17 reaching. The impact on the City is
18 undeniable. The majority of folks who do
19 not have a high school diploma in
20 Philadelphia are currently not in the
21 labor market. When they are able to find
22 employment, they work less hours for
23 lower pay. Over their lifetime, a
24 dropout in Philadelphia will earn about
25 \$475,000. A student who earns their

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2 degree will earn about 870. The
3 difference for that in the City is
4 tremendous. This is a crisis that
5 affects everyone and one that we all will
6 have to take on together.

7 The task is large. Now more
8 than ever the City must work to connect
9 social services, including behavioral
10 health services, social workers and other
11 community resources, to support the
12 day-to-day work that's happening in
13 schools. I'm sitting in this seat before
14 you with the goal clearly in mind for
15 these students.

16 It's been clear for some time
17 our City is not structured to support
18 each child to succeed and thrive in his
19 or her school and community. For too
20 long our children and youth have suffered
21 under a fractured, disjointed system
22 where it is much too commonplace for the
23 educational, social and emotional needs
24 to be treated as three different segments
25 of that same young person. I resolve to

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2 work on behalf of the Mayor and this body
3 to collaborate with every City agency
4 that touches the life of a child, for
5 those who provide mental and physical
6 health services to those who police our
7 streets and work tirelessly to keep them
8 safe, from those who work to provide
9 economic and employment opportunities for
10 adults to those engaged with setting
11 financial direction for the City. We can
12 no longer tolerate the status quo in this
13 work.

14 In addition, there are too many
15 families in our City who have one
16 seemingly simple desire, to send their
17 child to a school that is family and
18 community friendly, with adequate
19 resources to help all students achieve at
20 high levels, that prepares every student
21 to succeed in college and career. This
22 desire is a fundamental right, and as the
23 Public School Family and Child Advocate,
24 I will work to ensure that this right is
25 fulfilled across our City.

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2 This work will require me to
3 collaborate with education advocates both
4 within our City and across the State of
5 Pennsylvania as we fight for adequate
6 funding for all Pennsylvania schools.
7 From my work both in the City of
8 Philadelphia and at the state level, I've
9 learned how important cross-state
10 collaborations are in making real policy
11 change happen for kids.

12 The State Board of Education
13 commissioned a recently released costing
14 out study that showed us all something
15 we've known for far too long: Too many
16 Pennsylvania students are being
17 drastically shortchanged simply because
18 of the city they live in or the zip code
19 they live in. This problem doesn't just
20 involve the City of Philadelphia but
21 includes districts across the region and
22 across the state, urban, rural and
23 suburban alike. Almost every district
24 across the state, 471 of the 501
25 districts to be exact, are struggling to

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2 do more and more for our kids with fewer
3 resources available. Philadelphia alone
4 is due about 900 million based on the
5 study's findings. Just ask our teachers
6 and principals what these funds would
7 allow them to afford, more educators,
8 more counselors, updated books students
9 could learn from. The time has come for
10 this persistent inequality to end.

11 I consider it an honor and a
12 privilege to be considered for the
13 position of Philadelphia's Public School
14 Family and Child Advocate. With the
15 great need that currently exists in our
16 City to provide real educational
17 opportunities for all students, it's
18 critical that this advocacy happens in
19 policy and practice.

20 The Mayor has pledged to be a
21 leader in this reform effort, and I am
22 fully committed to doing so as well. We
23 must make bold change, and, again, I'm
24 honored to be called to this task.

25 In closing, thank you for the

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 opportunity to testify before you, and I
3 welcome any questions you might have.

4 COUNCIL PRESIDENT VERNA: Thank
5 you very much.

6 Are there any questions from
7 members of the Committee?

8 The Chair recognizes
9 Councilwoman Tasco.

10 COUNCILWOMAN TASCO: Thank you.

11 Good morning.

12 MS. SHORR: Good morning.

13 COUNCILWOMAN TASCO: Welcome.

14 In the section where you talk
15 about what a child needs, the City is not
16 structured to support each child, could
17 you give me an example of a case that you
18 might -- a student that you might deal
19 with in the system using all of the
20 services you outline here?

21 MS. SHORR: What comes to mind
22 first is, we know that a child who is
23 involved in a juvenile justice
24 out-of-home placement has to go between
25 the School District and then through the

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2 justice system to an out-of-home
3 placement, then back into the School
4 District if they're going to complete
5 their educational goals. And what
6 happens is, when kids cross those
7 institutions, it's very difficult to make
8 sure that they're getting all of the
9 supports that they need in a continuous
10 manner.

11 So when you look at a child
12 like that, who might go from a school, a
13 regular Philadelphia day school to a
14 disciplinary school to a juvenile
15 justice, how do their records get
16 transmitted, how do you make sure that
17 they have a constant social worker who
18 helps them make that commitment to finish
19 their education, how do our City agencies
20 dovetail with that effort so that we're
21 thinking not about this kid is your kid
22 or that kid is your kid or my kid, but
23 it's a kid that we all have to work
24 together to make sure gets the services
25 that they need, whether that's behavioral

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2 health, whether that's emotional support,
3 whether that's housing, no matter what
4 those social services are that have to be
5 in place in order for a child to graduate
6 from high school or to really fully
7 engage intellectually in a classroom.
8 Even if they're not in juvenile justice
9 or someplace else, a student can't take
10 the risks that it takes to learn
11 something new if they're concerned about
12 their own well-being or if they have
13 someplace to go to that night, and that's
14 where the City comes in, to make sure
15 that that part of the work is taken care
16 of.

17 COUNCILWOMAN TASC0: And I
18 understand that, but how do you make that
19 happen? I mean, what is your role if you
20 have 5,000 students who are in the system
21 and some may be getting service from DHS,
22 some may be getting service from CBH,
23 some --

24 MS. SHORR: Right. How do you
25 make that happen.

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2 COUNCILWOMAN TASC0: Do you
3 have the staff? Is it a policy-making
4 position, that you're working with the
5 other departments to set up a system to
6 make this happen? How does --

7 MS. SHORR: And I think we're
8 still figuring that out, but I'll tell
9 you what my current thoughts are on that,
10 and I'd be happy to hear back from those
11 of you who have thought about this from
12 the City perspective longer than I have.

13 I think that real change is
14 about systemic change, so that we're
15 definitely going to spend time on policy
16 and system change, but we also will be
17 getting calls from parents to say, This
18 has happened to my child, what can I do,
19 and we're committed to making sure that
20 that request, A, gets logged so that we
21 can see where the hot points are for
22 parents, where's the system breaking down
23 most. We'll log that. But then also
24 connect them to the right folks inside
25 the School District to make sure that --

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2 and we're actually talking about how to
3 work with the Mayor's action team as well
4 to make sure that that can happen.

5 So I think that those are our
6 current thoughts around that.

7 COUNCILWOMAN TASCO:

8 Councilwoman Blondell Reynolds Brown last
9 term sought to set up the Benefits Bank,
10 which is a tool -- and I think we're
11 going to have some discussion about that
12 later. If the child is identified in the
13 system, the computer system, his name or
14 her name is put in the system, then you
15 can track from that system, if it's set
16 up correctly, and the Benefits Bank I
17 think is designed to help us identify
18 individuals and what services that they
19 have and possibly additional services
20 that will help you track the student.

21 Have you talked to anyone about
22 the Benefits Bank?

23 MS. SHORR: I haven't heard
24 that particular term. I know there's DSS
25 Cares, which is one type of tracking, but

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2 I don't -- I've got to find out. I don't
3 know about the Benefits Bank.

4 I'd be happy to come meet with
5 you and find out what that is and how it
6 can help us in the work that we have in
7 front of us.

8 COUNCILWOMAN TASC0: Well,
9 because the coordination can be done,
10 needs to be done. At one point in time
11 when I first came here, the Health
12 Department was not talking to DHS and
13 wasn't talking to the other departments.
14 Some were billing, some were not billing
15 for services. So then Estelle Richman
16 got them all together so that you could
17 track the student or the individual, not
18 necessarily the student, and so that all
19 those services were coordinated.

20 Now, what kind of staff are you
21 going to have?

22 MS. SHORR: Well, I have a
23 deputy, who is in the audience today,
24 Sharon Tucker, and an administrative
25 assistant.

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2 COUNCILWOMAN TASC0: Well, you
3 better get a good computer system,
4 because you're going to have a lot.
5 Because at the end of the day -- and I
6 think it's nice to have the advocate and
7 have that position, but the bottom line
8 is, how does it get done. At the end of
9 the day, how do we help the student
10 access all the services that are
11 available to him or her. And certainly
12 you're going to have to help set the
13 policy with all the other department
14 heads, which I believe are cooperative
15 people, but it's not an easy task.

16 MS. SHORR: No. From just the
17 initial conversations I've been having,
18 it doesn't seem like an easy task, but it
19 seems like a necessary one. So whatever
20 thought has been given so far to how to
21 make that happen in a more coherent way
22 and comprehensive way, I'm anxious to
23 have those conversations.

24 COUNCILWOMAN TASC0: I don't
25 know how this Administration or how this

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2 Mayor feels about the Benefits Bank, but
3 as I involved myself in it some years
4 back, it seemed to be a good tool to use
5 as a tracking system for a person who is
6 in the City system receiving services
7 from the City, and so you know a little
8 bit all about that one individual and you
9 just click online.

10 MS. SHORR: Okay. Thank you
11 for telling me about that.

12 COUNCILWOMAN TASCO: Thank you.

13 COUNCIL PRESIDENT VERNA:
14 You're welcome.

15 The Chair recognizes
16 Councilwoman Brown.

17 COUNCILWOMAN BROWN: Thank you,
18 Madam President.

19 Good morning and
20 congratulations.

21 MS. SHORR: Thank you.

22 COUNCILWOMAN BROWN: This is a
23 confirmation hearing, and though I am
24 extremely excited and anxious to do a lot
25 of follow-up with what Councilwoman Tasco

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2 has raised, know that we still have
3 examples where there's still gaps in the
4 service continuum for young people, and
5 we look forward to speaking with you
6 about the Benefits Bank, and I'm
7 delighted to hear that you recognize that
8 there's still a need for systems talking
9 to each other. I mean, credit goes to
10 Estelle Richman, who saw it, who got it
11 and then attempted to put things in
12 place, and there's been some movement
13 across City departments, but we still
14 have incidents like the one you describe,
15 a child is at DHS and in other systems in
16 government and there's no clue about
17 that.

18 So know that I look forward to
19 speaking with you and talking with you at
20 length about that and look forward to
21 public policy that will help us inverse
22 those numbers of 18 percent going to
23 college and 45 percent dropout, hopefully
24 inversing those numbers to where 45
25 percent of our young people are going on

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2 to college and only 18 percent or fewer
3 than that are dropping out.

4 So I will put a comma here,
5 push the pause button and look forward to
6 both budget and a one-on-one sit-down
7 with a couple of resolutions we've
8 already introduced on those issues.

9 MS. SHORR: Great. Thank you.

10 COUNCILWOMAN BROWN: You're
11 welcome.

12 Thank you, Madam President.

13 COUNCIL PRESIDENT VERNA:
14 You're welcome.

15 The Chair recognizes
16 Councilwoman Sanchez.

17 COUNCILWOMAN SANCHEZ: Yes.

18 Hi. I just want some clarification.

19 Do you see yourself more as
20 helping the Administration interpret
21 policy as it relates to children and
22 family or do you see yourself as the
23 connector of the dots, or both?

24 MS. SHORR: I think -- well, if
25 the last week can be any indicator, it

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2 seems to be both. I mean, the work that
3 I've done up until now has always been
4 about connecting people in different
5 institutions to have conversations at the
6 same table about one issue and trying to
7 push it forward. That has to be done
8 with some policy background and knowing
9 where people are coming from. So I think
10 it's got to be both.

11 Let me ask you this on your
12 question: Was that connecting dots to be
13 between individual people who call the
14 office?

15 COUNCILWOMAN SANCHEZ: No. I'm
16 talking about systems or institutions.

17 MS. SHORR: Yes. No, I think
18 it's system alignment is a big part and
19 then also an advisor to the Mayor on
20 policy. So both of those.

21 COUNCILWOMAN SANCHEZ: Now, do
22 you see yourself advising the Mayor in
23 terms of what pedagogical approaches we
24 should be taking?

25 MS. SHORR: Well, I think I

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2 would have to rely on folks who are more
3 expert than I in areas, and that, I
4 think, probably just comes from my
5 background of always looking to who has
6 done the work, who knows the history in
7 the City of an issue, what does national
8 best practice and research say. That's
9 how I always approach my work. So I
10 would approach it in the same way.

11 I have my opinions based on the
12 work that I've done over the last ten
13 years, but I try to keep informed of what
14 the field is saying and what's worked
15 before and what's the history of how it
16 has and hasn't worked in Philadelphia.
17 Because you can look at national
18 research, and I think we need to, we need
19 to look at other urban setters who are
20 taking on this work and learn from them.
21 At the same time, Philadelphia has some
22 of its own issues, that you have to be
23 able to know that history to know whether
24 or not those are translatable sort of
25 practices.

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2 COUNCILWOMAN SANCHEZ: You
3 mention the cost-out study, and I was
4 encouraged over the weekend that the
5 Governor is looking at increasing the
6 funding, although nowhere near where the
7 cost study shows. Is the Administration
8 looking -- because money is important and
9 I'm all for the money, but also we have
10 the added experience in New Jersey where
11 we pumped in a lot of money into, "we"
12 government, pumped in a lot of money into
13 a bad system and haven't gotten the
14 returns. So that's why my question --
15 because it just seems to me like a huge
16 task if you're going to be doing policy
17 plus connecting the dots.

18 MS. SHORR: Well, and this may
19 not be the full size of our staff, but it
20 is what it is right now. But I hear what
21 you're saying to me.

22 COUNCILWOMAN SANCHEZ: And I'm
23 saying that as an advocate, because to
24 set you up in a position and there's not
25 real support financially to be able to do

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2 that type of work, it's just incredible
3 at a time when we have leadership
4 transition at the School District. In my
5 case, 20-something schools in corrective
6 action II, which in a timely fashion
7 we're looking at privatizing, chartering
8 them, all those types of things. So I
9 need to know if your office is going to
10 be the office where we can talk about are
11 those some of the system ways that we go
12 or do we look at other things, and then
13 you get bogged down on the case-to-case
14 study, which is important.

15 But we're at a crossroads with
16 the School District and we have an
17 opportunity because of the leadership,
18 the new leadership coming in, and I just
19 want to make sure that our eyes is on the
20 big institutional prize and how do we
21 make the system work for the 175,000
22 students.

23 MS. SHORR: Yeah. I think that
24 systems work is a big part of what we're
25 going to be doing.

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2 COUNCILWOMAN SANCHEZ: Okay.

3 No more questions.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 The Chair recognizes Councilman
7 Jones.

8 COUNCILMAN JONES: Good
9 morning.

10 MS. SHORR: Good morning.

11 COUNCILMAN JONES: I agree with
12 my colleague when it comes to the
13 importance of giving people the tools to
14 be successful. We hope to be a value
15 added in that regard to make sure that
16 you get what you need, because what your
17 mission is is at the core of a lot of
18 things that are either right with our
19 City and wrong with our City by way of
20 the education and the plans for educating
21 our youth.

22 A couple of things that I'd
23 like to bring to mind as you connect the
24 dots -- and that goes back to the
25 Benefits Bank issue -- there are a lot of

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2 young people who leave money on the
3 table, a lot of parents that leave
4 dollars and resources on the table
5 because of a number of issues. One of
6 them is lack of marketing and knowing
7 that these resources exist.

8 I had an opportunity to meet
9 with some folk to provide the Hooked on
10 Phonics type of tutorial that is
11 available for Title I students, that
12 there is a 17-day provision that allows a
13 kid that is suffering in the disciplines
14 of reading and/or math to get 17 days'
15 worth of tutoring, but a lot of Title I
16 parents don't know that that is available
17 to them. So at the end of the year, that
18 money goes back to the budget and is
19 reprogrammed to go to some other use.
20 Well, keeping in mind with the scores
21 that a lot of the young people at least
22 in my district are getting in those
23 critical areas and discipline, we need to
24 market that better. We need to let
25 parents know that for 17 days if you

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2 can't afford tutoring, if you aren't
3 capable of helping your kid with homework
4 yourself on a subject matter, that these
5 resources are available to you.

6 So I'd like to see someone
7 advocate for using some of those dollars
8 to market to those people in need of
9 those services, number one.

10 The second thing, I'd like you
11 to take a look at the role of sports in
12 the education process. I know for one,
13 one of the reasons I stopped being one of
14 those young men in the dangerous
15 demographic on the corners of the City of
16 Philadelphia was because when I came home
17 from track and field at Overbrook, I was
18 just plain too tired to hang on the
19 corner.

20 So one of the things that I
21 want to look at is sports as a violence
22 intervention mechanism and to see how we
23 can continue that in the areas of track
24 and field, basketball, football, but also
25 to put some tutorial on those sports to

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2 help our athletes be able to pass the
3 SATs.

4 The third thing that I'm
5 passionate about and hope that you will
6 take a look at in your new role and
7 capacity is mentoring with private sector
8 firms. We need to look at our curriculum
9 and see if it's designed for real job
10 opportunities after the high school
11 experience.

12 MS. SHORR: Yes.

13 COUNCILMAN JONES: In Germany,
14 there are companies, whether it's Daimler
15 Chrysler, where a young person goes to
16 school part of the day and then in the
17 afternoon works with a master that may
18 have been in the area of catalytic
19 converters and helps to actually assemble
20 them, design them and knows that business
21 by the time they graduate from high
22 school. We need to take a hard look at
23 real jobs in real Philadelphia area
24 markets. One comes to mind is the
25 Visiting Nurses Association, which has

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2 been in Philadelphia for over a hundred
3 years. They are a major employer.
4 Because of the age of the average
5 Philadelphian, that service of going to
6 homes, providing nursing care to our
7 seniors is a vocation that is not going
8 away but, in fact, is going to increase
9 in demand. It seems as though that they
10 could work with the public high school,
11 an academy or one that is a vo-tech high
12 school to work with curriculum designed
13 to empower young people, at the day of
14 their graduation be eligible for a real
15 job opportunity.

16 You could go on with in
17 Parkside there is a kiosk company that
18 makes the kiosks that are found in our
19 airports that would love to have young
20 people that are carpenters and wood
21 workers to come and work with them during
22 part of the day to learn their craft.

23 So I'd like us to take a harder
24 look at as we provide tax incentives to
25 companies to locate in the City of

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2 Philadelphia. One benefit, one extreme
3 benefit, could be working with the public
4 education sector to design curriculum
5 that provides real opportunity for real
6 young people at the 12th grade
7 experience.

8 Thank you.

9 MS. SHORR: Yes.

10 COUNCIL PRESIDENT VERNA: Thank
11 you very much.

12 The Chair recognizes Councilman
13 Green.

14 COUNCILMAN GREEN: Hi, Lori.

15 MS. SHORR: Hi.

16 COUNCILMAN GREEN: Thanks for
17 coming in today. It's great to have you
18 here. I'm really looking forward to
19 seeing what you're going to be able to do
20 as the advocate for our children.

21 I had a specific question about
22 your testimony, and, that was, you
23 mentioned the costing out study, 900
24 million to a billion to Philadelphia.
25 Many municipalities have in the past in

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2 other states tried to require the state
3 Legislature to provide funding by suing
4 essentially under the state Constitution
5 saying each child -- it's a state
6 obligation under the Constitution. We've
7 never before in the history of the
8 Commonwealth -- this has been talked
9 about and somewhat tried, but we've never
10 before in the history of the Commonwealth
11 had actual proof in terms of numbers of
12 the disparity between the different
13 school districts and what the proper
14 spending level is for, say, Philadelphia
15 and the other school districts. With
16 that in hand, would the Public Advocate
17 for children be suing the Commonwealth?

18 MS. SHORR: I haven't had those
19 discussions with the Mayor. And when we
20 think about what our role is in
21 Philadelphia, not just our role statewide
22 in advocating, but now that we have proof
23 in hand, what we do with that I think is
24 an important conversation to have, but we
25 haven't had it yet.

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2 COUNCILMAN GREEN: I think 86
3 million as great a step as it is from the
4 state is not even close to what we need
5 for Philadelphia, and as the advocate and
6 as fiduciaries for our kids' futures, I
7 don't see how we would have a choice but
8 to sue the state for that funding.

9 MS. SHORR: Well, and that 86
10 is just proposed. I mean, even that
11 still has to get into the final budget.

12 COUNCILMAN GREEN: Right.

13 Anyway, I noted you were
14 planning on working with other school
15 districts. To the extent it wouldn't be
16 just Philadelphia, but we could do that
17 on a statewide level, and I think that
18 would be terrific.

19 MS. SHORR: Yes. Tomorrow
20 we're having some conversations up in
21 Harrisburg with other folks around the
22 Commonwealth who are placed similarly to
23 us in terms of our funding gaps to find
24 out what coalition can be built.

25 COUNCILMAN GREEN: Great.

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2 Thank you, Lori.

3 MS. SHORR: Thank you.

4 COUNCIL PRESIDENT VERNA: The
5 Chair recognizes Councilwoman Tasco.

6 COUNCILWOMAN TASCO: What is
7 your relationship going to be with the
8 School District?

9 MS. SHORR: Well, in that the
10 SRC has mayoral appointments and
11 gubernatorial appointments, I'll be
12 working closely with the SRC and with the
13 executive level of the School District of
14 Philadelphia around pressing issues like
15 funding, but also looking at what's
16 coming up on their docket to find out the
17 ways in which the City can work with
18 them, so what's coming up on the SRC
19 dockets for the next couple of months.

20 I've already been in long
21 conversations with Commissioner Glenn and
22 have not yet had the chance to meet with
23 the other commissioners.

24 So I think we've had two folks
25 who have been in roles similar to mine

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2 and they've had different relationships
3 with the School District. I'm planning
4 on being very connected to those
5 commissioners and to the School District
6 executives over there.

7 COUNCILWOMAN TASC0: Because as
8 I think about what we just talked about
9 and the services that you would provide,
10 it seems to me that it would be the
11 School District who would have or should
12 have the information about the students
13 in their system --

14 MS. SHORR: Right, should have.

15 COUNCILWOMAN TASC0: -- so that
16 they could track it and should have the
17 administrative staff to provide that
18 service rather than having yours as an
19 advocacy office and not a --

20 MS. SHORR: Right. I don't
21 think we're planning on running that data
22 in our little office. Because data
23 sharing is a difficult thing to do, I
24 think it's going to take a lot of folks
25 with a lot of expertise to make these

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2 different data systems speak to each
3 other in a way that can really inform
4 policy, and that's one of our goals.

5 COUNCILWOMAN TASC0: Okay. And
6 while Councilman Jones advocates for
7 sports, since music is the name of the
8 game these days, I'd like to see music
9 and art promoted back into the school
10 system. I think it's very, very
11 important and I think we're missing a lot
12 in terms of not only the hip hop music
13 but also the classics.

14 MS. SHORR: Right. And that
15 goes to engaging kids in what's happening
16 in the school, because if it's not
17 engaging, then it's difficult for them to
18 meet the rigorous standards we want them
19 to meet.

20 COUNCILWOMAN TASC0: Okay.
21 Thank you.

22 COUNCIL PRESIDENT VERNA: Thank
23 you.

24 Are there any other questions
25 or comments from members of the

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 Committee?

3 (No response.)

4 COUNCIL PRESIDENT VERNA:

5 Seeing none, thank you very much.

6 MS. SHORR: Thank you.

7 COUNCIL PRESIDENT VERNA:

8 Ms. Smith, I understand that you want to
9 be recognized for a moment.

10 MS. SMITH: Yes. Thank you.

11 I want to make clear -- I
12 understand that my comments earlier about
13 the confidentiality of opinions have
14 caused some concern, and I want to make
15 clear -- and I've had some discussion
16 with the Mayor about this -- that the
17 opinions that any one of you request will
18 be confidential unless you tell us that
19 you would agree otherwise. They will be
20 presumed to be confidential unless you
21 tell us that you do not object to them
22 being made public. I want to emphasize
23 that.

24 COUNCIL PRESIDENT VERNA:

25 Councilman Clarke, did you hear

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 Ms. Smith's statement?

3 COUNCILMAN CLARKE: No, Madam
4 President. I'm sorry. I wasn't paying
5 attention. I apologize.

6 COUNCIL PRESIDENT VERNA: Ms.
7 Smith, I hate to ask you to please
8 repeat, but for Councilman Clarke's
9 benefit, I wish you would.

10 MS. SMITH: Sure. I said I
11 understand that my comments earlier have
12 raised some significant concern among the
13 body and I want to emphasize -- and I've
14 talked to the Mayor about this -- I want
15 to emphasize that the advice that you
16 request from us, the opinions that you
17 request from us, will be confidential
18 unless you tell us that you will agree
19 otherwise.

20 COUNCILMAN CLARKE: Thank you.
21 Thank you.

22 COUNCIL PRESIDENT VERNA: Does
23 anyone have any questions of Ms. Smith?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Any

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 comments?

3 (No response.)

4 COUNCIL PRESIDENT Verna: Thank
5 you. I think you've made your point very
6 clear.

7 MS. Smith: Thank you, Madam
8 President.

9 COUNCIL PRESIDENT Verna: This
10 will conclude our public hearing.

11 We will now go into our public
12 meeting, and the Chair recognizes
13 Councilwoman Tasco regarding Resolution
14 No. 080043.

15 COUNCILWOMAN TESCO: Madam
16 President, I move that Resolution 080043
17 be reported out of Committee with a
18 favorable recommendation.

19 (Duly seconded.)

20 COUNCIL PRESIDENT Verna: It
21 has been moved and properly seconded that
22 Resolution No. 080043 be reported out of
23 Committee with a favorable
24 recommendation.

25 All in favor will indicate by

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 saying aye.

3 (Aye.)

4 COUNCIL PRESIDENT VERNA: Those
5 opposed?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: The
8 ayes have it and the motion carries.

9 The Chair recognizes
10 Councilwoman Tasco regarding Resolution
11 No. 080045.

12 COUNCILWOMAN TASCO: Madam
13 President, I move that Resolution 080045
14 be reported out of Committee with a
15 favorable recommendation.

16 (Duly seconded.)

17 COUNCIL PRESIDENT VERNA: It
18 has been moved and seconded that
19 Resolution No. 080045 be reported out of
20 Committee with a favorable
21 recommendation.

22 All in favor will indicate by
23 saying aye.

24 (Aye.)

25 COUNCIL PRESIDENT VERNA: Those

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 opposed?

3 (No response.)

4 COUNCIL PRESIDENT Verna: The
5 ayes have it and the motion carries.

6 The Chair recognizes
7 Councilwoman Tasco regarding Resolution
8 No. 080074.

9 COUNCILWOMAN TESCO: Madam
10 President, I move that Resolution 080074
11 be reported out of Committee with a
12 favorable recommendation.

13 (Duly seconded.)

14 COUNCIL PRESIDENT Verna: It
15 has been moved and seconded that
16 Resolution No. 080074 be reported out of
17 Committee with a favorable
18 recommendation.

19 All in favor will say aye.

20 (Aye.)

21 COUNCIL PRESIDENT Verna: Those
22 opposed?

23 (No response.)

24 COUNCIL PRESIDENT Verna: The
25 ayes have it and the motion carries.

1 2/4/08 - WHOLE - RES. 080043, ETC.

2 Thank you very much and
3 congratulations. Congratulations.

4 (Committee of the Whole
5 adjourned at 11:55 a.m.)

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