

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON APPROPRIATIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, December 3, 2014
9:30 a.m.

PRESENT:

COUNCILMAN W. WILSON GOODE JR., CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILL 140942 - An ordinance authorizing transfers in appropriations for Fiscal Year 2015 from the General Fund, certain or all City offices, departments, boards and commissions, the Water Fund, the Water Department and the Director of Finance - Fringe Benefits...

BILL 140943 - An ordinance authorizing an increase in authorizations for Fiscal Year 2015 within the Municipal Pension Fund.

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1
2 COUNCILMAN GOODE: Good
3 morning. This hearing is called to
4 order. This is a public hearing of the
5 Appropriations Committee on Bills No.
6 140942 and 140943. My name is W. Wilson
7 Goode Jr., Chair of this Committee.

8 I note that a quorum is
9 present. To my far right is Councilwoman
10 Maria Quinones-Sanchez. To my immediate
11 right is Councilwoman Jannie Blackwell.
12 To my left is Councilman James Kenney,
13 Councilman Bobby Henon.

14 The title of the bills, Bill
15 No. 140942, authorizing transfers in
16 appropriations for Fiscal Year 2015 from
17 the General Fund, certain or all City
18 offices, departments, boards and
19 commissions to the Water Fund, the Water
20 Department and the Director of Finance -
21 Fringe Benefits, the Grants Revenue Fund,
22 the Director of Finance - Provision for
23 Other Grants and the Aviation Fund, the
24 Director of Finance - Fringe Benefits to
25 the General Fund, certain or all City

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 offices, departments, boards and
3 commissions to the Water Fund, certain or
4 all City offices, departments, boards and
5 commissions, and the Aviation Fund,
6 certain or all City offices, departments,
7 boards and commissions.

8 Bill No. 140943, authorizing an
9 increase in authorizations for Fiscal
10 Year 2015 within the Municipal Pension
11 Fund.

12 The first witness is Budget
13 Director, Rebecca Rhynhart.

14 (Witness approached witness
15 table.)

16 COUNCILMAN GOODE: Good
17 morning. Please state your name for the
18 record and proceed with your testimony.

19 MS. RHYNHART: Good morning,
20 Chairman Goode and members of the
21 Appropriation Committee. My name is
22 Rebecca Rhynhart and I serve as the
23 Budget Director for the City. I appear
24 before you today to offer testimony on
25 Bill No. 140942 and Bill No. 140943.

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 Bill 140942 provides for a
3 transfer within the General Fund in the
4 amount of 35.6 million, within the Water
5 Fund in the amount of 12.5 million,
6 within the Aviation Fund of 4.6 million,
7 and a transfer from the Grants Revenue
8 Fund to the General Fund in the amount of
9 35.7 million.

10 This ordinance is needed to
11 transfer appropriations to various City
12 agencies to accommodate the payroll and
13 fringe benefit costs attributable to the
14 recent labor agreements and to address
15 other areas where funds are being
16 realigned or shortages have occurred.
17 The areas to be addressed by the transfer
18 of appropriations into and within the
19 General Fund by this ordinance are the
20 following:

21 Funding of labor costs
22 totalling 68.9 million, which includes
23 16.6 million to the Police Department and
24 \$80,950 to the District Attorney in order
25 to fully fund salary and uniform

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 maintenance as determined by the latest
3 FOP arbitration award; 424,000 to the FJD
4 to fully fund salary increases related to
5 the most recent Local 810 arbitration
6 award; 21.8 million to various City
7 agencies to accommodate the payroll costs
8 associated with the recent DC33 contract
9 agreement; 4.7 million for exempt salary
10 increases; and 25.2 million for fringe
11 benefit costs associated with the above.

12 Other areas being addressed by
13 this ordinance in the General Fund are:

14 875,000 to the Office of
15 Supportive Housing to increase winter
16 capacity for homeless; 140,000 to
17 Auditing for the purchase of electronic
18 work papers software; 605,000 to the
19 Mayor's Office of Community Empowerment
20 and Opportunity to fund Feeding on the
21 Parkway and Child Care programs. This
22 605,000 is being funded from 105,000 and
23 \$500,000 respectively being removed from
24 the Office of Supportive Housing and
25 OHCD; 50,000 to the Office of Housing and

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 Community Development, OHCD, for
3 contracted services provided by the
4 Philadelphia Horticultural Society. This
5 50,000 was originally budgeted under the
6 Parks and Recreation Department; and
7 776,000 to the Managing Director's Office
8 due to increased costs related to the
9 Defenders Association contract.

10 This ordinance also transfers
11 12.5 million within the Water Fund to
12 accommodate the payroll and fringe
13 benefit costs attributable to the DC33
14 agreement and exempt salary increase and
15 4.6 million within the Aviation Fund to
16 accommodate the payroll and fringe
17 benefit costs attributable to the recent
18 FOP -- or the latest FOP arbitration
19 award, DC33 contract agreement, and
20 exempt salary increase.

21 Bill No. 140943 increases the
22 Fiscal 2015 authorization in purchase of
23 services in the Board of Pensions and
24 Retirement by 3.26 million in order to
25 provide funding for the City's

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 administrative systems modernization
3 project, otherwise known as OnePhilly,
4 associated with the pension module.

5 I respectfully request that you
6 report these bills out of Committee with
7 a favorable recommendation, and I further
8 request that the rules of Council be
9 suspended so as to permit first reading
10 at the next session of Council.

11 I appreciate the opportunity to
12 testify before the Committee today and
13 I'm happy to answer any questions you may
14 have, and representatives from the
15 departments are here as well.

16 COUNCILMAN GOODE: Thank you
17 for your testimony, Ms. Rhynhart.

18 Any questions for this witness?

19 Councilman Kenney, then
20 Councilwoman Sanchez.

21 COUNCILMAN KENNEY: Thank you,
22 Mr. Chairman.

23 I assume that all of these --
24 most, if not all, of these issues deal
25 with contract negotiations and salary

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 changes and things of that nature?

3 MS. RHYNHART: That's correct.

4 COUNCILMAN KENNEY: The one

5 thing that pops out at me, I'm just

6 curious about this Feeding on the Parkway

7 program. Could you explain that? I

8 thought at some point in time early on

9 the Administration was adamantly opposed

10 to any feeding on the Parkway. Could you

11 tell me about that?

12 MS. RHYNHART: And I will

13 actually have Eva Gladstein to come up to

14 discuss it.

15 Just to be clear, though, on

16 the funding for it, it was -- all we're

17 doing is moving -- it was originally

18 budgeted in OSH, which was a mistake on

19 the Budget Office's part. So we're

20 moving the funding. But she's here.

21 (Witness approached witness

22 table.)

23 COUNCILMAN KENNEY: But the way

24 it appears in the testimony is that it

25 seems like it's a specific program,

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 because F and P are capitalized, so it
3 seems like there's an established program
4 for that.

5 MS. GLADSTEIN: Good morning.
6 Eva Gladstein, Executive Director of the
7 Mayor's Office of Community Empowerment
8 and Opportunity.

9 These are resources that were
10 made available, because we've been
11 working to identify additional or other
12 sites that are indoors where the folks
13 who are groups that are providing food
14 outdoors on the Parkway would be able to
15 provide food in a more dignified setting
16 with social services.

17 COUNCILMAN KENNEY: And how
18 much was the amount?

19 MS. GLADSTEIN: One hundred and
20 five thousand dollars.

21 COUNCILMAN KENNEY:
22 Councilwoman Blackwell, have you had
23 interaction or discussion with the
24 Administration about this program?

25 COUNCILWOMAN BLACKWELL: Yes,

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 and we've heard nothing new. As all of
3 you know, this is years old, the whole
4 court issue about feeding outside, and
5 until the Administration came up with
6 something, then everything was on hold,
7 and we have heard nothing in the last --

8 COUNCILMAN KENNEY: But you
9 have not been involved with the
10 Administration on this?

11 COUNCILWOMAN BLACKWELL: No. I
12 haven't heard anything new or anything
13 about them -- they've been looking for
14 years for inside places, haven't found
15 them, and so, therefore, the issue has
16 been rather moot about what they can stop
17 until they find a way to feed inside.

18 COUNCILMAN KENNEY: Okay. So
19 this is just an ongoing effort to
20 identify locations?

21 MS. GLADSTEIN: Yes. And there
22 was, as I assume you know, there was
23 litigation around this issue, and until
24 we can identify sites which the court
25 would permit, then we're kind of stuck

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 with this particular effort.

3 The reason these funds are
4 being transferred to our office is that
5 we have been staffing and supporting
6 Philadelphia Food Access Collaborative,
7 which has been identifying outside
8 resources, primarily foundation funds, to
9 enable some of the existing faith-based
10 organizations primarily to increase the
11 number of meals that they serve, and
12 that's with non-City funding. But,
13 again, as the Councilwoman said, until we
14 can identify a site that is suitable and
15 that the court agrees, we're unable to do
16 anything, and the availability of the
17 City to support this with this minimum
18 amount of funding we hope will be an
19 incentive to --

20 COUNCILMAN KENNEY: And is the
21 \$105,000 salaries?

22 MS. GLADSTEIN: No. It's in
23 Class 200, contracted services.

24 COUNCILMAN KENNEY: Are you
25 dealing with organizations like

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 Philabundance or others that have --

3 MS. GLADSTEIN: Absolutely.

4 Absolutely. They're all part of the
5 Philadelphia Food Access Collaborative,
6 just so that we can work with them and
7 small providers and food pantries, et
8 cetera.

9 COUNCILMAN KENNEY: Okay.

10 Thank you.

11 Thank you, Mr. Chairman.

12 COUNCILMAN GOODE: Let me note
13 for the record Councilman Brian O'Neill
14 is present as well.

15 Councilwoman Sanchez.

16 COUNCILWOMAN SANCHEZ: Just for
17 the record, as we close out the increases
18 with the representative unions, can you
19 tell us what has happened with all exempt
20 and non-represented employees as it
21 relates to raises comparable and so
22 forth, just for the record.

23 MS. RHYNHART: Sure. For the
24 record, exempt employees got one -- for
25 Fiscal '15, got a 3.5 -- well, it was

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 implemented, I guess, part of last year,
3 but 3.5 percent wage increase when
4 DC47 -- when the settlement was reached
5 with DC47. So it's the same wage
6 increase -- actually, for Fiscal '15.
7 I'm sorry. The same wage increase that
8 DC47 and DC33 got for that one year. The
9 exempts are not being given raises in the
10 subsequent years that the unions are. I
11 think it's been historical practice to
12 usually give the exempt employees a wage
13 increase once we reach an agreement with
14 the unions. And then non-represented
15 employees received the same package as
16 DC47 as part of that.

17 COUNCILWOMAN SANCHEZ: So
18 you're saying that moving forward,
19 although in the past people got the
20 increases the unions got, the
21 Administration will not be giving
22 increases to non-represented, exempt
23 employees?

24 MS. RHYNHART: I'm not saying
25 that. I'm just saying that the only

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 decision made at this point was that one
3 wage increase, which was for this fiscal
4 year. I mean, it's always -- it's a
5 decision to be made. So any decision
6 would have to be made in the future year
7 by the Mayor and Administration about
8 what to do with the exempt employees.

9 COUNCILWOMAN SANCHEZ: Okay.
10 We'll have that discussion at the budget
11 time then. Thank you.

12 MS. RHYNHART: Sure. Okay.

13 COUNCILMAN GOODE: Councilman
14 Henon.

15 COUNCILMAN HENON: Thank you.
16 Good morning.

17 MS. RHYNHART: Good morning.

18 COUNCILMAN HENON: Thank you
19 for your testimony. I just wanted to
20 just follow up on the line of questioning
21 about the exempt versus non-exempt
22 employee pay raises. Could it be because
23 there was not a settled contract with
24 DC33 at the time and 47 was -- when you
25 chose -- when the Administration chose to

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 move forward on a one-year raise and
3 increase for non-exempt employees?

4 MS. RHYNHART: For exempt
5 employees.

6 COUNCILMAN HENON: So was there
7 a timing issue? Could it have been a
8 timing issue for not having subsequent
9 years following FY15 for non-exempt
10 employees' increases?

11 MS. RHYNHART: You mean for
12 exempt employees, right?

13 COUNCILMAN HENON: For exempt.
14 I'm sorry. Yeah.

15 MS. RHYNHART: There's a lot of
16 factors that play. I don't think
17 historically there's been multi-year
18 promises given to exempts because there's
19 not -- exempts are what's called at-will
20 employees. So they're not -- there's not
21 a contract with them. It's more of just
22 to keep the salary structure somewhat
23 aligned.

24 So I don't necessarily think
25 that we would give a full multi-year

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 package to exempts similar to the unions,
3 but, again, that's a decision that's made
4 by the Administration in any given year.

5 COUNCILMAN HENON: Is that
6 usually made -- historically is it
7 typically made on a year-by-year basis?

8 MS. RHYNHART: I'm not --

9 COUNCILMAN HENON: What was the
10 precedent on --

11 MS. RHYNHART: We have given, I
12 think, one other wage increase to exempts
13 during this Administration. That's it.
14 But is it made before this
15 Administration? I think it has been done
16 on sort of an ad hoc basis, usually
17 aligned with when a contract agreement
18 was announced with DC33 and 47. But they
19 don't -- I mean, I don't want to speak
20 beyond my knowledge base on the history
21 of exempt raises.

22 COUNCILMAN GOODE:

23 Ms. Rhynhart, there's a note to your left
24 from your legal counsel. You might want
25 to read it.

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 MS. RYHNHART: Thank you.

3 Okay. Who gave me this note?

4 MS. SMITH: I did.

5 MS. RYHNHART: Thank you,
6 Shelley.

7 Our City Solicitor has given me
8 a note which I will read to all of you,
9 which is that the history has been that
10 exempts get one-time increase, not the
11 annual increase, just once. So that's
12 the history, is what I'm describing.

13 COUNCILMAN GOODE: Councilman
14 Kenney.

15 COUNCILMAN KENNEY: I'm sorry.
16 Once in what period of time?

17 MS. RYHNHART: Like when the
18 contract is --

19 COUNCILMAN KENNEY: Once in
20 eight years, once in four years?

21 MS. RYHNHART: Do you want to
22 come up? Thanks, Shelley.

23 (Witness approached witness
24 table.)

25 MS. SMITH: Good morning.

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 Shelley Smith, City Solicitor. I'm only
3 answering because I've been here a long
4 time and I work in a department with the
5 greatest number of exempts.

6 So the history has been that
7 exempts get whatever the -- typically
8 whatever the first year or some amount
9 representing that of the contract when
10 the contracts are negotiated. They get
11 that amount of money in raises to spread
12 over the department. And then in between
13 years, if the money is there, an ad hoc
14 decision is made whether to give the
15 departments additional money to award
16 salary increases to exempts. So that's
17 how it's worked in my 22 years with the
18 City.

19 COUNCILMAN KENNEY: So in this
20 particular stretch of six, seven years,
21 they've had one increase?

22 MS. SMITH: We've had two
23 actually.

24 COUNCILMAN KENNEY: If it's
25 always been tied to 33 or 47, why

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 wouldn't this resolution of those
3 contracts also trigger a fairness --

4 MS. SMITH: The annual?

5 MS. RHYNHART: It did.

6 MS. SMITH: You're asking why
7 wouldn't it trigger the annual?

8 COUNCILMAN KENNEY: Right.

9 MS. SMITH: That's just not
10 been the history of how exempt raises
11 have been handled. It just -- that just
12 hasn't been the way it's been handled in
13 the past.

14 COUNCILMAN KENNEY: The Mayor
15 just decides one day that I think I'll
16 give raises?

17 MS. SMITH: Well, no, I
18 don't --

19 COUNCILMAN KENNEY: I mean,
20 you'll admit, our lawyers are pretty much
21 underpaid. In the scale of the legal
22 profession, they're pretty much underpaid
23 people.

24 MS. SMITH: Our lawyers are
25 underpaid on the scale of any profession,

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 frankly.

3 COUNCILMAN KENNEY: So why
4 would there be a hesitation? And the
5 other question I have is, if we pass
6 these set of bills, is the money then --
7 is there a pool of money available or
8 not?

9 MS. RHYNHART: There is money
10 available for the raise in front of you
11 in the transfer ordinance.

12 COUNCILMAN KENNEY: But not for
13 the exempts?

14 MS. RHYNHART: No; the exempts
15 are included in this to get the one-time
16 3.5 percent raise. Yes.

17 COUNCILMAN KENNEY: They will
18 get that?

19 MS. RHYNHART: Yes.

20 COUNCILMAN KENNEY: For '15?

21 MS. RHYNHART: That's correct,
22 yes.

23 COUNCILMAN KENNEY: Okay. I'm
24 sure they'll be happy for Christmas.

25 Thank you, Mr. Chairman.

Committee on Appropriations
December 3, 2014

Page 21

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 COUNCILMAN GOODE: Any other
3 questions for this witness?

4 (No response.)

5 COUNCILMAN GOODE: Any other
6 questions for any of the departments?

7 (No response.)

8 COUNCILMAN GOODE: Seeing none,
9 we will move from our public hearing into
10 a public meeting to consider the bills.

11 The Chair recognizes Councilman
12 Kenney for a motion on the amendment to
13 Bill No. 140942.

14 COUNCILMAN KENNEY: Thank you,
15 Mr. Chairman. I move that the amendment
16 to Bill No. 140942 be approved.

17 (Duly seconded.)

18 COUNCILMAN GOODE: All in
19 favor?

20 (Aye.)

21 COUNCILMAN GOODE: Those
22 opposed?

23 (No response.)

24 COUNCILMAN GOODE: Bill No.
25 140942 is amended.

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1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 The Chair recognizes Councilman
3 Kenney for a motion on Bill No. 140942,
4 as amended.

5 COUNCILMAN KENNEY: Thank you,
6 Mr. Chairman. I move that Bill No.
7 140942, as amended, be reported out of
8 this Committee with a favorable
9 recommendation and a request made for a
10 rules suspension to allow first reading
11 at our next Council session.

12 (Duly seconded.)

13 COUNCILMAN GOODE: All in
14 favor?

15 (Aye.)

16 COUNCILMAN GOODE: Those
17 opposed?

18 (No response.)

19 COUNCILMAN GOODE: Bill No.
20 140942, as amended, is reported out of
21 this Committee with a favorable
22 recommendation and a suspension of the
23 rules to allow first reading at our next
24 Council session.

25 The Chair now recognizes

Committee on Appropriations
December 3, 2014

Page 23

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 Councilman Kenney for a motion on Bill
3 No. 140943.

4 COUNCILMAN KENNEY: Thank you,
5 Mr. Chairman. I move that Bill No.
6 140943 be reported out of this Committee
7 favorably and a request made for rules
8 suspension to allow first reading at our
9 next Council session.

10 (Duly seconded.)

11 COUNCILMAN GOODE: All in
12 favor?

13 (Aye.)

14 COUNCILMAN GOODE: Those
15 opposed?

16 (No response.)

17 COUNCILMAN GOODE: Bill No.
18 140943 is reported out of this Committee
19 with a favorable recommendation and
20 suspension of the rules to allow first
21 reading at our next Council session.

22 This concludes our public
23 meeting.

24 Thank you very much.

25 (Committee on Appropriations

Committee on Appropriations
December 3, 2014

Page 24

1 12/3/14-APPROPRIATIONS-BILLS 140942 & 140943

2 concluded at 9:50 a.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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Committee on Appropriations
December 3, 2014

Page 1

A	annual 17:11 19:4,7 answer 7:13 answering 18:3 appear 3:23 appears 8:24 apply 25:20 appreciate 7:11 approached 3:14 8:21 17:23 appropriati... 3:21 appropriati... 1:3,15 2:5 2:16 4:11 4:18 23:25 approved 21:16 arbitration 5:3,5 6:18 areas 4:15,17 5:12 asking 19:6 associated 5:8,11 7:4 association 6:9 assume 7:23 10:22 attorney 4:24 attributable 4:13 6:13 6:17 atwill 15:19 auditing 5:17 authorization 6:22 authorizati... 1:19 3:9 authorizing 1:14,18 2:15 3:8 availability 11:16 available 9:10 20:7 20:10 aviation 2:23 3:5 4:6 6:15 award 5:3,6	6:19 18:15 aye 21:20 22:15 23:13 B base 16:20 basis 16:7,16 benefit 4:13 5:11 6:13 6:17 benefits 1:17 2:21,24 beyond 16:20 bill 1:14,18 2:14 3:8,25 3:25 4:2 6:21 21:13 21:16,24 22:3,6,19 23:2,5,17 bills 2:5,14 7:6 20:6 21:10 blackwell 1:10 2:11 9:22,25 10:11 board 6:23 boards 1:16 2:18 3:2,4,7 bobby 1:11 2:13 brian 1:12 12:13 budget 3:12 3:23 8:19 14:10 budgeted 6:5 8:18 C called 2:3 15:19 capacity 5:16 capitalized 9:2 care 5:21 certain 1:15 2:17,25 3:3 3:6 certificate 25:2 certification 25:19	certify 25:3 certifying 25:23 cetera 12:8 chair 1:10 2:7 21:11 22:2 22:25 chairman 3:20 7:22 12:11 20:25 21:15 22:6 23:5 changes 8:2 child 5:21 chose 14:25 14:25 christmas 20:24 city 1:2,6,16 2:17,25 3:4 3:6,23 4:11 5:6 11:17 17:7 18:2 18:18 citys 6:25 class 11:23 clear 8:15 close 12:17 collaborative 11:6 12:5 come 8:13 17:22 commissions 1:16 2:19 3:3,5,7 committee 1:3 2:5,7 3:21 7:6,12 22:8,21 23:6,18,25 community 5:19 6:2 9:7 comparable 12:21 concluded 24:2 concludes 23:22 consider 21:10 contained 25:5 contract 5:8	6:9,19 7:25 14:23 15:21 16:17 17:18 18:9 contracted 6:3 11:23 contracts 18:10 19:3 control 25:22 correct 8:3 20:21 25:8 costs 4:13,21 5:7,11 6:8 6:13,17 council 1:2 7:8,10 22:11,24 23:9,21 councilman 1:10,11,11 1:12 2:2,12 2:13 3:16 7:16,19,21 8:4,23 9:17 9:21 10:8 10:18 11:20 11:24 12:9 12:12,13 14:13,13,15 14:18 15:6 15:13 16:5 16:9,22 17:13,13,15 17:19 18:19 18:24 19:8 19:14,19 20:3,12,17 20:20,23 21:2,5,8,11 21:14,18,21 21:24 22:2 22:5,13,16 22:19 23:2 23:4,11,14 23:17 councilwom... 1:10,12 2:9 2:11 7:20 9:22,25 10:11 11:13 12:15,16 13:17 14:9 counsel 16:24	court 10:4,24 11:15 curious 8:6 D d 1:12 day 19:15 dc33 5:8 6:13 6:19 13:8 14:24 16:18 dc47 13:4,5,8 13:16 deal 7:24 dealing 11:25 december 1:7 decides 19:15 decision 14:2 14:5,5 16:3 18:14 defenders 6:9 department 1:17 2:20 4:23 6:6 18:4,12 departments 1:16 2:18 3:2,4,6 7:15 18:15 21:6 describing 17:12 determined 5:2 development 6:2 dignified 9:15 direct 25:22 director 1:17 2:20,22,24 3:13,23 9:6 directors 6:7 discuss 8:14 discussion 9:23 14:10 district 4:24 doing 8:17 dollars 9:20 dont 15:16,24 16:19,19 19:18 due 6:8 duly 21:17 22:12 23:10 E	early 8:8 effort 10:19 11:2 eight 17:20 electronic 5:17 employee 14:22 employees 12:20,24 13:12,15,23 14:8 15:3,5 15:10,12,20 empowerm... 5:19 9:7 enable 11:9 established 9:3 et 12:7 eva 8:13 9:6 evidence 25:4 executive 9:6 exempt 5:9 6:14,20 12:19,24 13:12,22 14:8,21 15:4,12,13 16:21 19:10 exempts 13:9 15:18,19 16:2,12 17:10 18:5 17:7,16 20:13,14 existing 11:9 explain 8:7 F f 9:2 factors 15:16 fairness 19:3 faithbased 11:9 far 2:9 favor 21:19 22:14 23:12 favorable 7:7 22:8,21 23:19 favorably 23:7 feed 10:17 feeding 5:20	8:6,10 10:4 finance 1:17 2:20,22,24 find 10:17 first 3:12 7:9 18:8 22:10 22:23 23:8 23:20 fiscal 1:15,19 2:16 3:9 6:22 12:25 13:6 14:3 five 9:20 fjd 5:3 folks 9:12 follow 14:20 following 4:20 15:9 food 9:13,15 11:6 12:5,7 fop 5:3 6:18 6:18 foregoing 25:7,19 forth 12:22 forward 13:18 15:2 found 10:14 foundation 11:8 four 17:20 frankly 20:2 fringe 1:17 2:21,24 4:13 5:10 6:12,16 front 20:10 full 15:25 fully 4:25 5:4 25:5 fund 1:15,16 1:19 2:17 2:19,21,23 2:25 3:3,5 3:11 4:3,5,6 4:8,8,19,25 5:4,13,20 6:11,15 funded 5:22 funding 4:21 6:25 8:16 8:20 11:12 11:18
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STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Appropriations
December 3, 2014

Page 2

funds 4:15 11:3,8 further 7:7 future 14:6 fy15 15:9	21:9 henon 1:11 2:13 14:14 14:15,18 15:6,13 16:5,9	17:11 18:21 increased 6:8 increases 5:4 5:10 6:21 12:17 13:20 13:22 15:10 18:16	6:18 lawyers 19:20 19:24 left 2:12 16:23 legal 16:24 19:21	3:17,19 9:5 14:16,17 17:25 motion 21:12 22:3 23:2 move 15:2 21:9,15 22:6 23:5	ohcd 5:25 6:2 okay 10:18 12:9 14:9 14:12 17:3 20:23 old 10:3 once 13:13 17:11,16,19 17:20	pay 14:22 payroll 4:12 5:7 6:12,16 pennsylvania 1:6 pension 1:19 3:10 7:4 pensions 6:23	12:7 provides 4:2 providing 9:13 provision 2:22 public 2:4 21:9,10 23:22 25:15
G general 1:15 2:17,25 4:3 4:8,19 5:13 give 13:12 15:25 18:14 19:16 given 13:9 15:18 16:4 16:11 17:7 giving 13:21 gladstein 8:13 9:5,6 9:19 10:21 11:22 12:3 good 2:2 3:16 3:19 9:5 14:16,17 17:25 goode 1:10 2:2,7 3:16 3:20 7:16 12:12 14:13 16:22 17:13 21:2,5,8,18 21:21,24 22:13,16,19 23:11,14,17 grants 2:21 2:23 4:7 greatest 18:5 groups 9:13 guess 13:2	hesitation 20:4 historical 13:11 historically 15:17 16:6 history 16:20 17:9,12 18:6 19:10 hoc 16:16 18:13 hold 10:6 homeless 5:16 hope 11:18 horticultural 6:4 housing 5:15 5:24,25 hundred 9:19	indoors 9:12 inside 10:14 10:17 interaction 9:23 involved 10:9 issue 10:4,15 10:23 15:7 15:8 issues 7:24 ive 18:3	line 14:20 litigation 10:23 local 5:5 locations 10:20 long 18:3 looking 10:13 lot 15:15	moving 8:17 8:20 13:18 multiyear 15:17,25 municipal 1:19 3:10 murphy 25:14	oneill 1:12 12:13 onephilly 7:3 onetime 17:10 20:15 oneyear 15:2 ongoing 10:19 opportunity 5:20 7:11 9:8 opposed 8:9 21:22 22:17 23:15 order 2:4 4:24 6:24 ordinance 1:14,18 4:10,19 5:13 6:10 20:11 organizations 11:10,25 originally 6:5 8:17 osh 8:18 outdoors 9:14 outside 10:4 11:7	people 13:19 19:23 percent 13:3 20:16 period 17:16 permit 7:9 10:25 philabunda... 12:2 philadelphia 1:2,6 6:4 11:6 12:5 places 10:14 play 15:16 please 3:17 point 8:8 14:2 police 4:23 pool 20:7 pops 8:5 practice 13:11 precedent 16:10 present 1:9 2:9 12:14 pretty 19:20 19:22 primarily 11:8,10 proceed 3:18 proceedings 25:4	purchase 5:17 6:22
H hall 1:6 handled 19:11,12 happened 12:19 happy 7:13 20:24 hasnt 19:12 havent 10:12 10:14 heard 10:2,7 10:12 hearing 2:3,4	I identify 9:11 10:20,24 11:14 identifying 11:7 ill 19:15 im 7:13 8:5 13:7,24,25 15:14 16:8 17:12,15 18:2 20:23 immediate 2:10 implemented 13:2 incentive 11:19 included 20:15 includes 4:22 increase 1:19 3:9 5:15 6:14,20 11:10 13:3 13:6,7,13 14:3 15:3 16:12 17:10	J j 1:12 james 1:11 2:12 jannie 1:10 2:11 jr 1:10 2:7	M m 1:7 24:2 maintenance 5:2 managing 6:7 maria 1:12 2:10 matter 25:7 mayor 14:7 19:14 mayors 5:19 9:7 meals 11:11 mean 14:4 15:11 16:19 19:19 means 25:21 meeting 21:10 23:23 members 3:20 michele 25:14 million 4:4,5 4:6,9,22,23 5:6,9,10 6:11,15,24 minimum 11:17 mistake 8:18 modernizat... 7:2 module 7:4 money 18:11 18:13,15 20:6,7,9 moot 10:16 morning 2:3	N name 2:6 3:17,21 nature 8:2 necessarily 15:24 needed 4:10 negotiated 18:10 negotiations 7:25 new 10:2,12 noncity 11:12 nonexempt 14:21 15:3 15:9 nonreprese... 12:20 13:14 13:22 note 2:8 12:12 16:23 17:3,8 notes 25:6 number 11:11 18:5	ongoing 10:19 opportunity 5:20 7:11 9:8 opposed 8:9 21:22 22:17 23:15 order 2:4 4:24 6:24 ordinance 1:14,18 4:10,19 5:13 6:10 20:11 organizations 11:10,25 originally 6:5 8:17 osh 8:18 outdoors 9:14 outside 10:4 11:7	philabunda... 12:2 philadelphia 1:2,6 6:4 11:6 12:5 places 10:14 play 15:16 please 3:17 point 8:8 14:2 police 4:23 pool 20:7 pops 8:5 practice 13:11 precedent 16:10 present 1:9 2:9 12:14 pretty 19:20 19:22 primarily 11:8,10 proceed 3:18 proceedings 25:4 p 9:2 package 13:15 16:2 pantries 12:7 papers 5:18 parks 6:6 parkway 5:21 8:6,10 9:14 part 8:19 12:4 13:2 13:16 particular 11:2 18:20 pass 20:5	Q question 20:5 questioning 14:20 questions 7:13,18 21:3,6 quinonessa... 1:12 2:10 quorum 2:8
R raise 15:2 20:10,16 raises 12:21 13:9 14:22 16:21 18:11 19:10,16 reach 13:13 reached 13:4 read 16:25 17:8 reading 7:9 22:10,23 23:8,21 realigned 4:16 reason 11:3 rebecca 3:13 3:22 received 13:15 recognizes 21:11 22:2 22:25 recommend... 7:7 22:9,22 23:19 record 3:18 12:13,17,22 12:24 recreation							

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

Committee on Appropriations
December 3, 2014

Page 3

6:6 related 5:4 6:8 relates 12:21 removed 5:23 report 7:6 reported 22:7 22:20 23:6 23:18 reporter 25:23 representat... 12:18 representat... 7:14 representing 18:9 reproduction 25:20 request 7:5,8 22:9 23:7 resolution 19:2 resources 9:9 11:8 respectfully 7:5 respectively 5:23 response 21:4 21:7,23 22:18 23:16 retirement 6:24 revenue 2:21 4:7 rhynhart 3:13,19,22 7:17 8:3,12 12:23 13:24 14:12,17 15:4,11,15 16:8,11,23 17:2,5,17 17:21 19:5 20:9,14,19 20:21 right 2:9,11 15:12 19:8 room 1:6 rprnotary 25:15 rules 7:8	22:10,23 23:7,20 S salaries 11:21 salary 4:25 5:4,9 6:14 6:20 7:25 15:22 18:16 sanchez 7:20 12:15,16 13:17 14:9 saying 13:18 13:24,25 scale 19:21 19:25 seconded 21:17 22:12 23:10 seeing 21:8 serve 3:22 11:11 services 6:3 6:23 9:16 11:23 session 7:10 22:11,24 23:9,21 set 20:6 setting 9:15 settled 14:23 settlement 13:4 seven 18:20 shelley 17:6 17:22 18:2 shes 8:20 shortages 4:16 similar 16:2 site 11:14 sites 9:12 10:24 six 18:20 small 12:7 smith 17:4,25 18:2,22 19:4,6,9,17 19:24 social 9:16 society 6:4 software 5:18 solicitor 17:7 18:2	somewhat 15:22 sorry 13:7 15:14 17:15 sort 16:16 speak 16:19 specific 8:25 spread 18:11 staffing 11:5 state 3:17 stenographic 25:6 stop 10:16 stretch 18:20 structure 15:22 stuck 10:25 subsequent 13:10 15:8 suitable 11:14 supervision 25:22 support 11:17 supporting 11:5 supportive 5:15,24 sure 12:23 14:12 20:24 suspended 7:9 suspension 22:10,22 23:8,20 systems 7:2 T table 3:15 8:22 17:24 taken 25:6 tell 8:11 12:19 testify 7:12 testimony 3:18,24 7:17 8:24 14:19 thank 7:16,21 12:10,11 14:11,15,18 17:2,5 20:25 21:14	22:5 23:4 23:24 thanks 17:22 thats 8:3 11:12 16:3 16:3,13 17:11 18:16 19:9 20:21 theres 9:3 15:15,17,18 15:20 16:23 theyll 20:24 theyre 12:4 15:20 19:22 theyve 10:13 18:21 thing 8:5 things 8:2 think 13:11 15:16,24 16:12,15 19:15 thought 8:8 thousand 9:20 tied 18:25 time 8:8 14:11,24 17:16 18:4 timing 15:7,8 title 2:14 today 3:24 7:12 totalling 4:22 transcript 25:8,20 transfer 4:3,7 4:11,17 20:11 transferred 11:4 transfers 1:15 2:15 6:10 trigger 19:3,7 true 25:7 two 18:22 typically 16:7 18:7 U unable 11:15 underpaid 19:21,22,25	uniform 4:25 unions 12:18 13:10,14,20 16:2 usually 13:12 16:6,16 V various 4:11 5:6 versus 14:21 W w 1:10 2:6 wage 13:3,5,7 13:12 14:3 16:12 want 16:19 16:24 17:21 wanted 14:19 water 1:16,16 2:19,19 3:3 4:4 6:11 way 8:23 10:17 19:12 wednesday 1:7 weve 9:10 10:2 18:22 whats 15:19 wilson 1:10 2:6 winter 5:15 witness 3:12 3:14,14 7:18 8:21 8:21 17:23 17:23 21:3 work 5:18 12:6 18:4 worked 18:17 working 9:11 wouldnt 19:2 19:7 X Y yeah 15:14 year 1:15,19 2:16 3:10 13:2,8 14:4 14:6 16:4 18:8	yearbyyear 16:7 years 10:3,14 13:10 15:9 17:20,20 18:13,17,20 youll 19:20 youre 13:18 19:6 Z 0 000 5:3,14,16 5:18,22,22 5:23,25 6:5 6:7 11:21 1 105 5:22 11:21 12 3:1 4:1,5 5:1 6:1,11 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 140 5:16 140942 1:14 2:6,15 3:1 3:25 4:1,2 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1,13,16 21:25 22:1 22:3,7,20 23:1 24:1 140943 1:18 2:6 3:1,8,25 4:1 5:1 6:1 6:21 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1	15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1,3,6,18 24:1 14appropri... 3:1 4:1 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 15 12:25 13:6 20:20 16 4:23 2 2 5:10 200 11:23 2014 1:7 2015 1:15,19 2:16 3:10 6:22 21 5:6 22 18:17 25 5:10 26 6:24 3 3 1:7 3:1 4:1 5:1 6:1,24 7:1 8:1 9:1 10:1 11:1 12:1,25 13:1,3 14:1 15:1 16:1 17:1 18:1 19:1 20:1 20:16 21:1 22:1 23:1 24:1 30 1:7 33 18:25 35 4:4,9 4 4 4:6 5:9 6:15 400 1:6 424 5:3	47 14:24 16:18 18:25 5 5 4:5 6:11 12:25 13:3 20:16 50 5:25 6:5 24:2 500 5:23 6 6 4:4,6,23 6:15 605 5:18,22 68 4:22 7 7 4:9 5:9 776 6:7 8 8 5:6 80 4:24 810 5:5 875 5:14 9 9 1:7 4:22 24:2 950 4:24
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STREHLOW & ASSOCIATES, INC.
(215) 504-4622